

# Sandy Clear and Objective Code Audit

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City Council / Planning Commission  
Joint Worksession

November 6, 2023

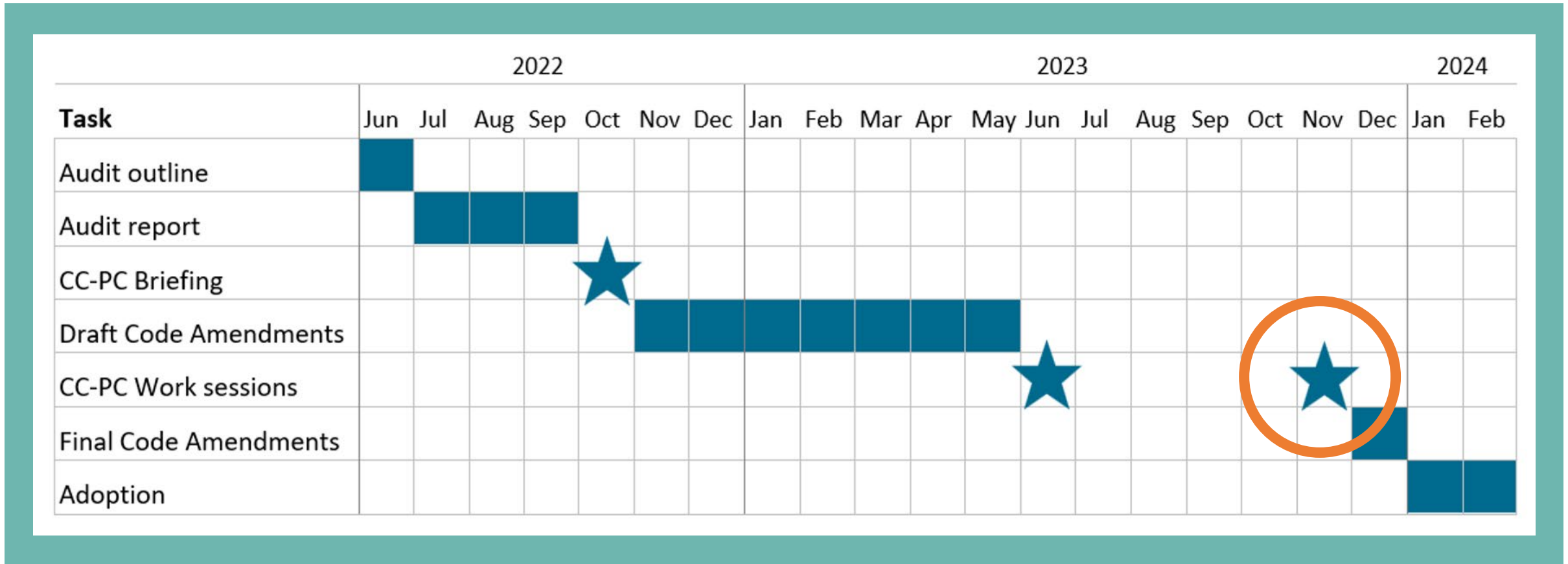


# Purpose of the Joint Worksession



- Recap earlier feedback from City Council and Planning Commission and subsequent updates to draft code
- Review state legislation passed during 2023 session (primarily House Bill 3395)
- Summarize further code updates per legislation
- Next steps

# Schedule Update



# Follow-up from June Worksession

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# Recap and Further Code Updates

	Issue	Team Recommendation	CC/PC Input	Further Proposed Code Updates
1.	City cannot require <b>Conditional Use for multi-family housing</b> in C-1 and C-3 zoning districts	Remove the option for standalone multi-family in C-1 and C-3	Supported recommendation	None
2.	Simplifying applicability of discretionary vs. clear and objective <b>design standards for mixed-use buildings</b> in C-1 and C-3 zoning districts	Further limit residential development so only allowed above the ground floor in C-1 and C-3	Supported recommendation	None
3.	City cannot require <b>Conditional Use for zero lot line dwellings</b> (attached and detached) in SFR zoning district	Remove option for zero lot line dwellings in SFR district	Supported recommendation	None

# Recap and Further Code Updates



	Issue	Team Recommendation	CC/PC Input	Further Proposed Code Updates
4.	Need to <b>define “oriented toward” a transit street</b> in a clear and objective manner	Require building entrances to <u>face the street</u> and be within a certain distance from the street (e.g., 25 feet)	Supported recommendation	Added “25 feet” as maximum setback from transit streets
5.	City cannot limit occupancy for <b>unrelated individuals in a dwelling unit</b> (per HB 2583). Blurs the distinction between “congregate housing” and “dwelling unit”	Define “dwelling unit” to use number of bedrooms as proxy for occupants – max. 8 bedrooms	Supported recommendation. Noted that definitions of “dwelling unit” and “family” circular	Revised definition of “dwelling unit” to address circular reference. Renamed “congregate housing” as “congregate living” to reflect that it’s not a residential use
6.	Type I Adjustments have discretionary criteria, but <b>do not provide notice</b> required by state law	Remove Type I Adjustments, but keep Type II Adjustments (which do provide notice)	Supported recommendation	None

