

**CITY of LA GRANDE  
City Council Regular Session  
Wednesday, August 2, 2023**

**Council Chambers  
La Grande City Hall  
1000 Adams Avenue**

**AGENDA**

The meeting will be available for viewing via the City's scheduled Charter Communications channel 180 that will begin at 6:00 p.m. on August 2, 2023, on the EO Alive website at <https://eoalive.tv> or on the EO Alive.TV Facebook page at <https://www.facebook.com/EOAliveTV>.

**1. WELCOME to this REGULAR SESSION of the LA GRANDE CITY COUNCIL**

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

**2. AGENDA APPROVAL**

**3. CONSENT AGENDA**

*The Consent Agenda includes routine items of business which may be approved by one Motion of the Council. Any Councilor so desiring may by request remove one or more items from the Consent Agenda for Individual consideration under the Unfinished or New Business portion of the Agenda.*

- a. **Consider:** Approving Regular Session Minutes; July 12, 2023

**4. PUBLIC COMMENTS**

*Those individuals who wish to address the Council in connection with any item which is printed on tonight's Agenda may do so during the time that item is under discussion by the Council. Individuals wishing to speak to the Council about non-Agenda items may do so during this Public Comments portion of the Agenda. Please print your name and address on the Public Comments Sign-in Sheet, located on the podium. When addressing the Council, speak loudly and clearly into the Podium microphone, and state your name. Persons interested in providing virtual public comments shall contact City Staff at [sstockhoff@cityoflagrande.org](mailto:sstockhoff@cityoflagrande.org) or by calling the City Recorder at (541) 962-1309 not later than 5:00 pm the day prior to meeting to make arrangements. In the event the Mayor does not announce a time limit for comments, each speaker is asked to confine their comments to three minutes in length, whether the comments are in-person or virtual.*

- Introduction: La Grande Fire Department Personnel – New Hires [Cornford]

**5. PUBLIC HEARINGS**

- a. **Consider:** Ordinance; Second Reading: Amending Land Development Code [Boquist]

**6. UNFINISHED BUSINESS**

**7. NEW BUSINESS**

**8. UNION COUNTY COMMISSIONER'S UPDATE**

**9. STAFF COMMENTS**

**10. CITY MANAGER COMMENTS**

**11. CITY COUNCIL COMMENTS**

**12. ADJOURN**

\_\_\_\_\_  
Stacey M. Stockhoff  
City Recorder

*The City Council is currently scheduled to meet again in a Regular Session on Wednesday, September 6, 2023 at 6:00 p.m. The City Council of the City of La Grande reserves the right to convene an Executive Session for any purpose authorized under ORS 192.660. Persons requiring special accommodations who wish to participate in the City Council Meeting are encouraged to make arrangements prior to the meeting by calling 541-962-1309. The City of La Grande does not discriminate against individuals with disabilities.*

CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: **August 2, 2023**

PRESENTER: **Robert A. Strope, City Manager**

COUNCIL ACTION: **CONSIDER CONSENT AGENDA**

- 1. MAYOR: Request Staff Report
- 2. MAYOR: Entertain Motion

**Suggested Motion:** I move we accept the Consent Agenda as presented.

OR

**Suggested Motion:** I move we accept the Consent Agenda as amended.

- 3. MAYOR: Invite Council Discussion
- 4. MAYOR: Ask for the Vote

\*\*\*\*\*

**EXPLANATION:** A Consent Agenda includes routine items of business with limited public interest, which may be approved by one Motion of the Council. Any Councilor may, by request, remove any item of business from the Consent Agenda.

- a. **Consider:** Approving Regular Session Minutes; July 12, 2023

\*\*\*\*\*

**Reviewed By:** (Initial)

City Manager \_\_\_\_\_  
 City Recorder \_\_\_\_\_  
 Aquatics Division \_\_\_\_\_  
 Building Department \_\_\_\_\_  
 ED Department \_\_\_\_\_  
 Finance \_\_\_\_\_  
 Fire Department \_\_\_\_\_

Human Resources Dept \_\_\_\_\_  
 Library \_\_\_\_\_  
 Parks Department \_\_\_\_\_  
 Planning Department \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Public Works Department \_\_\_\_\_

**COUNCIL ACTION** (Office Use Only)

- Motion Passed
- Motion Failed; \_\_\_\_\_
- Action Tabled: \_\_\_\_\_  
Vote: \_\_\_\_\_
- Resolution Passed  
Effective Date: \_\_\_\_\_
- Ordinance Adopted  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**CITY of LA GRANDE**  
**City Council Regular Session**  
**July 12, 2023**

Council Chambers  
La Grande City Hall  
1000 Adams Avenue

**MINUTES**

**COUNCILORS PRESENT:**

Justin Rock, Mayor  
David Glabe, *Mayor Pro Tem*  
Corrine Dutto, *Councilor*  
Nicole Howard, *Councilor*  
Mary Ann Miesner, *Councilor*  
Denise Wheeler, *Councilor (arrived at 6:04 p.m.)*

**COUNCILORS ABSENT EXCUSED:**

Molly King, *Councilor*

**STAFF PRESENT**

Robert Strope, *City Manager*  
Stacey Stockhoff, *City Recorder*  
Gary Bell, *Police Chief*  
Michael Boquist, *Community Development Director*  
Carrie Bushman, *Library Director*  
Kyle Carpenter, *Public Works Director*

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/  
ROLL CALL/AGENDA APPROVAL**

Mayor ROCK called to order this Regular Session of the Council at 6:00 p.m. Roll Call was taken and a quorum was determined to be present.

**CONSENT AGENDA**

- a. **Consider:** Approving Regular Session Minutes; *June 7, 2023*
- b. **Consider:** Approving OLCC Liquor License Application; *Merlyn's Catering, LLC*

The following Motion was introduced by MIESNER; HOWARD providing the Second:

**MOTION**

**MOTION:** I move that we accept the Consent Agenda as amended.

**VOTE**

MSC: 5-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, and MIESNER; No: None)

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

- a. **Consider:** Ordinance, Public Hearing; Extending Temporary Moratorium on

**Bed and Breakfast Inns and Declaring  
An Emergency**

Mayor ROCK announced that the Public Hearing was open at 6:03 p.m. and asked City Recorder STOCKHOFF to read the Rules of Order in their entirety.

(Note: Councilor WHEELER joined the meeting at 6:04 p.m.)

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST stated the City Council and Planning Commission held a Joint Work Session on August 8, 2022, to discuss the possibility of pursuing a temporary moratorium on the acceptance of Conditional Use Permit applications for new Bed and Breakfast Inns (BnBs). As discussed during that Work Session, during the 2+ years beginning in early 2020, the Planning Commission had considered twenty-eight (28) Conditional Use Permit applications for BnBs, which had resulted in the conversion and removal/loss of twenty-four (24) full-time dwelling units from the City's housing stock or inventory (rentals and home ownerships). The frequency of applications being submitted and the loss of housing has been concerning to the Planning Commission.

BOQUIST mentioned that during the October 5, 2022, Regular Session of the City Council, the Council passed the proposed moratorium Ordinance 3258, Series 2022, with the Emergency Clause. The City Council's approval and passage of this moratorium came with the direction that the Planning Commission and Staff propose amendments to the Land Development Code to address the permitting of BnBs, potential neighborhood impacts, and to minimize the adverse impacts on the City's housing inventory. The first moratorium was limited to 120-days from its adoption, which was scheduled to expire on February 2, 2023.

BOQUIST stated that the Planning Commission and Staff held several work sessions since the moratorium was established and developed proposed Land Development Code amendments to address the permitting of BnBs, potential neighborhood impacts, and to minimize the adverse impacts on the City's housing inventory as directed. These amendments were presented to the City Council during a Joint Work Session of the Planning Commission and City Council on January 30, 2023. These amendments would be included in a larger Land Development Code amendment proposal that addressed a variety of other needs, such as creating additional housing opportunities as recommended in the City's adopted Housing Production Strategy (HPS) report, and more.

BOQUIST added that during the February 1, 2023, Regular Session of the City Council, the Council found the conditions warranting the moratorium continued to exist and that Community Development Department and Planning Commission were making progress toward establishing land use codes governing the operation of bed and breakfast inns (aka short-term rentals) as directed by the City Council. As a result, the Council passed proposed Ordinance 3261, Series 2023, with an Emergency Clause, that extended the moratorium an additional six (6) months, expiring on August 1, 2023.

BOQUIST noted that in April, 2023, the Planning Commission completed their efforts on drafting the more comprehensive package of proposed Land Development Code Amendment, which included new land use codes governing the operation of short-term rentals. The proposed amendments were presented to the City Council during a Joint Work Session of the Planning Commission and City Council on May 22, 2023, which were generally supported by the Council. The first Public Hearing scheduled before the Planning Commission for June 13, 2023, with Public Hearings and adoption scheduled before the City Council on July 12, 2023, and August 2, 2023. The adopting Ordinance was anticipated to be effective on September 2, 2023.

BOQUIST expressed that with the BnB moratorium scheduled to expire on August 1, 2023, the Planning Commission and Staff were asking the City Council for one (1) last and final extension of the moratorium. This extension would allow the Land Development Code amendments to be adopted before the moratorium was lifted. To accommodate this, the proposed Ordinance included a six (6) month extension time frame as provided by State law, but also included a termination date based on the effective date of the proposed Land Development Code amendments, "*whichever is sooner.*"

BOQUIST anticipated the effective date of adopting the Land Development Code (LDC) amendment to be on September 2, 2023, at which time the moratorium would be lifted.

**PUBLIC TESTIMONY**

None

**COUNCIL DISCUSSION**

GLABE commented that he would prefer to see an expiration date of two (2) months on this Ordinance instead of six (6) months. He was hopeful that if this shorter deadline was set, the process for the LDC Ordinance would go into effect as anticipated in September. BOQUIST explained that the way both of these Ordinances were currently written, they would assure the moratorium would remain in effect, in case the City Council had not completed the adoption by the August 2, 2023, date for the 2<sup>nd</sup> Reading.

