



# Planning Commission Agenda

Development and Public Works Director  
Anette Spickard, 541-726-3697  
Current Development Manager:  
Greg Mott 541-726-3774  
Management Specialist:  
Brenda Jones 541.726.3610  
City Attorney's Office  
Kristina Kraaz

City Hall  
225 Fifth Street  
Springfield, Oregon 97477  
541.726.3610  
Online at [www.springfield-or.gov](http://www.springfield-or.gov)

## Planning Commissioners:

Greg James, Chair  
Michael Koivula, Vice Chair  
Nick Nelson  
Tim Vohs  
Sean Dunn  
Andrew Landen  
Troy Sherwood

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The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3610.

**Meetings will end prior to 10:00 p.m. unless extended by a vote of the Planning Commission.**

All proceedings before the Planning Commission are recorded.

November 8, 2017 **WEDNESDAY**

**6:00 p.m. Regular Session**  
Council Chambers

## CONVENE AND CALL TO ORDER THE REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

ATTENDANCE: Chair James \_\_\_\_\_, Vice Chair Koivula \_\_\_\_\_, Nelson \_\_\_\_\_, Vohs \_\_\_\_\_, Dunn \_\_\_\_\_, Landen \_\_\_\_\_, Sherwood \_\_\_\_\_.

## PLEDGE OF ALLEGIANCE

## ADJUSTMENTS TO THE REGULAR SESSION AGENDA

In response to a request by a member of the Planning Commission, staff or applicant; by consensus

## BUSINESS FROM THE AUDIENCE

Testimony is limited to 3 minutes; testimony may not discuss or otherwise address public hearings appearing on this Regular Session Agenda

## PUBLIC HEARING(S)

### LEGISLATIVE PUBLIC HEARING –

**Amendment of the Springfield Development Code Accessory Dwelling Units, Journal No. 811-17-000057-TYP4-**

### DELIBERATIONS CONTINUED FROM OCTOBER 17, 2017

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.

The proposal is to encourage accessory dwelling units (ADUs) by simplifying the development code requirements and allowing accessory dwelling units not just in the Low Density Residential zoning district but also in the Medium and High Density Residential zoning districts and the Washburne Historic District.

**Staff: Sandy Belson, Comprehensive Planning Manager**  
**60 Minutes**

#### **CONDUCT OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION**

- Chair opens the public hearing
- Staff report
- Testimony in support of the proposal
- Testimony opposed to the proposal
- Testimony neither in support of nor opposed to the proposal
- Questions from the Commission
- Summation by staff
- Consideration of request for continuation of public hearing, extension of written record, or both
- Close or continue public hearing; close or extend written record (continuance or extension by motion)
- Discussion of the proposal including testimony and evidence addressing the applicable approval criteria or other criteria cited in the record as applicable to the proposal; possible questions to staff or public
- Motion to recommend approval, approval with modification or conditions, or recommendation not to adopt the proposal based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record
- Chair signs recommendation to the City Council

#### REPORT OF COUNCIL ACTION

#### BUSINESS FROM THE PLANNING COMMISSION

- Upcoming Planning Commission meetings, committee assignments, appointments or other business

#### BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DIRECTOR

#### ADJOURN REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

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**AGENDA ITEM SUMMARY**

**Meeting Date:** 11/8/2017  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Sandy Belson, DPW  
**Staff Phone No:** 541-7436-7135  
**Estimated Time:** 60 Minutes  
**Council Goals:** Encourage Economic Development and Revitalization through Community Partnerships

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**SPRINGFIELD  
PLANNING COMMISSION**

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**ITEM TITLE:** REQUEST FOR AMENDMENTS OF THE SPRINGFIELD DEVELOPMENT CODE FOR ACCESSORY DWELLING UNITS, JOURNAL # 811-17-000057-TYP4

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**ACTION REQUESTED:** Consider written testimony along with the staff report prior to forwarding a recommendation to the City Council regarding adoption of language amending the Springfield development code.

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**ISSUE STATEMENT:** 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. The proposal is to encourage accessory dwelling units (ADUs) by simplifying the development code requirements and allowing accessory dwelling units not just in the Low Density Residential zoning district but also in the Medium and High Density Residential zoning districts and the Washburne Historic District.

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**ATTACHMENTS:**

1. Briefing Memo
2. Order and Recommendation
  - Exhibit A – Staff Report and Findings
  - Exhibit B – Amendments to the Springfield Development Code
  - Exhibit C – Public Comments
  - C1 – Letter from Tim Hilton, Chair of the Springfield Historic Commission, dated Oct. 3, 2017
  - C2 – Open House Comments
  - C3 – Email from Shantal Buss dated Oct. 15
  - C4 – Email from Craig Patterson dated Oct. 17
  - C5 – Letter and email from Fair Housing Council dated Oct. 17
  - C6 – Email from Monica Witzig, Lane County Transportation Planning dated Oct. 17
  - C7 – Email from Tiny Space 4 U/Carrol Crawford dated Oct. 18
  - C8 – Emails from Chad Anderson dated Oct. 18 and Oct. 23
  - C9 – Email from Kim Buckmaster dated Oct. 26
  - C10 – Email from Springfield Shelter Rights Alliance dated Oct. 27

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**DISCUSSION:** The attached code amendments (Exhibit B) were developed based on Council direction, Planning Commission input and public comments. The Planning Commission conducted a public hearing on Oct. 17, 2017 and left the record open until 5 pm on Oct. 27, 2017. The Planning Commission will consider the information in the staff report and testimony received and deliberate toward a recommendation to the Springfield City Council. The Commission may adopt the code amendments and attached Order as written, recommend limited revisions and forward them to City Council, or direct staff to modify the proposal in response to public comment.

