

AGENDA
DAYTON PLANNING COMMISSION

DATE: THURSDAY, MAY 10, 2018
PLACE: CITY HALL ANNEX, 408 FERRY STREET, DAYTON, OREGON
TIME: 6:30 PM

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	APPROVAL OF ORDER OF AGENDA	
C.	ELECTION OF OFFICERS	
D.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
E.	APPROVAL OF MINUTES	
	1. August 2017	1
	2. Joint Meeting March 2018	7
F.	PUBLIC HEARING	
	<i>The Planning Commission will hold a public hearing to obtain citizen input on the Plan Text Amendment to allow Accessory Dwelling Units in an R-1 zone.</i>	8
G.	ACTION ITEMS	
	1. Review Plan Text Amendment to allow Accessory Dwelling Units in an R-1 zone for consideration and recommendation to the City Council.	14
H.	OTHER BUSINESS	
I.	ADJORN	

Posted: 05/08/16
By: Vicki Durand, Community Development Assistant

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton at least 32 working hours (4 days) prior to the meeting date in order that appropriate communication assistance can be arranged. The Dayton City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

Next Scheduled Meeting Date
Thursday, June 14, 2018

City of Dayton, PO Box 330, 416 Ferry Street, Dayton Oregon 97114
Phone: (503) 864-2221 Fax: (503) 864-2956
Email: cityofdayton@ci.dayton.or.us Website: www.ci.dayton.or.us

Dayton Planning Commission
Minutes of meeting of August 10, 2017

Present: Gary Wirfs, Tim Parsons. Pam Horst, Ann-Marie Anderson, Carol Hatfield

Staff: Lisa Brosnan, Debra Lien

HPC Chair Judy Gerrard was also in attendance.

The meeting was called to order at 6:30 pm. There were no changes to the agenda and no public comment.

Approval of Minutes

Tim made a motion, seconded by Carol to approve the minutes of the meeting of February 9, 2017. The motion was passed unanimously, 5-0.

Public hearing for a request for historic new construction at Brookside Cemetery. The applicant is the City of Dayton. Property owner is Dayton School District. File # Historic Repair/New Construction 20-17-03 (Hist. 2017-03)

The public hearing was opened by Chair Gary Wirfs. There was no conflict of interest or bias declared. Pam is on the Dayton School Board. Carol declared a site visit.

The public hearing procedures were read into the record. The criteria used for approval are 7.2.108, the Public Zone and 7.2.112 The Historic Property Overlay Zone.

There were no objections to the notice that was sent or to the jurisdiction's right to hear the case.

Staff Report

City Planner Lisa Brosnan summarized the staff report. The proposal is to replace the existing sign with a historic interpretive marker. The existing sign is non historic and was installed approximately in 1995. There will be no damage to the cemetery or to the markers and monuments. The Cemetery is listed in the Dayton Historic Resource inventory. Installation of a new sign changes the appearance of the cemetery, so a public hearing is required.

The Historic Preservation Committee reviewed the application on July 19, 2017. Notice was sent out to all property owners within 200 feet of the property.

The decision criteria from section 7.2.108.04 were reviewed.

Decision criteria for Historic Alteration

Criteria 1. Use of the property is historically similar or new use requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

*Findings: A change of the use of the property is not proposed.
The HPC found this criterion does not apply.
Staff finds this criterion does not apply.*

Criteria 2. Historic character of a property is retained and preserved. The relocation of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property shall be avoided.

*Findings: The existing sign that is being removed is not a historical feature of the site. A historical marker/interpretive sign will replace the non-historical sign.
The HPC found that this change would not have a negative effect on the historic character of the site.
The existing sign was constructed in 1995, and is not an historic attribute of the site.
Staff finds this criterion is met.*

Criteria 3. Use of property recognizes physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

*Findings: No changes that would create a false sense of historic development are proposed.
The HPC found this criterion does not apply.
Staff finds this criterion does not apply.*

Criteria 4. Changes acquiring historic significance in their own right are retained and preserved.

