



City of McMinnville
Planning Department
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www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: September 21, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **G 6-17 Accessory Dwelling Units** – Proposed Text Amendments to the McMinnville Zoning Ordinance (Ord. No. 3380)

Report in Brief:

This is a public hearing to review and consider proposed amendments to the McMinnville Zoning Ordinance (Ordinance 3380), Section 17.12.010(D) - Accessory Dwelling Units (ADUs).

Attachment A to this staff report contains the Decision, Findings of Fact, Comments, Attachments, and Conclusionary Findings.

This legislative amendment was considered in a public work session by the McMinnville Planning Commission on the evening of August 17, 2017. At that meeting, the Planning Commission directed staff to bring this proposed amendment forward as a hearing item for public review, comment and consideration.

Background:

The proposed amendments first started as a recommendation of the McMinnville Affordable Housing Task Force (MAHTF). As part of their efforts to remove barriers for affordable housing in McMinnville, the MAHTF reviewed the McMinnville Zoning Ordinance for affordable housing initiatives and efficiencies. They used the State of Oregon's Affordable Housing Measures checklist as a framework for their discussions. (See Decision Document Attachment 1).

At their January 25, 2017 meeting, the MAHTF started their evaluation of the current McMinnville Zoning Ordinance to identify additional development code efficiency measures as they pertain to affordable housing. The discussion resulted in direction being provided to Planning Department staff to assemble an analysis evaluating comparable cities' development codes as they pertain to barriers and incentives to affordable housing with the goal of identifying potential efficiency measures that could be incorporated into the McMinnville Zoning Ordinance.

The multi-jurisdictional analysis included a review of development codes from the cities of Newberg, Ashland, Bend, Redmond, Corvallis, and Grants Pass.

At the February 22, 2017 MAHTF meeting an analysis of the first set of potential efficiency measures was provided and discussed. Those measures included:

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Attachment A: Decision, Findings of Fact and Conclusionary Findings for Approval of G 6-17

- Accessory Dwelling Units
- Multi-Family Off-Street Parking Requirements
- Under Four Units Off-Street Parking Requirements
- Residential Street Standards
- Minimum Density Standards
- Limitations on Low Density Housing Types
- Amount of High Density Zoning Districts
- Duplexes in Low Density Zones, and
- Attached Units Allowed in Low Density Zones

That analysis showed that McMinnville's efficiency measures are generally better for affordable housing than similar sized cities. However, there are some opportunities for improvements. One of those opportunities would be to consider modifications to McMinnville's current ADU regulations. Staff was asked to bring proposed draft amendments to the Zoning Ordinance governing ADUs to the MAHTF for consideration potentially resulting in a MAHTF recommendation to the Planning Commission for review of those modifications.

On July 26, 2017, the recommended amendments were presented to the McMinnville Affordable Housing Task Force for review, comment, and direction. At that meeting, the Task Force reviewed and discussed the proposed amendments and directed staff to move this recommendation forward for Planning Commission review at the August 17, 2017 work session.

At the August 17, 2017 Planning Commission work session the recommended amendments were presented for review, comment and direction. During that discussion, the Commission was additionally interested in considering the possibility of allowing modular buildings to be used as ADUs as well as limiting the height of ADUs under certain circumstances. Following discussion, the Planning Commission directed staff to bring this proposed amendment forward as a hearing item for public review, comment, and consideration.

Discussion:

Planning Department staff conducted an analysis across six similarly sized Oregon cities regarding opportunities to accommodate Accessory Dwelling Units on otherwise developed residential lots. (See Decision Document Attachment 2). Notable observations resulting from that comparative analysis were that by allowing ADUs as a permitted use on otherwise already developed single-family lots in *all* of its residential zones, McMinnville is more lenient than some jurisdictions which require either conditional use approvals or employ other limitations such as establishing minimum lot sizes in certain zones before ADUs are allowed. Regarding dwelling type, McMinnville is fairly similar to other cities by allowing the ADU to be either attached to or part of the main home or to be designed as a detached dwelling as long as applicable zoning setbacks were met.