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# MEMORANDUM

City of Springfield

Date: November 8, 2017

To: Planning Commission

From: Sandy Belson, Comprehensive Planning Manager

Subject: Request for Amendments of the Springfield Development Code for Accessory Dwelling Units, Journal #811-17-000057-TYP4

## ISSUE

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. The proposal is to encourage accessory dwelling units (ADUs) by simplifying the development code requirements and allowing accessory dwelling units not just in the Low Density Residential zoning district but also in the Medium and High Density Residential zoning districts and the Washburne Historic District.

## DIRECTION FROM THE PLANNING COMMISSION

The Planning Commission held a public hearing on Oct. 17 to take testimony on the proposed code amendments. The Commission gave direction as follows:

### Staff Report and Findings

- 1. Add a finding regarding the Buildable Land Inventory.**  
As requested by the Fair Housing Council, added findings showing compliance with Statewide Planning Goal 10 (criteria of approval #3).

### Code Amendments

- 1. Clarify minimum setbacks for ADUs.**  
Add “Accessory Dwelling Units” to the table showing setbacks in 3.2-215. Staff went further and added a code provision to allow the setback from the alley for ADUs to be the same as for alley access garages.
- 2. Allow for the situation of an existing house with two entrances in the Washburne District.**  
Language provided in “Proposed Code Changes for Planning Commission – October 17, 2107”
- 3. Include a requirement for a foundation for manufactured homes and towable structures.**  
Instead of the code language options presented in the handout during the public hearing, staff recommends using the language for foundations from Section 3.2-235 G.2.b. of the Development Code which describes the foundation required for manufactured homes.
- 4. Allow concrete siding and stucco as allowable siding materials.**  
This comment raised more questions about siding materials and what should be allowed. For example, Springfield probably wants to allow stone and brick even though those are not all that common in Springfield. There are other styles such as shakes, board and batten, or even split logs. If Springfield desires to be flexible and allow these options, it seems like the best approach is to include language stating that “only non-reflective siding and roofing materials are allowed”.

This simple requirement would prohibit materials that could cause a nuisance to neighbors. The definitions for manufactured homes have been changed accordingly.

5. **Change wording in Finding under Policy A.17, 3<sup>rd</sup> sentence (“facilitate” replaces “desire”).**  
As suggested in comments submitted by Commissioner Koivula.

6. **Add submittal requirements.**  
As suggested in comments submitted by Commissioner Koivula.

7. **Consider improvements required for alley access.**  
The Development Code Section 4.2-105 A.2. states that “All streets and alleys shall be dedicated and improved as specified in this Code.” Furthermore, 4.2-105 G.2. states that “Whenever a proposed land division or development will increase traffic on the City street system and the development site has unimproved street frontage, that street frontage shall be fully improved to City specifications in accordance with the following criteria:  
c. Where property has frontage on unpaved street right-of-way, or where unpaved street right-of-way extends to a side property boundary, the minimum level of street improvements necessary to provide for the safe and efficient movement of vehicles and pedestrians from/to the proposed development shall be constructed.”

City practice is to require that the alley be brought up to current city standard when adding development that would take access from the alley. Only the portion of the alley from the street to the further edge of the property would need to be improved. In other words, the alley would not need to be paved from one street to the other. If the developer bears the full cost of constructing street improvements, the developer may retain a reserve strip that requires benefitting properties to purchase access rights across the reserve strip by paying to the developer a prorated share of the developer’s costs of the improvements (Code Section 4.2-105 G.5.) The City is not in the practice of using irrevocable petitions for public improvements as these improvements generally do not end up being constructed.

Construction costs for alley improvements vary considerably by location and condition of the existing alley from something simple and easy to a major regrade and subgrade stabilization. Current Public Works policies are to accomplish this work with an encroachment permit using standard details and already approved materials readily available in an effort to control the developer’s cost and time as much as possible. Requiring that alleys be paved helps the City to incrementally improve city infrastructure to a level desired by the Council and the public. The paving will reduce dust (as required by the Lane Regional Air Pollution Authority). Paving also reduces stormwater contamination (as required by our municipal separate storm sewer system permit from the Environmental Protection Agency) by reducing silt/dirt in the runoff from alleys and the tracking of mud from the alley into the street that then will run off into our stormwater system. Paving alleys also helps keep mud and gravel from being tracked onto 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).

8. **Consider impacts of proposed language on street parking.**  
The City has a variety of situations when it comes to paving width and the allowance for on-street parking. If the Commission is concerned about potential impacts of ADUs on the available on-street parking, it could consider waiving the on-site parking space requirement only if there is paved parking on both sides of the street. If the Commission makes this recommendation, then homes taking access from streets in the Kelly Butte area (and other areas with streets that do not

have parking on both sides) would be required to provide an on-site parking space for the ADU in addition to the parking required for the single-family home. The Commission could also use a combination approach, requiring the adjacent street to have parking on both sides of the street **and** that there be a parking space on the street directly abutting the property.

Making explicit that on-street parking must be paved takes into account a situation where the road has gravel shoulders. Since the code requires that a parking space be paved, the following language explains that a parking space could be available (i.e. there is sufficient right-of-way to accommodate a parked car), but that to be used as parking it must be paved.

The Commission could consider which of the following language it wants to include for parking (new language highlighted in turquoise). Staff would then further adjust the finding in response to Policy 2.6 from the *Springfield 2035 Transportation System Plan* regarding on-street parking.

One ~~paved~~, off-street parking space 9 feet by 18 feet in size, in addition to that which is required by Section 4.6-100 is required unless 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. The on-site 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 parking space for the ADU.

**9. Consider different options to address design requirements.**

The Commission asked that staff provide some different options for design requirements, both in terms of what is regulated and how it is regulated. As such, staff has prepared the following options for the Commission's consideration. The Commission can decide which combination of regulations and approaches best responds to the Springfield community.

*Option A – ADU to match the primary dwelling.*

The existing design standards would remain largely in place, rewritten only to ensure that they are clear and objective. The Commission could require that any ADU match the primary dwelling. Or it could require only attached ADUs to match the primary dwelling. Review of the ADU would be a Type I – Ministerial Land Use decision.

