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**AGENDA ITEM SUMMARY**

**Meeting Date:** 2/5/2018  
**Meeting Type:** Work Session/Reg. Mtg  
**Staff Contact/Dept.:** Sandy Belson, DPW  
**Staff Phone No:** 541-736-7135  
**Estimated Time:** 55 Minutes Work Session  
10 Minutes Regular Meeting  
**Council Goals:** Promote and Enhance our  
Hometown Feel while Focusing  
on Livability and  
Environmental Quality

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**SPRINGFIELD  
CITY COUNCIL**

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**ITEM TITLE:** AMEND THE SPRINGFIELD DEVELOPMENT CODE TO MAKE IT EASIER TO  
ADD AN ACCESSORY DWELLING UNIT, JOURNAL # 811-17-000057-TYP4

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**ACTION  
REQUESTED:** Work Session: Continue review of comments received while the record was left open after  
the December 4, 2017 public hearing on this item.

Regular Meeting: Conduct a third reading of the following ordinance: AN ORDINANCE  
MAKING IT EASIER TO ADD AN ACCESSORY DWELLING UNIT BY AMENDING  
THE SPRINGFIELD DEVELOPMENT CODE SECTIONS 3.2-210, 3.2-215, 3.3-235,  
3.3-915, AND 3.3-940 TO ALLOW ACCESSORY DWELLING UNITS IN THE MDR  
AND HDR ZONING DISTRICTS AS WELL AS THE HISTORIC OVERLAY  
DISTRICT; AMENDING PROVISIONS FOR ACCESSORY DWELLING UNITS IN  
SECTION 5.5-105 THROUGH 5.5-145; AMENDING DEFINITIONS IN SECTION 6.1-  
110; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE  
DATE.

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**ISSUE  
STATEMENT:** The City Council has developed an affordable housing strategy with the goal of increasing  
the supply and accessibility of housing in Springfield throughout the housing continuum.  
One of the strategies is to encourage the construction of accessory dwelling units (ADUs).  
One way to encourage ADUs is by revising the development code to make it easier and  
potentially less expensive to add an ADU.

The proposal is to encourage ADUs by providing more flexibility in the development code  
requirements and allowing ADUs not just in the Low Density Residential zoning district  
but also in the Medium and High Density Residential zoning districts and the Washburne  
Historic Overlay District.

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**ATTACHMENTS:** 1. City Council Briefing Memo  
2. Ordinance  
Exhibit A – Staff Report and Findings  
Exhibit B – Amendments to the Springfield Development Code

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**DISCUSSION:** The proposed code amendments were first developed based on Council direction, staff  
input, and public comments. The Planning Commission then held a public hearing on the  
proposed amendments and forwarded its Order and Recommendation (Attachment 3 in  
December 4 Council packet). The City Council held a public hearing on December 4 to  
hear comments regarding the Planning Commission's recommendation. The Council left  
the record open for written comments through December 18. The Council began review of  
these comments in work session on Jan. 16. Council will continue to review these  
comments in work session. During regular session, the Council will conduct a third  
reading of the ordinance and deliberate toward a decision on the Ordinance (Attachment  
2). The City Council may adopt, amend or extend review of the recommended code  
amendments.

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**MEMORANDUM**

**City of Springfield**

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**Date:** 2/5/2018  
**To:** Gino Grimaldi **COUNCIL**  
**From:** Tom Boyatt, Interim DPW Director **BRIEFING**  
Sandy Belson, Comprehensive Planning Manager  
**Subject:** AMEND THE SPRINGFIELD DEVELOPMENT **MEMORANDUM**  
CODE TO MAKE IT EASIER TO ADD AN  
ACCESSORY DWELLING UNIT, JOURNAL #  
811-17-000057-TYP4

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**ISSUE:** The City Council has developed an affordable housing strategy with the goal of increasing the supply and accessibility of housing in Springfield throughout the housing continuum. One of the strategies is to encourage the construction of accessory dwelling units (ADUs). One way to encourage ADUs is by revising the development code to make it easier and potentially less expensive to add an ADU.

The proposal is to encourage ADUs by providing more flexibility in the development code requirements and allowing ADUs not just in the Low Density Residential zoning district but also in the Medium and High Density Residential zoning districts and the Washburne Historic Overlay District.

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**COUNCIL GOALS/  
MANDATE:**

Promote and Enhance our Hometown Feel While Focusing on Livability and Environmental Quality

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**BACKGROUND:** On December 4, 2017, the City Council held a public hearing on the Planning Commission’s recommended code amendments regarding ADUs. The Council then held the record open to accept additional written testimony through December 18. All written testimony is included in Exhibit C (provided in January 16 Council packet). Testimony throughout the public involvement period has been almost unanimous in support of making it easier and less costly to add an ADU. Most testimony has involved the specifics of the code language while being supportive of the overall objectives of the amendments.

The Planning Commission considered the public testimony it received when approving its order and recommendation. The testimony cited below was submitted to City Council before, during or after the public hearing on December 4. References to testimony that do not reference an Exhibit are based on the oral testimony provided during the Council’s public hearing.

Council held a work session on January 16 to begin review of the testimony and provide direction to staff whether or not to make changes to the development code amendments as recommended by the Planning Commission. Council will continue this review during the work session on February 5.

**PUBLIC TESTIMONY BEFORE COUNCIL AND STAFF REPOSENSE:** The first section presents the major topics applicable city-wide, including a summary of those discussed by Council on January 16. Each remaining topic includes a summary of the public testimony, in

most cases a staff response, and options for Council. The second section focuses on testimony related to ADUs in the Washburne Historic Overlay District. The third section responds to public comments that do not necessitate a Council decision. The last section identifies some changes staff suggests be made to the Planning Commission's recommendation. Ordinance Exhibits A and B are written to incorporate Council's direction from the January 16 work session and in support the first of the options presented and staff's recommendations. If Council chooses one of the other options presented, there would need to be corresponding changes to Exhibit B (code amendments) and potentially the Exhibit A (findings). Staff will track Council's choices during the work session and will attempt to incorporate them into the Ordinance Exhibits so they are ready for action during the Council's regular session.

### Section 1: Topics of City-Wide Importance

#### **Minimum Size of ADU**

*Council Direction: As recommended by the Planning Commission, do not establish a minimum size for the ADU and leave the practical minimum to compliance with building codes.*

#### **Maximum Size of ADU**

*Council Direction: Increase the maximum size to 800 sq ft.*

#### **Home Ownership Requirement**

*Council Direction: Remove the home ownership requirement as recommended by the Planning Commission.*

#### **Manufactured homes and towable structures as ADUs**

*Council Direction: Allow manufactured homes and permitted towable structures as recommended by the Planning Commission.*

#### **Foundation for towable structures**

*Council Direction: Require a permanent foundation as recommended by the Planning Commission.*

#### **On-site versus off-site parking requirements**

*Council Direction: Include the Planning Commission's recommendation as follows:*

An off-street parking space is not required if one of the following conditions is met:

1. There is on-street parking available directly abutting the property, the abutting street includes parking on both sides of the street, and there are no adopted plans to remove the on-street parking. The abutting on-street parking space must be paved.
2. Under Type II procedure, the Director determines based on a parking utilization study, that on-street paved parking is consistently available directly abutting the subject property and the roadway is of sufficient width to allow passage of emergency vehicles.

#### **Paving of driveway**

- Craig Patterson commented in Exhibit C14 that he supports allowing an unpaved parking space on-site if there is a paved driveway (at least 18 feet long measured from the property line) that serves the parking space for the ADU.

- Brianna Nicoletto testified against requiring parking to be paved given the cost burden.

*Staff Response:* The development code definition for a parking space is “a permanently maintained paved surface with proper access for 1 standard size or compact automobile.” Thus, there would need to be an exception for ADU parking to allow an unpaved parking space. Parking spaces for single-family residential uses do not need to meet accessibility requirements under the Americans with Disabilities Act.