Where McMinnville is more restrictive than most other surveyed cities is that the current McMinnville regulations require that an ADU be a minimum of 300 square feet in size while most of the other cities have not established a minimum size requirement for such a dwelling. Additionally, McMinnville's regulations cap the maximum size of an ADU to either 800 square feet or 40% of the size of the main residence, whichever is smaller. While this size/percentage ratio relationship is not unique to McMinnville, those established by other cities commonly allow a maximum of 1,000 square foot or 50% of the main house as a maximum size limitation.

Another notable difference can be experienced as a disincentive, or even a barrier, to affordable housing as it directly impacts the economic viability of constructing the ADU. To point, McMinnville currently requires an ADU to be provided with independent services that include, but are not limited to, water,

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sewer, and electricity. This means that, unlike a residential duplex that shares a common private sanitary sewer line that connects both dwellings to the public right-of-way, an ADU in McMinnville must install a separate sanitary sewer line directly to the public sewer line located in the right-of-way. This results in two sanitary sewer laterals being extended from one lot rather than one shared lateral in the case of a duplex dwelling.

The rationale behind this requirement is to proactively address the potential future partitioning of the residential lot into two lots enabling the sale of each dwelling unit separately. In this instance, the utilities would already be separate making the partitioning effort easier and less costly. However, this requirement does add costs to the project, and the costs are borne by the ADU applicant based upon a potential effort in the future and not in response to that effort. So the question to consider is if this requirement should be modified to allow an ADU to connect to the existing sanitary sewer lateral of the main residence and, in that manner, operate similarly to a duplex. The cost of extending a separate sewer lateral would then only be borne by those choosing to later move forward with a request to partition the units onto their own separate lots.

The City's Engineering Department has been consulted on this matter and is supportive of removing this requirement, noting that the costs for separation will need to be incurred at the time of a partition. While this is accurate, there are only a minor number of such properties that would, or could, actually partition the dwelling units on to their own lots while meeting all of the necessary remaining planning requirements relative to lot size, setbacks, etc. So, on balance, most ADU owners would experience a development savings over this life of the ADU as they are likely to remain on the same parcel. The Engineering Department concurs with this observation.

A third efficiency that could be provided would be to remove the current local zoning requirement that the property owner must reside on site within the primary dwelling unit. While this requirement was most likely adopted for reasons related to neighborhood social stability, the question of who lives in any given residential unit has no actual land use impact as they would yet remain two dwelling units regardless of who lives in each dwelling. There was some discussion of this by the MAHTF but no clear direction provided. That said, staff is supportive of this amendment and is comfortable bringing it forward as a proposed amendment for consideration.

Work Session Summary:

During the Planning Commission work session held on August 17th, the Commission discussed the possibility of allowing modular buildings to be used as ADUs as well as potentially limiting the height of ADUs under certain circumstances.

An email was submitted by Patty O'Leary on August 17, 2017 (See Decision Document Attachment 3), raising two questions: 1) could "prefab houses" (modular homes) be allowed as ADUs; and 2) could an existing smaller home be considered as the ADU if a larger home was constructed on the site and considered the main dwelling?

Modular Homes –

The Commission discussed the idea of allowing modular homes as ADUs and asked staff to bring back information relative to the differences between these two types of dwelling units. Staff inquired of the McMinnville Building Official as to the difference between a manufactured home (currently prohibited for use as an ADU) and a modular home. The Building Official's response is provided (See Decision Document Attachment 4) and, in sum, clarifies that manufactured and modular homes are both constructed at a State of Oregon licensed manufacturing plant and each receive a different insignia upon completion. The main construction difference between the types of units is that manufactured homes are supported on rails placed on pads and secured are with anchors while modular homes transfer building loads to the exterior walls and are placed on permanent foundations. Modular homes are seen by lenders

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as a single-family dwelling while manufactured homes are recognized by lenders as real property (like an automobile) even if placed on a permanent foundation because of the insignia required by the State of Oregon. All other design differences between these types of units are individual design and customer preference based.