- a) Exterior finish materials shall be the same as or visually match those of the primary dwelling in terms of type, size, and placement.
- b) Roof pitch shall be the same as the predominate roof pitch of the primary dwelling.
- c) The trim around the doors and windows shall be the same type and finish as the primary dwelling.
- d) Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation.
- e) Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

*Option B – ADU to meet clear and objective design standards*

The Commission could require an attached ADU to match the primary dwelling but allow a detached ADU to meet clear and objective standards. Or any ADU could be required to meet a set of clear and objective standards. Either way, the ADU would be processed as a Type I decision. Examples of clear and objective design standards the Commission could consider that address privacy and/or design compatibility:

- a) A dwelling brought to the site (a Type 2 manufactured home or a towable structure that is permitted, inspected and approved by the local authority having jurisdiction) 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).
- b) Only non-reflective siding and roofing materials are allowed.
- c) Minimum roof pitch is 2 to 12.
- d) Eaves shall project from the accessory dwelling unit at least one foot on all elevations.
- e) The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet.
- f) The entrance to the unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from an alley or public street.
- g) Second-story windows facing the nearest side or rear yard shall use opaque or sight-obscuring glass or, if clear glass, the bottom of the window shall be five feet or more above floor elevation. This provision does not apply when the windows face an alley or street, an abutting garage, or a building wall where no windows exist.
- h) Balconies on the second floor or higher are not permitted within ten feet of a property line unless the balcony faces an abutting garage, a street, or an alley.
- i) If the accessory dwelling is detached from the primary dwelling, it may not exceed the height of the primary dwelling. Adding an accessory dwelling within the primary dwelling or attached to the primary dwelling can result in additional height of the primary dwelling as long as it continues to comply with overall height requirements.
- j) 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.
- k) 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.

*Option C – ADU to be comparable to dwellings in the neighborhood*

If an applicant wanted to add an ADU that did not match the primary dwelling or that did not meet a set of clear and objective design standards, the applicant could go through a Type II – Administrative Land Use decision to show compliance with somewhat discretionary standards. This approach would allow neighbors to comment on neighborhood compatibility.

- a) Siding and roofing materials shall be similar to the materials predominately used on residential dwellings in the surrounding neighborhood.
- b) Entrances, windows and balconies shall be located with consideration of the privacy of residential neighbors.

**RESPONSE TO PUBLIC TESTIMONY**

Four emails have come in since the public hearing.

*Carrol Crawford of Tiny Space 4 U dated October 18.*

Ms. Crawford’s comments about construction methods and materials are more appropriate for consideration by the State Building Codes Division in terms of the Small Homes Code that they are

currently drafting. The City can impose design standards, but construction is regulated by the Building Codes.

In terms of placement of a towable structure, there are a variety of acceptable methods for manufactured homes/towable structures from a minimum of supporting the frame on wood blocks sitting directly on dirt all the way up to poured concrete slabs with electrical grounding components incorporated for connection to the home it supports. Given the Planning Commission's direction to require a permanent foundation, staff has copied the requirements for a foundation of a manufactured home as a design standard for accessory dwelling units. If in response to Ms. Crawford's testimony the Commission would like a different standard, we could change it or remove it.

*Chad Anderson of Anderson Janitorial dated Oct. 18 and 23*

Supports removing the requirement that the property owner live on site. Requests that if an existing structure is being converted to an ADU, that the trim and siding not be required to match the main structure.

*Kim Buckmaster dated Oct. 26*

Supports barriers to ADUs being removed and provided other comments regarding the city's affordable housing strategy.

*Michael Carrigan & Kris McAlister of Springfield Shelter Rights Alliance dated Oct. 27*

Support being able to rehabilitate a property, removing requirement that owner live on property, and expanded options for parking.

#### **OTHER CHANGES TO CODE AMENDMENTS**

1. In Code Section 5.5-115, added that ADUs are a Type II procedure in the Historic Overlay District.

**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON  
ORDER AND RECOMMENDATION FOR:**

**AMENDMENT TO THE SPRINGFIELD DEVELOPMENT CODE FOR  
ACCESSORY DWELLING UNITS**

] ] 811-17-000057-TYP4

**NATURE OF THE PROPOSAL**

Request that the Springfield Planning Commission forward a recommendation of approval to the Springfield City Council regarding amendments to the following sections of the Springfield Development Code as shown in Exhibit B:

Chapter 3 Land Use Districts:

- Section 3.2-210 Schedule of Use Categories
- Section 3.2-215 Base Zone Development Standards
- Section 3.3-900 Historic Overlay District

Chapter 5 The Development Review Process and Applications

- Section 5.5 Accessory Dwelling Units

Chapter 6 Definitions

- Section 6.1-110 Meaning of Specific Words and Terms

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.

Timely and sufficient notice of the public hearing has been provided, pursuant to Springfield Development Code Section 5.2-115.

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 5pm on October 27. The public hearing was conducted in accordance with Springfield Development Code Sections 5.2-120 through 5.2-145. After review of the staff report, evidence in the record, written comments (Exhibit C), and testimony of those who spoke at the public hearing, the Planning Commission determined that the code amendments meet the approval criteria.

**CONCLUSION**

On the basis of the Findings of Fact (Exhibit A) and evidence in the record, the proposed code amendments (Exhibit B) meet the approval criteria of Springfield Development Code Section 5.6-115.

**ORDER/RECOMMENDATION**

It is ORDERED by the Springfield Planning Commission that a RECOMMENDATION for approval of 811-17-000057-TYP4 be forwarded to the Springfield City Council for consideration at an upcoming public hearing.

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

**ATTEST**  
**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

**EXHIBIT A**

*Changes made to the Findings since the Planning Commission hearing on Oct. 17 are highlighted in turquoise.*

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

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**Public Hearing Date:** October 17, 2017  
**Date of Draft Report:** **October 30, 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**, including removing requirements that exterior finish materials, trim, roof pitch, windows, and eaves be essentially the same as the primary dwelling.
- **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, 2107. 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. 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.”<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 abutting the property 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 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

<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/>).