It was entirely up to the City Council on how to proceed. He recommended both Ordinances stay lined up the way they were now, in case the City Council did extend the LDC Ordinances adoption date, for a smoother transition.

WHEELER stated that she did not want to extend the moratorium, to which a discussion was held regarding why the temporary moratorium should continue to stay in place and why the Ordinance was aligned to expire when the LDC Ordinance would go into effect. It was noted that if the moratorium was not extended and lapsed before the LDC Ordinance was effective, an application could be submitted which would not be subject to the proposed licensing requirements and would be processed under the current LDC requirements.

Mayor ROCK closed the Public Hearing at 6:12 p.m. and entertained a Motion:

The following Motion was introduced by MIESNER; HOWARD providing the Second:

**MOTION**

**MOTION:** I move that the proposed Ordinance Declaring an Emergency and Extending a Temporary Moratorium on Bed and Breakfast Inns be Read by Title Only, Put to a Vote, and Adopted.

**COUNCIL DISCUSSION**

None

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Ordinance by Title Only.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, EXTENDING A TEMPORARY MORATORIUM ON BED AND BREAKFAST INNS; AND DECLARING AN EMERGENCY [3265]**

**VOTE**

**MSC: 5-1 (Yes: ROCK, GLABE, DUTTO, HOWARD, and MIESNER; No: WHEELER)**

- b. **Consider:** Ordinance, Public Hearing;  
First Reading: Amending Land Development Code

Mayor ROCK announced that the Public Hearing was open at 6:13 p.m. and asked City Recorder STOCKHOFF to read the Rules of Order in their entirety.

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST shared that a copy of Exhibit A - Summary of Proposed LDC Amendments which showed the proposed

changes was placed on the dais for each of the Councilors to view.

BOQUIST stated the City of La Grande Land Development Code (LDC) Ordinance 3252, Series 2021, was proposed to be amended to provide additional housing development and affordability options as recommended in the City's Housing Production Strategy, adopted by City Council Resolution 4810, Series 2021. Additionally, other periodic amendments of the Land Development Code were included to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community.

BOQUIST noted that twenty (20) work sessions had been held in the drafting of the proposed Code amendments since October 2021, with eighteen (18) of those before the Planning Commission and two (2) of those jointly with the Planning Commission and City Council. The last work session was held on May 22, 2023, jointly with the Planning Commission and City Council, where the proposed Code amendments in their final form were presented and discussed.

BOQUIST shared that between May 16, and May 18, 2023, public notice was mailed to the owners of all properties within the City of La Grande and the Urban Growth Boundary. The proposed Code amendments and all supporting information were made available to the public on the City's website, as well as copies of Exhibit A of the draft Decision Order were given to the public, upon request and free of charge. The first public hearing for adoption was held before the Planning Commission on June 13, 2023, where the Commission heard testimony from several residents in the community, and after discussions voted unanimously to recommend approval of the proposed Code amendments to the City Council, with one change to revise the proposed amendment to remove allowing Cottage Housing Developments within the Low Density Residential (R-1) Zone.

BOQUIST provided a recap summary of the June 13, 2023, Planning Commission Hearing and public comments that were given.

BOQUIST explained that this public hearing before the City Council was to hear and consider public testimony from property owners and community members, consider the Planning Commission's recommendation, and proceed with the First Reading of the proposed Ordinance, by Title Only. This was also the time for the City Council (by consensus of the entire Council) to advise staff on any final changes the Council would like to make (e.g. removing the amendment to allow Cottage Home Developments within the R-1 Zone). Such changes would be made to the proposed Ordinance

and provided to the City Council during the August 2, 2023, Regular Session, at which time the proposed Ordinance was scheduled for a Second Reading by Title Only and adoption.

BOQUIST presented an overview of the executive summary list of proposed amendments by giving a brief explanation of the changes.

In regards to Cottage Home Developments and where the zone boundaries were located, BOQUIST showed a map where each zoning district was located within the boundaries of La Grande.

A discussion was held regarding the definitions of a Short-Term Rental and how many Short-Term Rentals one (1) owner could potentially own with the updated amendments.

MIESNER asked if an owner currently owned two (2) or more Short-Term Rentals and that number decreased, would that owner be grandfathered in, to which BOQUIST answered yes.

GLABE did not agree with the proposed change in regards to decreasing the limited lot size from 5,000 square feet to 3,000 square feet. After researching on his computer, he could not find supporting evidence of any municipalities that were under 5,000, and felt that the benchmark should stay at 5,000. He felt that going on assumption of reducing the lot size would reduce housing prices was not accurate.

BOQUIST respectfully disagreed stating he does not believe that accurate studies have been performed with current data and land use patterns. He stated that the upfront price for a 5,000 square foot lot would be more expensive than a 3,000 square foot lot and explained that by having smaller lots available for a smaller home to be built on would be less expensive, giving those with a lower income an opportunity to own a smaller, less expensive home. He felt that there was a desire in the community for this change.

GLABE voiced that the study he found was only four (4) years old and felt that was recent enough. He felt that there were assumptions being made that could be challenged. He asked BOQUIST if he knew of any other cities around La Grande that were below the minimum 5,000 square foot lot size, to which BOQUIST answered that he was sure that there were no cities around La Grande because he felt that La Grande was one of the most progressive cities located in Northeastern Oregon. La Grande also received a lot of grant money from the state. Creating the opportunity was important and felt that this standard would become more common in the state.

By building more houses, which was what our community needed, HOWARD asked what GLABE's objective was. In reference to the Ridge subdivision, GLABE explained that if a developer owned a piece of land and broke it out into



smaller lot sizes and a higher income family wanted to build on said land, their costs could potentially be higher if they decided to purchase two (2) smaller sized lots that were 3,000 square feet each compared to purchasing one lot size at 5,000 square feet.

DUTTO mentioned that a recent article in the newspaper stated the population was 50% rent burden and felt that number was too high. By making some changes to the lot size could help with the housing issues that our community was experiencing.

BOQUIST voiced that the Ridge subdivision was located in an R-2 Zone with a 5,000 minimum square foot lot size. The developer, by his choice, developed 15,000 or 20,000 foot square lots. The proposed change to a 3,000 square foot minimum would not prohibit a developer from creating a larger lot, it would only set the minimum size.

In regards to someone applying to own a Short-Term Rental, the proposed Code change stated that the applicant/owner would be required to obtain support from the majority of adjacent property owners, GLABE suggested that this should be in a written format so that it would be documented for verification. BOQUIST confirmed that there would be an acknowledgment statement that would need to be signed.

#### **PUBLIC TESTIMONY**

Dana WRIGHT, La Grande resident, spoke in opposition to the limit of one (1) Short-Term Rental per owner and recommended that the Council consider amending this section to allow a property owner to have at least two (2) or three (3). He also suggested adding language that the owner would need to own the property for (x) length of time. He felt the City benefited from Short-Term Rentals because of the Transient Room Tax that was collected and the owner benefited from renting out to Short-Term tenants compared to a disruptive Long-Term tenant. He also encouraged the Council to not extend the moratorium again if the LDC Ordinance was delayed passed the August 2, 2023, timeframe.

#### **COUNCIL DISCUSSION**

WHEELER voiced that she did not want to see Cottage Housing developments built to all look identical, to which BOQUIST stated that this was not a requirement within that section of the amendments. He explained that an accessory building, such as a small apartment on the same lot, would need to have the same look to be compatible with the main dwelling.

A discussion was held in regards to setting the number of how many Short-Term Rentals a person could own, the distance that an owner lived from the rental(s) or response time needed to respond to an emergency at the rental, and if

the owner was out of town for any reason, who should be placed in that responsibility role in their absence.

In regards to Section 3.22.003 – Short-Term Rental Requirements and Use Restrictions, under the Good Neighbor Policy (Section J.3.) - *One or more emergency contacts for the short-term rental shall reside within ten (10) miles of the short-term rental and shall be responsive to neighborhood questions, concerns, or complaints within two (2) hours*, Council consensus was reached to change ten (10) miles to fifteen (15) miles and leave the two (2) hours as is. Consensus was also reached to change the number of Short-Term Rentals owned by one (1) person to a maximum of two (2) each.

The City Council also reached consensus on supporting the Planning Commission’s recommendation to revise the proposed amendment to remove allowing Cottage Housing Developments within the Low Density Residential (R-1) Zone.

Upon Mayor ROCK’s request, City Recorder STOCKHOFF read the proposed Ordinance by Title Only.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REPEALING ORDINANCE NUMBERS 3252, SERIES 2021, AND 3257, SERIES 2022; AND ADOPTING AN ORDINANCE OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AMENDING VARIOUS ARTICLES, ADDING NEW LANGUAGE, AND RECODIFYING THE “LAND DEVELOPMENT CODE” ORDINANCE; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EFFECTIVE DATE**

Mayor ROCK announced that the Public Hearing would be continued to August 2, 2023, at which time the proposed Ordinance was scheduled to be read a Second Time by Title Only and considered for Adoption.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

- a. **Consider:** Authorizing Application for Technical Assistance Grant; Oregon Department of Land Conservation and Development (DLCD)

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST stated that for the past several years, addressing the community’s housing needs had been a priority of the

City of La Grande Planning Commission and City Council, as well as by the Oregon Legislature through the passage of House Bills (e.g. HB 2001 and HB 2003) that focused on creating and encouraging additional housing opportunities for households that were considered low-income, as well as allocating State funding to help cities meet the adopted House Bill requirements.

BOQUIST expressed that as a result of the State's housing focus, the City had been successful at receiving technical assistance funding from the Oregon Department of Land Conservation and Development (DLCD) to hire consultants to conduct a Housing Needs Analysis (HNA) that evaluated and determined the City's housing needs over the next 20-years, followed by developing a Housing Production Strategy (HPS) to recommend options for addressing the City's housing needs.