ADU and main dwelling designations –

Currently the construction of an ADU is limited in size not to approximate the size of the existing main dwelling unit. In the case of a small existing residence, this regulation could hamper the desired size of an ADU. The Commission discussed this situation and the idea of allowing the designation of these units to flip. In that instance, the small existing residence would become the ADU upon completion of the construction of a larger, new main dwelling unit. The size relationship between the two dwelling units would need to comply with current ADU regulations in place at that time.

Other direction-

The Planning Commission also discussed the possibility of limiting the height of a detached ADU such that it would not exceed the height of the main residence. This idea is based on an interest in ensuring design compatibility between residential structures on adjacent lots and within the surrounding neighborhood. In discussion, it was recognized that the only instances where this would come into play would be: 1) construction of a stand-alone detached ADU; and, 2) construction of an ADU above a detached structure (garage, for example). In the instance where the main residence is single story in design, this requirement would eliminate the possibility of constructing an ADU above a detached garage. If the main residence was two-story in design, the peak of the ADU would be required to be no higher than that of the two-story residence.

In researching detached ADU height regulations in the six Oregon cities previously reviewed for this project, staff finds that only the City of Bend places a limitation on detached ADU building height as shown in the table below. This analysis is provided only as a comparison of how other communities similar to McMinnville address this concern discussed by the Commission.

| COMPARATIVE DETACHED ADU BUILDING HEIGHTS | | | | | | | |
|---|-------------|---------|---|---------|---------|-----------|-------------|
| Detached ADU Height in Low and Medium Density Residential Zones | McMinnville | Newberg | Bend | Ashland | Redmond | Corvallis | Grants Pass |
| | 35 Feet | 30 Feet | 25 Feet if Primary Dwelling is 25 Feet or taller | 35 Feet | 35 Feet | 30 Feet | 35 Feet |
| | | | Height of Primary Dwelling if Primary Dwelling is less than 25 Feet | | | | |

Additional Agency Comment:

Additional comment was received from the Oregon Department of Land Conservation and Development (DLCD) on September 8, 2017 (See Decision Document Attachment 5). In sum, DLCD makes two recommendations: 1) Remove the on-site parking requirement for ADUs; and, 2) State that legally non-conforming structures are eligible to be converted to ADUs.

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While DLCDC has recently encouraged and recommended the reduction or removal of parking requirements for various land uses, the Planning Department would discourage this amendment as it would apply to ADUs. In recent years, much citizen testimony has been received at public hearings concerning the sufficiency of currently required on-site residential parking. As the Commission may recall, this was one of the more prominent concerns raised by citizens regarding the Baker Creek Development zone change and subdivision proposal reviewed last winter. Allowing the creation of an additional dwelling unit without requiring the provision of at least one parking stall to serve the new resident(s) needs would further place additional pressure for that parking need to be met on the public right-of-way.

Regarding a declaration that legal non-conforming structures be eligible to be converted to ADUs, this ability is already allowed and generally addressed in Chapter 17.63 (Nonconforming Uses) of the McMinnville zoning ordinance. Specifically, 17.63.030 (Structures – Alteration or extension) states:

“Structures conforming as to use but nonconforming as to height, yard requirements, setback, lot size, or density may be altered or extended, provided the alteration or extension does not result in a violation of this title, except as provided below:

- A. Dwellings may be altered or extended subject to the provision of Section 17.54.050 [Yards]
- B. Dwellings located in residential zones may be altered or extended so long as the alteration or extension does not result in a violation of this title or so long as the alteration or extension is confined within the existing building lines.

Since ADUs are currently allowed on all legally platted residential parcels and lots in McMinnville, the Planning Department would rely on Section 17.63.030, above, to allow the conversion of a legally non-conforming structure to an ADU. However, to make this explicitly clear, staff would suggest that the following be considered as an addition to the ADU standards:

- 9. That legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).

This suggested standard is included in the recommendations below for your consideration.