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 match the primary dwelling or meet clear and objective standards for exterior finish materials, roof pitch, trim, windows, and eaves. The amended code also sets objective height limits. 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 identify the specific materials that are allowed 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 match the primary dwelling or meet clear and objective standards for exterior finish materials, roof pitch, trim, windows, and eaves. The amended code also sets objective height limits. 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.**

**Exhibit B**

*This version of the code amendments incorporates direction from the Planning Commission’s Oct. 17 public hearing and one staff-identified change (to clarify that an ADU in the Historic Overlay District is a Type II land use decision). For ease of review, this new text and text changes which the Planning Commission has not yet seen are highlighted in turquoise.*

**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
<i>Residential Uses</i>				
Dwellings				
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: 1. The property line fronting the street or back of the sidewalk, whichever is closest to the face of the garage or carport; or			

	<p>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.</p> <p>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.</p>
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 3.3-900 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;

~~6-7.~~ Addition of an accessory dwelling unit that complies with the Development Standards in Section 3.3-940; or

~~7-8.~~ 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:

- A1. Minimum fire separation as required by the Building Safety Codes is not exceeded; and
- B2. 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).*

**BA.** 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.*

**CB.** 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 750 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 ~~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.*

B.D. ~~EXCEPTION:~~ Accessory dwelling Uunits 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 are reviewed under a Type II procedure.*

An accessory dwelling unit is reviewed under Type I procedure except in the Historic Overlay District where it 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.*

~~**D.** The accessory dwelling unit shall not exceed 750 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.~~ One ~~paved~~, off-street parking space 9 feet by 18 feet in size, in addition to that which is required by Section 4.6-100 is required unless there is on-street parking available directly abutting the property and there are no adopted plans to remove the on-street parking. The on-site 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 parking space for the ADU.

*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 shall comply with the following standards, ~~where practicable the:~~

~~A.~~ A. Exterior finish materials shall be either:

1. ~~€~~ The same or essentially the same visually matching those of in terms of type, size, placement and finish as the primary dwelling in terms of type, size, and placement, or

1. ~~Made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 7 inches or less in width.~~
- 2.
- B. ~~Roof pitch shall match the roof pitch of the primary dwelling. Minimum roof pitch shall be 2 to 12.~~
  - C. ~~The trim around all doors and windows shall be either the same in type, location and finish as the primary dwelling or shall be at least 3 ½ inches wide.~~
  - D. ~~Windows on all street facing facades shall either match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal) or no window shall be wider than it is tall.~~
  - E. ~~Eaves shall either project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling or shall project from the building walls at least one foot on all elevations.~~

*Commentary: Require a permanent foundation for manufactured homes and towable structures that are used as an accessory dwelling unit.*

~~F. A dwelling brought to the site (a Type 2 manufactured home or a towable structure that is permitted, inspected and approved by the local authority having jurisdiction) 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).~~

*Commentary: Address privacy concerns.*

- ~~F. Second-story windows facing the nearest side or rear yard shall use opaque or sight-obscuring glass or, if clear glass, the bottom of the window shall be five feet or more above floor elevation. This provision does not apply when the windows face an abutting garage or building wall where no windows exist.~~
- ~~G. Balconies on the second floor or higher are not permitted within the yard setback area, unless the balcony faces an abutting garage.~~

*Commentary: Add a height limit for a detached accessory dwelling to ensure that it is subordinate in size and appearance.*

~~H. If the accessory dwelling is detached from the primary dwelling, it may not exceed the height of the primary dwelling. Adding an accessory dwelling within the primary dwelling or attached to the primary dwelling can result in additional height of the primary dwelling as long as it continues to comply with overall height requirements.~~

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

**5.5-135 Prior Uses**

-  
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:

- 
- ~~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.

**5.5-143 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. ~~This~~ 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 750 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 ~~in feet vertical 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~~1 manufactured home.

# CITY OF SPRINGFIELD, OREGON

## DEVELOPMENT AND PUBLIC WORKS



225 FIFTH STREET  
 SPRINGFIELD, OR 97477  
 PHONE: 541.726.3753  
 FAX: 541.736.1021  
[www.springfield-or.gov](http://www.springfield-or.gov)

October 3, 2017

City of Springfield  
 Planning Commission  
 225 5<sup>th</sup> Street  
 Springfield, OR 97477

The Historic Commission convened on Tuesday, September 26<sup>th</sup> for a regular bimonthly meeting and discussed proposed amendments to the Springfield Development Code that pertain to accessory dwelling units. City staff presented an overview of the proposed amendments and requested the Historic Commission to provide a recommendation to the Planning Commission with regards to allowing accessory dwelling units (ADUs) within the Washburne Historic District. The Commission actioned support for the proposed revisions with the following notations:

1. The Historic Commission conveyed support for on-street parking to satisfy additional parking requirements for ADUs while prohibiting any new curb-cuts to create driveways.
2. The Commission noted that ADUs that are attached to the primary dwelling should not be designed to have the ingress/egress door on the same side as the front door of the primary dwelling.
3. The Commission does not want to allow manufactured homes as ADUs but thought that the existing alteration standards would prohibit this type of structure.
4. The Commission did not come to a conclusion on whether or not to require the property owner to occupy the primary dwelling or accessory dwelling unit by recording a deed restriction against the property. The Commission rescheduled its next meeting for the afternoon of November 16 to allow further discussion prior to the City Council's public hearing.

City staff asked the Commission to provide input on the type of procedure to evaluate ADUs in the Washburne Historic District. The Commission's recommendations are summarized below:

### **Rely on existing development code Section 3.3-945 and Historic Design Guidelines**

These code regulations include standards for major and minor alterations that apply to any alterations, additions, and new construction. Every applicant is provided a copy of the *Springfield Historic Design Guidelines*. Although not regulatory in nature, these Guidelines address the exteriors of buildings that may undergo alteration, and include sections on additions and new construction. There are also guidelines that apply to accessory structures that would pertain to a conversion of an accessory structure to an accessory dwelling unit.

