



# UNION COUNTY Planning Department

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Planning Director

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FORM NO. 2026-0025

## STAFF REPORT PLAN AMENDMENT

<b>Purpose of the Application</b>	Co-adopt amendments to the City of La Grande’s Code of Ordinances that will affect the Urban Growth Boundary
<b>Relevant Ordinance Criteria</b>	Ordinance 1990-1 and 1983-8, La Grande/Union County Joint Management Agreement; UCZPSO <sup>1</sup> Articles 18 and 23
<b>Property Location</b>	All properties within the City of La Grande Urban Growth Boundary

### Requirement for Co-adoption

Union County has delegated regulatory control of land use in the Urban Growth Boundary to the City of La Grande through Ordinances 1990-1 and 1983-8, La Grande/Union County Joint Management Agreement. The management agreement requires that the county adopt land use regulations administered by the City of La Grande.

### UCZPSO Article 18

Section 01: The City of La Grande Zoning Ordinance, No. 2573, Series 1979; Zoning Map, Series 1979; Subdivision Ordinance, No. 2572, Series 1979; and any subsequent revisions therein, are adopted by reference herein for administration of land use activities within the "La Grande Urban Growth Area," defined as the area of land between the corporate limits of the City of La Grande and the La Grande Urban Growth Boundary. ...

Union County and the cities of La Grande and Island City shall have joint input for land use decisions and actions affecting the Urban Growth Area. However, in order to promote consistency between City planning efforts and County land use decisions and actions affecting their Urban Growth Areas, Union County shall incorporate into its Land Use Plan that portion of the La Grande Comprehensive Land Use Plan and Island City Land Use Plan which address' the Urban Growth Areas.

### Requested Revisions

The State of Oregon has adopted numerous House and Senate bills over the past several years focused on housing. As a result, the City of La Grande is required to update the Code of Ordinances to bring it into compliance with state requirements. Also included are housekeeping and periodic amendments that are necessary to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community.

The changes highlighted in the application narrative from the City are as follows:

1. Changes to definitions

<sup>1</sup> Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO)

2. Change terminology from *family* to *household* or other non-family term.
3. Eliminates the temporary medical hardship use.
4. Adjusts the variance procedure to allow for an over-the-counter permit for variances that meet certain criteria.
5. Changes the process for Major Land Partitions and Subdivisions to staff approval instead of Planning Commission approval.
6. Increases the area of notification for public notices for some applications.
7. Clarifies criteria for accessory dwelling units.
8. Identifies more clearly duplexes, triplexes, quadplexes, and multi-unit dwellings throughout the Code.
9. Clarifies occupancy allowances for RVs in manufactured home parks.
10. Makes duplex division standards consistent with State law.
11. Modifies standards throughout the Code from subjective to be clear and objective.
12. Provide minor housekeeping clarifications.

The City of La Grande adopted the changes in Ordinance Number 3286, Series 2026.

### **Criteria for Approval**

#### **UCZPSO 23.05 Planning Commission and Board Of Commissioner Hearing**

- 2. The Burden of Proof. The burden of proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Essential to presenting proof is the applicant, or an authorized agent's attendance at the prescribed hearing for the action unless otherwise prescribed by the hearing body. Unless otherwise provided for in this ordinance, such burden shall be to prove:**

- A. That granting the request is within the public interest, taking into consideration that the greater the departure from the present land use patterns, the greater the burden on the applicant.**

*Response:* The proposed amendments are in the public interest because they ensure the City of La Grande Development Code remains consistent with current state law and administrative rule requirements governing housing and land use regulation. The amendments implement legislative changes adopted by the Oregon Legislature to increase housing opportunities, improve housing affordability, and reduce regulatory barriers to residential development. The amendments also improve the clarity, consistency, and administration of the Code by updating definitions, revising procedures, replacing subjective standards with clear and objective standards where required by law, and correcting inconsistencies identified through implementation. The amendments do not substantially alter existing land use patterns but instead provide updated standards and procedures for development within existing zoning districts. Therefore, the proposal serves the public interest by promoting regulatory compliance, predictability, efficiency, and housing availability.

- B. The proposed change is compatible with the Land Use Plan policies or LCDC Goals and Guidelines.**

*Response:* The proposed amendments are consistent with the La Grande Comprehensive Plan and applicable Statewide Planning Goals, particularly Goal 10 (Housing) and Goal 14 (Urbanization). The amendments implement requirements established through Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), House Bill 4064 (2022), and House Bill 2001 (2023). The amendments are intended to expand housing opportunities, facilitate middle housing development, ensure clear and objective approval standards, and maintain consistency with

state housing policy. The City retained professional planning consultants to conduct a code audit and prepare recommended amendments to ensure compliance with applicable statutes, administrative rules, and Statewide Planning Goals. As a result, the amendments are compatible with the Comprehensive Plan and LCDC Goals and Guidelines.

**3. A decision on a Land Use Plan text or map amendment by the Planning Commission and Board of Commissioners shall be based on the applicant's ability to meet all of the following:**

**A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.**

*Response:* The Oregon Legislature has adopted numerous laws intended to address statewide housing shortages, improve housing affordability, expand housing choice, and reduce barriers to residential development. These legislative actions reflect changing community needs and statewide priorities regarding housing availability and affordability. The proposed amendments respond to those changes by updating local regulations to facilitate housing development and ensure consistency with current state requirements. The public need supporting these amendments is demonstrated by the statewide and local demand for additional housing opportunities and by the statutory requirements imposed upon local governments.

**B. Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed.**

*Response:* This criterion is not directly applicable because the proposal consists of legislative amendments to development regulations rather than the designation of a specific site or approval of a particular land use. The amendments apply generally to lands within the City of La Grande Urban Growth Boundary and affect the administration and development standards of residential zoning districts. Because no specific property or use location is proposed, there are no alternative sites to evaluate.

**C. All applications to take an exception or exclude certain land from the requirements of one or more applicable statewide planning goals shall be reviewed against the requirements in OAR Chapter 660, Division 4.**

*Response:* The proposed amendments do not request an exception to any Statewide Planning Goal and do not exclude any lands from applicable goal requirements. Therefore, OAR Chapter 660, Division 4 is not applicable to this proposal.

**D. Determine whether the amendment significantly affects a transportation facility. The amendment shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

**(1) Limiting allowed land uses to be consistent with the planned function of the transportation facility;**

**(2) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**

**(3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**E. A plan or land use regulation amendment significantly affects a transportation facility if it:**

**(1) Changes the functional classification of an existing or planned transportation facility;**

- (2) Changes standards implementing a functional classification system;**
- (3) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
- (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.**

*Response:* The proposed amendments do not change the functional classification of any existing or planned transportation facility, modify transportation classification standards, or amend the Transportation System Plan. The amendments primarily revise development standards, housing provisions, procedural requirements, definitions, and administrative processes to comply with state law and improve code administration. While implementation of state-mandated housing provisions may facilitate additional housing development over time, the amendments do not directly increase allowable densities beyond those already required by state law and do not authorize any specific development proposal. Accordingly, the amendments are not anticipated to significantly affect transportation facilities. Existing transportation planning processes and development review requirements will continue to address transportation impacts associated with future development proposals.

**The decision of the hearing body shall be based upon and accompanied by a brief statement that explains the following:**

- A. The criteria and standards considered relevant to the decision;**
- B. The basic facts relied upon in rendering the decision; and**
- C. The ultimate facts and justification for the decision based on the criteria, standards and facts set forth.**



# UNION COUNTY

## Planning Department Application

Scott Hartell, Planning Director

1001 4th Street, Suite C La Grande, OR 97850 PHONE (541)963-1014 FAX (541)963-1039 TTY 1-800-735-1232

- Submit application by second Monday for hearings on fourth Monday.

**Return To: Union County Planning Department**

**Request:**

Minor Partition \_\_\_\_\_ Major Partition \_\_\_\_\_  
Conditional Use \_\_\_\_\_ Variance \_\_\_\_\_  
Other \_\_\_\_\_

A. Applicant (1) \_\_\_\_\_ owner, and/or  
(2) \_\_\_\_\_ authorized agent of real property described as:  
Twp. \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. The applicant requests the following in accordance with the provisions of the Union County Zoning Ordinances:

It is proposed to \_\_\_\_\_  
\_\_\_\_\_.

C. Evidence supporting the request: (Attach additional materials if necessary). The applicant alleges that the approval of the application or change would be in harmony with the intent and purpose of said zoning ordinances and that the proposed use conforms to the standards and/or criteria prescribed therefore in said ordinances and would not be detrimental to property or persons in the neighborhood for the following reasons:

\_\_\_\_\_.

D. A tentative plan attached including: (1) vicinity map marked "Exhibit A", (2) detailed plot plan marked "Exhibit B" and (3) statements of explanatory information marked "Exhibit C".

\$ \_\_\_\_\_, being the fee provided by Ordinance, is attached.

\_\_\_\_\_  
Signature (s) Authorized Agent

\_\_\_\_\_  
Signature (s) of all landowners

\_\_\_\_\_  
Street/Mailing Address

\_\_\_\_\_  
Street/Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

**PLANNING DEPARTMENT STAFF ONLY**

Zone (s): \_\_\_\_\_

Rural Fire Protection District: Circle YES/ NO Name: \_\_\_\_\_

Overlay Zones: \_\_\_\_\_

\_\_\_\_\_

Legal Parcel: \_\_\_\_\_

Total Acres: \_\_\_\_\_

Flood Zone: \_\_\_\_\_

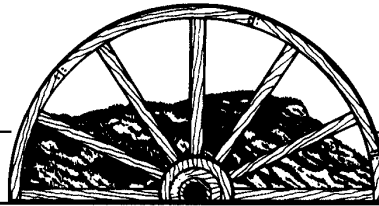
Firm #: \_\_\_\_\_

Wetlands Map: \_\_\_\_\_

Existing Development: \_\_\_\_\_

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CITY OF



LA GRANDE

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THE HUB OF NORTHEASTERN OREGON

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COMMUNITY/ECONOMIC DEVELOPMENT DEPARTMENT / PLANNING DIVISION  
P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850

Phone: (541) 962-1307 • Fax: (541) 963-3333 • Email: [lgplanning@cityoflagrande.org](mailto:lgplanning@cityoflagrande.org) • Web: [www.planning.cityoflagrande.org](http://www.planning.cityoflagrande.org)

## UNION COUNTY PLANNING DEPARTMENT APPLICATION NARRATIVE

### THE CITY OF LA GRANDE IS PROPOSING AMENDMENTS TO THE CITY OF LA GRANDE'S CODE OF ORDINANCES, SUBPART B – LAND DEVELOPMENT CODE

#### ADOPTION OF HOUSING RELATED LAND USE CODE AMENDMENTS

The City of La Grande City Council adopted **Ordinance \_\_\_\_\_** on April 1, 2026, amending the City of La Grande Code of Ordinances, Subpart B – Land Development Code, adopting housing-related Land Development Code amendments which are necessary and required to maintain conformance with State laws.

The propose amendments result from a technical assistance grant provided by the Oregon Department of Land Conservation and Development (DLCD), which contracted with *Cascadia Partners* (consultant) to conduct an audit of the City's residential land use codes and make recommendations on bringing such codes into conformance with Oregon State laws regarding housing. Please refer to Exhibits B and C in the draft decision order for specifics.

Most of the proposed amendments are relatively minor and housekeeping in nature, but there are some changes that are notable. Following is a summary of some changes reflected in the attached decision order and exhibits:

1. Changes to definitions
2. Terminology change from *family* to *household* or other non-family term. Such as single-family is now single-household; multi-family is now multi-unit.
3. Elimination of medical hardship residence option as a temporary use.
4. Change the administrative variance process to an "adjustment", subject to certain criteria. This process will become over the counter vs. being subject to public notice and a 2+ week review period.
5. Subdivisions and Major Land Partitions become administrative vs. Planning Commission review.
6. Increase public notice circulation area for certain applications, such as subdivisions, large housing projects and large commercial projects.
7. Clarify and better delineate duplexes, triplexes, quadplexes and multi-unit dwellings throughout code.
8. Clarification as to size and design standards for accessory dwelling units.
9. Clarify the occupancy permission or allowance of RVs in manufactured home parks.
10. Modify Duplex Division standards to be consistent with State law for common-wall land divisions.
11. Amendments to standards throughout the code that appear subjective or require interpretation, making them more clear and objective.
12. Other minor housekeeping amendments that add clarification.

In accordance with the *City of La Grande & Union County Joint Management Agreement*, the City of La Grande is requesting the Union County Planning Commission's and Union County Board of Commissioners' consideration to co-adopt the proposed Land Development Code Amendments so they may be used to guide future land use decisions and considerations for expanding the City's Urban Growth Boundary.

The following narrative addresses the required review criteria in **UCZPSO Section 23.05:**

**2. The Burden of Proof. The burden of proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Essential to presenting proof is the applicant, or an authorized agent's attendance at the prescribed hearing for the action unless otherwise prescribed by the hearing body. Unless otherwise provided for in this ordinance, such burden shall be to prove:**

**A. That granting the request is within the public interest, taking into consideration that the greater the departure from the present land use patterns, the greater the burden on the applicant.**

**Response:** The proposed City of La Grande land use code changes address consistency with State laws, remove ambiguity within various code standards, improve opportunities for the development of housing, and to improve the efficiency and predictability in land use processes. All of these are of public interest and do not depart from present land use patterns or the intent of such patterns.

**B. The proposed change is compatible with the Land Use Plan policies or LCDC Goals and Guidelines.**

**Response:** The proposed City of La Grande land use code changes are believed to be compatible with all applicable land use plan policies and LCDC Goals. All of them relate to furthering conformance with Statewide Planning Goal 10 and the numerous recently adopted State laws, some of which include House Bill 4064 (2022), Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), and House Bill 2001 (2023). Please refer to the attached City of La Grande Decision Order, Exhibit A, for Finding of Fact addressing Statewide Planning Goals.

**3. A decision on a Land Use Plan text or map amendment by the Planning Commission and Board of Commissioners shall be based on the applicant's ability to meet all of the following:**

**A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.**

**Response:** As referenced above and discussed in the attached City of La Grande Decision Order, since around 2017 to present, the State of Oregon has passed several key housing statutes with legislation that require cities to update their housing codes to conform to newly adopted state laws. Some of these include House Bill 4064 (2022), Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), and House Bill 2001 (2023). These Bills are intended to increase housing opportunities within cities, such as allowing duplexes and accessory dwellings in all residential zones, reduce ambiguity in code standards, and to streamline land use processes making some processes expedited or administrative.

Due to the numerous laws enacted by the State each year, it became apparent in early 2023 that La Grande has been unable to keep up with code changes adopted by the State, which has resulted in La Grande's codes becoming inconsistent with some State laws. To resolve the inconsistencies, City staff was successful in receiving a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD) to hire a consultant to conduct a code audit that would (1) identify inconsistencies with State law; and, (2) recommend code changes that would make the City's codes consistent with State law.

The results of the code audit included identifying specific inconsistencies and conflicts between City codes and State law, which demonstrates a public need to make code changes to address such conflicts. The code audit process included consultant recommendations which resulted in the recommended code changes that are now under consideration.

**B. Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed.**

**Response:** The proposed amendments are not site specific and will apply to the entirety of the city limits and its urban growth boundary. This criterion is not applicable to this type of request, which would generally apply to zone changes, UGB expansions or other site-specific proposals.

**C. All applications to take an exception or exclude certain land from the requirements of one or more applicable statewide planning goals shall be reviewed against the requirements in OAR Chapter 660, Division 4.**

**Response:** This request does not include exceptions, thus is not applicable.

**D. Determine whether the amendment significantly affects a transportation facility. The amendment shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

**Response:** The proposed amendments do not include any specific development proposal or changes that affect transportation facilities. This criterion appears to relate to the Oregon Transportation Planning Rule, provided in OAR 660-012-0060, which is applicable in zone changes, UGB expansions and other significant development. This request does not include such proposals and thus this criterion is not applicable.

**(1) Limiting allowed land uses to be consistent with the planned function of the transportation facility;**

**Response:** As mentioned above, this request does not include specific development proposals, and does not impose limitations on allowed land uses. It does not affect transportation facilities, and thus this criterion is not applicable.

**(2) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**

**Response:** This request does not amend or impact the City of La Grande's transportation system plan. As a result, this criterion does not apply.

**(3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**Response:** As mentioned above, this request does not include code changes that affect automotive travel or impact transportation facilities. As a result, this criterion does not apply.

**E. A plan or land use regulation amendment significantly affects a transportation facility if it:**

**(1) Changes the functional classification of an existing or planned transportation facility;**

**Response:** This request does not amend or impact the City of La Grande's transportation system plan and does not impact transportation facilities. As a result, this criterion does not apply.

**(2) Changes standards implementing a functional classification system;**

**Response:** This request does not amend or impact the City of La Grande's transportation system plan and does not alter the functional classification system within such plan. As a result, this criterion does not apply.

**(3) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**

**Response:** This request does not amend or impact the City of La Grande's transportation system plan, does not alter the functional classification system within such plan, and does not impact transportation facilities. As a result, this criterion does not apply.

**(4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.**

**Response:** As this request does not amend or impact the City of La Grande's transportation system plan, does not alter the functional classification system within such plan, and does not impact transportation facilities, this request will not reduce or alter the level of service of a transportation facility. As a result, this criterion does not apply.

CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: April 1, 2026

PRESENTER: Michael Boquist, Community Development Director

COUNCIL ACTION: PUBLIC HEARING AND SECOND READING BY TITLE ONLY FOR PROPOSED ORDINANCE AMENDING THE LAND DEVELOPMENT CODE

1. MAYOR: Announce that the Public Hearing is still open for the Ordinance to be read a Second Time by Title Only and considered for Adoption; and that the Rules of Order for this Public Hearing were read in their entirety during the Regular Session of March 4, 2026.
2. MAYOR: Request Staff Report.
3. MAYOR: Invite Public Testimony first from those in Favor, then those in Opposition, and then those Neutral to the proposed Ordinance.
4. MAYOR: Invite Council Discussion.
5. MAYOR: Close the Hearing and Entertain a Motion:  
  
**Suggested Motion:** I move that the proposed Ordinance Amending the Land Development Code be read for the Second Time by Title Only, Put to a Vote, and Adopted.
6. MAYOR: Invite Additional Council Discussion.
7. MAYOR: Ask the City Recorder to Read the proposed Ordinances for the Second Time by Title Only.
8. MAYOR: Ask for the Vote.

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**EXPLANATION:** The Community Development Department / Planning Division staff is requesting the Planning Commission's consideration of housing-related Land Development Code amendments which are necessary and required to maintain conformance with State laws.

The propose amendments result from a technical assistance grant provided by the Oregon Department of Land Conservation and Development (DLCDD), which contracted with *Cascadia Partners* (consultant) to conduct an audit of the City's residential land use codes and make recommendations on bringing such codes into conformance with Oregon State laws regarding housing. Please refer to Exhibits B and C in the draft decision order for specifics.

Most of the proposed amendments are relatively minor and housekeeping in nature, but there are some changes that are notable. Following is a summary of some changes reflected in the attached decision order and exhibits:

1. Changes to definitions
2. Terminology change from *family* to *household* or other non-family term. Such as single-family is now single-household; multi-family is now multi-unit.
3. Elimination of medical hardship residence option as a temporary use.
4. Change the administrative variance process to an "adjustment", subject to certain criteria. This process will become over the counter vs. being subject to public notice and a 2+ week review period.
5. Subdivisions and Major Land Partitions become administrative vs. Planning Commission review.

6. Increase public notice circulation area for certain applications, such as subdivisions, large housing projects and large commercial projects.
7. Clarify and better delineate duplexes, triplexes, quadplexes and multi-unit dwellings throughout code.
8. Clarification as to size and design standards for accessory dwelling units.
9. Clarify the occupancy permission or allowance of RVs in manufactured home parks.
10. Modify Duplex Division standards to be consistent with State law for common-wall land divisions.
11. Amendments to standards throughout the code that appear subjective or require interpretation, making them more clear and objective.
12. Other minor housekeeping amendments that add clarification.

The Planning Commission's met to consider this request on February 10, 2026, and by unanimous vote recommended approval to the City Council, subject to the following changes to the initial code amendment request:

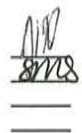
- Sec. 101-191 (Administrative Variance) was proposed to be deleted and replaced with a new DIVISION 5. ADJUSTMENTS section which continued to allow for administrative variances or "adjustments" but allowed such adjustments to be over-the-counter decisions and eliminate the public notice and opportunity for neighbors to weigh in as part of the decision process.
- The Planning Commission was uncomfortable with relaxing the process by eliminating the public notice and public participation element when an applicant is asking for an exception to City code.
- As a result, the Planning Commission recommended keeping the "administrative variance" provisions, but supported the other changes that included the protection of mature trees in cottage home developments, and they supported a more relaxed review criteria for administrative variance as compared to complex and greater variances that are subject to the Planning Commission's review.

The City Council met to consider this request on March 4, 2026, which concluded with the first reading of the proposed Ordinance by title only. One citizen provided testimony, inquiring about allowing RV camping on private property, which is not an amendment included in the proposed code changes. No other testimony from the public was provided.

The City Manager recommends that the City Council proceed with the reading of the proposed Ordinance for the Second Time by Title Only, and adoption.

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**Reviewed By:** (Initial)  
 City Manager  
 City Recorder  
 Building Department  
 Econ/Dev Department



Finance \_\_\_\_\_  
 Fire Department \_\_\_\_\_  
 Human Resources \_\_\_\_\_  
 Library \_\_\_\_\_

Parks & Rec Department \_\_\_\_\_  
 Planning Department \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Public Works Department \_\_\_\_\_



# RULES OF ORDER FOR A LEGISLATIVE PUBLIC HEARING

## CITY RECORDER READS TO THE PUBLIC:

- A. These Rules of Order are applicable to the Public Hearing for considering an amendment to the City of La Grande Code of Ordinances, Subpart B – Land Development Code, and the adoption of housing related land use code amendments.
- B. This is a legislative hearing, therefore Councilor ex parte or pre-hearing contact does not apply.
- C. The Hearing will proceed as follows:
  1. The Mayor will open the Public Hearing and request the Staff Report.
  2. The Mayor will then accept public testimony relating to the matter. There is a three-minute time limit for testimony. The order of testimony this evening will begin with that of Proponents (those in favor), followed by Opponents (those opposed), and ending with those Neutral to the Ordinance being considered for adoption.
  3. The proceedings are being electronically recorded, to be converted to written minutes. When testifying, please step to the podium and **clearly print** your name and address on the speaker sign-in sheet. Please **state only** your name before addressing the Council.
  4. Members of the City Council may ask questions of the Staff at any time.
  5. Subsequent to deliberation, the Mayor will close the Hearing.



CITY of LA GRANDE  
ORDINANCE NUMBER 3286  
SERIES 2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AMENDING SUBPART B OF THE CODE OF ORDINANCES, CITY OF LA GRANDE, OREGON, REGARDING AMENDMENTS TO THE LAND DEVELOPMENT CODE THAT ARE REQUIRED FOR MAINTAINING CONFORMANCE WITH OREGON STATE LAND USE LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE

WHEREAS, over the past several years, the State of Oregon has adopted numerous House and Senate Bills focused on housing that have created statutory obligations for cities that require amendments to local land use laws; and,

WHEREAS, as a result of the statutory obligations, the City of La Grande has found several areas in local land use codes that are inconsistent with recently adopted State land use laws provided in Oregon Revised Statutes, Chapter 197; and,

WHEREAS, to help ensure a comprehensive land use review and amendment process that will result in conformance with State land use laws, the City of La Grande applied for and received a technical assistance grant from the Oregon Department of Land Conservation and Development which allowed for the hiring of Cascadia Partners (consultants) to conduct an audit of the housing elements in the City of La Grande's Land Development Code; and,

WHEREAS, the City of La Grande City Council and Planning Commission held a joint work session on June 9, 2025, to hear and discuss a presentation on draft audit findings by Cascadia Partners, along with recommendations for amending City Code, Subpart B – Land Development Code, to bring the code into conformance with State laws; and,

WHEREAS, in addition to recommended housing code amendments, other housekeeping and periodic amendments of the Land Development Code have been included which are necessary to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community; and,

WHEREAS, after proper public notice, the Planning Commission conducted a public hearing on January 13, 2026, to consider the proposed amendments which concluded in a recommendation that such amendments be forwarded to the City Council of the City of La Grande, Union County, Oregon, for adoption; and,

WHEREAS, the City Council of the City of La Grande, Union County, Oregon, has conducted the required public meetings and public hearings to consider the proposed amendments and finds that the adoption of such amendments would be in the best interest of the community.

NOW THEREFORE, THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. AMENDMENTS TO CODE. Subpart B, Chapter 101, Article I, Sec. 101-2 – Definitions, is hereby amended as follows:

~~Apartment house means a building or portion thereof used or containing three or more dwelling units (includes residential condominiums).~~

~~Boardinghouse means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for six or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.~~

*Community garden* means a piece of land (public or privately held) that is cultivated by a group of people rather than a single ~~family~~ household or individual. It is generally managed and controlled by a group of individuals or volunteers, usually the gardeners themselves, for the purpose of growing flowers or vegetables. It may consist of one community plot, many individual plots, or a series of plots dedicated to "urban agriculture" where the produce may be grown for personal use or a market.

*Congregate residence* means any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the building code, and may include facilities for eating and cooking, for occupancy by other than a family household. A congregate residence may be a single-room occupancy, shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

*Dwelling* means the residential occupancy of a dwelling unit by a family household for a period greater than 30 days. Typical uses include ~~single-family residences~~ single-detached dwellings, duplexes, ~~apartments~~ multi-unit dwellings, ~~condominiums~~, and manufactured home parks.

*Dwelling, accessory dwelling unit (ADU)*, means an ~~auxiliary and detached~~ interior, attached, or detached dwelling unit that is located ~~in an accessory structure~~ on the same lot as a primarily ~~single-family~~ single-detached dwelling and which contains its own living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code. (Please refer to standards set forth in chapter 107, article IX.)

~~*Dwelling, apartment*, means any structure designed exclusively for occupancy by three or more families and containing three or more separate dwelling units.~~

*Dwelling, cottage home*, means any structure on a lot or parcel that is 1,000 square feet or less and designed for occupancy by one family household and containing one dwelling unit, either site built or a manufactured dwelling.

~~(1) One cottage home on a lot or parcel may also be considered a detached single-family dwelling.~~

~~(2) Two cottage homes on a lot or parcel, if one is not an accessory dwelling, shall be considered a detached duplex.~~

~~(3) Three cottage homes on a lot or parcel shall be considered similar to a triplex.~~

~~(4) Four or more cottage homes on a lot or parcel, shall be considered similar to multi-family apartments.~~

*Dwelling, ~~two-family attached (duplex)~~ duplex*, means any building designed exclusively for occupancy by two ~~families~~ households and containing two separate dwelling units.

*Dwelling, multi-unit*, means any building designed exclusively for occupancy by five or more households and containing five or more separate dwelling units.

*Dwelling, quadplex*, means four attached dwelling units. All four units must be built on a single lot or parcel.

*Dwelling, ~~detached single-family~~ detached*, means any structure on a lot or parcel that is designed exclusively for occupancy by one ~~family~~ household and containing one dwelling unit, either site built or a manufactured dwelling.

*Dwelling, townhouse*, means a one-family household dwelling unit in a row of two or more, with common walls, in which each unit is located on its own lot or parcel and with its own front and rear access to the outside. No unit is located over another unit, and each unit is separated from the other unit by fire-resistant walls as required by the building code. Each dwelling is served with separate water, sewer and utility services.

*Dwelling, triplex*, means three attached dwelling units. All three units must be built on a single lot or parcel.

~~*Dwelling, two-family attached (duplex)*, means any building designed exclusively for occupancy by two families and containing two separate dwelling units.~~

*Dwelling unit* means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking (limited to one kitchen) and sanitation, as required by the building code, for not more than one family household.

~~*Family* means an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, which may also provide meals or lodging for not more than four additional persons living in the same dwelling unit; or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit. The term "family" includes two or more handicapped persons, as defined in the Fair Housing Act of 1988, living as a single housekeeping unit.~~

~~*Family residential* means the residential occupancy of a dwelling, by families on for a period greater than 30 days. Typical uses include occupancy of single-family residences, duplexes, apartments, condominiums, and manufactured home parks.~~

*Group care residential* means the residential occupancy and services provided in residential facilities or in facilities authorized to provide living accommodations to groups of more than five persons ~~who are not related by blood, marriage or adoption~~, on a weekly or longer basis. Typical uses include halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential home, and rest homes. The term "group care residential" does not include hospitals, prisons, or other extensive impact services.

*Home occupation* means an occupation or enterprise carried on within a dwelling for financial gain or support by a member or members of the immediate family household residing within the dwelling.

*Household* means person or persons who live together in one dwelling unit.

*Household residential* means the residential occupancy of a dwelling, by a household for a period greater than 30 days. Typical uses include occupancy of single-detached dwellings, duplexes, multi-unit dwelling, and manufactured home parks.

~~*Lot, flag*, means a lot that is mostly separated from a street by other lots but that has a long, narrow extension (e.g., flagpole) that reaches to the street; also called a panhandle lot. Results in an inefficient design, wasting land, delaying or precluding development of public roads, and generally not recommended~~has access to a road or street by means of a narrow strip of lot (e.g., flagpole) that does not meet the typical minimum lot frontage standard. See Section 107-24.

*Manufactured home park* means any place where four or more manufactured dwellings are parked within 500 feet from one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or

to offer space free in connection with securing the trade or patronage of such person. May be occupied by ~~both~~ manufactured dwellings, [recreational vehicles](#), [prefabricated structures](#), and park trailers according to ORS 446.003.

[Mature tree means existing trees on a site that are over 6 inches diameter at breast height \(DBH\), which is measured 4.5 feet above the uphill side of the base of the trunk. If the tree splits into multiple trunks above ground, but below 4.5 feet above the uphill sides at the base of the trunks, the diameter is measured at the narrowest part of the main stem below the split.](#)

*Nursing home* means a facility, other than a ~~single-family~~[single-detached](#) dwelling, providing care and nurturing for the elderly.

*Park trailer* means a vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters, [except as permitted by this code for residential occupancy](#), which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

~~Prefabricated building means a structure built as one unit or divided into transportable sections and intended to be permanently installed on a building site.~~

~~Prefabricated structure means a building or subassembly constructed entirely or in part using closed construction which has been in whole or substantial part manufactured at an off-site location to be installed on a building site but does not include a manufactured home or recreational vehicle structure, as defined in ORS 455.010, that is designed for use as a single-detached dwelling in accordance with the City's building regulations.~~

*Recreational vehicle* means a unit, with or without motive power, which is designated for human occupancy and is [generally](#) used temporarily for recreational or emergency purposes [except as permitted by this code for residential occupancy](#) (including camping trailers, motor homes, park trailers and travel trailers, which are separately defined in this section).

*Recreational vehicle park* means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes, [except as permitted by this code for residential occupancy](#).

*Short-term rental* means rental of a dwelling unit or portion of a dwelling unit for a period of less than 30 consecutive days. The following are short-term rental use types:

- (1) *Bed and breakfast inn* or *hosted home share* means a ~~single-family~~[single-detached](#) dwelling, occupied by the owner or manager, in which no more than five guest sleeping rooms are provided for short-term rental, with or without a meal. This includes the short-term rental of a portion of the primary dwelling (e.g., bedrooms) or an accessory dwelling unit on the same property.
- (2) *Vacation home rental* means the short-term rental of an entire ~~single-family~~[single-detached](#) dwelling unit, which may also include an accessory dwelling on the same property, in which no more than five guest sleeping rooms are provided for short-term rental.

Single room occupancy (SRO), means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

*Unit* means a room or suite of two or more rooms occupied or suitable for occupancy as a residence for one **family**household.

**Section 2. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article II, Division 1, Sec. 101-28 – Consistency with plans and laws, is hereby amended as follows:

(h) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approved or denial of the application must be based on the following:

(1) Upon the standards and criteria that were applicable at the time the application was first submitted; or

(2) For an application that includes one or more dwelling units or single room occupancies, upon the request of the applicant, those standards and criteria that are in effect at the time of the request.

**Section 3. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article II, Division 1, Sec. 101-31 – Rules of interpretation, is hereby amended as follows:

(a) Effect of provisions.

(3) Limitations on private agreements. Pursuant to ORS Chapter 94, a provision in a private agreement is void and unenforceable to the extent that the provisions would prohibit or have the effect of unreasonably restricting the development of, or the dividing of lands under ORS 92.031 for, housing that is otherwise allowable under the maximum density of the zone for the land.

**Section 4. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 2, Sec. 101-126 – Purpose, is hereby amended as follows:

(b) Site plan approval is required of the following: The construction, alteration, addition, change of occupancy, or other site improvements for all **apartment house**multi-unit dwellings, civic, commercial and industrial properties. Site plans for new development shall be approved by the community development department/planning division with community development department/building division concurrence.

**Section 5. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 2, Sec. 101-129 – Processing, is hereby amended as follows:

(2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. **Twenty copies**One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review ~~by the development review committee~~, along with the application and appropriate filing fee. The application shall be accompanied by any such information as listed on the application submittal checklist.

**Section 6. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 3, Sec. 101-164 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review.

Section 7. AMENDMENTS TO CODE. Subpart B, Chapter 101, Article III, Division 3, Sec. 101-166 – Standard for temporary uses, is hereby amended as follows:

- ~~(a) Mobile office/construction trailer time limitation exemption.~~ A construction trailer shall be allowed for the duration of the project plus 30 days upon completion.
- ~~(b) Medical hardship residence.~~
- ~~(1) The current principal use of the land must be single family residence, or a vacant lot adjacent to the single family residence under the same ownership.~~
  - ~~(2) The temporary residence must be for an immediate family member of the current resident, defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.~~
  - ~~(3) Certification of need by a licensed physician is required with the initial application and each request for renewal.~~
  - ~~(4) Setback and height requirements for accessory buildings must be met by the temporary residence, and the front setback of the temporary residence shall be no less than that of the principal residence.~~
  - ~~(5) Temporary residences shall not be expanded or have attached permanent structures except to provide access to the temporary residence.~~
  - ~~(6) The installation of a temporary manufactured dwelling shall meet the requirements of the state manufactured dwelling standards.~~
  - ~~(7) A temporary manufactured dwelling must be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.~~
  - ~~(8) A temporary manufactured dwelling must comply with all applicable federal, state and local special flood hazard area rules and regulations.~~
  - ~~(9) The minimum size of a temporary manufactured dwelling shall be 320 square feet and it shall meet the requirements of a park trailer, mobile home, or manufactured dwelling, not older than ten years of age.~~
  - ~~(10) The maximum size of a temporary manufactured dwelling shall be 1,080 square feet of enclosed living space with no more than two bedrooms.~~
  - ~~(11) The temporary residence must connect to city sewer and water services or to an approved septic tank and well system. Billing will be at double rate if connection is via an approved connection through the principal residence.~~
  - ~~(12) The temporary use permit is nontransferable; no one is to occupy the temporary residence except the person named in the application.~~

~~(13) No property right to a second dwelling unit is established by the temporary use permit.~~

**Section 8. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 4, Sec. 101-189 – Processing, is hereby amended as follows:

- (2) *Filing.* An application for a variance shall be filed on forms provided by the community development department/planning division, shall set forth in detail all information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution and review.
- (6) *Noncompliance with conditions.* The community development director/planner may, as provided by this subpart, take action where it reasonably appears that any conditions imposed upon the granting of a variance have not been complied with. A variance shall be void after one year if conditions of the variance have not been met.

**Section 9. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 4, Sec. 101-191 – Administrative variances, is hereby amended as follows:

- (b) *Applicability.* The administrative variance procedure will be used to review the following:
  - (5) On a cottage housing development site, removal of no more than 25 percent of existing mature trees.
- (c) *Procedure.* An application and site plan shall be filed as required by sections 101-189 and 101-190. In reviewing the variance, the community development director/planner shall apply the following criteria ~~of section 101-188~~ and make findings and decision in writing.
  - (1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
  - (2) If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and
  - (3) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
  - (4) Granting the requested adjustment will not obstruct on-or off-site pedestrian or vehicular movement; and
  - (5) Any impacts resulting from the adjustment are mitigated to the extent practical.

**Section 10. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 5, Sec. 101-224 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review.

**Section 11. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 6, Sec. 101-249 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review. Additional copies may be required as needed for review and consideration by the city planning commission and city council.

**Section 12. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 7, Sec. 101-280 – Processing, is hereby amended as follows:

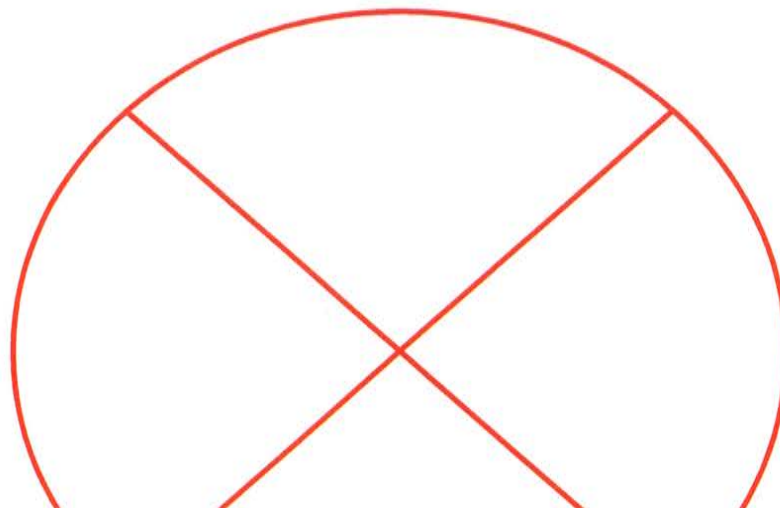
- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information required, and shall be accompanied by a filing fee set by resolution of the City Council to defray the costs incidental to the proceedings. The application shall be accompanied by any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the application materials shall be submitted to the community development department/planning division, for distribution ~~to~~ and review. Additional copies may be required as needed for review and consideration by the city planning commission and city council.