Paving of driveways helps keep mud and gravel from being tracked into the sidewalk where it can present a very real hazard to the public. (A fairly recent case involving this resulted in a \$750,000 payment to a woman injured from tripping on debris tracked onto the sidewalk in Eugene.) It also limits the wear and tear on sidewalks and streets from the tracked gravel. Requiring only 9 feet of paving for a driveway instead of 18 feet may accomplish these benefits, but drivers tend to park on the pavement which means the parked cars may extend into the public right-of-way blocking a sidewalk or forcing pedestrians into the street, causing problems especially for children or those in wheelchairs. Thus staff continues to recommend an 18 foot long paved driveway that leads to any unpaved on-site parking. (The proposed amendments for the Transportation System Plan specify that permeable pavement for driveways is allowed).

Staff recommends against a phased approach in meeting driveway paving requirements. Not requiring that site improvements be complete at final building permit inspection creates a tracking burden for staff and limited means of enforcement.

To clarify how off-street parking spaces are counted, staff recommends the following language.

There shall be one off-street parking space 9 feet by 18 feet in size for the accessory dwelling unit, in addition to the off-street spaces required by Section 4.6-100 for the primary dwelling. The off-street parking space for the ADU must be paved, except when there is a paved driveway at least 18 feet long measured from the property line that serves the unpaved parking space for the ADU. If the primary dwelling has more off-street spaces than required, one of those surplus spaces may be counted as the required parking for the ADU.

*Options for Council:*

- 1 – Include staff’s recommended language above that clarifies the Planning Commission’s recommendation.
- 2 – Defer discussion about paved driveways and paved parking spaces to the code amendments underway to implement Springfield’s Transportation System Plan.
- 3 – Change the length required for a paved driveway that would lead to an unpaved parking space.

### **Entry location for detached ADU**

- Brianna Nicoletto testified in support of staff’s recommendation to delete the requirement for the entry to a detached ADU to face the interior of the lot.
- Josie Mulkins included a sketch of her lot in Exhibit C11 that shows how it is difficult to apply the proposed code language for the location of the entry to the ADU.

*Staff Response* - As shown in the correspondence from Josie Mulkins, the requirement that the entrance to the ADU face the interior of the lot may be difficult to administer. In the example she provided, it is not clear how one would determine the interior of the lot. Staff recommends

deleting this provision (*Design Standard 6*). It was included as a way to limit impact of the ADU on neighboring properties. However, there are no corresponding code provisions that affect the location of doors to primary dwellings or to accessory structures.

*Options for Council:*

- 1 – Delete the requirement that the entry to the detached ADU face the interior of the lot (*Design Standard 6*).
- 2 – Retain the Planning Commission’s recommended *Design Standard 6*.

### **Design Standards**

- Josie Mulkins expressed concern in Exhibit C11 that the Planning Commission’s recommended design standards would not easily allow conversion of an existing accessory structure into an accessory dwelling unit. Ms. Mulkins identified the following clear and objective standards as problematic for conversion of an existing structure to an ADU (*Design Standards listed in Section 5.5-130 B*):
  - Only non-reflective siding and roofing materials are allowed. (*Design Standard 2*)
  - Minimum roof pitch is 2 to 12. (*Design Standard B-3 - Note: The Planning Commission’s recommendation is actually 3 in 12 based on statement from the City’s Building Official that meeting building code requirements is difficult to achieve with a 2 in 12 roof pitch.*)
  - Eaves shall project from the accessory dwelling unit at least one foot on all elevations. (*Design Standard 4*)
  - The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet. (*Design Standard 5*)
  - The exterior wall shall provide an offset every 25 feet by providing a recess or extension, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. (*Design Standard 7*)
  - If the accessory dwelling is detached from the primary dwelling, it may not exceed the height of the primary dwelling. (*Design Standard 6*)
- Rick Satre testified in support of the design standards to ensure ADUs fit into the fabric of the neighborhood.

*Staff Response* - The Planning Commission recommended three sets of design standards for detached accessory dwelling units: A) Match Primary Dwelling, B) Meet Clear and Objective Standards, C) Meet Alternative Standards. Options A and B would be a Type I procedure which is a ministerial decision involving no discretion and no public comment. Option C would be a Type II procedure which is a limited land use decision that involves some discretion and includes public notice and an opportunity to submit written comments.

Ms. Mulkins has not requested that there be changes to the Design Standards, but that existing structures turned into an ADU be exempt from having to comply with those standards. Someone with a structure that does not match the existing house or meet the clear and objective standards would have the option of meeting the Alternative Standards in a Type II procedure. One option is to allow existing accessory structures to be converted to an ADU as a Type I procedure without having to comply with the Design Standards.

Another approach to address her concerns is to make changes to the recommended Design Standards. Staff recommends retaining Design Standards 2, 3, and 6 as a minimum to ensure compatibility of the ADU with the neighborhood. Design Standards 4, 5 and 7 make the ADU itself more attractive, and Standards 4 and 5 provide ADU residents more protection from the elements. However, since most ADUs will not be highly visible from the street, Standards 4, 5,

and 7 are not as likely to have as much of an impact on neighborhood compatibility.

*Options for Council:*

- 1 - Maintain the design standards as recommended by the Planning Commission.
- 2 - Allow for conversion of permitted structures into ADUs under a Type I procedure and without having to comply with the design standards.
- 3 - Eliminate any of the clear and objective design standards that Council does not think are necessary and thereby make it easier for a property owner to convert an existing structure into an ADU or construct a new ADU.

## Section 2: Topics of Importance within the Washburne Historic Overlay District

### **ADUs in the Washburne Historic District**

- Craig Patterson comments in Exhibit C16 that he supports allowing ADUs in the Washburne District.
- Bruce Berg states in Exhibit C17 that he supports allowing ADUs in the Washburne District.
- Nancy Gronfeldt states in Exhibit C18 that she opposes allowing ADUs in the Washburne District.

*Staff Response* – The Historic Commission unanimously supported allowing ADUs in the Washburne District. Ian P. Johnson, Associate Deputy State Historic Preservation Officer, stated, “ADUs, splitting houses into duplexes, and garage conversions, among many other options can all be accomplished while retaining the district’s status. . . . I am glad that Springfield is pursuing this. Increased density is not necessarily a threat to the historic district if it is done well.”

*Options for Council:*

- 1 – Allow ADUs in the Washburne District as recommended by the Planning Commission.
- 2 – Maintain current code prohibiting ADUs in the Washburne District.

### **Maximum size of an ADU in the Washburne Historic District**

- Nancy Gronfeldt states in Exhibit C18 that if ADUs are allowed in the Washburne District, that the maximum size allowed should be 320 sq ft because anything larger would likely compromise green space. Tiny houses would be more affordable, perhaps renting for \$500 or less. Larger units (up to 700 square feet) would cost \$900+ which is not affordable for a single mom or a minimum wage worker.

*Staff Response* – As stated by Ian Johnson, Associate Deputy State Historic Preservation officer, allowance of ADU’s doesn’t jeopardize the Washburne District as a cohesive historic resource. The Development Standards will keep the prominence of the ADU in check and ADUs should not compromise the Historic District. Also some ADUs could be conversions of existing buildings or portions thereof that could be larger than 320 sq ft without affecting green space. The maximum lot coverage allowed remains at 45% and landscaped setbacks are required.

*Options for Council:*

- 1 – Maintain the 750 sq. ft. maximum size for an ADU as recommended by the Planning Commission.
- 2 – Change the maximum size for the ADU in the Washburne Historic District to 320 sq ft or some other size as determined by Council.

### **Home ownership requirement**

- Bruce Berg explains in detail in Exhibit C17 and in his oral testimony why he supports requiring that an ADU only be permitted if the property owner lives on the property. He believes ownership is necessary to maintain the quality of the housing stock and neighborhood as well as the viability of the Washburne Historic District Neighborhood Association.
- Nancy Gronfeldt states in Exhibit C18 that if ADUs are allowed in the Washburne District, that homeowners should be required to live on premises.
- Matt Matthews writes in Exhibit C19 that non-owner occupied ADUs should be allowed in the Washburne Neighborhood as long as the ADUs comply with the historic overlay requirements. He says the Washburne District is a prime neighborhood for higher density as it is located along the EmX, relatively near the UO, and adjacent to downtown Springfield.
- Brianna Nicoletto requested that Council not include a provision requiring home ownership in the Washburne that could create a barrier for a homeowner wanting to take full advantage of the property.

