

MEMORANDUM

TO: Sweet Home Planning Commission

FROM: Walt Wendolowski, Principal Planner
MorganCPS Group

SUBJECT: Sweet Home Development Code Project – Draft Revisions
Based on Planning Commission & Staff Review and Housing Audit

DATE: April 13, 2022

This memorandum outlines the latest revisions to the Sweet Home Development Code project. Only those changes that impacted content in some ways are addressed and discussed. Generally, identified changes are made through a combination of underling new material and ~~striking out~~ eliminated language. The changes were tracked by staff and the consultant, and may be found among the “Comment” provisions in each Article.

Subsequent to the last Commission meeting, the City received a Housing Standards Review (Housing Audit) addressing compliance with recent changes to state law regarding housing. The Audit identified a number of areas that need revision, and in most cases, the City has little option but to comply. The following outline will note these changes by identifying the applicable document, specifically: OAR 660-046; Senate Bill 8 (SB8) and Senate Bill 458 (SB458).

Finally, modifications related to minor grammatical matters, such as spacing, capitalization and so forth, or changes specifically direct by the Commission, were not included in the following summary but are included in the revisions. Page numbering will be corrected on the final draft, along with any formatting revisions.

Article I – General Provisions

A. Chapter 17.02 - Purpose and Scope

1. 17.02.110 – This is a new Section noting the City does not discriminate in the administration or enforcement of the code.

B. Chapter 17.04 - Definitions

1. 17.04.020 – Revised definitions:
 - a. Accessory Dwelling – Conforms to DLCD Accessory Dwelling Unit Guidance provisions.
 - b. Antenna, Wireless Communication – Relocated to the correct alphabetic order.

- c. Dwelling, multi-family; dwelling, single family, dwelling single family attached; and, dwelling unit were revised to conform to DLCD model code or provisions in OAR 660-046.
- d. Erect (Sign) – Clarified language.
- e. Family – The Audit suggested removing this definition. It is suggested City Legal Counsel address this matter as it may have legal consequences.
- f. Handoff – New definition related to WTC Facilities.
- g. Nursing Home – Alternative language suggested for the Commission to consider.
- h. Senior Housing – Slight revision to language. Maintaining the age limitation helps with other standards such as parking and building requirements.
- i. Tentative Plan – Clarified specific section in ORS 92.

Article II – Zones and Zoning Regulations

A. Chapter 17.08 - Interpretation of Uses

- 1. 17.08.03 – Prohibited swine due to smells – certainly optional.

B. Chapter 17.10 - R-1 Zone

- 1. 17.10.020 – Duplexes still permitted but are no longer restricted to corner lots (OAR 660-046). Further, the provisions include single family homes converted to duplexes (OAR 660-046).
- 2. 17.10.040 – Kept short-term rentals but the City may wish to have a separate ordinance governing these types of uses. Suggested provisions could include registration of the facilities and paying equivalent of a hotel tax.
- 3. 17.10.050 – Per OAR 660-046, a duplex dwelling counts as one unit toward dwelling density.
- 4. 17.10.060 - Per OAR 660-046, the minimum lot area for a single-family home and duplex must be the same.
- 5. 17.10.070 - Per OAR 660-046, the parking requirements for a single-family home and duplex must be the same. Therefore, a duplex must have at least two parking spaces for the entire structure – not each unit.

C. Chapter 17.12 - R-2 Zone

- 1. 17.12.020 – Duplex dwelling provisions include single family homes converted to duplexes (OAR 660-46)
- 2. 17.12.050 – Density increased to 12 units per acre to reflect reduce lot areas.
- 3. 17.12.060 - Per OAR 660-046 the minimum lot area for a single-family home and duplex must be the same. Per Audit, attached home lot size reduced to

2,000 square feet. This is logical as most of the units will effectively eliminate two yards. With a reduced lot are the lot width was reduced to 25-feet.

4. 17.12.070 - Per OAR 660-046 the parking requirements for a single-family home and duplex must be the same. The Commission may wish to consider whether a garage or carport is necessary.