*Findings:
The HPC found this criterion does not apply.
Staff finds this criterion does not apply.*

Criteria 5. Alterations preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property.

Findings:

The HPC found this criterion does not apply.

Staff finds this criterion does not apply.

Criteria 6. Historic features are repaired versus replaced. Where the severity of determined requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

Findings: *The proposal is for replacement of a sign that has no historical significance.*

The HPC finds this criterion does not apply.

Staff finds this criterion does not apply.

Criteria 7. Use of chemical and physical treatments, if appropriate, are undertaken by the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

Findings: *The applicant is not proposing chemical or physical treatment to the existing resource at this time.*

The HPC finds this criterion does not apply.

Staff finds this criterion does not apply.

Criteria 8. Alteration, including new additions, exterior alterations, or related new construction, do not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportions, and massing to protect the integrity of the property and environment.

Findings:

The HPC finds that, as the new interpretive historic marker will be made by SeaReach, a company experienced in the manufacture and installation of such signs, the HPC finds this criterion is met.

Staff finds this criterion is met, with recommended conditions of approval.

Criteria 9. New additions and adjacent or related new construction is undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment are unimpaired.

Findings: The addition can be removed in the future without damage to the surrounding site. The HPC finds that the new interpretive marker will be placed very close to the position of the current sign. The current sign is not historic. Replacement of the sign will not disturb any graves or monuments.

The HPC finds this criterion is met.

Staff finds this criterion is met, with recommended conditions of approval.

Criteria 10. The Planning Commission considers design guidelines recommended by the Planning Commission or Historic Preservation Committee, such as applicable sections of the City's 1993 Advisory Guidelines or the U.S. Secretary of Interior's Standards; (<https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>).

Findings:

The HPC reviewed the application and provided recommended conditions of approval for the subject application (See Attachment C). The HPC recommendations and conditions are summarized and included as recommended conditions of approval.

The HPC finds this criterion will be met at the public hearing scheduled for the August 2017 Planning Commission meeting.

Staff finds this criterion is met.

Criteria 11. The Planning Commission considers comments submitted by the Historic Preservation Committee.

Findings: Summary minutes from the July 19, 2017 Historic Preservation Committee's review of the subject application are included under Attachment C and the recommended conditions of approval are summarized in the findings and included as conditions of approval in this staff report.

The HPC finds that the comments and recommendations will be included as part of the staff report presented to the Dayton Planning Commission at the public hearing.

Staff finds this criterion is met.

Pam asked what the sign will look like. Judy Gerrard replied that its contents will be similar to the kiosk in the park.

There were no public comments, except Judy Gerrard said she was in favor of the change.

Gary Wirfs closed the public hearing.

PC discussion

Tim noted that the application met all the criteria and he thought the change is a good thing.

Motion to Approve

Pam made a motion to approve the application for replacement of an existing non-historic sign with a historic marker (file # HIST 2017-03) as recommended by staff. The motion was seconded by Ann-Marie and passed unanimously, 5-0.

Other Business

Lisa reported that starting sometime in 2018, the state legislature will require cities with populations over 2500 to allow accessory dwelling units in all zones. There was a small discussion about how the city could mitigate the effects of this legislation by code requirements for parking, setbacks, etc.

Lisa will send out information regarding how other cities handle this use.

There is no other current land use applications that will require Planning Commission action at present. There will be no meeting next month.

Motion to adjourn

Pam made a motion to adjourn, seconded by Tim and passed unanimously, 5-0. The meeting adjourned at 7:03 pm.

Respectfully submitted,

Debra Lien
Community Development Specialist

Dayton Planning Commission
Dayton City Council & Historic Preservation Committee
Joint Meeting
Minutes of meeting of March 29, 2018

Present: Gary Wirfs, Tim Parsons, Pam Horst, Ann-Marie Anderson, Carol Hatfield, Beth Wytoski, Nikki McGraw, John Collins, Trini Marquez, Kitty Mackin, Judy Gerrard, Kelly Haverkate, Wayne Herring and Kim Courtin.