**Create new guidelines for accessory dwelling units.**

Modify or add to the suggestions listed in the *Springfield Historic Design Guidelines*. These would then help educate people about the best ways to add a dwelling unit on a property while retaining the integrity of the historic district. The regulatory requirements would remain as written in Section 3.3-945 of the development code.

**Allow accessory dwelling units as Major Alterations (Type II procedure)**

The decision would be made by the Planning Director unless s/he determines that it should be reviewed as a Type III decisions due to the complexity of the application or the need for discretionary review. The Historic Commission determined that adding an accessory dwelling unit is “a change to a more intensive use category as defined in the underlying zoning district”, and therefore fits the category of a major alteration under Subsection 3.3-915 B.2. The Commission recommended adding accessory dwelling units to the list in subsection B of Section 3.3-915.

We look forward to future correspondence on this subject.

Best,

---

*Tim Hilton, Chair*  
*Springfield Historic Commission*

**Open House Comments**  
**On Proposed Amendments to the Springfield Development Code to Encourage ADUs**

The Open House was held on September 28, 2017 from 4-7 pm in the Library Meeting Room at City Hall. Thirty-six people signed in (excluding staff). The following comments are compiled from sticky notes placed on a poster of proposed code amendments and from comment forms.

What positive opportunities do you see from the proposed code amendments?

1. The obvious - incentive to add more affordable housing without expanding into open land and forests.
2. More interesting, creative homes NOT designed en masse by a developer.
3. Increased housing
4. More affordable housing
5. Housing that requires/uses fewer resources, including less drain on the grid
6. Potential for seniors to live in their homes longer
7. The young being housed without going into debt
8. Potential to shift from a life focused on accumulation of stuff to a life focused on community (less space = less stuff)
9. Affordable housing for owner
10. Affordable housing for renters
11. Muy buena idea para ayudar a familias de pocos recursos. Translation: Very good idea to help low income families.
12. Yes to all proposed changes. All are barriers to entry.
13. Yes to allowing an existing smaller dwelling to become an ADU. Wonderful.
14. Yes, allow ADUs in the Washburne Historic District.
15. Same opportunity for historic district
16. I love removing min. size requirement.
17. Yes, remove the minimum size requirement. Yes, Definitely! Absolutely! Wonderful!
18. Yes, remove the ratio requirement while keeping the max size of 750 sq. ft.
19. I love entrance flexibility.
20. Yes, allow more flexibility in the location of the entry door.
21. I love allowing unpaved or on-street parking.
22. Yes, yes, waive the on-site parking requirement if on-street parking available.
23. Yes, allow an unpaved parking space.
24. Yes, remove the requirement for the property owner to live on site. It's important to me to be able to leave my property to travel . . . and at the same time know that someone is there to keep an eye on things. I don't want to be restricted just because of a 2<sup>nd</sup> unit.
25. I love increasing options for design standards.
26. Yes, yes! Allow more options for meeting design standards.
27. Allowing more options for meeting design standards is especially important for steeply sloped lots ( $\geq 8\%$  diagonal) and riverside lots, where the best building style for one section of the lot may not be the best for another section.
28. Yes! (and again yes!) for allowing manufactured homes and approved towable structures.

What concerns do you have about the proposed code amendments?

29. None
30. I do not agree with accepting mobile homes (cheap construction, always ugly, doesn't promote local business & construction)
31. ? on manufactured homes and approved towable structures
32. I do not agree with non-owner occupied (promotes people flipping houses, focused on money not quality, encourages wealthy to buy up available good family homes and charge more than necessary)
33. I think it best to keep the requirement to live on site.
34. Make the max. size 750 sq. ft. or 10% of lot size, whichever is greater.
35. I support the proposed amendments and applaud the city for taking these steps to allow people to live in smaller, more affordable ways! My concern has to do with the process of hearing everyone's ideas – my hope is that all concerns will be heard/considered, rather than the loudest voice or the voice with the most money being valued over others.

What else would you like the City to know regarding ADUs?

36. Thank you! Great idea & incentive to do something I was already considering.
37. Please consider tiny house villages (similar to mobile home park with multiple units, but different in layout where units are circled around a common space and resources are shared.)
38. It seems people are afraid of their neighborhood changing; I think that it's important to keep in mind that given the current housing shortage, things WILL have to change.
39. Way to go!

U:\Community Development\Affordable Housing\ADU Program\Comms & Outreach Materials\Open House 9-28-17\Public Comments.docx

**BELSON Sandy**

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**From:** Shantel <Jshantel@hotmail.com>  
**Sent:** Sunday, October 15, 2017 8:50 PM  
**To:** BELSON Sandy  
**Subject:** Proposed Code Amendments

Sandy,

I'm writing to give my overwhelming support to the proposed code amendments as part of the City's Affordable Housing Strategy. I'm especially enthusiastic about the changes regarding regulations regarding ADUs. My husband, three kids and I own the J.H. Seavey house and we truly enjoy it and want to live here for a long time. We also want to see the Washburne Historic area grow and prosper and I believe the proposed changes will help more people get the chance to live here and love it as well. The ability to have the cost of a mortgage off set with a rental ADU is likely very appealing to a homeowner and I'm sure improvements to said properties will follow.

Unfortunately I won't be able to attend the public meeting on Tuesday but I'll be watching the developments through the website.