BOQUIST stated that while preparing an HNA and HPS continued to be a requirement per Oregon House Bill 2003, and priority for allocating funding from State, the City of La Grande had completed these two (2) requirements and an additional funding opportunity had become available for hiring a consultant to conduct a land use code analysis to identify areas where City code may be inconsistent with State housing laws that have been passed over the past several years, and recommend code amendments for addressing these inconsistencies.

BOQUIST noted that in a recent conversation with DLCD, the City of La Grande had been recognized for its commitment and successfully completing and adopting the HNA and HPS, ahead of many other cities in Oregon. Also, DLCD expressed their support for the proposed Land Development Code amendments and was encouraged by the City's efforts to address its housing need by providing additional housing opportunities within the community through the proposed Code amendments.

BOQUIST stated that as a follow up to the City's HNA, HPS and current Land Development Code amendments, DLCD asked the City of La Grande to consider applying for the current round of technical assistance funding to conduct a land use code analysis and draft proposed land development code amendments for subsequent adoption, if needed. While this grant was intended to focus on housing elements, DLCD advised that the consultant analysis may be expanded to address other code elements (e.g. such as the City's sign code which has been of interest to the City and placed on hold for the past 3+ years due to limited resources and other priorities). Also, this technical assistance grant does not require a funding match, and therefore would not have any City budgetary impacts.

BOQUIST expressed that Staff felt that this land use code analysis would be beneficial to the City and was timely with the planned adoption of the 2023 Land Development Code amendments. It was likely that this analysis would find some inconsistencies between City Code and State laws and this grant provided a great opportunity for the City to identify and address such inconsistencies, as well as move forward with the City's sign code amendment project.

As part of applying for this technical assistance grant, BOQUIST added that DLCDC asked that the City provide a letter expressing the City Council support. As a result, Staff was requesting the City Council's consideration in supporting and authorizing Staff to apply for this grant, and authorizing the Mayor to sign the letter on behalf of the City Council expressing support.

In response to MIESNER's questions regarding the grant, BOQUIST stated that the grant amount was estimated to be around \$30,000 to \$50,000, and it does not require a funding match. He was confident that the DLCDC would hire a consultant that would fit our community's needs.

**PUBLIC COMMENTS**

None

**COUNCIL DISCUSSION**

None

**MOTION**

The following Motion was introduced by MIESNER; DUTTO providing the second.

**Motion:** I move that the Community Development Department be authorized to apply for a technical assistance grant from the Oregon Department of Land Conservation and Development, and, further, that City Manager Strope be authorized to sign grant documents if awarded.

**COUNCIL DISCUSSION**

None

**VOTE**

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)

- b. **Consider:** Resolution; Establishing Lien on Real Property

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST stated that beginning in March 2022, the City of La Grande Police Department began receiving complaints regarding 1325 T Avenue, reporting excessive outdoor storage of garbage and people living in recreational vehicles. The City's Code Enforcement Officer initiated

Code enforcement action, notifying the property owner (and heirs) via certified letter and visiting the property on multiple occasions to speak with the owner's sons about the violations and required actions to resolve the matter. Code enforcement action was continuous and ongoing through August 2022, during which time three (3) citations were issued and filed with Municipal Court.

BOQUIST added that by late August, the volume of outdoor storage had significantly grown, generating odors and other nuisances that were adversely affecting many residences in the neighborhood. Due to the lack of cooperation and resolution by the property owner (or heirs), the Police Department and Planning Division moved forward with the first City initiated nuisance abatement. This process was outlined in the City's Enforcement Ordinance 3203, Series 2012, which included notification to the property owner, posting the property with an abatement notice, the City hiring contractors to clean up the property, then billing the property owner for all costs incurred, then ultimately placing a lien on the property for any unpaid costs.

BOQUIST noted that the first abatement was scheduled and occurred on September 27, 2022, resulting in a total cost of \$9,228.10, which the City Council placed as a lien against the property through Resolution 4832, Series 2023, on March 1, 2023.

BOQUIST voiced that in January, 2023, the property had returned to a state of violation with excessive outdoor storage of garbage and people living in recreational vehicles. The City's Code Enforcement Officer initiated Code enforcement action, notified the property owner (and heirs) via certified letter. Due to the lack of cooperation and resolution by the property owner (or heirs), the Police Department and Planning Division moved forward with the second City initiated nuisance abatement on January 31, 2023, in accordance with the City's Enforcement Ordinance 3203, Series 2012, which ultimately may result in the City placing a lien on the property for any unpaid costs.

BOQUIST stated that this second abatement amounted to \$3,687.99 in costs. The property owner (Estate of Kelly Elliott) was provided an invoice for these abatement costs, on April 13, 2023, and asked to submit payment by May 14, 2023. *(Note – The property owner was deceased and the property was in probate).* On April 25, 2023, the City Attorney notified the probate attorney for the Estate of Kelly Elliott, and submitted a claim against the estate for the abatement costs.

BOQUIST explained that Staff was requesting that the City Council pass the proposed Resolution assessing the abatement costs of \$3,687.99 to the property as a lien. The

cost for recording the lien with the Union County Clerk would be added to the total cost of the lien, as would the cost of releasing the lien. The lien shall bear interest at the current statutory interest rate of eight percent (8%) until paid in full.

**PUBLIC COMMENTS**

Chief BELL stated that by conducting two (2) abatements on this property instead of a different type of enforcement, he felt that this property has been impacted in a positive way.

**COUNCIL DISCUSSION**

None

The following Motion was introduced by GLABE; MIESNER providing the Second:

**MOTION**

**MOTION:** I move that the proposed Resolution establishing a lien for failure to pay the cost of abating a nuisance and land use violation on property located at 1325 T Avenue be read by Title Only, Put to a Vote and Passed.

**COUNCIL DISCUSSION**

Mayor ROCK thanked BOQUIST and BELL for their ongoing efforts on this situation.

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Resolution by Title Only.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING A LIEN ON REAL PROPERTY FOR FAILURE TO ABATE OUTDOOR STORAGE NUISANCES AND LAND USE VIOLATIONS [4841]**

**VOTE**

**MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)**

**c. Consider: Resolution; Annexing Property; 2406 Watson Rd, File Number 04-ANP-23**

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

**Michael BOQUIST, *Community Development Director***

BOQUIST reported the subject property, 2406 Watson Road, was located within the City of La Grande Urban Growth Boundary and the property owner requested annexation into the City of La Grande, City Limits, in exchange for receiving City water and sewer services. City Ordinances required annexation prior to receiving the requested City services.

BOQUIST added that in accordance with Oregon Revised Statutes 222.125, this request may be approved by Resolution when the request included 100% property owner consent(s) and consent from the majority of the electors. If these requirements were met, the legislative body (City

Council) may “proclaim the annexation” by Resolution. In this case, the property owner had signed a Consent to Annex Agreement, which represented 100% of the property ownership. The property had a single-family dwelling which was occupied by the owner and was the only elector residing on that property. The applicable requirements were met to annex the properties by Resolution.

**PUBLIC COMMENTS**

None

**COUNCIL DISCUSSION**

None

The following Motion was introduced by HOWARD; DUTTO providing the Second:

**MOTION**

**MOTION:** I move that the proposed Resolution annexing properties located at 2406 Watson Road, be Read by Title Only, Put to a Vote, and Passed.

**COUNCIL DISCUSSION**

None

Upon Mayor ROCK’s request, City Recorder STOCKHOFF read the proposed Resolution by Title Only.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, DECLARING CERTAIN TERRITORY ANNEXED TO THE CITY OF LA GRANDE, UNION COUNTY, OREGON; SPECIFICALLY, PROPERTY AT 2406 WATSON ROAD, T3S, R38E, SECTION 04BC, TAX LOT 1400; AND, ALL OF THE ADJACENT WATSON ROAD RIGHT-OF-WAY; AND, REMOVING SAID PROPERTY FROM THE LA GRANDE RURAL FIRE PROTECTION DISTRICT [4842]**

**VOTE**

**MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)**

**d. Consider: Authorizing City Manager to Negotiate for IT Services; Chaves Consulting**

**STAFF REPORT**

Mayor ROCK requested the Staff Report.

Robert A. Strope, *City Manager*

STROPE relayed that earlier this year, the City was notified by InterMountain Education Service District (IMESD) that they would no longer be providing IT support for cities, including La Grande, effective July 1, 2023. In response, City Staff formed a committee to explore options, including contracting with another provider, hiring an in-house staff person, or a hybrid option. The adopted budget included funds for contract services and for in-house staff. After advertising for and interviewing candidates for an in-house position, and comparing the responses for contract services, it became clear that the best option was to

contract for the services with Chaves Consulting. Their proposal provided for dedicated staff as well as the other services currently provided by IMESD. The total cost was slightly higher than what was budgeted for contract services, but given that the City did also budget for a City employee, the added costs should be covered.

STROPE added that City Staff discussed the options with IMESD and they concur with the Committee's assessment that Chaves was the best choice. IMESD has agreed to assist with urgent IT needs during the transition and Chaves indicated they would also provide support for urgent issues at no cost during July in advance of the contract taking effect. Following Council approval, City Staff would develop and sign an agreement.

GLABE asked what the relationship was between Chaves Consulting, Inc., located in Baker City, Oregon, and Arrikkan, Inc., located in Vancouver, Washington, to which CARPENTER explained that Chaves was the home of the data center and handled the local tech issues and Arrikkan, Inc., handled the security remote monitoring off-site. Chaves would provide one FTE that would be on-site from 8 a.m. to 5 p.m. daily, inside our facilities.

In response to DUTTO's question regarding the cost, STROPE explained the total additional cost as compared to IMESD would be around \$80,000 spread out across different funds and departments for almost twice the level of service that the City was receiving from IMESD.