Staff: Lisa Brosnan, Zoe Monahan, Patty Ringnalda & Debra Lien

Planning Chair Gary Wirfs called the meeting to order at 6:35 pm. Exhibit D and Dayton Municipal Code excerpt were added to the reference documents for the meeting. City Manager Zoe Monahan presented two emails with concerns to be made part of the minutes for the meeting.

Staff Report

City Planner Lisa Brosnan summarized the staff report and stated that the State legislature will require cities with populations over 2,500 to allow accessory dwelling units in all zones where detached single-family dwellings are permitted. The City will need to have standards in place by July 1, 2018 in order to comply with Senate Bill 1051. The purpose of this meeting is to review updates to the Dayton Development Code to allow for Accessory Dwelling Units (ADUs) within the R-1 zone. The City of Dayton currently has standards in place for all other zones which allow for single family dwellings.

The following issues were discussed in length, with the City Planner to compile discussed meeting decisions and present them at the Planning Commission Public Hearing scheduled for May 10, 2018:

Shall Manufactured Homes be allowed as an ADU?	Second Story Windows
ADU size	Short Term Rentals
Number of ADUs allowed.	Adjacent to Historic Properties
ADU height.	System Development Charges
Parking requirements	Water/Sewer hook ups
Garages – Garage Conversions	Easement Access
Driveways	Impact of ADUs on Home Loans
Owner occupied requirements	Screening
Setbacks	Building Separation
Entrances – Attached and Detached ADUs	Lot Coverage
Exteriors - Designs	

Other Business

Kris Bledsoe introduced herself, stated that she is running for State Representative and made general comments regarding tonight's meeting.

The Plan Text Amendments Public Hearing for ADU's is scheduled for May 10, 2018. There is no other current land use applications that will require Planning Commission action at present, no meeting scheduled for next month.

Motion to adjourn

Tim Parsons made a motion to adjourn, seconded by John Collins and passed unanimously, 15-0. The meeting adjourned at 9:23 pm.

Respectfully submitted,

Patty Ringnalda, City Clerk

CITY OF DAYTON
416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

**PLANNING COMMISSION
STAFF REPORT**

HEARING DATE: May 10, 2018
REPORT DATE: May 2, 2018
FILE NUMBER: LUCA 2018-01
APPLICANT: City of Dayton
REQUEST: Amendments to the Dayton Land Use and Development Code (DLUDC) to permit Accessory Dwelling Units (ADUs) in all zones where single-family dwellings are permitted and to set standards related to ADUs. Amendments to address residential development in residential zones where a house of worship exists. Amendments are in response to SB 1051.
EXHIBITS: A: Strike and Underline Draft Code Amendments
B: Outline of Draft Code Changes
CRITERIA: **Dayton Land Use and Development Code (DLUDC)**
Section 7.3.112 Text Amendments

I. BACKGROUND

An amendment to the Dayton Land Use and Development Codes is a Type IV (Legislative) action. A Type IV action requires a recommendation from the Planning Commission to the City Council, which makes the final decision.

II. SUMMARY OF PROPOSED AMENDMENT

The term accessory dwelling unit is defined in Section 7.1.200.03 of the DLUDC as, "a detached dwelling unit with its own independent living facilities, the use of which is residential and subordinate to the primary dwelling located on the same parcel or lot."

The purpose of the amendment is to permit accessory dwelling units as special permitted uses in the Single Family Residential (R-1) zone in addition to zones in which they are presently permitted: the Limited Density Residential (R-2) zone and the Commercial Residential (CR) zone, and to amend the standards associated with ADUs, per Section 7.2.402 of the DLUDC.

Additionally, SB 1051 includes a requirement that affordable residences be allowed at a place of worship when the property is in a residential district. The proposed amendments to the Dayton Land Use Development Code address this requirement.

III. PROCEDURE

The City Council considered the matter at their May 7, 2018 meeting and initiated an amendment to the DLUDC regarding accessory dwelling units.

The City Council met with the Planning Commission in a work session that was open to the public to discuss the amendments on March 29, 2018.