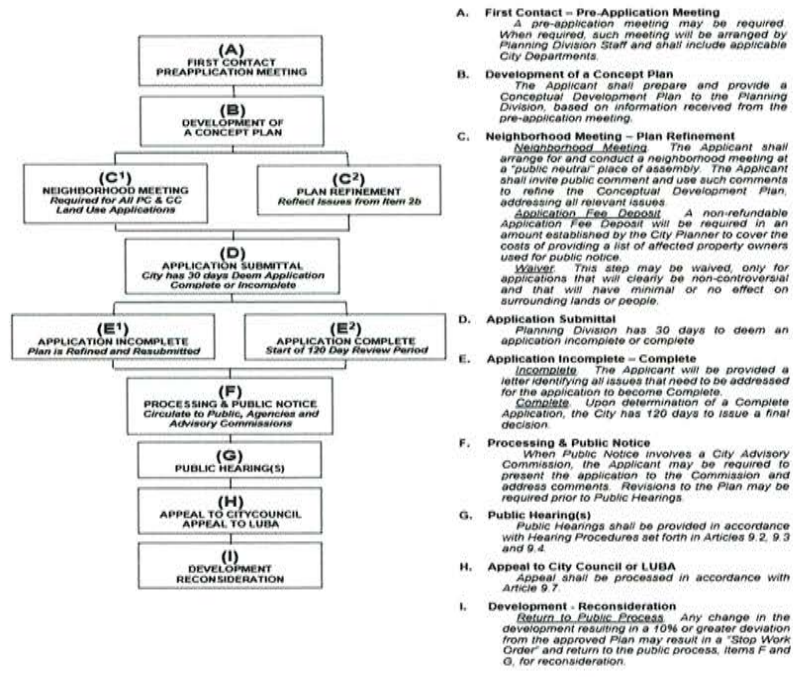
**Section 13. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 11, Sec. 101-400 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for a home occupation permit shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. One paper copy and one digital copy of the submittal information shall be submitted to the community development department/planning division, for distribution to and review by the development review committee, along with the application and appropriate filing fee.

**Section 14. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 1, Sec. 101-435 – Land use application review process, is hereby amended as follows:

All land use applications shall be reviewed in accordance with the following review process, except all steps may not apply to a residential development:





- (1) First Contact – Pre-Application Meeting. A pre-application meeting may be required. When required, such meeting will be arranged by planning division staff and shall include applicable city departments.
- (2) Development of a Concept Plan. The applicant shall prepare and provide a Conceptual Development Plan to the planning division, based on information received from the pre-application meeting.
- (3) Neighborhood Meeting – Plan Refinement. The applicant shall arrange for and conduct a neighborhood meeting at a “public neutral” place of assembly:
  - a. When required notification to the owners of surrounding property includes 25 or more properties;
  - b. For subdivisions and planned unit developments as follows:
    - 1. For sites in the R-1, R-2 & R-3 Zone, any development with 25 lots or 3 acres and greater.
    - 2. For sites in the RR-1 and HD, any development with 25 lots or 10 acres or greater.
  - c. Where a traffic study is required per Section 105-44(d), with meeting invites and process provided in accordance with the City of La Grande Neighborhood Meeting Guidance documents; or,
  - d. For non-residential development when required notification to the owners of surrounding property includes 50 or more properties.
- (4) Application Submittal. Planning division has 30 days to deem an application incomplete or complete.

(5) Application Incomplete – Complete

- a. Incomplete. The applicant will be provided a letter identifying all issues that need to be addressed for the application to become complete.
- b. Complete. Upon determination of a complete application, the city has 120 days to issue a final decision.

(6) Processing and Public Notice. When Public Notice involves a city advisory commission, the applicant may be required to present the application to the commission and address comments. Revisions to the plan may be required prior to Public Hearings.

(7) Public Hearing(s). When required, Public Hearings shall be provided in accordance with Hearing Procedures set forth in Article IV, Divisions 2, 3 and 4.

(8) Appeal to City Council or LUBA. Appeal shall be processed in accordance with Article IV, Division 7.

(9) Development – Reconsideration. Return to Public Process. Any change in the development resulting in a 10% or greater deviation from the approved plan may result in a “Stop Work Order” and return to the public process, items (6) and (7), for reconsideration.

**Section 15. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-455 – Application, is hereby amended as follows:

(1) Duplex land division

(15) Subdivisions of land and major partitions (except final subdivision and major partition plats).

~~(15)~~(16) Temporary use permit.

~~(16)~~(17) ~~Variance permit (administrative)~~Adjustments.

~~(17)~~(18) Wetland plan review.

~~(18)~~(19) Zoning approval.

**Section 16. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-456 – Notice, is hereby amended as follows:

Community development department/planning division review shall be conducted by the community development director/planner. Notice shall be mailed or otherwise delivered to property owners within ~~100 feet of the proposed land use listed in section 101-455~~the minimum distance of the subject property as specified in Table 101-1, as well as to affected local, state, and federal agencies at least 14 days prior to the decision date. The notice shall also be conspicuously posted on-site ten days prior to the date of the scheduled decision.

Table 101-1. Community Development Department/Planning Division Review Public Notice Requirements

<u>Application Type</u>	<u>Notice Distance</u>
-------------------------	------------------------

<u>Non-residential development with over 40,000 square feet of cumulative, new gross floor area</u>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Subdivision with more than 10 but less than 50 lots</u></li> <li>• <u>Manufactured home park with more than 10 but less than 50 spaces</u></li> <li>• <u>Multi-dwelling unit development with more than 10 but less than 50 units</u></li> </ul>	<u>300 feet</u>
<u>Any development which proposes more than 50 dwelling units, lots or spaces</u>	<u>1,000 feet</u>
<u>In addition to the above thresholds, any development where a traffic study is required per Section 105-44(d) must provide notice to all properties that meet any of the following thresholds:</u>	
<ul style="list-style-type: none"> <li>• <u>Properties abutting streets within the scope of the traffic study</u></li> </ul>	<u>N/A</u>
<ul style="list-style-type: none"> <li>• <u>Distance from intersections within the scope of the traffic study</u></li> </ul>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Any properties that are enclosed on all sides by properties included in the above public notice requirements</u></li> </ul>	<u>N/A</u>
<u>All other applications listed in section 101-455 not meeting thresholds of this table</u>	<u>100 feet</u>

**Section 17. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-457 – Review and decision, is hereby amended as follows:

- (a) The community development director/planner shall review the application and determine its compliance with applicable codes and ordinances. Conditions of approval may be imposed as necessary to ensure compliance with this subpart and other applicable codes. ~~The community development director/planner may, at the community development director/ planner's discretion or if requested, refer any application under section 101-455 to the planning commission for a public hearing and decision.~~

**Section 18. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 3, Sec. 101-486 – Application, is hereby amended as follows:

- (2) Decisions:
  - ~~a. Subdivisions of land and major partitions (except final subdivision and major partition plats).~~
  - b.a.** Conditional use and variance permits.
  - c.b.** Planned unit developments.

**Section 19. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 6, Sec. 101-588 – Time and method of public notice, is hereby amended as follows:

- (b) *Quasi-judicial hearings.* Notices of public hearings for quasi-judicial land use hearings shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the city at least ten days prior to the hearing. In

addition, notice of the hearing shall be provided to the applicant and to the owners of record of property as shown on the most recent property tax assessment roll provided by the county, where the property is located ~~within 100 feet of the property which is the subject of the notice~~ per Table 101-1 in Sec. 101-456. The notice shall be mailed at least 20 days before the first public hearing, or if two or more public hearings are allowed, ten days before the first public hearing, and shall:

**Section 20. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-26 – Hillside Development Residential (HD), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached and duplex dwellings.

(8) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 21. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-27 – Rural Residential (RR-1), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached and duplex dwellings.

(8) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 22. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-28 – Low Density Residential (R-1), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to establish areas suitable for ~~single family~~ single detached residences, duplexes, manufactured home parks and necessary accessory uses. The low density residential zone is intended to implement the comprehensive plan designation of a low density residential land use with a minimum density of four dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached, and duplex dwellings, and manufactured home parks.

(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 23. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-29 – Medium Density Residential (R-2), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to establish areas suitable for **single family**single detached residences, duplexes, triplexes, townhomes, manufactured home parks, and necessary accessory uses. The low density residential zone is intended to implement the comprehensive plan designation of a low density residential land use with a minimum density of four dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to **single-family**single detached, duplex, triplex, **and** two- or three-unit townhouse dwellings, and manufactured home parks.

(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Dwellings: limited to manufactured home parks.~~

~~(7)~~(6) Neighborhood convenience center.

~~(8)~~(7) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

~~(9) Lodging facilities: limited to bed and breakfast in~~

(d) *Property development standards.*

(1) Minimum lot area: 3,000 square feet for **single-family**single detached, **and** duplex dwellings, and single room occupancy. 4,500 square feet for triplex dwellings. Lots Intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

**Section 24. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-30 – High Density Residential (R-3), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to provide higher concentrations of dwelling units where the level of public services can adequately accommodate such development. The high density residential zone, which provides for **multifamily residential units**multi-unit dwellings, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the comprehensive plan designation of high density residential land use of densities of 11 or more dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to **single-family**single detached, duplex, triplex, quadplexes, town-houses, **apartments— and —condominiums**multi-unit dwellings, and manufactured home parks.

(7) ~~Group residential: sorority houses, retirement homes or boardinghouses~~Single room occupancy.

(c) *Conditional uses.*

~~(5) Dwellings: limited to manufactured home parks~~

~~(6)~~(5) Medical services: limited to medical and dental offices, and clinics.

~~(7)~~(6) Neighborhood convenience center.

~~(8)~~(7) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

~~(9) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area: ~~3,000 square feet for single-family and duplex dwellings; 4,500 square feet for triplex dwellings; 6,000 square feet for quadplex dwellings, plus 1,000 square feet for each additional unit. Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.~~

(a) 3,000 square feet for single-detached, duplex dwellings, and single room occupancy up to six units;

(b) 4,500 square feet for triplex dwellings;

(c) 6,000 square feet for quadplex dwellings;

(d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit;

(e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

**Section 25. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-31 – Residential Professional (R-P), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~single detached, duplex, triplex, quadplexes, town-houses, ~~apartments and condominiums~~multi-unit dwellings, and manufactured home parks.

(8) Single room occupancy.

(c) *Conditional uses.*

~~(18) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area: ~~3,000 square feet for single-family and duplex dwellings; 4,500 square feet for triplex dwellings; 6,000 square feet for quadplex dwellings, plus 1,000 square feet for each additional unit. Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.~~

(a) 3,000 square feet for single-detached, duplex dwellings, and single room occupancy up to six units;

(b) 4,500 square feet for triplex dwellings;

(c) 6,000 square feet for quadplex dwellings;

(d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit;

(e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

(3) Design standards for professional uses:

- a. Scale, bulk and building coverage. ~~Multifamily and nonresidential~~ Nonresidential uses shall have a similar building footprint square footage, wall height and peak height as the majority of permitted dwelling uses in the block.

Section 26. AMENDMENTS TO CODE. Subpart B, Chapter 103, Article II, Sec. 103-32 – Central Business (CB), is hereby amended as follows:

(b) *Permitted uses.*

- (10) Dwellings: limited to residential units in below ground level and second or higher levels of multi-level commercial buildings and/or occupying no greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such ~~family~~ household residential units subject to the provisions of chapter 101, article III, division 11.

(c) *Conditional uses.*

- (8) Dwellings: residential occupancy greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. home occupations are allowed in such ~~family~~ residential units subject to the provisions of chapter 101, article III, division 11.

Section 27. AMENDMENTS TO CODE. Subpart B, Chapter 103, Article II, Sec. 103-33 – General Commercial (GC), is hereby amended as follows:

(b) *Permitted uses.*

- (21) Dwellings: limited to residential units within existing buildings that were originally designed and constructed exclusively for residential occupancy. Buildings that were not originally constructed exclusively for residential occupancy are limited to residential units below ground level and in the second and higher floors and/or 25 percent of the ground floor of commercial buildings, or greater than 25 percent with a conditional use permit, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such ~~family~~ residential units subject to the provisions of chapter 101, article III, division 11.

Section 28. AMENDMENTS TO CODE. Subpart B, Chapter 105, Article II, Sec. 105-28 – Minimum street right-of-way widths, is hereby amended as follows:

Table 105-1. Street Standards

Section 29. AMENDMENTS TO CODE. Subpart B, Chapter 105, Article II, Sec. 105-29 – Minimum street improvements, is hereby amended as follows:

- (1) *Arterial streets.* Arterial streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 105-1 in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

- (2) *Collector streets.* Collector streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.
- (3) *Local streets.* Local streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

**Section 30. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article II, Sec. 105-44 – Access management guidelines, is hereby amended as follows:

Table [105-2](#). General Access Management Guidelines

(c) *Access design guidelines.*

(1) *Corner clearance.*

- a. Corner clearance for access connections shall meet or exceed the minimum spacing requirements for that roadway (Table [105-2](#)).

**Section 31. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article IV, Sec. 105-90 – Addressing, is hereby amended as follows:

The community development director/planner will assign addresses for each legal parcel as they are created or developed. For suite numbers/units within a **multifamily multi-unit dwelling**, commercial or industrial structure, the property owner is responsible for assigning their own numbers/units, however for safety or 911 purposes sequential order is required.

**Section 32. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article V, Sec. 105-118 – Drainage system standards, is hereby amended as follows:

Drainage systems and facilities subject to drainage and grading plan review and approval are to be designed and constructed based on a [25-year 24-hour design storm with 2.2 inches of runoff and a Type 2A storm distribution for a 24-hour duration.](#) ~~Storm drainage plans shall be designed for a 25-year storm event and approved by the city engineer or designated city official.~~ [In addition, the system shall be analyzed for a 25-year 3-hour design storm. The 3-hour design storm has less total volume than the 24-hour storm, but a greater peak intensity.](#)

**Section 33. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article II, Sec. 107-23 – General design standards, is hereby amended as follows:

The lot size, shape and orientation within all subdivisions or partitions shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated. [These standards do not apply to lots created through a duplex land division.](#)

**Section 34. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article III, Sec. 107-57 – Interior, is hereby amended as follows:

- (2) *Residential buildings.* A principal building (including a **multifamily multi-unit dwelling**) is to be located no closer to another principal building than ten feet. Common wall construction is exempt from this setback requirement.

**Section 35. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-147 – Required landscaping, is hereby amended as follows:

- (5) ~~Multifamily~~ Multi-unit dwelling uses

**Section 36. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-149 – Standards for landscaping materials, is hereby amended as follows:

- (1) *Allowable materials.*

- a. Landscaping shall include ~~some combination~~ two or more of the following materials to achieve the intended or required purpose of the landscaping (e.g., tree canopy, screening, etc.): trees, shrubs, ground cover, vines, flowers or lawns. Landscaping may also include art work, walls, structural features and fences. Trees adapted to the site shall be incorporated into the landscape when there is adequate space as determined in the standards for tree planting in the community forestry program guide. Shade trees shall be a minimum of 15 gallons and/or 1¼-inch caliper. Evergreen conifer trees shall be a minimum of five feet in height. Landscaping areas shall include live plant coverage, at occupancy, equal to or greater than 50 percent of each landscape area.

- ~~(3)~~ (2) *Excluded materials.* Landscaping proposed to satisfy the requirements of this subpart shall not include:

**Section 37. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-150 – Planting and maintenance, is hereby amended as follows:

- (a) *Developed site area.*

- (1) For purposes of this section, the term "developed site area" means the square footage of the area indicated on the plot plan. ~~At a minimum, the~~ The area indicated on the plot plan shall include the area required for parking, ingress and egress, and setback areas, ~~and other areas which may be required as a condition of site plan approval, which are part of the ownership.~~

- (b) *Minimum area requirements—New construction.* Landscaping shall be provided as follows:

- (4) Residential, manufactured dwelling parks, and ~~multifamily~~ multi-unit dwelling use types: 20 percent of the developed site area.

**Section 38. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VII, Sec. 107-176 – Designated improvement standards for parking lots of four or more spaces, is hereby amended as follows:

- (a) Each paved space must be marked by striping.
- (b) ~~Traffic~~ Painted traffic flow arrows and signs ~~may~~ shall be required for all one-way aisles.
- (c) No parking space(s) shall back directly onto a public street, ~~without site plan approval.~~
- (d) ~~Adequate~~ Storm water drainage shall be ~~specified at the time of site plan review~~ contained on the site in accordance with this code.
- (e) Bumper guards or wheel stops ~~may~~ shall be required ~~near~~ for all parking spaces

abutting buildings, fences, or sidewalks, ~~—during site plan review.~~

- (f) Driveway locations shall be approved by the city or the state highway division in accordance with City and State access management standards.
- (g) Artificial lighting ~~may be required, but where installed~~ shall be shielded so as to not cast a direct light onto adjacent properties and/or residences.

**Section 39. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VII, Sec. 107-177 – Table of off-street parking requirements, is hereby amended as follows:

<i>Use Type</i>	<i>Parking Space Required</i>
Residential use	Vehicle – One space per dwelling unit <u>or one space per three single room occupancy units,</u> which must be covered, <u>except no spaces required for an accessory dwelling unit.</u> Bicycle – One space per unit for <del>multifamily</del> <u>single room occupancy unit or multi-unit dwelling</u> (tri-plex or greater).
<del>Roominghouses, —lodginghouses,</del> <u>Dormitories</u> , clubs and fraternity houses, <del>bed and breakfasts,</del> residential home and residential facilities	Vehicle – One space for each sleeping room or one space for each two beds, whichever is greater. Bicycle – Minimum of 10% of the required vehicular parking with a minimum of two spaces.

**Section 40. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-209 – Definitions included by reference, is hereby amended as follows:

*Area identification sign* means a sign identifying the name of a manufactured home park, planned unit development, subdivision, ~~apartment or condominium~~ multi-unit dwelling, commercial center of two or more separate businesses, industrial area, office complex of two or more separate businesses or structures or any combination of the above.

**Section 41. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-213 – Signs not requiring permits, is hereby amended as follows:

- (6) House or building numbers: Numbers limited to six inches in height for dwellings of four or less ~~families~~ households and 12 inches in height for other buildings.
- (16) Area identification sign: A ground or wall sign identifying a recognized subdivision, ~~apartment, condominium~~ multi-unit dwelling, manufactured home park or planned unit development. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the development identification, provided the legend of such sign or display shall consist only of the development name and shall not exceed 16 square feet. Such signs shall not be located within any clear view zone unless the sign is 30 inches or less in height.

**Section 42. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-219 – Signs permitted in residential zones and residential professional zones, is hereby amended as follows:

- (4) Area identification sign:

- a. ~~Apartments and condominiums~~Multi-unit dwellings: One ground or wall sign not to exceed 32 square feet in sign area, may be erected five days prior to the beginning of construction and shall be removed within five days after completion of construction.

**Section 43. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article IX, Sec. 107-271 – Standards for detached accessory dwelling units, is hereby amended as follows:

~~Detached-accessory~~Accessory dwelling units, also called cottage homes or tiny homes, shall be permitted in all residential zones in accordance with the following standards:

- (1) *Quantity.* A maximum of one interior, attached or detached accessory dwelling unit shall be allowed per property, and limited to only properties that contain one primary ~~single-family~~single-detached dwelling.
- (3) *Design standards.*
  - a. *Setbacks.* ~~An detached~~ accessory dwelling unit shall provide side and rear setbacks which comply with the applicable zone and a front yard setback which is at least equal to that of the existing primary ~~single-family~~single-detached dwelling.
  - b. *Unit size.* ~~The size of a detached accessory dwelling unit may be no greater than 800 square feet, and shall be less than the residential living area of the primary single-family dwelling on the property.~~An accessory dwelling unit shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
  - c. *Height.* The ~~standards~~ height limit for a detached accessory dwelling unit is 21 feet. ~~Except when~~When located on a second floor of a detached accessory structure that is shared with the primary ~~single-family~~single-detached residential dwelling, such as a detached garage, ~~in such case,~~ the accessory building height may be increased to 25 feet. When the accessory dwelling unit is attached or interior to the primary single-detached dwelling, the height limit of the base zone applies.
  - d. *Building design.* A detached accessory dwelling shall have a covered porch entry ~~measuring with~~ a minimum depth of 18 inches, ~~and shall have the same style of siding and roofing materials and colors as the primary single-family dwelling.~~ For all accessory dwelling units, the exterior siding and roofing material must be the same in type, size and placement as the exterior finish material of the primary structure.

**Section 44. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II – Manufactured Dwellings, Single-Family, Two-Family, and Apartment Buildings, is hereby amended as follows:

**ARTICLE II. MANUFACTURED DWELLINGS, ~~SINGLE-FAMILY~~SINGLE-DETACHED, ~~TWO-FAMILY~~DUPLEXES, TRIPLEXES, QUADPLEXES, AND ~~APARTMENT~~ MULTI-UNIT DWELLING BUILDINGS**

**Section 45. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-25 – Standards for manufactured dwellings, single-family, two-family, and apartment buildings on individual lots, is hereby amended as follows:

Sec. 109-25. Standards for manufactured dwellings, ~~single-family~~single-detached, single room occupancy, two-family duplexes, triplexes, quadplexes and ~~apartment~~ multi-unit dwelling buildings on individual lots.

This article establishes placement standards and procedures for placing a manufactured dwelling, ~~single-family~~single-detached building, single room occupancy, ~~two-family~~duplex dwelling, triplexes, quadplexes or ~~apartment~~multi-unit dwelling building on an individual lot in the HD, RR-1, R-1, R-2, R-3 and R-P Zones; and further establishes design standards for ~~single-family~~single-detached dwellings, single room occupancy, ~~two-family dwellings~~duplexes, triplexes, quadplexes, ~~apartment~~multi-unit dwellings and manufactured homes.

**Section 46. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-27 – Placement standards on individual lots, is hereby amended as follows:

The manufactured dwelling shall adhere to standards in subsections (1) through (87) of this section and ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex and ~~apartment~~multi-unit dwelling buildings shall adhere to standards in subsections (54) through (87) of this section.

- (1) ~~a.~~ Manufactured dwellings shall be constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981, ~~be multi-sectional (double wide or wider). Single wide manufactured dwellings, including expandable units, pop-outs and tilt-outs shall be allowed in manufactured dwelling parks only, except as provided below~~ Manufactured dwellings located within manufactured dwelling parks shall not be subject to standards found in subsections (2) through (87) of this section.

~~b. Exceptions.~~

- ~~1. A single wide manufactured dwelling may be allowed for a cottage home (tiny home) in accordance with article XXII of this chapter.~~
- ~~2. A single wide manufactured dwelling may be allowed as an accessory dwelling unit in accordance with chapter 107, article IX.~~

- (2) Manufactured dwellings shall be permanently placed on a concrete foundation complying with the minimum set-up standards of the adopted state manufactured dwelling standard and adopted building codes.

- ~~(3) Manufactured dwellings shall have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically used for single-family residential construction. Manufactured dwellings on individual lots shall not have bare (or corrugated) metal siding or roofing.~~

- (43)A manufactured dwelling, ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex, or ~~apartment~~multi-unit dwelling building shall have all of the following design features when placed outside of a manufactured dwelling park:

- a. A roof pitch greater than or equal to a nominal ~~3:12~~2½:12. ~~The only exception to this rule shall be triple-wide manufactured homes, where a roof pitch of 2½:12 or greater is allowed.~~

- (54)A manufactured dwelling, ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, triplex, quadplex or ~~apartment~~multi-unit building shall have at least five of the following design features when placed outside of a manufactured dwelling park:

- b. Bay or bow windows that extend from the façade a minimum of 2 feet (the

provision of one such window per dwelling unit is sufficient).

- c. Dormers that are a minimum of 4 feet in width (the provision of one such roof feature per dwelling unit is sufficient).
- f. Front porch and entry facing the front property line (entryway can be located on the long or short axis of the dwelling, porch must have a minimum area of 25 square feet).
- h. Off-sets on building face or roof minimum 12 inches (the provision of one such roof or facade feature is sufficient).
- i. Pillars or posts (requires at least one pair, ~~decorative or plain, but finished in a manner that is consistent with the dwelling exterior~~).

~~(65)~~ Plans indicating the requisite number of architectural features will be required upon application to the community development department/planning division. No final inspection for occupancy will be approved until compliance is confirmed.

~~(7) Additions to all dwelling units shall be architecturally compatible with the original building, as determined by the community development director/planner. Similar siding and roofing materials and colors are required unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within 100 feet.~~

~~(86)~~ All dwelling units and accessory buildings shall have fire protection. For all structures located outside of a fire district, a fire protection agreement with a fire district shall be established prior to obtaining a building permit. The fire protection agreement shall be maintained until such structures are located within a fire district.

~~(97)~~ Any exterior lighting installed on a property shall be either shielded or down directed so as to not cast a direct light onto adjacent properties or residences.

Section 47. AMENDMENTS TO CODE. Subpart B, Chapter 109, Article II, Sec. 109-28 – Manufactured dwelling and single-family building permit procedures, is hereby amended as follows:

Sec. 109-28. Manufactured dwelling and ~~single-family~~ single-detached building permit procedures.

Prior to applying for and obtaining any permits from the building official, the applicant shall submit evidence that the manufactured dwelling or ~~single-family~~ single-detached building complies with section 109-27 in the form and content required by the community development director/planner.

Section 48. AMENDMENTS TO CODE. Subpart B, Chapter 109, Article II, Sec. 109-29 – Manufactured dwelling park – Purpose and intent, is hereby amended as follows:

The purpose of this article is to permit and encourage the location of ~~single-family~~ single-detached manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks ~~in the high density residential areas~~ as allowed in the zoning district; to provide minimum development standards which will enhance the appearance of manufactured dwelling parks within residential neighborhoods and which will help to minimize land use conflicts and to provide a process for site plan review in order to ensure compliance with the provisions of this subpart.

**Section 49. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-30 – Manufactured dwelling park – General requirements, is hereby amended as follows:

- (a) A manufactured dwelling park is a **conditional-permitted** use in the **R-1 Low Density Residential, R-2 Medium Density Residential, and R-3 High Density Residential, and the R-P Zones.**
- (b) A manufactured dwelling park shall be used for manufactured dwellings, **recreational vehicles (connected to water, electric, and sewer systems) and prefabricated structures** and their accessory uses and may include or require recreation facilities.

**Section 50. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-32 – Manufactured dwelling park – Design and improvement standards, is hereby amended as follows:

- (1) A manufactured dwelling park shall have a minimum area of **twoone** acres.
- (5) b. Recreational play areas must include at least three of the following improvements, adequate to meet the recreational needs of tenants, and subject to the approval of the planning commission:
  - 10. Any other recreational facility similar in nature to those listed as approved by the **planning-commissioncommunity development director.**
- (8) A **decorative-sight-obscuring-fence-in-combination-with-shrubbery-landscapingfence or hedge** shall be provided along the perimeter public streets and it shall be the continuing responsibility of the manufactured dwelling park owner to provide its permanent maintenance. Such fencing **or hedge** shall be six feet in height, except within the clear vision area at street and driveway intersections where it shall comply with the clear vision area or sight triangle standards in section 107-147.

**Section 51. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-33 – Standards for placement of manufactured dwellings in manufactured dwelling parks, is hereby amended as follows:

- ~~(d) Manufactured dwellings and any accessory structures in a manufactured dwelling park shall comply with the following minimum setbacks:~~
  - ~~(1) 15 feet between manufactured dwelling and from any park buildings;~~
  - ~~(2) Six feet from any detached accessory building, deck, landing, steps, ramp, awning or carport on an adjacent lot and from any garage on the same or adjacent lot;~~
  - ~~(3) Three feet from any accessory building on the same lot;~~
  - ~~(4) 20 feet from any abutting public street right-of-way;~~
  - ~~(5) Ten feet from the manufactured dwelling park interior property boundary line, except that special setbacks may be required in areas with scenic impact and where the manufactured dwelling park adjoins frame dwelling residential units. The required setback shall be shown on the final site plan.~~
- (ed)** Manufactured dwellings shall have continuous skirting between the manufactured dwelling and the ground and must be installed within 30 days after placement. Skirting shall be of materials approved in the state manufactured dwelling standards.
- (fe)** Manufactured dwellings shall have a minimum gross floor area of 500 square feet.

**Section 52. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II – Manufactured Dwellings, Single-Family, Two-Family, and Apartment Buildings, is hereby amended as follows:

Sec. 109-34. Standards for placement of manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks.

(a) Manufactured dwellings and any accessory structure in a manufactured dwelling park shall comply with the separation and spacing requirements of the Oregon Building Code.

Secs. 109-~~34~~<sup>35</sup>—109-54. Reserved.

**Section 53. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article III, Sec. 109-57 – Parking, occupancy and storage of recreational vehicles and camping, is hereby amended as follows:

- (a) It shall be unlawful to occupy a recreational vehicle, tent, bivouac, tarp or other portable shelter for camping, living, sleeping, or other purposes other than in an approved recreational vehicle park, ~~or~~ campground, or manufactured dwelling park except as follows:
  - (2) Recreational vehicle occupancy associated with the construction of a new dwelling, on a vacant or redevelopment lot, may be permitted subject to obtaining a temporary use permit as provided for in chapter 101, article III, division 3, and subject to the following conditions:
    - (c) The temporary use permit shall be effective for six months, with provision of a six month extension, provided the required building permits remain valid. The temporary use permit shall be limited to a maximum period of one year. If the construction of a new detached single dwelling or manufactured home is due to damages to the existing single detached dwelling or manufactured home from a natural disaster, including wildfires, earthquakes, flooding or storms, the temporary use permit shall be limited to a maximum period of five years.

**Section 54. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article VII, Sec. 109-177 – Development plan approval criteria, is hereby amended as follows:

(b) *Density standards.*

(3) *Density Bonus Options.*

- c. Low cost housing units which qualify and are approved for housing for low-income ~~families~~ households or for the elderly under a federal, state, or local program.

**Section 55. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XI, Sec. 109-266 – Application of overlay designation, is hereby amended as follows:

- (a) The Limited Use (LU) Overlay Zone shall be limited to the specific use or uses approved by the city council, upon recommendation from the planning commission. Residential uses permitted outright in the underlying zone may not be limited.

**Section 56. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XIV, Sec. 109-372 – Caretaker's residence standards, is hereby amended as follows:

- (a) Where permitted in chapter 103, article II, only one ~~single-family~~single-detached dwelling may be constructed, placed or occupied as a caretaker's residence on the lot used for the business.

**Section 57. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XV, Sec. 109-403 – Livestock prohibited, permitted and use zone requirements, is hereby amended as follows:

(2) Livestock allowed:

- a. Up to a cumulative total of six adult rabbits, ducks and/or chickens (no roosters) are allowed for each ~~single-family~~single-detached dwelling in the R-1, R-2, R-3 and R-P residential zones, provided section 109-404(b) through (e) is met. Livestock are not permitted with ~~multifamily~~multi-unit dwelling uses.

**Section 58. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XV, Sec. 109-404 – Livestock requirements, is hereby amended as follows:

- (b) Within the R-1, R-2, R-3 and R-P residential zones, the subject property shall contain a minimum of 10,000 square feet and which contains a detached ~~single-family~~single-detached dwelling.

**Section 59. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-433 – Nonconforming uses of land, is hereby amended as follows:

- (43) ~~Single-family~~Single-detached residential use. A ~~detached—single-family~~single-detached residential structure existing as a principal use may be continued as a residential use and not subject to subsection (1) of this section, and may be altered, provided that no increase in the number of dwelling units or increase greater than 25 percent in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this article and is limited to one time only for reconstruction.

**Section 60. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-435 – Nonconforming structures, is hereby amended as follows:

- (a) *Generally.* Any structure which does not conform to the development requirements specified in this article may continue to be used, provided that:

(1) *Alterations and expansions.*

- a. The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinance. Should alterations or expansions exceed 50 percent or more of the ~~assessed—market~~ value of the improvements, according to the ~~the~~ county assessor's records, the entire structure and site shall be brought into compliance with this article.
- (b) *Extensions of existing dwellings or buildings.* Notwithstanding subsection (a) of this section, an existing ~~single-family~~single-detached dwelling or accessory building nonconforming as to yard requirements may be extended in depth along the nonconforming building line to a maximum of one-half the length of the existing structure provided that such enlargement does not increase any other nonconformity which may exist and conforms to all other regulations of the zone in which it is located. Such authorizations shall be granted by the community development director/planner only after receipt of a written consent from the property owners abutting the nonconforming yard. Nonconforming structures with

front or rear yards less than ten feet in depth or side yards less than three feet in depth shall not be eligible for the expansion allowed by this subsection.

**Section 61. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-438 – Nonconforming parcels, is hereby amended as follows:

- (b) *Use of nonconforming parcels or lots.* A legal nonconforming parcel or lot may be used as follows
- (3) In any zone in which ~~single-family~~single-detached dwellings are permitted, a ~~single-family~~single-detached dwelling, duplexes, single room occupancy dwelling, and accessory buildings may be erected on a legal nonconforming lot of record notwithstanding the limitations imposed by this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot area applicable in the zone, provided that yard dimensions and requirements other than those applying to area of the lot conform to the regulations for the zone in which the lot is located. Variance of such requirements shall be obtained only in accordance with chapter 101, article III, division 4.

**Section 62. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-607 – Purpose, is hereby amended as follows:

- (2) The cottage housing development design standards contained in this section create a permit path for small communities of cottage development, similar to ~~multifamily~~multi-unit housing projects, manufactured home parks, planned unit developments and subdivisions, where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.

**Section 63. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-608 – Cottage housing application requirements, is hereby amended as follows:

- (1) *Zoning approval.* For the construction or placement of up to three cottage homes on a parcel of land within the R-2, R-3 and R-P zones, and which meet the setbacks and other residential design requirements for the underlying zone, the planning director may administratively grant zoning approval to permit such homes, subject to ~~single-family~~single-detached home design standards set forth in article II of this chapter. Such homes shall not be subject to the development standards of this article.
- (2) *Site plan approval.* Within the R-3 and R-P zones, for cottage housing developments that include four or more dwelling units and where the housing and land are under one common ownership, similar to ~~an apartment~~a multi-unit dwelling complex, site plan approval shall be required pursuant to chapter 101, article III, division 2, and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.

**Section 64. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-610 – Building design and improvement standards for cottage housing developments, is hereby amended as follows:

- (a) *Dwelling unit size/floor area allowance.* To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized ~~single-family~~single-detached dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.
- (c) *Setbacks.* The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, peripheral setbacks (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.
- (1) Cottage dwellings and their accessory structures must meet setbacks or yard requirements for ~~single-family~~single-detached developments in the zone in which they are located with respect to the outside perimeter of the planned cottage development.
- (e) *Building design.*
- (3) A cottage dwelling shall also have at least four of the following design features:
- b. Bay or bow window that extends from the façade a minimum of 2 feet.
- c. Dormer that is a minimum of 4 feet in width.
- (i) *Off-street parking and screening.*
- (2) Parking location and access. Off-street parking spaces and vehicle maneuvering areas shall not be located:
- a. Within 10 feet from any street property line, except alley property lines;
- b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ~~(23) Clustered parking locations and screening. Clustered parking locations and screening shall be designed to accomplish the following~~Off-street parking must be arranged in clusters, subject to the following standards:
- ~~a. Ensure minimal visual impact to residents surrounding the development. Screening may be accomplished by landscaping or fencing.~~
- ~~b. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.~~
- ~~c. Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.~~
- ~~d. Shall be screened from view of adjacent neighbors if within ten feet of property lines. Screening to be minimum five-foot-high continuous sight-obscuring landscaping or fence.~~
- a. Parking clusters must not exceed five (5) contiguous spaces.
- b. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

c. Landscaping, fencing or walls at least three (3) feet tall shall separate parking clusters from common open space and public streets.

d. Landscaping, fencing or walls at least five (5) feet tall shall separate parking clusters from adjacent properties if within ten (10) feet from the property line.

**Section 65. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-611 – Site design and improvement standards for cottage housing developments, is hereby amended as follows:

- (b) *Common open space.* Common open space is required and intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:
- (3) ~~Where feasible, each~~ Each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented towards the common open space.
  - (4) Common open space shall be centrally located within the cottage housing development and be ~~easily~~ accessible to all dwellings within the development. Common open space shall be commonly owned by the residents.
  - (6) ~~Pedestrian connections shall link buildings to the common open space, public rights-of-way, private roads, and parking areas~~ An accessible pedestrian path that is hard-surfaced and a minimum of four (4) feet wide must be provided that connects the main entrance of each cottage to the following:
    - a. The common open space;
    - b. Shared parking areas;
    - c. Common buildings;
    - d. Sidewalks in public right-of-way abutting the site or rights-of-way if there are no sidewalks.
  - (8) ~~Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained~~ No more than 25% of the existing mature trees on the site may be removed. If more than 25% of the existing mature trees are proposed to be removed, an applicant must be approved for an adjustment pursuant to 101-191.
- (c) *Private open space.* Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:
- (2) The main entry of the cottages shall be oriented toward the common space ~~as much as possible~~.
- (e) *Lighting.* Exterior lighting shall be ~~minimized and shall be~~ shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house, business or public street right-of-way.