DUTTO asked if the City needed this type of level of service, to which STROPE answered yes and explained that the City continued to have a backlog of help tickets because IMESD was contracted with the City for only three (3) days a week. Another concern would be having proper security in place to protect the City against cyber-attacks.

GLABE asked if the City was currently insured against cyber-attacks, to which STROPE said yes, at a moderate level and explained that in order to obtain higher levels of insurance coverage, the City would have to have additional pieces in place, which he believed that Chaves would offer the City such security levels.

**PUBLIC COMMENTS**

None

**COUNCIL DISCUSSION**

MIESNER asked if the City did not like the services provided by Chaves Consulting after the first year, would there be a way to back out of the contract, to which STROPE stated that he would sort out the language to see how it would look in the final agreement.



The following Motion was introduced by DUTTO; MIESNER providing the Second:

**MOTION**

**MOTION:** I move to authorize the City Manager to negotiate and sign an agreement for City-wide I.T. services with Chaves Consulting as presented.

**COUNCIL DISCUSSION**

None

**VOTE**

**MSC:** 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER, and WHEELER; No: None)

**UNION COUNTY COMMISSIONER UPDATE**

Commissioner Matt SCARFO provided each Councilor a copy of past minutes from the City of Island City's City Council meeting regarding the Greenway project. A discussion was held regarding the cost and funding for the project, the designing element, and why the project did not move forward to completion. The Council reached consensus to request a joint work session to include the County Commissioners, Island City Council and the La Grande Council to revisit the discussion to see if there was interest in continuing with this project.

SCARFO stated that the County approved their budget for this next fiscal year. He also added that the Fair funding was not approved through the Legislative Session but he would try again in September through another avenue.

SCARFO noted that the Eastern Oregon Economic Summit was scheduled for August 3, 2023, to August 4, 2023, and gave a summary of what the event entailed. He encouraged the Councilors to sign up to attend any of the tours that were scheduled and to come to the event dinner.

SCARFO announced that on July 22, 2023, and July 23, 2023, there would be a polo event held at the local Polo grounds put on by the United States Polo Association (USPA). This was a free event and the community was invited to attend.

**STAFF COMMENTS**

CARPENTER announced that the Public Works sweeper crew would be cleaning the downtown streets the following morning to prepare for the Crazy Days event that was to begin on Friday, July 14, 2023.

CARPENTER gave a brief update on the paving, sewer, and infrastructure projects that Public Works was currently working on.

CARPENTER mentioned that a new air monitoring station was installed earlier that day, which was located at Riveria School, and explained the function of the station was to monitor the air quality in our community and to monitor where smoke was funneled in to our valley. Once the other

six (6) stations were installed, he would share the link on the City's website, which would direct the user to a hosted website showing the data collected from all of the stations.

CARPENTER stated that the Gekeler Street and 16th Street chip seal project was on hold until the County's machinery was repaired and could finish the project, to which a discussion was held regarding the bike lane repair that was included on those streets.

BUSHMAN announced that the Library was showcasing a new mural that was painted by Lauren Hull, bringing color into the Library. She also stated that the Library was hosting a stuffed animal sleepover and explained what that entailed.

#### CITY MANAGER COMMENTS

STROPE reminded the Councilors that the Goal 9 Work Session was scheduled for Monday, July 24, 2023.

STROPE mentioned that an email was recently sent out to the Councilors regarding the Chamber of Commerce Director's proposal regarding his salary. STROPE gave a brief background on the tourism promotion services mechanism breakdown including the funding allocation for the Executive Director position and voiced he was seeking guidance from the City Council on how to proceed with the wage proposal, to which a discussion was held regarding how to adjust the salary to be competitive and retain employment. The Council reached consensus on supporting an increase at a lesser amount than what was included in the Chamber Director's proposal. Specifically, assuming the Chamber Board approved a \$6,700 increase, the City would match the increase at two-thirds of the amount, which was approximately \$4,422. The City Council expressed willingness to consider further increases if data supported such an increase.

#### CITY COUNCIL COMMENTS

In regards to the Eastern Oregon Economic Summit information that was shared earlier that evening, WHEELER asked how she could sign up for the event, to which Commissioner SCARFO stated he would forward an email with that information to STROPE who would forward it to the Councilors.

DUTTO stated she missed last month's City Council meeting due to attending the School Budget Committee. She also recently met with Commissioner SCARFO and the Humane Association to talk about feral cats and the different ways to manage the situation. She was waiting to hear back from the Association on the cost estimates for the ideas they discussed.

MIESNER shared that La Grande's Crazy Days and the car show were started on Friday, July 14, 2023, and continued to Saturday, July 15, 2023, and gave a foretell of the events.

MIESNER stated that the Timber Ridge Apartments have not been rented out yet, but hopefully by end of July or first week of August, people would start to move in.

GLABE voiced that our valley was surrounded by marvelous trails that were used for recreational use and he would love to propose a work session to revisit the discussion regarding the merits of allowing ATV/UTV's on City streets, to which a discussion was held with a few Councilors in support of ATV/UTV's on City streets and a few Councilors that were not in support. After much debate, the Council reached consensus to schedule a work session to discuss this topic further.

There being no further business to come before this Regular Session of the Council, Mayor ROCK adjourned the meeting to the Urban Renewal Agency Regular Session at 8:28 p.m. The Council is scheduled to meet again in Regular Session on Wednesday, August 2, 2023, at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

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Stacey M. Stockhoff  
City Recorder

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Justin B. Rock  
Mayor

APPROVED: \_\_\_\_\_

CITY of LA GRANDE  
COUNCIL ACTION FORM

Council Meeting Date: August 2, 2023

PRESENTER: Michael Boquist, Community Development Director

COUNCIL ACTION: PUBLIC HEARING AND SECOND READING BY TITLE ONLY OF PROPOSED ORDINANCE AMENDING 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 July 12, 2023.
2. MAYOR: Request Staff Report.
3. MAYOR: Invite Public Testimony from those in Favor, in Opposition, and ending with 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 Ordinance for the Second Time by Title Only.
8. MAYOR: Ask for the Vote.

\*\*\*\*\*

**EXPLANATION:** The City of La Grande Land Development Code (LDC) Ordinance 3252, Series 2021, is proposed to be amended to provide additional housing development and affordability options as recommended in the City's Housing Production Strategy, adopted by City Council Resolution 4810, Series 2021. Additionally, other periodic amendments of the Land Development Code are included to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community. Following is an executive summary list of proposed amendments. See attached Staff Report/Decision Order for a more comprehensive list and justification for adoption.

- Housing Production Strategy – Action Items
- Urban Forestry Amendments
- Bed and Breakfast Inns (Short-Term Rentals)
- La Grande Business and Technology Park
- Small-Scale (Artisan) Manufacturing
- Mobile Food Venting Trailers and Courts
- Parking – Eastern Oregon University
- Public Street Standards
- Conditional Use Permit Review Criteria
- Housekeeping and Other Code Amendments

Twenty (20) work sessions have been held in the drafting of the proposed Code amendments since October, 2021, with eighteen (18) of those before the Planning Commission and two (2) of those jointly with the Planning Commission and City Council. The last work session was held on May 22, 2023, jointly with the Planning Commission and City Council, where the proposed Code amendments in their final form were presented and discussed.

Between May 16, and May 18, 2023, public notice was mailed to the owners of all properties within the City of La Grande and the Urban Growth Boundary. The proposed Code amendments and all supporting information was made available to the public on the City's website, as well as copies of Exhibit A of the draft Decision Order were given to the public, upon request and free of charge. The first public hearing for adoption was held before the Planning Commission on June 13, 2023, where the Commission heard testimony from several residents in the community, and after discussions voted unanimously to recommend approval of the proposed Code amendments to the City Council, with one (1) change to revise the proposed amendment to remove allowing Cottage Housing Developments within the Low Density Residential (R-1) Zone.

Summary of June 13, 2023, Planning Commission Hearing & Public Comments:

- Twenty-four (24) members of the public attended the Planning Commission meeting.
- Ten (10) residents provided public testimony, expressing concerns and/or objections regarding the proposed Code amendment to Article 3.22 – Cottage Home Developments, which will allow Cottage Home Developments within the City's Low Density Residential (R-1) Zone.
  - This zoning is predominantly along the South hillside area of La Grande, in the vicinity of Ridge Drive, South 12<sup>th</sup> Street, South 18<sup>th</sup> Street and South 20<sup>th</sup> Street.
  - Within these areas, properties are typically larger with higher value custom homes.
  - Cottage home developments are very similar in function to multi-family housing. As such, allowing cottage home developments within R-1 areas would not be consistent with existing development patterns (density, parcel sizes, types of homes, traffic impacts, values, etc.) and would result in compatibility conflicts that would adversely impact the enjoyment of properties and resale values of existing homes.
  - Additionally, adding cottage home developments as an option in the R-1 zone would make such zoning nearly identical to the R-2 zoning, which does not make sense. A question was posed by one party (no answer expected) – *“Why have different zones if they are all the same?”*
- Three (3) residents provided public testimony expressing concerns about the proposed 3,000 square foot minimum lot size. They did not want to see the vacant lots next to them divided into small parcels such as this and developed with cottage homes or townhouses.
  - The Planning Commission recognized that some residents may not support this proposal to reduce the 5,000 square foot minimum lot size to 3,000; but, also recognized that these smaller lot sizes already exist throughout our community, they fit in well without creating conflict, and they provide an affordable housing choice for renters and entry level home buyers.
- One (1) resident inquired about the proposed short-term rental code and asked for confirmation that their existing short-term rentals would be allowed to continue after adoption of the new Code. Such confirmation was provided and Staff explained that any existing short-term rental that did not meet the new code would be grandfathered and allowed to continue until such time that the home reverted back to a residential dwelling and short-term rental use had been discontinued for a period greater than one (1) year.
- The June 13, 2023, Planning Commission concluded with the Commission voting unanimously to recommend approval of the proposed Code amendments to the City Council, with the exception of recommending that proposed amendment to allow Cottage Home Developments within the R-1 Zone be removed from the proposed code revisions.