*Staff Response:* There is no homeownership requirement for single family dwellings in the Washburne District unless the property owner wants to operate a business out of the house. The Washburne Historic District has specific development standards for certain uses such as this type of business which is different from other areas of the City. It is up to Council to determine if there is justification for requiring that the property owner reside on premises when there is an ADU.

#### *Options for Council:*

- 1 – *As recommended by the Planning Commission, allow ADUs without requiring the home owner to live on site.*
- 2 – *As recommended by the Historic Commission, add a home ownership requirement as a Development Standard for ADUs similar to the standard requiring that both a business and dwelling be owned and operated by the resident.*
- 3 – *Require that the home owner (or potentially a relative) live on the property at the time of granting a permit for the ADU.*

### **Short-Term Rentals and Bed and Breakfasts**

- Tim Hilton writes in Exhibit C22 as Chair of the Springfield Historic Commission stating that he views short-term rentals and Bed and Breakfasts as commercial uses that require owner occupancy when in the Washburne Historic District.

*Staff Response* – Bed and Breakfasts throughout the City are required to be owner-occupied per 4.7-120 B of the Springfield Development Code. Under the City's current codes and legal interpretations, short-term rentals are not considered as a commercial use and do not require owner occupancy. If Council views short-term rentals as a business use in the Washburne District, that would affect the City's approach to licensing and land use.

#### *Options for Council:*

- 1 – *Make no change to the Planning Commission's recommendation.*
- 2 – *Direct staff to address short-term rentals as a business use (either specific to the Washburne District or city-wide). In the meantime, add a prohibition of use of an ADU as a short-term rental in the Washburne District.*

### **Other Considerations in the Washburne District**

- Tim Hilton writes in Exhibit C22 as Chair of the Springfield Historic Commission lists two other recommendations:
  1. Allow no curb cuts.
  2. Do not count square footage of accessory dwelling as square footage when determining allowable area for commercial use.

*Staff Response* – The Planning Commission’s recommendation includes the following language to minimize new or expanded curb cuts.

New or expanded curb cuts are not allowed unless there is no other alternative for providing the required parking for the accessory dwelling unit. Alternatives that must be considered include, but are not limited to, providing a parking space that is accessed from the alley rather than the street, and using on-street parking abutting the property.

Section 3.3-935 C.2 of the Springfield Development Code already limits the calculation of the area used for business purposes to 40% of the habitable area of the dwelling. As crafted, the ratio is tied to the habitable area of a dwelling, not the total habitable area on the property. No additional language is necessary.

### Section 3: Other Comments from the Public

#### **Allow ADUs on Duplex Lots**

- In Exhibit C19, Matt Matthews states that he supports allowing ADUs on corner duplex properties within low density zones.

*Staff Response* – Under the current definition, an accessory dwelling unit is only allowed on lots with a single-family home. If Council would like to allow accessory dwellings in conjunction with duplexes, that would require a broader look at the implications city-wide of changing the code and a reconsideration of the current definition of “cottage cluster” and potential application of the city’s multi-unit design standards.

#### **Building Code Issues/Questions**

- Bob Wright raises considerations in Exhibit C20 that include suggestions to add measures/language/provisions for special needs, accessibility, and reasonable accommodation; 2<sup>nd</sup> level habitation, and questions fire truck/equipment access.
- James Yarnall questioned the need for contractors in constructing ADUs and asked if a separate sanitary sewer line is required.

*Staff Response* – Currently the Federal Americans with Disabilities Act construction requirements do not apply to 1 and 2 family residential structures. While some agencies that provide services to citizens living in 1 and 2 family homes do require that accommodations are present, it is not within the scope of the residential code to require such accommodations.

Not counting square footage against the maximum allowable for an ADU would be at the discretion or rather determined by rules within the development code pertaining to ADU’s. For construction purposes all useable space, habitable or not, is accounted for and regulated.

Where a Fire Official makes a determination that inadequate apparatus access or water supply exists, the Building Official may allow construction if certain Uniform Alternate Construction

Standards are used in the construction of the dwelling. One possible mitigating method is the use of a residential sprinkler system. There are other methods under the OAR 918-480-0125.

Home owners are allowed to construct their own ADU and can apply directly for appropriate land use and building permits. Co-located dwellings (one owner, 1 lot) are allowed to share a sewer.

#### Section 4: Staff Recommended Changes

The findings on public involvement in Exhibit A are updated with the Council's decision to leave the record open through December 18, 2017 to allow for public comment.

The following changes to the Planning Commission's recommended code amendments are incorporated into Exhibit B:

1. Changed the terminology of roof pitch "3 to 12" to "3 in 12" in Design Standard 3 in Section 5.5-130 (B) to be consistent with the terminology elsewhere in the code.
2. In the Planning Commission recommendation, there were two Design Standards regulating the height of the ADU. They have been combined and reworded as Design Standard 6 in Section 5.5-130 (B) as follows, "The accessory dwelling unit may not exceed the height of the primary dwelling."
3. The Design Standard that applies to outdoor storage and garbage areas should apply to all ADUs, not just detached ADUs that are reviewed under the clear and objective standards. Staff added that standard to Sections 5.5-130 (A) and (C).
4. Renumbered the "Prohibited Use" Section from 5.5-135 to 5.5-145 to keep it in the same order as the existing code.

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**RECOMMENDED ACTION:** Approve Ordinance as presented or with changes to Exhibits A and B as identified by Council in response to public testimony.

**CITY OF SPRINGFIELD, OREGON**  
**ORDINANCE NO. \_\_\_\_\_ (GENERAL)**

**AN ORDINANCE MAKING IT EASIER TO ADD AN ACCESSORY DWELLING UNIT BY AMENDING THE SPRINGFIELD DEVELOPMENT CODE SECTIONS 3.2-210, 3.2-215, 3.3-235, 3.3-915, AND 3.3-940 TO ALLOW ACCESSORY DWELLING UNITS IN THE MDR AND HDR ZONING DISTRICTS AS WELL AS THE HISTORIC OVERLAY DISTRICT; AMENDING PROVISIONS FOR ACCESSORY DWELLING UNITS IN SECTION 5.5-105 THROUGH 5.5-145; AMENDING DEFINITIONS IN SECTION 6.1-110; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:**

**WHEREAS**, in late 2016 and early 2017, the City Council developed an affordable housing strategy to increase the supply and accessibility of affordable housing throughout the housing continuum; and

**WHEREAS**, encouraging construction of accessory dwelling units is one of Council's strategies to address housing needs, particularly since they increase the supply of small rental units which is the tightest part of the rental housing market; and

**WHEREAS**, the City Council held work sessions on April 10 and May 1, 2017 to identify potential amendments to the development code to encourage construction of accessory dwelling units is by amending the development code to make it easier and potentially less expensive to add an accessory dwelling unit; and

**WHEREAS**, the Planning Commission held a work sessions on July 18 and October 3, 2017 to review proposed amendments to the development code; and

**WHEREAS**, the Committee for Citizen Involvement met on June 20 and October 3, 2017 to provide input on and approve a Citizen Involvement Plan for the accessory dwelling unit code amendments; and

**WHEREAS**, the public outreach was conducted in accordance with the approved Citizen Involvement Plan, including an Open House on September 28, 2017; and

**WHEREAS**, notice was sent to the Department of Land Conservation and Development on September 8, 2017, not less than 35 days prior to the first evidentiary hearing in compliance with OAR 660-018-0020; and

**WHEREAS**, on October 17, 2017, the Springfield Planning Commission held a duly noticed public hearing on the proposed text amendments. The Commission left the record open until 5 pm on October 27, 2017. The public hearing was conducted in accordance with Springfield Development Code Sections 5.2-120 through 5.2-145; and

**WHEREAS**, on November 8, 2017, after review of the staff report, evidence in the record, written comments, and testimony of those who spoke at the public hearing, the Planning

Commission recommended approval of text amendments based on the findings of fact set forth in the Commission's Order and Recommendation; and

**WHEREAS**, on December 4, 2017, the Springfield City Council conducted a first reading and held a duly noticed public hearing on the recommended text amendments and left the record open to accept written comments through December 18, 2017; and

**WHEREAS**, on January 16, 2108, the City Council held a work session to review the evidence and testimony presented to Council, then conducted a second reading of the ordinance during regular session; and

**WHEREAS**, on February 5, 2018, the City Council held another work session and conducted a third reading of the ordinance during regular session and is ready to approve the text amendments in Exhibit B based on the findings of fact in Exhibit A; and

**WHEREAS**, these regulations are adopted through the City of Springfield's broad home rule authority under the Chapter II of Springfield City Charter which provides the following:

Section 4. Powers of the City. The City has all powers that the constitutions, statutes and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly granted or allowed the City, as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Powers. In this Charter no specification of power is exclusive or restricts authority that the City would have if the power were not specified. The Charter shall be liberally construed, so that the City may exercise as fully as possible all powers possible for it under this Charter and under United States and Oregon law. A power of the City continues unless the grant of the power clearly indicates the contrary.