D. Chapter 17.14 – R-3 Zone

1. 17.14.020 – Duplex dwelling provisions include single family homes converted to duplexes (OAR 660-46).
2. 17.14.050 – Density increased to 12 units per acre (see Chapter 17.12, above).
3. 17.14.060 - Per OAR 660-046 the minimum lot area for a single-family home and duplex must be the same. Per Audit, attached home lot size reduced to 2,000 square feet.
4. 17.14.070 - Per OAR 660-046 the parking requirements for a single-family home and duplex must be the same. Again, the Commission may wish to consider whether a garage or carport is necessary.

E. Chapter 17.16 - MU Zone

1. 17.16.020 – Audit memo incorrectly noted the MU zone did not include dwellings (current language includes single family attached dwellings). Added duplexes as the zone allows multi-family uses. This includes single family homes converted to duplexes (OAR 660-46).
2. 17.16.050 – Density increased to 16 units per acre given the emphasis on higher density structures and smaller lots.
3. 17.16.060 – Clarified minimum area requirements for attached single family, other residential and non-residential uses.

F. Chapter 17.18 – C-1 Zone

1. 17.18.020 – Audit memo suggested first floor residences behind commercial uses. Suggest this not occur due to concerns with access and pedestrian safety.
2. 17.18.030 – Per OAR 660-046, provisions must be made for affordable housing in non-residential zones. This new item is listed as a Special Use and references requirements in Chapter 17.72.

G. Chapter 17.20 – C-2 Zone

1. 17.20.030 – Per OAR 660-046 provisions must be made for affordable housing in non-residential zones. This new item is listed as a Special Use and references requirements in Chapter 17.72.

H. Chapter 17.22 – Industrial Zone

1. 17.22.030 – Per OAR 660-046 provisions must be made for affordable housing in non-residential zones. This new item is listed as a Special Use and references requirements in Chapter 17.72.

I. Chapter 17.24 – PF Zone

1. 17.24.020 – It was suggested municipal services (e.g., water treatment plant) require conditional use approval. This is certainly an option; but note, these usually require a bond measure and it would be awkward if the voters approve a measure to construct a project but the project is denied by the Commission and/or Council.
2. 17.24.030 – Per OAR 660-046 provisions must be made for affordable housing in non-residential zones. This new item is listed as a Special Use and references requirements in Chapter 17.72.
3. 17.24.050 – Clarified the setback requirements in relationship to adjacent uses.

J. Chapter 17.26 – RC Zone Option

1. 17.26.020 – Lot of record provisions apply to single family homes, duplexes and single-family homes converted to duplexes (OAR 660-46).
2. 17.26.050 – Single family homes and duplexes have same standards (item “A.”). As a result, provisions in item “C.” were eliminated. Density increased to 12 units per acre for reasons previously discussed.

K. Chapter 17.26 – MUE Option

1. 17.26.020 – Duplex provisions now include single family homes converted to duplexes (OAR 660-46).
2. 17.26.050 – Single family homes and duplexes have same standards (item “A.”). As a result, provisions in item “C.” were eliminated. Density increased to 12 units per acre for reasons previously discussed.
3. 17.26.060 – Exception to the planned development review requirements now includes a single-family home converted to a duplex.

Article III – Development Requirements

A. Chapter 17.40 – General Provisions

1. 17.40.030 – Utility provisions apply to both single-family homes and duplexes.

B. Chapter 17.42 – Street Standards

1. 17.42.110 – Per OAR 660-046, regulations that apply to single family homes now apply to duplexes. Access easement provisions were modified to conform with this requirement.
2. 17.42.120 – Audit suggested including the access easement in a lot area calculation. Strongly disagree as the easement can significantly reduce usable open space.

C. Chapter 17.44 – Off-Street Parking

1. 17.44.030 – Same driveway requirements now apply to both single-family homes and duplexes.
2. 17.44.060 – OAR 660-046 limits duplexes to two parking spaces total – this is found in the table. Also, the Audit thought it would be difficult to tie multi-family parking into the number of bedrooms. Disagree - this information is available through a building permit or site plan review.
3. 17.44.080 – Tri-plex must now comply with multi-family parking development requirements.