**Section 66. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXIII, Sec. 109-645 – Short-term rental requirements and use restrictions, is hereby amended as follows:

- (b) ~~Multifamily and condominium~~ **Multi-unit dwellings** prohibited. Short-term rentals shall be limited to ~~single-family~~ **single-detached** or accessory dwelling units, and duplex dwellings. Short-term rentals shall be prohibited in all ~~multifamily and condominium~~ **multi-unit dwelling** developments (three units or greater), as well as all cottage home developments.
- (c) Only one short-term rental permit is permitted per parcel, limited to one residential dwelling, which may include an accessory dwelling unit that is rented to the same party.
  - (1) A ~~single-family~~ **single-detached** dwelling with an accessory dwelling unit shall not be rented separately to different parties, as this would be considered two separate short-term rentals on the same parcel and not permitted under this article.
- (e) One off-street (on-site) parking space shall be provided for every guest sleeping room. For bed and breakfast inns and hosted home shares, this requirement is in addition to the parking required for a ~~single-family~~ **single-detached** dwelling or duplex, whichever is applicable.

**Section 67. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article II, Sec. 111-23 – Review procedure, is hereby amended as follows:

Application for review of major partitions, ~~and subdivisions, shall be subject to the planning commission and city council review procedure.~~ **Application for review of and** minor partitions shall be subject to the community development department/planning division review procedure.

**Section 68. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article II, Sec. 111-24 – Review criteria, is hereby amended as follows:

- (a) The preliminary plat for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:
  - (5) The parcels ~~or lot lines align with the parcel or lot lines of adjoining or nearby lots or parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines,~~ with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.
  - (6) The proposed property ~~complies with the standards of the zoning district in which the proposed property is located and other applicable development standards of this code is physically suitable for the type and proposed density of development and conforms to existing zone standards.~~
  - (7) ~~All required public facilities have adequate capacity, as determined by the city, to serve the proposed property. The existing public water and wastewater systems are available and adequate to serve the proposed development, including water for fire protection and access sufficient for fire equipment.~~
  - (11) Major and minor land partition developers shall dedicate required street right-of-way and/or easements for the purpose of providing required infrastructure or ~~consistency with applicable frontage improvement requirements bringing an existing right-of-way closer to or into attainment with city standards.~~ Easements shall not be used for access to partitioned parcels unless it is clear that a future

public right-of-way will not be needed to serve the area (in cases such as a flag lot partition).

- b. If the property to be partitioned is not located adjacent to lands currently served by city standard infrastructure improvements, the developer shall enter into an agreement to guarantee installation of required public improvements, including, ~~but not limited to,~~ street improvements, bicycle or multi-use paths, street trees, underground utilities (e.g., water, sanitary sewer, storm drainage, natural gas and electricity), curb, gutter and sidewalk and appurtenances as required by the community development department/planning division to serve the properties being partitioned. Said agreement shall include an irrevocable consent to participate in a local improvement district for financing the required improvements.

- (12) Partitioning as part of a plan or scheme to create more than four parcels or is part of a development pattern having the effect of creating more than four parcels without subdividing is only permitted as provided in ORS 92~~The community development director/planner and/or planning commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three parcels without going through subdivision or is part of a development pattern having the effect of creating more than three parcels without subdividing.~~

**Section 69. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article III, Sec. 111-56 – Review procedure, is hereby amended as follows:

Application for the review of a preliminary plat of a subdivision shall be subject to the ~~planning commission~~community development department/planning division review procedure.

**Section 70. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article III, Sec. 111-57 – Review criteria, is hereby amended as follows:

- (4) The site of the proposed subdivision complies with the standards of the zoning district in which the proposed development is located and other applicable development standards of this code~~is physically suitable for the type and density of the proposed development.~~
- (5) All required public facilities have adequate capacity, as determined by the city, to serve the proposed subdivision~~The existing public water and wastewater systems are available adequate to serve the proposed development.~~
- (6) Development of the site meets adopted flood protection standards and other adopted standards intended to protect against natural hazards~~is consistent with the need to minimize flood and landslide damage.~~

**Section 71. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-77 – Review procedure, is hereby amended as follows:

~~Application for review of duplex divisions shall be subject to community development department/planning division review procedures. This article is intended to implement the requirements of ORS 93.031 and ORS 197.360 through 197.380 related to middle housing land divisions. In the City of La Grande, this land division process only applies to a land division associated with a developed or planned duplex.~~

- (a) If land that is currently developed or planned to be developed with a duplex, is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a duplex

land division pursuant to this article, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under articles II and III.

(b) A duplex land division application may be submitted when:

- (1) The site is developed with a duplex;
- (2) the site has an active building permit to construct a duplex; or
- (3) The application is being reviewed concurrently with a building permit application for construction of a duplex.

Section 72. AMENDMENTS TO CODE. Subpart B, Chapter 111, Article IV, Sec. 111-78 – Review criteria, is hereby amended as follows:

~~(a) The application for a duplex division may be approved only if the reviewing authority shall find that it satisfies the following criteria:~~

- ~~(1) It is consistent with the purpose and intent of the land development code ordinance.~~
- ~~(2) The existing lot is occupied by a duplex that conforms to all applicable regulations.~~
- ~~(3) A single-family structure will not replace or be added to the lot.~~
- ~~(4) The resulting lots will be relatively equal in size with the maximum difference equal to ten percent or less of the total area of the original lot, except for corner lots.~~
- ~~(5) Minimum lot width is not less than 30 feet, or 40 feet for corner lots.~~
- ~~(6) Minimum lot area is at least 1,500 square feet.~~
- ~~(7) The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.~~
- ~~(8) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the county recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.~~
- ~~(9) Prior to approval, the community development director/planner may require the applicant to enter into a written, city attorney approved common interest agreement suitable for recording in the county recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas, such as, but not limited to, walls, roofing, water pipes, and wiring.~~
- ~~(10) A common interest agreement shall not be required if the owner can demonstrate in writing to the community development director/planner that each unit will be assured separate and independent utility service as indicated by the required plans and that the units are or will be separated by two one-hour fire walls with a common foundation under the walls approved by the city building official.~~

~~(11) One off-street parking space exists or will be created for each resulting lot.~~

~~(12) For residential lots with existing areas of one-half acre or more, zoning approval shall not be granted until the city approves a master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable city standards. All development proposed shall comply with the approved master plan, unless a new master plan is approved by the city.~~

~~(b) The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan. The master plan shall be considered null and void only when a new master plan is approved by the city and filed with the county clerk.~~

(a) The application for a duplex land division may be approved only if the reviewing authority shall find that it satisfies the following criteria:

(1) An application for duplex land division will be approved or denied within 63 days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. An application may be with conditions to ensure the application meets the applicable land use regulations.

(2) The duplex land division is for an existing or proposed duplex development.

(3) The existing or proposed duplex development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.

(4) The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.

(5) Separate utilities are provided for each dwelling unit.

(6) All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:

a. Locating, accessing, servicing, and replacing all utilities;

b. Pedestrian access from the primary entrance of each dwelling unit to a public or private street;

c. Any driveways or off-street parking;

d. Any common use areas or shared building elements; and

e. Any common area.

(7) Lot size standards in the underlying zone are exempt.

(8) Driveways, vehicle access, parking or minimum or maximum street frontage standards are not applicable to lots created through a duplex land division.

(b) *Conditions of Approval.* Conditions may not be placed on the approval of a duplex land division except to:

(1) Prohibit further division of the resulting lots;

- (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
- (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of city standards;
- (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of city standards; and
- (5) Require a notice in the form of a restrictive covenant indicating that the approval of the land division was given under ORS 92.031.

**Section 73. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-79 – Processing, is hereby amended as follows:

In the processing of a duplex land division, the applicable procedures listed in section 111-25 shall be followed. The application form may be obtained from the community development department/ planning division.

**Section 74. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-80 – Submittal requirements, is hereby amended as follows:

(b) In addition to the requirements of section 111-26, the preliminary plat shall include the following with accurate dimensions:

- (1) The location of the duplex, accessory structures and off-street parking ~~spaces for each unit.~~ Off-street parking spaces may be located on a different lot as the dwelling unit or in a common area.

(d) Final Plat. A duplex land division is subject to the final plat standards and procedures as specified in Sec. 111-26(2) except as follows:

- (1) Approval of the land division was given under ORS 92.031.
- (2) The duplex lot or parcel cannot be further divided.
- (3) No more than one dwelling unit of the duplex can be developed on each lot.
- (4) Accessory dwelling units are not permitted.

**Section 75.** The City Council of the City of La Grande, Union County, Oregon, shall and hereby does adopt the Findings of Fact and Conclusions of Law in the City Council Decision Order, dated April 1, 2026.


**Section 76. ORDINANCE CONFLICTS AND SEVERABILITY.** If any court of competent jurisdiction declares any section of this Ordinance invalid, such decision shall be deemed to apply to that section only, and shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

**Section 77. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, May 1, 2026.

ADOPTED AND APPROVED on this First (1<sup>st</sup>) day of April, 2026, by Six (6)  
of Six (6) Councilors present and voting in the affirmative.

  
Justin B. Rock, Mayor

ATTEST:

  
Stacey M. Stockhoff  
City Recorder





## DECISION ORDER OF APPROVAL

File Number: 01-ZON-26

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HEARING BODY(IES):	Planning Commission (Recommendation)	City Council (Final Decision)
HEARING DATE(S):	Tuesday, February 10, 2026	Wednesday, March 4, 2026 Wednesday, April 1, 2026
HEARING TIME(S):	6:00 p.m.	6:00 p.m.
HEARING LOCATION:	City Hall Council Chambers, located at 1000 Adams Avenue, La Grande, Oregon.	

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### I. Application Information

Proposal:	The City of La Grande is proposing to be amend various portions of City Code, Subpart B - Land Development Code, to address inconsistencies between the City's housing, subdivision and other land use regulations, and State laws; along with other minor housekeeping amendments.
Applicant:	City of La Grande, Community Development Department
Address/Location:	Not Applicable; The Land Development Code Amendments are not site specific.
Decision Order Prepared By:	Michael J. Boquist, Community Development Director

## II. Schedule of Procedural and Public Hearing Requirements

In accordance with City Code, Subpart B, Chapter 101, Article III, Division 8 – Land Development Code Amendment, Section 101-312; and Article IV, Section 101-518 – City Council Review Procedure, where Land Development Code Amendments are subject to the City Council’s review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article IV, Division 6 – Notices of Hearings, the proposal was noticed per the following schedule:

June 9, 2025.....	Joint Work Session, before the Planning Commission & City Council
January 6, 2026.....	35-Day Required Notice to the DLCD Required prior to First Evidentiary Hearing (Public Hearing #1 - before the Planning Commission)
January 16, 2026.....	Public Notice Mailed to all Property Owners (City and UGB), 21-Days Minimum Required; and, Code Amendment materials posted on the City’s website.
January 17, 2026.....	Public Notice Advertised in <i>The Observer</i> , Local Newspaper
February 10, 2026.....	Public Hearing #1, before the Planning Commission
March 4, 2026.....	Public Hearing #2, before the City Council, and First Reading of the adopting Ordinance by Title Only.
April 1, 2026.....	Public Hearing #3, before the City Council, and Second Reading of the adopting Ordinance by Title Only.
April 2, 2026.....	DLCD Notice of City Adoption - Post Acknowledgement Plan Amendment (PAPA).
May 1, 2026.....	Expiration of 30-Day Appeal period. Decision becomes final.
TBD.....	Public Hearing #4, before the Union County Planning Commission for Co-Adoption.
TBD.....	Public Hearing #5, before the Union County Board of Commissioners, and First Reading of the co-adopting Ordinance by Title Only.
TBD.....	Public Hearing #6, before the Union County Board of Commissioners, and Second Reading of the co-adopting Ordinance by Title Only.
TBD.....	DLCD Notice of County Adoption - Post Acknowledgement Plan Amendment (PAPA).

## III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD), at least 35-days before the first evidentiary hearing in accordance with OAR 660-018-0020. Public notice was mailed to all property owner with the City of La Grande and its Urban Growth Boundary (UGB) at least 20-days in advance of the first evidentiary hearing in accordance with City Code, Subpart B, Chapter 101, Article IV, Division 6 – Notices of Hearings. All public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division’s webpage, which meets or

exceeds the requirements to be made available to the public at least seven days before the first evidentiary hearing.

## IV. Review Process and Appeals

Amendments to the Land Development Code is a legislative review process that is subject to the Planning Commission's and City Council's review and approval. The process requires the Planning Commission to first hold a public hearing to consider the proposed amendments and make a recommendation(s) to the City Council. The Planning Commission's recommendation(s) cannot be appealed. The City Council will hold a subsequent public hearing to consider the proposed amendments, along with the Planning Commission's recommendation(s). The City Council will hold two (2) public hearing to consider the proposed amendments, with public comments considered during the public hearings. After the closing of the second public hearing, the City Council will deliberate and may make a final decision. Upon receiving a final decision from the City Council, the City of La Grande Community Development Director will mail written notice of the decision to any parties entitled to such notice. Such decision can then be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within twenty-one (21) days of the date the decision was mailed, or thirty (30) days from the date of Ordinance adoption, whichever is later.

Subsequent to the City Council's decision, the proposed amendments will be forwarded to Union County for co-adoption and implementation within the City of La Grande Urban Growth Boundary. This will include public hearings before the Union County Planning Commission and Union County Board of Commissioners. A final decision of the Union County Board of Commissioners may be appealed to the Oregon Land Use Board of Appeals (LUBA).

## V. General Facts and Overview

1. Over the past several years, since around 2017 to present, the State of Oregon has passed several key housing statutes with legislation that require cities to update their housing codes to conform to newly adopted state laws. Some of these include House Bill 4064 (2022), Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), and House Bill 2001 (2023).
2. These Bills are intended to increase housing opportunities within cities, such as allowing duplexes and accessory dwellings in all residential zones, and to streamline land use processes making some processes expedited or administrative vs. being subject to the Planning Commission's review, such as subdivisions.
3. Some Bills also include requirements to modify standards and make them clear and objective, or definitive standards without subjectivity that may be subject to change. These subjective standards often include terminology such as *may*, *should*, *encourage*, *compatible with*, or other terminology that required interpretation that may be subject based on opinion.
4. Due to the numerous laws enacted by the State each year, it became apparent in early 2023 that La Grande has been unable to keep up with code changes adopted by the State, which has resulted in La Grande's codes becoming inconsistent with some State laws.
5. To resolve the inconsistencies in La Grande's codes, City staff was successful in receiving a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD) to hire a consultant to conduct a code audit that would (1) identify inconsistencies with State law; and, (2) recommend code changes that would make the City's codes consistent with State law.

- 6.** In November 2024, Cascadia Partners was contracted to conduct the code audit and provide recommendations for addressing City code inconsistencies with State law.
- 7.** Attached to this Decision Order are the following exhibits:
  - Exhibit A – Findings of Fact addressing City Code for Land Development Code text amendments and Statewide Planning Goals
  - Exhibit B – Memorandum from Cascadia Partners providing an executive summary of the La Grande Housing-Related Code Update.
  - Exhibit C – Excerpts from the Land Development Code (City code subpart B), with track changes, reflecting recommended code changes in the context of the code sections being amended.
- 8.** In addition to recommended code changes addressing inconsistencies with State law, other minor housekeeping amendments may be included to address spelling, citations or references to code sections, and other minor corrections to provide clarity without changing the intent or application of the code.

## **EXHIBIT A**

### **CITY CODE, SUBPART B – LAND DEVELOPMENT CODE AMENDMENT**

#### **SECTION 101-311 – REVIEW CRITERIA**

*A proposed Land Development Code Amendment shall be in compliance with the Statewide Planning Goals and with the Comprehensive Plan Policies.*

#### **I. Statewide Planning Goals**

The proposed Land Development Code amendments were recommended by Cascadia Partners, after conducting a City housing code audit, and such amendments are intended to bring the City's housing codes into conformance or consistency with State laws.

When evaluating the Oregon Statewide Planning Goals applicable to the proposed Code amendments, the City finds that Statewide Planning Goal 1, Goal 2 and Goal 10 are directly applicable to the proposed amendments. These goals address procedural requirement for the adoption process which provide citizens the opportunity to participate in the amendment process and requires that all decision shall be made on a factual basis. Statewide Planning Goal 10 addresses housing. The City findings for each of these goals are discussed below.

##### **A. STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement – To provide for widespread citizen involvement.
2. Communication – To assure effective two-way communication with citizens.
3. Citizen Influence – To provide the opportunity for citizens to be involved in all phases of the planning process.
4. Technical Information – To assure that technical information is available in an understandable form.
5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.
6. Financial Support – To insure funding for the citizen involvement program.

**Finding:** The City of La Grande has an established and adopted citizen involvement program that includes providing mailed notice to the owners of every property within the City of La Grande and its Urban Growth Boundary. The process for considering and adopting the proposed code amendments has included a joint work session before the City Council and Planning Commission, and also includes six (6) public hearings; three (3) before the City of La Grande and three (3) before Union County. All City of La Grande meetings are advertised and open to the public for participation in-person or virtually. Additionally, all meetings are broadcast live on the City's YouTube page where citizens can view the meeting either live or at a later time. All meeting materials are made available for electronic download, free of charge, from the City of La Grande Planning Division website. Printed copies are available for viewing or purchase, upon request, at the Planning Division office. All interested citizens have the opportunity to participate in all phases of the process and provide oral or written comments, up until the date or and during the public meetings. The City of La Grande Planning Commission

and/or City Council will respond as appropriate to comments during their deliberations and decision making.

## **B. STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING**

*To establish a land use planning process and policy frameworks as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

*All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.*

*Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.*

**Finding:** For this Statewide Planning Goal, the proposed code amendments are the result of changes in public policy and/or circumstances at the State level that were adopted through key housing statutes that include House Bill 4064 (2022), Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), and House Bill 2001 (2023).

In November 2024, with technical assistance grant funding provided by DLCDC, Cascadia Partners was contracted to conduct an audit of the City of La Grande's housing codes which resulted in identifying inconsistencies with State law requirements. See attached Exhibits B and C. Addressing and resolving these inconsistencies is the factual base that justifies the need for adopting the proposed code amendments which are intended to increase housing opportunities in La Grande and improve efficiencies in making some land use decision.

## **C. STATEWIDE PLANNING GOAL 10 – HOUSING**

*To provide for the housing needs of the citizens of the state.*

**Finding:** This Statewide Planning Goal focuses on developing and implementing "plans" for addressing needed housing in the community. The City of La Grande has relatively currently plans for housing that includes a buildable lands inventory and housing production a strategy for addressing needed housing which were developed and adopted pursuant to Oregon House Bill 2003.

Where the City of La Grande has fallen short is on keeping up with other legislation over the years that includes terminology changes, maintaining clear and objective standards, and procedural changes for implementing some types of housing developments, such as land divisions. The proposed code amendments are generally minor in nature, but will improve implementation of housing codes by providing clarity and fairness in the requirements, and helping to expedite some processes by making them administrative decisions vs. being subject to Planning Commission review (e.g. land divisions).

See Exhibits B and C for an executive summary and detailed track changes on proposed code amendments.

## II. City of La Grande Comprehensive Plan

### A. **COMPREHENSIVE PLAN GOAL 1 – CITIZEN INVOLVEMENT**

*Goal Statement - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

*Policy 1 – The City of La Grande shall strive to provide for widespread citizen involvement, especially in its land use planning process.*

*Policy 2 – The City of La Grande shall strive to assure effective two-way communication with citizens.*

*Policy 3 – The City of La Grande shall strive to provide the opportunity for citizens to be involved in all phases of the planning process.*

*Policy 4 – The City of La Grande shall strive to assure that technical information is available in an understandable form.*

*Policy 5 – The City of La Grande shall strive to assure that citizens will receive a response from policy-makers*

*Policy 8 – That the City of La Grande continue efforts to upgrade its web site to include land use information including, but not limited to: Comprehensive Plan, implementation ordinances, meeting agendas, meeting minutes, staff reports, hearing notices, land use maps, special events and opportunities to serve on committees or commissions.*

*Policy 10 – That the City of La Grande produce printed materials that will enable citizens to understand technical aspects of the land use planning program and make such materials readily available to the public.*

*Policy 12 – That the City of La Grande continue to provide all citizens who participate in the land use process with a copy of the final decision and findings.*

**Finding:** The City of La Grande Comprehensive Plan, Goal 1, includes 14 policies that address citizen involvement. The policies listed above focus on public engagement and participation in the public hearing process. The remaining goals focus on the City's overall public involvement program and ensuring to ensure that it includes a Citizen Involvement Committee, the program is funded, and that the City consider additional outreach efforts.

The City of La Grande's adopted land use process, per City Code, Subpart B - Land Development Code, establishes the procedural requirement that implement the City's public involvement program. For the above listed policies, the City has held one work session that include the City Council and Planning Commission; and, will hold a minimum of six (6) public hearings; three (3) before the City of La Grande and three (3) before Union County. In preparation for these hearings, the City Planning Department provided a City-wide public notice that was mailed to the owners of all properties within the City and Urban Growth Boundary. The public notice included a link to the City's Planning Division webpage, where all meeting materials and proposed amendments were published and made available for citizens to view and download electronically.

For each City public hearing, citizens are provided an opportunity to submit written comments, up to an during the public hearing. If a citizen or commenter is not present during the hearing, their comments are read into the record during the public commenter period of the hearing. Each City hearing is live broadcasted via the City's YouTube page, and the meetings are electronically recorded with such recordings being available to the public any time after the meeting upon request. Additionally, the City allows citizens to attend and participate in meetings virtually upon request.

## **B. COMPREHENSIVE PLAN GOAL 2 – LAND USE PLANNING**

*Objective 1 - The overall goal of the La Grande Comprehensive Plan is to provide direction for achieving a safe, healthful, attractive, and workable environment for the citizens of La Grande; and,*

*Objective2 – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure and adequate factual base for such decisions and actions.*

*Policy 1 – That planning related decisions will be made on a factual base, and that such base will be updated as base information changes, or at least every two years.*

*Policy 3 - That public need be established before plan changes or related requests are approved and that the burden of proof be borne by the requestor.*

**Finding:** The City of La Grande Comprehensive Plan, Goal 2, includes 11 policies that address various planning related elements. Policies 1 and 3 are applicable to these proposed code amendments which focuses on establishing a “need” for the change and that such need is based on factual information.

As discussed previously the need for the proposed code amendments is to bring the City’s residential land use codes into conformance or consistency with State laws. As a result of multiple changes in public policy and land use laws at the State level that were adopted through key housing statutes that include House Bill 4064 (2022), Senate Bill 1051 (2017), House Bill 2001 (2019), House Bill 2003 (2019), Senate Bill 8 (2021), House Bill 2008 (2021), Senate Bill 458 (2021), and House Bill 2001 (2023), the City of La Grande has been unable to keep up with code amendments to maintain consistency and conformance with State laws.

The City of La Grande plans and budgets for code updates annually, with the intent to update the land use codes every 2 to 3 years. Some of the Bills listed above require conducting housing studies and updating the City’s comprehensive plan, which others require small changes to the land use codes. Because of the rapidly changing environment in State policy making, the City was unable to keep up with the tracking of proposed or required code changes, which ones made it through the legislative process vs. not, when implementation was required, and whether they required comprehensive plan updates, or land use code updates, or both.

Because of the rapidly changing environment and the City getting behind in required code updates, in November 2024, with technical assistance grant funding provided by DLCD, Cascadia Partners was contracted to conduct an audit of the City of La Grande’s housing codes. This audit resulted in identifying a variety of inconsistencies with State law requirements, which was anticipated and is the factual basis and justification for updating the City’s land use code. The audit final report also included recommendations for code changes to bring the City’s land development code into conformance with State laws. See attached Exhibits B and C.

## **C. COMPREHENSIVE PLAN GOAL 10 – HOUSING**

*The purpose of Statewide Planning Goal 10 is to ensure 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.*

**Housing Goal:**

*To encourage the development of a variety of housing types to meet the needs and desires of the community, and assure that residents of La Grande have the opportunity to live in safe and sanitary housing at a reasonable cost.*

**Housing Strategies:**

*Strategy 1: Increase Opportunities for Multifamily Development*

- Strategy 2: Develop Affordable Housing*
- Strategy 3: Enhance Conditions of Existing Housing Stock*
- Strategy 4: Support Measures that Increase Housing Capacity.*

**Finding:** While the proposed code amendments focus on bringing consistency and conformance with State laws, the amendments will support a variety housing opportunities within the City. The proposed amendments include additional opportunities for single-room occupancies (SRO's) to address affordable housing; altering processes for some land divisions (e.g. subdivisions) making them administrative vs. being subject to the Planning Commission's review; updating terminology ; and making a variety of standards more clear and objective by eliminating subjective language that requires interpretation based on opinion. Overall, the proposed code amendments will help make the local land use process more efficient for development.



## **EXHIBIT B**

### **Memorandum from Cascadia Partners**

#### **Executive Summary**

#### **La Grande Housing-Related Code Update**



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## MEMORANDUM

TO: City of La Grande City Council and Planning Commission

FROM: Jamin Kimmell, Lydia Ness, Finley Heeb, Cascadia Partners, LLC

DATE: August 18, 2025

PROJECT: La Grande Housing-Related Code Update

### Background

In the fall of 2024, the City of La Grande was awarded a grant from the Department of Land Conservation and Development (DLCD) to conduct a land use code audit for updating the Land Development Code (LDC) in order to comply with state housing laws. DLCD assigned Cascadia Partners, a land use and development consulting firm, to provide technical assistance to the City to implement these updates. Cascadia Partners conducted a comprehensive audit of the LDC to evaluate it for compliance with a set of housing-related statutes that have been amended in recent years. The complete findings of that audit can be found in the attached Code Audit Memo.

### Overview of Code Amendments

In coordination with City staff, Cascadia Partners has prepared draft amendments to the LDC to address instances in which the code is out of compliance with state housing law. Many of these amendments are either clarifications of existing regulations or relatively minor adjustments in order to ensure consistency with state requirements.

Some amendments are more consequential in terms of allowing new types of housing or changing the procedures under which residential developments are reviewed at the City. These amendments are summarized below:

- **Subdivision preliminary plats must be reviewed and approved as a “limited land use decision”.** The approval or denial of a preliminary plat is considered a “limited land use decision” in accordance with ORS 197.015(12). SB 1537 (2024) amended this statute to clarify that jurisdictions can only apply those review procedures to limited land use decisions that are allowed by the statute (ORS 197.195). Those procedures are consistent with the City’s current procedures for a Community Development Director decision (LDC Sec. 101-454 – 101.458). Currently, subdivisions are reviewed and approved by the Planning Commission after quasi-judicial hearing. If the code

amendments are adopted, then subdivision applications will be decided by the Community Development Director, with notice of property owners within 100 feet of the property and opportunity to provide written comments. Decisions may be appealed to the Planning Commission.

- **Single-Room Occupancy (or “SRO”) buildings must be permitted in all residential zones.** SROs are buildings where each unit has its own lockable bedroom/living area (similar to a studio apartment), but the unit may share a kitchen or bathroom with other units in the same building. These types of buildings were more common in the early 20<sup>th</sup> century than today but are becoming more popular in recent years given smaller household sizes and lack of affordable rentals in conventional apartment buildings. HB 3395 (2023) requires all cities to allow SROs in residential zones, subject to equivalent density standard that would apply to other housing types in that zone.
- **The City no longer limit the number of people living together in a dwelling based on whether or not they are related.** HB 2583 (2021) prohibits establishment or enforcement of occupancy limits based on familial relationships (ORS 90.112). The City currently has such as requirement by the definition of the term “family”. The term does not limit the number of related people that may live together, but it does limit the number of unrelated people to no more than five persons. To address this change, the term “family” is proposed to be replaced with “household” and household is defined as the residential occupancy of a dwelling for a period of more than 30 days.
- **Medical hardship residences can no longer be only permitted for a relative of the person living in the main dwelling.** The code currently permits someone to place a manufactured dwelling on a lot with an existing house on a temporary basis if that manufactured dwelling is occupied by someone that is related to the person living in the main dwelling. Requiring the occupant of the manufactured dwelling to be related to the occupant of the main house is no longer permissible under ORS 90.112 noted above. Staff requests input from the Planning Commission and City Council as to whether this medical hardship residence should continue to be allowed even if the requirement for the occupants to be related were to be removed.
- **Clear and objective standards are required for all residential development.** Statute requires that cities only apply clear and objective standards, conditions, and procedures when regulating the development of housing (ORS 197A.400). All regulations that apply to housing were evaluated for compliance with this statute. Alternative approval tracks to clear and objective standards (such as a variance) are not required to have clear and objective standards. Amendments are proposed to certain regulations in several sections throughout the LDC to ensure compliance with this requirement.

A complete list of the housing-related statutes that require code amendments, and a brief summary of the intent of each amendment, is provided in **Table 1**.

In the 2025 Oregon legislative session, House Bill 2138 was passed which includes additional requirements for many housing types that are addressed in prepared draft amendments to the LDC, including duplexes, single room occupancy, and middle housing land divisions. The new requirements for duplexes and single room occupancy are not required to be adopted into a jurisdiction's code until January 1, 2027. The Department of Land Conservation and Development will be going through a rulemaking process for these requirements and will provide guidance for cities on how to implement these changes into codes. The sections of House Bill 2138 have been noted in the table below for posterity.

### **Guide to Reviewing the Amendments**

The amendments are formatted as ~~strikeout~~ (removed)/underline (added) format. The amendments are color-coded to assist with understanding the rationale for each change. Amendments that are presented in **blue** text are required for compliance with the general requirement for clear and objective standards. Amendments in **red** required for compliance with one of the other statutory requirements indicated in Table 1.

**Table 1. Summary of Amendments for Compliance with Housing-Related Statutes**

Summary of State Statute/Rule	LDC Amendment
<p><b>Opting-In to Amended Housing Regulations (ORS 197.522)</b>                      An applicant may “opt in” to new standards adopted by a city after the applicant has submitted an application. This allows applicants to use a city's new development standards without withdrawing and resubmitting their application.</p>	<p>Language has been added that provides clarity that an applicant may ‘opt in’ to new standards adopted by the City after an application has been submitted and approved. (Sec 101-28(f))</p>
<p><b>Limited Land Use Decisions (ORS 197.195 and 197.015)</b>                      A city must apply a limited land use decision procedure (usually called “Type II” or “Administrative”) to tentative subdivision or partitions, site design review, replats, property line adjustments, and the extension/alteration/expansion of a non-conforming use.</p>	<p>Major partitions and preliminary subdivisions have been modified to be subject to the Community Development Department/Planning Division Review. (Sec 101-455(15)). Final subdivision and major partition plats remain subject to City Council Review Procedure.</p>
<p><b>Occupancy Limit Based on Familial Relationship (ORS 90.112)</b>                      City may not enforce a maximum occupancy limit for any residential dwelling unit if the restriction is based on the familial or nonfamilial relationships among any occupants.</p>	<p>The term “family” has been replaced with “household” to align with this requirement. The definition of a household does not depend on the members being related. Any use of the term “family” in other instances in the code has either been replaced by “household” or, in the case of definitions of types of dwellings, “unit”. These changes do not impact the types of housing that are permitted, but they do prevent the City from enforcing any restrictions on the number of people living together in a dwelling if they are unrelated.</p>
<p><b>Accessory Dwelling Units (ADU) (ORS 197A.425)</b>                      A city may not prohibit the development of at least one ADU per detached single-family dwelling. Cities must:</p> <ul style="list-style-type: none"> <li>• Allow at least 1 ADU for each detached single-family dwelling in zones that allow single family that is attached or detached</li> <li>• Not apply owner occupancy requirements to either the primary or accessory dwelling.</li> <li>• Not require additional parking for the ADU</li> </ul>	<p>The LDC currently only permits ADUs if they are detached from the main house. The code has been updated to allow both attached and detached ADUs (Sec. 107-271).</p> <p>The maximum size of an ADU is also proposed to be limited to 75% of the main dwelling or 800 square feet, whichever is less. The purpose of this change is to clarify the difference between a house with ADU and a duplex.</p>

**Table 1. Summary of Amendments for Compliance with Housing-Related Statutes**

Summary of State Statute/Rule	LDC Amendment
<p><b>Middle Housing Land Divisions (ORS 92.031)</b>                      Land divisions creating separate lots for units in a middle housing project must be approved via an expedited land division process if they meet certain criteria, including:</p> <ul style="list-style-type: none"> <li>• Development on the original (parent) lot meets all standards applicable to that middle housing type.</li> <li>• Separate utilities are provided to each unit</li> <li>• Necessary easements are provided for each unit.</li> <li>• No more than one (1) unit per resulting lot.</li> <li>• Compliance with building code.</li> </ul> <p>City may apply requirements that prohibit further division of resulting lots; prohibit ADU on resulting lots; and require right-of-way dedication or frontage improvements.</p> <p>Cities cannot require each lot or parcel to have driveways, vehicle access, parking or street frontage.</p>	<p>Duplexes are the only form of middle housing that La Grande is required to allow, so this land division process is only required for duplexes. The Duplex Division application has been modified to ensure consistency with this statute (Sec 111-77).</p> <p>The existing application is largely consistent with this statute. One difference is that the City will not be able to require that off-street parking spaces are located on the same lot as the corresponding unit in a duplex. For example, a common parking area could be provided on one of the two lots.</p> <p>HB2138 (2025) now requires cities to approve a plan or plat that includes further division of one or more of the resulting lots or parcels via concurrently submitted applications for middle housing land divisions. <u>The proposed LDC amendments do not comply with these new requirements established by HB 2138. The City will make future amendments once DLCD releases the Model Code for direction on implementation of these new requirements.</u></p>
<p><b>Manufactured Homes (ORS 197.478)</b>                      Cities must allow manufactured homes in single-family residential zones and may not apply design or development standards that would not apply to single-family dwelling.</p>	<p>There are manufactured dwelling design standards that do not apply to single-family dwellings in the LDC. These standards have been removed for compliance with state statute. (Sec 109-27)</p>
<p><b>Manufactured Home Parks (ORS 197.480 and ORS 197.478(5))</b>                      Cities must allow manufactured home parks in all zones with density of 6-12 units per acre and cannot apply a minimum lot size greater than one (1) acre to manufactured home parks.</p>	<p>Manufactured home parks have been modified to be an allowed use in the R-1, R-2, R-3, and R-P zones. These zones meet the criteria that they allow housing between the range of 6-12 units per acre.</p> <p>The minimum lot size for a manufactured dwelling park has been reduced to 1 acre. Additionally, prefabricated structures are identified as an allowed use in manufactured dwelling park. Prefabricated structures</p>

**Table 1. Summary of Amendments for Compliance with Housing-Related Statutes**

Summary of State Statute/Rule	LDC Amendment
<p>Cities may apply clear and objective standards to manufactured home parks and may require a hearing prior to approval, but clear and objective standards must be the sole issue reviewed at the hearing.</p> <p>Cities must allow siting of prefabricated structures (“tiny homes”, etc. that do not meet definition of manufactured home) in manufactured home parks.</p>	<p>include modular housing units, some types of “tiny homes”, and other dwellings that are constructed off-site. These units will still need to meet building code requirements to be used as a dwelling.</p>
<p><b>Occupancy of Recreational Vehicles (RV) (ORS 197.493)</b></p> <p>Cities must allow RV to be occupied as a residential dwelling, with no time limit, in RV parks and manufactured home parks, if lawfully connected to water and electrical supply systems and a sewage disposal system.</p> <p>If a manufactured home or single-family home was made uninhabitable due to damages from a natural disaster, then RV may be occupied without connection to utilities while rebuilding occurs.</p>	<p>LDC has been updated to allow RVs to be sited in manufactured dwelling parks (Sec 109-30(b)) with no time limit for residential occupancy, so long as the RV is lawfully connected to sewer, water, and electric utilities.</p> <p>Additionally, an amendment has been added to allow for residential occupancy of an RV if a manufactured dwelling or single-family home was made uninhabitable due to damages from a natural disaster. (Sec 109-57(a)(2)c)</p>
<p><b>Single Room Occupancies (SRO) (197A.430)</b></p> <p>Cities must allow up to six (6) SRO units on each lot or parcel zoned to allow single-family dwellings with the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five (5) or more units.</p> <p>SRO means a development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.</p>	<p>A definition of Single Room Occupancies has been added. In each of the single-family zones, SRO units have been added as an allowed use. The number of SRO units in each building is limited to 6 in the R-1 and R-2 zones. In the R-3 and R-P zones, the number of units in an SRO building is dependent on the size of the lot, with more units allowed on larger lots, equivalent to current lot size regulations for multi-unit dwellings.</p> <p>HB2138 (2025) requires cities to allow the units to be detached; allow up to three times the number of units allowed by the maximum density standards of a lot or parcel on which is allowed multiunit housing with five or more dwelling units; and may not require more parking for every three single room occupancy units than the local government requires for:</p> <ul style="list-style-type: none"><li>○ A single detached dwelling, if the single room occupancy development has six or fewer units; or</li><li>○ A dwelling unit in a multiunit housing development, if the single room occupancy development has more than six units.</li></ul>

**Table 1. Summary of Amendments for Compliance with Housing-Related Statutes**

Summary of State Statute/Rule	LDC Amendment
	<p><u>The proposed LDC amendments comply with the parking standards of HB2138, but not the density requirements established by HB 2138. Amendments will be needed to comply prior to January 1, 2027.</u></p>
<p><b>Duplexes (ORS 197A.420)</b></p> <p>A city with a population between 2,500 and 25,000 must allow duplexes on each lot or parcel zoned for residential use that allows for single family dwellings.</p> <p>Cities may regulate the siting and design of duplexes provided that the regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.</p>	<p>The City complies with the state statute that was enacted in 2019. HB2138 includes additional changes the City will need to comply with by January 1, 2027. Duplexes must be allowed to be detached; an existing housing must be allowed to remain; and the City must allow an additional unit if it is affordable to 120% median income or an accessible unit.</p> <p><u>The proposed LDC amendments do not comply with new requirements established by HB 2138. Amendments will be needed to comply prior to January 1, 2027.</u></p>
<p><b>Clear and Objective Standards (ORS 197A.400)</b></p> <p>Local governments must adopt clear and objective standards, conditions, and procedures when regulating the development of needed housing.</p>	<p>Changes have been made throughout the LDC to replace regulations that were found to not be clear and objective. Amendments related to clear and objective compliance are color-coded in <b>blue</b>.</p>

## **EXHIBIT C**

### **City Code, Subpart B – Land Development Code**

### **Proposed Amendments**

### **Excerpts of Code Sections with Track Changes**

City of La Grande Code of Ordinances

SUBPART B – LAND DEVELOPMENT CODE

Chapter 101

GENERAL AND ADMINISTRATIVE PROVISIONS

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ARTICLE I. IN GENERAL

Sec. 101-2. Definitions.