Sincerely,

Shantel Buss

**BELSON Sandy**

---

**From:** Craig Patterson <craigmpatterson@msn.com>  
**Sent:** Monday, October 16, 2017 7:13 AM  
**To:** BELSON Sandy; BOWLSBY David  
**Subject:** My Comments on HB 2737

Hello Sandy and David,  
 Here are the comments I submitted on the HB2737 bill. Comments always welcome... See below...  
 Thanks,  
 Craig Patterson

Sent from [Mail](#) for Windows 10

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**From:** [Craig Patterson](#)  
**Sent:** Friday, October 13, 2017 12:04 PM  
**To:** [bcd.info@oregon.gov](mailto:bcd.info@oregon.gov)  
**Subject:** Comments on HB 2737

Committee to facilitate HB 2737,

Thank you for the opportunity to comment on small house designs.

First, I think there are some things we all must acknowledge.

1. Our housing is seriously deficient for a number of reasons with significantly increasing need for homes.
2. Our past options have been limited (code and other reasons) which in turn has created 'outlaw' buildings and campsites compounding many, many problems.
3. Rather than limiting creativity we need to support and encourage it with alternative paths to meet small house codes. Structural, fire, life and safety issues are necessary yet with greater latitude. Often those building little homes are financially challenged so getting an engineering stamp is a non-starter. What if..... simple empirical testing for snow load or wind shear and uplift could prove code intent? If a structure can meet minimum standards without deflection then it can be accepted for structural, snow load and/or uplift. It's the KISS approach – Keep it simple, stupid. No offense meant to anyone....

I think what's needed now is a period of innovation. Why not allow for a year any and all (meets minimum requirements) designs to be tested with the goal of encouraging creativity in all it's unique, innovative, and cost effective (materials and energy costs) ways. Have a formal process where basic plans and materials are identified and basic oversight. Then give a stipend to the top 5 or 10 designs (in 3 areas of the state – southern, northern and eastern) and a minimum budget to build one. The most effective ones could get contracts to replicate.

The need to go from speculation and research to hands on development in now. Why not start a state wide process to tap the creativity of all our citizens? If not now, when? If not here, where?

The model of the Civilian Conservation Corp (1930's) provides an excellent model of both housing and jobs that helped push us out of the great depression. There are many similarities today. Why can't we emulate past success?

These problems won't go away, only get worse. We need meaningful solutions.

Thank you,  
Craig Patterson

Sent from [Mail](#) f Windows 10

**BELSON Sandy**

---

**From:** Jennifer Bragar <jbragar@tomasilegal.com>  
**Sent:** Tuesday, October 17, 2017 10:56 AM  
**To:** BELSON Sandy; ldix@fhco.org  
**Cc:** Howard, Gordon; ksk@emeraldaw.com  
**Subject:** RE: HLA/FHCO Comment Letter

Sandy,

Thank you for the clarification. Due to time constraints, we used our form letter, but even code amendments require goal findings and the same concerns apply. It is good you are considering encouraging ADUs. We believe they may fill a needed housing requirement, and the Buildable Lands Inventory should be considered at the time of expanding incentives for ADUs. Thank you for including these and our previous comments in the record.

Jennifer Bragar | [jbragar@tomasilegal.com](mailto:jbragar@tomasilegal.com)  
 Tomasi Salyer Martin | 121 SW Morrison Street, Suite 1850 | Portland, Oregon 97204  
 Tel: 503-894-9900 | Fax: 971-544-7236 | blog: <http://www.tomasilegal.com/news>



Named as one of America's "Up and Coming" (Oregon) Lawyers  
 by *Chambers USA* 2016 and 2017 in Real Estate: Zoning/Land Use

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---

**From:** BELSON Sandy [<mailto:sbelson@springfield-or.gov>]  
**Sent:** Tuesday, October 17, 2017 10:51 AM  
**To:** Jennifer Bragar; 'ldix@fhco.org'  
**Cc:** 'Howard, Gordon'; 'ksk@emeraldaw.com' ([ksk@emeraldaw.com](mailto:ksk@emeraldaw.com))  
**Subject:** RE: HLA/FHCO Comment Letter

Dear Jennifer and Louise. Your letter will go the Planning Commission this evening.

For your information, it seems as though you have misunderstood the proposed amendments. The proposed amendments do not include any comprehensive plan map or zoning map amendments. Nor are there any proposed amendments to the Comprehensive Plan. The proposed amendments are to the Springfield Development Code. Here is a link to the [agenda packet](#) for tonight's Planning Commission public hearing that may help you better understand what is being proposed and how the proposed amendments are consistent with our acknowledged Comprehensive Plan.

--Sandy Belson

---

**From:** Jennifer Bragar [<mailto:jbragar@tomasilegal.com>]  
**Sent:** Tuesday, October 17, 2017 10:15 AM

**To:** BELSON Sandy  
**Cc:** Howard, Gordon; Louise Dix  
**Subject:** HLA/FHCO Comment Letter

Dear Sandy,

Please include the attached in the record for the accessory dwelling code amendment file. Thank you.

Jennifer Bragar | [jbragar@tomasilegal.com](mailto:jbragar@tomasilegal.com)

Tomasi Salyer Martin | 121 SW Morrison Street, Suite 1850 | Portland, Oregon 97204

Tel: 503-894-9900 | Fax: 971-544-7236 | blog: <http://www.tomasilegal.com/news>



Named as one of America's "Up and Coming" (Oregon) Lawyers  
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October 17, 2017

City Springfield Planning Commission  
225 Fifth Street  
Springfield OR 97477

**Re: 811-17-000057-TYP4 encouraging accessory dwelling units through amendments to the Development Code**

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning Map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). However, the staff report for the proposed amendment does not make Goal 10 findings.

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change—that analysis was not included in the staff report.