During the July 12, 2023, public hearing before the City Council, one (1) property owner provided testimony requesting that the City Council consider amending the proposed short-term rental standards to allow each property owner to own up to two (2) short term rentals. This request was discussed with staff in advance of the public hearing and was supported by Staff and included in the staff report presentation. Staff feels this request to allow each owner to own two (2) short-term rentals is consistent with intent of the proposed code to minimize the loss of needed housing through conversion to short-term rentals. During Council discussions, the City Council also discussed the proposed requirement for a short-term rental owner or site manager to reside within 10-miles of the City, and by consensus directed staff to increase this distance to fifteen (15) miles. Both of these changes are reflected in Code amendments presented for the Second Reading of the proposed Ordinance, by Title Only.

The City Manager recommends that the Council proceed with the Second Reading by Title Only and the adoption of the proposed Ordinance with the two modifications as presented.

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**Reviewed By:** (Initial)

City Manager \_\_\_\_\_  
 City Recorder \_\_\_\_\_  
 Aquatics Division \_\_\_\_\_  
 Building Department \_\_\_\_\_  
 ED Department \_\_\_\_\_  
 Finance \_\_\_\_\_  
 Fire Department \_\_\_\_\_

Human Resources Dept \_\_\_\_\_  
 Library \_\_\_\_\_  
 Parks Department \_\_\_\_\_  
 Planning Department \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Public Works Department \_\_\_\_\_

**COUNCIL ACTION** (Office Use Only)

- Motion Passed
- Motion Failed; \_\_\_\_\_
- Action Tabled: \_\_\_\_\_  
Vote: \_\_\_\_\_
- Resolution Passed  
Effective Date: \_\_\_\_\_
- Ordinance Adopted  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

# 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 amendments to the Land Development Code Ordinance 3252, Series 2021.
- 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 adopted.
  - 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 3266  
SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REPEALING ORDINANCE NUMBERS 3252, SERIES 2021, AND 3257, SERIES 2022; AND ADOPTING AN ORDINANCE OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AMENDING VARIOUS ARTICLES, ADDING NEW LANGUAGE, AND RECODIFYING THE “LAND DEVELOPMENT CODE” ORDINANCE; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, on July 7, 2021, the City Council of the City of La Grande passed Resolution Number 4810, Series 2021, adopting a Housing Production Strategy (HPS), pursuant to Oregon House Bill 2003 and Oregon Administrative Rule 660, Division 8; and,

WHEREAS, the City of La Grande HPS recommends amendments of Land Development Code to encourage and promote the development of new needed housing forecasted in the City of La Grande's Housing Needs Analysis, which is found in the Goal 10 Chapter of the City of La Grande Comprehensive Plan, adopted by Ordinance 3520, Series 2020; and,

WHEREAS, other periodic amendments of the Land Development Code 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 to consider proposed amendments and recommended that such amendments be adopted by the City Council of the City of La Grande, Union County, Oregon; 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 such amendments would be in the best interests of the community; and,

WHEREAS, the Land Development Code, as adopted by Ordinance 3252, Series 2021, has been amended, recodified and replaced with this Ordinance.

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



## **CHAPTER 1 - ENACTMENT AND PURPOSE**

### **ARTICLE 1.1 - ENACTMENT**

#### **SECTION 1.1.001 - TITLE**

This Ordinance shall be known as the Land Development Code of the City of La Grande, Union County, Oregon.

#### **SECTION 1.1.002 - PURPOSE**

The purpose of the Land Development Code is to coordinate the City of La Grande regulations governing the use and development of land, and more specifically:

- A. To implement the City of La Grande Comprehensive Plan and to guide and manage the future growth of the City in accordance with that plan.
- B. To promote and to protect the public health, safety, and general welfare of the citizens of the City of La Grande.
- C. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the City.
- D. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

#### **SECTION 1.1.003 - AUTHORITY**

The Land Development Code is enacted pursuant to Oregon Revised Statutes.

#### **SECTION 1.1.004 - REPLACEMENT OF OTHER ORDINANCES**

This Land Development Code replaces or supersedes all previous Land Development Code Ordinances of the City of La Grande.

#### **SECTION 1.1.005 - ADOPTION AND REPEALING CLAUSE**

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 July 12, 2023, Land Use File Number 01-ZON-22. Land Development Code Ordinance Number 3252, Series 2021, Psilocybin Time, Place and Manner, Ordinance Number 3257, Series 2022, and all other Ordinances or Parts of Ordinances in conflict herewith shall be and hereby are repealed and replaced with this Ordinance, except Ordinance 3228, Series 2015, banning the establishment and operation of new medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers and recreational marijuana retailers which shall remain in full force and effect until such time as it is repealed. In spite of the repeal of previous editions of the Land Development Code and amendments thereto, all actions taken under said previous editions of the Land Development Code shall remain in effect subject to their original conditions of approval.

**ARTICLE 10.3 -- GENERAL PROVISIONS**

**SECTION 10.3.001 - ENFORCEMENT**

In the event that there is no Community Development Director/Planner, the City Manager or designee shall have authority to enforce the provisions of this Ordinance.

**SECTION 10.3.002 - FILING FEE REFUNDS, WITHDRAWALS, AND WAIVERS**

- A. Filing fees are utilized to cover the cost of public hearings, mailings, postings, transcripts, and Staff time involved in processing applications. As such, refunds due to denials are not permitted.
- B. In case of withdrawal, the Community Development Department/Planning Division shall authorize a refund based on the pro rata cost and determination of the status of the application at the time of withdrawal.
- C. It is the policy of the City of La Grande to not waive filing fees.

**SECTION 10.3.003 -- ORDINANCE SEVERABILITY CLAUSE AND EFFECTIVE DATE**

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.

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, September 1, 2023.

APPROVED AND ADOPTED this Second (2<sup>nd</sup>) day of August, 2023, by \_\_\_\_\_ (\_\_\_\_)  
of \_\_\_\_\_ (\_\_\_\_) Councilors present and voting in the affirmative.

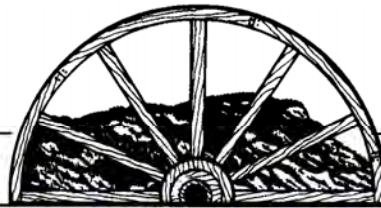
\_\_\_\_\_  
Justin B. Rock, Mayor

ATTEST:

\_\_\_\_\_  
Stacey M. Stockhoff  
City Recorder

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CITY OF



LA GRANDE

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THE HUB OF NORTHEASTERN OREGON

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION • P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850  
Phone: (541) 962-1307 • Fax: (541) 963-3333 • Web: [www.cityoflagrande.org](http://www.cityoflagrande.org)

## BEFORE THE CITY OF LA GRANDE DRAFT – DECISION ORDER

File Number: 01-ZON-22

August 2, 2023

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HEARING BODY(IES):	Planning Commission (Recommendation)	City Council (Final Decision)
HEARING DATE(S):	Tuesday, June 13, 2023	Wednesday, July 12, 2023 Wednesday, August 2, 2023
HEARING TIME(S):	6:00 p.m.	6:00 p.m.
HEARING LOCATION:	Members of the public may provide testimony in person, or may participate virtually. To participate virtually, please contact the Planning Division not later than 5:00 p.m. the day prior to the meeting. Community members may submit comments or questions in writing in advance of the meeting(s). Written comments need to be received by 5:00 p.m. on date of the scheduled meeting(s), which will be read during the public comment section of the Public Hearing. Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the Planning Commission or City Council to respond to the issues. Reading written and oral/virtual comments into the record will be subject to a three-minute time limit per community member. To submit written public comment, please email <a href="mailto:mboquist@cityoflagrande.org">mboquist@cityoflagrande.org</a> .	

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### I. Application Information

Proposal:	The City of La Grande Land Development Code (LDC) Ordinance 3252, Series 2021, is proposed to be amended to provide additional housing development and affordability options as recommended in the City's Housing Production Strategy, adopted by City Council Resolution 4810, Series 2021. Additionally, other periodic amendments of the Land Development Code included to address issues identified during the implementation and enforcement of the Code and to address citizen requests for changing circumstances in the community.
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 Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, 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 9.5, Public Hearings for the consideration of the proposal were scheduled as follows:

October 12, 2021	Work Session, before the Planning Commission.
November 9, 2021	Work Session, before the Planning Commission.
December 14, 2021	Work Session, before the Planning Commission.
February 8, 2022	Work Session, before the Planning Commission.
February 22, 2022	Work Session, before the Planning Commission.
March 8, 2022	Work Session, before the Planning Commission.
March 22, 2022	Work Session, before the Planning Commission.
April 26, 2022	Work Session, before the Planning Commission.
May 24, 2022	Work Session, before the Planning Commission.
July 12, 2022	Work Session, before the Planning Commission.
August 8, 2022	Joint Work Session, before the Planning Commission & City Council.
September 13, 2022	Work Session, before the Planning Commission.
October 4, 2022	Work Session, before the Planning Commission.
November 5, 2022	Work Session, before the Planning Commission.
December 13, 2022	Work Session, before the Planning Commission.
January 10, 2023	Work Session, before the Planning Commission.
January 30, 2023	Joint Work Session, before the Planning Commission & City Council.
February 23, 2023	Work Session, before the Planning Commission.
March 7, 2023	Work Session, before the Planning Commission.
May 9, 2023	35-Day Required Notice to the DLCD.
May 18, 2023	Public Notice Mailed to all Property Owners (City and UGB), 21-Days Minimum Required; and, Code Amendment materials posted on the City's website. <a href="https://www.cityoflagrande.org/planning-commission/2023-proposed-code-amendments">https://www.cityoflagrande.org/planning-commission/2023-proposed-code-amendments</a> )
May 20, 2023	Public Notice Advertised in <i>The Observer</i> , Local Newspaper.
May 22, 2023	Joint Work Session, before the Planning Commission & City Council.
June 13, 2023	Public Hearing #1, before the Planning Commission.
July 12, 2023	Public Hearing #2, before the City Council, and First Reading of the adopting Ordinance by Title Only.

