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to **Lebanon City Council and Planning Commission**  
from **Brandon Crawford and Darci Rudzinski, MIG**  
re **Lebanon Code Update - City Council-Planning Commission Briefing Cover Memo**  
date **3/12/2025**

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The packet materials for the March 26, 2025, City Council-Planning Commission Briefing include a memo (dated 3/12/2025) addressed to the Lebanon Code Update Project Advisory Committee (PAC) and associated Attachments. These materials will be discussed at the PAC meeting that is scheduled for March 25, 2025, the fourth and final Lebanon Code Update project PAC meeting. As noted in the Introduction and Background in the PAC memo, the Final Code Update addresses the key recommended updates from the project.

Due to the short amount of time between PAC meeting #4 and the City Council-Planning Commission Briefing, the project team will not be modifying the meeting materials based on PAC input prior to the briefing. Additional input received from the PAC will be shared with you at the briefing as it relates to revisions for inclusion in the final, adoption-ready Code amendments. The key outcomes and recommendations from the PAC meeting will be included in the Briefing presentation for your consideration.



# memo

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to **City of Lebanon Development Code Update Project Advisory Committee**  
from **Brandon Crawford and Darci Rudzinski, MIG**  
re **Final Code Update**  
**Lebanon Code Update**  
date **3/12/2025**

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## Introduction and Background

The purpose of this memo is to summarize the key recommendations from the Lebanon Code Update project and reorient the Project Advisory Committee (PAC) to the project's main decision points and discussion items. This memo also briefly revisits the recommended Comprehensive Plan amendments that were addressed early in this project. The Code update recommendations were divided into three separate "packages" based on their priority:

1. **Draft Code Update** (memo dated 10/15/2024). Focused on "High Priority" Housing Production Strategy (HPS) implementation actions. Discussed at the second PAC meeting (PAC #2) on 10/22/2024.
2. **Draft Code Update – Additional Proposed Changes, Package 1** (memo dated 12/16/2024). Focused on "Medium Priority" and "Low Priority" HPS implementation actions and consistency with state statute. Discussed at the third PAC meeting (PAC #3) on 1/14/2025.
3. **Draft Code Update – Additional Proposed Changes, Package 2** (memo dated 3/12/2025). Focused on "clean-up" items that have previously been identified by the City and internal consistency with the new content that was proposed in previous Code update packages.

The Final (revised) draft (Final Code Update) combines all three Code update packages and is included as Attachment C to this memo. The Final Code Update in Attachment C is limited to the legislative, adoption-ready code amendments presented in underline/strikeout format. For more background information and context on each recommended amendment, refer to the relevant memo in which the proposed amendment was originally addressed (see list above for reference).

This memo is part of the meeting packet for PAC #4 on March 25, 2025. The PAC #4 meeting materials include the following:

- Meeting agenda
- Attachment A – Additional Proposed Changes, Package 1, memo dated 12/16/2024
- Attachment B – Additional Proposed Changes, Package 2, memo dated 3/12/2025
- Attachment C – Final Draft Code Updates

Input received at PAC meeting #4 will inform any final revisions recommended for inclusion in the final, adoption-ready Code amendments. PAC input for the final amendments will also be shared at the joint City Council-Planning Commission work session on March 26, 2025. Adoption hearings for the Code amendments will be held in April and May 2025.

## Comprehensive Plan Recommendations

An audit at the beginning of the project found that the adopted Comprehensive Plan policies are generally supportive of housing production and promote housing variety and provide a solid foundation for the City's regulatory requirements, both existing and proposed. However, the recommendation is to provide new specific policy language that strengthens support for a wider variety of housing types. The following recommended policy amendments were proposed in the Draft Code Update memo (dated 10/15/2024) and discussed at the PAC meeting #2 on October 22, 2024.

- **Policy P-1:** Allow manufactured housing and prefabricated dwellings, subject to state building code requirements and City placement requirements, in all residential zones, while maintaining historical and architectural conformity with the established historic neighborhoods.
- **Policy P-32:** Recognize condominium ownership, manufactured housing, prefabricated housing, and attached single-family homes as legitimate and affordable housing alternatives and permit their development within the City.
- **Policy P-42:** In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, cottage clusters, town houses, multiplex units and boarding houses, lodging, or rooming houses, ~~and~~ manufactured housing, and prefabricated housing.
- **Policy P-43:** In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, cottage clusters, town houses, multiplex units and boarding houses, lodging, or rooming houses, ~~and~~ manufactured housing, and prefabricated housing.
- **Policy P-53:** Encourage efficient land use patterns and opportunities for infill development for all types of housing

Note that the current Comprehensive Plan policies do not pose any critical issues or contradictions with the HPS actions or Code update recommendations. Therefore, the potential Comprehensive Plan amendments are just an option for the City to consider to strengthen the relationship between local housing policies and land use regulations.

## Key Code Updates

This section summarizes the following key code update recommendations:

1. *Small Lot Single-Family*
2. *Cottage Clusters*
3. *Infill Standards (remove)*
4. *Manufactured Dwelling Parks and Manufactured Homes*
5. *Tiny Homes*
6. *Zoning for affordable housing*
7. *State statute consistency*
8. *Access Easements and Flag Lots*

Each number subsection includes the following information:

- A description of the recommended update and the **Attachment C** page number(s)

- The HPS Implementation Action number
- The Code Update package (memo) where the recommendation was addressed
- The PAC meeting where the recommendation was discussed
- Key PAC discussion or input that informed the final recommendation
- Any additional questions for PAC input

### 1. SMALL LOT SINGLE-FAMILY

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>• Allow outright (OP) in RM, RH, MU, and NMU zones (pages C-1)</li> <li>• Set minimum lot size to 2,500 sf (page C-3)</li> <li>• Revise lot dimension and development standards (page C-3)</li> <li>• Set minimum off-street parking to 2 spaces per unit (page C-24)</li> <li>• Add a new definition (page C-32)</li> </ul>
<b>HPS Implementation Action</b>	Action 1.1 – Encourage Smaller, Single-Family Detached Houses
<b>PAC Memo</b>	Draft Code Update, memo dated 10/15/2024
<b>PAC Meeting</b>	Meeting #2 – 10/22/2024
<b>Key PAC Input</b>	Require two off-street parking spaces per unit

### 2. COTTAGE CLUSTERS (*HPS ACTION 1.2 – PROMOTE COTTAGE CLUSTER HOUSING*)

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>• Allow outright through AR process in each residential zone (pages C-1, C-19, C-21)</li> <li>• Reduce minimum lot size to 7,000 sf (page C-3)</li> <li>• Integrate City-appropriate Model Code standards for design, open space, parking configuration (pages C-9 – C-14)</li> <li>• Set minimum off-street parking requirement (page C-25)</li> <li>• Add a new definition (page C-31)</li> </ul>
<b>HPS Implementation Action</b>	Action 1.2 – Promote Cottage Cluster Housing
<b>PAC Memo</b>	Draft Code Update, memo dated 10/15/2024
<b>PAC Meeting</b>	Meeting #2 – 10/22/2024
<b>Key PAC Input</b>	<ul style="list-style-type: none"> <li>• Increase minimum off-street parking (2 spaces per unit, 1 space for 1 bedroom or less)</li> <li>• Limit maximum unit size to 900 square feet</li> </ul>

### 3. REMOVE INFILL STANDARDS (*HPS ACTION 1.3 – SIMPLIFY INFILL DESIGN STANDARDS*)

<b>Updates and Page #</b>	Remove all infill standards (pages C-4 – C-6)
<b>HPS Implementation Action</b>	Action 1.3 – Simplify Infill Design Standards
<b>PAC Memo</b>	Draft Code Update, memo dated 10/15/2024
<b>PAC Meeting</b>	Meeting #2 – 10/22/2024
<b>Key PAC Input</b>	General PAC agreement with proposed amendments

#### 4. MANUFACTURED DWELLING PARKS AND MANUFACTURED HOMES

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>Allow manufactured dwelling parks through the AR process in every residential zone (page C-2)</li> <li>Update manufactured dwelling park standards to be consistent with state statute (HB 4064, 2022) and remove discretionary standards (page C-9)</li> <li>Allow manufactured dwelling parks through the AR process in the MU zone (page C-20)</li> <li>Replace manufactured dwelling placement standards with clear and objective design standards that apply to all single-unit detached dwellings on individual lots (pages C-25 – C-27).</li> <li>Update definition for manufactured home park to manufactured <u>dwelling</u> park and include prefabricated dwellings and tiny homes in the definition (page C-32)</li> </ul>
<b>HPS Implementation Action</b>	Action 1.5 – Allow Manufactured Home Parks as an Outright Use and Remove Subjective Standards
<b>PAC Memo</b>	<ul style="list-style-type: none"> <li>Draft Code Update, memo dated 10/15/2024</li> <li>Draft Code Update – Additional Proposed Changes, Package 1, memo dated 12/16/2024</li> </ul>
<b>PAC Meeting</b>	<ul style="list-style-type: none"> <li>Meeting #2 – 10/22/2024</li> <li>Meeting #3 – 01/14/2025</li> </ul>
<b>Key PAC Input</b>	<ul style="list-style-type: none"> <li>Require design elements for all single-unit dwellings that are less than 20-foot wide</li> <li>Do not require a garage</li> </ul>

#### 5. TINY HOMES

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>Allow tiny homes as ADUs, in manufactured dwelling parks, and in cottage clusters (page C-14)</li> <li>Add new development/design standards for tiny homes (page C-14)</li> <li>Add a new definition for tiny homes (page C-32)</li> </ul>
<b>HPS Implementation Action</b>	Action 1.6 – Allow Tiny Homes on Wheels (THOW) as Permanent Dwellings Under Certain Conditions
<b>PAC Memo</b>	Draft Code Update – Additional Proposed Changes, Package 1, memo dated 12/16/2024
<b>PAC Meeting</b>	Meeting #3 – 1/14/2025
<b>Key PAC Input</b>	<ul style="list-style-type: none"> <li>Allow THOWs in cottage clusters</li> <li>Require specific design features (e.g., skirting) and utility connections</li> </ul>

#### 6. ZONING FOR AFFORDABLE HOUSING

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>Update affordable housing density bonuses for consistency with SB 8 (2021) (page C-15)</li> </ul>
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	<ul style="list-style-type: none"> <li>• Add new affordable housing bonuses for increased height, parking reductions, open space reductions, and increased lot coverage (pages C-16 and C-17)</li> </ul>
<b>HPS Implementation Action</b>	Action 2.4 – Restructure Zoning Incentives for Income Restricted Units
<b>PAC Memo</b>	Draft Code Update – Additional Proposed Changes, Package 1, memo dated 12/16/2024
<b>PAC Meeting</b>	Meeting #3 – 1/14/2025
<b>Key PAC Input</b>	Lower the allowed parking bonus reduction and created a tiered bonus for parking reductions

**7. STATE STATUTE CONSISTENCY**

<b>Updates and Page #</b>	See Table 1 below for details.
<b>HPS Implementation Action</b>	<ul style="list-style-type: none"> <li>• Action 1.4 – Provide More Flexibility for Housing in Commercial Zones</li> <li>• Action 2.4 – Restructure Zoning Incentives for Income Restricted Units</li> <li>• Ensure State statute consistency (not specific to an HPS action)</li> </ul>
<b>PAC Memo</b>	Draft Code Update – Additional Proposed Changes, Package 1, memo dated 12/16/2024
<b>PAC Meeting</b>	Meeting #3 – 1/14/2025
<b>Key PAC Input</b>	General PAC agreement with proposed amendments

**Table 1. Summary of Statutory/Legislative Consistency Updates**

Code Section	Update Summary	Applicable Legislation
16.05.040 – Allowed Residential Uses	Allow group living in the Low Density Residential zone (page C-2)	HB 3395 (2023)
16.05.070 – Public Uses in Residential Zones	Allow emergency shelters in the Low Density Residential zone (page C-2)	HB 3395 (2023)
16.05.160 – Site Area Standards for Multi-Family	Update density and height bonuses to be consistent with state requirements for affordable housing (pages C-16 and C-17)	SB 8 (2021)
16.06.050 Residential Uses Allowed in Mixed Use Zones	<ul style="list-style-type: none"> <li>• Allow group housing (single-room occupancy) (page C-20)</li> <li>• Allow conversions of existing commercial uses to residential (page C-19)</li> <li>• Allow affordable housing (page C-20)</li> </ul>	<ul style="list-style-type: none"> <li>• HB 2984 (2023)</li> <li>• SB 8 (2021)</li> <li>• HB 3395 (2023)</li> </ul>
16.07.050 – Residential Uses in Neighborhood Mixed Use Zone	<ul style="list-style-type: none"> <li>• Allow conversions of existing commercial uses to residential (page C-21)</li> <li>• Allow affordable housing (page C-21)</li> </ul>	<ul style="list-style-type: none"> <li>• HB 2984 (2023)</li> <li>• SB 8 (2021)</li> </ul>

Code Section	Update Summary	Applicable Legislation
		<ul style="list-style-type: none"> <li>• HB 3395 (2023)</li> </ul>
16.08.050 – Residential Uses in Commercial Zones 16.08.080 – Public Uses in Commercial Zones	<ul style="list-style-type: none"> <li>• Allow conversions of existing commercial uses to residential (C-22)</li> <li>• Allow affordable housing (page C-22)</li> <li>• Allow emergency housing in the NCM zone (page #)</li> </ul>	<ul style="list-style-type: none"> <li>• HB 2984 (2023)</li> <li>• SB 8 (2021)</li> <li>• HB 3395 (2023)</li> </ul>
NEW SECTIONS 16.19.120 and .130	Add new sections to implement the following: <ul style="list-style-type: none"> <li>• Allow affordable housing in commercial zones or on public property (pages C-27 and C-28)</li> <li>• Allow conversions of hotels or motels to emergency shelter or affordable housing (pages C-28 and C-29)</li> </ul>	<ul style="list-style-type: none"> <li>• SB 8 (2021)</li> <li>• HB 3395 (2023)</li> <li>• HB 2008 (2021)</li> <li>• HB 3261 (2021)</li> </ul>

**8. ACCESS EASEMENTS AND FLAG LOTS**

<b>Updates and Page #</b>	<ul style="list-style-type: none"> <li>• Update unit/lot limitations for access easement and flag lot standards (page C-23)</li> </ul>
<b>HPS Implementation Action</b>	N/A
<b>PAC Memo</b>	Draft Code Update – Additional Proposed Changes, Package 2, memo dated 3/12/2025
<b>PAC Meeting</b>	Meeting #4 – 3/25/2025
<b>Key PAC Input</b>	TBD – March meeting agenda item for discussion



# memo

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## Attachment A - Additional Proposed Changes, Package 1

to City of Lebanon Development Code Update Project Advisory Committee

from Brandon Crawford and Darci Rudzinski, MIG

re Draft Code Update - Additional Proposed Changes, Package 1  
Lebanon Code Update

date 12/16/2024

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### Introduction and Background

The purpose of this memo is to propose a second batch of draft amendments to the Lebanon Development Code (LDC or “Code”) to promote housing production and support the City’s housing goals. These additional Code amendments will be referred to as “Additional Proposed Changes” or “Package 1.” The first round of draft Code amendments focused on high priority Code updates as identified in the City’s 2023 Housing Production Strategy (HPS); the content of this memo captures some refinements to this work and presents new material related to lower-priority recommendations. All the proposed amendments are informed by a code review/audit that identified potential updates that was completed during the initial phase of this project (see the Policy and Code Review memo, last revised 7/18/2024). The Lebanon Code Update project is funded by a Department of Land Conservation and Development (DLCD) technical assistance grant to help communities update policies and regulations to support housing production.

