CALL TO ORDER

Mayor Jeff Gowing called the virtual meeting to order at 6:00 pm in the Council Chambers at City Hall.

ROLL CALL

City Recorder Trudy Borrevik called the roll. The following were

PRESENT IN THE COUNCIL CHAMBERS: Mayor Jeff Gowing and Councilor Kenneth Michael Roberts

PRESENT VIA GOTOMEETING: Councilors Greg Ervin, Candace Solesbee, Jon Stinnett

JAKE BOONE and Mike Fleck

COUNCIL ABSENT:

STAFF PRESENT IN THE COUNCIL CHAMBERS: City Recorder Trudy Borrevik and Police Chief Scott Shepherd

STAFF PRESENT VIA GOTOMEETING City Manager Richard Meyers, Public Works & Development Director Faye Stewart, City Planner Amanda Ferguson and Assistant City Planner Eric Mongan

CITY ATTORNEY:

MEDIA PRESENT: Damien Sherwood, The Sentinel (Virtual)

City Planner Amanda Ferguson said the purpose of the Work Session was to overview the Housing Code Amendments Ordinance that was on the Council meeting agenda tonight. She provided a PowerPoint presentation which is attached as Exhibit “A” which she talked about. She said there were five different sections of the Code that staff felt needed to be amended to bring the City into compliance and went over each section and the proposed changes.

Section 5: Section 14.22.150 - Residential Districts - Housing Density

Section 6: 14.22.200 - Residential Districts – Special Use Standards

1 – Council Work Session Minutes, 1/25/2021
Councilor Ervin asked about the wording "separate cottage" under the definition of an accessory dwelling and asked if it had a definition that was going away.

Amanda said in the particular case it would imply it was a detached structure. She said it could be changed to say attached, detached or above garage. She thought it was directly from the language for SB 1051 which defined accessory dwelling.

Faye said in the current Code there was a definition of a cottage, a small house generally not containing more than 1200 square feet of floor area that may be used as an accessory dwelling.

Richard said the definition "cottage" was being removed in the Ordinance in Section 4.

Amanda explained that cottage cluster was now defined by HB 2001 specifically as a 900 square foot footprint versus the 1200 square feet. She said they were in conflict which was why the definition was being deleted.

Richard suggested saying attached, detached or separate structure or above a detached garage.

Amanda said the term separate cottage could be replaced with detached.

Section 7: 14.22.200(C) - Cottage Cluster Housing

Amanda said the recommendation was to replace the chart with one parking space per cottage.

Councilor Ervin asked what a three or two dwelling unit, not a cluster, would be classified as.

Amanda said the Code didn’t allow for three detached dwelling units on a property. She said it would allow a single family home and an ADU or townhouses attached by shared walls, however there was no way in the current Code to have three detached dwelling units on a property.

Councilor Ervin asked what the reason was for that.

Amanda said it was in the larger cities model Code and if the City had a population of over 25,000, the new OAR would change the definitions of duplex and triplex. She didn’t feel the City was prepared to change duplexes to being two detached units on a property or a triplex into three detached units.

Richard asked how it would change the Cottage Village tiny homes or the Legion Cottages and how it would apply.

Amanda said the Legion Cottages went in right before Ordinance 3120 was adopted. She said the draft Code had been written and staff was working with the University of Oregon to vet the new Code while the Legion Cottages were being built. She said it complied with the standards even though they did it as a conditional use permit under the old Code. She said the Cottage Village tiny homes came in as multifamily development through a site plan review process. She said it was a total different process with a different set of criteria.
Richard asked if the maximum footprint was 900 square feet, how you could get three bedrooms if the chart was left in place.

Amanda said the footprint meant it could be two stories, three story houses weren’t allowed in a single family residential zone. She said 900 square feet was in the State law and couldn’t be changed.

Section 8: 14.22.200(H) Manufactured Homes

Amanda said staff had intended to change the section for quite some time and decided to roll it into the Ordinance. She said it brought the City into compliance with ORS 197.307(8)(g). She said you couldn’t treat a manufactured home differently than a single family home. She said the current Code had a stipulation that manufactured homes had to be multi-sectional and have a square footage not less than 1,000 square feet. She said the intent was to keep park models out of residential districts. She said staff was recommending that language be replaced with the application of architectural design standards already in place that applied to all manufactured homes over 400 square feet.