(a) *Purpose.* The purpose of this section is to define the terms and phrases of this subpart which are technical, specialized, or may not reflect common usage. To carry out the purpose and intent of this subpart and alleviate any ambiguities, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this subpart.

(b) *Definitions included by reference.* The following words, terms and phrases, when used in this subpart, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Apartment house* means a building or portion thereof used or containing three or more dwelling units (includes residential condominiums).~~

~~*Boardinghouse* means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for six or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.~~

*Community garden* means a piece of land (public or privately held) that is cultivated by a group of people rather than a single [family household](#) or individual. It is generally managed and controlled by a group of individuals or volunteers, usually the gardeners themselves, for the purpose of growing flowers or vegetables. It may consist of one community plot, many individual plots, or a series of plots dedicated to "urban agriculture" where the produce may be grown for personal use or a market.

~~*Condominium* means real estate property consisting of an individual interest in common in a portion of real property together with a separate interest in space for residential, commercial, industrial or other purposes. A condominium may include, in addition, a separate interest in other portions of such real property.~~

*Congregate residence* means any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the building code, and may include facilities for eating and cooking, for occupancy by other than a [family household](#). A congregate residence

may be a [single-room occupancy](#), shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodgings.

*Dwelling* means the residential occupancy of a dwelling unit by a [family household](#) for a period greater than 30 days. Typical uses include ~~single-family residences~~ [single-detached dwellings](#), duplexes, ~~apartments~~ [multi-unit dwellings](#), ~~condominiums~~, and manufactured home parks.

*Dwelling, accessory dwelling unit (ADU)*, means an ~~auxiliary and detached~~ [interior, attached, or detached](#) dwelling unit that is located ~~in an accessory structure~~ on the same lot as a primarily ~~single-family~~ [single-detached](#) dwelling and which contains its own living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code. (Please refer to standards set forth in chapter 107, article IX.)

~~*Dwelling, apartment*, means any structure designed exclusively for occupancy by three or more families and containing three or more separate dwelling units.~~

*Dwelling, cottage home*, means any structure on a lot or parcel that is 1,000 square feet or less and designed for occupancy by one [family household](#) and containing one dwelling unit, either site built or a manufactured dwelling.

~~(1) One cottage home on a lot or parcel may also be considered a detached single-family dwelling.~~

~~(2) Two cottage homes on a lot or parcel, if one is not an accessory dwelling, shall be considered a detached duplex.~~

~~(3) Three cottage homes on a lot or parcel shall be considered similar to a triplex.~~

~~(4) Four or more cottage homes on a lot or parcel, shall be considered similar to multi-family apartments.~~

*Dwelling, ~~two-family attached (duplex)~~ duplex*, means any building designed exclusively for occupancy by two ~~families~~ [households](#) and containing two separate dwelling units.

*Dwelling, multi-unit*, means any building designed exclusively for occupancy by five or more households and containing five or more separate dwelling units.

*Dwelling, quadplex*, means four attached dwelling units. All four units must be built on a single lot or parcel.

*Dwelling, ~~detached single-family~~ detached*, means any structure on a lot or parcel that is designed exclusively for occupancy by one [family household](#) and containing one dwelling unit, either site built or a manufactured dwelling.

*Dwelling, townhouse*, means a one-[family household](#) dwelling unit in a row of two or more, with common walls, in which each unit is located on its own lot or parcel and with its own front and rear access to the outside. No unit is located over another unit, and each unit is separated from the other unit by fire-resistant walls as required by the building code. Each dwelling is

served with separate water, sewer and utility services.

*Dwelling, triplex, means three attached dwelling units. All three units must be built on a single lot or parcel.*

~~*Dwelling, two family attached (duplex), means any building designed exclusively for occupancy by two families and containing two separate dwelling units.*~~

*Dwelling unit* means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking (limited to one kitchen) and sanitation, as required by the building code, for not more than one ~~family~~household.

~~*Family means an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, which may also provide meals or lodging for not more than four additional persons living in the same dwelling unit; or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit. The term "family" includes two or more handicapped persons, as defined in the Fair Housing Act of 1988, living as a single housekeeping unit.*~~

~~*Family residential means the residential occupancy of a dwelling, by families on for a period greater than 30 days. Typical uses include occupancy of single family residences, duplexes, apartments, condominiums, and manufactured home parks.*~~

*Group care residential* means the residential occupancy and services provided in residential facilities or in facilities authorized to provide living accommodations to groups of more than five persons ~~who are not related by blood, marriage or adoption~~, on a weekly or longer basis. Typical uses include halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential home, and rest homes. The term "group care residential" does not include hospitals, prisons, or other extensive impact services.

*Home occupation* means an occupation or enterprise carried on within a dwelling for financial gain or support by a member or members of the ~~immediate family~~household residing within the dwelling.

*Household means person or persons who live together in one dwelling unit.*

*Household residential means the residential occupancy of a dwelling, by a household for a period greater than 30 days. Typical uses include occupancy of single-detached dwellings, duplexes, multi-unit dwelling, and manufactured home parks.*

~~*Lot, flag, means a lot that is mostly separated from a street by other lots but that has a long, narrow extension (e.g., flagpole) that reaches to the street; also called a panhandle lot. Results in an inefficient design, wasting land, delaying or precluding development of public roads, and generally not recommended*~~has access to a road or street by means of a narrow strip of lot (e.g., flagpole) that does not meet the typical minimum lot frontage standard. See Section 107-24.

*Manufactured home park* means any place where four or more manufactured dwellings are parked within 500 feet from one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. May be occupied by ~~both~~ manufactured dwellings, recreational vehicles, prefabricated structures, and park trailers according to ORS 446.003.

*Mature tree* means existing trees on a site that are over 6 inches diameter at breast height (DBH), which is measured 4.5 feet above the uphill side of the base of the trunk. If the tree splits into multiple trunks above ground, but below 4.5 feet above the uphill sides at the base of the trunks, the diameter is measured at the narrowest part of the main stem below the split.

*Nursing home* means a facility, other than a ~~single-family~~single-detached dwelling, providing care and nurturing for the elderly.

*Park trailer* means a vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters, except as permitted by this code for residential occupancy, which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

~~*Prefabricated building* means a structure built as one unit or divided into transportable sections and intended to be permanently installed on a building site.~~

~~*Prefabricated structure* means a building or subassembly constructed entirely or in part using closed construction which has been in whole or substantial part manufactured at an off site location to be installed on a building site but does not include a manufactured home or recreational vehicle~~structure, as defined in ORS 455.010, that is designed for use as a single-detached dwelling in accordance with the City's building regulations.

*Recreational vehicle* means a unit, with or without motive power, which is designated for human occupancy and is generally used temporarily for recreational or emergency purposes except as permitted by this code for residential occupancy (including camping trailers, motor homes, park trailers and travel trailers, which are separately defined in this section).

*Recreational vehicle park* means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes, except as permitted by this code for residential occupancy.

*Short-term rental* means rental of a dwelling unit or portion of a dwelling unit for a period of less than 30 consecutive days. The following are short-term rental use types:

- (1) *Bed and breakfast inn* or *hosted home share* means a ~~single-family~~single-detached dwelling, occupied by the owner or manager, in which no more than five guest sleeping

rooms are provided for short-term rental, with or without a meal. This includes the short-term rental of a portion of the primary dwelling (e.g., bedrooms) or an accessory dwelling unit on the same property.

- (2) *Vacation home rental* means the short-term rental of an entire ~~single-family~~single-detached dwelling unit, which may also include an accessory dwelling on the same property, in which no more than five guest sleeping rooms are provided for short-term rental.

*Single room occupancy (SRO)*, means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

*Unit* means a room or suite of two or more rooms occupied or suitable for occupancy as a residence for one ~~family~~household.

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. GENERALLY

#### **Sec. 101-28. Consistency with plans and laws.**

(a) Actions initiated under this subpart shall be consistent with the adopted city comprehensive plan, the joint management agreement between the city and county, and with applicable city, county, state, and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

(b) Whenever reference is made to any portion of this subpart, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

(c) If any provisions or portions of any provisions of this subpart, or the application thereof to any property or person are held invalid, the remainder of the subpart and the application of such provision to other persons or lands shall not be affected.

(d) The rights granted by any variances, conditional use permit, temporary use permit, or building permit pursuant to any ordinances repealed by this subpart shall not be affected by such repeal. However, such permit or approval shall be contained or maintained in accordance with the provisions of this subpart.

(e) Any use established or conducted, or any building or structure existing in violation of any duly enacted ordinance upon the effective date of the ordinance from which this subpart is derived, shall not be deemed to have acquired status of rights of a nonconforming classification

by reason of the adoption of the ordinance from which this subpart is derived or any provisions thereof. To the extent that such use, building or structure was in violation of such ordinance, statute or law, or in violation of this subpart, such shall be deemed a continuing violation.

(f) Consistency with plans and laws. Standards and conditions contained herein have been reviewed and deemed consistent with plan policies contained in the general comprehensive plan. Findings addressing plan policies are, therefore, not required for applications submitted under this subpart which do not require plan change or ordinance amendment.

(g) Except as provided under ORS 227.178, the city shall take final action on all zone change applications, conditional use permit and variances, including resolution of all appeals to the city council under ORS 227.180, within 120 days from the date the completed application is submitted to the city. Within 30 days of receipt of an application, the city will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30-day period. The 120-day time period will commence on the date the application is complete.

(h) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approved or denial of the application must be based on the following:

- (1) Upon the standards and criteria that were applicable at the time the application was first submitted; or
- (2) For an application that includes one or more dwelling units or single room occupancies, upon the request of the applicant, those standards and criteria that are in effect at the time of the request.

### **Sec. 101-31. Rules of interpretation.**

(a) *Effect of provisions.*

- (1) *Minimum requirements.* The regulations and standards set forth in this subpart are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this subpart.
- (2) *Effect upon private agreements.* It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land than are imposed or required by other ordinances, rules, or regulations, these regulations shall control. The city cannot enforce private agreements.

(3) *Limitations on private agreements.* Pursuant to ORS Chapter 94, a provision in a private agreement is void and unenforceable to the extent that the provisions would prohibit or have the effect of unreasonably restricting the development of, or the dividing of lands

under ORS 92.031 for, housing that is otherwise allowable under the maximum density of the zone for the land.

## ARTICLE III. REVIEW PROCEDURES

### DIVISION 2. SITE PLAN AND BUSINESS PERMIT APPROVAL

#### Sec. 101-126. Purpose.

(a) The purpose of site plan approval and business permit is to ensure compliance with this subpart and other applicable codes and ordinances by the establishment of any use or development which is permitted by the land use zone.

(b) Site plan approval is required of the following: The construction, alteration, addition, change of occupancy, or other site improvements for all ~~apartment house~~ multi-unit dwellings, civic, commercial and industrial properties. Site plans for new development shall be approved by the community development department/planning division with community development department/building division concurrence.

(c) A business permit may be substituted for the site plan approval for an existing structure where there is a change of ownership or occupancy, where the use remains the same and the anticipated investment in a single or phased remodeling or addition is equal to or less than 30 percent of the assessed value of the improvements. The business permit must be approved by the community development director/planner.

(d) If site plan approval is sought for an addition, alteration or change of occupancy located on a site that does not comply with city on-site improvement standards, this subpart does not require that the entire site be brought to city on-site improvement standards. However, at a minimum, ten percent of the cost of the project (building addition, remodeling or alteration, or other requires supporting site improvements) shall be allocated to bringing on-site improvements into compliance with city standards unless such standards can be met at lesser cost. Off-site improvement requirements are set forth in chapter 105, article III.

(Ord. No. 3266 (Series 2023), § 8.2.001, 8-2-2023)

#### Sec. 101-129. Processing.

In the processing of site plan approval, the following procedures shall be followed, in accordance with article IV of this chapter:

- (1) *Initiation.* Application for site plan approval shall be initiated by the owner and/or the owner's authorized representative, for which site plan approval is sought.
- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review ~~by the development review committee~~, along with the application and appropriate filing fee.

The application shall be accompanied by any such information as listed on the application submittal checklist.

- (3) *Filing fee.* There shall be a filing fee set by the city council, by resolution, to defray the costs incidental to the review process.
- (4) *Review by appropriate authority.* The community development director/planner, as provided by article IV of this chapter, shall review the application and render a decision as provided by the review procedure.
- (5) *Site plan approval.* Within one year of the date of approval, the improvements shall commence in accordance with the site plan approval. The development shall be completed within two years of site plan approval. Failure to complete improvements in accordance with the site plan approval within two years, such approval shall become void and a new application shall be filed for site plan approval. However, the review authority may grant one extension, limited to one year, upon the request of the applicant and a showing of good cause. Any site plan improvements or repairs to private or public improvements damaged during construction not completed prior to building occupancy will require a bond equal to the estimated remaining improvement or repair costs. No deviation from the approved site plan will be permissible without approval of the community development director/planner.

(Ord. No. 3266 (Series 2023), § 8.2.004, 8-2-2023)

### DIVISION 3. TEMPORARY USE PERMIT

#### **Sec. 101-164. Processing.**

In the processing of temporary use permits, the following procedures shall be followed, in accordance with article IV of this chapter:

- (1) *Initiation.* Application for a temporary use permit shall be initiated by the owner of the property proposed as the site of the temporary use or by the agent of the owner. The authorization of said agent shall be in writing and filed with the application.
- (2) *Filing.* Application for a temporary use permit shall be filed on forms provided by the community development department/planning division, shall set forth in detail all of the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review.
- (3) *Filing fee.* Application for a temporary use permit shall be accompanied by a filing fee set by the city council, by resolution, to defray costs incidental to the proceedings.
- (4) *Review by appropriate authority.* The community development director/planner, as provided by article IV of this chapter, shall review the application and render a decision as provided by the review procedure.

- (5) *Attachment of conditions.* the community development director/planner may approve the temporary use permit subject to such reasonable conditions as are necessary to ensure compliance with the applicable standards of this subpart.
- (6) *Appeal of decision.* The decision of the community development director/planner shall be final unless an appeal in writing is filed as provided by article IV, division 7 of this chapter, within ten business days of the date of mailing the notification of decision.
- (7) *Temporary permit conditions.* Reasonable, clear, and objective conditions may be imposed by the community development director/planner in connection with the temporary permit as necessary to meet the purposes of article III, division 3 of this chapter. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to:
  - a. Special yards and spaces.
  - b. Fences and walls.
  - c. Control of points of vehicular ingress and egress.
  - d. Special provisions for signs.
  - e. Landscaping and maintenance of such landscaping.
  - f. Maintenance of the grounds.
  - g. Control of noise, vibration, and odors.
  - h. Limitation of operation hours for certain activities.
  - i. A time period within which the proposed use shall be developed.
- (8) *False information or use violations on permit.* In the event the community development director/planner finds that the application for a permit contains false information or that the use violates the conditions of the permit or any provisions of this subpart, the permit may be immediately revoked at the discretion of the community development director/planner.

(Ord. No. 3266 (Series 2023), § 8.3.006, 8-2-2023)

**Sec. 101-166. Standard for temporary uses.**

~~(a) Mobile office/construction trailer time limitation exemption.~~ A construction trailer shall be allowed for the duration of the project plus 30 days upon completion.

~~(b) Medical hardship residence.~~

~~(1) The current principal use of the land must be single family residence, or a vacant lot adjacent to the single family residence under the same ownership.~~

~~(2) The temporary residence must be for an immediate family member of the current resident, defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.~~

~~(3) Certification of need by a licensed physician is required with the initial application and each request for renewal.~~

~~(4) Setback and height requirements for accessory buildings must be met by the temporary~~

~~residence, and the front setback of the temporary residence shall be no less than that of the principal residence.~~

- ~~(5) Temporary residences shall not be expanded or have attached permanent structures except to provide access to the temporary residence.~~
- ~~(6) The installation of a temporary manufactured dwelling shall meet the requirements of the state manufactured dwelling standards.~~
- ~~(7) A temporary manufactured dwelling must be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.~~
- ~~(8) A temporary manufactured dwelling must comply with all applicable federal, state and local special flood hazard area rules and regulations.~~
- ~~(9) The minimum size of a temporary manufactured dwelling shall be 320 square feet and it shall meet the requirements of a park trailer, mobile home, or manufactured dwelling, not older than ten years of age.~~
- ~~(10) The maximum size of a temporary manufactured dwelling shall be 1,080 square feet of enclosed living space with no more than two bedrooms.~~
- ~~(11) The temporary residence must connect to city sewer and water services or to an approved septic tank and well system. Billing will be at double rate if connection is via an approved connection through the principal residence.~~
- ~~(12) The temporary use permit is nontransferable; no one is to occupy the temporary residence except the person named in the application.~~
- ~~(13) No property right to a second dwelling unit is established by the temporary use permit.~~

#### DIVISION 4. VARIANCES

##### **Sec. 101-189. Processing.**

In the processing of a variance, the following procedures shall be followed, in accordance with article IV of this chapter:

- (1) *Initiation.* A request for a variance shall be initiated by a property owner or the owner's authorized agent by filing an application with the community development department/planning division. The authorization of said agent shall be in writing and filed with the application.
- (2) *Filing.* An application for a variance shall be filed on forms provided by the community development department/planning division, shall set forth in detail all information requested, shall be accompanied by a site plan and any such information as listed on the

application submittal checklist. [One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution and review.](#)

- (3) *Filing fee.* Application for a variance with the requested information attached shall be accompanied by a filing fee set by the city council, by resolution, to defray the costs incidental to the proceedings. Twenty copies of the application materials shall be submitted to the community development department/planning division, for distribution to and review.
- (4) *Review by appropriate authority.* The review authority, as provided by article IV of this chapter, shall review the application and render a decision as provided by the review procedures.
- (5) *Attachment of conditions.* The review authority may grant a variance subject to such conditions as will ensure that the departures from the requirements of this subpart thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone in which the subject property is located, and which it finds necessary to protect the best interest of the surrounding property or neighborhood.
- (6) *Noncompliance with conditions.* The community development director/planner may, as provided by this subpart, take action where it reasonably appears that any conditions imposed upon the granting of a variance have not been complied with. [A variance shall be void after one year if conditions of the variance have not been met.](#)
- (7) *Prior variance.* Any variance granted pursuant to a zoning ordinance enacted prior to the effective date of the ordinance from which this subpart is derived shall be construed to be a variance in full effect unless otherwise voided pursuant to this section.
- (8) *Limitation.* No request for a variance shall be considered by the planning commission within a one-year period immediately following a previous denial of such request.

**Planning Commission Recommendation:**

- Sec. 101-191 was proposed to be deleted and replaced with the DIVISION 5. ADJUSTMENTS section below.
- The Planning Commission was uncomfortable with relaxing the process by eliminating the public notice and public participation element that is excluded from the “adjustment” process.
- As a result, the Planning Commission recommended keeping the “administrative variance” provisions, but supported the other changes that included the protection of mature trees and more relaxed review criteria for administrative variance.

**Sec. 101-191. Administrative variances.**

(a) *Purpose.* The purpose of this section is to allow for community development director/planner review of certain minor variances which are limited in scope and which are unlikely to have impacts beyond the property on which they are located.

(b) *Applicability.* The administrative variance procedure will be used to review the following:

- (1) A building setback reduction not greater than 20 percent of the required setback.
- (2) A proposed building that would exceed the height limitations by not more than ten percent.
- (3) A proposed accessory building that would exceed the maximum wall or roof ridge height by no more than 25 percent of the respective standard.
- (4) A proposed accessory building that would exceed the 50 percent rear yard coverage standard by not more than an additional five percent.
- (5) On a cottage housing development site, removal of no more than 25 percent of existing mature trees.

(c) *Procedure.* An application and site plan shall be filed as required by sections 101-189 and 101-190. In reviewing the variance, the community development director/planner shall apply the following criteria ~~of section 101-188~~ and make findings and decision in writing.

- (1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- (2) If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and
- (3) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- (4) Granting the requested adjustment will not obstruct on-or off-site pedestrian or vehicular movement; and
- (5) Any impacts resulting from the adjustment are mitigated to the extent practical.

(d) *Notice.* Notice of the decision shall be sent to the applicant and to the owners of property located within 100 feet of the subject property.

(Ord. No. 3266 (Series 2023), § 8.4.006, 8-2-2023)

~~DIVISION 5. ADJUSTMENTS~~

~~**Sec. 101-191. Purpose.**~~

~~The purpose of this section is to allow for community development director/planner review of certain adjustments which are limited in scope and which are unlikely to have impacts beyond the property on which they are located.~~

**~~Sec. 101-192. Applicability.~~**

- ~~(a) The following development standards may be adjusted.~~
  - ~~(1) A building setback reduction not greater than 20 percent of the required setback.~~
  - ~~(2) A proposed building that would exceed the height limitations by not more than ten percent.~~
  - ~~(3) A proposed accessory building that would exceed the maximum wall or roof ridge height by no more than 25 percent of the respective standard.~~
  - ~~(4) A proposed accessory building that would exceed the 50 percent rear yard coverage standard by not more than an additional five percent.~~
  - ~~(5) On a cottage housing development site, removal of no more than 25 percent of existing mature trees.~~
- ~~(b) Not more than 3 adjustment requests shall be submitted per lot or building. In calculating the number of adjustments under this provision, each adjustment on each lot shall be counted as one request.~~

**~~Sec. 101-193. Review procedure.~~**

~~Application for an adjustment shall be subject to the community development department/planning division review procedure.~~

**~~Sec. 101-194. Review criteria.~~**

~~The adjustment may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the adjustment application.~~

- ~~(1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and~~
- ~~(2) If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and~~
- ~~(3) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and~~
- ~~(4) Granting the requested adjustment will not obstruct on- or off-site pedestrian or vehicular movement; and~~
- ~~(5) Any impacts resulting from the adjustment are mitigated to the extent practical.~~

**~~Sec. 101-195. Processing.~~**

~~In the processing of an adjustment, the following procedures shall be followed, in accordance with article IV of this chapter:~~

- ~~(1) *Initiation.* A request for an adjustment shall be initiated by a property owner or the owner's authorized agent by filing an application with the community development department/planning division. The authorization of said agent shall be in writing and filed with the application.~~
- ~~(2) *Filing.* An application for an adjustment shall be filed on forms provided by the community development department/planning division, shall set forth in detail all information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist.~~

- ~~(3) *Filing fee.* Application for an adjustment shall be accompanied by a filing fee set by the city council, by resolution, to defray costs incidental to the proceedings.~~
- ~~(4) *Review by appropriate authority.* The community development director, as provided by article IV of this chapter, shall review the application and render a decision as provided by the review procedures.~~
- ~~(5) *Attachment of conditions.* The review authority may grant an adjustment subject to such conditions as will ensure that the departures from the requirements of this subpart thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone in which the subject property is located, and which it finds necessary to protect the best interest of the surrounding property or neighborhood.~~
- ~~(6) *Noncompliance with conditions.* The community development director/planner may, as provided by this subpart, take action where it reasonably appears that any conditions imposed upon the granting of an adjustment have not been complied with. An adjustment shall be void after one year if conditions of the adjustment have not been met.~~
- ~~(7) *Prior adjustment.* Any adjustment granted pursuant to a zoning ordinance enacted prior to the effective date of the ordinance from which this subpart is derived shall be construed to be an adjustment in full effect unless otherwise voided pursuant to this section.~~
- ~~(8) *Limitation.* No request for an adjustment shall be considered by the community development director/planner within a one-year period immediately following a previous denial of such request.~~

**~~Sec. 101-196. Site plan requirements.~~**

~~Site plans shall be submitted and shall contain the applicable information as outlined in section 101-130.~~

**Secs. 101-~~192~~197—101-220. Reserved.**

- DIVISION ~~5~~6. CONDITIONAL USE PERMIT
- DIVISION ~~6~~7. ZONE DESIGNATION CHANGE
- DIVISION ~~7~~8. COMPREHENSIVE PLAN DESIGNATION CHANGE
- DIVISION ~~8~~9. LAND DEVELOPMENT CODE AMENDMENT
- DIVISION ~~9~~10. COMPREHENSIVE PLAN DOCUMENT AMENDMENT
- DIVISION ~~10~~11. VACATIONS
- DIVISION ~~11~~12. HOME OCCUPATION

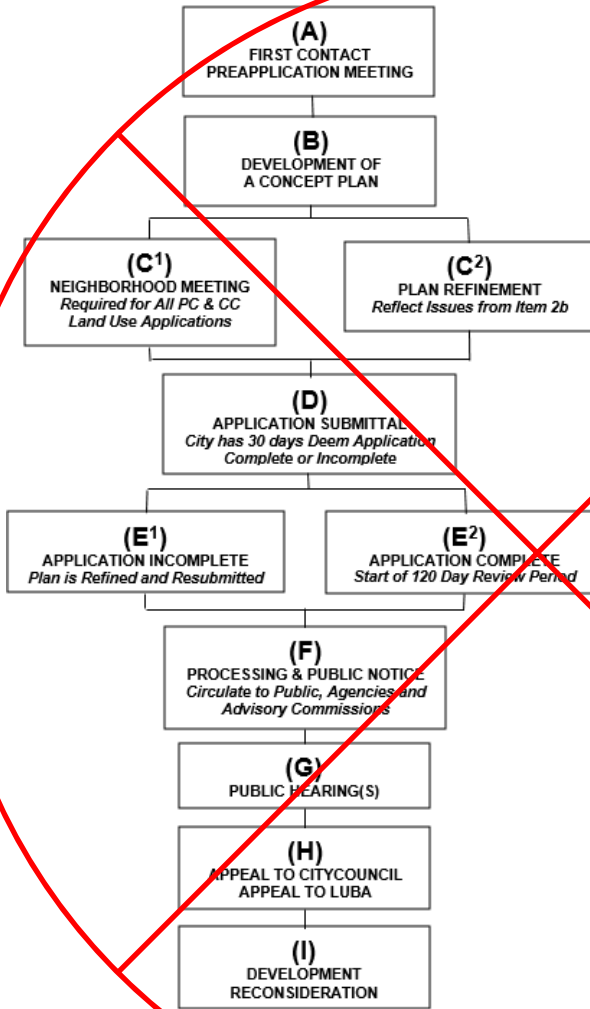
**ARTICLE IV. HEARING PROCEDURES**

**DIVISION 1. GENERALLY**

**Sec. 101-435. Land use application review process.**

All land use applications shall be reviewed in accordance with the following review process.

except all steps may not apply to a residential development:



- A. First Contact – Pre-Application Meeting**  
A pre-application meeting may be required. When required, such meeting will be arranged by Planning Division Staff and shall include applicable City Departments.
- B. Development of a Concept Plan**  
The Applicant shall prepare and provide a Conceptual Development Plan to the Planning Division, based on information received from the pre-application meeting.
- C. Neighborhood Meeting – Plan Refinement**  
**Neighborhood Meeting.** The Applicant shall arrange for and conduct a neighborhood meeting at a "public neutral" place of assembly. The Applicant shall invite public comment and use such comments to refine the Conceptual Development Plan, addressing all relevant issues.  
**Application Fee Deposit.** A non-refundable Application Fee Deposit will be required in an amount established by the City Planner to cover the costs of providing a list of affected property owners used for public notice.  
**Waiver.** This step may be waived, only for applications that will clearly be non-controversial and that will have minimal or no effect on surrounding lands or people.
- D. Application Submittal**  
Planning Division has 30 days to deem an application incomplete or complete
- E. Application Incomplete – Complete**  
**Incomplete.** The Applicant will be provided a letter identifying all issues that need to be addressed for the application to become Complete.  
**Complete.** Upon determination of a Complete Application, the City has 120 days to issue a final decision.
- F. Processing & Public Notice**  
When Public Notice involves a City Advisory Commission, the Applicant may be required to present the application to the Commission and address comments. Revisions to the Plan may be required prior to Public Hearings.
- G. Public Hearing(s)**  
Public Hearings shall be provided in accordance with Hearing Procedures set forth in Articles 9.2, 9.3 and 9.4.
- H. Appeal to City Council or LUBA**  
Appeal shall be processed in accordance with Article 9.7.
- I. Development - Reconsideration**  
**Return to Public Process.** Any change in the development resulting in a 10% or greater deviation from the approved Plan may result in a "Stop Work Order" and return to the public process, Items F and G, for reconsideration.

(Ord. No. 3266 (Series 2023), § 9.1.003, 8-2-2023)

(1) First Contact – Pre-Application Meeting. A pre-application meeting may be required. When required, such meeting will be arranged by Planning Division Staff and shall include applicable City Departments.

- (2) Development of a Concept Plan. The Applicant shall prepare and provide a Conceptual Development Plan to the Planning Division, based on information received from the pre-application meeting.
- (3) Neighborhood Meeting – Plan Refinement. The Applicant shall arrange for and conduct a neighborhood meeting at a “public neutral” place of assembly:
  - a. When required notification to the owners of surrounding property includes 25 or more properties;
  - b. For subdivisions and planned unit developments as follows:
    - 1. For sites in the R-1, R-2 & R-3 Zone, any development with 25 lots or 3 acres and greater.
    - 2. For sites in the RR-1 and HD, any development with 25 lots or 10 acres or greater.
  - c. Where a traffic study is required per Section 105-44(d), with meeting invites and process provided in accordance with the City of La Grande Neighborhood Meeting Guidance documents; or,
  - d. For non-residential development when required notification to the owners of surrounding property includes 50 or more properties.
- (4) Application Submittal. Planning Division has 30 days to deem an application incomplete or complete.
- (5) Application Incomplete – Complete
  - a. Incomplete. The Applicant will be provided a letter identifying all issues that need to be addressed for the application to become Complete.
  - b. Complete. Upon determination of a Complete Application, the City has 120 days to issue a final decision.
- (6) Processing & Public Notice. When Public Notice involves a City Advisory Commission, the Applicant may be required to present the application to the Commission and address comments. Revisions to the Plan may be required prior to Public Hearings.
- (7) Public Hearing(s). When required, Public Hearings shall be provided in accordance with Hearing Procedures set forth in Articles 9.2, 9.3 and 9.4.
- (8) Appeal to City Council or LUBA. Appeal shall be processed in accordance with Article 9.7.
- (9) Development – Reconsideration. Return to Public Process. Any change in the development resulting in a 10% or greater deviation from the approved Plan may result in a “Stop Work Order” and return to the public process, Items F and G, for reconsideration.

DIVISION 2. COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING  
DIVISION REVIEW PROCEDURE

**Sec. 101-455. Application.**

The following development shall be subject to community development director/planner review:

- (1) Duplex [land](#) division.
- (2) Fence height waiver.
- (3) Floodplain development permit.
- (4) Geologic hazard site plan.
- (5) Historic landmarks review.
- (6) Home occupation permit.
- (7) Land use approval time extension.
- (8) Livestock permit.
- (9) Lot line adjustment.
- (10) Minor land partition.
- (11) Public right-of-way encroachment.
- (12) Segregation of tax lot.
- (13) Sign permit.
- (14) Site plan review.
- [\(15\) Subdivisions of land and major partitions \(except final subdivision and major partition plats\).](#)
- ~~(15)~~[\(16\)](#) Temporary use permit.
- ~~(16)~~[\(17\)](#) ~~Variance permit (administrative)~~[Adjustments.](#)
- ~~(17)~~[\(18\)](#) Wetland plan review.
- ~~(18)~~[\(19\)](#) Zoning approval.

**Sec. 101-456. Notice.**

Community development department/planning division review shall be conducted by the community development director/planner. Notice shall be mailed or otherwise delivered to property owners within ~~100 feet of the proposed land use listed in section 101-455~~[the minimum distance of the subject property as specified by Table 101-1](#), as well as to affected local, state, and federal agencies at least 14 days prior to the decision date. The notice shall also be conspicuously posted on-site ten days prior to the date of the scheduled decision. (Ord. No. 3266 (Series 2023), § 9.2.003, 8-2-2023)

Table 101-1. Community Development Department/Planning Division Review Public Notice Requirements

<u>Application Type</u>	<u>Notice Distance</u>
<u>Non-residential development with over 40,000 square feet of cumulative, new gross floor area</u>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Subdivision with more than 10 but less than 50 lots</u></li> <li>• <u>Manufactured home park with more than 10 but less than 50 spaces</u></li> <li>• <u>Multi-dwelling unit development with more than 10 but less than 50 units</u></li> </ul>	<u>300 feet</u>
<u>Any development which proposes more than 50 dwelling units, lots or spaces</u>	<u>1,000 feet</u>
<u>In addition to the above thresholds, any development where a traffic study is required per Section 105-44(d) must provide notice to all properties that meet any of the following thresholds:</u>	
<ul style="list-style-type: none"> <li>• <u>Properties abutting streets within the scope of the traffic study</u></li> </ul>	<u>N/A</u>
<ul style="list-style-type: none"> <li>• <u>Distance from intersections within the scope of the traffic study</u></li> </ul>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Any properties that are enclosed on all sides by properties included in the above public notice requirements</u></li> </ul>	<u>N/A</u>
<u>All other applications listed in section 101-455 not meeting thresholds of this table</u>	<u>100 feet</u>

**Sec. 101-457. Review and decision.**

(a) The community development director/planner shall review the application and determine its compliance with applicable codes and ordinances. Conditions of approval may be imposed as necessary to ensure compliance with this subpart and other applicable codes. ~~The community development director/planner may, at the community development director/planner's discretion or if requested, refer any application under section 101-455 to the planning commission for a public hearing and decision.~~

(b) A determination of denial shall prohibit the applicant from undertaking the proposed development.

(c) Written notice of community development director/planner approval or denial shall be given to all parties to the proceeding, to include all those parties to whom notice must be given under ORS 227.173.

### DIVISION 3. PLANNING COMMISSION REVIEW PROCEDURE

#### Sec. 101-486. Application.

The following shall be subject to planning commission review:

- (1) Recommendation to the city council:
  - a. Amendment of the comprehensive plan document (legislative).
  - b. Amendment of the land development code (legislative).
  - c. Comprehensive plan map and zoning map amendments, including limited use overlay designations and specific plans.
  - d. Right-of-way vacations.
  - e. Right-of-way dedications.
- (2) Decisions:
  - ~~a. Subdivisions of land and major partitions (except final subdivision and major partition plats).~~
  - ~~b.~~a. Conditional use and variance permits.
  - ~~e.~~b. Planned unit developments.
- (3) Appeal of community development department/planning division decisions.

### DIVISION 6. NOTICES OF HEARINGS

#### Sec. 101-588. Time and method of public notice.

(a) *Legislative hearings.* Notices of public hearings on legislative matters shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the city at least 20 days but not more than 40 days before the hearing. Notice shall be mailed to all property owners in the city if the proposal constitutes a measure 56 rezoning.

(b) *Quasi-judicial hearings.* Notices of public hearings for quasi-judicial land use hearings shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the city at least ten days prior to the hearing. In addition, notice of the hearing shall be provided to the applicant and to the owners of record of property as shown on the most recent property tax assessment roll provided by the county, where the property is located ~~within 100 feet of the property which is the subject of the notice~~ per Table 101-1 in Sec 101-456. The notice shall be mailed at least 20 days before the first public hearing, or if two or more public hearings are allowed, ten days before the first public hearing, and shall:

## ARTICLE II. ZONING DISTRICTS GENERALLY

### Sec. 103-26. Hillside Development Residential (HD).

(a) *Purpose.* The purpose of this zone is to reduce development densities within hillside areas which have a slope greater than or equal to 25 percent, or in hillside areas where there has been a history of slope failure and are designated in the city comprehensive plan as geological hazard areas, giving special consideration to parcel minimum size and impacts on slope stability. Development in these areas may be subject to additional requirements resulting from these hazards. These areas allow the pursuit of limited agricultural activities and maintenance of livestock. A density of one dwelling unit per acre is anticipated.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds, and signs for home occupations when permitted.
- (2) Accessory residential unit: See chapter 107, article IX.
- (3) Dwellings: limited to ~~single-family~~single-detached and duplex dwellings.
- (4) Family day care provider.
- (5) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential home and rest homes.
- (6) Home occupations: See chapter 101, article III, division 11.
- (7) Livestock uses: See chapter 109, article XV.
- ~~(7)~~(8) Single room occupancy with 4-6 units.