The Package 1 amendments address the following topics:

- Revisions to proposed Code amendments from the previous project phase.
- Code updates to implement “medium” and “low” priority HPS Actions.
- Code updates for compliance with state statute or recent legislation.

Note that the Policy and Code review identified a wide breadth of potential amendments for consideration. The recommendations were prioritized in part because it was unknown how much could be addressed within the scope and timeframe of this project. With the items in this memo, and the previous work related to high priority recommendations, the City will have proposed regulatory language for all identified HPS recommendations. It is anticipated that there will be a third and final package of amendments, Additional Proposed Changes, Package 2, available early 2025 that will focus on internal consistency and code “clean-up” issues.



## Code Update Summary

The following table summarizes the Package 1 Code amendments as they relate to HPS implementation actions and recent housing legislation. The table identifies the Code section, what the amended text will reflect once updated (column 2), and the HPS implementation action or applicable legislation (column 3).

Code Chapter/Section	Update Summary	HPS Implementation Action or Legislative Compliance
16.05.040 – Allowed Residential Uses	<ul style="list-style-type: none"> <li>Allow group living in the Low Density Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>HB 3395 (2023)</li> </ul>
16.05.070 – Public Uses in Residential Zones	<ul style="list-style-type: none"> <li>Allow emergency shelters in the Low Density Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>HB 3395 (2023)</li> </ul>
16.05.150 – Residential Special Use Standards	<ul style="list-style-type: none"> <li>Allow tiny homes as ADUs and in manufactured dwelling parks.</li> <li>Consider a new tiny home development/design section.</li> </ul>	<ul style="list-style-type: none"> <li>Tiny Home on Wheels (THOW) (Action 1.6)</li> </ul>
16.05.160 – Site Area Standards for Multi-Family	<ul style="list-style-type: none"> <li>Consider updates encourage affordable housing bonuses.</li> <li>Update density and height bonuses to be consistent with state requirements for affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>Zoning for Affordable Housing (Action 2.4)</li> <li>SB 8 (2021)</li> </ul>
16.06.050 Residential Uses Allowed in Mixed Use Zones	<ul style="list-style-type: none"> <li>Allow group housing (single-room occupancy).</li> <li>Allow emergency shelters.</li> <li>Allow conversions of existing commercial uses to residential.</li> <li>Allow affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>HB 2984 (2023)</li> <li>SB 8 (2021)</li> <li>HB 3395 (2023)</li> </ul>
16.07.050 – Residential Uses in Neighborhood Mixed Use Zone	<ul style="list-style-type: none"> <li>Allow emergency shelters.</li> <li>Allow conversions of existing commercial uses to residential.</li> <li>Allow affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>HB 2984 (2023)</li> <li>SB 8 (2021)</li> <li>HB 3395 (2023)</li> </ul>
16.08.050 – Residential Uses in Commercial Zones 16.08.080 – Public Uses in Commercial Zones	<ul style="list-style-type: none"> <li>Allow conversions of existing commercial uses to residential.</li> <li>Allow affordable housing.</li> <li>Allow emergency housing in the NCM zone.</li> </ul>	<ul style="list-style-type: none"> <li>HB 2984 (2023)</li> <li>SB 8 (2021)</li> <li>HB 3395 (2023)</li> </ul>
16.14.070 – Minimum Parking Requirements	<ul style="list-style-type: none"> <li>Revised minimum parking requirements for cottage clusters.</li> <li>Set minimum parking requirements for tiny homes.</li> </ul>	<ul style="list-style-type: none"> <li>Cottage clusters (Action 1.2)</li> <li>Tiny homes on wheels (THOW) (Action 1.6)</li> </ul>

Code Chapter/Section	Update Summary	HPS Implementation Action or Legislative Compliance
16.19.040 – Manufactured Dwelling Placement Standards	<ul style="list-style-type: none"> <li>Allow tiny homes in manufactured dwelling parks.</li> </ul>	<ul style="list-style-type: none"> <li>Tiny homes on wheels (THOW) (Action 1.6)</li> </ul>
NEW SECTIONS 16.19.120, .130, and .140.	<p>Add new sections to implement the following:</p> <ul style="list-style-type: none"> <li>Allow affordable housing in commercial zones, on public property, or owned by religious organizations.</li> <li>Allow conversions of hotels or motels to emergency shelter or affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>SB 8 (2021)</li> <li>HB 3395 (2023)</li> <li>HB 2008 (2021)</li> <li>HB 3261 (2021)</li> </ul>
16.32.020 – Meaning of Words and Terms	<ul style="list-style-type: none"> <li>Revise definition for cottage clusters to limit the dwelling size.</li> <li>Update definition/term single family detached to single-unit_detached and add a definition for “household.”</li> <li>Update definition for manufactured home park to include tiny homes.</li> <li>Add a definition for tiny homes.</li> </ul>	<ul style="list-style-type: none"> <li>Cottage clusters (Action 1.2)</li> <li>Manufactured home parks (Action 1.5)</li> <li>Tiny homes on wheels (THOW) (Action 1.6)</li> </ul>

## Draft Code Amendments

Proposed Code modifications are presented in **bold underline/strikeout** legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Proposed amendments are organized under existing Code chapters/sections and implement the “Code Update Summary” table bullets. A description and summary of the proposed updates are provided in the gray text boxes for each section. In addition, specific “discussion items” may be included where the project team is seeking specific input. Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

Note that there are recommended changes that build upon and revise a proposed Code amendments that were drafted in an earlier phase of the Lebanon Code Update project. In some cases, the proposed text in this package apply to Code sections that also had draft amendments that were considered earlier, during the October 2024 PAC meeting. For consistency and continuity between Code update phases, this memo will show the text amendments from the previous phase only where proposed amendments in this package apply to the same Code section. For more information on the text amendments that are not described in the gray commentary boxes, see the Draft Code Update Memo, October 15, 2024 (or the memo dated October 30, 2024 for the City Council/Planning Commission work session).

**16.05.040 RESIDENTIAL USES ALLOWED IN RESIDENTIAL ZONES**

**HB 3395 (2023)/ORS 197A.430** requires cities to allow group living, or “single room occupancy” (SRO) wherever single-unit detached homes are allowed.<sup>1</sup> The City already allows group living in every residential zone except for the Low Density Residential zone (RL). Therefore, the City should allow group living in the RL zone to comply with HB 3395.

<b>Table 16.05-2: Residential Land Uses Allowed in Residential Zones</b>			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
<b>Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones</b>			
<b>Residential Uses with Class II Impacts:</b>			
<b>Residential Uses with Class III Impacts:</b>			
State Regulated Special Residential Group Living		OP	
<ul style="list-style-type: none"> <li>• Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<del>N</del> OP	OP	OP

**16.05.070 PUBLIC USES ALLOWED IN THE RESIDENTIAL ZONES**

**HB 3395 (2023)/ORS 197A.460** requires cities to allow emergency housing on any lot or parcel, regardless of zoning designation, provided the property is not constrained by natural hazard areas (e.g., Goal 7 areas – floodplains and steep slopes) and the development meets other underlying zoning and building code regulations. The City currently allows emergency housing in most zones as a conditional use. The City does not allow emergency housing in the RL, NCM, and IND zones. Where currently not allowed, the City should allow emergency housing as a conditional use in each zone.

<b>Table 16.05-5: Public Uses (Civic or Institutional) Allowed in Residential Zones</b>			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<i>Use Categories</i>	Z-RL	Z-RM	Z-RH
<b>Public Uses with <u>Class III</u> Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.	<del>N</del> CU	CU	CU

<sup>1</sup> HB 3395 (2023). <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3395/Enrolled>

### 16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

HPS Action 1.6 suggests the City consider zoning updates to support tiny homes on wheels, including allowing tiny homes as ADUs. See additional commentary under the new proposed “tiny home” section below (pages 7 & 8) for more information and background on the recommendation.

The above sections of this Chapter provide standards for specific land uses and building types within the Residential Zone. The standards in this Section supplement the afore mentioned standards. This Section applies to the following uses and building types, as specified below:

- Accessory Dwellings
- Accessory Structures
- Group Living (Residential Care Homes and Facilities)
- Manufactured/~~Mobile Home Parks~~ Dwelling Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall).
- Cottage Clusters
- Tiny Homes

#### **A. Accessory Dwelling (Attached, Separate Cottage, Tiny Home, or Above Detached Garage)**

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. A tiny home or may be considered an accessory dwelling subject to the standards in this subsection (16.05.150.A) and subsection 16.05.150.G. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.

#### **E. ~~Manufactured~~/~~Mobile Home Parks~~ Dwelling Parks**

The recommended amendments below build upon draft amendments from the first round of code updates. The additional updates to this section include allowing tiny homes in manufactured dwelling parks and clarification that the term “dwelling” refers to any housing type that is allowed in manufactured dwelling parks, unless stated otherwise.

Manufactured/~~mobile home~~ dwelling parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single ~~family unit~~ residences, tiny homes, manufactured ~~home dwelling~~ park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance). Unless stated otherwise, the term "dwelling" in this subsection (16.05.150.E) refers to manufactured dwellings, and prefabricated dwellings.
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet or 1,200 square feet for tiny homes, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, ~~the City may require~~ installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured ~~home dwelling~~ park is required for the privacy and security of residents or aesthetics of the streetscape.
5. Dwelling design ~~(for parks smaller than 3 acres).~~ Manufactured Dwellings in parks ~~smaller than 3 acres~~ shall meet the following design standards:
  - i. The ~~manufactured~~ dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and
  - ii. ~~The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).~~
  - iii. ii. Exception: Subsections a-b, above, do not apply to manufactured home parks that existed within the City prior to the effective date of this Code.
  - iv. For tiny home dwelling standards, refer to Subsection 16.05.150.F.

## ***F. Cottage Clusters***

The following proposed amendments are revisions from the previous round of Code updates, which included a new cottage cluster section. Based on input from the Project Advisory Committee (PAC), the Planning Commission, and City Council, the recommendation is to reduce the allowed square footage for cottage units (maximum

900 square feet). The intent behind reducing unit size is to help ensure that the modestly-sized cottages are relatively affordable. The change currently being considered is going from a building footprint limitation to a total square foot limitation, regardless of single- or two-story construction.

Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

[...]

2. Maximum Unit Size. The maximum floor area for a cottage within a cottage cluster is 900 square feet.
3. Building Height. The maximum building height for all structures is 25 feet.

### ***G. Tiny Homes***

HPS Action 1.6 suggest the City develop regulations to allow THOWs to be permanent dwellings under certain circumstances. THOWs were identified as a “medium priority” update in the Policy and Code Review memo. The recommendation is to allow tiny homes as accessory dwelling units and in manufactured dwelling parks.

The City may also consider allowing tiny homes in cottage cluster developments by specifying that this use type is a permitted use. The City could limit the number of units in a cottage cluster development that are tiny homes (e.g., no more than 25% of cottage cluster units may be tiny homes).

The City may also wish to consider specific development and design standards, including standards that address utilities, sanitation, and exterior appearance. Some of these standards are already addressed in the recommended definition (see Section 16.32.020), the definition for “dwelling,” and standards that apply to ADUs and manufactured dwelling parks. Additional standards could increase cost but may help ensure tiny homes have the appearance similar to residential structures rather than RVs or trailers, and they may include skirting or foundation attachment, exterior materials, roof materials, form of windows and doors, and other conventional design features. Most of these specific design standards are also addressed in the proposed design standards for single-unit dwellings that are less than 20 feet wide. As such, the City could just apply those same design requirements to tiny homes.

Tiny homes shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

1. Tiny homes are allowed as accessory dwellings, in cottage clusters, and in manufactured dwelling parks and subject to their respective standards.
2. Tiny homes may or may not be on wheels.
3. Tiny homes shall be on a hard, all-weather surfaced slab, or foundation.
4. Tiny homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
5. Tiny homes on a chassis or wheels shall provide skirting around the perimeter of the support structure.
6. Each tiny home must have its own connections to water and sewer services.

### 16.05.160 SITE AREA STANDARDS FOR MULTI-FAMILY HOUSING

#### **Zoning for Affordable Housing**

HPS Action 2.4 suggests the City update the current density bonus for affordable housing standards to target the highest priority housing needs. The City currently allows a 20% density bonus for housing projects with units that are affordable at 80% Area Median Income (AMI), with a requirement that at least half of the extra units need to be affordable. The HPS notes that the bonus is not enough of an incentive for developers to utilize it. Therefore, the HPS recommends the City consider reductions or concessions for standards that affect density, such as parking, height, or open space.

Senate Bill 8 (SB 8, 2021) requires all cities to allow a density bonus for affordable housing for the following densities:

- For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet in height;
- For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or
- For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

The City should replace the existing bonus provisions with the density and height bonus provisions that are required by SB 8.

The City should consider applying the affordable housing “bonus” to other development standards, such as open space or parking reductions. For example, the City could allow an off-street parking reduction of 25% - 50% depending on the number of affordable units being provided. The number of required spaces could also be scaled based on the number of bedrooms per unit (e.g., 2.25 spaces for 3 or more bedroom units, 1.5 spaces for 2 bedroom units, and 1 space for 1 bedrooms/studios).

#### ***PAC Discussion Question:***

*Should these bonus provisions apply to other housing types (e.g., cottage clusters, single-room occupancy, etc.)? If so, then the provisions should be moved to a separate section so as not to apply exclusively to multifamily housing.*

Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.

A. *Minimum Site Areas*

The minimum site area per dwelling unit shall be as described in Table 16.05-13 for all multiple-family dwellings and condominiums as defined in Chapter 16.32 (Glossary).

