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# Community Development Ordinance (CDO) Update Part I – State Compliance and Housekeeping

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- *State Mandates*
  - Housing (Single Family, Duplex, and ADU)
  - Child Care
- *State Compliance*
  - Text Amendments
  - Notice
  - “Clear and Objective” Language
- *Housekeeping*
  - Increasing Clarity and Fixing Errors



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# Part I

## State Mandates

### Duplexes

### Accessory Dwelling Units (ADUs)

- Our existing code *has been replaced* by the state Model Code for Middle Housing
- The proposed CDO changes meet ORS 197.312 and 197.758 and OAR 660-046-0110(3)
- Standards that are more restrictive for Duplexes than for Single-Family Dwellings are prohibited by state law
- Anywhere a Single-Family Dwelling is permitted, a Duplex is permitted
- In the SF zone, one interior, attached, or detached ADU must be allowed on any lot with a Single-Family Dwelling

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# Part I

## State Mandates

### Child Care

- House Bill 3109, mandating loosened land use restrictions on child care homes and facilities, takes effect on January 1, 2022
- Family Child Care Homes are permitted with review as primary uses in all areas zoned for Residential or Commercial use where single-family dwellings are permitted
- Child Care Centers are permitted with review as primary uses in all Commercial zones and the Light Industrial zone
- Day Care remains a conditional accessory use in the Industrial and Public Facility zones

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# Part I

## State Compliance

### Text Amendments Notice

### “Clear and Objective”

- Measure 56 requires special notice for certain Text Amendments and Zone Changes that affect underlying zones
- Certain portions of CDO notice requirements, such as for comment periods and for land use actions are out of date or internally inconsistent
- All City standards and requirements for housing, including “needed housing,” must be clear and objective per ORS 197.307(4). Needed housing is defined by the State as:
  - Attached and detached single-family housing and multiple family housing for both owner and renter occupancy
  - Government assisted housing
  - Mobile home and manufactured dwelling parks
  - Manufactured homes on individual lots planned and zoned for single-family residential
  - Housing for farmworkers
- Staff findings regarding clear and objective standards cannot be appealed to City officials

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# Part I

## Housekeeping

### Basic Fixes

### Enhanced Clarity

- Correcting inconsistencies, typos, exclusions, and errors as part of the CDO update
- Definitions are being updated to reflect modern standards for building and for clarity
- Missing criteria, appeal, and validity period language is being added
  - Appeals for non-discretionary actions are being made consistent with previous Land Use Board of Appeals (LUBA) rulings

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# Community Development Ordinance (CDO) Update Part II – Parking, Access, and Sign Standards

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- *Parking*
- *Access*
  - Ensuring Street Improvements are Made with New Uses/Construction
  - Role of “Deferred Improvement Agreements”
- *Signs*
  - Changing Language to Match Current Practices
  - Eliminating Banners as Allowable Permanent Signs
  - Clarifying code for Residential Businesses and Home Occupations



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# Part II

## Parking Standards

**Maximum spaces**  
**Minimum Spaces**

- Staff is proposing to increase maximum parking space allowances, if certain conditions are met, as they are currently confusing and restrictive
- Parking maximums are often already restricted by cost and topography
- A minimum parking space reduction of 10%, rounded up, would be allowed for all but parking lots with 1–2 spaces (currently 1–6). No reduction under 2 parking spaces would be allowed so as to accommodate 1 ADA-required space and 1 employee or resident space.

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# Part II

## Access Standards

**Street Improvements**  
**Deferring Improvements**

- Staff is proposing modification of existing street improvement requirements to avoid the creation and persistence of areas with no or minimal street and frontage improvements
- “Local Improvement Contract” language would be removed and replaced with “Non-Remonstrance Agreement” and new “Deferred Improvement Agreement” language

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# Part II

## Access Standards



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## Access Standards

### Why Do This Now?

- State Land Use Goals 12 (Transportation) and 14 (Urbanization) require places within Urban Growth Boundaries (UGBs) to be urbanized, meaning they must be livable, walkable, and densely built
- Densely means “not rural”
- This means all new streets and existing substandard streets adjacent to developing or redeveloping property must be made accessible to car, mass transit, bicycle, and pedestrian traffic, including pedestrians with disabilities

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# Part II

## Signs

### Current Practice

### Banners

### Clarifying Code

- Practice has been for the City to place banner signs across Main Street and on decorative light poles, exempt from code
- Formalizing the above and adding City-placed signs to the exempt signs category
  - Rules for these signs are and will continue to be dictated by Administrative Policy
- Banners are being redefined as temporary signs
- Clarifying dimensional sign requirements for Residential Businesses and Home Occupations
- Adding definitions for modern sign types
- Adding Mixed-Use zone to sign table
- Adding Portable signs to sign table