(c) *Permitted uses.*

- (1) Community education: public, private and parochial pre-elementary elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.
- (2) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.
- (3) Day nurseries.
- (4) Extensive impact services and utilities: limited to wells, parks, fire stations, and utility substations.
- (5) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.
- ~~(6)~~ ~~Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~(6)          Lodging facilities: resort, only when part of a planned unit development.

**Sec. 103-27. Rural Residential (RR-1).**

(a) *Purpose.* The purpose of this zone is to establish areas for rural residential living styles. These areas allow the pursuit of limited agricultural activities and maintenance of livestock. A density of two dwelling units per acre is anticipated.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds, and signs for home occupations when permitted.
- (2) Accessory residential unit: See chapter 107, article IX.
- (3) Dwellings: limited to ~~single-family~~single-detached and duplex dwellings.
- (4) Family day care providers.
- (5) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential home and rest homes.
- (6) Home occupations: See chapter 101, article III, division 11.

~~(7)~~          Livestock uses: See chapter 109, article XV.

~~(7)~~(8)          Single room occupancy with 4-6 units.

~~(8)~~(9)          Fences, hedges and walls: See chapter 107, article V.

~~(9)~~(10)          Landscaping: See chapter 107, article VI.

~~(10)~~(11)          Parking and loading: See chapter 107, article VII.

~~(11)~~(12)          Signs: See chapter 107, article VIII.

~~(12)~~(13)          Vehicular access and circulation: See chapter 105, article II.

~~(13)~~(14)          New business permit form: See chapter 101, article III, division 2.

~~(14)~~(15)          Temporary use: See chapter 101, article III, division 3. (Ord. No. 3266 (Series 2023), § 2.2.003, 8-2-2023)

(c) *Conditional uses.*

- (1) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.
- (2) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.

- (3) Day nurseries.
- (4) Extensive impact services and utilities: limited to wells, parks, fire stations, and utility substations.
- (5) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.
- ~~(6) Lodging facilities: limited to bed and breakfast inns.~~
- ~~(7)~~(6) Lodging facilities: resort, only when part of a planned unit development.

**Sec. 103-28. Low Density Residential (R-1).**

(a) *Purpose.* The purpose of this zone is to establish areas suitable for ~~single-family~~single-detached residences, duplexes, manufactured home parks and necessary accessory uses. The low density residential zone is intended to implement the comprehensive plan designation of a low density residential land use with a minimum density of four dwelling units per acre.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds, and signs for home occupations when permitted.
- (2) Accessory residential unit: See chapter 107, article IX.
- (3) Dwellings: limited to ~~single-family~~single-detached, ~~and~~ duplex dwellings, and manufactured home parks.
- (4) Family day care providers.
- (5) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential homes and rest homes.

(6) Home occupations: See chapter 101, article III, division 11.

~~(6)~~(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

- (1) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high schools, junior colleges, colleges, universities and trade schools.
- (2) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.
- (3) Day nurseries.
- (4) Extensive impact services and utilities: limited to wells, parks, fire stations, utility substations, and golf course or country club.
- (5) Religious assembly: religious services involving public assembly as occurs in

synagogues, temples and churches.

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~(6) Lodging facilities: resort, only when part of a planned unit development.

### **Sec. 103-29. Medium Density Residential (R-2).**

(a) *Purpose.* The purpose of this zone is to establish areas for ~~single-family~~single-detached residences, and duplex residential dwelling units duplexes, triplexes, townhouses, manufactured home parks, and necessary accessory uses. The medium density residential zone is intended to implement the comprehensive plan designation of a medium density residential land use with a minimum density of five units per acre.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds for storage of lawn equipment or wood, and signs.
- (2) Accessory residential unit: See chapter 107, article IX.
- (3) Dwellings: limited to ~~single-family~~single, detached, duplex, triplex, ~~and~~ two- or three-unit townhouse dwellings, and manufactured home parks.
- (4) Family day care provider.
- (5) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential homes and rest homes.

(6) Home occupations: See chapter 101, article III, division 11.

~~(6)~~(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

- (1) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.
- (2) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.
- (3) Cultural exhibits and library services: museum-like preservation and exhibition of works of art or library collection.
- (4) Day nurseries.
- (5) Extensive impact services and utilities: limited to wells, parks, community gardens, fire stations, utility substations, and ambulance services.

~~(6) Dwellings: limited to manufactured home parks.~~

~~(7)~~(6) Neighborhood convenience center.

~~(8)~~(7) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

~~(9) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area: 3,000 square feet for ~~single-family~~single-detached, ~~and~~ duplex dwellings, and single room occupancy. 4,500 square feet for triplex dwellings. Lots Intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

### **Sec. 103-30. High Density Residential (R-3).**

(a) *Purpose.* The purpose of this zone is to provide higher concentrations of dwelling units where the level of public services can adequately accommodate such development. The high density residential zone, which provides for ~~multifamily residential units~~multi-unit dwellings, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the comprehensive plan designation of high density residential land use of densities of 11 or more dwelling units per acre.

(b) *Permitted uses.*

(1) Accessory structures: garages, sheds for storage of lawn equipment or wood, and signs.

(2) Accessory residential unit: See chapter 107, article IX.

(3) Dwellings: limited to ~~single-family~~single-detached, duplex dwellings, triplexes, quadplexes, town—houses, ~~apartments—~~multi-unit dwellings, and ~~condominiums~~manufactured home parks.

(4) Day nurseries.

(5) Family day care provider.

(6) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential homes and rest homes.

~~(7) Group residential: sorority houses, retirement homes or boardinghouses.~~Single room occupancy.

(8) Home occupations: See chapter 101, article III, division 11.

(c) *Conditional uses.*

(1) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade

schools.

- (2) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.
- (3) Cultural exhibits and library services: museum-like preservation and exhibition of works of art or library collection.
- (4) Extensive impact services and utilities: limited to wells, parks, community gardens, fire stations, ambulance services, and utility substations.

~~(5) Dwellings: limited to manufactured home parks.~~

- (65) Medical services: limited to medical and dental offices, and clinics.
- (76) Neighborhood convenience center.
- (87) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.
- (98) Lodging facilities: limited to bed and breakfast inns.

(d) *Property development standards.*

(1) Minimum lot area:

- (a) 3,000 square feet for ~~single family~~ single-detached, and duplex dwellings, and single room occupancy up to six units;
- (b) 4,500 square feet for triplex dwellings;
- (c) 6,000 square feet for quadplex dwellings;
- (d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit.
- (e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

### **Sec. 103-31. Residential-Professional (R-P).**

(a) *Purpose.* The purpose of this zone is to provide for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent residential areas. The professional office uses in possible close proximity to adjacent residential areas. The professional office uses permitted are intended to be comparable in terms of scale, bulk and building coverage, open space and other external factors with the residential uses permitted. The R-P zone is intended to be consistent with commercial or high density residential designations in city comprehensive plan with residential densities of 11 or more dwelling units per acre.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds for storage of lawn equipment or wood, and signs.
- (2) Accessory residential unit: See chapter 107, article IX.
- (3) Dwellings: limited to ~~single-family~~single-detached, duplex dwellings, triplexes, quadplexes, town- houses, ~~apartments and condominiums~~multi-unit dwellings, and manufactured home parks.
- (4) Day nurseries.
- (5) Family day care provider.
- (6) Group care residential: halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential homes and rest homes.
- (7) Home occupations: See chapter 101, article III, division 11.
- (8) Single room occupancy.

(c) *Conditional uses.*

- (1) Automotive and equipment: parking, commercial parking lots or garages when accessory to an allowed use.
- (2) Administrative and professional services: administrative offices, legal financial, insurance, real estate, architectural, engineering, surveying, consulting offices and business support services.
- (3) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.
- (4) Community recreation: governmental or nonprofit operated recreational, social or multi-purpose uses within buildings.
- (5) Cultural exhibits and library services: museum-like preservation and exhibition of works of art or library collection.
- (6) Eating and drinking establishments: limited to coffee shops and luncheonettes.
- (7) Extensive impact services and utilities: limited to wells, parks, community gardens, fire stations, ambulance services, and utility substations.
- (8) Funeral and interment services, cremating: crematories or crematoriums.
- (9) Funeral and interment services, undertaking: funeral homes or mortuaries.
- (10) Medical services: medical clinics, dental clinics, chiropractic clinics, dental laboratories or allied health professionals.
- (11) Neighborhood convenience center.
- (12) Participant sports and recreation: limited to arcades.
- (13) Personal services: limited to photography studios, barber shops, hair salons or massage therapy.

- (14) Postal services: mailing services excluding major processing, except major processing and distribution centers.
- (15) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.
- (16) Retail sales: limited to art galleries and book stores.
- (17) Spectator sports and entertainment: limited to service club and membership organizations, and social and fraternal orders.

~~(18) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area:

- (a) 3,000 square feet for ~~single-family~~ ~~single-detached~~, ~~and~~ duplex dwellings, ~~and~~ single room occupancy up to six units;
- (b) 4,500 square feet for triplex dwellings;
- (c) 6,000 square feet for quadplex dwellings;
- (d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit.
- (e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

(2) Master plan. For lots with existing areas of one-half acre or more, an approved master plan shall govern development patterns, and parcel sizes, along with subdivision, partitions and lot line adjustments. The master plan shall be used to maximize the long-term potential for residential development to achieve the density prescribed by the comprehensive plan. The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan, unless a new master plan is approved by the city.

(3) Design standards for professional uses:

- a. Scale, bulk and building coverage. ~~Multifamily and nonresidential~~ Nonresidential uses shall have a similar building footprint square footage, wall height and peak height as the majority of permitted dwelling uses in the block.
- b. Landscaping. Minimum landscaping area requirements for nonresidential uses shall meet the area requirements for residential uses in this subpart.

**Sec. 103-32. Central Business (CB).**

(a) *Purpose.* The purpose of this zone is to provide for the development of intensive consumer services and retail commercial activities in the central core area of the city which will facilitate pedestrian traffic and which will provide for the residential use of the upper levels of

certain multi-level commercial buildings.

(b) *Permitted uses.*

- (1) Accessory structures: garages, sheds for storage of lawn equipment or wood, and signs.
- (2) Administrative and professional services: administrative offices, legal financial, insurance, real estate, architectural, engineering, surveying, consulting offices and business support services.
- (3) Animals sales and services, grooming.
- (4) Animals sales and services, pet sales/shops: sales of aquatic and small animals, and animal-related supplies and services.
- (5) Artisan manufacturing not to exceed 5,000 square feet and having a retail storefront.
- (6) Automotive and equipment, parking: commercial parking lots or garages.
- (7) Business equipment sales and services: office equipment and supply firms, small business machine shops or hotel equipment and supply firms.
- (8) Communication services: television studios, radio stations and telecommunication service centers.
- (9) Cultural exhibits and library services: museum-like preservation and exhibition of works of art or library collection.
- (10) Dwellings: limited to residential units in below ground level and second or higher levels of multi-level commercial buildings and/or occupying no greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such [family household](#) residential units subject to the provisions of chapter 101, article III, division 11.
- (11) Eating and drinking establishments: restaurants, short-order eating places, taverns, bars or brew pubs, and mobile food units accessory to a permitted use.
- (12) Food and beverage retail sales.
- (13) Lodging: hotels and motels, and bed and breakfasts, excluding emergency shelters.
- (14) Medical services: medical clinics, dental clinics, chiropractic clinics, dental laboratories or allied health professionals.
- (15) Participant sports and recreation: limited to dance, body training such as yoga, martial arts, health/fitness clubs, gymnasiums, billiard parlors, arcades, and youth centers.
- (16) Personal services: photography studios, barber shops, hair salons, or massage therapy.
- (17) Postal services: mailing services, except major processing and distribution centers.
- (18) Repair services: appliance repair shops, apparel repair firms or instrument repair firms.

(19) Retail sales: businesses engaged in sale of commonly used goods and merchandise, excludes medical marijuana and recreational marijuana.

(20) Transportation services: taxi services and bus depots.

(c) *Conditional uses.*

(1) Artisan manufacturing exceeding 5,000 square feet and having a retail storefront.

(2) Automotive and equipment: repairs, light equipment, muffler shops, auto repair garages or auto glass shops.

(3) Automotive and equipment, sales/rentals, light equipment: automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.

(4) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.

(5) Community recreation: recreational, social or multi-purpose uses within buildings.

(6) Eating and drinking establishments: mobile food courts.

(7) Extensive impact services and utilities: limited to public safety buildings, police stations, wells, parks, wireless communication facilities, or other communication structures, substations, and electrical generation facilities.

(8) Dwellings: residential occupancy greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. home occupations are allowed in such ~~family~~ residential units subject to the provisions of chapter 101, article III, division 11.

(9) Marijuana facilities: marijuana retailers, marijuana testing, and medical marijuana dispensaries. See chapter 109, article XXI.

(10) Public research area: governmental, educational, public or nonprofit operated buildings or land dedicated to pure or applied scientific discovery in fields of agriculture, wildlife management, forestry, geology, archaeology, ecology, astronomy.

(11) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

(12) Spectator sports and entertainment: limited to indoor theaters, service club and membership organizations and social fraternal orders.

### **Sec. 103-33. General Commercial (GC).**

(a) *Purpose.* The purpose of this zone is to provide the full range of retail goods and services serving a large area which normally requires a large space for development.

(b) *Permitted uses.*

- (1) Accessory structures: caretaker's residences, garages, sheds for storage of lawn equipment or wood, and signs.
- (2) Administrative and professional services: administrative offices, legal financial, insurance, real estate, architectural, engineering, surveying, consulting offices and business support services.
- (3) Animal sales and services, grooming: dog bathing and clipping salons or pet grooming shops.
- (4) Animal sales and services, kennels: boarding kennels, animal shelters, pet motels, dog training centers, or breeding establishments.
- (5) Animal sales and service, pet sales/shops: sales of aquatic and small animals and animal-related supplies and services.
- (6) Animal sales and services, veterinary, small animals: pet clinics, dog and cat hospitals or animal hospitals.
- (7) Artisan manufacturing: not to exceed 5,000 square feet and having a retail storefront.
- (8) Automotive and equipment, cleaning: auto laundries, auto detailing, or car washes.
- (9) Automotive and equipment, fleet storage: taxi fleets, mobile catering truck storage or auto storage garages.
- (10) Automotive and equipment, parking: commercial parking lots or garages.
- (11) Automotive and equipment, repairs, light equipment: muffler shops, auto repair garages or auto glass shops.
- (12) Automotive and equipment, sales/rentals, light equipment: automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.
- (13) Building maintenance services: janitorial, landscape maintenance, or window cleaning services.
- (14) Business equipment sales and services: office equipment and supply firms, small business machine shops or hotel equipment and supply firms.
- (15) Communications services: television studios, radio stations and telecommunication service centers.
- (16) Community education: public, private and parochial pre-elementary, elementary, junior high and senior high school, junior colleges, colleges, universities and trade schools.
- (17) Community recreation: recreational, social or multi-purpose uses within buildings.
- (18) Construction sales and services: building materials stores, tool and equipment rental or sales.

- (19) Cultural exhibits and library services: museum-like preservation and exhibition of works of art or library collection.
- (20) Day nurseries.
- (21) Dwellings: limited to residential units within existing buildings that were originally designed and constructed exclusively for residential occupancy. Buildings that were not originally constructed exclusively for residential occupancy are limited to residential units below ground level and in the second and higher floors and/or 25 percent of the ground floor of commercial buildings, or greater than 25 percent with a conditional use permit, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such ~~family~~-household residential units subject to the provisions of chapter 101, article III, division 11.
- (22) Eating and drinking establishments: restaurants, short-order eating places, taverns, bars or brew pubs, mobile food units accessory to a permitted use.
- (23) Family day care providers.
- (24) Food and beverage retail sales: supermarkets, groceries, liquor stores, brew pubs, retail sales, bakeries, or delicatessens.
- (25) Fuel sales: passenger and light truck service stations, filling stations. excluding truck stops, storage or sales of liquefied petroleum gas.
- (26) General industrial: limited to custom manufacturing, ceramic studios, candle-making shops or custom jewelry manufacture.
- (27) Laundry services: laundry agencies, diaper services or linen supply services.
- (28) Lodging: motels, hotels, and bed and breakfast inns, excluding emergency shelters.
- (29) Medical services: medical clinics, dental clinics, chiropractic clinics, medical and dental laboratories or allied health professionals.
- (30) Participant sports and recreation: limited to bowling alleys, arcades, youth centers, martial arts studios, dance studios, health/fitness clubs, gymnasiums or billiard parlors, miniature golf courses and driving ranges within enclosed buildings.
- (31) Personal services: photography studios, barber shops, hair salons, or massage therapy.
- (32) Postal services: mailing and shipping services excluding major processing and distribution centers.
- (33) Repair services: appliance repair shops, apparel repair firms or instrument repair firms.
- (34) Retail sales: businesses engaged in retail sale of goods and merchandise, excludes medical marijuana and recreational marijuana.
- (35) Spectator sports and entertainment: limited to indoor theater, service club and membership organizations, and social and fraternal orders, excluding sports stadiums and arenas.

- (36) Transportation services: taxi services and bus depots.
- (37) Wholesaling, storage, and distribution, light: limited to wholesale buying operations within buildings not to exceed 5,000 square feet total.

**PUBLIC FACILITIES STANDARDS  
ARTICLE I. IN GENERAL**

**ARTICLE II. VEHICULAR ACCESS AND CIRCULATION**

**Sec. 105-28. Minimum street right-of-way widths.**

Table 105-1. Street Standards

<i>Functional Classification</i>	<i>ADT Volume</i>	<i>Speed (mph)</i>	<i>No. of Travel Lanes</i>	<i>Travel Lane Width</i>	<i>Turn Lane or Median Width</i>	<i>Bike Lanes</i>	<i>Min. Bike Lane Width</i>	<i>On-Street parking</i>
Downtown arterial	10,000	20	2—3	11'	11'			Both sides
Arterial	10,000	40—55	2—5	12'	4—14'	Optional <sup>4</sup>	5'	None
Major collector	2,000—10,000	25—45	2—3	11'	12'	Required	5'	One or both sides
Minor collector	1,000—2,000	25—35	2	11'	None	Optional <sup>5</sup>	5'	One or both sides
Local street	0—1,000	15—25	2	10'	None	None	None	One or both sides

<i>Functional Classification</i>	<i>Sidewalks</i>	<i>Min. Sidewalk Width</i>	<i>Planting Strip Width<sup>1</sup></i>	<i>Total Paved Width<sup>2</sup></i>	<i>Total ROW Width<sup>3</sup></i>	<i>Private Access Spacing</i>
Downtown arterial	Required	12'	3' 6"	49'	80'	200'
Arterial	Required	5'	8'	36'—72'	80'—102'	200'—400'
Major collector	Required	5'	8'	52'—60'	62'—90'	150'—300'
Minor collector	Required	5'	8'	30'—48'	60'—78'	75'—150'
Local street	Required	5'	8'	28'—36'	40'—66'	Each lot

**Sec. 105-29. Minimum street improvements.**

The following public street improvements shall be required for development and shall be provided at the expense of the developer:

- (1) *Arterial streets.* Arterial streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 105-1 in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.
- (2) *Collector streets.* Collector streets shall be improved with street trees, curbs, gutters,

stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

- (3) *Local streets.* Local streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

**Sec. 105-44. Access management guidelines.**

Table [105-2](#). General Access Management Guidelines

	<i>Intersection</i>			
	<i>Public Road</i>		<i>Private Drive</i>	
<i>Functional Classification</i>	<i>Type</i>	<i>Spacing</i>	<i>Type</i>	<i>Spacing</i>
Arterial <sup>1</sup>				
Collector	At grade	300 feet	Left/right turns	75—150 feet
Local	At grade	250 feet	Left/right turns	Each lot

<sup>1</sup>Refer to 1999 Oregon Highway Plan appendix C: Access Management Standards.

(a) *Access design guidelines.*

(1) *Corner clearance.*

- a. Corner clearance for access connections shall meet or exceed the minimum spacing requirements for that roadway (Table [105-2](#)).

**ARTICLE IV. STREET NAMES, NUMBERS, AND SIGNS**

**Sec. 105-90. Addressing.**

The community development director/planner will assign addresses for each legal parcel as they are created or developed. For suite numbers/units within a **multifamily**[multi-unit dwelling](#), commercial or industrial structure, the property owner is responsible for assigning their own numbers/units, however for safety or 911 purposes sequential order is required.

## ARTICLE V. SITE DRAINAGE AND GRADING

### Sec. 105-118. Drainage system standards.

Drainage systems and facilities subject to drainage and grading plan review and approval are to be designed and constructed based on a [25-year 24-hour design storm with 2.2 inches of runoff and a Type 2A storm distribution for a 24-hour duration. Storm drainage plans shall be designed for a 25-year storm event and approved by the city engineer or designated city official. In addition, the system shall be analyzed for a 25-year 3-hour design storm. The 3-hour design storm has less total volume than the 24-hour storm, but a greater peak intensity.](#)

## ARTICLE II. LOT SIZE AND SHAPE

### Sec. 107-23. General design standards.

The lot size, shape and orientation within all subdivisions or partitions shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated. [These standards do not apply to lots created through a Duplex Land Division.](#)

- (1) *Lot width.* Each lot shall have a minimum width of 30 feet, with 40 feet required for corner lots, unless otherwise required by this subpart.
- (2) *Lot depth.* Each lot shall have a minimum depth of 85 feet.
- (3) *Lot area.* Each lot shall have a minimum area as required by zone except where public utility facilities are to be placed, then no lot size is required.
- (4) *Lot depth to width ratio.* No lot or parcel depth shall be more than 2½ times the average width. This requirement may be waived by the reviewing authority.
- (5) *Orientation of side property line.* As far as practical, the side property line of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property lines shall be radial to the curve.
- (6) *Street frontage.* All lots shall have a minimum street frontage of 25 feet, except for flag lots as provided in section 107-24 and in cases where easement access is approved pursuant to section 111-24(a)(11).
- (7) *Minimum standards.* These minimum standards apply except where property is zoned or deeded for business or industrial use, other widths and area may be permitted. Depth

and width of properties reserved or platted for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required for the type of use and development contemplated, as prescribed in section 107-170.

(Ord. No. 3266 (Series 2023), § 5.2.001, 8-2-2023)



### ARTICLE III. BUILDING SETBACKS AND YARDS

#### Sec. 107-57. Interior.

Detached buildings located on the same site are to be separated as follows:

- (1) *Accessory buildings.* An accessory building is to be located no closer than six feet from any principal building, unless fire protection is provided per building code. Any building located less than three feet from the primary building shall be attached to the primary building.
- (2) *Residential buildings.* A principal building (including a ~~multifamily~~ multi-unit dwelling) is to be located no closer to another principal building than ten feet. Common wall construction is exempt from this setback requirement.

### ARTICLE VI. LANDSCAPING

#### Sec. 107-147. Required landscaping.

- (a) Landscaping shall be provided for sites where the following uses occur:
  - (1) Industrial uses.
  - (2) Commercial uses.
  - (3) Manufactured dwelling parks.
  - (4) Civic uses.
  - (5) ~~Multifamily~~ Multi-unit dwelling uses.
  - (6) Planned unit developments.
  - (7) No on-site landscaping is required for new development within the CB Central Business Zone, excluding parking lots. Enhancements of the right-of-way will be required, where feasible, with improvements including landscape planters and/or street trees planted, to city standards, along abutting sidewalks; pedestrian scale street lighting; benches and bike racks may be required as a condition of site plan approval.

#### Sec. 107-149. Standards for landscaping materials.

Where landscaping is required by section 107-147, the materials used are subject to the following provisions:

- (1) *Allowable materials.*
  - a. Landscaping shall include ~~some combination~~ two or more of the following materials to achieve the intended or required purpose of the landscaping (e.g., tree canopy, screening, etc.): trees, shrubs, ground cover, vines, flowers or lawns. Landscaping may also include art work, walls, structural features and fences. Trees adapted to

the site shall be incorporated into the landscape when there is adequate space as determined in the standards for tree planting in the community forestry program guide.

**Sec. 107-150. Planting and maintenance.**

(a) *Developed site area.*

- (1) For purposes of this section, the term "developed site area" means the square footage of the area indicated on the plot plan. ~~At a minimum, the~~ The area indicated on the plot plan shall include the area required for parking, ingress and egress, and setback areas, ~~and other areas which may be required as a condition of site plan approval, which are part of the ownership.~~
- (2) Landscaping proposed to satisfy the minimum area percentage standards listed in this section shall not include landscaping required as a screen or buffer pursuant to section 107-116, or as a condition of land use approval.

(b) *Minimum area requirements—New construction.* Landscaping shall be provided as follows:

- (1) Industrial use types: five percent of the developed site area.
- (2) Commercial use types: ten percent of the developed site area.
- (3) Civic use types: ten percent of the developed site area.
- (4) Residential, manufactured dwelling parks, and ~~multifamily~~ multi-unit dwelling use types: 20 percent of the developed site area.
- (5) Planned unit development. The review procedure and development standards for landscaping shall be as specified in the approval of the planned unit development plan and in no instance shall be less than that required for equivalent use types listed in this section.

**ARTICLE VII. PARKING AND LOADING**

**Sec. 107-176. Designated improvement standards for parking lots of four or more spaces.**

- (a) Each paved space must be marked by striping.
- (b) ~~Traffic~~ Painted traffic flow arrows and signs ~~may~~ shall be required for all one-way aisles.
- (c) No parking space(s) shall back directly onto a public street ~~without site plan approval.~~
- (d) ~~Adequate~~ Storm water drainage shall be ~~specified at the time of site plan review~~ contained on the site in accordance with this code.
- (e) Bumper guards or wheel stops ~~may~~ shall be required ~~near~~ for all parking spaces abutting buildings, fences, or sidewalks ~~during site plan review.~~

(f) Driveway locations shall be approved by the city or the state highway division [in accordance with City and State access management standards](#).

(g) Artificial lighting ~~may be required, but where installed~~ shall be shielded so as to not cast a direct light onto adjacent properties and/or residences.

**Sec. 107-177. Table of off-street parking requirements.**

*Use Type*

*Parking Space Required*

Residential use

Vehicle—One space per dwelling unit [or one space per three single room occupancy units](#), which must be covered, [except no spaces required for an accessory dwelling unit](#).

Bicycle—One space per unit for ~~multifamily~~ [single room occupancy unit or multi-unit dwelling](#) (tri-plex or greater)

~~Roominghouses, lodgishouses~~ [Lodginghouses](#), dormitories, clubs and fraternity houses, bed and breakfasts, residential homes and residential facilities

Vehicle—One space for each sleeping room or one space for each two beds, whichever is greater  
Bicycle—Minimum of ten percent of the required vehicular parking with a minimum of two spaces

## ARTICLE VIII. SIGNS

### Sec. 107-209. Definitions included by reference.

*Area identification sign* means a sign identifying the name of a manufactured home park, planned unit development, subdivision, ~~apartment or condominium~~ multi-unit dwelling, commercial center of two or more separate businesses, industrial area, office complex of two or more separate businesses or structures or any combination of the above.

### Sec. 107-213. Signs not requiring permits.

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this chapter:

- (6) House or building numbers: Numbers limited to six inches in height for dwellings of four or less ~~families~~ households and 12 inches in height for other buildings.
- (16) Area identification sign: A ground or wall sign identifying a recognized subdivision, ~~apartment, condominium~~ multi-unit dwelling, manufactured home park or planned unit development. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the development identification, provided the legend of such

### Sec. 107-219. Signs permitted in residential zones and residential professional zones.

Signs are allowed as follows in residential zones RR-1, R-1, R-2, R-3 and residential-professional zone R-P:

- (4) Area identification sign:
  - a. ~~Apartments and condominiums~~ Multi-unit dwellings: One ground or wall sign not to exceed 32 square feet in sign area, may be erected five days prior to the beginning of construction and shall be removed within five days after completion of construction.

## ARTICLE IX. ACCESSORY BUILDINGS

### Sec. 107-271. Standards for ~~detached~~ accessory dwelling units.

~~Detached accessory~~ Accessory dwelling units, also called cottage homes or tiny homes, shall be permitted in all residential zones in accordance with the following standards:

- (1) *Quantity*. A maximum of one interior, attached or detached accessory dwelling unit shall be allowed per property, and limited to only properties that contain one primary

~~single family~~single-detached dwelling.

(2) *Parking.* No additional parking space is required for an accessory dwelling unit.

(3) *Design standards.*

- a. *Setbacks.* An ~~attached~~single-detached accessory dwelling unit shall provide side and rear setbacks which comply with the applicable zone and a front yard setback which is at least equal to that of the existing primary ~~single family~~single-detached dwelling.
- b. *Unit size.* ~~The size of a detached accessory dwelling unit may be no greater than 800 square feet, and shall be less than the residential living area of the primary single family dwelling on the property.~~An accessory dwelling unit shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
- c. *Height.* The ~~standards~~ height limit for a detached accessory dwelling unit is 21 feet. ~~Except when~~When located on a second floor of a detached accessory structure that is shared with the primary ~~single family~~single-detached residential dwelling, such as a detached garage. ~~In such case,~~ the accessory building height may be increased to 25 feet. When the accessory dwelling unit is attached or interior to the primary single-detached dwelling, the height limit of the base zone applies.
- d. *Building design.* A detached accessory dwelling shall have a covered porch entry ~~measuring with~~ a minimum depth of 18 inches. ~~and shall have the same style of siding and roofing materials and colors as the primary single family dwelling.~~For all accessory dwelling units, the exterior siding and roofing material must be the same in type, size and placement as the exterior finish material of the primary structure.

## SPECIAL USE STANDARDS

### ARTICLE II. MANUFACTURED DWELLINGS, ~~SINGLE-FAMILY~~SINGLE-DETACHED, TWO-FAMILYDUPLEXES, TRIPLEXES, QUADPLEXES, AND ~~APARTMENT~~MULTI-UNIT DWELLING BUILDINGS

Sec. 109-25. Standards for manufactured dwellings, ~~single family~~single-detached, single room occupancy, two family duplexes, triplexes, quadplexes and ~~apartment~~multi-unit dwelling buildings on individual lots.

This article establishes placement standards and procedures for placing a manufactured dwelling, ~~single family~~single-detached building, single room occupancy, two family duplex dwelling, triplexes, quadplexes or ~~apartment multi-unit dwelling~~ building on an individual lot in the HD, RR-1, R-1, R-2, R-3 and R-P Zones; and further establishes design standards for ~~single family~~single-detached dwellings, single room occupancy, two family dwellingsduplexes, triplexes, quadplexes, apartment multi-unit dwellings and manufactured

homes. (Ord. No. 3266 (Series 2023), § 3.2.001, 8-2-2023)

### Sec. 109-27. Placement standards on individual lots.

The manufactured dwelling shall adhere to standards in subsections (1) through (~~8~~7) of this section and ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex, and ~~apartment~~multi-unit dwelling buildings shall adhere to standards in subsections (~~5~~4) through (~~8~~7) of this section.

- (1) ~~a.~~—Manufactured dwellings shall be constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981, ~~be multi-sectional (double wide or wider). Single wide manufactured dwellings, including expandable units, pop-outs and tilt-outs shall be allowed in manufactured dwelling parks only, except as provided below.~~ Manufactured dwellings located within manufactured dwelling parks shall not be subject to standards found in subsections (2) through (~~8~~7) of this section.

~~b.~~—~~Exceptions.~~

- ~~1.~~—~~A single wide manufactured dwelling may be allowed for a cottage home (tiny home) in accordance with article XXII of this chapter.~~
- ~~2.~~—~~A single wide manufactured dwelling may be allowed as an accessory dwelling unit in accordance with chapter 107, article IX.~~

- (2) Manufactured dwellings shall be permanently placed on a concrete foundation complying with the minimum set-up standards of the adopted state manufactured dwelling standard and adopted building codes.

~~(3)~~—~~Manufactured dwellings shall have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically used for single-family residential construction. Manufactured dwellings on individual lots shall not have bare (or corrugated) metal siding or roofing.~~

~~(4)~~(3)—A manufactured dwelling, single-familysingle-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex, or ~~apartment~~multi-unit dwelling building shall have all of the following design features when placed outside of a manufactured dwelling park:

- a. A roof pitch greater than or equal to a nominal ~~3:12~~ 2½:12. ~~The only exception to this rule shall be triple wide manufactured homes, where a roof pitch of 2½:12 or greater is allowed.~~

- b. Covered porch entries. Only the main or front entrance must be covered. Secondary or rear entrances need not be covered. A covered, recessed entryway (see subsection (5)j of this section) may be substituted for a covered porch to meet this standard.
- c. Pre-landscaped front yards; if bonding, the bond amount shall not exceed \$500.00 per lot. Building site plans shall specify front yard landscaping that will be in place (seeded or installed) prior to occupancy. Plans shall provide for grass or decorative ground cover (bark, decorative rock or vegetative ground cover) and a minimum of one front yard tree in accordance with the standards provided in the community forestry program guide.
- d. Street trees as required by the subdivision or partition plat approval, if applicable.
- e. At least one covered parking space per dwelling unit.

(5)(4) A manufactured dwelling, ~~single family~~ single-detached, single room occupancy, two-family duplex, triplex, quadplex, or ~~apartment~~ multi-unit building shall have at least five of the following design features when placed outside of a manufactured dwelling park:

- a. Attached garage or covered parking for at least one vehicle per dwelling unit (an attached carport meets this standard; detached covered parking does not).
- b. Bay or bow windows that extend from the façade a minimum of 2 feet (the provision of one such window per dwelling unit is sufficient).
- c. Dormers that are a minimum of 4 feet in width (the provision of one such roof feature per dwelling unit is sufficient).
- d. Eaves (minimum 12-inch projection). Twelve-inch eaves shall be provided on all sides of the building to meet this standard.
- e. Fences, decks and patios (to meet this standard, fencing must be provided along at least 25 percent of the lot circumference; the minimum size for a deck or patio to qualify is 64 square feet). Dwellings with one or more listed features meeting these standards shall be given credit for meeting one or more of the required design standards.
- f. Front porch and entry facing the front property line (entryway can be located on the long or short axis of the dwelling, porch must have a minimum area of 25 square feet).
- g. Masonry perimeter enclosure at base, such as poured concrete foundation (wood products covered with a treatment to appear as masonry do not qualify).
- h. Off-sets on building face or roof minimum 12 inches (the provision of one such roof or facade feature is sufficient).

- i. Pillars or posts (requires at least one pair, ~~decorative or plain, but finished in a manner that is consistent with the dwelling exterior~~).
- j. Recessed entries (the depth of the recessed entry shall be at least 18 inches to qualify).
- k. Structural additions to alter the shape of the structure (any feature not listed above that alters the rectangular or square shape of the dwelling will be considered; an attached garage or carport that provides an altered roof line or wall orientation compared to the dwelling complies as well).
- l. Window shutters (shall be provided for all windows to meet this standard).

~~(6)~~(5) Plans indicating the requisite number of architectural features will be required upon application to the community development department/planning division. No final inspection for occupancy will be approved until compliance is confirmed.

~~(7)~~ Additions to all dwelling units shall be architecturally compatible with the original building, as determined by the community development director/planner. Similar siding and roofing materials and colors are required unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within 100 feet.

~~(8)~~(6) All dwelling units and accessory buildings shall have fire protection. For all structures located outside of a fire district, a fire protection agreement with a fire district shall be established prior to obtaining a building permit. The fire protection agreement shall be maintained until such structures are located within a fire district.

~~(9)~~(7) Any exterior lighting installed on a property shall be either shielded or down directed so as to not cast a direct light onto adjacent properties or residences.

(Ord. No. 3266 (Series 2023), § 3.2.003, 8-2-2023)

#### **Sec. 109-28. Manufactured dwelling and ~~single-family~~ single-detached building permit procedures.**

Prior to applying for and obtaining any permits from the building official, the applicant shall submit evidence that the manufactured dwelling or ~~single-family~~ single-detached building complies with section 109-27 in the form and content required by the community development director/planner. (Ord. No. 3266 (Series 2023), § 3.2.004, 8-2-2023)

#### **Sec. 109-29. Manufactured dwelling park—Purpose and intent.**

The purpose of this article is to permit and encourage the location of ~~single-family~~ single-detached manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks ~~in the high density residential area~~ as allowed in the zoning district; to provide minimum development standards which will enhance the appearance of manufactured dwelling parks within residential neighborhoods and which will help to minimize land use conflicts and to provide a process for site plan review in order to ensure compliance with the provisions of this subpart.

**Sec. 109-30. Manufactured dwelling park—General requirements.**

(a) A manufactured dwelling park is a ~~conditional-permitted~~ use in the R-1 Low Density Residential, R-2 Medium Density Residential, and R-3 High Density Residential, and the R-P Residential Professional Zones.

(b) A manufactured dwelling park shall be used for manufactured dwellings, recreational vehicles (connected to water, electric, and sewer systems) and prefabricated structures and their accessory uses and may include or require recreation facilities.

(c) The design for a manufactured dwelling park shall conform to all applicable state manufactured dwelling park standards administered by the state building codes division.

(d) Final area development approval is required by the state building codes division prior to occupancy of a new manufactured dwelling park.

(e) Permits shall be obtained from the community development department/building division for placement of manufactured dwellings in manufactured dwelling parks after approval of the park for occupancy. A final inspection of the manufactured dwelling must be approved prior to occupancy.