The public was notified of the Planning Commission and City Council hearings through a notice published in the News Register on April 24, 2018.

Staff has drafted a proposed amendment to the DLUDC which reflects Planning Commission and City Council priorities regarding accessory dwelling units. (See Exhibit A).

IV. STAFF FINDINGS

7.3.112 TEXT AMENDMENTS

7.3.112.03 Criteria for Approval

Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
 1. *Traffic generation and circulation patterns;*
 2. *Demand for public facilities and services;*
 3. *Level of park and recreation facilities;*
 4. *Economic activities;*
 5. *Protection and use of natural resources;*
 6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

FINDING: Staff finds that the proposed amendment will impact the six factors listed above as follows:

1. Traffic generation and circulation patterns: Estimated trip generation for an accessory dwelling is not anticipated to significantly exceed that of other permitted residential uses in the R-1zone.
2. Demand for public facilities and services: Any proposal for development would need to meet engineering and Public Works standards for integration with public facilities.
3. Level of park and recreation facilities: Any proposal for development under the proposed amendment would be subject to system development charges.
4. Economic activities: Not applicable.
5. Protection and use of natural resources: If permitted by special use permit, accessory dwelling units would be sited in existing urban growth areas which will conserve resource land by promoting infill development.
6. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements: Permitting accessory dwelling by special use permit will help to achieve Dayton Forward Goal 11: Housing which has the following guidelines; *integrate higher density*

housing near and within the retail core as a way of supporting activity and commercial services; concentrate on providing higher density, infill housing between the business core and the riverfront.

The proposed amendment is not anticipated to negatively impact traffic, significantly increase demand on public facilities and service, change the level of needed park/recreational facilities, or diminish protection and use of natural resources. Staff finds this criterion is met.

B. A demonstrated need exists for the product of the proposed amendment.

FINDING: The 2011 Planning Atlas and Comprehensive Plan demonstrates that a total of 349 new single-family residential units must be constructed to meet 2028 housing demands. Permitting accessory dwelling units in the R-1 zone by special use permit would increase the land area that can accommodate needed housing units. The proposed supplemental standards for special uses states that the area of accessory dwelling units shall contain the lesser of 50% of the floor area of the primary residence or 750 square feet. Smaller accessory dwelling units will increase the quantity and variety of the housing available in the City. Staff finds this criterion is met.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDING: The State has adopted 19 goals for state and local land use decisions. The proposed amendment complies with the Goals as described below:

Goal 1 Citizen Involvement: Requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice are provided as required by law. Public hearings by the Planning Commission and City Council will be held.

Goal 2 Land Use Planning: Requires that the City establish a land use planning process and policy framework as a basis for all decisions related to the use of land and to assure an adequate factual basis for such decisions. The acknowledged Dayton Land Use and Development Code contains procedures and requirements for facts and findings which are carried out herein.

Goal 3 Agricultural Lands & Goal 4 Forest Lands: Goals 3 and 4 are not applicable. The proposal does not affect consistency with this goal.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: The proposal does not affect consistency with this goal.

Goal 6 Air, Water and Land Resource Quality: The proposal does not affect consistency with this goal.

Goal 7 Natural Hazards: The proposal does not affect consistency with this goal.

Goal 8 Recreation: The proposal does not affect consistency with this goal.

Goal 9 Economic Development: The proposal does not affect consistency with this goal.

Goal 10 Housing: The proposed amendment to permit accessory dwellings as a special permitted use in all zones in which single family dwellings are permitted will increase housing density within the City limits and will provide for a greater variety of housing in the City.

Goal 11 Public Facilities and Services: The proposed amendment to permit accessory dwellings as a special permitted use in the R-1 Zone will encourage development to take place in areas already serviced by public infrastructure.

Goal 12 Transportation: The proposal does not affect consistency with the goal.

Goal 13 Energy Conservation: The proposal does not affect consistency with the goal.

Goal 14 Urbanization: The proposal does not affect consistency with the goal.

Goals 15-19 do not apply within the City of Dayton.