Section 10: 14.43.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes

Amanda said Section 10 was to try and bring the City into compliance with HB 2001. She said it didn’t work at all for duplexes where single family homes were allowed. She provided a sample of a flag lot that was built off N. 16th in Cottage Grove. She said the City’s current Code was in direct opposition to HB 2001. She said if the City was now required to allow duplexes wherever single family residences were allowed, a minimum of eight dwelling units would have to be allowed. She said technically the City was also required to allow ADUs wherever single family homes were allowed. She said staff was recommending deleting the sentence that said only four were allowed and default back to Fire Code Standards for Flag Lots.

Councilor Fleck talked about parking and said it didn’t make sense that the City couldn’t require more parking. He said there would be problems with a duplex in a configuration as shown.

Amanda said she didn’t disagree however State law prohibited the City from restricting Flag Lots to single family homes. She talked about the proposed language to be deleted in Section 14.43.115 C. Flag Lots.

Councilor Ervin said if the main problem here with parking arises the Flag Lot style configurations, can we restrict and maybe this is getting ahead of ourselves on Section 9, but can we do a carve out and make it support flag lots specifically that it had to be more than one parking space per unit or can we do something in the opposite where you do keep it at four but because of HB 2001 that means they couldn’t build the same way therefore you couldn’t create that parking problem.

Amanda said the City cannot not allow duplexes wherever single family lots were allowed so we couldn’t carve out an exception. She said the city couldn’t treat duplexes differently so we
couldn’t carve out an exception for a single family lot that was a panhandle and treat it differently than a duplex lot for parking. She said she would have to think about whether the City could prohibit panhandles although she wouldn’t recommend it. She said there were a lot of half developed properties within the City that if the city eliminated panhandles as a potential option for development, it would make for a lot of potential redevelopment that would never occur. She said there were a lot of properties in Cottage Grove that a panhandle was the only way of getting to the portions of the property that currently were not developed. She said she didn’t personally love panhandles but it was a valid development tool for a lot of infill and one of the things the City was trying to solve was the need for more infill. She said the City didn’t want to have to push out the urban growth boundary, that we were restricted geographically by hills and wetlands and rivers. She said we didn’t have a lot of greenfield space around us so the City needed to encourage and incorporate more development within the City. She agreed parking was a problem. She said for decades there hadn’t been a restriction against having multiple lots on panhandles. She said maybe going backwards and removing that restriction wasn’t that big of a deal.

Richard asked if the size of the pole could be widened or if the City could require a panhandle lot to be bigger so there is a little more land in case a duplex was constructed.

Amanda said the City could require a panhandle lot to be larger hypothetically. She explained that regarding the lot size, anything that was considered part of the easement wasn’t included. She said 6,000 square feet was the minimum lot size and that the Fire Department turnaround wasn’t included.

She said one of the other pieces that staff was still working on was trying to figure out how to address the Fire Code turnaround requirement so that it was adequately shown on the plats so it was clearly not a part of the buildable footprint of the house. She said the parcel shown was platted before the Fire Department turnaround was required. She said the house in the back hadn’t been built because half of the lot was taken up by the Fire Department turnaround.

Richard asked what the width of the poles were.

Amanda said 25 feet minimum to maintain a 25 foot clearance with a 20 foot pavement that was a universal Fire Code Standard.

Richard asked if the 25 feet was a combination of all the poles.

Amanda said that was correct, each pole would be about 7.5 feet.

Richard asked if the City could increase the pole above the Fire Code requirement.

Amanda thought staff should do some work to determine what kind of negative impact it might have. She said most lots that were having this kind of development had a very specific development pattern. She said most of them were originally platted in a certain time period between the 30s and 50s so they had a pretty standard width. She said houses were set up in a
specific format so trying to get the flag next to them may be hard if the flag requirement were widened and it may also be hard to justify. She said there were options to consider.

Richard asked if there was any kind of easement or restriction placed on the property so the City could enforce the fire lane and no parking.

Amanda said it would be an agreement with the fire department as to who actually enforced it. She said currently the agreement was that the fire department enforced it.