(Ord. No. 3266 (Series 2023), § 3.2.006, 8-2-2023)

**Sec. 109-32. Manufactured dwelling park—Design and improvement standards.**

In addition to the site plan requirements of chapter 101, article III, the site plan shall include the following:

- (1) A manufactured dwelling park shall have a minimum area of ~~two~~one acres.
- (2) Each manufactured dwelling space shall have a minimum width of 35 feet and a minimum depth of 90 feet.
- (3) a. Interior street shall have a minimum width of 30 feet with a sidewalk four feet in width. Interior streets may be reduced to 20 feet in width where no parking is enforced and an equal amount of off-street parking is provided in each block, such parking bays or interior parking lots. Streets and parking areas shall be paved with a minimum of two inches asphalt concrete paving.
- b. Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on state highways or county or public roads shall be subject to the approval of the agency having responsibility for the public road.
- (4) Each manufactured dwelling space shall have at least one nine-foot by 18-foot paved parking spaces. At least one additional off-street parking space shall be provided for every three manufactured dwelling spaces in the manufactured dwelling park.
- (5) a. A separate recreational play area shall be provided in manufactured dwelling parks that accommodate children under 14 years of age. Such play area shall be at least

2,500 square feet in area, plus 100 square feet for each manufactured dwelling space under 4,000 square feet.

- b. Recreational play areas must include at least three of the following improvements, adequate to meet the recreational needs of tenants, and subject to the approval of the planning commission:
    1. Barbecue pit and picnic tables.
    2. Horseshoe pits.
    3. Hot tub.
    4. Landscaping, including a turf play area.
    5. Playground equipment.
    6. Seating and observation areas.
    7. Swimming pool.
    8. Tennis court.
    9. Volleyball court.
    10. Any other recreational facility similar in nature to those listed as approved by the ~~planning commission~~[community development director](#).
- (6) a. A manufactured dwelling park shall include a storage area for accessory equipment such as boats, utility and recreation trailers, park maintenance equipment and the like.
- b. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
- (7) All utilities in the manufactured dwelling park shall be installed underground.
- (8) A ~~decorative sight-obscuring fence in combination with shrubbery landscaping~~[fence or hedge](#) shall be provided along the perimeter public streets and it shall be the continuing responsibility of the manufactured dwelling park owner to provide its permanent maintenance. Such fencing [or hedge](#) shall be six feet in height, except within the clear vision area at street and driveway intersections where it shall comply with the clear vision area or sight triangle standards in section 107-147.
- (9) A manufactured dwelling park shall have a sewer and water system approved by the city prior to the placement of manufactured dwellings. Engineered plans shall be submitted as part of the site plan requirements.
- (10) All street, sewer, and water connections to city public works facilities shall be approved by the city engineer or engineering superintendent.
- (11) No building or structure shall exceed 20 feet in height.
- (12) Manufactured dwelling parks shall be landscaped as required in chapter 107, article VI. (Ord. No. 3266 (Series 2023), § 3.2.008, 8-2-2023)

**Sec. 109-33. Standards for placement of manufactured dwellings in manufactured dwelling parks.**

(a) A structure that has a department of housing and urban development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; and is constructed for movement on the public highways, has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.

(b) Placement of manufactured dwellings shall comply with the regulations of the state manufactured dwelling standard and, except for a structure which conforms to the state manufactured dwelling standard definition of a manufactured dwelling accessory structure, building, or garage, no extension shall be attached to a manufactured dwelling.

(c) All perimeter manufactured dwelling spaces within a manufactured dwelling park shall be restricted to double wide manufactured dwellings with a pitched non-metal roof except where such interior spaces abut another manufactured dwelling park or manufactured dwelling subdivision.

~~(d) Manufactured dwellings and any accessory structures in a manufactured dwelling park shall comply with the following minimum setbacks:~~

- ~~(1) 15 feet between manufactured dwelling and from any park buildings;~~
- ~~(2) Six feet from any detached accessory building, deck, landing, steps, ramp, awning or earport on an adjacent lot and from any garage on the same or adjacent lot;~~
- ~~(3) Three feet from any accessory building on the same lot;~~
- ~~(4) 20 feet from any abutting public street right of way;~~
- ~~(5) Ten feet from the manufactured dwelling park interior property boundary line, except that special setbacks may be required in areas with scenic impact and where the manufactured dwelling park adjoins frame dwelling residential units. The required setback shall be shown on the final site plan.~~

~~(e)~~(d) \_\_\_\_\_ Manufactured dwellings shall have continuous skirting between the manufactured dwelling and the ground and must be installed within 30 days after placement. Skirting shall be of materials approved in the state manufactured dwelling standards.

~~(f)~~(e) \_\_\_\_\_ Manufactured dwellings shall have a minimum gross floor area of 500 square feet. (Ord. No. 3266 (Series 2023), § 3.2.009, 8-2-2023)

**Sec. 109-34. Standards for placement of manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks.**

(a) Manufactured dwellings and any accessory structure in a manufactured dwelling park shall comply with the separation and spacing requirements of the Oregon Building Code.

**Secs. 109-~~34~~35—109-54. Reserved.**

### ARTICLE III. RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

#### Sec. 109-57. Parking, occupancy and storage of recreational vehicles and camping.

(a) It shall be unlawful to occupy a recreational vehicle, tent, bivouac, tarp or other portable shelter for camping, living, sleeping, or other purposes other than in an approved recreational vehicle park ~~or~~ campground, [or manufactured dwelling park](#) except as follows:

- (1) Camping associated with bona fide guest usage is permitted but shall not to exceed 30 days cumulatively in any 12-month period. Camping shall only be permitted where sanitation facilities exist on-site such as a potable water source, restrooms and showers.
- (2) Recreational vehicle occupancy associated with the construction of a new dwelling, on a vacant or redevelopment lot, may be permitted subject to obtaining a temporary use permit as provided for in chapter 101, article III, division 3, and subject to the following conditions:
  - a. Only one recreational vehicle may be permitted and shall be occupied by the owner of the property.
  - b. A temporary use permit shall only be considered following the property owner obtaining the required building permits for the construction of the new dwelling.
  - c. The temporary use permit shall be effective for six months, with provision of a six month extension, provided the required building permits remain valid. The temporary use permit shall be limited to a maximum period of one year. [If the construction of a new detached single dwelling or manufactured home is due to damages to the existing single-detached dwelling or manufactured home from a natural disaster, including wildfires, earthquakes, flooding or storms, the temporary use permit shall be limited to a maximum period of five years.](#)
  - d. Recreational vehicle occupancy associated with the construction of an accessory structure shall not be allowed.
- (3) Camping in a recreational vehicle, tent, bivouac, tarp or other portable shelter shall be allowed as part of a bona fide event recognized by the city.

(b) An unoccupied recreational vehicle shall not be stored within the front yard of any residential use if such storage results in a violation of the clear vision area or sight triangle provisions of this subpart.

(c) It shall be unlawful to park a recreational vehicle on a public right-of-way for a time period exceeding 48 hours. Parking of recreational vehicles shall be in compliance with the city parking ordinance.

(Ord. No. 3266 (Series 2023), § 3.3.003, 8-2-2023)

**Secs. 109-58—109-87. Reserved.**

## **ARTICLE VII. PLANNED UNIT DEVELOPMENT**

### **Sec. 109-177. Development plan approval criteria.**

(a) *General criteria.* The development scheme must ensure that specific uses intended for the property are located in the area most suited for that use, in a manner compatible with adjacent uses and consistent with the approved concept plan.

(b) *Density standards.*

(1) *Calculation of number of units.* The allowable number of dwelling units is calculated using the following steps:

- a. Determine the total (gross) area of the site.
- b. Subtract the area devoted to public streets, alleys, highways, and other necessary public facilities from the gross area figure derived in subsection (b)(1)a of this section to establish the net area.
- c. Divide the net area figure by the required land area per dwelling for the applicable zone to derive the total maximum number of units possible on the site. Any dwelling unit fraction of one-half or greater shall be rounded up to the next whole number.

(2) *Density bonus applicability.* Only a planned unit development shall be eligible to use the provisions of this section. The property shall also be located in one or more of the following zones.

- a. HD Hillside Development Residential.
- b. RR-1 Rural Residential.
- c. R-1 Low Density Residential.
- d. R-2 Medium Density Residential.
- e. R-3 High Density Residential.

f. R-P Residential-Professional.

(3) *Density bonus options.*

- a. 1. Additional park land or common open space which:
  - (i) Exceeds a minimum of 20 percent of the total land area as common and private open space; or
  - (ii) Exceeds a minimum of 20 percent of the total land area as public open space or park.
2. Density bonus: a one percent density increase for every one percent of public or private open space or park which is provided over the 20 percent minimum up to a ten percent increase.
- b. 1. Design amenities including but not limited to pedestrian pathways, greenways, pedestrian plazas, landscaping design and quality that exceeds city standards, and architectural design.
2. Density bonus: a maximum bonus of ten percent may be granted at the discretion of the review authority.
- c. Low cost housing units which qualify and are approved for housing for low-income ~~families~~ households or for the elderly under a federal, state, or local program.

Density bonus: one unit per assisted unit up to a ten percent increase.

(4) *Density bonus requirements.*

- a. The maximum density bonus allowable is 20 percent over the density allowed in the base zone.
- b. Conditions of approval shall be required to ensure that the density bonus provisions are satisfied.

(Ord. No. 3266 (Series 2023), § 3.7.009, 8-2-2023)

## ARTICLE XI. LIMITED USE OVERLAY DESIGNATION

### Sec. 109-266. Application of overlay designation.

(a) The Limited Use (LU) Overlay Zone shall be limited to the specific use or uses approved by the city council, upon recommendation from the planning commission. Residential uses permitted outright in the underlying zone may not be limited.

(b) The Limited Use (LU) Overlay Zone shall only be used with the following underlying zones: Central Business (CB), General Commercial (GC), Interchange Commercial (IC), Light Industrial (I-1), Heavy Industrial (I-2), and Business Park (BP).

(c) The Limited Use (LU) Overlay Designation cannot be used to authorize a use or uses not

allowed in the underlying zone.

(d) The development standards of the underlying zone shall apply.

(e) The Limited Use (LU) Overlay Zone shall be applied or amended by the procedures in chapter 101, article IV, divisions 3 and 4.

(f) Subsequent to approval by the city council, the limited use overlay designation will be placed on the city zoning map to indicate the property is subject to a limited use overlay designation.

(Ord. No. 3266 (Series 2023), § 3.11.002, 8-2-2023)

**Secs. 109-267—109-295. Reserved.**

#### **ARTICLE XIV. ACCESSORY STRUCTURES**

**Sec. 109-372. Caretaker's residence standards.**

(a) Where permitted in chapter 103, article II, only one ~~single-family~~[single-detached](#) dwelling may be constructed, placed or occupied as a caretaker's residence on the lot used for the business.

(b) Prior to any new construction or placement, a site plan application must be submitted and approved by the community development director/planner, followed by obtaining a building permit from the city building official.

(c) The caretaker's residence shall have the appearance of and be maintained as an integral part of the business.

(d) Two off-street parking spaces must be provided for the caretaker. Said spaces shall be in addition to the total number of parking spaces required for the business and shall only be accessed via the interior of the business lot.

(e) The occupant of the caretaker's residence shall either be an employee of that business or the owner thereof. Proof of the employment relationship shall be provided to the city.

(f) If the caretaker's residence is located within the main building of the business, it shall be limited to upper or lower floors and/or 25 percent of the ground floor of buildings, or greater than percent of the ground floor with a conditional use permit. The residence shall be accessed via the interior of the business building.

(Ord. No. 3266 (Series 2023), § 3.14.002, 8-2-2023)

**Secs. 109-373—109-402. Reserved.**

## ARTICLE XV. LIVESTOCK AND BEEKEEPING USES

### Sec. 109-403. Livestock prohibited, permitted and use zone requirements.

The purpose of this section is to regulate the keeping of domestic livestock on property within the city. This activity within a residential area is for the sole use and enjoyment of the residents of the lot on which such animals are kept and shall not be for commercial purposes. This activity is considered to be an accessory or incidental use to a permitted use, subject to the following standards:

- (1) Livestock prohibited: swine, peacocks, guinea hens and roosters (male chickens).
- (2) Livestock allowed:
  - a. Up to a cumulative total of six adult rabbits, ducks and/or chickens (no roosters) are allowed for each ~~single-family~~single detached dwelling in the R-1, R-2, R-3 and R-P residential zones, provided section 109-404(b) through (e) is met. Livestock are not permitted with ~~multifamily~~multi-unit dwelling uses.
  - b. All livestock uses, except those prohibited in subsection (1) of this section, shall be permitted in the Hillside Development Residential (HD) and Rural Residential (RR-1) Zones, per section 109-404.
- (3) Livestock use kept solely for the purpose of a youth educational program, such as 4-H or FFA livestock project may be permitted in the R-1, R-2, and R-3 residential zones under the following conditions:
  - a. Permission for the educational use of livestock shall be approved by the community development department director/planner.
  - b. The subject property shall meet the requirements of section 109-404(b) through (e) are met.
  - c. Evidence is provided to the planning division that the youth is duly enrolled in a seasonal 4-H or FFA livestock project, limited to market animals (lambs and/or goats), and an outline of the planned project, including animal types and numbers is also provided.
  - d. An acknowledgement of the project and an agreement or statement of no objection to permit the same is provided from all adjoining property owners.
  - e. The livestock use shall expire upon completion of the seasonal 4-H or FFA project; and the maximum project period shall be limited to April through August.

(Ord. No. 3266 (Series 2023), § 3.15.001, 8-2-2023)

**Sec. 109-404. Livestock requirements.**

(a) Within the Hillside Development Residential (HD) or Rural Residential (RR-1) Zones, the total number of animals allowed on a lot shall be limited to the following square footage of pasture divided by the minimum area required for each animal as listed below:

Horse, cow, mule or burro	10,000 square feet
Goat, sheep or llama	5,000 square feet
Poultry or rabbits	500 square feet

(b) Within the R-1, R-2, R-3 and R-P residential zones, the subject property shall contain a minimum of 10,000 square feet and which contains a detached ~~single-family~~[single-detached](#) dwelling.

(c) Enclosure. Adequate pens, fences and corrals shall be designed and constructed to confine animals to the owner's property.

(d) Setbacks. Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 20 feet from the door or window of any dwelling or occupied structure other than the owner's dwelling and in conformance with chapter 107, article III. No structures shall be allowed in the front yard.

(e) Sanitation. Proper sanitation shall be maintained at all times and shall include:

- (1) Not allowing animal waste matter to accumulate;
  - (2) Taking necessary steps to ensure that odors from animals are not detectable beyond property lines;
  - (3) Storing all animal feed in metal or other rodent-proof container.
- (Ord. No. 3266 (Series 2023), § 3.15.002, 8-2-2023)

**ARTICLE XVI. NONCONFORMING USES**

**Sec. 109-433. Nonconforming uses of land.**

Any nonconforming use of land may be continued as follows:

- (1) *Expansion.* The use may not be enlarged, increased, or extended to occupy a greater area of land than that occupied by such use on the effective date of the ordinance from which this subpart is derived.
- (2) *Discontinued use.* If the nonconforming use of land is discontinued for a period of one year, any following use is to be in conformity with all applicable requirements of this article. In the case of mineral and aggregate extraction sites, if the nonconforming commercial mining activity is discontinued for a period of one year, a resumption of mining activity shall be subject to review by the community development director/planner. The community development director/planner shall approve the resumption

of mining upon a finding that residential development in the area would not result in conflicts with mining. If nonconforming mining activities are discontinued for a period of one year, the use shall cease to be allowed. This also includes the keeping of livestock.

- (4) ~~Single-family~~*Single-detached* residential use. A ~~detached single-family~~*single-detached* residential structure existing as a principal use may be continued as a residential use and not subject to subsection (1) of this section, and may be altered, provided that no increase in the number of dwelling units or increase greater than 25 percent in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this article and is limited to one time only for reconstruction.

(Ord. No. 3266 (Series 2023), § 3.16.006, 8-2-2023)

### **Sec. 109-435. Nonconforming structures.**

(a) *Generally.* Any structure which does not conform to the development requirements specified in this article may continue to be used, provided that:

- (1) *Alterations and expansions.*
  - a. The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinance. Should alterations or expansions exceed 50 percent or more of the assessed value of the improvements, according to the ~~the~~ county assessor's records, the entire structure and site shall be brought into compliance with this article.
  - b. Residential uses. A residential structure may be altered and expanded and not subject to subsection (a)(1)a of this section only when increasing the number of dwelling units as allowed by this article. Any alteration or expansion pursuant to this standard shall be in accordance with all applicable provisions of this article and shall not result in an increase in any nonconforming elements.
- (2) *Damaged or destroyed structures.* If a nonconforming structure is damaged or destroyed by an occurrence beyond the property owner's control, causing direct physical loss, the damaged or destroyed structure may be repaired or replaced provided that the original nonconforming yards are not reduced and the original nonconforming heights or land coverage are not increased. There shall be a one-year time limit for receiving a building permit to reconstruct a nonconforming use, and two years maximum from the date of issuance of the building permit to complete construction.
- (3) *Flood hazard areas.* The provisions of this Article shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of article XII of this chapter.

(b) *Extensions of existing dwellings or buildings.* Notwithstanding subsection (a) of this section, an existing ~~single-family~~single-detached dwelling or accessory building nonconforming as to yard requirements may be extended in depth along the nonconforming building line to a maximum of one-half the length of the existing structure provided that such enlargement does not increase any other nonconformity which may exist and conforms to all other regulations of the zone in which it is located. Such authorizations shall be granted by the community development director/planner only after receipt of a written consent from the property owners abutting the nonconforming yard. Nonconforming structures with front or rear yards less than ten feet in depth or side yards less than three feet in depth shall not be eligible for the expansion allowed by this subsection.

(Ord. No. 3266 (Series 2023), § 3.16.008, 8-2-2023)

### **Sec. 109-438. Nonconforming parcels.**

(a) *Legal nonconforming parcel and lot defined.* Any parcel or lot having an area less than the smallest minimum lot size required, or having a frontage, width, or depth less than the minimum prescribed by this subpart or other ordinances, is a legal nonconforming parcel or lot if:

- (1) The parcel or lot is shown on a duly approved and recorded partition or subdivision map; or
- (2) The parcel or lot was created by means which were consistent with applicable legal requirements at the time it was created.

(b) *Use of nonconforming parcels or lots.* A legal nonconforming parcel or lot may be used as follows:

- (1) Allowable uses. A legal nonconforming parcel or lot may be used for any use permitted by the zone in which it is located, subject to all applicable requirements of the zone.
- (2) Redivision. Any group of nonconforming parcels or lots may be redivided by partition or subdivision, provided that:
  - a. Such division is in accordance with all applicable requirements of this article.
  - b. No parcel or lot is less than the minimum area required.
- (3) In any zone in which ~~single-family~~single-detached dwellings are permitted, a ~~single-family~~single-detached dwelling, duplexes, single room occupancy dwelling, and accessory buildings may be erected on a legal nonconforming lot of record notwithstanding the limitations imposed by this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot area applicable in the zone, provided that yard dimensions and requirements other than those applying to area of the lot conform to the regulations for the zone in which the lot is located. Variance of such requirements shall be obtained only in accordance with chapter 101, article III, division 4.

- (4) If two or more lots or combinations of lots with continuous frontage in single ownership are of record on the effective date of the ordinance from which this subpart is derived, and if all or part of the lots do not meet the requirements established in this article for lot area, the land involved shall be considered to be an undivided parcel for the purposes of this article. No portion of the parcel shall be used or sold in a manner which diminishes compliance with lot size requirements established by this article, nor shall division of any parcel be made which creates a lot with a size below the minimum requirements stated in this article.

(Ord. No. 3266 (Series 2023), § 3.16.011, 8-2-2023)

## **ARTICLE XXII. COTTAGE HOME DEVELOPMENT**

### **Sec. 109-607. Purpose.**

Cottage housing developments shall be applicable in the R-2, R-3 and R-P zoning districts only. The general purposes of the cottage housing development design standards are as follows:

- (1) A cottage housing development is provided for as an alternative type of detached housing comprised of small residences that are 1,000 square feet or less and suited to accommodate a typical household of one or two individuals. Cottage housing is provided as part of the city's overall housing strategy, under Goal 10 of the city comprehensive plan, which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.
- (2) The cottage housing development design standards contained in this section create a permit path for small communities of cottage development, similar to [multifamily multi-unit](#) housing projects, manufactured home parks, planned unit developments and subdivisions, where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.
- (3) Cottage housing developments may include a higher residential density than is normally allowed in the underlying zone district. This increased density is possible through the use of smaller than average home sizes, clustered parking, and the application of overall site design standards applied via approval of a binding site plan or other land use approval that governs the long-term use of master planned lots and structures as ownership may shift over time.

(Ord. No. 3266 (Series 2023), § 3.22.001, 8-2-2023)

**Sec. 109-608. Cottage housing application requirements.**

To encourage and support a variety of housing choices, cottage housing may be established through a variety of land use approvals, such as a site plan application, conditional use permit, planned unit development and subdivision. Cottage housing may be designed as a small infill project within an existing platted subdivision, or as a larger cottage housing development. Cottage housing may be considered under the following land use reviews:

- (1) *Zoning approval.* For the construction or placement of up to three cottage homes on a parcel of land within the R-2, R-3 and R-P zones, and which meet the setbacks and other residential design requirements for the underlying zone, the planning director may administratively grant zoning approval to permit such homes, subject to ~~single-family~~single-detached home design standards set forth in article II of this chapter. Such homes shall not be subject to the development standards of this article.
- (2) *Site plan approval.* Within the R-3 and R-P zones, for cottage housing developments that include four or more dwelling units and where the housing and land are under one common ownership, similar to ~~an apartment~~a multi-unit dwelling complex, site plan approval shall be required pursuant to chapter 101, article III, division 2, and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.
- (3) *Conditional use permit approval.* Due to the clustering of smaller than average home sizes, some properties may support a density that is greater than what is allowed in the underlying zone. To afford flexibility for a development to provide a higher density, such increased density shall only be permitted as follows by conditional use pursuant to chapter 101, article III, division 6.
  - a. *Development within the R-2 zone.* Any cottage housing development which includes four or more units in the R-2 zone shall be subject to site plan approval and a conditional use permit approval pursuant to chapter 101, article III, divisions 2 and 6, and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.
  - b. *Cottage housing parks.* For developments where the land is under one ownership and where the housing is under a separate ownership, similar to a manufactured home park, site plan approval and a conditional use approval shall be required pursuant to chapter 101, article III, divisions 2 and 6, and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.
- (4) *Subdivision or partition.* For cottage housing developments where home sites and common areas are intended to be platted for separate owners, such development shall be reviewed under the applicable land division procedures and criteria of chapter 111 and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.

(Ord. No. 3266 (Series 2023), § 3.22.002, 8-2-2023)

**Sec. 109-609. Density standards for cottage housing developments.**

(a) *Maximum density.* The maximum density of a cottage housing development shall not exceed one dwelling unit for each 1,500 square feet of land area.

(b) *Exception.* For cottage housing infill developments within an existing platted subdivision, the planning commission may establish limits or a maximum density as a condition of approval to satisfy neighborhood compatibility issues.

(Ord. No. 3266 (Series 2023), § 3.22.003, 8-2-2023)

**Sec. 109-610. Building design and improvement standards for cottage housing developments.**

(a) *Dwelling unit size/floor area allowance.* To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized ~~single-family~~ ~~single-detached~~ dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	<i>Total Floor Area*</i> <i>(square feet)</i>	<i>Ground Floor Area*</i> <i>(square feet)</i>	<i>Upper Floor Area*</i> <i>(square feet)</i>
Small	<500	<499	Up to 60% of ground floor
Large	≥500 <1,000	500—999	Up to 60% of ground floor

\*Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

(b) *Building separations.* All units shall maintain ten feet of separation between vertical exterior walls, except that eaves and architectural projections such as balconies may encroach up to a maximum of 18 inches.

(c) *Setbacks.* The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, peripheral setbacks (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.

- (1) Cottage dwellings and their accessory structures must meet setbacks or yard requirements for ~~single-family~~ ~~single-detached~~ developments in the zone in which they are located with respect to the outside perimeter of the planned cottage development.
- (2) Setback averaging may be used to meet the front yard setback from the outer perimeter of the planned cottage housing development, but the setback shall not be less than ten feet from the outer perimeter of the cottage housing development where it abuts a

public street right-of-way. The averaging shall be based on lots of the same public street frontage between the nearest public street intersections in either direction from cottage housing development.

- (3) Cottage dwellings and their accessory structures must meet the following setbacks from lot lines through the interior of the cottage development:

<i>Setback/Yard Area</i>	<i>Dimension</i>
Primary yard (typical front, back or street corner side)	10 feet
Peripheral yards (other yard areas not included in the primary yard)	5 feet

Setbacks assume parking takes place in a separate parking area. A minimum 20-foot driveway length shall be maintained inside of curb and sidewalk if a driveway curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.

- (4) Accessory structures may be located within peripheral yards, but shall meet peripheral yard setback requirements.

(d) *Building heights and roof pitch.* Cottage dwellings shall not exceed a maximum height of 28 feet and shall have a minimum roof pitch of 3:12. Cottage dwelling heights shall be measured from the average grade along each side of the structure to the peak of roof.

(e) *Building design.*

- (1) Roofs of cottages shall have eave overhang depths that are a minimum of six inches.
- (2) Covered porches measuring at least 60 square feet shall be incorporated into the building design of the cottages.
- (3) A cottage dwelling shall also have at least four of the following design features:
  - a. Attached covered parking for at least one vehicle.
  - b. Bay or bow window [that extends from the façade a minimum of 2 feet.](#)
  - c. Dormer [that is a minimum of 4 feet in width.](#)
  - d. Eaves (minimum 12-inch overhang) (12-inch eave overhangs shall be provided on all sides of the building to meet this standard).
  - e. Deck or patio (to meet this standard, the minimum size for a deck or patio to qualify is 64 square feet).
  - f. Off-sets on building face or roof minimum 12 inches (the provision of one such roof or facade feature is sufficient).
  - g. Pillars or posts (requires at least one pair, decorative or plain, but finished in a manner that is consistent with the dwelling exterior).
  - h. Structural additions to alter the shape of the structure (any feature not listed above that alters the rectangular or square shape of the dwelling will be considered; an

attached garage or carport that provides an altered shape of the dwelling complies as well).

- i. Window shutters (shall be provided for all windows to meet this standard).

(f) *Parking structures.* Covered parking is not required for cottage home developments, but when provided shall conform to the following:

- (1) Shared parking structures shall be detached from the dwelling units. A parking structure devoted to a single dwelling unit may be attached or detached from the dwelling unit.
- (2) The design of the parking structure must include roof lines similar and compatible to that of the dwelling units within the development.
- (3) The parking structure shall be constructed of similar siding and roofing material and be of similar colors as the cottage dwelling units.
- (4) The parking structure shall be reserved for the parking of vehicles owned by the resident of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
- (5) Carports and garages are exempt from the ten percent lot size limitation for accessory structures but shall not exceed 240 square feet per dwelling unit which the garage or carport is intended to serve. For parking structures that include an enclosed storage area, the structure may be increase in size to accommodate the storage area but shall be equal to or less than the ground floor area of the largest cottage dwelling unit to which the structure is devoted to.

(g) *Accessory structures.* To ensure that accessory structures remain accessory to the cottage dwelling unit (primary structure), an accessory structure shall be:

- (1) Located on the same development lot as the cottage dwelling.
- (2) No larger than ten percent of the actual land area of the development lot devoted to the cottage dwelling unit and shall be equal to or less than the ground floor area of the cottage dwelling unit.
- (3) Located entirely behind the cottage dwelling unit.
- (4) Constructed of similar siding and roofing material and be of similar colors as the cottage dwelling unit.
- (5) Of equal or lesser height than the cottage dwelling unit.

(h) *Community buildings.*

- (1) Community buildings or space shall be clearly incidental in use to the dwelling units.
- (2) Building height for community buildings shall be no more than one story.

(3) Community buildings must be located on the same development site as the cottage home development and be commonly owned by the residents.

(i) *Off-street parking and screening.*

(1) *Parking requirement.* Each cottage dwelling shall have a minimum of one off-street parking space.

(2) *Parking location and access.* Off-street parking spaces and vehicle maneuvering areas shall not be located:

a. *Within 10 feet from any street property line, except alley property lines;*

~~a.b.~~ *Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.*

~~(2)(3) *Clustered parking locations and screening. Clustered parking locations and screening shall be designed to accomplish the following*~~ *Off-street parking must be arranged in clusters, subject to the following standards:*

~~a. *Ensure minimal visual impact to residents surrounding the development. Screening may be accomplished by landscaping or fencing.*~~

~~b. *Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.*~~

~~c. *Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.*~~

~~d. *Shall be screened from view of adjacent neighbors if within ten feet of property lines. Screening to be minimum five foot high continuous sight obscuring landscaping or fence.*~~

a. *Parking clusters must not exceed five (5) contiguous spaces.*

b. *Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.*

c. *Landscaping, fencing or walls at least three (3) feet tall shall separate parking clusters from common open space and public streets.*

~~a.d.~~ *Landscaping, fencing, or walls at least five (5) feet tall shall separate parking clusters from adjacent properties if within ten (10) feet of the property line.*

(Ord. No. 3266 (Series 2023), § 3.22.004, 8-2-2023)

### **Sec. 109-611. Site design and improvement standards for cottage housing developments.**

(a) *Lot coverage.* Lot coverage is limited to no more than 45 percent impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not efficiently allow rain to percolate into the soil.

(b) *Common open space.* Common open space is required and intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:

- (1) There shall be a minimum of 400 square feet of common open space provided for each dwelling unit.
- (2) Common open space shall abut at least fifty percent of the cottages in a cottage housing development.
- (3) ~~Where feasible, each~~ Each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented towards the common open space.
- (4) Common open space shall be centrally located within the cottage housing development and be easily ~~accessible~~ to all dwellings within the development. Common open space shall be commonly owned by the residents.
- (5) Common open space shall not include portions of private yards, and shall be jointly owned by all residents.

~~(6) Pedestrian connections shall link buildings to the common open space, public rights-of-way, private roads, and parking areas~~ An accessible pedestrian path that is hard-surfaced and a minimum of four (4) feet wide must be provided that connects the main entrance of each cottage to the following:-

- a. The common open space;
- b. Shared parking areas;
- c. Community buildings;
- ~~a.~~ d. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

~~(6)~~ (7) Common open space shall be outside of wetland and riparian areas and shall be on slopes of 12 percent or less.

~~(7)~~ (8) ~~Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained~~ No more than 25% of the existing mature trees on the site may be removed. If more than 25% of the existing mature trees are proposed to be removed, an applicant must be approved for an adjustment pursuant to 101-191.

~~(8)~~ (9) The common open space shall include at least three of the following improvements:

- a. Community garden.
- b. Seating and observation areas.
- c. Playground equipment.
- d. Gazebo and seating.

- e. Barbecue and picnic tables.
- f. Volleyball court.
- g. Other recreational amenities similar in nature to those listed above, as approved by the city.

(c) *Private open space.* Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:

- (1) There shall be a minimum of 300 square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident.
- (2) The main entry of the cottages shall be oriented toward the common open space ~~as much as possible.~~

(d) *Pedestrian connections.* Pedestrian connections shall be developed to link buildings to the common open space, public rights-of-way, private roads, and parking areas.

(e) *Lighting.* Exterior lighting shall be ~~minimized and shall be~~ shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house, business or public street right-of-way.

(f) *Mechanical equipment.* Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site. Equipment visible from a street or common area shall be screened from view with a decorative fence, wall or landscaping.

(g) *Streets.* Streets within the cottage home development shall be designed in accordance with chapter 105, article II. At a minimum, private streets shall have an improved width of ten feet for each vehicle travel lane for two-way traffic and 16 feet for one-way traffic, and an additional eight feet on each side for on-street parking. If private streets are determined to be low volume and emergency vehicle access, safety and traffic flow issues are addressed, an alternative street design may be approved by the planning commission, such as the with elimination of on-street parking on one or both sides in exchange for equal quantities of parking within off-street parking areas.

(h) *Stormwater drainage.*

- (1) All stormwater shall be collected and retained on-site within the development boundaries. Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall be employed and conform to the city small sites BMP manual, Stormwater Best Management Practices for Cold Climates. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees.
- (2) When required by the city, an on-site stormwater analysis shall be performed by a qualified, licensed professional engineer, considering at a minimum a 25-year storm

event of 15 minutes duration. The stormwater control plan shall be approved by the city and shall provide for the onsite collection, containment and release of stormwater such that it will not have an adverse impact to other properties, public or private. All improvements shall be inspected by the city prior to completion.

(Ord. No. 3266 (Series 2023), § 3.22.005, 8-2-2023)

## ARTICLE XXIII. SHORT-TERM LODGING

### Sec. 109-645. Short-term rental requirements and use restrictions.

(a) Short-term rentals shall not include the use of a recreational vehicle, travel trailer, tent or other temporary shelter.

(b) ~~Multifamily and condominium~~Multi-units dwellings prohibited. Short-term rentals shall be limited to ~~single family~~single-detached or accessory dwelling units, and duplex dwellings. Short-term rentals shall be prohibited in all ~~multifamily and condominium~~multi-unit dwelling developments (three units or greater), as well as all cottage home developments.

(c) Only one short-term rental permit is permitted per parcel, limited to one residential dwelling, which may include an accessory dwelling unit that is rented to the same party.

(1) A ~~single family~~single-detached dwelling with an accessory dwelling unit shall not be rented separately to different parties, as this would be considered two separate short-term rentals on the same parcel and not permitted under this article.

(2) A short-term rental within a duplex shall be limited to one side or one dwelling unit only.

(d) The maximum occupancy for a dwelling used for a short-term rental shall be two additional persons per guest bedroom, plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

(e) One off-street (on-site) parking space shall be provided for every guest sleeping room. For bed and breakfast inns and hosted home shares, this requirement is in addition to the parking required for a ~~single family~~single-detached dwelling or duplex, whichever is applicable.

(f) Each required off-street parking space shall be fully accessible at all times and not stacked or blocked by another parking space. Parking space dimensions and access shall be designed in conformance with section 107-173, and shall meet the following standards:

(1) While meeting the nine-foot by 18-foot required dimension, the parking area shall include two feet of minimum clearance on each side of the parking area for occupants to easily get in and out of a vehicle. If such clearance does not exist, the parking spaces within such area shall be deemed non-functional and invalid towards meeting minimum off-street parking requirements.

- (2) Each off-street parking space shall be an integral part of the short-term rental use and include an improved walkway directly to and from the entrance where a key lockbox shall be mounted for accessing the short-term rental.
- (3) Required off-street parking shall be located and designed to be closer to an entrance of the short-term rental with a key lockbox, than the on-street parking within the public right-of-way. Such design shall encourage guests to use the required off-street parking as the primary parking spaces.
- (4) Signage shall be installed at each required off-street parking space or area that clearly identifies the reserved and designated off-street parking for the short-term rental.

(g) Enclosed parking areas (garages, gated fences, etc.) shall not be eligible for meeting the parking requirements. Required parking spaces shall be open and conveniently accessible to guests at all times.

(h) Conversion of covered parking to living space. The conversion of a covered parking spaces to living space shall only be permitted when the removal of such parking space will not result in a future nonconforming situation, should the short-term lodging use revert back to a residential occupancy.

(i) Other conversions of space. The conversion of a dwelling to a short-term rental is considered temporary. No alterations or improvements shall be permitted that will prevent the short-term rental dwelling from its ability to be reverted back to a full-time residential dwelling (e.g., elimination of kitchen or other alterations that may result in a nonconforming situation).

(j) Good neighbor policies.

- (1) House policies must be posted on-site for guests to easily see.
- (2) The short-term rental shall include the posting of a business sign in a location that is clearly visible and easy to read from the public right-of-way. Such signage shall include the telephone number of the emergency contact for the owner or manager of the short-term rental.
- (3) One or more emergency contacts for the short-term rental shall reside within 15 miles of the short-term rental and shall be responsive to neighborhood questions, concerns or complaints within two hours.

(Ord. No. 3266 (Series 2023), § 3.23.003, 8-2-2023)

## SUBDIVISIONS, PARTITIONS AND LOT LINE ADJUSTMENTS

Secs. 111-3—111-22. Reserved.

### ARTICLE II. MAJOR AND MINOR LAND PARTITIONS

#### Sec. 111-23. Review procedure.

Application for review of major partitions, ~~and~~ subdivisions, ~~and shall be subject to the planning commission and city council review procedure.~~ Application for review of minor partitions shall be subject to the community development department/planning division review procedure. (Ord. No. 3266 (Series 2023), § 4.2.001, 8-2-2023)

#### Sec. 111-24. Review criteria.

(a) The preliminary plat for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- (1) The proposed preliminary plat is in conformance with all applicable provisions of this subpart, other city codes and ordinances, and state law.
- (2) For a minor partition, no creation of a street or road is required.
- (3) The proposed partitioning of land does not prohibit the extension of existing or planned streets or roads or bicycle and pedestrian facilities.
- (4) The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
- (5) The parcels or lot lines align with the parcel or lot lines of adjoining or nearby lots or parcels~~are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines~~, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.
- (6) The proposed property complies with the standards of the zoning district in which the proposed property is located and other applicable development standards of this code~~is physically suitable for the type and proposed density of development and conforms to existing zone standards.~~
- (7) All required public facilities have adequate capacity, as determined by the City, to serve the proposed property~~The existing public water and wastewater systems are available and adequate to serve the proposed development, including water for fire protection and access sufficient for fire equipment.~~
- (8) The resulting lots will conform to the minimum size standards required in that zone.
- (9) Industrial parcels existing at the effective date of the ordinance from which this subpart is

derived of 20 acres or larger in size shall not be partitioned unless a specific industrial use is proposed.