<b>TABLE 16.05-13: SITE AREA PER DWELLING UNIT</b>		
<b>Unit Type</b>	<b>Minimum Standard</b>	<b><del>With 20% Density Bonus</del></b>
Studio	1,100 square feet	884 square feet
One Bedroom	1,550 square feet	1,244 square feet
Two Bedroom	2,000 square feet	1,604 square feet
Three Bedroom	2,425 square feet	1,940 square feet
Four or More Bedrooms	2,750 square feet	2,204 square feet

B. *Affordable Housing ~~Density Bonuses (Twenty Percent)~~*

1. Affordable Housing: As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. Affordable Housing is housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. Affordable Housing thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.
2. ~~Density Bonus. As shown in Table 16.05-13, the number of permitted dwelling units allowed by the minimum site area requirements may be increased by 20% provided that at least half of these additional units are available at costs acceptable by the State as Affordable Housing. The Affordable Housing units must be similar in the floor area and number of bedrooms to the other additional units and may be provided off-site. Proposals with the following maximum densities are eligible for corresponding density increases:~~
  - a. For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density;



- b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density; or
  - c. For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density.
- 3. Height Bonus.
  - a. For property with existing maximum density of 16 or fewer units per acre, 12 additional feet;
  - b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 24 additional feet; or
  - c. For property with existing maximum density of 46 or more units per acre, 36 additional feet.
- 4. Parking Bonus. 10% reduction of required off-street parking for development in which a minimum 40% of the units are affordable.

**Alternative requirements for discussion**

Parking Bonus. Development proposals where a minimum number of proposed affordable units reflect the percentages in Table XX are eligible for a corresponding reduction in off-street parking.

<i>Minimum % of affordable units</i>	<i>Off-Street Parking Reduction</i>
<u>40% affordable units</u>	<u>10% reduction</u>
<u>75% affordable units</u>	<u>15% reduction</u>
<u>100% affordable units</u>	<u>20% reduction</u>

- 5. Open Space Bonus. The amount of required open space may be reduced pursuant to Table 16.05-14.

**Table 16.05-14 Open Space Bonus**

<u>% of affordable units</u>	<u>Minimum Open Space Requirement – Greater than 0.25 miles walking distance from public park</u>	<u>Minimum Open Space Requirement – Less than 0.25 miles walking distance from public park</u>
<u>0-10% affordable units</u>	<u>25% open space minimum</u>	<u>20% open space minimum</u>
<u>10%-25% affordable units</u>	<u>15% open space minimum</u>	<u>10% open space minimum</u>
<u>25%-50% affordable units</u>	<u>10% open space minimum</u>	<u>0% open space minimum</u>

<u>&gt;50% affordable units</u>	<u>0% open space minimum</u>	<u>0% open space minimum</u>
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6. Lot Coverage Bonus. The lot coverage percentage may be increased pursuant to Table 16.05-15.

**Table 16.05-15 Lot Coverage Bonus**

<u>% of affordable units</u>	<u>Maximum Coverage</u>
<u>5-10% affordable units</u>	<u>70% max coverage</u>
<u>10%-25% affordable units</u>	<u>80% max coverage</u>
<u>&gt;25% affordable units</u>	<u>90% max coverage</u>

7. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
8. ~~Site area reduction~~ **Affordable housing** bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above ~~density~~ bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of ~~this zone including setbacks, parking, open space, and so on the underlying zone.~~

9. Exceptions. The City may reduce proposed increases in density or height as allowed in subsections B.2 and B.3 where necessary to address health, safety or habitability issues, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal provided the City adopts findings supported by substantial evidence demonstrating the necessity of this reduction.

**16.06.050 RESIDENTIAL USES ALLOWED IN THE MIXED USE ZONES**

**HB 2984 (2023)/ORS 197A.445** requires local governments (>10,000) to allow the conversion of a building or a portion of a building from a commercial use to a residential use without a zone change or a conditional use permit.<sup>2</sup> Therefore, the City should allow these conversions in each zone that allows commercial development, including the Mixed Use (MU), Neighborhood Mixed Use (NMU), and each commercial zone. The City can implement this requirement by adding residential uses to the uses that are approved in commercial zones through the Administrative

<sup>2</sup> HB 2984 (2023) <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/hb2984/Enrolled>

Review (AR) process, where residential units are the result of the conversion of an existing commercial building.

<b>Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone</b>	
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.) (See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	<b>Mixed Use Zone (Z-MU)</b>
<b>Residential Uses with Class II Impacts:</b>	
<b><u>Conversion of existing commercial structure to a residential use</u></b>	<b>AR</b>
<b><u>Affordable Housing (as defined in 16.19.120)</u></b>	<b>AR (subject to 16.19.120)</b>
<b>Residential Uses with Class III Impacts:</b>	
State Regulated Special Residential Units <ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>AR-OP</b> <b>CU for 6 or more AR</b>

16.07.050 RESIDENTIAL USES ALLOWED IN THE NEIGHBORHOOD MIXED USE ZONES

<b>Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone (Z-NMU)</b>	
<b>Land Uses</b> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.) (See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with Class II Impacts:</b>	
<b><u>Conversion of existing commercial structure to a residential use</u></b>	<b>AR</b>
<b><u>Affordable Housing (as defined in 16.19.120)</u></b>	<b>AR (subject to 16.19.120)</b>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>MR</b>

16.08.050 RESIDENTIAL USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-2: Residential Land Uses Allowed in Commercial Zones			
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
<b>Residential Uses with <u>Class II</u> Impacts:</b>			
<b><u>Conversion of existing commercial structure to a residential use</u></b>	<b><u>AR</u></b>		
<b><u>Affordable Housing (as defined in 16.19.120)</u></b>	<b><u>AR (subject to 16.19.120)</u></b>		

16.08.080 PUBLIC USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-5: Public (Civic or Institutional) Land Uses Allowed in Commercial Zones			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<b>Use Categories</b>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
<b>Public Uses with <u>Class III</u> Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<b><u>N-CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>

16.10.050 RESIDENTIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

<b>Residential Uses with <u>Class II</u> Impacts:</b>	
<b><u>Affordable Housing (as defined in 16.19.120)</u></b>	<b><u>AR (subject to 16.19.120)</u></b>

16.14.070 SPACE REQUIREMENTS FOR OFF-STREET PARKING

**Cottage Clusters**

The recommendation is to require one off-street parking space per cottage unit with one or less bedrooms, and two spaces per unit with two or more bedrooms. The state’s middle housing requirements for large cities prohibits jurisdictions from requiring more than one space per cottage unit. Once Lebanon’s population reaches the “large city” definition (population > 25,000), the City can reduce the minimum parking standard to one space per unit all cottage clusters. For more on cottage clusters and parking, see Section 16.05.150.F.

**Tiny Homes**

The City should require no more than one space per unit for tiny homes that are sited in a manufactured dwelling park. It is highly unlikely that a home that is less than 400 square feet in size will have more than one occupant, and therefore it would not be necessary to require multiple parking spaces per tiny home unit. The City should not have any parking requirements for ADU tiny homes, consistent with the current ADU parking exemption.

**A. Space Requirements for Off-Street Parking (Table 16.14.070-1)**

Space requirements for off-street parking shall be as listed in this section in **Table 16.14.070-1**.

Table 16.14.070-1: Off-Street Parking Requirements for Motor Vehicles and Bicycles by Types of Uses		
Use	Vehicle Parking Spaces	Bicycle Parking Spaces
<b>1. Residential</b>		
<b>(f) Cottage Clusters</b>	<u>Single bedroom or studio: 1 space per dwelling unit</u>	<u>None required</u>
	<u>Two or more bedrooms: 2 spaces per dwelling unit</u>	
<b>(g) Tiny Homes</b>	<u>Tiny home ADU: 0 spaces per dwelling unit</u>	<u>None required</u>
	<u>Tiny homes in a manufactured dwelling park : 1 space per unit</u>	

**16.19.040 ~~MANUFACTURED~~ SINGLE-UNIT DETACHED DWELLING PLACEMENT STANDARDS**

The previous phase of draft Code amendments included design options for the City to consider that are intended to ensure that manufactured homes on individual lots fit the design character and scale of existing single-unit neighborhoods. Based on PAC, Planning Commission, and City Council input, the project team modified text to require units less than 20-feet wide include a minimum number of design features that will help manufactured and prefabricated homes maintain a similar look and feel to neighboring single-unit homes.

The following list of design features is modified from the City of Sandy's Development Code. Sandy is a comparable-sized city to Lebanon and has conducted several code updates in recent years. Residential development and design standards have been thoroughly vetted by DLCD and other development and design professionals. As such, Sandy's design standards offer a modern model for other small- to mid-sized Oregon cities to consider.

[...]

- B. The primary dwelling must be a minimum of 20 feet in width at its narrowest dimension or include three or more of the design elements listed below (B.1 – B.15).**
1. Minimum 20% window coverage on every side of the building.
  2. Dormer(s) at least three feet wide.
  3. Covered porch entry with a minimum of 40 square foot covered front porch and a minimum five feet deep.
  4. Second story balcony that projects from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
  5. Building face containing two or more off-sets of 16 inches or greater from one exterior wall to the other.
  6. Roof overhang of 16 inches or greater.
  7. Columns, pillars, or posts at least four inches wide and containing base materials for a total width of at least eight inches.
  8. Decorative gables with cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (does not include a garage gable if the garage projects beyond the remaining portion of the primary street facing façade).
  9. Moulding above windows and doors that is at least six inches wide.
  10. Pilasters at least eight inches wide or chimneys.
  11. Shakes, shingles, brick, or stone occupying at least 60 square feet of the street façade.
  12. Bay or bow window(s) that extend a minimum of 12 inches outward from the main wall of a building and form a bay or alcove in a room within the building.
  13. Sidelight and/or transom windows associated with the front door or windows in the front door.
  14. Pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

### **Affordable Housing and Emergency Shelter Compliance**

SB 8, HB 2008, and HB 3261 were all adopted by the state legislature in 2021 and they include specific requirements for allowing affordable housing and emergency shelters in certain areas. Specifically, these rules require cities to allow affordable housing and emergency shelters beyond residential zones, including in commercial zones, on public property or areas zoned for public uses, and on properties used for religious gatherings. Due to the breadth of the new requirements, the City should adopt new Code sections to implement these rules. Each Bill is summarized as follows:

**SB 8 (2021)/ORS 197A.445** requires cities to allow affordable housing on land that is owned by a public body or religious nonprofit in any zone except for zones that allow “heavy industrial.”<sup>3</sup> Affordable housing that is owned by other types of organizations must be allowed on property zoned for commercial uses, religious institutions, public lands, or industrial lands except those specifically for “heavy industrial.” **HB 3395 (2023)/ORS 197.783** also requires cities to allow affordable housing in commercial zones.<sup>4</sup> Lebanon does not have an industrial zone that does not allow for heavy industrial uses; therefore, the City should not allow affordable housing in the City’s industrial zone. SB 8 also provides height and density bonuses in areas zoned for residential uses – see the proposed updates to Section 16.05.160.

**HB 2008 (2021)/ORS 197A.470** requires jurisdictions to allow the development of affordable housing on property not zoned for housing, provided the property is contiguous to a zone that allows housing and is not zoned for industrial uses.<sup>5</sup> Density is based on standards for the contiguous zone that allows housing.

**HB 3261 (2021)/ORS 197.748** requires jurisdictions to allow the conversion of a hotel or motel to an emergency shelter or affordable housing when certain criteria and standards are met.<sup>6</sup>

The recommendation is to adopt the provisions from each piece of legislation directly into the new Code sections drafted below, with minor modifications to ensure consistency with the structure and provisions of the existing Code.

### **16.19.120 AFFORDABLE HOUSING ON NON-RESIDENTIAL OR PUBLIC LAND**

**Senate Bill 8 (2021) requires local governments to allow affordable housing without requiring a zone change or conditional use permit if certain criteria and standards are met. These requirements are implemented by this subsection.**

#### **A. Applicability.**

<sup>3</sup> SB 8 (2001) <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB8/Enrolled>

<sup>4</sup> HB 3395 (2023) <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3395/Enrolled>

<sup>5</sup> HB 2008 (2001) <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2008/Enrolled>

<sup>6</sup> HB 3261 (2021) <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3261/Enrolled>

1. **Affordability.** The affordability of the units is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years; and either
    - a. Each unit on the property is made available to own or rent to families with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or
    - b. The average cost among all units on the property is made available to families with incomes of 60 percent or less of the area median income.
  2. **Ownership.** The housing will be owned by:
    - a. A public body, as defined in ORS 174.109, which includes state government bodies, local government bodies, and special government bodies; or
    - b. A nonprofit corporation that is organized as a religious corporation.
  3. **Zoning.** The property is zoned to allow the following uses outright:
    - a. Commercial uses, including the Mixed Use Zone (MU), Neighborhood Mixed Use (NMU), Neighborhood Commercial Zone (NCM), the Central Business Commercial Zone (CCM), and the Highway Commercial Zone (HCM).
    - b. Public land, which includes lands in the Public Use Zone (PU).
- B. Standards.** Only affordable housing developed pursuant to subsection 16.19.120.A is subject to the following standards.
1. **Site Suitability.** The site shall be suitable for development of affordable housing. Affordable housing shall not be located on lands where the City determines that:
    - a. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;
    - b. The property contains a slope of 25 percent or greater;
    - c. The property is within the Flood Plain Overlay Zone (FP-OZ);
    - d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:
      - i. Natural disasters and hazards (SSD-OZ)
      - ii. Natural resources, including air, water, coastal, land or natural areas, but not including open spaces or historic resources (RIP-OZ)
    - e. The property is zoned for industrial use (IND).
  2. **Density and Height in zones that don't allow housing:**
    - a. Commercial zones – The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.
    - b. Public Use zone - The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a



residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.

**3. Development and Design Standards.**

- a. Affordable housing projects allowed pursuant to this section are subject to the multifamily development standards of the underlying or adjacent residential zone. If the property does not border a residential zone, or if the underlying or adjacent residential zone does not allow multifamily development, then the affordable housing must follow the multihousehold development standards of the Residential High Density zone (RH).
- b. Affordable housing projects allowed pursuant to this section are subject to the Open Space and Site Design Requirements for Multi-Family Housing (16.05.170) and are eligible for affordable housing open space bonuses in 16.05.160.

**16.19.130 EMERGENCY SHELTER CONVERSIONS AND AFFORDABLE HOUSING**

**A. Definitions. The definitions of “affordable housing,” “conversion” and “lawful use” applicable to this section are specified below.**

1. “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.
2. “Conversion” includes an alteration to a building that changes a building’s intended use as a hotel or motel to an emergency shelter and/or changes the number of units but does not expand the building footprint. A conversion under this section is not a land use decision as defined in ORS 197.015.
3. “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use that was lawful when first enacted.

**B. Applicability Criteria. The proposal is for a conversion which meets one of the following.**

1. The proposed conversion is from use as a hotel or motel, to use as an emergency shelter; or,
2. The proposed conversion is from use as a hotel or motel to use as affordable housing; or
3. The proposed conversion is from an emergency shelter to use as affordable housing.