Section 9: Table 14.33.300.A – Minimum Required Parking by Use

Amanda said staff had provided two alternatives for Section 9 and explained. She said there were two things that the chart modification was trying to capture, those that were required and those that staff were proposing as a matter of fairness and equity and trying to address the need for additional housing. She said of the things that were required, the ADU modification was to bring it into compliance with the changes that were made to the Code last year that weren’t changed in the Table. She said the Code already said ADUs didn’t have to have parking, the change made per SB 1051. She said HR 2001 & OAR 660-046-0120(5) required the City to change the duplex requirement for one space per dwelling unit. She said duplexes were considered two dwelling units and could have 2 parking spaces. She said the new standard said a Medium City may not require more than a total of two off-street parking spaces for a duplex, so the City’s standard needed to state one space per dwelling unit for a duplex or two spaces for a duplex. She said staff was originally proposing to change multi-family to just be one space per dwelling unit for everything as well. She said the current table captured two and three family dwellings, which were duplexes and triplexes together. She said if the change was being made to duplexes, the same change would be made for triplexes.

Amanda talked about the alternative for Section 9. She said it was less extreme and complied with HB 2001. She said it continued with modification to accessory dwelling, it made duplexes one parking space per dwelling unit and then it put triplexes and quadruplexes with multifamily and left the multifamily standard alone. She said to encourage more development of triplexes and quads, it made sense to move them into the category with multifamily so they were based on the size of the dwelling unit they produced. She said it’s the same for MUPTE for triplexes and quads.

Richard said in one of the reports provided it was noted that when the size of the dwelling unit went up in bedrooms, the number of vehicles dramatically increased as well.

Councilor Fleck said it was a good compromise. He said it reduced parking but not as extreme as what was originally being proposed.

Richard said Eric did some numbers on the proposed 88 unit development on Gateway Blvd. and they would need 98 parking spaces but were putting in 102 with 4 of those for ADA.

Councilor Fleck said he felt that the City still needed to talk to our Legislators.
Amanda said she agreed and said the Code was a living document and further amendments could be made based on further conversations with our Legislators. She said in the model code that was adopted for small cities, Section 9 was the only section of the Code that the City was not in compliance with or exceeded with changes that had already been made. She said the City was an example for the State for how to do this, she said parking was the most controversial.

Councilor Ervin said to Mike’s point about going to the Legislators, if there was a way to be effective as possible as a Council, maybe submit a letter that all Council supported that stated it didn’t work for our City. What would you recommend as an effective tool, if not that, League of Oregon Cities, to influence our Legislator?

Richard said the League of Oregon Cities as a great place to start with but also when meeting with Legislators to point it out and make sure they are aware of the issue and challenges to cities. He said if Council wanted to do a letter for the Mayor to sign, it could include history and background on what the City had done and where the issues were.

Councilor Boone said in his time with the League, HB 2001 was statewide spoken of in non-fond terms with Mayors and City Councilors all over the State. He said working with the League was the way to go.

Amanda said she was proud of the work the City had been doing regarding housing.

Councilor Ervin asked how to proceed with writing a letter, etc.

Richard said City Hall Day at the Capitol was this week and the League was going to make presentations about some of the different bills and issues and challenges that cities were facing. He asked Council to wait to see what they were doing and proceed from there.

Councilor Fleck thanked staff for finding a compromise.

There being no further business, Mayor Gowing adjourned the meeting at 6:52 pm.
Housing Code Amendments

Ordinance Overview

January 25, 2021
Legislative Background

HB 2001 –
- State of Oregon passed Oregon House Bill 2001 (HB 2001) in August 2019, to increase “middle housing” opportunities in Oregon cities, requiring cities with populations between 10,000 and 25,000 to allow duplexes on each lot or parcel where a single-family home is allowed.

Ordinance 3120 –
- CG Council adopted Ord 3120 in January 2020 to amend Development code to meet HB 2001 & Housing Needs Analysis recommendations. Staff has found a few other changes that need to be made to the Development Code to meet the intent of our January 2020 Housing Code amendments.

OAR 660-046 –
- LCDC adopted new administrative rules to implement HB 2001 on August 3, 2020, including model code for duplexes. Some of new OAR requires further changes to our code.
Section 5:

Section 14.22.150, Residential Districts – Housing Density

A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 14.22.120, except as provided below in subsections 1-3:

1. Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.

2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

3. Partitions and construction of single-family homes or duplexes on lots exceeding 20,000 square feet shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district.

B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard (e.g. “gross density”).

2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

Scivener’s errors, needed to complete intent of Ord. 3120 changes to Table 14.22.120 Residential Districts – Development Standards.
Section 6:

14.22.200 – Residential Districts – Special Use Standards

B. Accessory dwelling (attached, separate cottage, or above detached garage). Accessory dwellings shall conform to all of the following standards:

5. **One Unit.** A maximum of one accessory dwelling unit is allowed per *dwelling* Single Family Home;

*Needed to clarify that we aren’t intending on allowing 2 ADUs with a duplex. Compliant with HB 1051 and HB 2001.*
Section 7:

14.22.200(C) Cottage Cluster Housing.

