

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

CASE NAME: PROJECTIONS INTO REQUIRED YARDS
CASE NO.: Development Code Amendment (DCA) DCA2012-00001

PROPOSAL: The applicant is requesting an amendment to Chapter 18.730.050.D of the Community Development Code to allow, in the R-12 Zone, bay windows and projections with floor area to extend into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet.

APPLICANT: Ryan O'Brien
1862 NE Estate Drive
Hillsboro, OR 97124

ZONES: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.

LOCATION: City-wide on land zoned R-12.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380, 18.390, 18.510, and 18.730; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission find in favor of the proposed text amendment, as amended by staff, allowing projections with floor area into required interior side yards subject to certain limitations, and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

SECTION III. PROPOSAL AND BACKGROUND INFORMATION

The applicant proposes to allow certain projections into required side yards in addition to those already allowed under the Tigard Development Code. Currently, projections such as roof eaves, chimney chases, and porches are allowed to project into required side yards with limited depth while preserving a minimum three-foot clear side yard. The proposed “pop-outs” are distinguished from the projections currently allowed because they include floor area, limited to one foot in depth while also preserving a minimum three-foot clear side yard. The additional projections would be applicable to properties zoned R-12, only.

Recent subdivisions (White Oak Village, Solera, and Everett Terrace) have created narrow lots approximately 25 feet wide that meet the 3,050 square foot minimum lot size for the zone. However, narrow lots may create narrow house design problems that can be alleviated when pop-outs expand the width of floor plans at critical areas, such as upstairs baths and downstairs living rooms.

In support of this amendment, the applicant sites market preference for the single-family *detached* housing type on narrow lots and improved aesthetics and functionality of walls that include pop outs. The applicant states that the proposed code amendment would support affordable in-fill housing through efficient use of land in the R-12 zone. The application materials include examples in Tigard and Portland of single family dwellings with pop-outs on narrow lots (Exhibits B through E).

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

The proposed text amendment would apply to all R-12 zoned lands within the City. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.

Findings and conclusions are provided below for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

♦ **The Statewide Planning Goals and Guidelines adopted under ORS Chapter 197**

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework.

Statewide Planning Goal 9 – Economic Development:

This goal seeks to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Statewide Planning Goal 10 -- To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendment's consistency with the Comprehensive Plan's Citizen Involvement, Land Use Planning, Economic Development, and Housing goals and policies are discussed in this report, below. Based on the findings below, staff finds that the proposed code amendment is consistent with applicable Statewide Planning Goals.

◆ **Applicable Comprehensive Plan Policies**

Comprehensive Plan Goal 1: Citizen Involvement

Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. The City mailed notice of the Planning Commission hearing to interested citizens on September 25, 2012. A notice was published in the Tigard Times newspaper on September 27, 2012 at least 10 days prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. Two public hearings are held (one before the Planning Commission and the second before the City Council) at which opportunity for public input is provided. This goal is met.

Comprehensive Plan Goal 2: Land Use Planning

Goal 2.1: Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

Policy 2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

The proposed amendment to the city's development code is precipitated by changes in the housing market that support affordable single-family detached housing on narrow lots. The proposed amendment would update the implementing regulations of the Tigard Development Code and, as shown in this section, is consistent with the applicable provisions of Tigard's Comprehensive Plan. This policy is met.

Comprehensive Plan Goal 9: Economic Development

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

Policy 3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

The proposed code amendment would expand the Exceptions to Development Standards section of the code (18.730) to allow pop outs into required yards improving the aesthetics and functionality of the single family detached housing type on narrow lots in the R-12 zone. The applicant suggests there is increased demand for this product type as affordable in-fill housing. The proposal would not affect infrastructure. This policy is met.

Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Policy 1: The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences, and financial capabilities of Tigard's present and future residents.

The proposed code amendment would apply to all existing housing types permitted in the R-12 zone. However, its greatest utility would be to support infill development on narrow lots with single-family detached

houses. The effect on the development of R-12 zoned properties may be to increase detached housing over attached housing, while not precluding the latter. According to the applicant, detached housing on narrow lots meets the preference in the housing market for detached housing and keeps the housing type affordable. This policy is met.

Goal 10.2: Maintain a high level of residential livability.

Policy 1: The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.

As shown in the applicant's exhibits B through E, the architectural interest of dwellings with projections could enhance the quality of residential buildings in R-12 zones. However, the reduction of side yards to accommodate projections on narrow lots may adversely affect adjacent established homes. Limiting applicability of the proposed code amendment to interior side yards would ensure protection of existing development. This policy is met.

FINDING: As shown in the analysis above, staff finds that with the suggested staff changes, the proposed code amendment is consistent with the applicable goals and policies in Tigard's Comprehensive Plan.