Even when a proposal increases the residential land supply, the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of*



*Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the City is achieving its goals through piecemeal zone changes.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until Goal 10 findings can be made. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org) or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar  
President  
Housing Land Advocates

cc: Gordon Howard ([gordon.howard@state.or.us](mailto:gordon.howard@state.or.us))

**BELSON Sandy**

---

**From:** WITZIG Monica C <Monica.WITZIG@co.lane.or.us>  
**Sent:** Tuesday, October 17, 2017 5:03 PM  
**To:** BELSON Sandy  
**Cc:** REESOR David R  
**Subject:** RE: Accessory Dwelling Units

Sandy,

Thank you for the opportunity to review and comment on the proposed amendments to the Springfield Development Code (SDC). Please accept the following comments from Lane County Transportation Planning for consideration as part of the Type IV Code amendment process and/or thereafter as the development review process for Accessory Dwelling Units (ADUs) is refined:

**Traffic Impacts**

To the extent that the proposed Code amendments affect Lane County right-of-way within Springfield's Urban Growth Boundary (UGB), Lane County Transportation Planning is not opposed to the amendments and has no concerns regarding their anticipated effects on Lane County's larger transportation system. Under a hypothetical scenario for development review, Lane County would not require a traffic impact analysis (TIA) to demonstrate the adequacy of the transportation network in the vicinity of a property if an applicant was to propose the construction of an ADU or modification to an existing structure into an ADU. Such development would be far below any thresholds for TIA review specified by Lane Code (LC) Chapter 15 (e.g., vehicle weights of 26,000 pounds as part of a site's daily operations or 100 or more peak hour trips inside the UGB).

**Facility (Right-of-Way) Permits**

While Lane County will not require TIAs for such development, the proposed construction of an ADU may be subject to Lane County review and approval of a Facility Permit if the property subject to approval for an ADU has frontage on or takes direct access from a road under Lane County's jurisdiction. Pursuant to LC 15.205(8), requirements for shared access driveway approaches on County roads differ. Accordingly, Lane County Transportation Planning requests notification of such proposals as part of procedural development review only if an ADU is proposed on property that abuts or takes direct access from a Lane County road.

**Parking Requirements**

Because the proposed SDC does not distinguish between City and County streets, Lane County Transportation Planning wishes to state support for the proposed language at SDC 5.5-125(F) regarding on-street parking. Lane County Transportation Planning assumes that the intent of this Code is to allow for on-street parking where such parking options currently exist (as opposed to potential availability) based on the summary of proposed amendments that precedes a draft of the revised SDC. Certain streets under Lane County jurisdiction prohibit on-street parking (arterials, rural local roads, and private roads), while others allow—but do not require—on street parking (certain collectors and urban local streets).

Please feel free to contact me with any questions or comments you may have. Again, thank you for reaching out to us for review.

Best regards,

**Monica Witzig | Engineering Associate**  
**Transportation Planning | Lane County Public Works**  
 McKenzie Building  
 3040 N Delta Hwy. | Eugene, OR 97408

T: 541.682.6996 | F: 541.682.6946

**From:** MORRIS Shannon [mailto:smorris@springfield-or.gov]

**Sent:** Tuesday, October 10, 2017 1:35 PM

**To:** GORDON Gilbert; 'Rprice@willamalane.org'; Kuri Gill (kuriator@msn.com); 'KING, SANJEER (SUB - Electric)'; Nick Amann; MILLER Greg (SUB); MCKEE Bart (SUB); FOSTER Jack (SUB); CHINITZ Amy (SMTP); HENRY Jim R; 'DOCKERY JENNIFER (Central Lane 911)'; 'MARTINEZ CINDY (US POSTMASTER)'; Matthew Conner (matthew.conner@nwnatural.com); WITZIG Monica C; Tom Henerty (Tom\_Henerty@cable.comcast.com); LEWIS Richard (Chief); SCHWETZ TOM (LCOG List); Christopher Silva; 'LISA NELL (ODOT-Planning Manager) (ODOTR2PLANMGR@ODOT.STATE.OR.US)'; John Saraceno (john.saraceno@springfield.k12.or.us); FISHER Matthew; LEWIS William (SMTP)

**Cc:** BELSON Sandy; DONOVAN James; MOTT Gregory

**Subject:** Accessory Dwelling Units

Please see attachment regarding Type IV Amendment to Springfield Development Code.

Any questions, comments or concerns can be directed to Sandy Belson, Comprehensive Planning Manager at 541-736-7135 or by email to [sbelson@springfield-or.gov](mailto:sbelson@springfield-or.gov).

**Shannon Morris**

Administrative Specialist  
Development & Public Works  
City of Springfield  
541.744.3387

[smorris@springfield-or.gov](mailto:smorris@springfield-or.gov)



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## BELSON Sandy

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**From:** Tiny Space4u <tinyspace4u@gmail.com>  
**Sent:** Wednesday, October 18, 2017 4:37 PM  
**To:** BELSON Sandy  
**Subject:** Additional Comments re ADU units

Hi Sandra,

I think you did an excellent job of presenting last night, and I am not surprised that the support is nothing but positive.

I'd like to add one more request:

I'd like the language to read that the ADU's can be "tow able" as in on skids that are 4x6 pressure treated wood beams running the length of the building, notched floor beams at 12" on Center. This feature secures the building for transport and safety from earthquakes.

The small houses should have at least 3" of spray foam insulation in the floor which improves the energy efficiency by 200% and is rodent proof.

The beams(skids) need not be placed on the outer rim of the house, but instead indented a few inches to transport on delivery trucks designed specifically to haul small homes.

.Pressure treated skids are designed to set right on the ground on 3/4 minus gravel.

It is recommended that there be a fabric or plastic barrier under the gravel to prevent weeds from growing under the house.

Although the language at this point recommends a slab under the house, but some homeowners may prefer a less permanent option.

It is not necessary to put small houses on slabs when you have skids.

The building can be put on peer blocks for leveling, but not necessary otherwise.

This puts the building directly on the ground, which is a preference both aesthetically, and in high demand from the public who wish their house to be on the ground and not up on blocks.

This feature makes is easy to tow the small house into the property, completely built, or have it moved if need be

Having a movable small house cuts down on permanency and allows the small home owner and the property owner to be flexible in case

the house needs to move in some future date.

Thank you for listening to the public on this very important subject.

You can feel free to contact me with any further questions about physically placing small homes down in Springfield.