D. The amendment is appropriate as measured by at least one of the following criteria:

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

FINDING: The proposed amendment to the Dayton Land Use Development Code (Exhibit A) satisfies the State mandate of SB 1051 through the allowance of Accessory Dwelling Units in all zones that permit single-family dwellings and through the establishment of standards associated with Accessory Dwelling Units in these zones. The proposal also satisfies the requirement of Section 8 of SB 1051 through the addition of language addressing residential development in residential zones where a house of worship exists. Staff finds this criterion is met.

V. CONCLUSION & STAFF RECOMMENDATION

Staff concludes that the proposed amendment complies with the applicable decision criteria. Staff recommends that the Planning Commission adopt the findings in the staff report and send a recommendation to the City Council to approve the proposed amendment to the DLUDC. The City Council makes the final decision on the proposed amendment and may adopt such by ordinance.

VI. PLANNING COMMISSION OPTIONS

The Planning Commission has the following options regarding the proposed Land Use and Development Code amendment. Based upon the findings and conclusion above, Staff recommends that the Planning Commission make a motion reflecting Option #1.

1. Recommend City Council approval of the Land Use and Development Code amendment and adopt the findings contained in the staff report.
2. Recommend City Council approval of modified Land Use and Development Code amendment and/or amended findings.

3. Recommend City Council denial of Land Use and Development Code amendment with amended findings and conclusions addressing reasons why the proposal fails to comply with the applicable decision criteria.
4. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

City of Dayton – Outline of Code Changes, ADU

7.14.200.3: Definitions

Redefine Accessory Dwelling Unit: An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a single-family dwelling on the same lot or parcel.

Redefine Accessory Structure: A detached, subordinate building or portion of a main building on the same lot or parcel, the use of which is incidental to the main building or use of the land. An accessory structure does not include habitable living space.

Church: See “House of Worship”

Add: Dwelling Unit-Accessory: An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a single-family dwelling on the same lot or parcel.

Add: House of Worship: A church, mosque, synagogue, temple, meeting house, or other nonresidential building used primarily for religious worship. A house of worship may include accessory buildings for related religious activities, but not kindergarten through grade 12 school facilities.

7.2.102: Single Family Residential (R-1)

7.2.102.3: Special Permitted Uses

Add C: Accessory Dwelling Unit, (one per detached single-family dwelling),subject to the provisions in Section 7.2.402.

7.2.102.4: Conditional Uses

Modify D: House of Worship—and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.404.

7.2.103: Limited Density Residential (R-2)

7.2.103.4: Conditional Uses

Modify D: House of Worship—and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.404.

7.2.104: Medium Density Residential (R-3)

7.2.104.4: Conditional Uses

Modify D: House of Worship—and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.404.

7.2.105: Commercial Residential Zone (CR)

7.2.105.4: Conditional Uses

Modify D: House of Worship—and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.404.

7.2.203: Permitted Uses Generally

7.2.203.02(A): Add: Accessory Dwelling Unit, subject to the provisions in Section 7.2.402.

7.2.301: General Provisions

7.2.301.02: Application of Standards

(A) Application– Include ADUs

7.2.301.03: Application of Public Facility Standards – Incorporate ADUs into table

7.2.303: Street Standards

7.2.302.08: Private Access Driveway

(A)(2): Minimum paved width: Serving one dwelling – 12 feet; serving two or more dwellings – 16 feet

Renata checking with DLCD on if exclusion of ADUs from this calculation is appropriate.

7.2.303: Off-Street Parking and Loading

7.2.303.06: Off-Street Vehicle Parking Requirements

Modify 1: All dwelling types, except ADUs

Add: 2. Accessory Dwelling Unit-1 Motor Vehicle Spaces per dwelling unit

7.2.4: Supplemental Standards for Special Uses

7.2.402: Accessory Dwelling Unit

- A. **Only one accessory dwelling unit is permitted per detached single-family dwelling, in association with a primary residence.**

- B. Location. The accessory dwelling unit shall be located within the side or rear yard, **but not in a side yard adjacent to a street. The ADU shall be** physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements.
- C. Entrance. **The entrance to an attached ADU shall not face the street on the same side as the entrance for the primary residence.**
- D. All detached ADUs shall meet the design requirements of Section 7: Single Family Dwelling Design Standards. Detached ADUs that are more than 15 feet in height shall meet the following standards for the exterior of the ADU: Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the primary dwelling OR must be made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 6 inches or less in width.