- August 2, 2023.....Public Hearing #3, before the City Council, and Second Reading of the adopting Ordinance by Title Only.
- August 3, 2023.....DLCD Notice of City Adoption - Post Acknowledgement Plan Amendment (PAPA).
- September, 2023.....Public Hearing #4, before the Union County Planning Commission for Co-Adoption.
- October, 2023.....Public Hearing #5, before the Union County Board of Commissioners, and First Reading of the co-adopting Ordinance by Title Only.
- November, 2023.....Public Hearing #6, before the Union County Board of Commissioners, and Second Reading of the co-adopting Ordinance by Title Only.
- December, 2023.....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) on November 2, 2020, at least 35-days before the first evidentiary hearing in accordance with OAR 660-018-0020. Public notice was mailed to all property owners with the City of La Grande and its Urban Growth Boundary (UGB) on November 17, 2020, at least 20-days in advance of the first evidentiary hearing in accordance with Land Development Code Ordinance 3242, Series 2018, Article 9.6, Section 9.6.001(A). All Public Hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division’s webpage on November 17, 2020, which meets or exceeds the requirements to be made available to the public at least seven (7) days before the first evidentiary hearing.

### IV. Review Process and Appeals

Amendments to the Land Development Code Ordinance 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 Hearings to consider the proposed amendments, with public comments typically considered during the first Public Hearing. 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. Recommended Conclusions and Order

Based on the analysis and Findings of Fact in this Decision Order, the proposed Land Development Code Amendments meet the requirements established in Land Development Code Ordinance 3252, Series 2021, Article 8.8, and are consistent with the City's Housing Production Strategy adopted by City Council Resolution 4810, Series 2021.

The Planning Commission has the following three (3) options with respect to issuing a decision on the proposed Land Development Code Amendments:

- Option 1: Recommend that the City Council approve the proposed amendments as presented; or,
- Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission; or,
- Option 3: Recommend that the City Council deny the proposed amendments.

Upon receiving a recommendation from the Planning Commission, the City Council has the following three (3) options with respect to issuing a decision on the proposed Land Development Code Amendments:

- Option 1: Approve the proposed amendments as presented; or,
- Option 2: Approve the proposed amendments with modifications recommended by the Planning Commission and/or made by the City Council; or,
- Option 3: Deny the proposed amendments.

## VI. General Facts and Overview

1. Pursuant to Oregon House Bill 2003, implemented through Oregon Administrative Rule (OAR) 660, Division 8, the City of La Grande adopted a Housing Production Strategy (HPS) by City Council Resolution 4810, Series 2021.
2. The HPS is an eight (8) year plan that recommends fifteen (15) action strategies which are intended to increase housing opportunities and promote the development of needed housing within the City of La Grande. The first seven (7) action strategies require amendments to the City's Land Development Code Ordinance for implementation. These areas listed as follows:

Action 1.1 – Allow small lot single-family houses. This recommendation is to reduce the minimum lot size to 3,000 square feet, with a minimum lot width of 30', or 40' for corner lots. This amendment is recommended for the Medium Density Residential (R-2), High Density Residential (R-3) and the Residential-Professional (RP) zones.

Action 1.2 – Allow townhouses in the R-2, R-3 and R-P zones. This recommendation would add a definition to the Code for "townhouses", as well as allow 3-unit townhouses in the R-2 zone.

Action 1.3 – Reduce barriers to triplexes and quadplexes. This recommendation is to reduce the minimum lots size for a triplex to 4,500 square feet and quadplexes to 6,000 square feet.

Action 1.4 – Reduce barriers to apartments in the R-3 Zone. This recommendation would reduce the minimum lot size for apartments with four (4) units to 6,000 square feet, plus 1,000 square feet for each additional unit.

Action 1.5 – Reduce barriers to cottage cluster housing. This recommendation would allow cottage cluster housing in the R-1 and R-P zones where they are currently not permitted, as well as reduce the minimum lot size for this type of development.

Action 1.6 – Reduce barriers to accessory dwelling units. The recommendation would reduce some setback requirements and modify the design standards to become more clear and specific.

Action 1.7 – Reduce barriers to conversions of existing buildings that create new housing. This action strategy does not include a specific recommendation, but involves a code analysis to identify barriers that would then be recommended to remove or lessen the barrier.

3. Other proposed Code amendments that are included in this Decision Order are intended to address issues that have been identified by the Planning Commission, City Council, local agencies (such as Eastern Oregon University), staff, developers and community members during the implementation and enforcement of the Code as a result of changes in our community and/or changes in State laws. Such as:
  - Parking requirement for the Eastern Oregon University campus
  - Private street standards
  - Short-term rental code
  - Small scale or artisan manufacturing in commercial zones
  - Others
4. Attached Exhibit A – A summary of all proposed Code amendments are outlined in Exhibit A, in legislative format, along with a brief discussion as to the source or justification for the change.
5. Attached Exhibit B – Land Development Code amendments are subject to the Planning Commission and City Council review procedures and are subject to the review criteria contained in the City of La Grande Land Development Code Ordinance 3252, Series 2021 (LDC), Article 8.8, Section 8.8.003, which requires “*That the proposed amendment is in compliance with Statewide Planning Goals and with the Comprehensive Plan Policies.*” This review criterion is addressed in Exhibit B.
6. Attached Exhibit C – This exhibit provides a summary of the public engagement opportunities, which includes work sessions and Public Hearings held to discuss and develop the proposed Code amendments. These public engagement opportunities are also outlined in Section II – Schedule of Procedural and Public Hearing Requirements, on page 2 of this Decision Order.

## **EXHIBIT A**

# **Summary of Proposed Land Development Code Amendments**

**PRESENTED IN ORDER BY TOPIC & AS CONSIDERED BY THE  
PLANNING COMMISSION**

### **Amendments to Land Development Code Ordinance 3252, Series 2021**

Housing Production Strategy – Action Items

Urban Forestry Amendments

Bed and Breakfast Inns (Short-Term Rentals)

La Grande Business and Technology Park

Small-Scale (Artisan) Manufacturing

Mobile Food Venting Trailers and Courts

Parking – Eastern Oregon University

Public Street Standards

Conditional Use Permit Review Criteria

Housekeeping and Other Code Amendments



Housing Production Strategy – Action Items

Proposed Code Amendment To LDC Ordinance 3252, Series 2021	Request/Need	Staff Comments
<p><b>SECTION 2.2.005 - MEDIUM DENSITY RESIDENTIAL (R-2)</b>                      D. PROPERTY DEVELOPMENT STANDARDS:                      1. Minimum Lot Area — <del>Five Thousand (5,000)</del> <del>Three Thousand (3,000)</del> Square Feet for Single-Family and Duplex Dwellings. <del>Four Thousand Five Hundred (4,500)</del> Square Feet for Triplex Dwellings. Lots Intended for Common Wall <u>Townhouse</u> Residences Shall be no Less Than <del>Three Thousand (3,000)</del> <u>One Thousand-Five Hundred (1,500)</u> Square Feet in Size per Unit.</p> <p><b>SECTION 2.2.006 - HIGH DENSITY RESIDENTIAL (R-3)</b>                      D. PROPERTY DEVELOPMENT STANDARDS:                      1. Minimum Lot Area - <del>Five Thousand (5,000)</del> <del>Three Thousand (3,000)</del> Square Feet for Single-Family and Duplex Dwellings. <u>Four Thousand-Five Hundred (4,500)</u> Square Feet for Triplex Dwellings. <u>Six Thousand (6,000)</u> Square Feet for <u>Quadplex Dwellings</u> — <del>Seven Thousand (7,000)</del> <del>Square Feet for Apartments and Condominiums with Three (3) Dwelling Units</del>, Plus One Thousand (1,000) Square Feet for Each Additional Unit. Lots Intended for Common Wall <u>Townhouse</u> Residences Shall be no Less Than <del>Three Thousand (3,000)</del> <u>One Thousand-Five Hundred (1,500)</u> Square Feet in Size per Unit.</p> <p><b>SECTION 2.2.007 – RESIDENTIAL-PROFESSIONAL (R-P)</b>                      D. PROPERTY DEVELOPMENT STANDARDS:                      1. Minimum Lot Area - <del>Five Thousand (5,000)</del> <del>Three Thousand (3,000)</del> Square Feet <del>For</del> <u>For</u> Single-Family and Duplex Dwellings. <u>Four</u></p>	<p>HPS – Action Item 1.1 – Allow small lot single-family houses</p> <ul style="list-style-type: none"> <li>Reduce the minimum lot size in the R-2, R-3 and R-P zones from 5,000 to 3,000.  <span style="background-color: yellow;">[see yellow highlighted text]</span></li> </ul>	<p>This item was discussed by the Planning Commission during their February 8, 2022, Work Session, and a consensus was reached in support of this amendment.</p>