**C. Standards.**

1. **Site Suitability. The conversion of a hotel or motel to an emergency shelter or affordable housing pursuant to this section is not permitted on sites where the City determines that:**
  - a. **There is inadequate transportation access to commercial and medical services;**
  - b. **The site is zoned specifically for industrial uses (IND); or**
  - c. **The site is designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains (16.11.040 and 16.11.070) or mapped environmental health hazards unless the converted use complies with regulations directly related to the disasters or hazards.**
2. **Emergency Shelters. Conversion of a hotel or motel to an emergency shelter if no site alterations are proposed is subject only to the following standards:**
  - a. **Applicable building codes; and**
  - b. **Occupancy limits.**
3. **Affordable Housing. Conversion of a hotel or motel to affordable housing, or conversion of a hotel or motel that was previously converted to an emergency shelter to affordable housing are subject to the following standards:**
  - a. **Applicable building codes; and**
  - b. **Occupancy limits.**
  - c. **Standards applicable to multifamily uses in the High Density Residential Zone (RH).**
  - d. **Site alteration. Site alterations, including but not limited to alterations to parking areas and landscaping, are subject to the applicable standard in Chapter 16.05.**

### 16.32.020 MEANING OF SPECIFIC WORDS AND TERMS

The City does not currently have a definition for “group living.” The City should add a definition for group living that is consistent with the state’s definition for “single room occupancy,” as defined in HB 3395 and ORS 197A.430.

**GROUP LIVING FACILITY: A residential development with no fewer than two attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. A group living facility may also be referred to as “single room occupancies.”**

The City should add a new definition for “tiny home” that cites the state’s definition for “small home” and distinguishes them from recreational vehicles and trailers.<sup>7</sup> In addition, if tiny homes are allowed in manufactured dwelling parks, then they should be added to the definition as well.

<sup>7</sup> ORS 455.616. [https://oregon.public.law/statutes/ors\\_455.616](https://oregon.public.law/statutes/ors_455.616)

MANUFACTURED **HOME DWELLING** PARK: A place where four or more manufactured dwellings, **prefabricated dwellings, or tiny homes** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City.

[...]

**TINY HOME: A detached dwelling that is not more than 400 square feet in size and conforms to the small home construction standards in ORS 455.616. A tiny home may or may not be on wheels. A recreational vehicle (RV) or trailer shall not be considered a tiny home.**



# memo

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## Attachment B – Additional Proposed Changes, Package 2

to City of Lebanon Development Code Update Project Advisory Committee (PAC)

from Brandon Crawford and Darci Rudzinski, MIG

re Draft Code Update - Additional Proposed Changes, Package 2  
Lebanon Code Update

date 3/12/2025

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### Introduction and Background

The purpose of this memo is to propose a third batch of draft amendments to the Lebanon Development Code (LDC or “Code”) to promote housing production and support the City’s housing goals. These additional Code amendments will be referred to as “Additional Proposed Changes” or “Package 2.” The first round of draft Code amendments focused on high priority Code updates as identified in the City’s 2023 Housing Production Strategy (HPS); the “Package 1” additional amendments addressed revisions to the first round of amendments, “medium” and “low” priority HPS Actions, and Code updates for compliance with state statute. The content of this memo includes “clean-up” items that have previously been identified by the City as well as changes that are necessary to ensure that existing requirements or citations are consistent with the new content that was proposed in previous memos. As such, draft amendments in this memo are divided into two categories: Code “Clean-Up” and “Consistency” items. While the focus is to highlight changes related to pre-existing Code-issues and internal consistency, information captured here includes some refinements to the previous draft amendments.

The proposed amendments in this and previous packages are informed by an audit that identified potential updates, the Policy and Code Review memo, last revised 7/18/2024. The previous Code work related to this memo’s recommendations, along with the items in this memo, provides the City with proposed regulatory language for all identified HPS recommendations,

The Lebanon Code Update project is funded by a Department of Land Conservation and Development (DLCD) technical assistance grant to help communities update policies and regulations to support housing production.

### Code Update Summary

The following list summarizes the Package 2 Code amendments as they relate to HPS implementation actions and recent housing legislation. The Proposed Amendments table identifies the Code section and what the amended text will reflect once updated (column 2).

**PROPOSED AMENDMENTS**

<b>Code Chapter or Section(s)</b>	<b>Proposed Change</b>
<i><b>Code Clean-Up Amendments</b></i>	
16.05.140 – Lot Size Averaging	Remove this section. The introduction of the new Code standards for “small lot single-family” (HPS Action 1.1) expands the range of allowed lot sizes in a subdivision and creates flexibility that the Lot Size Averaging provisions are intended to provide.
16.05.150 – Residential Special Use Standards	Decrease setback requirements for ADUs.
16.05.180 – Zero Lot Line Housing	Reduce the minimum lot size to 2,500 square feet (in Table 16.05.090) and simplify the standards in this section.
16.12.020 – Minimum Street Frontage	Remove the limitation on the number of units that can be served by an access easement. The current limitation is a barrier to ADU and duplex development and conflicts with state middle housing and ADU rules. [Final recommended amendments TBD pending City Engineering Department comments]
16.12.030 – Motor Vehicle Access Management Requirements	Remove the unit limitation related to flag lot driveways. The current limitation is a barrier to ADU and duplex development and conflicts with state middle housing and ADU rules. [Final recommended amendments TBD pending City Engineering Department comments]
16.14.030 – Earned Parking Reduction	Simplify the existing earned parking reduction standards.
16.30 – Nonconforming Uses and Lots	Amend sections in this chapter for consistency with state rules related to nonconforming use alterations.
<i><b>Code Consistency Amendments</b></i>	
16.05.040 Residential Uses Allowed in Residential Zones	Remove the reference to “infill standards.”
16.05.090 Residential Zones – Development Standards	Remove the reference to “lot size averaging.”
16.05.170 Open Space and Site Design Requirements for Multi-Family Housing	Update standards for consistency with Open Space bonus recommendations from “Package 1.”
16.11.070 Flood Plain Overlay Zone	Update the “manufactured dwelling” definition in this section for consistency with the official definition in Chapter 16.32.

Code Chapter or Section(s)	Proposed Change
16.20.080 Exercising a Land Use Approval	Update “manufactured home park” to “manufactured dwelling park.”
16.22.030 General Requirements for Partitions and Subdivisions	Remove the reference to “lot size averaging.”
16.32.020 Meaning of Specific Words and Terms	Add definitions for “Development Bonus” and “Group Living.”

Proposed Code modifications are presented in **bold underline/strikeout** legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Proposed amendments are organized under existing Code chapters/sections and implement the “Code Update Summary” table bullets. A description and summary of the proposed updates are provided in the gray text boxes for each section. Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

## Code Clean-Up Amendments

The following proposed amendments address a number of issues that the City identified prior to this project. Note that there are recommended changes that build upon and revise a proposed Code amendments that were drafted in earlier phases of the Lebanon Code Update project. In some cases, the proposed text in this package applies to Code sections that also contain amendments that were considered earlier, during the October 2024 and January 2025 PAC meetings. For consistency and continuity between Code update phases, this memo will show the text amendments from the previous phase only where the new proposed amendments apply to the same Code section. For more information on the text amendments that are not described in the gray commentary boxes, see the previous Code Update memos.

### 16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS

The minimum lot size for zero lot line housing should be reduced in the RM and RH zones, consistent with the City’s proposal to allow “small lot single family” on minimum 2,500 square-foot lots in these zones. Table 16.05-7 as shown here includes amendments pertaining to both housing types. Note that Table 16.05-7 has been abbreviated in this memo for simplicity; for a summary of all the Code updates, see the “Final Code Update” memo (dated 3/12/2025).

Table 16.05-7: Development Standards for Residential Zones Minimum Lot Area and Lot Width			
<i>Standard</i>	Z-RL	Z-RM	Z-RH
<i>Minimum Lot Area (square feet)</i>			
<b>LOT AREA:</b> The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single <del>Family Unit</del> , not attached	6,000	5,000	5,000
		(See Lot Size Averaging Options, Section 16.05.140)	
<u>Small Lot Single-unit, not attached</u>	<u>NA</u>	<u>2,500</u>	<u>2,500</u>
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	<del>3,500</del> <u>2,500</u>	<del>3,500</del> <u>2,500</u>
Duplex	6,000	5,000	5,000
<b>Corner Lots for All of the Above (Except Single Family not attached/Duplexes in Z-RL): Add 500 square feet</b> Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
<i>Minimum Lot Width</i>			
<i>Standard</i>	Z-RL	Z-RM	Z-RH
Single <del>Family Unit</del> , not attached	60 ft	50 ft	50 ft
<u>Small Lot Single-unit, not attached</u>	<u>NA</u>	<u>30 ft</u>	<u>30 ft</u>
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	<del>40 ft</del> <u>30 ft</u>	<del>40 ft</del> <u>30 ft</u>
Duplex	60 ft	50 ft	50 ft

**16.05.140 – LOT SIZE AVERAGING FOR SUBDIVISIONS OF TEN OR MORE LOTS**

If the City adopts proposed amendments for small lot single-family homes, the existing lot size averaging provisions will become unnecessary, as the smaller minimum lot sizes would already allow for more flexibility for subdivisions. Therefore, the City should remove this section altogether.

- ~~A. The developer of a single family or duplex lot subdivision with ten or more lots in residential mixed density (RM) and residential high density (RH) zones may elect to use a lot size averaging approach that allows greater variety in the size of lots than would otherwise be the case.~~
- ~~B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.~~

- ~~C. This option is only available for the development of lots for single family dwellings or duplexes. The city may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.~~
- ~~D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.~~
- ~~E. The use of lot size averaging must result in the average lot size equaling or exceeding five thousand square feet.~~
- ~~F. The lot size averaging approach must conform to the specifications in Table 16.05-11.~~
- ~~G. Lot size in this section means lot area. As used in this code, lot area is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.~~

**Table 16.05-11: Lot Size Averaging Matrix  
Applies Only to Subdivisions of 10 or More Lots**

<del>For single family/duplex lot subdivisions in residential mixed density and residential high density zones</del>		
<del>Maximum percentage of lots allowed smaller (4,000—4,999 sq. ft.) than the minimum required square footage</del>	<del>Minimum percentage of lots averaging between 5,000 and 6,000 square feet</del>	<del>Minimum percentage of lots required greater than 6,000 square feet</del>
<del>Not more than 25% of the total number of lots in the subdivision</del>	<del>At least 50% of the total number of lots in the subdivision</del>	<del>At least as many lots as are built with less than 5,000 sq. ft. (i.e., between 4,000—4,999 sq. ft.)</del>
<del>Each "phase" of a subdivision must conform to the overall ratio for the entire subdivision. For example, one phase may not consist solely of lots that are smaller than the minimum required square footage (five thousand square feet). No lot is allowed to be smaller than four thousand square feet.</del>		
<del>Note: The provisions of lot size averaging only apply to lots for single family detached homes or duplexes created through the subdivision process in the residential mixed density and residential high density zones.</del>		

**16.05.150 – RESIDENTIAL ZONES SPECIAL USE STANDARDS**

Cities often allow reduced setbacks or zero-lot line setbacks for ADUs. The City’s existing setbacks for all other housing types are generally reasonable and likely do not pose much of a barrier to ADU development. However, to increase flexibility for ADUs, the City may consider reduced rear and side setbacks (e.g., 0-5 feet for rear and side yards, 10 feet for street side). The City may also consider reduced setbacks for existing structures that are converted to ADUs.



The City should also exempt ADUs from the unit count for easement access, or only apply this requirement to number of parcels instead of units.

- A. Accessory Dwelling (Attached, Separate Cottage, or Above Detached Garage).  
[...]
2. Accessory dwellings shall conform to all of the following standards:
    - a. Floor Area. Accessory dwellings shall not exceed one thousand square feet of floor area, or forty percent of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.
    - b. Exempt from Lot Size. Accessory dwellings are exempt from the lot size standards of the residential zone.
    - c. Utility Connections. Accessory dwellings may have the same water and sewer connections as the primary unit.
    - d. One Unit. A maximum of one accessory dwelling unit is allowed per lot. Construction of an accessory dwelling may result in a maximum of two residential units on a single lot, one primary residence and one accessory dwelling.
    - e. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed twenty-five feet in the RL zone nor thirty feet in the RM and RH zones.
    - f. Setback Standards. Shall conform to all setback standards applicable to dwellings in the zone. Rear yard and side street setbacks may be ten feet. Rear and side yard setbacks for existing accessory structures that are converted to an ADU may be no less than five feet.
    - g. Parking Standards. Accessory dwellings shall have no off-street parking requirement.

#### 16.05.180 – ZERO LOT LINE HOUSING

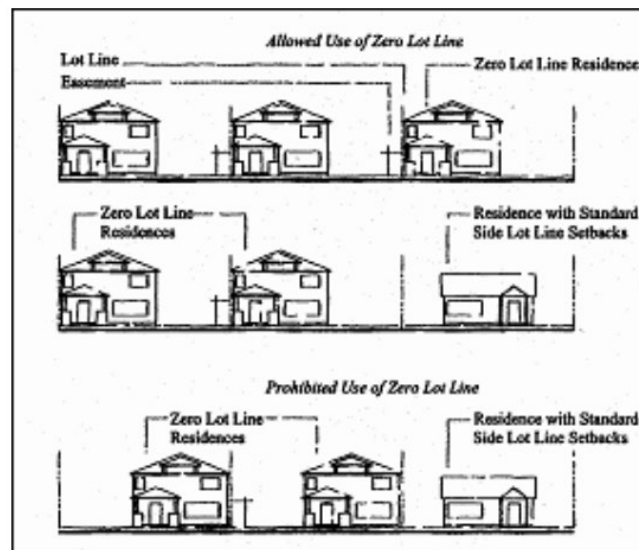
The City has indicated that this section does not get utilized and developers have expressed confusion over the standards. The City requested that MIG evaluate options to amend the standards so that they are more readily utilized.

The requirements and standards for this section are generally consistent with what is found in other Oregon city codes and appropriate for zero lot line development. The recommended amendments are intended to help simplify and clarify the standards for any developer who wishes to utilize this section.

- ~~A. Introduction. Zero-lot line houses are subject to the same standards as non-attached single-family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 16.05.2. The standards for zero-lot line housing are intended to~~

ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. Zero lot line housing also includes attached dwellings. All zero lot line houses shall conform to all of the criteria in the subsections below. provided the requirements of 16.05.180.B and .C are met.