Recommended Amendments:

The amendments being proposed are as follows. As the requirements for ADU’s are found in the R-1 (Single-Family Residential) chapter of the zoning ordinance (Chapter 17.12) and referenced by the other residential zones, the proposed amendments are specific to Chapter 17.12. Text to be deleted is identified with a ~~bold strikeout~~ font and text to be added is identified with a **bold underlined** font.

McMinnville Zoning Ordinance (Ordinance 3380)

“Chapter 17.12.010 (Permitted Uses) – (D) Accessory dwelling unit (ADU) subject to the following standards.”

- 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story; ~~or~~
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; ~~or~~
 - d. **Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.**

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2. The square footage of the accessory dwelling shall not exceed **4050** percent of the primary dwelling exclusive of the garage, or **8001,000** square feet, whichever is less. **The minimum area shall be as determined by the State of Oregon Building Codes Division.—The minimum area shall not be less than 300 square feet.**
3. **The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.**
4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. **The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.**
5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, **including roof pitch, eaves, window fenestration patterns, etc.**
6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
- ~~6. **The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.**~~
- ~~7. **The property owner shall reside on site within the primary dwelling unit.**~~
- 7.** Not more than one accessory dwelling unit shall be allowed per lot or parcel.
8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, **not to include modular structures,** shall not be used as an accessory dwelling unit.
- 10. ADUs are exempt from the residential density standards of this code.**
- 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.**
- 12. That legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).**

Fiscal Impact:

None to Municipality
Reduced private utility construction cost

Commission Options:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the proposed Zoning Ordinance text amendments to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

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Suggested Recommendation:

The Planning Department recommends that the Planning Commission make the following motion recommending approval of G 6-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 6-17.

RP:sjs



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.12.010(D) (ACCESSORY DWELLING UNITS)

DOCKET: G 6-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: September 21, 2017. Meeting held at 6:30 p.m. at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

DECISION MAKING BODY: McMinnville City Council

DATE & TIME: October 10, 2017. Meeting held at 7:00 p.m. at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.

Attachments:

Attachment 1: Affordable Housing Measures

Attachment 2: Accessory Dwelling Units Comparable Matrix

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Attachment 4: Email received from the McMinnville Building Official on August 24, 2017

Attachment 5: Email received from DLCD Regional Representative Angela Carnahan on September 8, 2017

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 6-17) to the McMinnville City Council.

//
DECISION: APPROVAL
//

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

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Application Summary:

The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.

The McMinnville Affordable Housing Task Force (MAHTF) reviewed the proposed amendments to Chapter 17.12 at a meeting on January 25, 2017, provided feedback and forwarded a recommendation for adoption to the Planning Commission. At the August 17, 2017 Planning Commission work session, the Commission reviewed the recommended amendments and indicated additional interest in the possibility of additionally allowing modular buildings to be used as ADUs as well as limiting the height of ADUs under certain circumstances. Following discussion, the Planning Commission directed staff to bring the proposed amendments, and information and recommendations relative to the new items, forward as a hearing item for public review, comment and consideration.

Proposed Amendments:

The amendments being proposed are as follows. As the requirements for ADU's are found in the R-1 (Single-Family Residential) chapter of the zoning ordinance (Chapter 17.12) and referenced by the other residential zones, the proposed amendments are specific to Chapter 17.12. Text to be deleted is identified with a ~~bold strikeout~~ font and text to be added is identified with a **bold underlined** font.

McMinnville Zoning Ordinance (Ordinance 3380)

“Chapter 17.12.010 (Permitted Uses) – (D) Accessory dwelling unit (ADU) subject to the following standards.”

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 - b. Adding floor area to the primary dwelling, including a second story; ~~or~~
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - d. **Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.**
2. The square footage of the accessory dwelling shall not exceed **4050** percent of the primary dwelling exclusive of the garage, or ~~8001,000~~ square feet, whichever is less. **The minimum area shall be as determined by the State of Oregon Building Codes Division. The minimum area shall not be less than 300 square feet.**
3. **The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.**
4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. **The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.**
5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, **including roof pitch, eaves, window fenestration patterns, etc.**

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- 6. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
- ~~6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.~~
- ~~7. The property owner shall reside on site within the primary dwelling unit.~~
- 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
- 8. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- 9. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, **not to include modular structures**, shall not be used as an accessory dwelling unit.
- 10. ADUs are exempt from the residential density standards of this code.**
- 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.**
- 12. That legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).**

CONDITIONS OF APPROVAL

None.