- (10) Separate public water and wastewater services are available and will be provided to each parcel as it develops.
- (11) Major and minor land partition developers shall dedicate required street right-of-way and/or easements for the purpose of providing required infrastructure or consistency with applicable frontage improvement requirements ~~bringing an existing right-of-way closer to or into attainment with city standards~~. Easements shall not be used for access to partitioned parcels unless it is clear that a future public right-of-way will not be needed to serve the area (in cases such as a flag lot partition).
  - a. If the property to be partitioned is located adjacent to lands currently served by city standard infrastructure improvements (along the same side of the street), the developer shall install city standard infrastructure improvements along the entire frontage of the partitioned lots before the plat is signed by the community development director/planner. As an alternative, the developer may provide the city with a performance bond to guarantee installation of the required improvements before occupancy of any dwelling on the partitioned parcels.
  - b. If the property to be partitioned is not located adjacent to lands currently served by city standard infrastructure improvements, the developer shall enter into an agreement to guarantee installation of required public improvements, including ~~but not limited to~~, street improvements, bicycle or multi-use paths, street trees, underground utilities (e.g., water, sanitary sewer, storm drainage, natural gas and electricity), curb, gutter and sidewalk and appurtenances as required by the community development department/planning division to serve the properties being partitioned. Said agreement shall include an irrevocable consent to participate in a local improvement district for financing the required improvements.
- (12) Partitioning as part of a plan or scheme to create more than four parcels or is part of a development pattern having the effect of creating more than four parcels without subdividing is only permitted as provided in ORS 92 ~~The community development director/planner and/or planning commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three parcels without going through subdivision or is part of a development pattern having the effect of creating more than three parcels without subdividing.~~
- (13) For commercial and/or industrial lots with existing areas of 2½ acres or more; and residential lots with existing areas of one-half acre or more, zoning approval shall not be granted until the city approves a master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable city standards. All development proposed shall comply with the approved master plan, unless a new master plan is approved by the city.

(b) The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan. The master plan shall be considered null and void only when a new master plan is approved by the city and filed with the county clerk. (Ord. No. 3266 (Series 2023), § 4.2.002, 8-2-2023)

**Secs. 111-27—111-55. Reserved.**

### ARTICLE III. SUBDIVISIONS

**Sec. 111-56. Review procedure.**

Application for the review of a preliminary plat of a subdivision shall be subject to the ~~planning—commission~~community development department/planning division review procedure.

(Ord. No. 3266 (Series 2023), § 4.3.001, 8-2-2023)

**Sec. 111-57. Review criteria.**

The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

- (1) The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this subpart, other ordinances and state law.
- (2) The circulation plan, which includes streets, signage, lighting, clustered mailboxes, bicycle and pedestrian facilities for the proposed subdivision will permit its development in accordance with this subpart and the La Grande/Island City Transportation System Plan.
- (3) The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this subpart.
- (4) The site of the proposed subdivision complies with the standards of the zoning district in which the proposed development is located and other applicable development standards of this code~~is physically suitable for the type and density of the proposed development.~~
- (5) All required public facilities have adequate capacity, as determined by the City, to serve the proposed subdivision~~The existing public water and wastewater systems are available adequate to serve the proposed development.~~
- (6) Development of the site meets adopted flood protection standards and other adopted standards intended to protect against natural hazards~~is consistent with the need to minimize flood and landslide damage.~~
- (7) For commercial and/or industrial lots with existing areas of 2½ acres or more; and

residential lots with existing areas of one-half acre or more, zoning approval shall not be granted until the city approves a master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable city standards. All development proposed shall comply with the approved master plan, unless a new master plan is approved by the city. The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan. The master plan shall be considered null and void only when a new master plan is approved by the city and filed with the county clerk.

(8) Any other criteria as may be pertinent. (Ord. No. 3266 (Series 2023), § 4.3.002, 8-2-2023)

**Secs. 111-60—111-76. Reserved.**

#### ARTICLE IV. DUPLEX DIVISIONS

**Sec. 111-77. Review procedure.**

~~Application for review of duplex divisions shall be subject to community development department/planning division review procedures.~~ This Article is intended to implement the requirements of ORS 93.031 and ORS 197.360 through 197.380 related to middle housing land divisions. In the City of La Grande, this land division process only applies to a land division associated with a developed or planned duplex.

(a) If land that is currently developed or planned to be developed with a duplex, is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a duplex land division pursuant to this Article, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under Articles II and III.

(b) A duplex land division application may be submitted when:

- (1) The site is developed with a duplex;
- (2) The site has an active building permit to construct a duplex; or
- (3) The application is being reviewed concurrently with a building permit application for construction of a duplex.

(Ord. No. 3266 (Series 2023), § 4.4.001, 8-2-2023)

**Sec. 111-78. Review criteria.**

~~(a) The application for a duplex division may be approved only if the reviewing authority~~

shall find that it satisfies the following criteria:

- ~~(1) It is consistent with the purpose and intent of the land development code ordinance.~~
  - ~~(2) The existing lot is occupied by a duplex that conforms to all applicable regulations.~~
  - ~~(3) A single family structure will not replace or be added to the lot.~~
  - ~~(4) The resulting lots will be relatively equal in size with the maximum difference equal to ten percent or less of the total area of the original lot, except for corner lots.~~
  - ~~(5) Minimum lot width is not less than 30 feet, or 40 feet for corner lots.~~
  - ~~(6) Minimum lot area is at least 1,500 square feet.~~
  - ~~(7) The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.~~
  - ~~(8) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the county recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.~~
  - ~~(9) Prior to approval, the community development director/planner may require the applicant to enter into a written, city attorney approved common interest agreement suitable for recording in the county recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas, such as, but not limited to, walls, roofing, water pipes, and wiring.~~
  - ~~(10) A common interest agreement shall not be required if the owner can demonstrate in writing to the community development director/planner that each unit will be assured separate and independent utility service as indicated by the required plans and that the units are or will be separated by two one-hour fire walls with a common foundation under the walls approved by the city building official.~~
  - ~~(11) One off street parking space exists or will be created for each resulting lot.~~
  - ~~(12) For residential lots with existing areas of one half acre or more, zoning approval shall not be granted until the city approves a master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable city standards. All development proposed shall comply with the approved master plan, unless a new master plan is approved by the city.~~
- ~~(b) The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan. The master plan shall be considered null and void only when a new master plan is approved by the city and filed with the county clerk.~~

~~(Ord. No. 3266 (Series 2023), § 4.4.002, 8-2-2023)~~

- (a) The application for a duplex land division may be approved only if the reviewing authority shall find that it satisfies the following criteria:
- (1) An application for duplex land division will be approved or denied within 63 days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. An application may be with conditions to ensure the application meets the applicable land use regulations.
  - (2) The duplex land division is for an existing or proposed duplex development.
  - (3) The existing or proposed duplex development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.
  - (4) The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.
  - (5) Separate utilities are provided for each dwelling unit.
  - (6) All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:
    - A. Locating, accessing, servicing, and replacing all utilities
    - B. Pedestrian access from the primary entrance of each dwelling unit to a public or private street;
    - C. Any driveways or off-street parking;
    - D. Any common use areas or shared building elements; and
    - E. Any common area.
  - (7) Lot size standards in the underlying zone are exempt.
  - (8) Driveways, vehicle access, parking or minimum or maximum street frontage standards are not applicable to lots created through a duplex land division.
- (b) Conditions of Approval. Conditions may not be placed on the approval of a duplex land division except to:
- (1) Prohibit further division of the resulting lots;
  - (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
  - (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of city standards;
  - (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of city standards; and
  - (5) Require a notice in the form of a restrictive covenant indicating that the approval of the land division was given under ORS 92.031.

### **Sec. 111-79. Processing.**

In the processing of a duplex land division, the applicable procedures listed in section 111-25 shall be followed. The application form may be obtained from the community development

department/ planning division.

(Ord. No. 3266 (Series 2023), § 4.4.003, 8-2-2023)

**Sec. 111-80. Submittal requirements.**

(a) The applicable standards listed in section 111-26 shall apply for the submission of a duplex division lot. The application shall be filed on forms provided by the community development director/planner and shall set forth in detail all the information requested. Twenty copies of the drawings shall be submitted to the community development department/planning division along with the application and appropriate filing fee.

(b) In addition to the requirements of section 111-26, the preliminary plat shall include the following with accurate dimensions:

- (1) The location of the duplex, accessory structures and off-street parking ~~spaces for each unit.~~ Off-street parking spaces may be located on a different lot as the dwelling unit or in a common area.
- (2) The minor partition application shall be accompanied by a floor plan drawn to scale and a common wall cross-section showing the type and location of all utility service lines to and within the building pertaining to sewers, water, electrical, telephone, television cable, and natural gas. Any desired changes shall be specified on these plans and noted on the minor partition final plat.
- (3) Easements shall be shown on the minor partition plat where it will be necessary to have the common use of facilities, such as sewer and water service lines.

(c) Any shared use of utilities shall be covered by written approval from the serving utility company.

(d) Final Plat. A duplex land division is subject to the final plat standards and procedures as specified in Sec. 111-26(2) except as follows:

- (1) A duplex land division tentative plan is void if and only if a final plat is not approved within 3 years of the tentative approval.
- (2) A notice in the form of a restrictive covenant must be recorded with the County which states:
  - A. Approval of the land division was given under ORS 92.031.
  - B. The duplex lot or parcel cannot be further divided.
  - C. No more than one dwelling unit of the duplex can be developed on each lot.
  - D. Accessor dwelling units are not permitted.

CITY of LA GRANDE  
ORDINANCE NUMBER 3286  
SERIES 2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AMENDING SUBPART B OF THE CODE OF ORDINANCES, CITY OF LA GRANDE, OREGON, REGARDING AMENDMENTS TO THE LAND DEVELOPMENT CODE THAT ARE REQUIRED FOR MAINTAINING CONFORMANCE WITH OREGON STATE LAND USE LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE

WHEREAS, over the past several years, the State of Oregon has adopted numerous House and Senate Bills focused on housing that have created statutory obligations for cities that require amendments to local land use laws; and,

WHEREAS, as a result of the statutory obligations, the City of La Grande has found several areas in local land use codes that are inconsistent with recently adopted State land use laws provided in Oregon Revised Statutes, Chapter 197; and,

WHEREAS, to help ensure a comprehensive land use review and amendment process that will result in conformance with State land use laws, the City of La Grande applied for and received a technical assistance grant from the Oregon Department of Land Conservation and Development which allowed for the hiring of Cascadia Partners (consultants) to conduct an audit of the housing elements in the City of La Grande's Land Development Code; and,

WHEREAS, the City of La Grande City Council and Planning Commission held a joint work session on June 9, 2025, to hear and discuss a presentation on draft audit findings by Cascadia Partners, along with recommendations for amending City Code, Subpart B – Land Development Code, to bring the code into conformance with State laws; and,

WHEREAS, in addition to recommended housing code amendments, other housekeeping and periodic amendments of the Land Development Code have been included which are necessary to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community; and,

WHEREAS, after proper public notice, the Planning Commission conducted a public hearing on January 13, 2026, to consider the proposed amendments which concluded in a recommendation that such amendments be forwarded to the City Council of the City of La Grande, Union County, Oregon, for adoption; and,

WHEREAS, the City Council of the City of La Grande, Union County, Oregon, has conducted the required public meetings and public hearings to consider the proposed amendments and finds that the adoption of such amendments would be in the best interest of the community.

NOW THEREFORE, THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. AMENDMENTS TO CODE. Subpart B, Chapter 101, Article I, Sec. 101-2 – Definitions, is hereby amended as follows:

~~Apartment house means a building or portion thereof used or containing three or more dwelling units (includes residential condominiums).~~

~~Boardinghouse means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for six or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.~~

*Community garden* means a piece of land (public or privately held) that is cultivated by a group of people rather than a single ~~family~~ household or individual. It is generally managed and controlled by a group of individuals or volunteers, usually the gardeners themselves, for the purpose of growing flowers or vegetables. It may consist of one community plot, many individual plots, or a series of plots dedicated to "urban agriculture" where the produce may be grown for personal use or a market.

*Congregate residence* means any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the building code, and may include facilities for eating and cooking, for occupancy by other than a family household. A congregate residence may be a single-room occupancy, shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

*Dwelling* means the residential occupancy of a dwelling unit by a family household for a period greater than 30 days. Typical uses include ~~single-family residences~~ single-detached dwellings, duplexes, ~~apartments~~ multi-unit dwellings, ~~condominiums~~, and manufactured home parks.

*Dwelling, accessory dwelling unit (ADU)*, means an ~~auxiliary and detached~~ interior, attached, or detached dwelling unit that is located ~~in an accessory structure~~ on the same lot as a primarily ~~single-family~~ single-detached dwelling and which contains its own living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code. (Please refer to standards set forth in chapter 107, article IX.)

~~*Dwelling, apartment*, means any structure designed exclusively for occupancy by three or more families and containing three or more separate dwelling units.~~

*Dwelling, cottage home*, means any structure on a lot or parcel that is 1,000 square feet or less and designed for occupancy by one family household and containing one dwelling unit, either site built or a manufactured dwelling.

~~(1) One cottage home on a lot or parcel may also be considered a detached single-family dwelling.~~

~~(2) Two cottage homes on a lot or parcel, if one is not an accessory dwelling, shall be considered a detached duplex.~~

~~(3) Three cottage homes on a lot or parcel shall be considered similar to a triplex.~~

~~(4) Four or more cottage homes on a lot or parcel, shall be considered similar to multi-family apartments.~~

*Dwelling, ~~two-family attached (duplex)~~ duplex*, means any building designed exclusively for occupancy by two ~~families~~ households and containing two separate dwelling units.

*Dwelling, multi-unit*, means any building designed exclusively for occupancy by five or more households and containing five or more separate dwelling units.

*Dwelling, quadplex*, means four attached dwelling units. All four units must be built on a single lot or parcel.

*Dwelling, ~~detached single-family~~ detached*, means any structure on a lot or parcel that is designed exclusively for occupancy by one ~~family~~ household and containing one dwelling unit, either site built or a manufactured dwelling.

*Dwelling, townhouse*, means a one-family household dwelling unit in a row of two or more, with common walls, in which each unit is located on its own lot or parcel and with its own front and rear access to the outside. No unit is located over another unit, and each unit is separated from the other unit by fire-resistant walls as required by the building code. Each dwelling is served with separate water, sewer and utility services.

*Dwelling, triplex*, means three attached dwelling units. All three units must be built on a single lot or parcel.

~~*Dwelling, two-family attached (duplex)*, means any building designed exclusively for occupancy by two families and containing two separate dwelling units.~~

*Dwelling unit* means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking (limited to one kitchen) and sanitation, as required by the building code, for not more than one family household.

~~*Family* means an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, which may also provide meals or lodging for not more than four additional persons living in the same dwelling unit; or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit. The term "family" includes two or more handicapped persons, as defined in the Fair Housing Act of 1988, living as a single housekeeping unit.~~

~~*Family residential* means the residential occupancy of a dwelling, by families on for a period greater than 30 days. Typical uses include occupancy of single-family residences, duplexes, apartments, condominiums, and manufactured home parks.~~

*Group care residential* means the residential occupancy and services provided in residential facilities or in facilities authorized to provide living accommodations to groups of more than five persons ~~who are not related by blood, marriage or adoption~~, on a weekly or longer basis. Typical uses include halfway houses, intermediate care facilities, nursing homes, convalescent hospitals, foster care homes, residential facility, residential home, and rest homes. The term "group care residential" does not include hospitals, prisons, or other extensive impact services.

*Home occupation* means an occupation or enterprise carried on within a dwelling for financial gain or support by a member or members of the immediate family household residing within the dwelling.

*Household* means person or persons who live together in one dwelling unit.

*Household residential* means the residential occupancy of a dwelling, by a household for a period greater than 30 days. Typical uses include occupancy of single-detached dwellings, duplexes, multi-unit dwelling, and manufactured home parks.

~~*Lot, flag*, means a lot that is mostly separated from a street by other lots but that has a long, narrow extension (e.g., flagpole) that reaches to the street; also called a panhandle lot. Results in an inefficient design, wasting land, delaying or precluding development of public roads, and generally not recommended~~has access to a road or street by means of a narrow strip of lot (e.g., flagpole) that does not meet the typical minimum lot frontage standard. See Section 107-24.

*Manufactured home park* means any place where four or more manufactured dwellings are parked within 500 feet from one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or

to offer space free in connection with securing the trade or patronage of such person. May be occupied by ~~both~~ manufactured dwellings, [recreational vehicles](#), [prefabricated structures](#), and park trailers according to ORS 446.003.

[Mature tree means existing trees on a site that are over 6 inches diameter at breast height \(DBH\), which is measured 4.5 feet above the uphill side of the base of the trunk. If the tree splits into multiple trunks above ground, but below 4.5 feet above the uphill sides at the base of the trunks, the diameter is measured at the narrowest part of the main stem below the split.](#)

*Nursing home* means a facility, other than a ~~single-family~~[single-detached](#) dwelling, providing care and nurturing for the elderly.

*Park trailer* means a vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters, [except as permitted by this code for residential occupancy](#), which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

~~Prefabricated building means a structure built as one unit or divided into transportable sections and intended to be permanently installed on a building site.~~

~~Prefabricated structure means a building or subassembly constructed entirely or in part using closed construction which has been in whole or substantial part manufactured at an off-site location to be installed on a building site but does not include a manufactured home or recreational vehicle structure, as defined in ORS 455.010, that is designed for use as a single-detached dwelling in accordance with the City's building regulations.~~

*Recreational vehicle* means a unit, with or without motive power, which is designated for human occupancy and is [generally](#) used temporarily for recreational or emergency purposes [except as permitted by this code for residential occupancy](#) (including camping trailers, motor homes, park trailers and travel trailers, which are separately defined in this section).

*Recreational vehicle park* means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes, [except as permitted by this code for residential occupancy](#).

*Short-term rental* means rental of a dwelling unit or portion of a dwelling unit for a period of less than 30 consecutive days. The following are short-term rental use types:

- (1) *Bed and breakfast inn* or *hosted home share* means a ~~single-family~~[single-detached](#) dwelling, occupied by the owner or manager, in which no more than five guest sleeping rooms are provided for short-term rental, with or without a meal. This includes the short-term rental of a portion of the primary dwelling (e.g., bedrooms) or an accessory dwelling unit on the same property.
- (2) *Vacation home rental* means the short-term rental of an entire ~~single-family~~[single-detached](#) dwelling unit, which may also include an accessory dwelling on the same property, in which no more than five guest sleeping rooms are provided for short-term rental.

Single room occupancy (SRO), means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

*Unit* means a room or suite of two or more rooms occupied or suitable for occupancy as a residence for one **family**household.

**Section 2. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article II, Division 1, Sec. 101-28 – Consistency with plans and laws, is hereby amended as follows:

(h) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approved or denial of the application must be based on the following:

(1) Upon the standards and criteria that were applicable at the time the application was first submitted; or

(2) For an application that includes one or more dwelling units or single room occupancies, upon the request of the applicant, those standards and criteria that are in effect at the time of the request.

**Section 3. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article II, Division 1, Sec. 101-31 – Rules of interpretation, is hereby amended as follows:

(a) Effect of provisions.

(3) Limitations on private agreements. Pursuant to ORS Chapter 94, a provision in a private agreement is void and unenforceable to the extent that the provisions would prohibit or have the effect of unreasonably restricting the development of, or the dividing of lands under ORS 92.031 for, housing that is otherwise allowable under the maximum density of the zone for the land.

**Section 4. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 2, Sec. 101-126 – Purpose, is hereby amended as follows:

(b) Site plan approval is required of the following: The construction, alteration, addition, change of occupancy, or other site improvements for all **apartment house**multi-unit dwellings, civic, commercial and industrial properties. Site plans for new development shall be approved by the community development department/planning division with community development department/building division concurrence.

**Section 5. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 2, Sec. 101-129 – Processing, is hereby amended as follows:

(2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. **Twenty copies**One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review ~~by the development review committee~~, along with the application and appropriate filing fee. The application shall be accompanied by any such information as listed on the application submittal checklist.

**Section 6. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 3, Sec. 101-164 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review.

Section 7. AMENDMENTS TO CODE. Subpart B, Chapter 101, Article III, Division 3, Sec. 101-166 – Standard for temporary uses, is hereby amended as follows:

- ~~(a) Mobile office/construction trailer time limitation exemption.~~ A construction trailer shall be allowed for the duration of the project plus 30 days upon completion.
- ~~(b) Medical hardship residence.~~
- ~~(1) The current principal use of the land must be single family residence, or a vacant lot adjacent to the single family residence under the same ownership.~~
  - ~~(2) The temporary residence must be for an immediate family member of the current resident, defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.~~
  - ~~(3) Certification of need by a licensed physician is required with the initial application and each request for renewal.~~
  - ~~(4) Setback and height requirements for accessory buildings must be met by the temporary residence, and the front setback of the temporary residence shall be no less than that of the principal residence.~~
  - ~~(5) Temporary residences shall not be expanded or have attached permanent structures except to provide access to the temporary residence.~~
  - ~~(6) The installation of a temporary manufactured dwelling shall meet the requirements of the state manufactured dwelling standards.~~
  - ~~(7) A temporary manufactured dwelling must be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.~~
  - ~~(8) A temporary manufactured dwelling must comply with all applicable federal, state and local special flood hazard area rules and regulations.~~
  - ~~(9) The minimum size of a temporary manufactured dwelling shall be 320 square feet and it shall meet the requirements of a park trailer, mobile home, or manufactured dwelling, not older than ten years of age.~~
  - ~~(10) The maximum size of a temporary manufactured dwelling shall be 1,080 square feet of enclosed living space with no more than two bedrooms.~~
  - ~~(11) The temporary residence must connect to city sewer and water services or to an approved septic tank and well system. Billing will be at double rate if connection is via an approved connection through the principal residence.~~
  - ~~(12) The temporary use permit is nontransferable; no one is to occupy the temporary residence except the person named in the application.~~

~~(13) No property right to a second dwelling unit is established by the temporary use permit.~~

**Section 8. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 4, Sec. 101-189 – Processing, is hereby amended as follows:

- (2) *Filing.* An application for a variance shall be filed on forms provided by the community development department/planning division, shall set forth in detail all information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution and review.
- (6) *Noncompliance with conditions.* The community development director/planner may, as provided by this subpart, take action where it reasonably appears that any conditions imposed upon the granting of a variance have not been complied with. A variance shall be void after one year if conditions of the variance have not been met.

**Section 9. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 4, Sec. 101-191 – Administrative variances, is hereby amended as follows:

- (b) *Applicability.* The administrative variance procedure will be used to review the following:
  - (5) On a cottage housing development site, removal of no more than 25 percent of existing mature trees.
- (c) *Procedure.* An application and site plan shall be filed as required by sections 101-189 and 101-190. In reviewing the variance, the community development director/planner shall apply the following criteria ~~of section 101-188~~ and make findings and decision in writing.
  - (1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
  - (2) If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and
  - (3) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
  - (4) Granting the requested adjustment will not obstruct on-or off-site pedestrian or vehicular movement; and
  - (5) Any impacts resulting from the adjustment are mitigated to the extent practical.

**Section 10. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 5, Sec. 101-224 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review.

**Section 11. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 6, Sec. 101-249 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, shall be accompanied by a site plan and any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the site plan drawing shall be submitted to the community development department/planning division, for distribution ~~to~~ and review. Additional copies may be required as needed for review and consideration by the city planning commission and city council.

**Section 12. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 7, Sec. 101-280 – Processing, is hereby amended as follows:

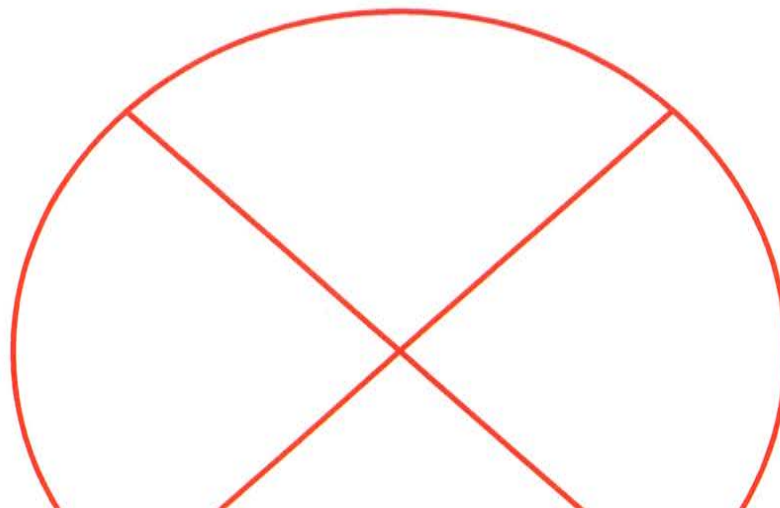
- (2) *Filing.* Application for site plan approval shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information required, and shall be accompanied by a filing fee set by resolution of the City Council to defray the costs incidental to the proceedings. The application shall be accompanied by any such information as listed on the application submittal checklist. ~~Twenty copies~~ One paper copy and one digital copy of the application materials shall be submitted to the community development department/planning division, for distribution ~~to~~ and review. Additional copies may be required as needed for review and consideration by the city planning commission and city council.

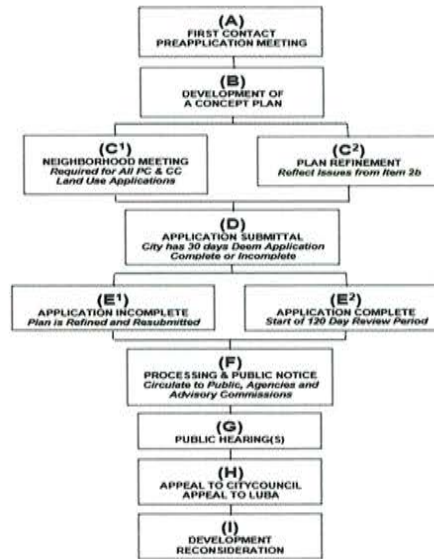
**Section 13. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article III, Division 11, Sec. 101-400 – Processing, is hereby amended as follows:

- (2) *Filing.* Application for a home occupation permit shall be filed on forms provided by the city community development director/planner, shall set forth in detail all the information requested, and shall be accompanied by a filing fee. One paper copy and one digital copy of the submittal information shall be submitted to the community development department/planning division, for distribution to and review by the development review committee, along with the application and appropriate filing fee.

**Section 14. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 1, Sec. 101-435 – Land use application review process, is hereby amended as follows:

All land use applications shall be reviewed in accordance with the following review process, except all steps may not apply to a residential development:





- A. **First Contact – Pre-Application Meeting**  
*A pre-application meeting may be required. When required, such meeting will be arranged by Planning Division Staff and shall include applicable City Departments.*
- B. **Development of a Concept Plan**  
*The Applicant shall prepare and provide a Conceptual Development Plan to the Planning Division, based on information received from the pre-application meeting.*
- C. **Neighborhood Meeting – Plan Refinement**  
*Neighborhood Meeting: The Applicant shall arrange for and conduct a neighborhood meeting at a “public neutral” place of assembly. The Applicant shall invite public comment and use such comments to refine the Conceptual Development Plan, addressing all relevant issues.*  
*Application Fee Deposit: A non-refundable Application Fee Deposit will be required in an amount established by the City Planner to cover the costs of providing a list of affected property owners used for public notice.*  
*Waiver: This step may be waived, only for applications that will clearly be non-controversial and that will have minimal or no effect on surrounding lands or people.*
- D. **Application Submittal**  
*Planning Division has 30 days to deem an application incomplete or complete.*
- E. **Application Incomplete – Complete**  
*Incomplete: The Applicant will be provided a letter identifying all issues that need to be addressed for the application to become Complete.*  
*Complete: Upon determination of a Complete Application, the City has 120 days to issue a final decision.*
- F. **Processing & Public Notice**  
*When Public Notice involves a City Advisory Commission, the Applicant may be required to present the application to the Commission and address comments. Revisions to the Plan may be required prior to Public Hearings.*
- G. **Public Hearing(s)**  
*Public Hearings shall be provided in accordance with Hearing Procedures set forth in Articles 9.2, 9.3 and 9.4.*
- H. **Appeal to City Council or LUBA**  
*Appeal shall be processed in accordance with Article 9.7.*
- I. **Development - Reconsideration**  
*Return to Public Process: Any change in the development resulting in a 10% or greater deviation from the approved Plan may result in a “Stop Work Order” and return to the public process, items F and G, for reconsideration.*

- (1) First Contact – Pre-Application Meeting. A pre-application meeting may be required. When required, such meeting will be arranged by planning division staff and shall include applicable city departments.
- (2) Development of a Concept Plan. The applicant shall prepare and provide a Conceptual Development Plan to the planning division, based on information received from the pre-application meeting.
- (3) Neighborhood Meeting – Plan Refinement. The applicant shall arrange for and conduct a neighborhood meeting at a “public neutral” place of assembly:
  - a. When required notification to the owners of surrounding property includes 25 or more properties;
  - b. For subdivisions and planned unit developments as follows:
    - 1. For sites in the R-1, R-2 & R-3 Zone, any development with 25 lots or 3 acres and greater.
    - 2. For sites in the RR-1 and HD, any development with 25 lots or 10 acres or greater.
  - c. Where a traffic study is required per Section 105-44(d), with meeting invites and process provided in accordance with the City of La Grande Neighborhood Meeting Guidance documents; or,
  - d. For non-residential development when required notification to the owners of surrounding property includes 50 or more properties.
- (4) Application Submittal. Planning division has 30 days to deem an application incomplete or complete.

(5) Application Incomplete – Complete

- a. Incomplete. The applicant will be provided a letter identifying all issues that need to be addressed for the application to become complete.
- b. Complete. Upon determination of a complete application, the city has 120 days to issue a final decision.

(6) Processing and Public Notice. When Public Notice involves a city advisory commission, the applicant may be required to present the application to the commission and address comments. Revisions to the plan may be required prior to Public Hearings.

(7) Public Hearing(s). When required, Public Hearings shall be provided in accordance with Hearing Procedures set forth in Article IV, Divisions 2, 3 and 4.

(8) Appeal to City Council or LUBA. Appeal shall be processed in accordance with Article IV, Division 7.

(9) Development – Reconsideration. Return to Public Process. Any change in the development resulting in a 10% or greater deviation from the approved plan may result in a “Stop Work Order” and return to the public process, items (6) and (7), for reconsideration.

**Section 15. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-455 – Application, is hereby amended as follows:

(1) Duplex land division

(15) Subdivisions of land and major partitions (except final subdivision and major partition plats).

~~(15)~~(16) Temporary use permit.

~~(16)~~(17) ~~Variance permit (administrative)~~Adjustments.

~~(17)~~(18) Wetland plan review.

~~(18)~~(19) Zoning approval.

**Section 16. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-456 – Notice, is hereby amended as follows:

Community development department/planning division review shall be conducted by the community development director/planner. Notice shall be mailed or otherwise delivered to property owners within ~~100 feet of the proposed land use listed in section 101-455~~the minimum distance of the subject property as specified in Table 101-1, as well as to affected local, state, and federal agencies at least 14 days prior to the decision date. The notice shall also be conspicuously posted on-site ten days prior to the date of the scheduled decision.

Table 101-1. Community Development Department/Planning Division Review Public Notice Requirements

<u>Application Type</u>	<u>Notice Distance</u>
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<u>Non-residential development with over 40,000 square feet of cumulative, new gross floor area</u>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Subdivision with more than 10 but less than 50 lots</u></li> <li>• <u>Manufactured home park with more than 10 but less than 50 spaces</u></li> <li>• <u>Multi-dwelling unit development with more than 10 but less than 50 units</u></li> </ul>	<u>300 feet</u>
<u>Any development which proposes more than 50 dwelling units, lots or spaces</u>	<u>1,000 feet</u>
<u>In addition to the above thresholds, any development where a traffic study is required per Section 105-44(d) must provide notice to all properties that meet any of the following thresholds:</u>	
<ul style="list-style-type: none"> <li>• <u>Properties abutting streets within the scope of the traffic study</u></li> </ul>	<u>N/A</u>
<ul style="list-style-type: none"> <li>• <u>Distance from intersections within the scope of the traffic study</u></li> </ul>	<u>300 feet</u>
<ul style="list-style-type: none"> <li>• <u>Any properties that are enclosed on all sides by properties included in the above public notice requirements</u></li> </ul>	<u>N/A</u>
<u>All other applications listed in section 101-455 not meeting thresholds of this table</u>	<u>100 feet</u>

**Section 17. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 2, Sec. 101-457 – Review and decision, is hereby amended as follows:

- (a) The community development director/planner shall review the application and determine its compliance with applicable codes and ordinances. Conditions of approval may be imposed as necessary to ensure compliance with this subpart and other applicable codes. ~~The community development director/planner may, at the community development director/ planner's discretion or if requested, refer any application under section 101-455 to the planning commission for a public hearing and decision.~~

**Section 18. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 3, Sec. 101-486 – Application, is hereby amended as follows:

- (2) Decisions:
  - ~~aSubdivisions of land and major partitions (except final subdivision and major partition plats).~~
  - b.a.** Conditional use and variance permits.
  - c.b.** Planned unit developments.

**Section 19. AMENDMENTS TO CODE.** Subpart B, Chapter 101, Article IV, Division 6, Sec. 101-588 – Time and method of public notice, is hereby amended as follows:

- (b) *Quasi-judicial hearings.* Notices of public hearings for quasi-judicial land use hearings shall be given by the body conducting the hearing by publication in a newspaper of general circulation in the city at least ten days prior to the hearing. In

addition, notice of the hearing shall be provided to the applicant and to the owners of record of property as shown on the most recent property tax assessment roll provided by the county, where the property is located ~~within 100 feet of the property which is the subject of the notice~~ per Table 101-1 in Sec. 101-456. The notice shall be mailed at least 20 days before the first public hearing, or if two or more public hearings are allowed, ten days before the first public hearing, and shall:

**Section 20. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-26 – Hillside Development Residential (HD), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached and duplex dwellings.

(8) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 21. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-27 – Rural Residential (RR-1), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached and duplex dwellings.

(8) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 22. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-28 – Low Density Residential (R-1), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to establish areas suitable for ~~single family~~ single detached residences, duplexes, manufactured home parks and necessary accessory uses. The low density residential zone is intended to implement the comprehensive plan designation of a low density residential land use with a minimum density of four dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~ single-detached, and duplex dwellings, and manufactured home parks.

(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Lodging facilities: limited to bed and breakfast inns.~~

~~(7)~~ (6) Lodging facilities: resort, only when part of a planned unit development.

**Section 23. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-29 – Medium Density Residential (R-2), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to establish areas suitable for **single family**single detached residences, duplexes, triplexes, townhomes, manufactured home parks, and necessary accessory uses. The low density residential zone is intended to implement the comprehensive plan designation of a low density residential land use with a minimum density of four dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to **single-family**single detached, duplex, triplex, **and** two- or three-unit townhouse dwellings, and manufactured home parks.

(7) Single room occupancy with 4-6 units.

(c) *Conditional uses.*

~~(6) Dwellings: limited to manufactured home parks.~~

~~(7)~~(6) Neighborhood convenience center.

~~(8)~~(7) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

~~(9) Lodging facilities: limited to bed and breakfast in~~

(d) *Property development standards.*

(1) Minimum lot area: 3,000 square feet for **single-family**single detached, **and** duplex dwellings, and single room occupancy. 4,500 square feet for triplex dwellings. Lots Intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

**Section 24. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-30 – High Density Residential (R-3), is hereby amended as follows:

(a) *Purpose.* The purpose of this zone is to provide higher concentrations of dwelling units where the level of public services can adequately accommodate such development. The high density residential zone, which provides for **multifamily residential units**multi-unit dwellings, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the comprehensive plan designation of high density residential land use of densities of 11 or more dwelling units per acre.

(b) *Permitted uses.*

(3) Dwellings: limited to **single-family**single detached, duplex, triplex, quadplexes, town-houses, **apartments**—**and**—**condominiums**multi-unit dwellings, and manufactured home parks.

~~(7) Group residential: sorority houses, retirement homes or boardinghouses~~Single room occupancy.

(c) *Conditional uses.*

~~(5) Dwellings: limited to manufactured home parks~~

~~(6)~~(5) Medical services: limited to medical and dental offices, and clinics.

~~(7)~~(6) Neighborhood convenience center.

~~(8)~~(7) Religious assembly: religious services involving public assembly as occurs in synagogues, temples and churches.

~~(9) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area: ~~3,000 square feet for single-family and duplex dwellings; 4,500 square feet for triplex dwellings; 6,000 square feet for quadplex dwellings, plus 1,000 square feet for each additional unit. Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.~~

(a) 3,000 square feet for single-detached, duplex dwellings, and single room occupancy up to six units;

(b) 4,500 square feet for triplex dwellings;

(c) 6,000 square feet for quadplex dwellings;

(d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit;

(e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

**Section 25. AMENDMENTS TO CODE.** Subpart B, Chapter 103, Article II, Sec. 103-31 – Residential Professional (R-P), is hereby amended as follows:

(b) *Permitted uses.*

(3) Dwellings: limited to ~~single-family~~single detached, duplex, triplex, quadplexes, town-houses, ~~apartments and condominiums~~multi-unit dwellings, and manufactured home parks.