# Recap and Further Code Updates

	Issue	Team Recommendation	CC/PC Input	Further Proposed Code Updates
7.	Senate Bill 8 <b>allows affordable housing</b> on a wide range of sites and provides <b>density and height bonuses</b> in residential zones. Density for non-res zones not specified	Add new SDC Chapter 17.88 Affordable Housing. Specify that height and density standards in R-2 district apply in non-residential zones (max. height 35 feet; max. density 14 units per acre)	Supported recommendation	Minor clarifications to provisions in Ch. 17.88. Incorporated HB 3395 provisions into same section
8.	Staff suggested Tree Removal Permit <b>exception for parks maintenance</b>	Add exceptions for trail installation/maintenance, safety improvements, and general park maintenance	Supported recommendation. Suggested adding “view maintenance” to exceptions	Exception for view maintenance added

# 2023 Legislative Changes

And Proposed Code Updates



## SECTION 2 – Residential Use of Commercial Lands

- Requires local governments to approve certain affordable housing projects on land **zoned for commercial (but not industrial) use**:
  - **Residential structures** in which each unit is affordable to a household earning **60% AMI** or less
  - **Mixed-use structures** with ground floor commercial uses and residential units that are affordable to “moderate income” households earning **80% to 120% AMI**
- The housing is subject to standards in the “residential zone that is most comparable in density to the allowed commercial uses in the subject zone”

- Overlaps with Senate Bill 8
- Key differences:
  - HB 3395 only applies to commercial land on which industrial uses are not allowed (SB 8 has broader applicability)
  - Different affordability requirements for mixed-use residential development
  - SB 8 includes density and height bonuses, whereas HB 3395 does not

## Proposed Code Updates:

- Incorporated the affordable housing provisions into SDC Section 17.88.10:
  - Allow applicants to choose either the HB 3395 or SB 8 path
  - Specify which zones are eligible: C-1, C-2, and C-3
  - Specify which “comparable” residential zone’s standards will apply in each commercial zone
  - Specify that at a minimum a Type II Design Review is required
- Clarified some of the provisions for SB 8 (ORS 197.308):
  - List the eligible zones, similar to the proposed approach for HB 3395
  - Specify that at a minimum a Type II Design Review is required

## SECTION 15 – Subdividing for Development of Affordable Housing

- For subdivisions being developed with affordable housing, requires local governments to **accept award letters from public funding sources as financial assurance** to guarantee water and sanitary sewer installation.
  - City already allows financial guarantee in lieu of installing public improvements prior to final plat approval.
  - HB 3395 allows a public funding award letter as an alternative form of financial guarantee for affordable housing.

### Proposed Code Update:

- Added public funding award letters as one of the acceptable forms of performance guarantee in Section 17.100.340.

## SECTION 17 – Single Room Occupancies (SRO)

- HB 3395 requires local governments to allow “single room occupancies” in residential zoning districts
- SROs are single-room units with shared kitchen or bathroom facilities
- Could look similar to a house with individually rented bedrooms
- Larger SRO developments (>6 units) more akin to a dormitory with shared kitchens and potentially shared bathrooms

### HB 3395 SRO definition:

*A residential development with no fewer than four 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.*

- HB 3395 requires local governments to allow SROs:
  - In single-family zones, with up to six single room units on each lot
  - In multi-family zones, consistent with maximum density requirements
- **Proposed Code Updates:**
  - Added definition of “single room occupancy” to Chapter 17.10
  - SFR and R-1 districts: Allow up to 6 SRO units per lot
  - R-2 district: Allow up to 14 SRO units per acre
  - R-3 district: Allow up to 20 SRO units per acre
  - Design Standards
    - SROs up to 6 units subject to single-family design standards
    - SROs >6 units subject to multi-family design standards

## Policy Question:

- HB 3395 doesn't specify what parking standards should apply to SROs
- **Project team recommends requiring one space per SRO unit. Do you agree with this recommendation?**

## Alternatives:

- Lower ratio consistent with the parking standards for Congregate Living (1 space per each 3 occupants, plus 1 space per 2 employees)
- Higher ratio consistent with multi-family parking standards (1.5 spaces per studio or 1-bedroom unit)

- Updates the definitions of “affordable housing” and “area median income,” as used in SB 8 and HB 3395
- **Proposed Code Updates:**
  - Incorporated the updated definitions into Chapter 17.88 Affordable Housing



# Next Steps

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# Next Steps

- Final code amendments
- Public hearings in January and February (tentative)