D. Chapter 17.50 - Signs

1. 17.50.050 – Household sign definition modified to conform to OAR 660-046.
2. 17.50.100 – Household sign area requirement is per dwelling unit (OAR 660-046).

E. Chapter 17.58 – Land Divisions

1. 17.58.010 – Audit suggested incorporating provisions for “middle housing” per SB458 (ORS 197.758). These provisions only apply to cities greater than 25,000 in population and therefore do not apply to Sweet Home. For the record, all three residential zones allow single family home, duplexes and cottage cluster developments. Two of the zones (R-2 & R-3) allow attached single-family homes while R-3 zone allows multi-family (R-2 zone requires a CUP). On balance, the City has included many of the provisions identified in SB458 in the proposed revised Code.
2. 17.58.030 – Audit again recommended including access easement in lot calculation. Again, suggest rejecting this recommendation for previously noted reasons.
3. 17.58.040 - The audit recommended “Clear & Objective” standards be applied to traffic circulation requirements. For example: establish specific Level of Service standards. This is something the Commission may wish to consider in the future, but is beyond the scope of the Housing Audit.

F. Chapter 17.60 – Planned Developments

1. 17.60.060 – As per OAR 660-046, each duplex dwelling counts as one unit for the purpose of calculating density.
2. 17.60.080 – Conversion of a single-family home to a duplex does not require a modification to an approved planned development (OAR 660-046).

G. Chapter 17.62 – Cottage Cluster

1. 17.62.030 – See the following:
 - a. Audit suggested setbacks should only apply along the perimeter of the project. That would not be feasible as creating individual lots is an option.
 - b. Audit suggested one space per single family dwelling. Two spaces still seem reasonable for the type of home and is consistent with other provisions in the Code.
 - c. A number of development requirements included the words “may” or “should”. These were changed to “shall” to ensure implementation of the requirements - an applicant can always request a variance.
 - d. Removed redundancy in the utility provisions – stated the number of unit requirements twice.

H. Chapter 17.64 – Manufactured Dwelling Parks

1. 17.64.010 – Dwelling density changed from “gross” to “net” to be consistent with similar requirements found elsewhere in the Code.

I. Chapter 17.66 – Manufactured Homes on Individual Lots

1. 17.66.010 – Audit suggested adding “modular homes” to this Chapter. Note: modular homes are effectively equivalent to a site-built structure (both require building permits and inspections). Regulations in Chapter 17.66 follow state law which were designed to allow a specific type of structure on individual lots. Such provisions are unnecessary for modular homes.

J. Chapter 17.72 – Special Residential Dwellings

1. 17.72.010 – The DLCD ADU guidelines do not recommend additional parking for an ADU. However, maintaining at least two off street spaces for the existing dwelling is certainly appropriate.
2. 17.72.030 – This is a completely new Section required by SB8. Effectively, commercial, industrial and public zoned lands may be used for low-income housing under certain provisions - no zone change is required. Regulations also allow density and height increases but restrict such housing on steep

slopes, flood hazard areas or other hazard areas. This is a major change at the state level to provide low-income housing.

K. Chapter 17.82 – General Standards

1. 17.82.100 – The conversion of a single-family home to a duplex is not considered a modification of a nonconforming structure.

Article IV – Review Procedures

A. Chapter 17.100 - Adjustment

1. 17.100.050 – The Audit suggested allowing adjustments to lot sizes. Given current smaller lot sizes (for SFD and Duplexes) it is recommend leaving this as a variance request.

B. Chapter 17.102 – Site Development Review

1. 17.102.050 – The Audit recommended more “Clear & Objective” standards for site development reviews. For example: establish specific levels of allowable noise or light levels. This is something the Commission may consider but suggest this goes beyond the scope of the Housing Audit.

C. Chapter 17.108 – Nonconforming Uses

1. 17.108.040 – Conversion of a single-family home to a duplex is allowed provided the conversion does not increase the nonconformity of other applicable standards (OAR 660-046).

City staff will proceed with any revisions and preparation of a final document based on the direction of the Planning Commission.