<p><u>Thousand-Five Hundred (4,500) Square Feet for Triplex Dwellings. Six Thousand (6,000) Square Feet for Quadplex Dwellings. <del>Seven Thousand (7,000) Square Feet for Apartments and Condominiums with Three (3) Dwelling Units.</del> Plus One Thousand (1,000) Square Feet for Each Additional Unit. Lots Intended for Common Wall <u>Townhouse</u> Residences Shall be no Less Than <del>Three Thousand (3,000)</del> <u>One Thousand-Five Hundred (1,500) Square Feet</u> in Size per Unit.</u></p>		
<p><b>SECTION 5.2.001 - LOT SIZE AND SHAPE</b>                  A. Lot Width - Each lot shall have a minimum width of <del> fifty feet (50)</del> <u>thirty feet (30')</u>, with <u>forty feet (40')</u> required for corner lots, unless otherwise required by this Code.</p>	<p><b>HPS – Action Item 1.1</b> – Allow small lot single-family houses</p> <ul style="list-style-type: none"> <li>Reduce the minimum lot width from 50' (60' on corners) to 30' (40' on corners).</li> </ul>	<p>This item was discussed by the Planning Commission during their February 8, 2022, Work Session, and a consensus was reached in support of this amendment.</p>
<p><b>SECTION 1.3.002 - DEFINITIONS INCLUDED BY REFERENCE</b>  <u>DWELLING, TOWNHOUSE – A one-family dwelling unit in a row of two (2) 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.</u></p> <p><b>SECTION 2.2.005 - MEDIUM DENSITY RESIDENTIAL (R-2)</b>                  B. PERMITTED USES:                  3. Dwellings - Limited to Single-Family, <del>and Duplex,</del> <u>Triplex, and Two-Three Unit Townhouse Dwellings.</u></p>	<p><b>HPS – Action Item 1.2</b> – Allow townhouses in the R-2, R-3 and R-P zones.</p> <p><b>HPS – Action Item 1.3</b> – Reduce barriers to triplexes and quadplexes.</p> <ul style="list-style-type: none"> <li>Add a definition for townhouses in the LDC</li> <li>Allow up to 3 attached dwelling units within the R-2 zone (triplex apartments, townhouses)</li> <li>Each townhouse dwelling unit would sit on its own parcel with a minimum lot size of 1,500 square feet. [see yellow highlighted text]</li> <li>Reduce the minimum lot size for triplexes and quadplexes in applicable zones to be consistent</li> </ul>	<p>This item was discussed by the Planning Commission during their February 8, 2022, Work Session, and a consensus was reached in support of this amendment.</p>

<p>D. PROPERTY DEVELOPMENT STANDARDS: 1. Minimum Lot Area – <del>Five Thousand (5,000) Three Thousand (3,000)</del> Square Feet for Single-Family and Duplex Dwellings. <del>Four Thousand Five Hundred (4,500) Square Feet for Triplex Dwellings.</del> Lots Intended for Common Wall <del>Townhouse</del> Residences Shall be no Less Than <del>Three Thousand (3,000) One Thousand Five Hundred (1,500)</del> Square Feet in Size per Unit.</p>	<p>with other lot size reductions. (Triplex = 4,500 square feet; and Quadplex = 6,000 square feet) – [See yellow highlighted text]</p> <p>HPS – Action Item 1.4 – Reduce barriers to apartments within the R-3 zone by allowing reduced lot sizes.</p>	
<p><b>SECTION 2.2.006 - HIGH DENSITY RESIDENTIAL (R-3)</b></p>		
<p>D. PROPERTY DEVELOPMENT STANDARDS: 1. Minimum Lot Area - <del>Five Thousand (5,000) Three Thousand (3,000)</del> Square Feet for Single-Family and Duplex Dwellings. <del>Four Thousand Five Hundred (4,500) Square Feet for Triplex Dwellings.</del> <del>Six Thousand (6,000) Square Feet for Quadplex Dwellings.</del> <del>Seven Thousand (7,000) Square Feet for Apartments and Condominiums with Three (3) Dwelling Units,</del> Plus One Thousand (1,000) Square Feet for Each Additional Unit. Lots Intended for Common Wall <del>Townhouse</del> Residences Shall be no Less Than <del>Three Thousand (3,000) One Thousand Five Hundred (1,500)</del> Square Feet in Size per Unit.</p>		
<p><b>SECTION 2.2.007 – RESIDENTIAL-PROFESSIONAL (R-P)</b></p>		
<p>D. PROPERTY DEVELOPMENT STANDARDS: 1. Minimum Lot Area - <del>Five Thousand (5,000) Three Thousand (3,000)</del> Square Feet For Single-Family and Duplex Dwellings. <del>Four Thousand Five Hundred (4,500) Square Feet for Triplex Dwellings.</del> <del>Six Thousand (6,000) Square Feet for Quadplex Dwellings.</del> <del>Seven Thousand (7,000) Square Feet for Apartments and Condominiums with Three (3) Dwelling Units.</del> Plus One Thousand (1,000) Square Feet for Each Additional Unit. Lots Intended for Common Wall <del>Townhouse</del> Residences Shall be no Less Than</p>		

<p><del>Three Thousand (3,000)</del> <u>One Thousand-Five Hundred (1,500)</u> Square Feet in Size per Unit.</p>		
<p><b>SECTION 2.2.005 - MEDIUM DENSITY RESIDENTIAL (R-2)</b>                  A. <u>PURPOSE</u>: The purpose of this zone is to establish areas for single-family and duplex residential dwelling units 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 <u>minimum</u> density of five (5) <del>to ten (10) dwelling</del> units per acre.</p> <p><b>SECTION 2.2.007 – RESIDENTIAL-PROFESSIONAL (R-P)</b>                  A. <u>PURPOSE</u>: 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 <u>High Density Residential</u> residential designations in the La Grande Comprehensive Plan <u>with residential densities of eleven (11) or more dwelling units per acre.</u></p>	<p><b>HPS – Action Item 1.3 – Reduce barriers to triplexes and quadplexes.</b></p> <ul style="list-style-type: none"> <li>Increase the maximum density allowance in the R-2 and R-P zones to support the smaller lot sizes.</li> </ul>	<p>This item was discussed by the Planning Commission during their February 8, 2022, Work Session, and a consensus was reached in support of this amendment.</p> <ul style="list-style-type: none"> <li>The maximum density is proposed to be eliminated. Only a minimum density is proposed to be retained and required for new development.</li> <li>The existing Code did not include a specific density target for RP Zone. This zone is intended to be similar to the R-3 zone. As such, the “Purpose” statement is proposed to be amended to include similar density language as the R-3 zone, with no maximum limit.</li> </ul>
<p><b>ARTICLE 4.4 – DUPLEX DIVISIONS; SECTION 4.4.002 - REVIEW CRITERIA</b>  <del>D. The lot to be divided contains at least six thousand (6,000) square feet.</del></p> <p>E. The resulting lots will be relatively equal in size with the maximum difference equal to ten percent (10%) or</p>	<p><b>HPS – Action Item 1.3 – Reduce barriers to triplexes and quadplexes.</b></p> <ul style="list-style-type: none"> <li>Amend the Duplex Division code section to align with and support townhouses with each dwelling unit on its own parcel (e.g., Tri-Plex Division).</li> </ul>	<p>This item was discussed by the Planning Commission during their February 8, 2022, Work Session, and a consensus was reached in support of this amendment.</p>

<p>less of the total area of the original lot, <u>except for corner lots</u>.</p> <p>F. <del>Average-Minimum</del> lot width is <del>at least</del> <u>not less than</u> thirty feet (30') <u>or forty feet (40') for corner lots</u>.</p> <p>G. Minimum lot area is at least <del>three thousand feet (3,000)</del> <u>one thousand-five hundred (1,500)</u> square feet.</p>		
<p><b>ARTICLE 3.22 – COTTAGE HOME DEVELOPMENT;                  SECTION 3.22.001 – PURPOSE</b>                  Cottage housing developments shall be applicable in <u>R-1</u>, R-2, <del>and</del> R-3 <u>and R-P</u> zoning districts only. The general purposes of the cottage housing development design standards are as follows:</p>	<p><b>HPS – Action Item 1.5 – Reduce barriers to cottage cluster housing.</b></p> <ul style="list-style-type: none"> <li>Expand code to allow cottage housing in the R-1 and R-P zones. Current code allows cottage housing only in the R-2 and R-3 zones.</li> </ul>	<p>This item was discussed by the Planning Commission during their April 26, 2022, Work Session, and a consensus was reached in support of this amendment.</p> <p>During the June 13, 2023, Planning Commission Public Hearing, ten (10) residents provided public testimony, expressing concerns and/or objections regarding the proposed Code amendment to Article 3.22 – Cottage Home Developments, which will allow Cottage Home Developments within the City's Low Density Residential (R-1) Zone. After considering public testimony and having discussions, the Commission voted unanimously to recommend to the City Council that proposed amendments adding the R-1 Zone to Article 3.22, be removed from the 2023 Land Development Code Amendments. The yellow highlighted text in the left column reflect the results of the Planning Commission's recommendation.</p> <p>During the July 12, 2023 City Council Public Hearing (First Reading) the City Council also considered the public testimony received regarding the R-1 Zone and agreed with the Planning Commission's recommendation to remove the Cottage Housing Development option within the R-1 Zone. By consensus of the City</p>