NOW, THEREFORE, BASED ON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The Staff Report and Findings attached as Exhibit A are incorporated herein by reference and adopted.

Section 2. The Springfield Development Code is amended as shown in Exhibit B.

Section 3. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 4. Effective Date of Ordinance. Notwithstanding the effective date of ordinances as provided by Section 2.110 of the Springfield Municipal Code 1997, this ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor or upon the date of acknowledgement as provided in ORS 197.625, whichever date is later.

ADOPTED by the Common Council of the City of Springfield this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

APPROVED by the Mayor of the City of Springfield this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Recorder

**STAFF REPORT AND FINDINGS  
SPRINGFIELD CITY COUNCIL  
CODE AMENDMENTS FOR ACCESSORY DWELLING UNITS (ADUs)**

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**Council Public Hearing Date:** December 4, 2017  
**Date of Decision:** February 5, 2018  
**Journal #:** 811-17-000057-TYP4

**PROPOSAL DESCRIPTION**

**Proposal:** Encourage accessory dwelling units (ADUs) by simplifying the development code requirements and allowing accessory dwelling units not just in the Low Density Residential zone but also in the Medium and High Density Residential zoning districts and the Washburne Historic District

**Applicant:** City of Springfield

**Location:** Applies to all residential zoning districts (Low Density Residential – LDR, Medium Density Residential – MDR, and High Density Residential – HDR) within the city limits

**BACKGROUND**

The City Council has developed an affordable housing strategy with the goal of increasing the supply and accessibility of housing in Springfield throughout the housing continuum. One of the strategies is to encourage the construction of accessory dwelling units. One way to encourage accessory dwelling units is by revising the development code to make it easier and potentially less expensive to add an accessory dwelling unit.

**SUMMARY OF PROPOSED AMENDMENTS**

Proposed amendments are shown in legislative format in Exhibit B. The proposed amendments expand options for accessory dwelling units in the following ways:

- **Allow an existing small dwelling to become an ADU** (if it is less than 800 square feet), and build a primary dwelling unit.
- **Allow ADUs on properties zoned medium and high density residential.**
- **Allow ADUs in the Washburne Historic District**, subject to the requirements of Springfield Development Code Section 3.3-900 (Historic Overlay District).
- **Remove the minimum size requirement** of 300 square feet for an ADU.
- **Remove the ratio requirement** (currently an ADU cannot exceed 40 percent of the size of the primary dwelling), while increasing the maximum ADU size requirement of 800 square feet.
- **Allow more flexibility in the location of the entrance** to the ADU.
- **Waive the on-site parking requirement if there is on-street parking available** (and there are no adopted plans to remove the on-street parking).
- **Allow an unpaved parking space on-site, if there is a paved driveway** (at least 18 feet long measured from the property line) that serves the parking space for the ADU.
- **Remove requirement for the property owner to live on site.**
- **Allow more options for meeting design standards.**
- **Allow manufactured homes (Type 2) and approved towable structures** as ADUs so long as they are permitted, inspected, and approved by the local authority.

## NOTIFICATION AND WRITTEN COMMENTS

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing. A Notice of Proposed Amendment was transmitted to the DLCD on September 8, 2017, which is 39 days prior to the Springfield Planning Commission's public hearing on the matter.

Notice of the Planning Commission's public hearing was mailed to the Washburne Neighborhood Association Board on October 3, 2017 as required by Springfield Development Code 5.2-115 A; published in the legal notices section of *The Register Guard* on October 6, 2017 as required by Springfield Development Code 5.2-115 B; and emailed and mailed to the interested parties list on October 5, 2017.

Notice of the City Council's public hearing was mailed to the Washburne Neighborhood Association Board on November 20, 2017 as required by Springfield Development Code 5.2-115 A; published in the legal notices section of *The Register Guard* on November 22, 2017 as required by Springfield Development Code 5.2-115 B; and emailed and mailed to the interested parties list on November 20, 2107.

## APPROVAL CRITERIA

Springfield Development Code Section 5.6-115 lists the approval criteria for an amendment to the code.

- A. In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance to the following:
1. The Metro Plan;
  2. Applicable State statutes; and
  3. Applicable State-wide Planning Goals and Administrative Rules.

## FINDINGS OF FACT

### 1. Consistency with the Metro Plan

The *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is the prevailing Comprehensive Plan. The *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* was adopted in 2011 through Springfield Ordinance 6268 and Lane County Ordinance No. PA. 1274 as a refinement to the *Metro Plan*. Amendments to the development code must be considered within the context of Springfield's adopted policies. Thus any proposed amendments must be consistent with the *Metro Plan Residential Land Use Element* and the *Springfield 2030 Residential Land Use and Housing Element*. The *Springfield 2035 Transportation System Plan* adopted in 2014 by Springfield Ordinance 6314 and Lane County Ordinance No. PA 1303 is a functional plan of the *Metro Plan*. Applicable policies and findings of fact showing compliance with those policies are presented below.

The following *Metro Plan* policy from the "Citizen Involvement Element" is an applicable approval criterion for the development code amendments.

- K.3 *Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Metro Plan that may affect the character of those areas.*

Finding: The code amendments implement the housing policies of the *Metro Plan*. Residents and property owners have had the opportunity to participate in the preparation and adoption of the amendments to the Springfield Development Code as per the Citizen Involvement Plan approved by the Committee for Citizen Involvement on October 3, 2017.

All City Council and Planning Commission meetings are advertised and open to the public, including the work sessions during which the elected and appointed officials discussed the code amendments. The general public and community groups were informed throughout the process by media coverage and the internet, including social media and the city's website.

The primary ways for residents and property owners to participate in the development of the code amendments was through an Open House on September 28, 2017, the Planning Commission's public hearing on October 17, 2017, and the Council's public hearing on December 4, 2017. The Commission left the record open until 5:00 pm on October 27, 2017 to allow for additional written comments. The Council left the record open through December 18, 2017 to allow for additional written comments.

Thirty-six people signed in at the Open House, the comments of which are included as Exhibit C2.

There is one active neighborhood organization in the City, the Washburne Neighborhood Association. Staff had verbal communications with the Board in August and invited them to the Open House on September 19, 2017 and sent them formal notice of the Planning Commission public hearing as per Springfield Development Code 5.2-115.A on October 3, 2017. People who signed up on the city's interested parties list for Affordable Housing or the Department of Development and Public Works were sent an invitation to the Open House on September 19, 2017, and a notice of the Planning Commission's public hearing on October 5, 2017. An article in the city's newsletter, "Springfield Connection" advertised the Open House. The *Eugene Weekly* included the Open House on the Community Calendar in the Sept. 21 and 28 issues. The City provided notice of the Open House via Twitter on Sept. 13, 26, and 28 and via Facebook on Sept. 13 and 26. The City's News Release on Sept. 14 and 25 that featured the Open House and mentioned the Planning Commission public hearing resulted in the KVAL/KMTR piece that ran on Sept. 28. Notice of the Planning Commission public hearing was published in the legal notices section of the *Register Guard* on October 6, 2017 as required by Springfield Development Code 5.2-115B.