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COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.

FINDINGS OF FACT

- 1. The City of McMinnville is proposing to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.
- 2. The McMinnville Affordable Housing Task Force (MAHTF) reviewed the proposed amendments to Chapter 17.12 at a meeting on January 25, 2017, provided feedback and

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forwarded a recommendation for adoption to the Planning Commission. At the August 17, 2017 Planning Commission work session, the Commission reviewed the recommended amendments and indicated additional interest in the possibility of additionally allowing modular buildings to be used as ADUs as well as limiting the height of ADUs under certain circumstances. Following discussion, the Planning Commission directed staff to bring the proposed amendments, and information and recommendations relative to the new items, forward as a hearing item for public review, comment and consideration.

3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas; and the Oregon Department of Land Conservation and Development. Their comments are provided in this exhibit. No comments in opposition have been provided.
4. Public notification of the public hearing held by the Planning Commission was published in the September 12, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that approval of the proposed legislative amendments to ADU standards will promote additional flexibility in the provision and design of accessory dwelling units and reduce the cost of connecting ADUs to the public sanitary sewer system

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

Finding: Goal V 2 and Policy 70.00 are met by this proposal in that the proposed legislative

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amendments to ADU standards will help to encourage innovative approaches to residential development and encourage a more land intensive residential development pattern. In addition, updating the zoning ordinance to allow an increasing variety of housing types at various densities is encouraged by the McMinnville Comprehensive Plan.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply will be required in order to adequately serve each ADU. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of ADUs within the McMinnville city limits. Required street improvements shall be required at the time of development as may be necessary.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Goal VI 1 and Policies 126.00 and 127.00 are satisfied by this proposal in that the addition of off-street parking sufficient to support an ADU is currently required by Section 17.12.010(D)(5) of the McMinnville Zoning Ordinance.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

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Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:

- 1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and

Attachments:

Attachment 1: Affordable Housing Measures

Attachment 2: Accessory Dwelling Units Comparable Matrix

Attachment 3: Email received from Patty O'Leary on August 17, 2017

Attachment 4: Email received from the McMinnville Building Official on August 24, 2017

Attachment 5: Email received from DLCD Regional Representative Angela Carnahan on September 8, 2017

151.00 are satisfied by the request as ADUs can only be established where single-family residences currently exist demonstrating adequate provision of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities. Adequate service levels will continue to be assessed by the appropriate service providers at the time an ADU is proposed. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of ADUs within the city. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this legislative amendment request and no concerns were raised.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal to modify language relative to ADUs and no concerns were raised.

Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: Policy 178.00 is satisfied in that the proposed legislative amendments to the zoning ordinance would allow a greater opportunity for establishment of an additional dwelling unit on some already developed single-family residential lots thereby conserving energy and development cost while encouraging a more compact form of residential development.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for

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review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

5. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

General Provisions:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs

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Measures to Encourage Affordable and Needed Housing (within existing UGB) - HB 4079 Pilot Program

Affordable Housing Measures (23 total points) OAR 660-039-0060(3)(a)

Density Bonus (max 3 points)

- 3 points – Density bonus of at least 20%, no additional design review
- 1 point – Density bonus with additional design review

Systems Development Charges (max 3 points)

- 3 points – At least 75% reduction on SDCs
- 1 point – Defer SDCs to date of occupancy

Property Tax Exemptions

- 3 points – Property tax exemption for low income housing
- 3 points – Property tax exemption for non-profit corp. low income housing
- 3 points – Property tax exemption for multi-unit housing

Other Property Tax Exemptions/Freeze

- 1 point – Property tax exemption for housing in distressed areas
- 1 point – Property tax freezes for rehabilitated housing

Inclusionary Zoning

- 3 points – Imposes inclusionary zoning

Construction Excise Tax

- 3 points – Adopted construction excise tax

Cities must have adopted measures totaling at least 3 points of affordable housing measures