◆ **Applicable Provisions of the City's Implementing Ordinances**

Chapter 18.510 - Residential Zoning Districts

18.510.010 Purpose

A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development—schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services—at appropriate locations and at an appropriate scale.

B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

The applicant anticipates growth of infill housing in the R-12 zone through future subdivisions with the minimum 25 foot frontage (18.810.060.B) creating narrow lots for single family detached housing. The proposed code amendment could support this vision by improving the aesthetics and functionality of detached housing on narrow lots. Tigard is dominated by existing neighborhoods developed with low density detached single family housing. The proposed code amendment supports compatible single family detached development in abutting R-12 zones, consistent with the purposes of the residential zoning district.

18.510.020 List of Zoning Districts

R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.

According to the city's 2011 Buildable Lands Inventory, there are 30 lots over 10,000 square feet in size totaling 35.46 acres (Exhibit H). According to the applicant, the development potential of these infill properties is sufficient to warrant an application for the proposed additional exception to development standards allowing projections with floor area into required side yards.

Chapter 18.730 - Exceptions to Development Standards

The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

The proposed development code amendment provides for added flexibility in building elevation design to improve aesthetics and functionality of narrow house designs for narrow lots in the R-12 zone. A minimum three-foot setback is specified, consistent with the 2011 Oregon Residential Specialty Code which requires a minimum fire separation distance of three feet from the property line.

18.730.050 - Miscellaneous Requirements and Exceptions

This section includes requirements and exceptions for non-conforming front setbacks, storage in front yards, projections into required yards, lot area for flag lots, and front yard determinations. The proposed code amendment would add an additional exception to the Projections into Required Yards subsection, as shown below.

FINDING: As shown in the analysis above, staff finds that the proposed text amendment is consistent with the applicable provisions of the City's implementing ordinances.

PROPOSED TEXT AMENDMENT TO THE TIGARD DEVELOPMENT CODE

**DCA2012-00001
PROJECTIONS INTO REQUIRED YARDS
DEVELOPMENT CODE AMENDMENT**

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

[Bold, Underline and Italic] – Text to be added

**Chapter 18.730
EXCEPTIONS TO DEVELOPMENT STANDARDS**

18.730.050 Miscellaneous Requirements and Exceptions

D. Projections into required yards.

1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.
2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet.
3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.
4. Unroofed landings and stairs may project into required front or rear yards only.

5. In the R-12 Zone, bay windows and pop outs with floor area may project into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet.

SECTION V. STAFF ANALYSIS

As demonstrated in the application and the analysis above, the proposed amendment complies with the applicable state planning goals, City Comprehensive Plan goals and policies, and the city’s implementing ordinances.

Developers are interested in the proposed code amendment because it would allow a more desirable, affordable and higher quality single-family detached product for infill developments within Tigard. The code amendment anticipates narrow lot subdivisions in the R-12 zone while maintaining the detached character of the majority of Tigard’s neighborhoods. Recent subdivisions (Solera and Everett Terrace) located at SW 96th Avenue and SW Greenburg Road are examples of this subdivision type.

Development exceptions allowing projections into required yards is established in the existing code. However, the proposed amendment would dramatically expand the potential impact of those projections from minor architectural features to up to 30% of the side elevation. Whereas these impacts may be acceptable to buyers of new homes on narrow lots, the impact to existing residents on adjacent properties may be perceived as more adverse. To limit potential adverse impacts, pop outs should be limited to yards interior to the subdivision.

The applicant argues that projections improve the aesthetics and functionality of detached dwellings on narrow lots and would support affordable in-fill housing through efficient use of land in the R-12 zone. The purpose of the Exceptions to Development Standards is to provide more flexible setback standards designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety. The 2011 Oregon Residential Specialty Code requires a minimum fire separation distance of three feet from the property line. The proposed code amendment would limit projections with floor area into required yards to this minimum.

Staff Recommendation:

5. In the R-12 Zone, bay windows and pop-outs projections with floor area may project into required interior side and street side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved interior side yard is not reduced to less than 3 feet.

SECTION VI. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

The City of Tigard Development Engineering Division reviewed the proposal and cautioned that potential conflicts with projections that extend into easements would not be supported.

The City of Tigard Building Division reviewed the proposal and identified the UBC provision requiring a minimum 3-foot setback for walls and 2-foot setback for eaves (if constructed with 1-hour rated materials).

DLCD was notified of the proposed code text amendment but provided no comment.

PREPARED BY: Gary Pagenstecher
Associate Planner

October 4, 2012
DATE

APPROVED BY: Tom McGuire
Interim Community Development Director

October 4, 2012
DATE