The Historic Commission met on September 26, 2017 to provide a recommendation regarding allowing ADUs in the Washburne Historic District. A letter from the Chair is included as Exhibit C1. The Commission met again on November 16, 2017 to further discuss whether or not the property owner should be required to live on site if the property is developed with an ADU and the majority voted to support that requirement.

On November 20, 2017, notice for the City Council public hearing was sent to the Washburne Neighborhood Association and the city's Affordable Housing and Development and Public Works interested parties lists, including those who have testified thus far. Legal notice of the City Council's public hearing was published in the *Register Guard* on November 22, 2017. To further advertise the public hearing, on November 27,

2017, the City issued a news release and posted notice on social media. The *Register Guard* published an article regarding Springfield's request for residents to testify at the Council's public hearing. KVAL/KMTR and KEZI also covered the Council's public hearing on December 4, 2017 including Council's invitation for additional public comments to be submitted through December 18, 2017.

The following *Metro Plan* policies from the "Metropolitan Residential Land Use and Housing Element" are applicable approval criteria for the development code amendments.

Residential Density

A.10 *Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.*

Finding: In the LDR zone, adding an ADU doubles the number of dwelling units on the lot and therefore increases the residential density. In the MDR and HDR zones, either one or two ADUs will be permitted bringing the density of the lot up to the minimum density allowed in the zone. The ADUs will tap into the utility lines in place to serve the primary dwelling. Transportation access to the ADUs will be from rights-of-way which in most cases will already be developed. In some cases where the primary dwelling takes access from a street and the access to the ADU is from an unimproved alley, the alley would need to be improved. Public services and facilities already in place to serve the residents in the primary dwellings would also be available to serve the residents in the ADUs. Thus, promoting ADUs promotes higher residential density inside the UGB while utilizing existing infrastructure, improving the efficiency of public services and facilities, and conserving rural resource lands outside the UGB.

A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

Finding: ADUs add dwelling units in areas that are already developed with existing homes. Thus, these new units are designed as in-fill projects, either within existing structures or as new structures on developed residential lots. All the development standards such as lot coverage, setbacks, and solar access will continue to apply to all buildings on the lot. These standards thus will continue to address potential impacts of development on adjacent neighbors. ADUs in the Washburne Historic District will be processed as a Type II land use application that must comply with the Alteration Standards in 3.3-945 of the Development Code to protect the historic character of the Historic Landmark District. Amendments to the design standards for ADUs require that the ADU either matches the primary dwelling or meets clear and objective standards, with an option to meet other standards subject to a Type II land use decision. Thus these standards ensure that the ADU is designed to be compatible with either the primary dwelling or the neighborhood. Thus, the proposed amendments increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill while considering impacts of increased residential density on historic, existing and future neighborhoods.

A.14 *Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*

Finding: Given that there have only been two ADUs permitted in the City in the past ten years, Council initiated these code amendments to make it easier and potentially less expensive to add an ADU. Removing the on-site parking requirement in situations where parking is available allows development of ADUs in situations that would not be possible if on-site parking was required. Allowing for unpaved parking in certain situations also reduces the cost of development which could be a barrier to development. Removing the owner-occupancy requirement allows property owners who do not live in the property more options for developing their property. Removing the owner-occupancy requirement also allows homeowners to sell their property without a restrictive covenant that binds potential buyers to a residency requirement. The code amendments provide more options for designing an ADU by allowing an existing dwelling to become an ADU, removing the minimum size requirement for the ADU, removing the ratio requirement for the size of the ADU, allowing more flexibility in the location of the entrance to the ADU, allowing more options for meeting design standards, and allowing manufactured homes and approved towable structures as ADUs. The code amendments remove barriers to higher density housing and increase the feasibility of an ADU as a housing option.

*A.16 Allow for the development of zoning districts which allow overlap of the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing Metro Plan density ranges.*

Finding: Per Policy A.9, the *Metro Plan* density ranges for low density is up to 14.28 dwelling units per net acre, 14.28 through 28.56 units per net acre for medium density, and over 28.56 units per net acre for high density. ADUs are allowed in the MDR and HDR zones only if the lot sizes are small enough such that the resulting number of dwellings on the lot meets the minimum density requirement for the zoning district (14 units per net acre for MDR and 28 units per net acre for HDR). Thus, housing densities will be within the existing *Metro Plan* density range.

*Housing Type and Tenure*

*A.17 Provide opportunities for a full range of choice of housing type, density, size, cost, and location.*

Finding: ADUs offer a small size home (800 square feet or less) option in neighborhoods that will often be developed with single-family homes. This housing type provides an alternative to apartment complexes for renters that are generally available in medium and high density residential areas. ADUs also provide an option for housing family members or on-site caregivers that facilitate independence and proximity. Due to their smaller size and the fact that they do not need additional land, ADUs are more affordable than single-family homes. Thus ADUs add to the range of choice of housing types, density, size, cost and location.

*A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*

Finding: Eight-four percent of the units added to the housing stock in Springfield from 2008 to 2016 were single-family homes. Two were ADUs. The code amendments remove regulatory barriers (on-site parking, owner occupancy, prohibition against manufactured homes and towable structures, prohibition in the MDR and HDR zones and the Washburne Historic District) and allow more flexibility (size requirements and design

options). These amendments to development regulations encourage ADUs to be a part of the mix of structure types available within residential designations.

Affordable, Special Need, and Fair Housing

A.33 *Consider local zoning and development regulations impact on the cost of housing.*

Finding: Providing a paved parking space on-site adds cost to the development of an ADU. The proposed amendments offer two opportunities to reduce the cost of providing parking for the ADU: 1) removing the requirement for on-site parking if on-street parking is and will continue to be available; and (2) allowing for on-site parking to be unpaved in certain circumstances. Thus, the impact of development regulations on the cost of housing is considered in the code amendments.

The following policies from the ***Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element*** are applicable approval criteria for the development code amendments.

Plan for Growth and Needed Housing

H.6 *Continue to seek ways to reduce development impediments to more efficient utilization of the residential land supply inside the UGB, especially in the City's sloped areas (southeast Springfield and Willamette Heights).*

Finding: ADUs add housing units to land that is already developed. Thus, they help make efficient use of the residential land supply inside the UGB. Regulatory requirements can be an impediment to development if they add cost or do not allow the location, size, type, or design of a house desired by the property owner. The code amendments increase the area where ADUs are allowed (MDR and HDR zones, Washburne Historic District), remove the minimum size and ratio requirements, allow for manufactured homes and towable structures as ADUs, and allow more flexibility in the design standards. Thus, the amendments reduce development impediments to more efficient utilization of the residential land supply inside the UGB.

Foster Housing Choice and Affordability

H.9 *Provide a broad range of quality accessible and affordable housing options for very low, low and moderate income residents. Affordable housing is defined as housing for which persons or families pay 30 percent or less of their gross income for housing, including necessary and essential utilities [Oregon Revised Statute 456.055].*

Finding: The data analysis completed as part of developing an affordable housing strategy indicated that vacancy rates for rentals are very low and that the waiting lists are longest for one-bedroom and studio units. Based on the American Community Survey, in 2013, 53% of Springfield renters paid more than 30% of their gross income for housing, including necessary and essential utilities. Accessory dwelling units have the potential to provide additional housing options for these smaller units which by size tend to be more affordable to those with low and moderate incomes. Thus, code amendments that make it easier to add an ADU provide the opportunity for a broader range of affordable housing options for very low, low and moderate income residents.

Encourage Housing Diversity & Quality Neighborhoods

*H.11 Continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.*

Finding: ADUs add another rental housing option to those with low to moderate incomes in existing neighborhoods. These ADUs create opportunities for income generation that may be particularly useful for retirees, especially as Springfield's population continues to age. They also provide opportunities for seniors to age in place by allowing for on-site caretakers. ADUs allow for intergenerational living and provide an alternative housing option for people wanting to remain in their neighborhood even if their life circumstances change. The code amendments that encourage ADUs update the development standards to encourage ADUs as an option in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.

