

EXHIBIT A

STAFF REPORT AND FINDINGS SPRINGFIELD PLANNING COMMISSION CODE AMENDMENTS FOR ACCESSORY DWELLING UNITS (ADUs)

Public Hearing Date: October 17, 2017
Date of Decision: November 8, 2017
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 been developing 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 750 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 maintaining the maximum ADU size requirement of 750 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.

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.

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 and the Planning Commission's public hearing on October 17, 2017. The Commission left the record open until 5:00 pm on October 27, 2017 to allow for additional written comments.

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 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 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 public hearing resulted in the KVAL/KMTR piece that ran on Sept. 28. Notice of the 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 general public and community groups were informed throughout the process by media coverage and the internet, including social media and the city's website.

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.

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

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 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 Alternation 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 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 (750 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 then 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.”¹ 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.

2. Consistency with State statutes.

Earlier this year, 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

¹ 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/>).

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 meet other 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 meet other 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.