**Figure 16.05-2: Zero Lot Line Housing Examples**



- B. ~~Site Design Review Required.~~ Site Design Review is required for new zero lot line developments. When a zero lot line development is proposed as part of a Land Division, Planned Development, or other application, the Site Plan Review may be combined with the other application(s).
- C. ~~Setbacks for Primary and Accessory Structures.~~ The allowance of a zero side yard setback is for one single family dwelling, or attached or stacked duplex, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.
- D. ~~Construction and Maintenance Easement.~~ Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero lot line house. The easement shall not be less than ten feet wide and shall not preclude the adjoining owner from landscaping the easement area.
- B. **Any residential dwelling unit or accessory structure may be located on the interior property line where the proposed building does not have openings or windows in the wall facing the adjacent building.**
- C. **For interior property lines where no setback is proposed, a maintenance easement must be recorded on the abutting property deed or plat. The width of the easement shall be five feet. This easement is not revocable without City approval through an Administrative Procedure pursuant to Section 16.20.040.**

**D. The interior setback for attached housing units shall be zero where the units adjoin; all other setbacks shall conform to this Code.**

**16.12.020 – MINIMUM STREET FRONTAGE**

**Access Easement Limitations**

The current number of units that can be served by an access easement is limited to six (6), which may be a barrier to ADU and duplex development on properties that do not have direct access onto a street. The City is required to allow ADUs and duplexes on any lot or parcel that allows single-family homes; density or unit count restrictions cannot be a limiting factor for these housing types wherever single-family homes are allowed. The City can continue to limit the number of parcels on an access easement but the recommendation is to remove the unit restriction.

[Final recommended amendments TBD pending City Engineering Department comments]

- A. Multifamily, Commercial, Industrial, Public/Civic Use and Other Use Lots. Every multifamily, commercial, industrial public/civic use, and other use lot shall abut a street other than an alley, for a minimum width of twenty feet, except where the planning commission has approved an easement or other lawful means of access or where the easement or other access existed prior to the adoption of this development code.
- B. Single-Family and Duplex Residential Lots. For purposes of this subsection, unless otherwise specified, lots and parcels are interchangeable, and either could have a single-family or a duplex on it. This subsection not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines.
  1. Single Parcel: A lot must abut a street for a minimum width of fourteen feet including a minimum twelve-foot-wide driveway.
  2. Two Adjacent Parcels: Two adjacent parcels must abut a street for a minimum of twenty-four feet (minimum of twelve feet for each parcel) that may include a shared twelve-foot-wide driveway serving both. Perpetual reciprocal access easements and maintenance agreements for shared driveways are required.
  3. Six parcels ~~and/or six dwelling units~~: Up to a maximum of six parcels ~~and/or dwelling units~~ may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocal access easements and maintenance agreements for all lots proposed to use the driveway are required.
  4. Parcel Not Abutting a Public Right-of-Way: A lot or parcel developed with a single-family dwelling or duplex may be partitioned creating a parcel with access by easement to a public street. A minimum twelve-foot-wide easement, with ready access by emergency vehicles is required per lot or parcel.

### 16.12.030 – MOTOR VEHICLE ACCESS MANAGEMENT REQUIREMENTS

#### Flag Lot Limitations

The current flag lot standards restrict duplex and ADU development more than single-family detached development. Therefore, the City should update this provision to restrict flag lot driveway service to no more than two individual parcels, each of which would allow up to two units, either as a duplex of single-unit with an ADU.

[Final recommended amendments TBD pending City Engineering Department comments]

[...]

#### Q. Flag Lot Standards.

1. Connections to the State Highway System or City Arterials. Flag lots shall not be permitted when the results would be to increase the number of driveways requiring direct and individual access connections to the state highway system, or city arterial streets.
2. Planning Objectives and Residential Development. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, infill development, redevelopment, or preserving natural or historic resources.
3. Conditions of Flag Lot Creation. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole" or "pan handle") may serve no more than two ~~dwelling units, including accessory dwellings and dwellings on individual lots, unless the fire codes and standards adopted by the city and/or the Lebanon fire district are met for more units. When such standards are met, the maximum number of dwellings shall be four individual lots with a maximum of four dwelling units (maximum two dwelling units per individual lot served by flag lot driveway).~~ **four individual lots with a maximum of four dwelling units (maximum two dwelling units per individual lot served by flag lot driveway).** A driveway serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the driveway area. The fire marshal may require an emergency turn-around.

### 16.14.030 – EARNED PARKING REDUCTIONS

The City has indicated that the earned parking reduction standards are difficult to interpret and implement. The following proposed amendments may help to simplify these standards.

- A.** The amount of vehicle parking may be reduced by one space for every eight bicycle parking spaces or every four covered bicycle parking spaces, not to exceed ~~ten~~ **fifteen** percent of required vehicle parking spaces.

- ~~B. The amount of vehicle parking may be reduced by one space for each four additional covered bicycle parking spaces provided over the minimum requirement, not to exceed ten percent of required vehicle parking spaces.~~
- ~~C. The above parking reductions may be used on a single development, provided the total reduction does not exceed fifteen percent of required vehicle parking spaces.~~

### 16.30.020 – CONTINUATION OF A NONCONFORMING USE

Senate Bill 1537 (SB 1537, 2024) requires cities to allow extensions, alterations, or expansions of nonconforming uses through a “limited land use decision.”<sup>1</sup> Currently, Lebanon allows changes to nonconforming uses through an “Administrative” review and approval process ([16.20.020-1](#)). For more information on Limited Land Use Decisions, see the Oregon Land Use Board of Appeals “[Frequently Asked Questions](#).”

While alterations to nonconforming uses are allowed under limited circumstances, the City should expand the allowance to all use types, provided the alteration does not increase nonconformance. Cities throughout Oregon typically follow this approach for allowing changes or improvements to non-conforming uses. If the City is interested in exploring more options for nonconforming use standards, the City of Albany has adopted sophisticated nonconforming improvement standards that may serve as a model for other cities to consider.<sup>2</sup>

- A. Subject to the provisions of this chapter, a nonconforming use of a structure (including fences) or a nonconforming use may be continued and maintained, but shall not be altered or expanded except as provided herein.
- B. The extension of a nonconforming use to a portion of a structure that was approved for such a use at the time of the adoption of this development code is not an expansion of a nonconforming use.
- C. In any ~~industrial or commercial~~ zone, a pre-existing ~~dwelling use~~ may be altered or expanded, provided that such alteration or expansion shall not result in the use deviating further from the applicable standards of this development code.
- D. In any industrial or commercial zone, a pre-existing dwelling may be altered or expanded provided that such an alteration or expansion shall not** exceed the ~~yard setback~~, lot coverage, and building height requirements of the residential mixed density (RM) zone for the use of the property.
- ~~D.E.~~ Notwithstanding the provisions of Section [16.30.030](#), a nonconforming structure reasonably capable of use only for a nonconforming industrial or commercial use may be re-established, changed, altered, or expanded upon as a conditional use.

<sup>1</sup> Senate Bill 1537 (Section 44) <https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1537>

<sup>2</sup> Albany Development Code, Article 2 – Review Criteria.

[https://www.albanyoregon.gov/images/stories/cd/planning/development\\_code/02-Article%20-Review%20Criteria.pdf](https://www.albanyoregon.gov/images/stories/cd/planning/development_code/02-Article%20-Review%20Criteria.pdf)

**16.30.030 – NONCONFORMING STRUCTURE**

A structure (including fences) conforming as to use but nonconforming as ~~related to height, setback, lot coverage, or similar~~ any dimensional standard, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this development code, and provided that such redevelopment meets all other applicable standards.

**16.30.050 – CHANGE OF A NONCONFORMING USE**

If a nonconforming use is changed to a different use, it shall be changed to a use conforming the new proposed use must conform to the regulations of the zone in which it is located.

**Additional Consistency Amendments**

In addition to the substantive modifications that were previously identified by the City, amendments are needed to ensure internal Code references are accurate and consistent. These “clean-up” items are intended to keep the Code up-to-date and to help minimize the use of outdated terms or provisions. For example, some of the proposed amendments from this project include removing entire Code sections. Therefore, provisions in other Code sections that reference the removed Code section should be amended to reflect the latest updates (i.e., no need to reference a Code section or provision that no longer exists). Given the large volume of Code text entailed, there is no guarantee that there may still be outdated/inaccurate provisions or terms that remain as a result of this project. That said, this clean-up exercise helps substantially reduce inaccuracies and the likelihood that others come to light after the legislative amendments are adopted.

**16.05.040 RESIDENTIAL USES ALLOWED IN RESIDENTIAL ZONES**

<b>Table 16.05-2: Residential Land Uses Allowed in Residential Zones</b>			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
<b>Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones</b>			

**16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS**

<b>Table 16.05-7: Development Standards for Residential Zones Minimum Lot Area and Lot Width</b> ( <del>Except as modified by Residential Infill Standards</del> )			
<i>Standard</i>	Z-RL	Z-RM	Z-RH
<i>Minimum Lot Area (square feet)</i>			
<b>LOT AREA:</b> The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single <del>Family Unit</del> , not attached	6,000	5,000	5,000
		<b>(See Lot Size Averaging Options, Section 16.05.140)</b>	

## 16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING

### E. Common Open Space

1. The minimum required common open space, ~~regardless of any bonuses or reductions~~, is 1,000 square feet inclusive of children's play areas.

## 16.11.070 FLOOD PLAIN OVERLAY ZONE

Manufactured dwelling: ~~A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home". Includes residential trailers, mobile homes, and manufactured homes. (1) Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. (2) Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (3) Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction.~~

## 16.20.080 EXERCISING A LAND USE APPROVAL

[...]

### B. Approval of Manufactured ~~Home Dwelling~~ Parks

The decision shall be considered exercised with the beginning of construction of facilities for servicing the site on which the manufactured homes are to be placed. This shall include, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, or the extension or installation of utilities.

## 16.22.030 GENERAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS

[...]

### ~~D. Lot Size Averaging~~

~~Single family and duplex residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).~~

### 16.32.020 MEANING OF SPECIFIC WORDS AND TERMS

[...]

DENSITY BONUS: The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned.

[...]

DEVELOPMENT BONUS: The allocation of development rights that allow a parcel to accommodate additional residential units in exchange for a certain percentage of those units as affordable housing. Development bonuses may include but are not limited to bonuses for density, height, open space, or parking.

[...]

GROUP LIVING FACILITY: A residential development with no fewer than two attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. A group living facility may also be referred to as “single room occupancies” (SRO).



## Attachment C – Final Draft Code Updates

Proposed Code modifications are presented in **bold underline/strikeout** legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Proposed amendments are organized under existing Code chapters/sections. Other Code text may be included for context and reference; outside text included for context, the only sections that are shown are those that contain recommended amendments.

### 16.05.040 RESIDENTIAL USES ALLOWED IN RESIDENTIAL ZONES

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
<b>Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones</b>			
<b>Residential Uses with Class I Impacts:</b>			
Single <del>Family Unit</del> Dwellings	OP	OP	OP
<b><u>Small Lot Single-unit Dwellings</u></b>	<b><u>N</u></b>	<b><u>OP</u></b>	<b><u>OP</u></b>
Accessory Dwelling	OP	OP	OP
Accessory Structures (with a permitted use): <ul style="list-style-type: none"> <li>no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint</li> </ul>	OP		
	AR		
Duplex (2 dwellings sharing a common wall on one lot (not inclusive of a primary dwelling and accessory dwelling unit)) -- One duplex on a lot	OP	OP	OP
<b><u>Manufactured Dwelling</u></b>	<b><u>OP</u></b>	<b><u>OP</u></b>	<b><u>OP</u></b>
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR	MR	MR
Other Residential Uses such as Hospice Facilities	AR	AR	AR
<b>Residential Uses with Class II Impacts:</b>			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	N	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster ( <del>2-4 single family on one lot</del> )	<b><u>N-AR</u></b>	<b><u>CU-AR</u></b>	<b><u>CU-AR</u></b>
Zero Lot Line Housing (may include one common wall)	<b><u>CU-AR</u></b>	AR	AR

Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	N	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	MR	MR	MR
<b>Manufactured Dwelling Park</b>	<b>AR</b>	<b>AR</b>	<b>AR</b>
<b>Residential Uses with Class III Impacts:</b>			
State Regulated Special Residential Group Living	OP		
• Homes (5 or fewer)	<b>N-OP</b>	OP	OP
• Group Facility (6+)			
<b>Manufactured Home Park</b>	<b>N</b>	<b>CU</b>	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU-AR</b>	<b>CU-AR</b>	<b>CU-AR</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.070 PUBLIC USES ALLOWED IN THE RESIDENTIAL ZONES

<b>Table 16.05-5: Public Uses (Civic or Institutional) Allowed in Residential Zones</b>			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<b>Use Categories</b>	<b>Z-RL</b>	<b>Z-RM</b>	<b>Z-RH</b>
<b>Public Uses with Class III Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.	<b>N-CU</b>	<b>CU</b>	<b>CU</b>

16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS

<p><b>Table 16.05-7: Development Standards for Residential Zones Minimum Lot Area and Lot Width</b></p> <p><b>(Except as modified by Residential Infill Standards)</b></p>
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<i>Standard</i>	Z-RL	Z-RM	Z-RH
<b>Minimum Lot Area (square feet)</b>			
<p><b>LOT AREA:</b> The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.</p>			
Single <del>Family Unit</del> , not attached	6,000	5,000	5,000
		<del>(See Lot Size Averaging Options, Section 16.05.140)</del>	
<b><u>Small Lot Single-unit, not attached</u></b>	<u>NA</u>	<u>2,500</u>	<u>2,500</u>
Townhouse/Rowhouse	NA	2,500	2,500
Zero Lot Line Housing	5,000	<del>3,500</del> <u>2,500</u>	<del>3,500</del> <u>2,500</u>
Duplex	6,000	5,000	5,000
Multiple-Family, <del>or</del> Triplex, <del>or</del> Cottage Cluster	NA	9,000	9,000
<b><u>Cottage Cluster</u></b>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
Non-Residential Uses	6,000	6,000	6,000
<p><b>Corner Lots for All of the Above (Except Single Family not attached/Duplexes in Z-RL): Add 500 square feet</b></p> <p>Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.</p>			
<b>Minimum Lot Width</b>			
<i>Standard</i>	Z-RL	Z-RM	Z-RH
Single <del>Family Unit</del> , not attached	60 ft	50 ft	50 ft
<b><u>Small Lot Single-unit, not attached</u></b>	<u>NA</u>	<u>30 ft</u>	<u>30 ft</u>
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	<del>40 ft</del> <u>30 ft</u>	<del>40 ft</del> <u>30 ft</u>
Duplex	60 ft	50 ft	50 ft
Multiple-Family <del>or</del> Triplex, <del>or</del> Cottage Cluster	NA	60 ft	50 ft
<b><u>Cottage Cluster</u></b>	<u>60 ft</u>	<u>50 ft</u>	<u>50 ft</u>
Non-Residential Uses	20 ft	20 ft	20 ft
Corner Lots (All Residential Above)	65 ft	60 ft	60 ft
<p><i>For flag lots, width is measured at the front building line.</i></p> <p>*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.</p>			

## **16.05.110 INFILL STANDARDS FOR RESIDENTIAL ZONES**

### ***A. Overview***

The following process or methodology is to be used for determining whether or not a proposed infill development fits the existing residential neighborhood in which the development would be located. As used in this Code, *infill* is the use of vacant or under-developed lots or parcels within existing developed residential areas. Infill lots are 1 acre or less in size, before redevelopment including any land division process.