*H.15 Update residential development standards to enhance the quality and affordability of neighborhood infill development (e.g. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi-family development.*

Finding: ADUs are a type of infill development. Removing on-site parking requirements if on-street parking is and will continue to be available, and allowing for unpaved parking in certain circumstances reduce the cost of developing an ADU and allows for more design options on the lot. Other code amendments addressing size and design allow for more flexibility while continuing to ensure quality. Thus, these amendments update residential development standards to enhance the affordability of ADUs as neighborhood infill development.

The following policy from the *Springfield 2035 Transportation System Plan* is an applicable approval criterion for the development code amendments.

*2.6 Manage the on-street parking system to preserve adequate capacity and turnover for surrounding land uses.*

Finding: Department of Environmental Quality research from 2014 shows that “because ADUs are extremely rare (Portland, the nation’s ADU ‘leader’ has them on less than 1% of eligible lots), and because ADU households have fewer cars than other households, ADUs should have virtually no effect on parking conditions on a citywide basis.”<sup>1</sup> Likewise in Springfield, it is anticipated that there will be minimal impacts to on-street parking on a citywide basis. The amendments require one on-site parking space for the ADU (in addition to that required for the primary dwelling) if there is no on-street parking or if there are adopted plans to remove the on-street parking. Thus, the code amendments help manage the on-street parking system to preserve adequate capacity and turnover for surrounding land uses.

Finding: The code amendments comply with applicable policies from the *Metro Plan* including the *Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element* and the *Springfield 2035 Transportation System Plan*, and therefore meet Criterion A.1.

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<sup>1</sup> Martin Brown, “Accessory Dwelling Units in Portland, OR: Evaluation and interpretation of a survey of ADU owners” (Oregon Department of Environmental Quality, June 2014, <http://accessorydwellings.org/2014/07/09/are-adus-green-housing/>).

## 2. Consistency with State statutes.

In 2017, the legislature passed Senate Bill 1051 which resulted in changes to ORS 197. Applicable statutes are listed below as approval criteria.

*ORS 197.312 (5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*  
*(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

Finding: Springfield's estimated population for 2016 is 61,893 making this statute applicable to the city. The LDR, MDR, and HDR zones allow detached single-family dwellings and therefore are required to allow at least one ADU for each detached single-family dwelling. The city's definition of accessory dwelling states that it "may be located within, attached to or detached from the primary single-family dwelling" which complies with subsection (b). The code amendments allow one or two ADUs in the MDR and HDR zones (depending on lot size) where they were not previously allowed. ADUs were already allowed in the LDR zone. As shown through the findings above, the siting and design standards comply with Springfield's adopted policies and are reasonable. Thus, the code amendments comply with this statute.

*ORS 197.307 (4)(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.*  
*(B) This paragraph does not apply to:*  
*(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or*  
*(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).*

Finding: Amendments to the design standards for ADUs require that the ADU either matches the primary dwelling or meets clear and objective standards, with an option to meet alternative standards subject to a Type II land use decision. ORS 197.307 (5) (b) covers an application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas. Therefore, the design standards for ADUs in the Washburne Historic District are not required to be clear and objective and the alteration standards for the Historic District remain in place. The definitions for manufactured dwellings are amended to allow only non-reflective siding and roofing materials rather than somewhat discretionary requirement that the materials be similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surround dwellings. Thus the amendments make the design standards for ADUs clear and objective in the land use regulations.

Finding: The code amendments comply with applicable statutes and therefore meet Criterion A.2.

## 3. Applicable State-wide Planning Goals and Administrative Rules.

The purpose of Statewide Planning Goal 10 is to ensure the opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs.

The following OARs provide standards for compliance with Goal 10 “Housing” to implement ORS 197.303 through 197.307:

*OAR 660-008-0010 Allocation of Buildable Land*

*The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.*

Finding: The *Springfield Residential Land and Housing Needs Analysis* was adopted as a Technical Supplement to the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* in 2011. ADUs are not a dwelling unit type called out in this analysis. Given that by definition, ADUs are only permitted in conjunction with a single-family detached dwelling, they will not utilize vacant or partially vacant land (as defined in the Analysis). They provide an infill opportunity that was not accounted for in the Buildable Land Inventory. Therefore, allowing ADUs in the Medium Density and High Density Plan Designations will not have an effect of reducing the buildable land in those plan designations. Making it easier to add an ADU in the Low Density Plan Designation will not have an effect of reducing the buildable land in that plan designation. The code amendments have no detrimental impact on the Buildable Land Inventory and have the potential to allow for more housing within the developed areas of the city, particularly the smaller rental units that meet the projected need of smaller households who need affordable options. Therefore, the proposed code amendments comply with this administrative rule.

*660-008-0015 Clear and Objective Approval Standards Required*

*(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

*(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:*

*(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);*

*(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*

*(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.*

*(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:*

- (a) Set approval standards under which a particular housing type is permitted outright;*
- (b) Impose special conditions upon approval of a specific development proposal; or*
- (c) Establish approval procedures.*

Finding: Amendments to the design standards for ADUs require that the ADU either matches the primary dwelling or meets clear and objective standards, with an option to meet alternative standards subject to a Type II land use decision. ORS 197.307 (5) (b) covers an application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas. Therefore, the design standards for ADUs in the Washburne Historic District are not required to be clear and objective and the alteration standards for the Historic District may remain in place. The definitions for manufactured dwellings are amended to identify the specific materials that are allowed rather than the somewhat discretionary requirement that the materials be similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surround dwellings. Thus the amendments make the design standards for ADUs clear and objective in the land use regulations.

Finding: The code amendments comply with applicable Statewide Planning Goals and Administrative Rules and therefore meet Criterion A.3.

## Amendments to the Springfield Development Code to Encourage Accessory Dwelling Units

The amendments are shown in legislative format (deleted text with strike-thru red font and new text with double underline red font). Commentary is shown in purple italics font.

### Chapter 3 Land Use Districts 3.2-200 Residential Zoning Districts

#### Section 3.2-210 Schedule of Use Categories

*Commentary: Allow accessory dwelling units in all areas zoned for detached single-family dwellings as required by Oregon Revised Statutes 197.312 (5) which was added by Senate Bill 1051.*

Use Categories/Uses	Zoning Districts			
	LDR	SLR	MDR	HDR
<b>Residential Uses</b>				
<b>Dwellings</b>				
Accessory dwelling unit (Section 5.5-100)	P	P	<del>NP</del>	<del>NP</del>

#### 3.2-215 Base Zone Development Standards

*Commentary: Clarify that minimum setbacks apply to primary structures and ADUs.*

Minimum Setbacks for Primary Structures and Accessory Dwelling Units (4)(5)(7)(8)(9)(10)~~(19)~~

Development Standard	Residential Zoning District			
	Low Density Residential (LDR)	Small Lot Residential (SLR)	Medium Density Residential (MDR)	High Density Residential (HDR)
Front Yard	10 feet	10 feet	10 feet	10 feet
Street Side Yard	10 feet	10 feet	10 feet	10 feet
Rear Yard	10 feet	10 feet	10 feet	10 feet
Interior Yard Setbacks Without Zero Lot Line	5 feet	5 feet	5 feet	5 feet
Interior Yard Setbacks with Zero Lot Line	10 feet	10 feet	10 feet	10 feet
Front Yard Setback: Garages and Carports (6)	18 feet measured along the driveway from: <ol style="list-style-type: none"> <li>1. The property line fronting the street or back of the sidewalk, whichever is closest to the face of the garage or carport; or</li> <li>2. The property line fronting the street or the back of the sidewalk, whichever is closest to the far wall of the garage or carport where the face of the structure is perpendicular to the street.</li> <li>3. Where a garage or carport faces a panhandle driveway, the 18 feet is measured from the inner travel edge (pavement or gravel) within the panhandle to the face of the structure.</li> </ol>			

Alley Access: Garage	For new alleys the setback is 5 feet measure from the edge of the alley; for existing alleys that are less than 20 feet wide, the setback is 3 feet.
Accessory Structures	Accessory structures shall not be located between any front or street side yards of a primary structure and shall be set back at least 3 feet from interior side and rear lot/parcel lines.
Panhandle and Duplex Lots/Parcels	All setbacks for panhandle lots/parcels are based on the orientation of the front and rear of the dwelling occupying the lot/parcel. All setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit established by the street or streets for address purposes.