- and -

at least 12 points overall

cities may apply for up to 6 points of credit for alternative measures

Needed Housing Measures (30 total points) OAR 660-039-0060(3)(b)

Accessory Dwelling Units (max 3 points)

- 3 points – ADUs allowed in any zone without many constraints
- 1 point – ADUs with more constraints

Minimum Density Standard (max 3 points)

- 3 points – Minimum density standard at least 70% of maximum
- 1 point – Minimum density standard at least 50% of maximum

Limitations on Low Density Housing Types

- 3 points – No more than 25% of residences in medium density to be detached
- 1 point – No detached residences in high density zones
- 1 point – Maximum lots for detached homes medium/high zones $\leq 5,000$ sq ft

Multifamily Off-street Parking Requirements (max 3 points)

- 3 points – ≤ 1 parking space/unit for multi-unit dwelling and ≤ 0.75 spaces/unit for units within one-quarter mile of high frequency transit
- 1 point – ≤ 1 parking space/unit in multi-unit dwellings

Under Four Unit Off-street Parking Requirements

- 1 point – ≤ 1 space/unit required for detached, attached, duplex, triplexes

Amount of High Density Zoning Districts (max 3 points)

- 3 points – At least 15% of all residential land is zoned for high density
- 1 point – At least 8% of all residential land is zoned for high density

Duplexes in Low Density Zones (max 3 points)

- 3 points – Duplexes are allowed in low density zones
- 1 point – Duplexes are allowed on corner lots in low density zones

Attached Units Allowed in Low Density Zones

- 1 point – Attached residential units allowed in low density zones

Residential Street Standards

- 3 points – Allowed minimum local residential street width 28 feet or less

Mixed-Use Housing

- 3 points – At least 50% of commercial zoned land allows residential

Low Density Residential Flexible Lot Sizes

- 1 point – Minimum lot size in low density zones is 25%+ less than the minimum lot size corresponding to maximum density

Cottage housing

- 1 point – Allows cottage housing

Vertical housing

- 1 point – Allows vertical housing

| Topic | McMinnville | Newberg ¹ | Bend ² | Ashland ³ | Redmond ⁴ | Corvallis ⁵ | Grants Pass ⁶ |
|--|---|--|--|--|---|--|--|
| ADU | | | | | | | |
| Type Allowed | - Conversion of attic, basement, or garage - Adding floor area to primary dwelling - Detached ADU | - Attached or detached - Addition to primary dwelling | - Attached or detached - Conversion of portion of primary dwelling | - Attached or detached | - Attached or detached | - Attached or detached - Conversion of garage | - Attached or detached - Conversion of attached or detached (garage or shed) space - Addition to primary dwelling |
| Zoning Districts Allowed | - All Residential districts as permitted use - Only allowed on lots w/ a detached single family dwelling | - R-1 as conditional use - R-2 & R-3 as permitted use | - All Residential districts as permitted use - Only allowed on lots w/ single family detached or attached dwelling unit | - Permitted w/ special use standards in all residential districts - Allowed on lots w/ single family residential dwelling as primary use | - Allowed in all residential zones - Permitted in R-4 & R-5 - Conditional use in R-1, R-2, R-3 & R-3A | - Allowed in all residential zones, but must meet minimum lot sizes: - RS-1: 8,000 sf - RS-3.5/RS-5: 6,000 sf - RS-6/RS-9/RS-12/RS-20: 3,500 sf for detached 2,500 sf for attached | - Only allowed on lots w/ single family detached dwelling unit |
| Size Limitations | - Max ADU Size: 40% of the primary dwelling square footage or 800 square feet, whichever is less - Min. ADU Size: 300 square feet | - Max ADU size: 50% of the primary dwelling, up to 1,000 square feet | - Lot 6,000 sf or less: max. ADU size of 600 sf - Lot greater than 6,000 sf: max ADU size of 800 sf | - R-1 Zone: Max ADU size of 50% of the primary dwelling, up to 1,000 sf - R-2/R-3 Zone: Max ADU size of 50% of the primary dwelling, up to 500 sf | - Max detached ADU size: 50% of the primary dwelling, up to 800 sf - Above garage ADU: may not exceed garage footprint | - Max ADU size: 40% of the primary dwelling up to 900 sf | - Max ADU size: 1,000 sf - Height max of 18 feet - ADU footprint shall not be larger than footprint of primary dwelling |
| Setback/Development Standards | - Follows underlying zoning district standards | - Follows underlying zoning district standards | - Exempt from max FAR if certain size | - Follows underlying zoning district standards - Exempt from density and min. lot area requirements | - Follows underlying zoning district standards | - Follows underlying zoning district standards - Entry & walkway must be 5' from side yard lot line | - Exempt from density requirements |
| Material Requirements/Design Standards | - Siding, roofing, materials, and color shall coincide w/ primary dwelling - Definition of ADU states that ADU will “generally” have its own outside entrance, but not specifically required | - Entry may not be located on front façade of primary dwelling - 2 nd story windows 10' or less from property line must be privacy glass | - Max height of 25' or height of primary dwelling - 2 nd story doorways, outdoor living areas, and staircases setback of 10' | - Independent entry - Certain design standards apply in neighborhoods w/ adopted small area plans: visual buffers, second floor detailing or step-back design | - Independent entry - If entry is accessed by stairs, a covered porch is required | - Architecturally integrated (roof, exterior materials, windows, color) w/ primary dwelling unit - 2 nd story windows opaque - Balconies only allowed to face nearest side yard | - Entry located in side/rear - Compatible w/ primary dwelling (roof, exterior materials, windows, eaves) - New detached ADUs must be located at least 6 feet behind the primary dwelling |