### ***B. Applicability***

- 1.** The Infill Standards apply only to sites that are 1 acre in size or less in an existing residential neighborhood.
- 2.** The Infill Standards apply only to land use requests that require one or more of the following review processes: Ministerial, Administrative, Conditional Use, Subdivision, Partition or Planned Development.
- 3.** Single family dwellings, duplexes, and accessory dwelling units are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings, duplexes or accessory dwelling units that are proposed as infill developments.

### ***C. Imposing Conditions Related to Critical Design Features***

In approving an infill development in an existing residential neighborhood, the Planning Official or Planning Commission may impose, in addition to those standards and requirements expressly specified by the Lebanon Development Code, additional conditions **related to critical design features** that are considered necessary to ensure that they fit the site, the neighborhood and nearby land uses.

### ***D. Criteria and Review Methodology***

The application and proposed infill development in an existing residential neighborhood shall be approved (deemed fitting with the neighborhood and nearby land uses) if **the objective characteristics of the listed critical design features** (see below in 16.05.110.E and 16.05.110.F) of the proposal are within the range of characteristics exhibited by the characteristics of the existing features<sup>1</sup> of the development on the adjacent properties in the same land use zone and the properties abutting the adjacent properties in the same land use zone, and such features and/or characteristics are not prohibited by other provisions of the Lebanon Development Code or other City Ordinances.

### ***E. Objective Characteristics***

The objective characteristics of features considered in this provision are the following:

- 1.** Physical — Dimensions — (width, length, height),
- 2.** Number

- ~~3. Location~~
- ~~4. Magnitude~~
- ~~5. Duration~~
- ~~6. Frequency~~
- ~~7. Time(s) of Occurrence~~
- ~~8. Composition.~~

***Critical Design Features***

The Critical Features considered in this provision are the following:

- ~~1. Building height and footprint~~
- ~~2. Lot Area Coverage~~
- ~~3. Open Space and Outdoor Recreation Areas~~
- ~~4. Fencing, Screening, and Landscaping~~
- ~~5. Signage~~
- ~~6. Vehicular, Pedestrian, and Bicycle Traffic Load and Access Points~~
- ~~7. Vehicular, and Bicycle Parking~~
- ~~8. Full City Services and Public Improvements in place or proposed~~
- ~~9. Provision of public improvements (and granting necessary easements), such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.~~

***F. Additional Criteria***

All development, infill included, must also meet all applicable requirements set forth in the following:

- ~~1. Building Code~~
- ~~2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).~~

***G. Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood***

All development, infill included, must also meet all applicable requirements set forth in the following:

- ~~1. Building Code~~
- ~~2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).~~

**Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood**

Critical Design Features (See 16.05.10.2)	Objective Characteristics (See 16.05.10.1)							
	(a) Physical Dimensions (w, l, h)	(b) Number	(c) Location	(d) Magnitude	(e) Duration	(f) Frequency	(g) Time(s) of Occurrence	(h) Composition
(1) Building Height and Footprint				NA	NA	NA	NA	NA
(2) Lot Area Coverage	NA	NA	NA		NA	NA	NA	NA
(3) Open Space & Outdoor Recreation Areas				NA	NA	NA	NA	
(4) Fencing, Screening, and Landscaping				NA	NA	NA	NA	
(5) Signage					NA	NA	NA	
(6) Vehicular, Pedestrian, & Bicycle Traffic Load, and Access Points								NA
(7) Vehicular, And Bicycle Parking						NA	NA	
(8) Full City Services and Public Improvements in Place or Proposed					NA		NA	
(9) Provision of Public Improvements (and Granting Necessary Easements)					NA		NA	

**Notes:**

1. Not all of the Objective Characteristics are applicable to all of the Critical Design Features. For example, Magnitude, Duration, Frequency, Time(s) of Occurrence and Composition are not applicable to Building Height and Footprint.
2. NA = Not Applicable.
3. The cross-referencing of a Design Feature and a Characteristic is reviewable if not listed as NA.

~~16.05.140 – LOT SIZE AVERAGING FOR SUBDIVISIONS OF TEN OR MORE LOTS~~

- ~~A. The developer of a single family or duplex lot subdivision with ten or more lots in residential mixed density (RM) and residential high density (RH) zones may elect to use a lot size averaging approach that allows greater variety in the size of lots than would otherwise be the case.~~
- ~~B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.~~
- ~~C. This option is only available for the development of lots for single family dwellings or duplexes. The city may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.~~
- ~~D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.~~
- ~~E. The use of lot size averaging must result in the average lot size equaling or exceeding five thousand square feet.~~
- ~~F. The lot size averaging approach must conform to the specifications in Table 16.05-11.~~
- ~~G. Lot size in this section means lot area. As used in this code, lot area is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.~~

~~Table 16.05-11: Lot Size Averaging Matrix  
Applies Only to Subdivisions of 10 or More Lots~~

<del>For single family/duplex lot subdivisions in residential mixed density and residential high density zones</del>		
<del>Maximum percentage of lots allowed smaller (4,000 – 4,999 sq. ft.) than the minimum required square footage</del>	<del>Minimum percentage of lots averaging between 5,000 and 6,000 square feet</del>	<del>Minimum percentage of lots required greater than 6,000 square feet</del>
<del>Not more than 25% of the total number of lots in the subdivision</del>	<del>At least 50% of the total number of lots in the subdivision</del>	<del>At least as many lots as are built with less than 5,000 sq. ft. (i.e., between 4,000 – 4,999 sq. ft.)</del>
<del>Each "phase" of a subdivision must conform to the overall ratio for the entire subdivision. For example, one phase may not consist solely of lots that are smaller than the minimum required square footage (five thousand square feet). No lot is allowed to be smaller than four thousand square feet.</del>		
<del>Note: The provisions of lot size averaging only apply to lots for single family detached homes or duplexes created through the subdivision process in the residential mixed density and residential high density zones.</del>		

### 16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

The above sections of this Chapter provide standards for specific land uses and building types within the Residential Zone. The standards in this Section supplement the afore mentioned standards. This Section applies to the following uses and building types, as specified below:

- Accessory Dwellings
- Accessory Structures
- Group Living (Residential Care Homes and Facilities)
- Manufactured/~~Mobile Home Parks~~ Dwelling Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall).
- Cottage Clusters
- Tiny Homes

#### A. Accessory Dwelling (Attached, Separate Cottage, Tiny Home, or Above Detached Garage)

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. A tiny home may be considered an accessory dwelling subject to the standards in this subsection (16.05.150.A) and subsection 16.05.150.G. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
2. Accessory dwellings shall conform to all of the following standards:
  - a. Floor Area. Accessory dwellings shall not exceed one thousand square feet of floor area, or forty percent of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.
  - b. Exempt from Lot Size. Accessory dwellings are exempt from the lot size standards of the residential zone.
  - c. Utility Connections. Accessory dwellings may have the same water and sewer connections as the primary unit.
  - d. One Unit. A maximum of one accessory dwelling unit is allowed per lot. Construction of an accessory dwelling may result in a maximum of two residential units on a single lot, one primary residence and one accessory dwelling.
  - e. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed twenty-five feet in the RL zone nor thirty feet in the RM and RH zones.
  - f. Setback Standards. Shall conform to all setback standards applicable to dwellings in the zone. Rear yard and side street setbacks may be ten feet. Rear and side yard setbacks for existing accessory structures that are converted to an ADU may be no less than five feet.
  - g. Parking Standards. Accessory dwellings shall have no off-street parking requirement.



### **E. Manufactured/Mobile Home Parks Dwelling Parks**

Manufactured/~~mobile home dwelling~~ parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single **family unit** residences, **tiny homes**, manufactured **home dwelling** park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance). **Unless stated otherwise, the term "dwelling" in this subsection (16.05.150.E) refers to manufactured dwellings, and prefabricated dwellings.**
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet **or 1,200 square feet for tiny homes**, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, ~~the City may require~~ installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured **home dwelling** park **is required for the privacy and security of residents or aesthetics of the streetscape.**
5. Dwelling design ~~(for parks smaller than 3 acres)~~. **Manufactured D** dwellings in parks ~~smaller than 3 acres~~ shall meet the following design standards:
  - i. The ~~manufactured~~ dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and
  - ii. ~~The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).~~
  - iii. **ii.** Exception: Subsections a-b, above, do not apply to manufactured home parks that existed within the City prior to the effective date of this Code.
  - iv. **For tiny home dwelling standards, refer to Subsection 16.05.150.F.**

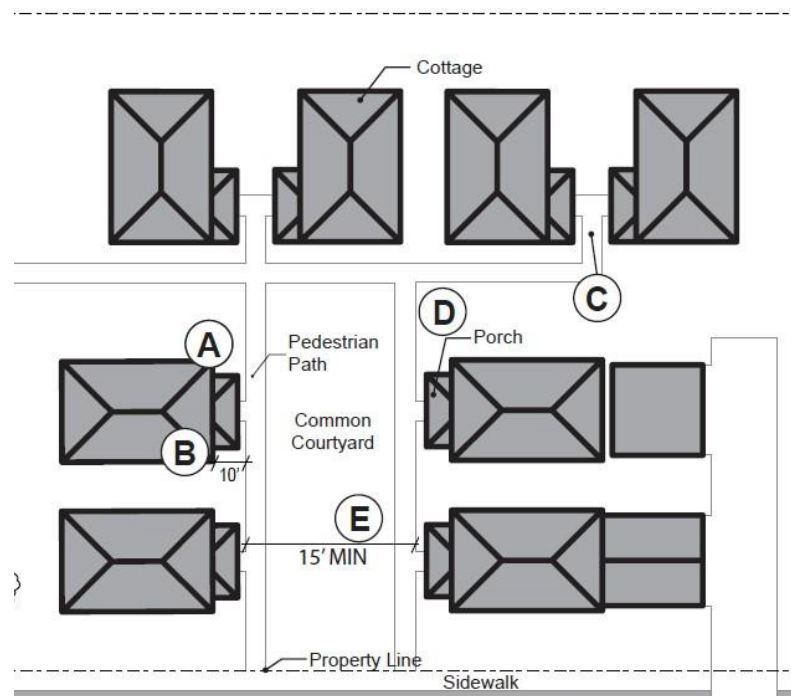
### **F. Cottage Clusters**

Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

1. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
2. Maximum Unit Size. The maximum floor area for a cottage within a cottage cluster is 900 square feet.
3. Building Height. The maximum building height for all structures is 25 feet.
4. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:
  - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
  - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
    - (1) Have a main entrance facing the common courtyard;
    - (2) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - (3) Be connected to the common courtyard by a pedestrian path.
  - c. Cottages within 20 feet of a street property line may have their entrances facing the street. Such street-facing cottages shall count toward the minimum 50 percent orientation requirement in subsection 5.b of this section.
  - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:
  - a. An individual common courtyard must be a single, contiguous piece.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. An individual common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection 5).
  - d. The common courtyard must be a minimum of 20 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational

amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

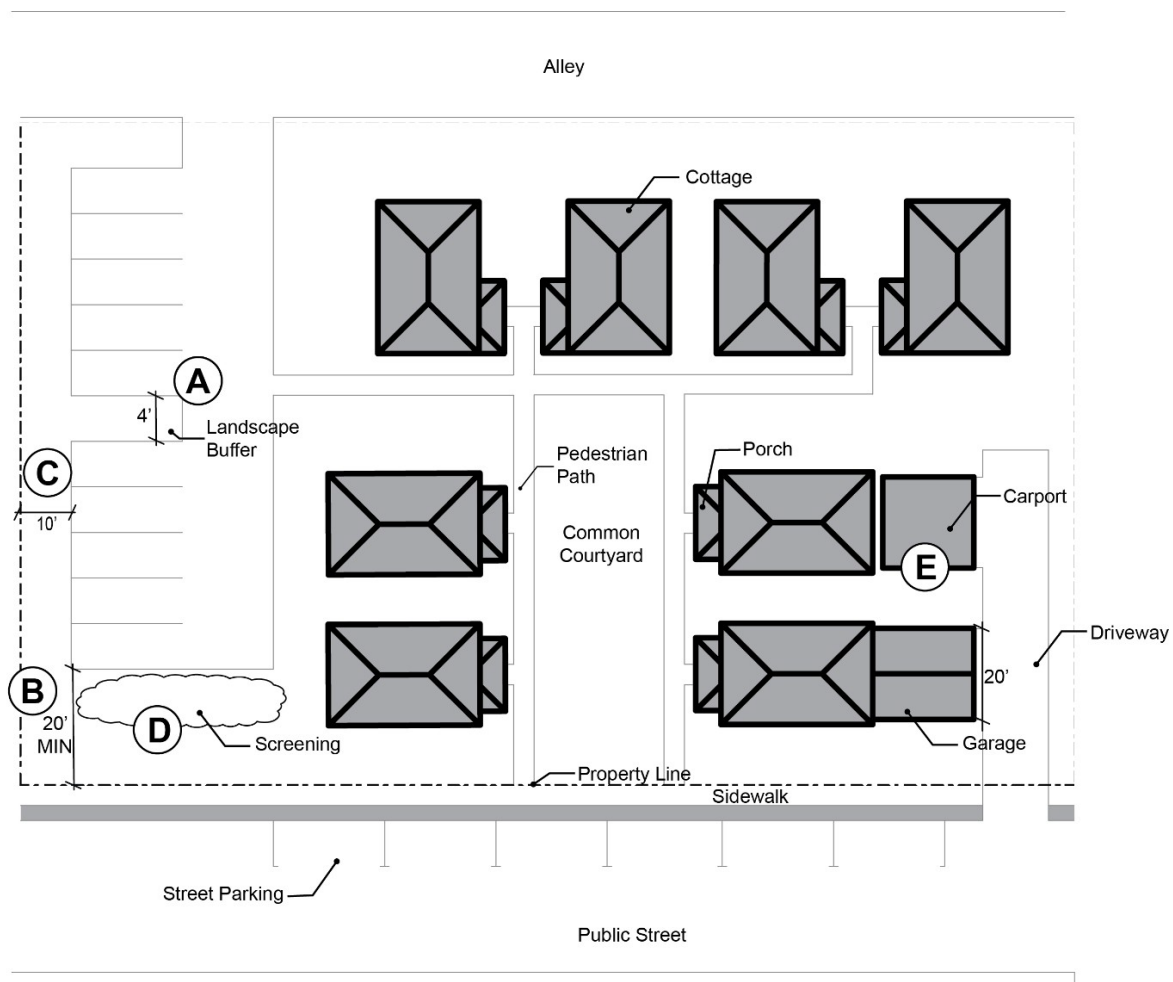
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard’s minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 20 feet wide at its narrowest width.