(19) Accessory dwelling units may be located up to five feet from an alley. If the accessory dwelling is located above an alley access garage, the setback for the garage from the alley also applies to the accessory dwelling unit, even if it is less than five feet.

**Section 3.2-235 Residential Manufactured Dwellings**

*Commentary: Allow for use of Type 2 manufactured homes (under 800 square feet) as accessory dwelling units in the Low, Small Lot, Medium, and High Density Residential Districts.*

The siting of manufactured dwellings in ~~Low and Medium Density~~ Residential Districts is permitted subject to the provisions of this section:

- A. Manufactured Home-as permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density provided that units placed on individual lots/parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of existing and platted manufactured home subdivisions, as accessory dwelling units, and in multifamily developments.

**Section 3.3-900 Historic Overlay District**

*Commentary: Allowing accessory dwelling units in the Washburne Historic Landmark District requires that they be addressed in the Historic Overlay District.*

**3.3-915 Review**

- B. The following major alterations of Historic Landmark Sites or Structures shall be reviewed under Type II procedures as specified in Section 3.3-945;
  1. Additions, partial demolitions, or substantial alterations to a building façade;
  2. A change to a more intensive use category as defined in the underlying zoning district;
  3. Installation of 4 or more parking places;
  4. Removal or radical trimming of large established trees or vegetation, except where necessary for immediate public safety as determined by the City Engineer;
  5. Specific Development Standards in the Washburne Historic Landmark District specified in Section 3.3-935B;

6. New construction of 1,000 square feet or more within the Washburne Historic Landmark District;
7. Addition of an accessory dwelling unit that complies with the Development Standards in Section 3.3-940; or
8. Any other alteration or use that the Director determines may detract from the historic character of a Historic Landmark Site or Structure.

### 3.3-940 Development Standards

- A. Garage Placement. ~~In order to~~ To protect the historic character of ~~an~~ the Washburne Historic Landmark District or an individual Historic Landmark Structure, residential garages may be permitted to abut an alley, provided that:
  1. Minimum fire separation as required by the Building Safety Codes is not exceeded; and
  2. Access is taken from the alley.
- B. Accessory Dwelling Units. To protect the historic character of the Washburne Historic Landmark District or an individual Historic Landmark Structure, the following standards apply to accessory dwelling units in residential districts:
  1. Accessory dwelling units must meet the requirements in Sections 5.5-105 through 5.5-140 of this Code, except where they conflict with the standards of the Historic Overlay District.
  2. New or expanded curb cuts are not allowed unless there is no other alternative for providing the required parking for the accessory dwelling unit. Alternatives that must be considered include, but are not limited to, providing a parking space that is accessed from the alley rather than the street, and using on-street parking abutting the property.
  3. Alterations that add an entrance to an attached accessory dwelling unit on the same side of the dwelling as the entrance of the primary dwelling are not permitted.
  4. Type 2 manufactured homes shall not be used as an accessory dwelling unit.

## Chapter 5 The Development Review Process and Applications

### Section 5.5 Accessory Dwelling Units

#### 5.5-105 Purpose

*Commentary: Delete the first section of the Purpose which actually defines an accessory dwelling unit and rely on the definition that is in Chapter 6.*

~~A. A single family accessory dwelling unit:~~

- ~~1. Is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling;~~
- ~~2. Is subordinate in size, location, and appearance to the primary detached single-family dwelling;~~
- ~~3. Generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area; and~~
- ~~4. May be located within, attached to or detached from the primary single-family dwelling.~~

*Commentary: Match the purpose of accessory dwelling units to policy language in the **Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element** (Policies H.6, H.9, H.11, and H.15).*

A. An accessory dwelling unit is intended to:

1. Provide the opportunity to Add accessible and affordable units to existing housing stock neighborhoods and new residential areas;
2. Provide flexibility to accommodate ~~for~~ changes in household size or composition over the course of time, allowing for intergenerational living and on-site caretakers/assistants;
3. Make efficient use of residential land; and
4. Fit into the ~~Protect~~ neighborhood while maintaining stability, property values, and in the case of low-density residential zones, the single-family residential appearance of the neighborhood ~~by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.~~

*Commentary: Make grammatical structure consistent for each phrase.*

B. An accessory dwelling may be established by:

1. ~~Conversion of~~ an attic, basement or garage or any other portion of the primary dwelling;
2. Adding floor area to the primary dwelling, including a second story; or
3. ~~Construction of~~ a detached accessory dwelling unit on a lot/parcel with a primary single-family dwelling.

*Commentary: Allow existing small dwellings to become the accessory dwelling unit.*

4. Converting an existing dwelling unit to the accessory dwelling unit (if it is less than 800 square feet) and building a primary dwelling unit.

### 5.5-110 Applicability

*Commentary: Allow accessory dwelling units to be built first or at the same time as the primary dwelling*

- A. Accessory dwelling units are permitted on LDR properties with an ~~n-existing~~ primary dwelling, within the city limits.

*Commentary: Allow accessory dwelling units in all areas zoned for detached single-family dwellings as required by ORS 197.312 (5) which was amended by SB 1051 as long as the new development would meet the minimum density requirements in the MDR or HDR zoning district. If the lot or parcel developed with a single-family house is larger than those listed below, then the property owner would need to consider other options such as land divisions or building multi-family dwellings in order to achieve the minimum density requirements. Multi-unit design standards apply to three or more attached units. Therefore, if there are two accessory dwelling units, one must be detached from the main structure.*

- B. Accessory dwelling units are permitted on MDR properties with a primary dwelling, within the city limits, according to the following standards:

1. On a lot or parcel with area 6650 square feet or less, one or two accessory dwelling units are permitted.
2. On a lot or parcel with area greater than 6650 square feet but not greater than 10,000 square feet, two accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
3. An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.
4. If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

- C. Accessory dwelling units are permitted on HDR properties with a primary dwelling, within the city limits, according to the following standards:

1. On a lot or parcel with area 3200 square feet or less, one or two accessory dwelling units are permitted.
2. On a lot or parcel with area greater than 3200 square feet but not greater than 4800 square feet, two accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
3. An accessory dwelling is not permitted on a lot or parcel with area greater than 4800 square feet.
4. If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

*Commentary: Allow accessory dwelling units in the Washburne Historic District.*

- D. ~~EXCEPTION:~~ Accessory dwelling Units are ~~prohibited-permitted on lots/parcels~~ within the ~~Washburne~~ Historic Overlay District subject to the provisions of Section 3.3-910 through 3.3-945.

### 5.5-115 Review

*Commentary: Add that ADUs in the Washburne Historic District and in some other cases, ADUs are reviewed under a Type II procedure.*

An accessory dwelling unit is reviewed under Type I procedure except in the Historic Overlay District or except as provided in Sections 5.5-125F and 5.5-130C when the accessory dwelling unit is reviewed under a Type II procedure.

### 5.5-120 Submittal Requirements

*Add to the submittal requirements to make enable a complete review of the application.*

A plan drawn to scale and dimensioned showing the proposed accessory dwelling unit and its relation to the property lines, the primary dwelling and other structures on the lot/parcel including fences and walls; existing and proposed trees and landscaping; lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations; location of utilities and meters, curb cuts, sidewalks (public and private) and off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

### 5.5-125 Development Standards

*Commentary: Make accessory dwelling unit "single" for style consistency.*

An accessory dwelling units shall meet the following standards:

- A. The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.

*Commentary: Rely on 5.5-140 to regulate the minimum lot/parcel size.*

- ~~B. The minimum lot/parcel size to construct an accessory dwelling unit is as specified in Section 3.2-215.~~

- ~~B.~~ The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.