(8) Single room occupancy.

(c) *Conditional uses.*

~~(18) Lodging facilities: limited to bed and breakfast inns.~~

(d) *Property development standards.*

(1) Minimum lot area: ~~3,000 square feet for single-family and duplex dwellings; 4,500 square feet for triplex dwellings; 6,000 square feet for quadplex dwellings, plus 1,000 square feet for each additional unit. Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.~~

(a) 3,000 square feet for single-detached, duplex dwellings, and single room occupancy up to six units;

(b) 4,500 square feet for triplex dwellings;

(c) 6,000 square feet for quadplex dwellings;

(d) 7,000 square feet for multi-unit dwellings of five units and single room occupancy of seven units, plus 1,000 square feet for each additional unit;

(e) Lots intended for common wall townhouse residences shall be no less than 1,500 square feet in size per unit.

(3) Design standards for professional uses:

- a. Scale, bulk and building coverage. ~~Multifamily and nonresidential~~ Nonresidential uses shall have a similar building footprint square footage, wall height and peak height as the majority of permitted dwelling uses in the block.

Section 26. AMENDMENTS TO CODE. Subpart B, Chapter 103, Article II, Sec. 103-32 – Central Business (CB), is hereby amended as follows:

(b) *Permitted uses.*

- (10) Dwellings: limited to residential units in below ground level and second or higher levels of multi-level commercial buildings and/or occupying no greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such ~~family~~ household residential units subject to the provisions of chapter 101, article III, division 11.

(c) *Conditional uses.*

- (8) Dwellings: residential occupancy greater than 25 percent of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front. home occupations are allowed in such ~~family~~ residential units subject to the provisions of chapter 101, article III, division 11.

Section 27. AMENDMENTS TO CODE. Subpart B, Chapter 103, Article II, Sec. 103-33 – General Commercial (GC), is hereby amended as follows:

(b) *Permitted uses.*

- (21) Dwellings: limited to residential units within existing buildings that were originally designed and constructed exclusively for residential occupancy. Buildings that were not originally constructed exclusively for residential occupancy are limited to residential units below ground level and in the second and higher floors and/or 25 percent of the ground floor of commercial buildings, or greater than 25 percent with a conditional use permit, provided that commercial store fronts are maintained on the street front. Home occupations are allowed in such ~~family~~ residential units subject to the provisions of chapter 101, article III, division 11.

Section 28. AMENDMENTS TO CODE. Subpart B, Chapter 105, Article II, Sec. 105-28 – Minimum street right-of-way widths, is hereby amended as follows:

Table 105-1. Street Standards

Section 29. AMENDMENTS TO CODE. Subpart B, Chapter 105, Article II, Sec. 105-29 – Minimum street improvements, is hereby amended as follows:

- (1) *Arterial streets.* Arterial streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table 105-1 in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

- (2) *Collector streets.* Collector streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.
- (3) *Local streets.* Local streets shall be improved with street trees, curbs, gutters, stormwater collection system, sidewalk, and pavement. The typical street section shall be constructed in accordance with Table [105-1](#) in section 105-28, and in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by resolution of the city council. Sidewalks shall be installed on both sides.

**Section 30. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article II, Sec. 105-44 – Access management guidelines, is hereby amended as follows:

Table [105-2](#). General Access Management Guidelines

(c) *Access design guidelines.*

(1) *Corner clearance.*

- a. Corner clearance for access connections shall meet or exceed the minimum spacing requirements for that roadway (Table [105-2](#)).

**Section 31. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article IV, Sec. 105-90 – Addressing, is hereby amended as follows:

The community development director/planner will assign addresses for each legal parcel as they are created or developed. For suite numbers/units within a **multifamily multi-unit dwelling**, commercial or industrial structure, the property owner is responsible for assigning their own numbers/units, however for safety or 911 purposes sequential order is required.

**Section 32. AMENDMENTS TO CODE.** Subpart B, Chapter 105, Article V, Sec. 105-118 – Drainage system standards, is hereby amended as follows:

Drainage systems and facilities subject to drainage and grading plan review and approval are to be designed and constructed based on a [25-year 24-hour design storm with 2.2 inches of runoff and a Type 2A storm distribution for a 24-hour duration.](#) ~~Storm drainage plans shall be designed for a 25-year storm event and approved by the city engineer or designated city official.~~ [In addition, the system shall be analyzed for a 25-year 3-hour design storm. The 3-hour design storm has less total volume than the 24-hour storm, but a greater peak intensity.](#)

**Section 33. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article II, Sec. 107-23 – General design standards, is hereby amended as follows:

The lot size, shape and orientation within all subdivisions or partitions shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated. [These standards do not apply to lots created through a duplex land division.](#)

**Section 34. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article III, Sec. 107-57 – Interior, is hereby amended as follows:

- (2) *Residential buildings.* A principal building (including a **multifamily multi-unit dwelling**) is to be located no closer to another principal building than ten feet. Common wall construction is exempt from this setback requirement.

**Section 35. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-147 – Required landscaping, is hereby amended as follows:

- (5) ~~Multifamily~~ Multi-unit dwelling uses

**Section 36. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-149 – Standards for landscaping materials, is hereby amended as follows:

- (1) *Allowable materials.*

- a. Landscaping shall include ~~some combination~~ two or more of the following materials to achieve the intended or required purpose of the landscaping (e.g., tree canopy, screening, etc.): trees, shrubs, ground cover, vines, flowers or lawns. Landscaping may also include art work, walls, structural features and fences. Trees adapted to the site shall be incorporated into the landscape when there is adequate space as determined in the standards for tree planting in the community forestry program guide. Shade trees shall be a minimum of 15 gallons and/or 1¼-inch caliper. Evergreen conifer trees shall be a minimum of five feet in height. Landscaping areas shall include live plant coverage, at occupancy, equal to or greater than 50 percent of each landscape area.

- ~~(3)~~ (2) *Excluded materials.* Landscaping proposed to satisfy the requirements of this subpart shall not include:

**Section 37. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VI, Sec. 107-150 – Planting and maintenance, is hereby amended as follows:

- (a) *Developed site area.*

- (1) For purposes of this section, the term "developed site area" means the square footage of the area indicated on the plot plan. ~~At a minimum, the~~ The area indicated on the plot plan shall include the area required for parking, ingress and egress, and setback areas, ~~and other areas which may be required as a condition of site plan approval, which are part of the ownership.~~

- (b) *Minimum area requirements—New construction.* Landscaping shall be provided as follows:

- (4) Residential, manufactured dwelling parks, and ~~multifamily~~ multi-unit dwelling use types: 20 percent of the developed site area.

**Section 38. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VII, Sec. 107-176 – Designated improvement standards for parking lots of four or more spaces, is hereby amended as follows:

- (a) Each paved space must be marked by striping.
- (b) ~~Traffic~~ Painted traffic flow arrows and signs ~~may~~ shall be required for all one-way aisles.
- (c) No parking space(s) shall back directly onto a public street, ~~without site plan approval.~~
- (d) ~~Adequate~~ Storm water drainage shall be ~~specified at the time of site plan review~~ contained on the site in accordance with this code.
- (e) Bumper guards or wheel stops ~~may~~ shall be required ~~near~~ for all parking spaces

abutting buildings, fences, or sidewalks, ~~—during site plan review.~~

- (f) Driveway locations shall be approved by the city or the state highway division in accordance with City and State access management standards.
- (g) Artificial lighting ~~may be required, but where installed~~ shall be shielded so as to not cast a direct light onto adjacent properties and/or residences.

**Section 39. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VII, Sec. 107-177 – Table of off-street parking requirements, is hereby amended as follows:

<i>Use Type</i>	<i>Parking Space Required</i>
Residential use	Vehicle – One space per dwelling unit <u>or one space per three single room occupancy units</u> , which must be covered, <u>except no spaces required for an accessory dwelling unit.</u> Bicycle – One space per unit for <del>multifamily</del> <u>single room occupancy unit or multi-unit dwelling</u> (tri-plex or greater).
<del>Roominghouses, —lodginghouses,</del> <u>Dormitories</u> , clubs and fraternity houses, <del>bed and breakfasts,</del> residential home and residential facilities	Vehicle – One space for each sleeping room or one space for each two beds, whichever is greater. Bicycle – Minimum of 10% of the required vehicular parking with a minimum of two spaces.

**Section 40. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-209 – Definitions included by reference, is hereby amended as follows:

*Area identification sign* means a sign identifying the name of a manufactured home park, planned unit development, subdivision, ~~apartment or condominium~~ multi-unit dwelling, commercial center of two or more separate businesses, industrial area, office complex of two or more separate businesses or structures or any combination of the above.

**Section 41. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-213 – Signs not requiring permits, is hereby amended as follows:

- (6) House or building numbers: Numbers limited to six inches in height for dwellings of four or less ~~families~~ households and 12 inches in height for other buildings.
- (16) Area identification sign: A ground or wall sign identifying a recognized subdivision, ~~apartment, condominium~~ multi-unit dwelling, manufactured home park or planned unit development. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the development identification, provided the legend of such sign or display shall consist only of the development name and shall not exceed 16 square feet. Such signs shall not be located within any clear view zone unless the sign is 30 inches or less in height.

**Section 42. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article VIII, Sec. 107-219 – Signs permitted in residential zones and residential professional zones, is hereby amended as follows:

- (4) Area identification sign:

- a. ~~Apartments and condominiums~~Multi-unit dwellings: One ground or wall sign not to exceed 32 square feet in sign area, may be erected five days prior to the beginning of construction and shall be removed within five days after completion of construction.

**Section 43. AMENDMENTS TO CODE.** Subpart B, Chapter 107, Article IX, Sec. 107-271 – Standards for detached accessory dwelling units, is hereby amended as follows:

~~Detached-accessory~~Accessory dwelling units, also called cottage homes or tiny homes, shall be permitted in all residential zones in accordance with the following standards:

- (1) *Quantity.* A maximum of one interior, attached or detached accessory dwelling unit shall be allowed per property, and limited to only properties that contain one primary ~~single-family~~single-detached dwelling.
- (3) *Design standards.*
  - a. *Setbacks.* ~~An detached~~ accessory dwelling unit shall provide side and rear setbacks which comply with the applicable zone and a front yard setback which is at least equal to that of the existing primary ~~single-family~~single-detached dwelling.
  - b. *Unit size.* ~~The size of a detached accessory dwelling unit may be no greater than 800 square feet, and shall be less than the residential living area of the primary single-family dwelling on the property.~~An accessory dwelling unit shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
  - c. *Height.* The ~~standards~~ height limit for a detached accessory dwelling unit is 21 feet. ~~Except when~~When located on a second floor of a detached accessory structure that is shared with the primary ~~single-family~~single-detached residential dwelling, such as a detached garage, ~~in such case,~~ the accessory building height may be increased to 25 feet. When the accessory dwelling unit is attached or interior to the primary single-detached dwelling, the height limit of the base zone applies.
  - d. *Building design.* A detached accessory dwelling shall have a covered porch entry ~~measuring with~~ a minimum depth of 18 inches, ~~and shall have the same style of siding and roofing materials and colors as the primary single-family dwelling.~~ For all accessory dwelling units, the exterior siding and roofing material must be the same in type, size and placement as the exterior finish material of the primary structure.

**Section 44. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II – Manufactured Dwellings, Single-Family, Two-Family, and Apartment Buildings, is hereby amended as follows:

**ARTICLE II. MANUFACTURED DWELLINGS, ~~SINGLE-FAMILY~~SINGLE-DETACHED, ~~TWO-FAMILY~~DUPLEXES, TRIPLEXES, QUADPLEXES, AND ~~APARTMENT~~ MULTI-UNIT DWELLING BUILDINGS**

**Section 45. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-25 – Standards for manufactured dwellings, single-family, two-family, and apartment buildings on individual lots, is hereby amended as follows:

Sec. 109-25. Standards for manufactured dwellings, ~~single-family~~single-detached, single room occupancy, two-family duplexes, triplexes, quadplexes and ~~apartment~~ multi-unit dwelling buildings on individual lots.

This article establishes placement standards and procedures for placing a manufactured dwelling, ~~single-family~~single-detached building, single room occupancy, ~~two-family~~duplex dwelling, triplexes, quadplexes or ~~apartment~~multi-unit dwelling building on an individual lot in the HD, RR-1, R-1, R-2, R-3 and R-P Zones; and further establishes design standards for ~~single-family~~single-detached dwellings, single room occupancy, ~~two-family dwellings~~duplexes, triplexes, quadplexes, ~~apartment~~multi-unit dwellings and manufactured homes.

**Section 46. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-27 – Placement standards on individual lots, is hereby amended as follows:

The manufactured dwelling shall adhere to standards in subsections (1) through (87) of this section and ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex and ~~apartment~~multi-unit dwelling buildings shall adhere to standards in subsections (54) through (87) of this section.

- (1) ~~a.~~ Manufactured dwellings shall be constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981, ~~be multi-sectional (double wide or wider). Single wide manufactured dwellings, including expandable units, pop-outs and tilt-outs shall be allowed in manufactured dwelling parks only, except as provided below~~ Manufactured dwellings located within manufactured dwelling parks shall not be subject to standards found in subsections (2) through (87) of this section.

~~b. Exceptions.~~

- ~~1. A single wide manufactured dwelling may be allowed for a cottage home (tiny home) in accordance with article XXII of this chapter.~~
- ~~2. A single wide manufactured dwelling may be allowed as an accessory dwelling unit in accordance with chapter 107, article IX.~~

- (2) Manufactured dwellings shall be permanently placed on a concrete foundation complying with the minimum set-up standards of the adopted state manufactured dwelling standard and adopted building codes.

- ~~(3) Manufactured dwellings shall have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically used for single-family residential construction. Manufactured dwellings on individual lots shall not have bare (or corrugated) metal siding or roofing.~~

- (43)A manufactured dwelling, ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, ~~three-family~~triplex, quadplex, or ~~apartment~~multi-unit dwelling building shall have all of the following design features when placed outside of a manufactured dwelling park:

- a. A roof pitch greater than or equal to a nominal ~~3:12~~2½:12. ~~The only exception to this rule shall be triple-wide manufactured homes, where a roof pitch of 2½:12 or greater is allowed.~~

- (54)A manufactured dwelling, ~~single-family~~single-detached, single room occupancy, ~~two-family~~duplex, triplex, quadplex or ~~apartment~~multi-unit building shall have at least five of the following design features when placed outside of a manufactured dwelling park:

- b. Bay or bow windows that extend from the façade a minimum of 2 feet (the

provision of one such window per dwelling unit is sufficient).

- c. Dormers that are a minimum of 4 feet in width (the provision of one such roof feature per dwelling unit is sufficient).
- f. Front porch and entry facing the front property line (entryway can be located on the long or short axis of the dwelling, porch must have a minimum area of 25 square feet).
- h. Off-sets on building face or roof minimum 12 inches (the provision of one such roof or facade feature is sufficient).
- i. Pillars or posts (requires at least one pair, ~~decorative or plain, but finished in a manner that is consistent with the dwelling exterior~~).

~~(65)~~ Plans indicating the requisite number of architectural features will be required upon application to the community development department/planning division. No final inspection for occupancy will be approved until compliance is confirmed.

~~(7) Additions to all dwelling units shall be architecturally compatible with the original building, as determined by the community development director/planner. Similar siding and roofing materials and colors are required unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within 100 feet.~~

~~(86)~~ All dwelling units and accessory buildings shall have fire protection. For all structures located outside of a fire district, a fire protection agreement with a fire district shall be established prior to obtaining a building permit. The fire protection agreement shall be maintained until such structures are located within a fire district.

~~(97)~~ Any exterior lighting installed on a property shall be either shielded or down directed so as to not cast a direct light onto adjacent properties or residences.

Section 47. AMENDMENTS TO CODE. Subpart B, Chapter 109, Article II, Sec. 109-28 – Manufactured dwelling and single-family building permit procedures, is hereby amended as follows:

Sec. 109-28. Manufactured dwelling and ~~single-family~~single-detached building permit procedures.

Prior to applying for and obtaining any permits from the building official, the applicant shall submit evidence that the manufactured dwelling or ~~single-family~~single-detached building complies with section 109-27 in the form and content required by the community development director/planner.

Section 48. AMENDMENTS TO CODE. Subpart B, Chapter 109, Article II, Sec. 109-29 – Manufactured dwelling park – Purpose and intent, is hereby amended as follows:

The purpose of this article is to permit and encourage the location of ~~single-family~~single-detached manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks ~~in the high density residential areas~~as allowed in the zoning district; to provide minimum development standards which will enhance the appearance of manufactured dwelling parks within residential neighborhoods and which will help to minimize land use conflicts and to provide a process for site plan review in order to ensure compliance with the provisions of this subpart.

**Section 49. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-30 – Manufactured dwelling park – General requirements, is hereby amended as follows:

- (a) A manufactured dwelling park is a **conditional-permitted** use in the **R-1 Low Density Residential, R-2 Medium Density Residential, and R-3 High Density Residential, and the R-P Zones.**
- (b) A manufactured dwelling park shall be used for manufactured dwellings, **recreational vehicles (connected to water, electric, and sewer systems) and prefabricated structures** and their accessory uses and may include or require recreation facilities.

**Section 50. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-32 – Manufactured dwelling park – Design and improvement standards, is hereby amended as follows:

- (1) A manufactured dwelling park shall have a minimum area of **twoone** acres.
- (5) b. Recreational play areas must include at least three of the following improvements, adequate to meet the recreational needs of tenants, and subject to the approval of the planning commission:
  - 10. Any other recreational facility similar in nature to those listed as approved by the **planning-commissioncommunity development director.**
- (8) A **decorative-sight-obscuring-fence-in-combination-with-shrubbery-landscapingfence or hedge** shall be provided along the perimeter public streets and it shall be the continuing responsibility of the manufactured dwelling park owner to provide its permanent maintenance. Such fencing **or hedge** shall be six feet in height, except within the clear vision area at street and driveway intersections where it shall comply with the clear vision area or sight triangle standards in section 107-147.

**Section 51. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II, Sec. 109-33 – Standards for placement of manufactured dwellings in manufactured dwelling parks, is hereby amended as follows:

- ~~(d) Manufactured dwellings and any accessory structures in a manufactured dwelling park shall comply with the following minimum setbacks:~~
  - ~~(1) 15 feet between manufactured dwelling and from any park buildings;~~
  - ~~(2) Six feet from any detached accessory building, deck, landing, steps, ramp, awning or carport on an adjacent lot and from any garage on the same or adjacent lot;~~
  - ~~(3) Three feet from any accessory building on the same lot;~~
  - ~~(4) 20 feet from any abutting public street right-of-way;~~
  - ~~(5) Ten feet from the manufactured dwelling park interior property boundary line, except that special setbacks may be required in areas with scenic impact and where the manufactured dwelling park adjoins frame dwelling residential units. The required setback shall be shown on the final site plan.~~
- (ed)** Manufactured dwellings shall have continuous skirting between the manufactured dwelling and the ground and must be installed within 30 days after placement. Skirting shall be of materials approved in the state manufactured dwelling standards.
- (fe)** Manufactured dwellings shall have a minimum gross floor area of 500 square feet.

**Section 52. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article II – Manufactured Dwellings, Single-Family, Two-Family, and Apartment Buildings, is hereby amended as follows:

Sec. 109-34. Standards for placement of manufactured dwellings, recreational vehicles, and prefabricated structures in manufactured dwelling parks.

(a) Manufactured dwellings and any accessory structure in a manufactured dwelling park shall comply with the separation and spacing requirements of the Oregon Building Code.

Secs. 109-~~34~~<sup>35</sup>—109-54. Reserved.

**Section 53. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article III, Sec. 109-57 – Parking, occupancy and storage of recreational vehicles and camping, is hereby amended as follows:

- (a) It shall be unlawful to occupy a recreational vehicle, tent, bivouac, tarp or other portable shelter for camping, living, sleeping, or other purposes other than in an approved recreational vehicle park, ~~or~~ campground, or manufactured dwelling park except as follows:
  - (2) Recreational vehicle occupancy associated with the construction of a new dwelling, on a vacant or redevelopment lot, may be permitted subject to obtaining a temporary use permit as provided for in chapter 101, article III, division 3, and subject to the following conditions:
    - (c) The temporary use permit shall be effective for six months, with provision of a six month extension, provided the required building permits remain valid. The temporary use permit shall be limited to a maximum period of one year. If the construction of a new detached single dwelling or manufactured home is due to damages to the existing single detached dwelling or manufactured home from a natural disaster, including wildfires, earthquakes, flooding or storms, the temporary use permit shall be limited to a maximum period of five years.

**Section 54. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article VII, Sec. 109-177 – Development plan approval criteria, is hereby amended as follows:

(b) *Density standards.*

(3) *Density Bonus Options.*

- c. Low cost housing units which qualify and are approved for housing for low-income ~~families~~ households or for the elderly under a federal, state, or local program.

**Section 55. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XI, Sec. 109-266 – Application of overlay designation, is hereby amended as follows:

- (a) The Limited Use (LU) Overlay Zone shall be limited to the specific use or uses approved by the city council, upon recommendation from the planning commission. Residential uses permitted outright in the underlying zone may not be limited.

**Section 56. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XIV, Sec. 109-372 – Caretaker's residence standards, is hereby amended as follows:

- (a) Where permitted in chapter 103, article II, only one ~~single-family~~single-detached dwelling may be constructed, placed or occupied as a caretaker's residence on the lot used for the business.

**Section 57. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XV, Sec. 109-403 – Livestock prohibited, permitted and use zone requirements, is hereby amended as follows:

(2) Livestock allowed:

- a. Up to a cumulative total of six adult rabbits, ducks and/or chickens (no roosters) are allowed for each ~~single-family~~single-detached dwelling in the R-1, R-2, R-3 and R-P residential zones, provided section 109-404(b) through (e) is met. Livestock are not permitted with ~~multifamily~~multi-unit dwelling uses.

**Section 58. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XV, Sec. 109-404 – Livestock requirements, is hereby amended as follows:

- (b) Within the R-1, R-2, R-3 and R-P residential zones, the subject property shall contain a minimum of 10,000 square feet and which contains a detached ~~single-family~~single-detached dwelling.

**Section 59. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-433 – Nonconforming uses of land, is hereby amended as follows:

- (43) ~~Single-family~~Single-detached residential use. A ~~detached—single-family~~single-detached residential structure existing as a principal use may be continued as a residential use and not subject to subsection (1) of this section, and may be altered, provided that no increase in the number of dwelling units or increase greater than 25 percent in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this article and is limited to one time only for reconstruction.

**Section 60. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-435 – Nonconforming structures, is hereby amended as follows:

- (a) *Generally.* Any structure which does not conform to the development requirements specified in this article may continue to be used, provided that:

(1) *Alterations and expansions.*

- a. The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinance. Should alterations or expansions exceed 50 percent or more of the ~~assessed—market~~ value of the improvements, according to the ~~the~~ county assessor's records, the entire structure and site shall be brought into compliance with this article.

- (b) *Extensions of existing dwellings or buildings.* Notwithstanding subsection (a) of this section, an existing ~~single-family~~single-detached dwelling or accessory building nonconforming as to yard requirements may be extended in depth along the nonconforming building line to a maximum of one-half the length of the existing structure provided that such enlargement does not increase any other nonconformity which may exist and conforms to all other regulations of the zone in which it is located. Such authorizations shall be granted by the community development director/planner only after receipt of a written consent from the property owners abutting the nonconforming yard. Nonconforming structures with

front or rear yards less than ten feet in depth or side yards less than three feet in depth shall not be eligible for the expansion allowed by this subsection.

**Section 61. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XVI, Sec. 109-438 – Nonconforming parcels, is hereby amended as follows:

- (b) *Use of nonconforming parcels or lots.* A legal nonconforming parcel or lot may be used as follows
- (3) In any zone in which ~~single-family~~single-detached dwellings are permitted, a ~~single-family~~single-detached dwelling, duplexes, single room occupancy dwelling, and accessory buildings may be erected on a legal nonconforming lot of record notwithstanding the limitations imposed by this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot area applicable in the zone, provided that yard dimensions and requirements other than those applying to area of the lot conform to the regulations for the zone in which the lot is located. Variance of such requirements shall be obtained only in accordance with chapter 101, article III, division 4.

**Section 62. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-607 – Purpose, is hereby amended as follows:

- (2) The cottage housing development design standards contained in this section create a permit path for small communities of cottage development, similar to ~~multifamily~~multi-unit housing projects, manufactured home parks, planned unit developments and subdivisions, where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.

**Section 63. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-608 – Cottage housing application requirements, is hereby amended as follows:

- (1) *Zoning approval.* For the construction or placement of up to three cottage homes on a parcel of land within the R-2, R-3 and R-P zones, and which meet the setbacks and other residential design requirements for the underlying zone, the planning director may administratively grant zoning approval to permit such homes, subject to ~~single-family~~single-detached home design standards set forth in article II of this chapter. Such homes shall not be subject to the development standards of this article.
- (2) *Site plan approval.* Within the R-3 and R-P zones, for cottage housing developments that include four or more dwelling units and where the housing and land are under one common ownership, similar to ~~an apartment~~a multi-unit dwelling complex, site plan approval shall be required pursuant to chapter 101, article III, division 2, and the development shall adhere to the design and improvement standards set forth in this article for cottage housing developments.

**Section 64. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-610 – Building design and improvement standards for cottage housing developments, is hereby amended as follows:

- (a) *Dwelling unit size/floor area allowance.* To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized ~~single-family~~single-detached dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.
- (c) *Setbacks.* The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, peripheral setbacks (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.
- (1) Cottage dwellings and their accessory structures must meet setbacks or yard requirements for ~~single-family~~single-detached developments in the zone in which they are located with respect to the outside perimeter of the planned cottage development.
- (e) *Building design.*
- (3) A cottage dwelling shall also have at least four of the following design features:
- b. Bay or bow window that extends from the façade a minimum of 2 feet.
- c. Dormer that is a minimum of 4 feet in width.
- (i) *Off-street parking and screening.*
- (2) Parking location and access. Off-street parking spaces and vehicle maneuvering areas shall not be located:
- a. Within 10 feet from any street property line, except alley property lines;
- b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ~~(23) Clustered parking locations and screening. Clustered parking locations and screening shall be designed to accomplish the following~~Off-street parking must be arranged in clusters, subject to the following standards:
- ~~a. Ensure minimal visual impact to residents surrounding the development. Screening may be accomplished by landscaping or fencing.~~
- ~~b. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.~~
- ~~c. Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.~~
- ~~d. Shall be screened from view of adjacent neighbors if within ten feet of property lines. Screening to be minimum five-foot-high continuous sight-obscuring landscaping or fence.~~
- a. Parking clusters must not exceed five (5) contiguous spaces.
- b. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

c. Landscaping, fencing or walls at least three (3) feet tall shall separate parking clusters from common open space and public streets.

d. Landscaping, fencing or walls at least five (5) feet tall shall separate parking clusters from adjacent properties if within ten (10) feet from the property line.

**Section 65. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXII, Sec. 109-611 – Site design and improvement standards for cottage housing developments, is hereby amended as follows:

- (b) *Common open space.* Common open space is required and intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:
- (3) ~~Where feasible, each~~ Each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented towards the common open space.
  - (4) Common open space shall be centrally located within the cottage housing development and be ~~easily~~ accessible to all dwellings within the development. Common open space shall be commonly owned by the residents.
  - (6) ~~Pedestrian connections shall link buildings to the common open space, public rights-of-way, private roads, and parking areas~~ An accessible pedestrian path that is hard-surfaced and a minimum of four (4) feet wide must be provided that connects the main entrance of each cottage to the following:
    - a. The common open space;
    - b. Shared parking areas;
    - c. Common buildings;
    - d. Sidewalks in public right-of-way abutting the site or rights-of-way if there are no sidewalks.
  - (8) ~~Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained~~ No more than 25% of the existing mature trees on the site may be removed. If more than 25% of the existing mature trees are proposed to be removed, an applicant must be approved for an adjustment pursuant to 101-191.
- (c) *Private open space.* Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:
- (2) The main entry of the cottages shall be oriented toward the common space ~~as much as possible~~.
- (e) *Lighting.* Exterior lighting shall be ~~minimized and shall be~~ shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house, business or public street right-of-way.

**Section 66. AMENDMENTS TO CODE.** Subpart B, Chapter 109, Article XXIII, Sec. 109-645 – Short-term rental requirements and use restrictions, is hereby amended as follows:

- (b) ~~Multifamily and condominium~~ **Multi-unit dwellings** prohibited. Short-term rentals shall be limited to ~~single-family~~ **single-detached** or accessory dwelling units, and duplex dwellings. Short-term rentals shall be prohibited in all ~~multifamily and condominium~~ **multi-unit dwelling** developments (three units or greater), as well as all cottage home developments.
- (c) Only one short-term rental permit is permitted per parcel, limited to one residential dwelling, which may include an accessory dwelling unit that is rented to the same party.
  - (1) A ~~single-family~~ **single-detached** dwelling with an accessory dwelling unit shall not be rented separately to different parties, as this would be considered two separate short-term rentals on the same parcel and not permitted under this article.
- (e) One off-street (on-site) parking space shall be provided for every guest sleeping room. For bed and breakfast inns and hosted home shares, this requirement is in addition to the parking required for a ~~single-family~~ **single-detached** dwelling or duplex, whichever is applicable.

**Section 67. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article II, Sec. 111-23 – Review procedure, is hereby amended as follows:

Application for review of major partitions, ~~and subdivisions, shall be subject to the planning commission and city council review procedure.~~ **Application for review of and** minor partitions shall be subject to the community development department/planning division review procedure.

**Section 68. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article II, Sec. 111-24 – Review criteria, is hereby amended as follows:

- (a) The preliminary plat for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:
  - (5) The parcels ~~or lot lines align with the parcel or lot lines of adjoining or nearby lots or parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines,~~ with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.
  - (6) The proposed property ~~complies with the standards of the zoning district in which the proposed property is located and other applicable development standards of this code is physically suitable for the type and proposed density of development and conforms to existing zone standards.~~
  - (7) ~~All required public facilities have adequate capacity, as determined by the city, to serve the proposed property. The existing public water and wastewater systems are available and adequate to serve the proposed development, including water for fire protection and access sufficient for fire equipment.~~
  - (11) Major and minor land partition developers shall dedicate required street right-of-way and/or easements for the purpose of providing required infrastructure or ~~consistency with applicable frontage improvement requirements bringing an existing right-of-way closer to or into attainment with city standards.~~ Easements shall not be used for access to partitioned parcels unless it is clear that a future

public right-of-way will not be needed to serve the area (in cases such as a flag lot partition).

- b. If the property to be partitioned is not located adjacent to lands currently served by city standard infrastructure improvements, the developer shall enter into an agreement to guarantee installation of required public improvements, including, ~~but not limited to,~~ street improvements, bicycle or multi-use paths, street trees, underground utilities (e.g., water, sanitary sewer, storm drainage, natural gas and electricity), curb, gutter and sidewalk and appurtenances as required by the community development department/planning division to serve the properties being partitioned. Said agreement shall include an irrevocable consent to participate in a local improvement district for financing the required improvements.

- (12) Partitioning as part of a plan or scheme to create more than four parcels or is part of a development pattern having the effect of creating more than four parcels without subdividing is only permitted as provided in ORS 92~~The community development director/planner and/or planning commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three parcels without going through subdivision or is part of a development pattern having the effect of creating more than three parcels without subdividing.~~

**Section 69. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article III, Sec. 111-56 – Review procedure, is hereby amended as follows:

Application for the review of a preliminary plat of a subdivision shall be subject to the ~~planning commission~~community development department/planning division review procedure.

**Section 70. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article III, Sec. 111-57 – Review criteria, is hereby amended as follows:

- (4) The site of the proposed subdivision complies with the standards of the zoning district in which the proposed development is located and other applicable development standards of this code~~is physically suitable for the type and density of the proposed development.~~
- (5) All required public facilities have adequate capacity, as determined by the city, to serve the proposed subdivision~~The existing public water and wastewater systems are available adequate to serve the proposed development.~~
- (6) Development of the site meets adopted flood protection standards and other adopted standards intended to protect against natural hazards~~is consistent with the need to minimize flood and landslide damage.~~

**Section 71. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-77 – Review procedure, is hereby amended as follows:

~~Application for review of duplex divisions shall be subject to community development department/planning division review procedures. This article is intended to implement the requirements of ORS 93.031 and ORS 197.360 through 197.380 related to middle housing land divisions. In the City of La Grande, this land division process only applies to a land division associated with a developed or planned duplex.~~

- (a) If land that is currently developed or planned to be developed with a duplex, is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a duplex

land division pursuant to this article, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under articles II and III.

(b) A duplex land division application may be submitted when:

- (1) The site is developed with a duplex;
- (2) the site has an active building permit to construct a duplex; or
- (3) The application is being reviewed concurrently with a building permit application for construction of a duplex.

Section 72. AMENDMENTS TO CODE. Subpart B, Chapter 111, Article IV, Sec. 111-78 – Review criteria, is hereby amended as follows:

~~(a) The application for a duplex division may be approved only if the reviewing authority shall find that it satisfies the following criteria:~~

- ~~(1) It is consistent with the purpose and intent of the land development code ordinance.~~
- ~~(2) The existing lot is occupied by a duplex that conforms to all applicable regulations.~~
- ~~(3) A single-family structure will not replace or be added to the lot.~~
- ~~(4) The resulting lots will be relatively equal in size with the maximum difference equal to ten percent or less of the total area of the original lot, except for corner lots.~~
- ~~(5) Minimum lot width is not less than 30 feet, or 40 feet for corner lots.~~
- ~~(6) Minimum lot area is at least 1,500 square feet.~~
- ~~(7) The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.~~
- ~~(8) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the county recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.~~
- ~~(9) Prior to approval, the community development director/planner may require the applicant to enter into a written, city attorney approved common interest agreement suitable for recording in the county recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas, such as, but not limited to, walls, roofing, water pipes, and wiring.~~
- ~~(10) A common interest agreement shall not be required if the owner can demonstrate in writing to the community development director/planner that each unit will be assured separate and independent utility service as indicated by the required plans and that the units are or will be separated by two one-hour fire walls with a common foundation under the walls approved by the city building official.~~

~~(11) One off-street parking space exists or will be created for each resulting lot.~~

~~(12) For residential lots with existing areas of one-half acre or more, zoning approval shall not be granted until the city approves a master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable city standards. All development proposed shall comply with the approved master plan, unless a new master plan is approved by the city.~~

~~(b) The approved master plan shall be filed with the county clerk and all development proposed shall comply with the approved master plan. The master plan shall be considered null and void only when a new master plan is approved by the city and filed with the county clerk.~~

(a) The application for a duplex land division may be approved only if the reviewing authority shall find that it satisfies the following criteria:

(1) An application for duplex land division will be approved or denied within 63 days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. An application may be with conditions to ensure the application meets the applicable land use regulations.

(2) The duplex land division is for an existing or proposed duplex development.

(3) The existing or proposed duplex development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.

(4) The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.

(5) Separate utilities are provided for each dwelling unit.

(6) All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:

a. Locating, accessing, servicing, and replacing all utilities;

b. Pedestrian access from the primary entrance of each dwelling unit to a public or private street;

c. Any driveways or off-street parking;

d. Any common use areas or shared building elements; and

e. Any common area.

(7) Lot size standards in the underlying zone are exempt.

(8) Driveways, vehicle access, parking or minimum or maximum street frontage standards are not applicable to lots created through a duplex land division.

(b) *Conditions of Approval.* Conditions may not be placed on the approval of a duplex land division except to:

(1) Prohibit further division of the resulting lots;

- (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
- (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of city standards;
- (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of city standards; and
- (5) Require a notice in the form of a restrictive covenant indicating that the approval of the land division was given under ORS 92.031.

**Section 73. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-79 – Processing, is hereby amended as follows:

In the processing of a duplex land division, the applicable procedures listed in section 111-25 shall be followed. The application form may be obtained from the community development department/ planning division.

**Section 74. AMENDMENTS TO CODE.** Subpart B, Chapter 111, Article IV, Sec. 111-80 – Submittal requirements, is hereby amended as follows:

(b) In addition to the requirements of section 111-26, the preliminary plat shall include the following with accurate dimensions:

- (1) The location of the duplex, accessory structures and off-street parking ~~spaces for each unit.~~ Off-street parking spaces may be located on a different lot as the dwelling unit or in a common area.

(d) Final Plat. A duplex land division is subject to the final plat standards and procedures as specified in Sec. 111-26(2) except as follows:

- (1) Approval of the land division was given under ORS 92.031.
- (2) The duplex lot or parcel cannot be further divided.
- (3) No more than one dwelling unit of the duplex can be developed on each lot.
- (4) Accessory dwelling units are not permitted.

**Section 75.** The City Council of the City of La Grande, Union County, Oregon, shall and hereby does adopt the Findings of Fact and Conclusions of Law in the City Council Decision Order, dated April 1, 2026.


**Section 76. ORDINANCE CONFLICTS AND SEVERABILITY.** If any court of competent jurisdiction declares any section of this Ordinance invalid, such decision shall be deemed to apply to that section only, and shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

**Section 77. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, May 1, 2026.

ADOPTED AND APPROVED on this First (1<sup>st</sup>) day of April, 2026, by Six (6)  
of Six (6) Councilors present and voting in the affirmative.

  
Justin B. Rock, Mayor

ATTEST:

  
Stacey M. Stockhoff  
City Recorder