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
  - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (3).
7. Pedestrian Access.
  - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - (1) The common courtyard;
    - (2) Shared parking areas;
    - (3) Community buildings; and
    - (4) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  - b. The pedestrian path must be all-weather hard-surfaced and a minimum of four (4) feet wide.
8. Parking Design.
  - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    - (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
    - (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
    - (3) Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
    - (4) Clustered parking areas may be covered.
9. Parking location and access.
  - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
    - (1) Within of 20 feet from any street property line, except alley property lines;
    - (2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
  - b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

10. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
11. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
12. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single-unit dwelling or duplex on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
  - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
  - b. The existing dwelling may be expanded up to the maximum height in subsection 4; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
  - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
13. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 5.a.



### G. *Tiny Homes*

Tiny homes shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

1. Tiny homes are allowed as accessory dwellings, in cottage clusters, and in manufactured dwelling parks and subject to their respective standards.
2. Tiny homes may or may not be on wheels.
3. Tiny homes shall be on a hard, all-weather surfaced slab, or foundation.
4. Tiny homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).
5. Tiny homes on a chassis or wheels shall provide skirting around the perimeter of the support structure.
6. Each tiny homes must have its own connection to water and sewer services.

### 16.05.160 SITE AREA STANDARDS FOR MULTI-FAMILY HOUSING

Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.

#### A. *Minimum Site Areas*

The minimum site area per dwelling unit shall be as described in Table 16.05-13 for all multiple-family dwellings and condominiums as defined in Chapter 16.32 (Glossary).

<b>TABLE 16.05-13: SITE AREA PER DWELLING UNIT</b>		
<b>Unit Type</b>	<b>Minimum Standard</b>	<b>With 20% Density Bonus</b>
Studio	1,100 square feet	884 square feet
One Bedroom	1,550 square feet	1,244 square feet
Two Bedroom	2,000 square feet	1,604 square feet
Three Bedroom	2,425 square feet	1,940 square feet
Four or More Bedrooms	2,750 square feet	2,204 square feet

#### B. *Affordable Housing ~~Density~~ Bonuses (Twenty-Percent)*

1. Affordable Housing: As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. Affordable Housing is housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. Affordable Housing thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.
2. Density Bonus. As shown in Table 16.05-13, the number of permitted dwelling units allowed by the minimum site area requirements may be increased by 20% provided that at least half of these additional units are available at costs acceptable by the State as Affordable Housing. The Affordable Housing units must be similar in the floor area and number of bedrooms to the other additional units and may be provided off-site. Proposals with the following maximum densities are eligible for corresponding density increases:
  - a. For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density;
  - b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density; or
  - c. For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density.

3. Height Bonus.
  - a. For property with existing maximum density of 16 or fewer units per acre, 12 additional feet;
  - b. For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 24 additional feet; or
  - c. For property with existing maximum density of 46 or more units per acre, 36 additional feet.
4. Parking Bonus. 10% reduction of required off-street parking for development in which a minimum 40% of the units are affordable.

**Alternative requirements for discussion**

Parking Bonus. Development proposals where a minimum number of proposed affordable units reflect the percentages in Table XX are eligible for a corresponding reduction in off-street parking.

<i>Minimum % of affordable units</i>	<i>Off-Street Parking Reduction</i>
<u>40% affordable units</u>	<u>10% reduction</u>
<u>75% affordable units</u>	<u>15% reduction</u>
<u>100% affordable units</u>	<u>20% reduction</u>

5. Open Space Bonus. The amount of required open space may be reduced pursuant to Table 16.05-14.

Table 16.05-14 Open Space Bonus

<u>% of affordable units</u>	<u>Minimum Open Space Requirement – Greater than 0.25 miles walking distance from public park</u>	<u>Minimum Open Space Requirement – Less than 0.25 miles walking distance from public park</u>
<u>0-10% affordable units</u>	<u>25% open space minimum</u>	<u>20% open space minimum</u>
<u>10%-25% affordable units</u>	<u>15% open space minimum</u>	<u>10% open space minimum</u>
<u>25%-50% affordable units</u>	<u>10% open space minimum</u>	<u>0% open space minimum</u>
<u>&gt;50% affordable units</u>	<u>0% open space minimum</u>	<u>0% open space minimum</u>



- 6. Lot Coverage Bonus. The lot coverage percentage may be increased pursuant to Table 16.05-15.

Table 16.05-15 Lot Coverage Bonus

<u>% of affordable units</u>	<u>Maximum Coverage</u>
<u>5-10% affordable units</u>	<u>70% max coverage</u>
<u>10%-25% affordable units</u>	<u>80% max coverage</u>
<u>&gt;25% affordable units</u>	<u>90% max coverage</u>

- 7. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
- 8. ~~Site area reduction~~ **Affordable housing** bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above ~~density~~ bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of ~~this zone including setbacks, parking, open space, and so on~~ the underlying zone.

9. Exceptions. The City may reduce proposed increases in density or height as allowed in subsections B.2 and B.3 where necessary to address health, safety or habitability issues, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal provided the City adopts findings supported by substantial evidence demonstrating the necessity of this reduction.

**16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING**

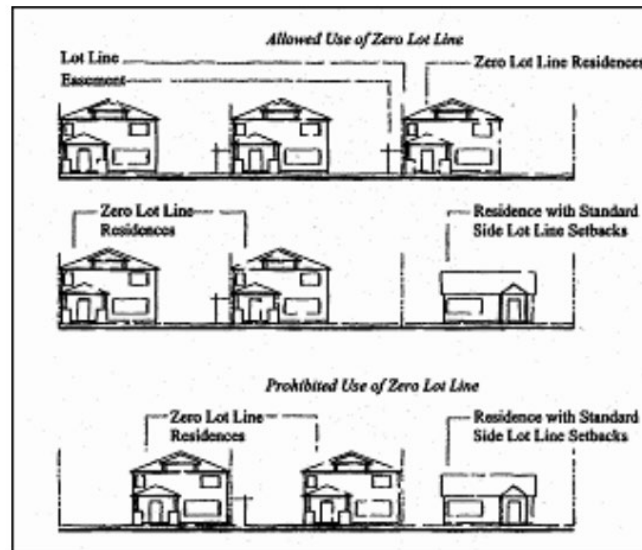
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**E. Common Open Space**

- 1. The minimum required common open space, ~~regardless of any bonuses or reductions~~, is 1,000 square feet inclusive of children’s play areas.

**16.05.180 – ZERO LOT LINE HOUSING**

- A. Introduction. Zero-lot line houses are subject to the same standards as non-attached single-family housing, ~~except that a side yard setback is not required on one side of the lot, as generally shown in Figure 16.05.2. The standards for zero lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. Zero lot line housing also includes attached dwellings. All zero lot line houses shall conform to all of the criteria in the subsections below.~~ provided the requirements of 16.05.180.B and .C are met.

**Figure 16.05-2: Zero-Lot Line Housing Examples**

- ~~B. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Planned Development, or other application, the Site Plan Review may be combined with the other application(s).~~
- ~~C. Setbacks for Primary and Accessory Structures. The allowance of a zero side yard setback is for one single-family dwelling, or attached or stacked duplex, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.~~
- ~~D. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than ten feet wide and shall not preclude the adjoining owner from landscaping the easement area.~~
- B. Any residential dwelling unit or accessory structure may be located on the interior property line where the proposed building does not have openings or windows in the wall facing the adjacent building.**
- C. For interior property lines where no setback is proposed, a maintenance easement must be recorded on the abutting property deed or plat. The width of the easement shall be five feet. This easement is not revocable without City approval through an Administrative Procedure pursuant to Section 16.20.040.**
- D. The interior setback for attached housing units shall be zero where the units adjoin; all other setbacks shall conform to this Code.**

## 16.06.050 RESIDENTIAL USES ALLOWED IN THE MIXED USE ZONES

<b>Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone</b>	
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Mixed Use Zone (Z-MU)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with <u>Class I</u> Impacts:</b>	
Single <b>Family Unit</b> (not attached)	OP
<b>Small Lot Single-unit (not attached)</b>	OP
Accessory Dwelling	OP
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> <li>no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>taller than 25 ft. or larger than 1,000 square feet of building footprint</li> </ul>	OP
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
<b>Manufactured Dwelling</b>	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice	AR
<b>Residential Uses with <u>Class II</u> Impacts:</b>	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster ( <del>2-4 single family dwellings on one lot</del> )	AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	AR
<b>Conversion of existing commercial structure to a residential use</b>	AR

<b>Affordable Housing (as defined in 16.19.120)</b>	<b>AR (subject to 16.19.120)</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>	
State Regulated Special Residential Units	
<ul style="list-style-type: none"> <li>Group Living Homes (5 or fewer)</li> <li>Group Facility (6+)</li> </ul>	AR-OP CU for 6 or more AR
Manufactured <del>Home Dwelling</del> Park	CU-AR
Other Residential uses such as Dormitories, and Houseboats	CU-AR
<p><b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).</p>	

**16.07.050 RESIDENTIAL USES ALLOWED IN THE NEIGHBORHOOD MIXED USE ZONES**

<b>Table 16.07-2: Residential Land Uses Allowed in the Neighborhood Mixed-Use Zone (Z-NMU)</b>	
<b>Land Uses</b> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.) (See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
<b>Residential Uses with Class I Impacts:</b>	
Single <del>Family Unit</del> (not attached)	OP
<b>Small Lot Single-unit (not attached)</b>	OP
Accessory Dwelling	OP
Accessory Structures (with a permitted use) -no taller than 25ft. and no larger than 1,000 square feet of building footprint taller than 25 ft. or larger than 1,000 square feet of building footprint	OP AR
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
<del>Manufactured Dwelling</del>	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice Facilities	AR
<b>Residential Uses with Class II Impacts:</b>	
<ul style="list-style-type: none"> <li>Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,</li> </ul>	AR up to 19 CU for 20 or more

	<b>19 DU or less- Staff Review</b> <b>20 DU or more-</b> <b>Planning Commission</b> <b>Hearing</b>
Cottage Cluster ( <del>2-4 single family dwellings on one lot</del> )	<b>CU-AR</b>
Zero Lot Line Housing (may include one common wall)	<b>AR</b>
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	<b>AR up to 19</b> <b>CU for 20 or more</b> <b>19 DU or less- Staff Review</b> <b>20 DU or more-</b> <b>Planning Commission</b> <b>Hearing</b>
<b>Conversion of existing commercial structure to a residential use</b>	<b>AR</b>
<b>Affordable Housing (as defined in 16.19.120)</b>	<b>AR (subject to 16.19.120)</b>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>MR</b>
<b>Residential Uses with Class III Impacts:</b>	
State Regulated Special Residential Units	<b>AR OP</b>
<ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6+)</li> </ul>	<b>CU AR</b> for 6 or more
Manufactured <del>Home Dwelling</del> Park	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU-AR</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.07-1: Characteristics of Major Land Use Actions Matrix -- Projects in a NMU Zone Requiring a Planned Development Review (Chapter 16.23).	

**16.08.050 RESIDENTIAL USES ALLOWED IN THE COMMERCIAL ZONES**

Table 16.08-2: Residential Land Uses Allowed in Commercial Zones			
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
<b>Residential Uses with <u>Class II</u> Impacts:</b>			

<u>Conversion of existing commercial structure to a residential use</u>	<u>AR</u>
<u>Affordable Housing (as defined in 16.19.120)</u>	<u>AR (subject to 16.19.120)</u>

16.08.080 PUBLIC USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-5: Public (Civic or Institutional) Land Uses Allowed in Commercial Zones			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
Use Categories	Z-NCM	Z-CCM	Z-HCM
<b>Public Uses with <u>Class III</u> Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<u>N-CU</u>	<u>CU</u>	<u>CU</u>

16.10.050 RESIDENTIAL USES ALLOWED IN THE PUBLIC USE ZONE (Z-PU)

<b>Residential Uses with <u>Class II</u> Impacts:</b>	
<u>Affordable Housing (as defined in 16.19.120)</u>	<u>AR (subject to 16.19.120)</u>

16.11.070 FLOOD PLAIN OVERLAY ZONE

Manufactured dwelling: ~~A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".~~ Includes residential trailers, mobile homes, and manufactured homes. (1) Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. (2) Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (3) Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction.

**16.12.020 – MINIMUM STREET FRONTAGE**

[...]

- B. Single-Family and Duplex Residential Lots. For purposes of this subsection, unless otherwise specified, lots and parcels are interchangeable, and either could have a single-family or a duplex on it. This subsection not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines.
1. Single Parcel: A lot must abut a street for a minimum width of fourteen feet including a minimum twelve-foot-wide driveway.
  2. Two Adjacent Parcels: Two adjacent parcels must abut a street for a minimum of twenty-four feet (minimum of twelve feet for each parcel) that may include a shared twelve-foot-wide driveway serving both. Perpetual reciprocal access easements and maintenance agreements for shared driveways are required.
  3. Six parcels ~~and/or six dwelling units~~: Up to a maximum of six parcels ~~and/or dwelling units~~ may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocal access easements and maintenance agreements for all lots proposed to use the driveway are required.
  4. Parcel Not Abutting a Public Right-of-Way: A lot or parcel developed with a single-family dwelling or duplex may be partitioned creating a parcel with access by easement to a public street. A minimum twelve-foot-wide easement, with ready access by emergency vehicles is required per lot or parcel.

**16.12.030 – MOTOR VEHICLE ACCESS MANAGEMENT REQUIREMENTS**

[...]

- Q. Flag Lot Standards.
1. Connections to the State Highway System or City Arterials. Flag lots shall not be permitted when the results would be to increase the number of driveways requiring direct and individual access connections to the state highway system, or city arterial streets.
  2. Planning Objectives and Residential Development. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, infill development, redevelopment, or preserving natural or historic resources.
  3. Conditions of Flag Lot Creation. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole" or "pan handle") may serve no more than two **dwelling units, including accessory dwellings and dwellings on individual lots, unless the fire codes and standards adopted by the city and/or the Lebanon fire district are met for more units. When such standards are met, the maximum number of dwellings shall be four individual lots with a maximum of four dwelling units (maximum two dwelling units per individual lot served by flag lot driveway).** A driveway serving more than one

lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the driveway area. The fire marshal may require an emergency turn-around.