¹ Newberg Development Code 15.440.030

² Bend Development Code Table 2.1.200, 2.1.400, 2.1.600 (B)(2), 3.3.300, 3.6.200 (B)

³ Ashland Development Code Table 18.2.3.040, 18.4.3.040, 18.6.1

⁴ Redmond Development Regulations 8.0135, 8.0325, 8.0500

⁵ Corvallis Land Development Code 4.1.30, 4.9.40. Corvallis allows ministerial and general development options for ADUs, which have different requirements. Ministerial is a staff level review w/ no public hearing or notification. Ministerial requirements listed above. General development option requires property owner notification, but allows for no minimum lot size in low density residential zones, no setbacks for entrance doors/walkways, less restriction on architectural integration w/ primary dwelling.

⁶ Grants Pass Development Code 22.720, 25.042

| | | | | | | | |
|------------------------------|---|--|---|---|---|--|---|
| Parking Requirement | - 1 space for the ADU | - 1 space for the ADU | - 1 space for the ADU | - Studio or 1 BR < 500 sf: 1 space/unit - 1 BR > 500 sf: 1.5 spaces/unit - 2 BR: 1.75 spaces/unit - 3 BR+: 2 spaces/unit | - 1 space for the ADU | - If parking requirement for primary dwelling is met, no additional off-street parking required - If ADU parking provided, cannot be in front/side yard | - 1 space for the ADU |
| Utilities | - Must have independent water, sewer, and electricity services | - Utilities can be shared with primary dwelling | - Utilities can be shared with primary dwelling | - No specific requirement that utilities be separate from primary dwelling | - Utilities can be shared with primary dwelling | - No specific requirement that utilities be separate from primary dwelling | - Utilities can be shared with primary dwelling |
| Number/Density | - 1 ADU allowed per lot | N/A | - 1 ADU allowed per lot | - 1 ADU allowed per lot | N/A | - 1 ADU allowed per lot | - 1 ADU allowed per lot |
| Facilities | - ADU must include kitchen, bathroom, living, and sleeping area that are completely independent from primary dwelling | - ADU must have one or more rooms, bathroom, and kitchen | N/A | - ADU must have independent, permanent provisions for living, sleeping, eating, cooking, and sanitation | - Kitchen w/ oven, stove w/ 2 burners, sink, refrigerator w/ 6 cubic feet capacity, & freezer - Bathroom w/ sink, toilet, & shower | N/A | N/A |
| Ownership | - Property owner must reside in primary dwelling | N/A | N/A | N/A | - Property owner must reside in either primary dwelling or ADU | - Property owner must reside in either primary dwelling or ADU - Deed restriction required | - Ownership of ADU shall not be subdivided or separated from ownership of primary residence |
| RV/Trailer/Manufactured Home | - Not allowed as an ADU | N/A | N/A | N/A | N/A | N/A | N/A |