Tiny Space 4 U  
Carrol Crawford  
(Ananda)  
Tiny House Project Manager

**BELSON Sandy**

---

**Subject:** FW: AUDs

*The following comments from Chad Anderson were excerpted from an email conversation about the code requirements and code amendment process. –Sandy Belson*

**From:** Chad Anderson [<mailto:superduperawesomeman@gmail.com>]  
**Sent:** Monday, October 23, 2017 7:46 PM  
**To:** BELSON Sandy  
**Subject:** Re: AUDs

Ok, also I would say one more thing to change is that if the structure is already existing don't make it required to convert the exterior to the same trim and siding as the main structure.

---

**From:** Chad Anderson [<mailto:superduperawesomeman@gmail.com>]  
**Sent:** Monday, October 23, 2017 4:06 PM

**To:** BELSON Sandy  
**Subject:** Re: AUDs

Sure, let them know if the requirement for the homeowner living onsite is removed. That will spur business.

I am a homeowner in Springfield, just waiting for the requirements to change to allow an AUD without the homeowner living onsite and then I'll get started.

**From:** Chad Anderson [<mailto:superduperawesomeman@gmail.com>]  
**Sent:** Wednesday, October 18, 2017 10:09 AM  
**To:** BELSON Sandy  
**Subject:** AUDs

I was wondering when you guys expect the new law to take effect? I am a contractor and would LOVE to build a million houses for people.

Thanks,  
--

Chad Anderson  
Anderson Janitorial  
Owner  
541.606.3333  
<http://www.AndersonJanitorial.net>

---

 Virus-free. [www.avast.com](http://www.avast.com)

**BELSON Sandy**

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**From:** kim otomo <otomokim@gmail.com>  
**Sent:** Thursday, October 26, 2017 2:07 AM  
**To:** BELSON Sandy  
**Subject:** ADU Changes Public Comment

Dear Sandy Belson,

Please find the information helpful for moving policy forward on affordable housing.

Let me state that I am glad to see the barriers to ADU being removed, and this is a step that needs to be taken towards affordable housing. It is only a small and temporary fix to the larger issue though.

Following statistics are as of 2014 reference <http://www.bestplaces.net/city/oregon/springfield>

In Springfield Oregon the median household income is \$39,355. When we look at affordable housing this means this household can not pay more than \$983 for housing costs including rent/mortgage, utilities, property tax, and insurance combined. This is based on the argument made at the public hearings that a person or family should not pay more than 30% of their income for housing.

According to the income data for the city a full 37.2% of the population actually make less than \$30,000 as household income making their need for total housing cost to be even less. These are the people we are really concerned about. When you look at the individual rather than household, the bulk of our citizens make less than \$20,000.

Now ADU and affordable rental housing is great and needed, but you are not going to see massive numbers of new units built because of the consequences. This will shift more burden and responsibility to the current home owner, including advertising rental units, processing collected rents, keeping up on tenant landlord law, arranging repairs, legal disputes, handling evictions, and increased property taxes just to name a few.

Further societal consequence of ADU continues the path of wealth inequality, with money coming directly from the poor to the middle class.

A piece of the affordable housing puzzle that needs to be addressed yet is consistently overlooked is home ownership.

Home ownership promotes more stability in communities and growth of individual, family and generational wealth. As an example, the primary way parents pay to send a child to college is with a home equity loan or line of credit.

The median home price from 2014 in Springfield was \$214,00, which means after 20% down payment, the cost of owning this house every month is \$1033 for mortgage and escrow, + \$200 utilities, for a total of \$1233, which only a person making \$49,320 annually can afford.

Now let us look at the needed house price for someone making \$30,000, they can afford \$750 a month, making the house price need to be around \$72,000, a much smaller home.

You can imagine how much lower the sale price of a home needs to be for someone making less, which is doable.

Both of these examples take into account the first time home buyers grants from Oregon and Springfield which total \$20,000

The house sale price needs to come down. Problem is there is no incentive for the developer to build smaller homes. The cost to plat a subdivision is the same, the cost of development charges and utility hookups are the same regardless the size of the house.

Springfield could create incentives for people to build smaller houses in the 300sf to 500sf size and sale priced around \$50,000 - \$70,000. Zone an area SDR which already exists in the planning code allowing for lot sizes of .06 acres. Waive Replat Fees, Building Permit Fees, and SDC's on affordable house projects, not just ADU, with the caveat that the homes would become owner occupied. Have charities lead these projects rather than developers.

I for one, would be more interested in building homes for low income owners than being a landlord.

If you need any further information, I would be happy to share my knowledge and insights.

Thank you,

Kim Buckmaster  
Abbot of The Temple of Abiding Way  
Owner of Castle of Games  
Mortgage Consultant at Pentagon Federal Credit Union



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**BELSON Sandy**

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**From:** Kris McAlister <rootedinspringfield@gmail.com>  
**Sent:** Friday, October 27, 2017 4:56 PM  
**To:** JONES Brenda; Michael Carrigan  
**Subject:** ADU Ordinance

To the Springfield Planning Commission

We, of the Springfield Shelter Rights Alliance, are writing to show support for the proposed changes to ordinances regarding Accessory Dwelling Units, in Springfield.

As a group, we focus on homelessness issues, and assisting homeless persons, and find these proposed by Ms. Sandy Belson to be very much in line with our mission.

In particular, we are supportive of the different options provided in these changes to address the different needs of the community, such as being able to rehabilitate property, allow non-owners to stay on the property, and expanding options in parking regarding the additions.

By improving ability to provide dignified living space that is accessible to homeless and keeping people from becoming homeless, these changes improve Springfield, in an inclusive and pragmatic way.

We thank the Planning Commission, and Ms. Belson for this great work and careful consideration, and urge you to please recommend the suggested ordinances to be changed.

Sincerely,

Michael Carrigan & Kris McAlister, Springfield Shelter Rights Alliance