*Commentary: Remove the ratio requirement for size of the accessory dwelling unit and increase the size allowed to 800 square feet.*

**DC.** ~~The accessory dwelling unit shall not exceed 800 square feet or the square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling (exclusive of the garage for the primary dwelling), whichever is less. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.~~

**EXCEPTION:** ~~The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.~~

*Commentary: Incorporate building code requirement that an accessory dwelling unit must have its own outside entrance and remove requirement that allows only one entrance.*

**ED.** ~~The accessory dwelling unit shall have When separate an outside entrances to the accessory dwelling unit are proposed; that is separate from the entrance to the primary dwelling.~~

*Commentary: Allow more flexibility in the location of the entrance.*

- ~~1. Only 1 entrance may be located on the front or street side of each residence.~~
- ~~2. A hard surface walkway, a minimum of 3 feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.~~

**FE.** Each dwelling shall have its own address.

*Commentary: Waive the on-site parking requirement in some situations where on-street parking is available. Also, remove the requirement for the on-site parking space to be paved if there is a paved driveway providing access to the parking space.*

**FG.** ~~There shall be One paved, off-street parking space 9 feet by 18 feet in size for the accessory dwelling unit, in addition to the at off-street spaces which is required by Section 4.6-100 for the primary dwelling is required. The off-street parking space for the ADU must be paved, except when there is a paved driveway at least 18 feet long measured from the property line that serves the unpaved parking space for the ADU. If the primary dwelling has more off-street spaces than required, one of those surplus spaces may be counted as the required parking for the ADU.~~

~~An off-street parking space is not required if one of the following conditions is met:~~

- ~~1. There is on-street parking available directly abutting the property, the abutting street includes parking on both sides of the street, and there are no adopted plans to remove the on-street parking. The abutting on-street parking space must be paved.~~
- ~~2. Under Type II procedure, the Director determines based on a parking utilization study, that on-street paved parking is consistently available directly abutting the subject property and the roadway is of sufficient width to allow passage of emergency vehicles.~~

*Commentary: Remove this requirement to allow existing small homes to become the accessory dwelling unit.*

~~H. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.~~

*Commentary: Remove the requirement that the property owner live on site.*

~~I. Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner shall reside on the property and the accessory dwelling unit shall not be sold separately from the primary dwelling, unless lawfully partitioned.~~

### 5.5-130 Design Standards

*Commentary: Provide the property owner more flexibility in design of the new dwelling while also including clear and objective design standards (as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051).*

An accessory dwelling unit within or attached to the main dwelling shall either match the primary dwelling or meet the alternative standards. A detached accessory dwelling unit shall match the primary dwelling, meet clear and objective standards, or meet the alternative standards.

A. Match Primary Dwelling. An accessory dwelling unit may be approved under Type I procedure if it meets~~shall comply with~~ the following design standards except that these standards may be altered when necessary to meet current fire or building codes;~~where practicable the:~~

~~1. A.~~ 1. Exterior finish materials shall be the same as or essentially the same visually match those of in terms of type, size, placement and finish as the primary dwelling in terms of type, size, and placement.

~~B.~~ 2. Roof pitch shall match be the same as the predominate roof pitch of the primary dwelling.

~~C.~~ 3. The trim around the doors and windows shall be the same in type, location and finish as the primary dwelling.

~~D.~~ 4. Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).

~~E.~~ 5. Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

6. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.

B. Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type I procedure if it meets the following design standards:

1. If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it shall have its tongue and towing apparatus removed. It shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24 inch limitation will not apply).
  2. Only non-reflective siding and roofing materials are allowed.
  3. Minimum roof pitch is 3 in 12.
  4. Eaves shall project from the accessory dwelling unit at least one foot on all elevations.
  5. The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet.
  6. The accessory dwelling may not exceed the height of the primary dwelling.
  7. The exterior wall shall provide an offset every 25 feet by providing a recess or extension, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall.
  8. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
- C. Meet Alternative Standards. An accessory dwelling may be approved under Type II procedure if it meets the following design standards:
1. Siding, roofing materials and windows shall be similar to those used on residential dwellings in the surrounding neighborhood.
  2. Entrances, windows and balconies shall be designed and located with consideration of the privacy of residential neighbors.
  3. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.

*Commentary: Remove this subsection as it is no longer necessary.*

#### **~~5.5-135 Prior Uses~~**

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~~The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:~~

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~~A. The accessory dwelling unit complies with the provisions of Sections 5.5-105 through 5.5-130; and~~

~~-~~

~~B. A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof is the responsibility on the property owner to show proof of building permits.~~

#### 5.5-140 Non-conforming Lot/Parcel Sizes

*Commentary: Improve the wording.*

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the applicable minimum lot/parcel size stated in Section 3.2-215.

#### 5.5-145 Prohibited Use

*Commentary: Allow Type 2 Manufactured Homes and approved towable structures as accessory dwelling units.*

Mobile homes, ~~manufactured homes~~, recreational vehicles, motor vehicles, and travel trailers ~~and all other forms of towable or manufactured structures~~ shall not be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are permitted, inspected and approved by the local authority having jurisdiction are allowed.

### Chapter 6 Definitions

#### Section 6.1-110 Meaning of Specific Words and Terms

*Commentary: Remove redundant definition and replace with a cross reference.*

**Accessory Dwelling Unit** ~~A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling. See Dwelling Unit, Accessory~~

*Commentary: Change definition to allow an existing house to become the accessory dwelling unit. Also, require a separate outside entrance for the accessory dwelling unit as required by building codes.*

**Dwelling Unit, Accessory** A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, ~~location, and appearance~~ to the primary detached single-family dwelling. An accessory dwelling unit ~~generally~~ has its own outside entrance and ~~always has~~ a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

*Commentary: Change definition to recognize that accessory dwelling units could share a wall with the single-family dwelling.*

**Dwelling, Detached Single-Family** A single-family dwelling on its own lot/parcel that does not share a wall with any other dwelling other than an accessory dwelling unit. A detached single-family dwelling may be either site built or a manufactured dwelling.

**Dwelling, Manufactured.**

- A. Residential Trailer:** a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- B. Mobile Home:** a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon Mobile Home Law in effect at the time of construction.
- C. Manufactured Home:** a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with Federal Safety Standards Regulations in effect at the time of construction. In addition, manufactured homes sited within the jurisdictional boundaries of Springfield shall be of either Type 1 or Type 2 classification and shall comply with the following standards:

**1. Type 1 Manufactured Home:**

- a.** Multi-sectional configuration enclosing a minimum floor area of 1,000 square feet;

*Commentary: Make the design standards clear and objective as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051.*

- b.** Siding and roofing materials ~~shall be non-reflective similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings;~~

*Commentary: Make the language for roof pitch consistent with other sections of the code.*

- c.** Minimum roof pitch of 3 ~~feet vertical~~ in 12 ~~feet of width~~;
- d.** Thermal efficiency equivalent to the Oregon One- and Two-Family Dwelling Specialty Code excluding units built prior to the effective date of this Ordinance (5-1-94). These units shall meet or exceed the HUD energy standards that were in effect at the time of construction.

**2. Type 2 Manufactured Home:**

*Commentary: Allow manufactured homes larger than 500 square feet but smaller than 1000 square feet to be included as a Type 2 Manufactured Home. Manufactured homes up to 800 square feet could be used as an accessory dwelling unit.*

- a. Single-wide unit ~~of not less than 12 feet wide~~ enclosing ~~less than a minimum floor area of 500-1000~~ square feet;

*Commentary: Make the design standards clear and objective as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051.*

- b. Siding and roofing materials ~~shall be non-reflective similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings;~~

*Commentary: Make the language for roof pitch consistent with other sections of the code.*

- c. ~~m~~Minimum roof pitch of ~~2 feet vertical 3~~ in ~~12 feet of width~~;

- ~~ed.~~ Thermal efficiency equivalent to the Oregon One- and Two-Family Dwelling Specialty Code excluding units built prior to May 1, 1994. These units shall meet or exceed the HUD energy standards that were in effect at the time of construction.

*Commentary: Correct inconsistent labelling (Arabic numeral instead of Roman numeral).*

**Note:** Multi-sectional units placed on lots/parcels eligible for Type 2 units shall comply with all of the standards of a Type ~~1~~ manufactured home.