#### 16.14.030 – EARNED PARKING REDUCTIONS

- A.** The amount of vehicle parking may be reduced by one space for every eight bicycle parking spaces **or every four covered bicycle parking spaces**, not to exceed ~~ten~~ **fifteen** percent of required vehicle parking spaces.
- B.** ~~The amount of vehicle parking may be reduced by one space for each four additional covered bicycle parking spaces provided over the minimum requirement, not to exceed ten percent of required vehicle parking spaces.~~
- C.** ~~The above parking reductions may be used on a single development, provided the total reduction does not exceed fifteen percent of required vehicle parking spaces.~~

#### 16.14.070 SPACE REQUIREMENTS FOR OFF-STREET PARKING

##### **A.** *Space Requirements for Off-Street Parking (Table 16.14.070-1)*

Space requirements for off-street parking shall be as listed in this section in **Table 16.14.070-1**.

Use	Vehicle Parking Spaces	Bicycle Parking Spaces
<b>1. Residential</b>		
(a) Single <del>family unit</del> dwellings	2 spaces per dwelling unit	None required
(b) Duplexes	1 space per dwelling	None required
(c) Multiple Family Dwellings	2.25 spaces/unit <sup>1</sup>	0.5 spaces per unit
(d) Senior-Citizen apartments	1 space per bedroom	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.	1 space for every 5 guest rooms, or 4 spaces, whichever is greater.
(f) Manufactured <b>Home Dwelling</b> Park	2 spaces per dwelling, plus 1 visitor space for each 10 dwelling spaces	None required
<b>(e) Small Lot Single-unit dwellings</b>	<b>2 spaces per dwelling unit</b>	<b>None required</b>



<b>(f) Cottage Clusters</b>	<u>Single bedroom or studio: 1 space per dwelling unit</u>	<u>None required</u>
	<u>Two or more bedrooms: 2 spaces per dwelling unit</u>	
<b>(g) Tiny Homes</b>	<u>Tiny home ADU: 0 spaces per dwelling unit</u>	<u>None required</u>
	<u>Tiny homes in a manufactured dwelling park or cottage cluster : 1 space per unit</u>	

**16.15 LANDSCAPING, STREET TREES, FENCES AND WALLS**

[...]

**16.15.020 Landscaping and Screening**

[...]

f. Buffering and Screening Required for Parking Lots and Service Areas

Buffering and screening are required under the following conditions, except for single family dwellings, ~~and~~ duplexes, and cottage clusters:

[...]

**3. Irrigation**

Irrigation is required of all new development, except single family homes, ~~and~~ duplexes, and cottage clusters.

[...]

**E. Landscape Plans**

Except for single family dwelling on a single lot (but not excluding subdivisions), ~~and~~ duplexes, and cottage clusters, landscape plans shall be submitted showing all existing and proposed landscape areas.

**F. Completion of Landscaping**

[...]

2. Except for single family dwelling on a single lot (but not excluding subdivisions), ~~and~~ duplexes, and cottage clusters, a final Certificate of Occupancy shall not be granted until either landscaping is completed or an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property.

**16.19.040 MANUFACTURED SINGLE-UNIT DETACHED DWELLING PLACEMENT STANDARDS**

The following standards apply to the placement of manufactured single-unit detached dwellings on individual lots in residential zones ~~outside of mobile home parks and manufactured home subdivisions, except for those areas (neighborhoods) where they are inconsistent with established, historical or other~~

identifiable architectural residential construction patterns. All manufactured homes on individual lots in residential zones shall:

- ~~A.~~ Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet.
- ~~B.~~ Unless located within a designated flood hazard area, have backfill style foundations or skirting of pressure treated wood, masonry or continuous concrete footing wall construction complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, such that the manufactured home is located not more than 12 inches above original overall lot grade.
- ~~C.~~ Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.
- ~~D.~~ Not have bare metal siding or roofing, the siding shall be painted, and roofing and siding shall be in good serviceable condition without portions missing, damaged, cracked or otherwise defective.
- ~~E.~~ Be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single family dwellings constructed under the state building code.
- ~~F.~~ Have a garage or carport with exterior materials matching the residential unit.
- ~~G.~~ Be subject to all other applicable Zoning Ordinance and Municipal Code requirements that apply to single family dwellings in residential zones.
- A.** All dwellings must be on a foundation that meets the City’s construction code and design requirements or the Oregon Manufactured Dwelling Installation Specialty Code as applicable and that does not exceed 12-inches above the finished grade.
- B.** The primary dwelling must be a minimum of 20 feet in width at its narrowest dimension or include three or more of the design elements listed below (B.1 – B.15).
  1. Minimum 20% window coverage on every side of the building.
  2. Dormer(s) at least three feet wide.
  3. Covered porch entry with a minimum of 40 square foot covered front porch and a minimum five feet deep.
  4. Second story balcony that projects from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
  5. Building face containing two or more off-sets of 16 inches or greater from one exterior wall to the other.
  6. Roof overhang of 16 inches or greater.
  7. Columns, pillars, or posts at least four inches wide and containing base materials for a total width of at least eight inches.
  8. Decorative gables with cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (does not include a garage gable if the garage projects beyond the remaining portion of the primary street facing façade).
  9. Moulding above windows and doors that is at least six inches wide.
  10. Pilasters at least eight inches wide or chimneys.
  11. Shakes, shingles, brick, or stone occupying at least 60 square feet of the street façade.
  12. Bay or bow window(s) that extend a minimum of 12 inches outward from the main wall of a

building and form a bay or alcove in a room within the building.

13. Sidelight and/or transom windows associated with the front door or windows in the front door.

14. Pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

- C. For manufactured dwelling units, the dwelling must be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards specified by state law for single-unit dwellings constructed under the state building code.

### 16.19.120 AFFORDABLE HOUSING ON NON-RESIDENTIAL OR PUBLIC LAND

Senate Bill 8 (2021) requires local governments to allow affordable housing without requiring a zone change or conditional use permit if certain criteria and standards are met. These requirements are implemented by this subsection.

#### A. Applicability.

1. Affordability. The affordability of the units is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years; and either
  - a. Each unit on the property is made available to own or rent to families with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or
  - b. The average cost among all units on the property is made available to families with incomes of 60 percent or less of the area median income.
2. Ownership. The housing will be owned by:
  - a. A public body, as defined in ORS 174.109, which includes state government bodies, local government bodies, and special government bodies; or
  - b. A nonprofit corporation that is organized as a religious corporation.
3. Zoning. The property is zoned to allow the following uses outright:
  - a. Commercial uses, including the Mixed Use Zone (MU), Neighborhood Mixed Use (NMU), Neighborhood Commercial Zone (NCM), the Central Business Commercial Zone (CCM), and the Highway Commercial Zone (HCM).
  - b. Public land, which includes lands in the Public Use Zone (PU).

- B. Standards. Only affordable housing developed pursuant to subsection 16.19.120.A is subject to the following standards.

1. Site Suitability. The site shall be suitable for development of affordable housing. Affordable housing shall not be located on lands where the City determines that:
  - a. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;
  - b. The property contains a slope of 25 percent or greater;
  - c. The property is within the Flood Plain Overlay Zone (FP-OZ);

- d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:
  - i. Natural disasters and hazards (SSD-OZ)
  - ii. Natural resources, including air, water, coastal, land or natural areas, but not including open spaces or historic resources (RIP-OZ)
- e. The property is zoned for industrial use (IND).
- 2. Density and Height in zones that don't allow housing:
  - a. Commercial zones – The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.
  - b. Public Use zone - The maximum density shall be based on the maximum allowable density applicable to the contiguous/adjacent property with a residential zoning designation. If there is more than one contiguous/adjacent residential property, the zoning of the property with the greatest allowable density applies. If the site is not contiguous/adjacent to a residentially zoned site, then the density standards of the RH zone shall apply. The height standard of the base zone shall apply.
- 3. Development and Design Standards.
  - a. Affordable housing projects allowed pursuant to this section are subject to the multifamily development standards of the underlying or adjacent residential zone. If the property does not border a residential zone, or if the underlying or adjacent residential zone does not allow multifamily development, then the affordable housing must follow the multihousehold development standards of the Residential High Density zone (RH).
  - b. Affordable housing projects allowed pursuant to this section are subject to the Open Space and Site Design Requirements for Multi-Family Housing (16.05.170) and are eligible for affordable housing open space bonuses in 16.05.160.

### 16.19.130 EMERGENCY SHELTER CONVERSIONS AND AFFORDABLE HOUSING

- A. Definitions. The definitions of “affordable housing,” “conversion” and “lawful use” applicable to this section are specified below.
  - 1. “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

2. “Conversion” includes an alteration to a building that changes a building’s intended use as a hotel or motel to an emergency shelter and/or changes the number of units but does not expand the building footprint. A conversion under this section is not a land use decision as defined in ORS 197.015.
  3. “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use that was lawful when first enacted.
- B. Applicability Criteria. The proposal is for a conversion which meets one of the following.
1. The proposed conversion is from use as a hotel or motel, to use as an emergency shelter; or,
  2. The proposed conversion is from use as a hotel or motel to use as affordable housing; or
  3. The proposed conversion is from an emergency shelter to use as affordable housing.
- C. Standards.
1. Site Suitability. The conversion of a hotel or motel to an emergency shelter or affordable housing pursuant to this section is not permitted on sites where the City determines that:
    - a. There is inadequate transportation access to commercial and medical services;
    - b. The site is zoned specifically for industrial uses (IND); or
    - c. The site is designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains (16.11.040 and 16.11.070) or mapped environmental health hazards unless the converted use complies with regulations directly related to the disasters or hazards.
  2. Emergency Shelters. Conversion of a hotel or motel to an emergency shelter if no site alterations are proposed is subject only to the following standards:
    - a. Applicable building codes; and
    - b. Occupancy limits.
  3. Affordable Housing. Conversion of a hotel or motel to affordable housing, or conversion of a hotel or motel that was previously converted to an emergency shelter to affordable housing are subject to the following standards:
    - a. Applicable building codes; and
    - b. Occupancy limits.
    - c. Standards applicable to multifamily uses in the High Density Residential Zone (RH).
    - d. Site alteration. Site alterations, including but not limited to alterations to parking areas and landscaping, are subject to the applicable standard in Chapter 16.05.

**16.20.080 EXERCISING A LAND USE APPROVAL**

[...]

**B. Approval of Manufactured Home Dwelling Parks**

The decision shall be considered exercised with the beginning of construction of facilities for servicing the site on which the manufactured homes are to be placed. This shall include, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, or the extension or installation of utilities.

**16.22.030 GENERAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS**

[...]

**A. ~~Lot Size Averaging~~**

~~Single family and duplex residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).~~

**16.30.020 – CONTINUATION OF A NONCONFORMING USE**

- A. Subject to the provisions of this chapter, a nonconforming use of a structure (including fences) or a nonconforming use may be continued and maintained, but shall not be altered or expanded except as provided herein.
- B. The extension of a nonconforming use to a portion of a structure that was approved for such a use at the time of the adoption of this development code is not an expansion of a nonconforming use.
- C. In any ~~industrial or commercial~~ zone, a pre-existing **dwelling use** may be altered or expanded, provided that such alteration or expansion shall not **result in the use deviating further from the applicable standards of this development code.**
- D. In any industrial or commercial zone, a pre-existing dwelling may be altered or expanded provided that such an alteration or expansion shall not** exceed the ~~yard setback~~, lot coverage, and building height requirements of the residential mixed density (RM) zone for the use of the property.
- D.E.** Notwithstanding the provisions of Section **16.30.030**, a nonconforming structure reasonably capable of use only for a nonconforming industrial or commercial use may be re-established, changed, altered, or expanded upon as a conditional use.

**16.30.030 – NONCONFORMING STRUCTURE**

A structure (including fences) conforming as to use but nonconforming as **related to height, setback, lot coverage, or similar any** dimensional standard, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this development code, and provided that such redevelopment meets all other applicable standards.

**16.30.050 – CHANGE OF A NONCONFORMING USE**

If a nonconforming use is changed to a different use, it shall be changed to a use conforming the new proposed use must conform to the regulations of the zone in which it is located.

**16.32.020 MEANING OF SPECIFIC WORDS AND TERMS**

**~~CLUSTER: A grouping of development. Specifically, the locations of structures on a given site in one area leaving the remainder of the land in open space.~~**

[...]

**COTTAGE CLUSTER: A grouping of no fewer than four dwelling units per acre, each with a floor area of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140. Cottage clusters are not the same as multifamily housing.**

[...]

**COTTAGE: A small house or tiny home that may be used as an accessory dwelling, or part of a cottage cluster ~~of similar sized homes~~.**

[...]

**DEVELOPMENT BONUS: The allocation of development rights that allow a parcel to accommodate additional residential units in exchange for a certain percentage of those units as affordable housing. Development bonuses may include but are not limited to bonuses for density, height, open space, or parking.**

[...]

**Family: (1) Two or more persons related by birth, marriage or adoption. (2) Two or more persons related by blood, legal adoption, guardianship or marriage living together; or (3) Except as may be modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of ~~not more than 5 persons~~ people who need not be related (as above) living together in a dwelling unit.**

**DWELLING: Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family household, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code.**

**DWELLING, SINGLE-~~FAMILY UNIT~~ (DETACHED): A detached building, ~~or manufactured dwelling, other than a mobile home or trailer house~~, manufactured home, or prefabricated dwelling designed for and occupied by not more than one family household, that is not attached to any other dwelling and is surrounded by open space and yards, and is the only primary dwelling unit on the Lot or Parcel, ~~or a part of a Cottage Cluster~~. A single-unit dwelling may also be referred to as a single “family” dwelling, home, or house in this Code.**

**DWELLING, SMALL LOT SINGLE-UNIT (DETACHED): A detached building, manufactured home, or prefabricated dwelling located on a single lot or parcel that is no larger than 2,500 square feet and is designed for and occupied by not more than one household, that is not attached to any other dwelling and is surrounded by open space and yards, and is the only primary dwelling unit on the Lot or Parcel.**

[...]

**GROUP LIVING FACILITY: A residential development with no fewer than two attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. A group living facility may also be referred to as “single room occupancies” (SRO).**

[...]

**HOUSEHOLD: All the people who occupy an individual dwelling unit as their place of residence.**

[...]

**MANUFACTURED HOME DWELLING PARK:** A place where four or more manufactured dwellings, **prefabricated dwellings, or tiny homes** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City.

[...]

**PREFABRICATED DWELLING:** A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a ~~mobile home, trailer or recreational vehicle~~ **manufactured dwelling.**

[...]

**TINY HOME:** A detached dwelling that is not more than 400 square feet in size and conforms to the small home construction standards in ORS 455.616. A tiny home may or may not be on wheels. A recreational vehicle (RV) or trailer shall not be considered a tiny home.