ADUs in design or historic overlays may be subject to additional design requirements. ADUs in the Historic Property Overlay Zone (Section 7.2.112) that can be seen from the street must be approved through Historic Resource review.

- E. Area. The accessory dwelling unit shall contain the lesser of 50% of the floor area of the primary residence or 750 square feet.
- F. Setbacks. **The ADU shall conform to the setback requirements of the primary residence in the zone in which it is located. A detached ADU located in a side yard shall be set back five (5) from the front building line of the primary residence.**
- G. Any legal nonconforming structure that doesn't meet current setback requirements is permitted to contain or be converted to an ADU, as long as the development does not increase the nonconformity of the structure.
- H. Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.
- I. Parking. **One (1) parking space, in conformance with the parking standards outlined in Section 7.2.303, is required per ADU, in addition to the parking required for the primary residence. No new access is permitted for an additional driveway for the ADU, unless the lot is located on a corner. An ADU on a corner lot may have one driveway per street frontage.**

7.2.404: House of Worship Uses.

7.2.404 HOUSE OF WORSHIP USES

House of worship uses include, but are not limited to:

- A. Worship services;
- B. Religious classes;
- C. Weddings;
- D. Funerals;
- E. Meal programs;
- F. Child care, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education;
- G. Where a house of worship is in a residential district, the housing permitted outright or permitted conditionally in the district is allowed in accordance with

the development standards of the residential district and is not required to comply with the requirements listed below.

H. Where a house of worship is in a residential district, in addition to, or in place of, the housing allowed in the zone in which it is located, housing or space for housing in a building that is detached from the place of worship, is allowed provided:

1. At least 50 percent of the residential units provided under this section are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
2. The real property is in an area zoned for residential use that is located within the urban growth boundary;
3. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone; and
4. Housing and space for housing provided under this section must provide a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in this section, as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

7.3.106: Site Development Review

7.3.106.02: Applicability of Provisions

(A) Applicability. Site Development Review shall be applicable to all new development and major remodeling, except:

Modify (1): Single-family detached dwellings **and Accessory Dwelling Units (ADUs)**

Additional Considerations

Historical Property Overlay Zone (HPO)

7.2.112.07: Exterior Alteration and New Construction – The addition of an ADU to a historic site is considered to be exterior alteration or new construction and must follow the procedure outlined in Section 7.2.112.07 requiring review by the Historic Preservation Committee (HPC) and Planning Commission, or by the City Manager if the alteration or new construction will not be seen from the street.

ADUs and Utility Facilities:

Water and Sewer:

The provision of water and sewer to an ADU is not a Development Code issue and, therefore, not a Planning Commission issue. It will be resolved by the Public Works Department and the City Council by reviewing the City's regulations regarding the City's water and sewer systems.

The issue is whether ADUs should be required to have water and sewer service separate from the primary dwelling.

ADUs within a dwelling or attached to a dwelling could, presumably, obtain water and sewer from the pipes in the primary dwelling. Detached ADUs may or may not be able to obtain water and sewer from the pipes in the primary dwelling. Because a detached ADU is, physically, a separate dwelling, the City may want to require it to have separate water and sewer laterals and a separate water meter.

ADUs and System development Charges:

The payment of system development charges is not a Development Code issue and, therefore, not a Planning Commission issue. It will be resolved by the Public Works Department and the City Council.

The issue is whether ADUs should be required to pay the city's sewer, water, transportation and parks system development charges. As an encouragement to ADUs, some cities do not charge SDCs for ADUs, or charge a reduced amount. Other cities take the position that residents in an ADU will use the sewer, water, street and park systems and should pay the SDCs just like all other residential uses.

Addressing:

How will addresses for ADUs be identified?