1. Off-street parking
   a. Parking ratios:

<table>
<thead>
<tr>
<th>Number of bedrooms</th>
<th>Ratio of Off-Straet Parking Spaces Required per Cottage or Nonconforming Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>1-parking space</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>1.5-parking spaces</td>
</tr>
<tr>
<td>Three or more bedrooms</td>
<td>2-parking spaces</td>
</tr>
<tr>
<td>Existing nonconforming single-family residence</td>
<td>2-parking spaces</td>
</tr>
</tbody>
</table>

Notes:

Maximum footprint allowed for Cottage Cluster Housing: 900 square feet per dwelling unit.

Minimum Number of units allowed on site for Cottage Cluster: 4

Maximum Number of units allowed on site for Cottage Cluster: 12

a. Required Parking: One off-street parking space shall be required per cottage or non-conforming dwelling unit.
Section 8:

14.22.200(H) Manufactured Homes. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that existed onsite prior to the effective date of this Code.

1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;

2. **Architectural Design Standards.** Section 14.22.190 Architectural Design Standards applies to all manufactured homes over 400 square foot in size;

This new standard is compliant with ORS 197.307(8)(g), which states that “a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size required to which a conventional single-family residential development on the same lot would be subject.”
Section 10:

14.43.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes

C. Flag lots. 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") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). Two abutting panhandles cannot be combined to increase the number of dwelling units being accessed. A drive 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 drive area. The Fire Marshal may require an emergency turn-around or fire hydrants. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

Necessary for compliance with HB 2001, as standard inadvertently prohibits duplexes on single-family lots on panhandles by limiting number of dwelling units.
Flag Lot example

This example is fairly typical for flag lot developments. (4) residential lots off of a shared access easement.

Current code restricts the number of dwelling units on a shared driveway to (4). If there are (4) flag lots, the current code would not allow the development of a duplex (which is considered (2) units) on each lot, which is required by HB 2001.

We are recommending removing the text restricting the number of dwelling units on a flag lot driveway, once Fire Code standards are met.
Section 9:

- HB 1051 prohibits parking requirements for ADUs.

- Per HB 2001 & OAR 660-046-0120(5), a Medium City may not require more than a total of two off-street parking spaces for a Duplex (in other words, 1 per dwelling unit).

- Triplex and multifamily changes recommended to encourage middle housing and reduce cost of development.

Table 14.33.300.A – Minimum Required Parking by Use

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Minimum Parking per Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13.)</td>
<td>(fractions rounded down to the closest whole number)</td>
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<tr>
<td>Residential Categories</td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1 space per unit</td>
</tr>
<tr>
<td></td>
<td>none</td>
</tr>
<tr>
<td>Single Family Dwelling, including</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>attached and detached dwellings and</td>
<td></td>
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<tr>
<td>manufactured homes</td>
<td></td>
</tr>
<tr>
<td>Two and Three-Family Dwelling</td>
<td>2 1 spaces per dwelling unit</td>
</tr>
<tr>
<td>(duplex and triplex)</td>
<td></td>
</tr>
<tr>
<td>Multifamily</td>
<td>1 space per studio or 1-bedroom unit</td>
</tr>
<tr>
<td></td>
<td>1.5 spaces/unit per 2-bedroom unit</td>
</tr>
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<td>2 spaces/unit per 3-bedroom or larger unit</td>
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<td></td>
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<td>Group Living, such as congregate care,</td>
<td>0.5 space per 4 bedrooms in</td>
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<tr>
<td>and similar special needs housing</td>
<td>nursing or convalescent</td>
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<tr>
<td></td>
<td>homes, rest homes, or assisted living</td>
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<tr>
<td></td>
<td>1 space per unit in retirement complexes for seniors 55 or older</td>
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</table>
Section 9: Alternative

- Retains ADU correction (HB 1051) and Duplex correction (HB 2001 & OAR 660-046-0120(5)).

- Places Triplex & Quadplex into same category as current Multifamily parking standard, where parking number determined by unit size.

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<td>Single Family Dwelling, including attached and detached dwellings and manufactured homes</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Two-Family Dwelling (duplex)</td>
<td>1 space per dwelling unit</td>
</tr>
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<td>Triplex, Quadplex, Multifamily</td>
<td>1 space per studio or 1-bedroom unit</td>
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