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# Community Development Ordinance Update Part III – Updates to Uses Permitted by Zone

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- *Updates to Uses Permitted by Zone*
  - Eliminates “Government Offices” from SF and MD zones, “Social Services Offices” from A zones, and “Solar Farms” from GC, LI, I, and PF zones
  - Eliminates single-family and duplex dwellings from Commercial zones.
  - Separates “Medical Office” from “Business Office” as a Use Type
  - Adds “Transitional Housing” and “Community Food Services” as use types within the City
  - Clarifies Definitions



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# Part III

## Zoning Changes

### Why You Received Notice What is Being Restricted?

- You received notice of the proposed CDO changes because Oregon's Measure 56 requires that ALL property owners who might have their land use *restricted* by a zone change or an effective zone change receive notice of that change
- Residential:
  - In the Single Family and Medium Density zones, Government Offices would no longer be permitted
  - In the Single Family and Medium Density zones, Transitional Housing would require additional review before being permitted (i.e., a CUP)

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# Part III

## Zoning Changes

### What is Being Restricted?

- Residential:
  - In the Apartment Residential zone, Social Services Office would no longer be permitted
- General Commercial:
  - Single-Family dwellings would no longer be permitted
  - Duplex dwellings would no longer be permitted
  - Solar Farms would no longer be permitted

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# Part III

## Zoning Changes

### What is Being Restricted?

- Downtown Business:
  - Single-Family dwellings would no longer be permitted
  - Duplex dwellings would no longer be permitted
  - Single- and double-unit Above-Ground Apartments would be unaffected by this change
    - For example, a bakery with a studio apartment above it would be permitted with review

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# Part III

## Zoning Changes

### What is Being Restricted?

- Light Industrial:
  - Medical Office would require additional review before being permitted
  - Solar Farm would no longer be permitted
- Public Facility:
  - Solar Farm would no longer be permitted

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# Part III

## Zoning Changes

### What is Being Restricted?

- Industrial:
  - Medical Office, Government Office, and Social Services Office would only be conditionally allowed as an accessory use OR secondary to an allowed primary use in the zone
  - This change is to prevent Industrial land, which is required as part of State Land Use Goal 9 (Economic Development), from being consumed by Commercial or Public land uses. Most other Commercial uses are already prohibited from the Industrial zone or have similar restrictions
  - Solar Farm would no longer be permitted

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# Part III

## Zoning Changes

### Will This Affect My Property or Property Value?

- For the majority of people, no. Unless you were planning to build a Government Office or to operate a Transitional Housing Business or Social Services Office out of your home or apartment complex, you will be unaffected
- Large-scale Solar Farms are widely considered a non-urban use, and most solar energy systems that would power primary uses on the same lot will be unaffected

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# Part III

## Zoning Changes

### Will This Affect My Property or Property Value?

- Medical Office and Social Services Office are still allowed in the Industrial zone if an Industrial use is also present (such as near the airport), but staff would strongly encourage consideration of the externalities of heavy Industrial uses with regard to those use types

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# **Part III**

## **Zoning Changes**

### **Will This Affect My Property or Property Value?**

- A small number of residences currently exist in the General Commercial and Downtown Business zones. The restriction of single-family and duplex residences from those zones may affect those properties in that, should a disaster destroy more than 80% of a home, it could not then be rebuilt

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# **Part III**

## **Zoning Changes**

**Why is the City restricting homes in the GC and DB zones?**

- The General Commercial and Downtown Business zones are lands reserved for commercial uses, without which our City's economy could not thrive. Allowing the future creation of low-density residential units in those zones would inhibit or prevent small and large, local and national businesses; jobs; and needed dollars from entering our local economy, including what would be necessary to support those homes

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# Part III

## Zoning Changes

**Do I have to tear down my house and replace it with an office building?**

- Absolutely not. Owners of existing single-family and duplex residences in the GC and DB zones could continue to own, rent, or sell as they always have
- Adding additional units, such as converting a single-family residence to a duplex or adding an ADU in those zones, would be restricted except when the total number of units would equal 3 or more (i.e., a triplex or greater)

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# Part III

## Zoning Changes

**Can I convert my home into an office if I choose to sell it or start a business?**

- Yes! In the GC and DB zones, the City does not restrict businesses to or from any one type of building
- It is common for real estate, insurance, and law offices, for example, to operate from former homes in Commercial zones as they are comfortable, appropriately sized, and can be visually and historically appealing

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# Part III

## Zoning Changes

### What Else is Changing?

- Definitions related to Social Services, Government, Medical, Emergency, and Transitional uses are being added or clarified
- Medical Office is being separated from Business Office as a use type
- Transitional Housing is being added as a use type
- Community Food Services is being added as a use type