Ron Pomeroy

From: P O'Leary [poleary847@aol.com]
Sent: August 17, 2017 4:05 PM
To: Ron Pomeroy; Heather Richards
Subject: G 6-17 ADU working meeting

I know it's just at the working stage but I hope these two items might be considered at the working meeting tonight.

1. Elimination of all manufactured housing as ADUs doesn't make sense to me. I understand that trailers and traditional moveable manufactured homes are to be avoided, but the description (towable or [off-site] manufactured structures) eliminates prefab houses as well. Prefabs can be an excellent cost-effective and time-sensitive way to build and they have won numerous international design awards. A quick glance through Dwell website or magazine can give you a feel of the high quality of this kind of construction.

2. The 50% or 1,000sf, whichever is less, requirement knocks out several potential infill lots that have existing small homes on them. If those houses had the option to become the ADU rather than remaining the primary dwelling, more options would be available. There are a couple of smaller houses on Second between Newby School and Cypress St. that are representative.

Patty O'Leary

Ron Pomeroy

From: Robert Poskin
Sent: August 24, 2017 8:58 AM
To: Ron Pomeroy
Subject: FW: Differences between a Mfg Home and Modular Home

From: Robert Poskin
Sent: Wednesday, August 23, 2017 03:15 PM
To: 'Robert'
Subject: Differences between a Mfg Home and Modular Home

A manufactured home is constructed at a State of Oregon Licensed manufacturing plant, and upon approval the unit meets State Guide Lines for a Mfg. Home, a Mfg Home Insignia is applied. A Mfg Home is then installed on a lot or park using the Mfg Home regulations and is supported on rails under placed pads and anchors. Depending on the size (double wide) (triple wide etc) the marriage lines are then bolted together. Lenders do not recognize these units a single family dwellings even if a permanent foundation is used, because of the insignia.

A modular Home undertakes construction as above, however loads on the unit are based exterior walls and a permanent foundation, and the insignia indicates the unit is modular. Lenders do recognize these units as a single family dwelling.

Poskin

Ron Pomeroy

From: Heather Richards
Sent: September 08, 2017 5:24 PM
To: Ron Pomeroy
Subject: Fwd: McMinnville ADU Recommendations - Local File No G 6-17

Heather Richards
Sent from my Iphone

Begin forwarded message:

From: "Carnahan, Angela" <angela.carnahan@state.or.us>
Date: September 8, 2017 at 5:02:42 PM PDT
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Cc: "Howard, Gordon" <gordon.howard@state.or.us>
Subject: McMinnville ADU Recommendations - Local File No G 6-17

Hi Heather,

We have some recommendations for you to consider as the city reviews draft amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to Accessory Dwelling Units (ADUs). Please enter this email in the record for proceedings on this matter.

Our understanding is that this review was to identify additional measures as they pertain to affordable housing, in that spirit we have found a few items that speak directly to making ADU's affordable and offer the following:

- Remove the requirement for off-street parking, this is a barrier to affordable housing and is, in some cases, physically impossible to provide, especially for properties in older neighborhoods. If the City is not ready to remove this requirement, they could allow it to be met by on-street parking if it's available adjacent to the property, or is available within a certain distance of the property.
- Explicitly state that legal non-conforming structures (e.g., those that don't meet current setback or height requirements) are eligible to be converted to ADUs. This is to be clear that any structure that is already built has the potential to be converted to an ADU.

Please let me know if you have any questions.

Best,

Angela Carnahan | Mid-Willamette Valley Regional Representative
Community Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540