		<p>Council, staff was directed to remove the R-1 Zone from this Article.</p>
<p><b>SECTION 3.22.002 – COTTAGE HOUSING APPLICATION REQUIREMENTS</b></p> <p>A. <u>Zoning Approval:</u> For the construction or placement of <del>two (2)</del> <u>up to three (3)</u> cottage homes on a parcel of land <u>within the R-2, R-3 and R-P zones,</u> and which meet the <del>density,</del> 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 home design standards set forth in Article 3.2 of this Code. Such homes shall not be subject to the development standards of this Article.</p> <p>B. <u>Site Plan Approval:</u> <u>Within the R-3 and R-P zones,</u> <del>For for cottage housing developments outside of an existing platted subdivision that include two (2) that include four (4)</del> or more dwelling units and where the housing and land are under one common ownership, similar to an apartment complex, <del>and which meet the density, setbacks and other residential design requirements for the underlying zone,</del> site plan approval shall be required pursuant to Article 8.2 of this Code, and the development shall adhere to the design and improvement standards set forth in this Article for cottage housing developments.</p> <p>C. <u>Conditional Use Permit Approval:</u> 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 <u>as follows</u> by conditional use pursuant to Articles 8.5 of this Code.</p> <ol style="list-style-type: none"> <li>1. <del>Infill Development within an Existing Platted Subdivision the R-1 and R-2 zones:</del> Any</li> </ol>	<p><b>HPS – Action Item 1.5 – Reduce barriers to cottage cluster housing.</b></p> <ul style="list-style-type: none"> <li>• Amend code requirement to allow for an administrative zoning approval and site plan approval process for all cottage development, whether “inside” or “outside” a platted subdivision when developing to an allowed density in a zone and meeting design standards. Current code requires a conditional use permit when “inside” a platted subdivision.</li> </ul>	<p>This item was discussed by the Planning Commission during their April 26, 2022, Work Session, and a consensus was reached in support of this amendment.</p> <ul style="list-style-type: none"> <li>• The Commission felt that all housing developments should follow the same land use review process whether inside or outside a platted subdivision.</li> <li>• <b>Zoning Approval Process:</b> This administrative process is over the counter and applies to Single-Family, Duplexes and Tri-Plexes. The proposed code amendment would treat cottage housing similarly for developing 1-3 cottage homes.</li> <li>• <b>Site Plan Approval Process:</b> This administrative process takes roughly 2-3 weeks for review and include public and agency notice. This is usually for larger developments that may have higher utility services needs, require infrastructure improvements, and may have some external/neighborhood impacts that require consideration. Current code requires Site Plan Approval for multi-family (apartment) developments of 4 units or greater. The proposed code amendment would treat cottage housing similarly.</li> <li>• When a developer request permission to exceed the density permitted outright in the zone, a Conditional Use Permit would be required. This would only</li> </ul>

<p>cottage housing development <del>considered for infilling a vacant lot(s) within an existing platted subdivision,</del> which includes <del>three (3) or more dwelling units in the R-1 Zone, or four (4) or more units in the R-2 Zone</del> shall be subject to Site Plan Approval and a Conditional Use Permit Approval pursuant to Articles 8.2 and 8.5 of this Code, and the development shall adhere to the design and improvement standards set forth in <del>Section 3.22.004</del> <a href="#">this Article for cottage housing developments.</a></p>		<p>apply to the R-1 and R-2 Zone which has limits.</p> <ul style="list-style-type: none"> <li>o The R-1 zone allows single-family and duplexes. A third cottage housing unit would require a conditional use permit as proposed.</li> <li>o The R-2 zone allows single-family, duplexes and triplexes. A fourth cottage housing unit would require a conditional use permit as proposed.</li> </ul>
<p><b><u>SECTION 3.22.003 – DENSITY STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS</u></b></p> <p><del>A. Minimum Density. A cottage housing development shall include a minimum of six (6) cottages.</del></p> <p><del>B.—</del></p> <p><del>C. Minimum Development Area: A cottage housing development shall have a minimum development area of fifteen thousand (15,000) square feet.</del></p> <p><del>D.—</del></p> <p><del>E.</del><u>A. Maximum Density.</u> The maximum density of a cottage housing development shall not exceed one (1) dwelling unit for each one thousand five hundred (1,500) square feet of land area.</p> <p><del>F.</del><u>B. Exception.</u> For cottage housing infill developments within an existing platted subdivision, the Planning Commission may <del>reduce the minimum density and</del> establish limits or a maximum density as a condition of approval to satisfy neighborhood compatibility issues.</p>	<p><b>HPS – Action Item 1.5 – Reduce barriers to cottage cluster housing.</b></p> <ul style="list-style-type: none"> <li>• Reduce or eliminate the minimum density for cottage to encourage infill. The current code requires a minimum of 6 cottage homes.</li> <li>• For cottage housing developments, remove the minimum development area requirement of 15,000 square feet to encourage infill development and additional housing opportunities.</li> <li>• Clean up the Exception language. Within existing developed subdivisions, may establish limits on the maximum number of dwellings allowed, as a condition of approval, in order to mitigate and address neighborhood impacts.</li> </ul>	<p>This item was discussed by the Planning Commission during their April 26, 2022, Work Session, and a consensus was reached in support of this amendment.</p> <p>As mentioned above, following hearing public testimony during the June 13, 2023, Planning Commission Public Hearing, the Commission voted unanimously to recommend to the City Council that proposed amendments adding the R-1 Zone to Article 3.22, be removed from the 2023 Land Development Code Amendments. The yellow highlighted text in the left column reflect the results of the Planning Commission's recommendation.</p>
<p><b><u>ARTICLE 5.9 – ACCESSORY BUILDINGS; SECTION 5.9.001 - STANDARDS</u></b>          All accessory buildings shall meet the following requirements:</p>	<p><b>HPS – Action Item 1.6 – Reduce barriers to accessory dwelling units (ADUs).</b></p>	<p>This item was discussed by the Planning Commission during their April 26, 2022, Work</p>



<p>A3. <del>Be architecturally compatible with the main building, as determined by the Community Development Director/Planner. Similar</del> <u>Have the same style of</u> siding and roofing materials and colors <del>are required as the main building</del> unless the owner can demonstrate support for an alternate treatment from a majority of the property owners within one hundred feet (100').</p> <p><b><u>SECTION 5.9.002 – STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS</u></b></p> <p>Detached accessory dwelling units, also called cottage homes or tiny homes, shall be permitted in all residential zones in accordance with the following standards:</p> <p>C. Design Standards</p> <ol style="list-style-type: none"> <li>1. Setbacks: A 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 <del>ten feet (10') greater than</del> <u>equal to that of</u> the existing primary single-family dwelling.</li> <li>4. Building Design: <del>Be architecturally compatible with the primary single family dwelling, as determined by the Community Development Director/Planner.</del> <u>A detached accessory dwelling shall have a covered porch entry measuring a minimum of eighteen inches (18”) and shall have Similar</u> <u>the same style of</u> siding and roofing materials and colors <del>are required unless the owner can demonstrate that</del> <u>as</u> the primary single-family dwelling <del>has both a unique architectural style and materials that cannot reasonably be matched.</del></li> </ol>	<ul style="list-style-type: none"> <li>• Update the Accessory Building and ADU standards to remove the subjective, “architecturally compatible with” language and replace with clear and objective standards, such as the same style of materials as the main dwelling (e.g. horizontal lap siding, or composite roofing, other).</li> <li>• Change ADU setback requirements to allow their placement in line with or behind the front face of the primary dwelling. Current standard requires placement entirely behind a dwelling.</li> </ul>	<p>Session, and a consensus was reached in support of this amendment.</p>
<p><b><u>SECTION 3.16.008 - NONCONFORMING STRUCTURES</u></b></p>	<p><b>HPS – Action Item 1.7 –</b> Reduce barriers to the conversion or additions to existing buildings that create new housing.</p>	<p>This item was discussed by the Planning Commission during their April 26, 2022, Work</p>



<p>Any structure which does not conform to the development requirements specified in this Code may continue to be used provided that:</p> <p>A. Alterations and Expansions - 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 fifty percent (50%) or more of the assessed value of the improvements, according to the Union County Assessor's records, the entire structure and site shall be brought into compliance with this Code.</p> <p><u>1. Residential Uses – A residential structure may be altered and expanded and not subject to Subsection A of this Section only when increasing the number of dwelling units as allowed by this Code. Any alteration or expansion pursuant to this standard shall be in accordance with all applicable provisions of this Code and shall not result in an increase in any nonconforming elements.</u></p>	<ul style="list-style-type: none"> <li>Review the non-conforming use standards (grandfather provisions) for potential barriers. For example, the requirement to bring an entire structure into compliance with current code if the remodel or addition exceeds 50% of the County assessed value.</li> </ul>	<p>Session, and a consensus was reached in support of this amendment.</p>
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## Urban Forestry Amendments

<p><b>Proposed Code Amendment</b>                      To LDC Ordinance 3252, Series 2021</p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
<p><b><u>SECTION 3.2.003 - MANUFACTURED DWELLING, SINGLE-FAMILY, TWO-FAMILY, THREE-FAMILY AND APARTMENT BUILDING PLACEMENT STANDARDS ON INDIVIDUAL LOTS</u></b></p> <p><b>ED.</b> A manufactured dwelling, single family, two-family, <u>three-family</u> or apartment building shall have all of the following design features when placed outside of a manufactured dwelling park.</p>	<p>This amendment was requested by the Community Landscape and Forestry Commission and the City's Urban Forester.</p>	<p>This item was discussed by the Planning Commission during their January 10, 2023, Work Session, which was a Joint Work Session held with the Community Landscape and Forestry Commission. A consensus was reached by the Planning Commission in support of this amendment.</p>

<p>1. A roof pitch greater than or equal to a nominal three to twelve (3:12). (The only exception to this rule shall be triple-wide manufactured homes, where a roof pitch of 2½:12 or greater is allowed.)</p> <p>2. 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 (F)(10) below) may be substituted for a covered porch to meet this standard.)</p> <p>3. Pre-landscaped front yards; if bonding, the bond amount shall not exceed five hundred dollars (\$500) per lot. Building Site Plans shall specify front yard landscaping that will be in place (seeded or installed) prior to occupancy. <del>At a minimum, such</del> Plans shall provide for grass or decorative ground cover (bark, decorative rock or vegetative ground cover) <u>and a minimum of one (1) front yard tree in accordance with the standards provided in the Community Forestry Program Guide.</u> <del>It is not necessary to locate shrubs and/or trees at this stage, except for street trees required by the Subdivision or Partition Plat approval).</del></p> <p><u>3.4. Street trees as required by the Subdivision or Partition Plat approval, if applicable.</u></p> <p>4.5. At least one (1) covered parking space per dwelling unit.</p>		
<p><b><u>ARTICLE 5.6 – LANDSCAPING; SECTION 5.6.001 – PURPOSE</u></b>          The purposes of landscaping are to enhance <u>the diversity and resilience of the built environment, to increase the tree canopy cover and the benefits that trees provide, to provide areas on</u></p>	<p>This amendment was requested by the Community Landscape and Forestry Commission and the City's Urban Forester.</p>	<p>This item was discussed by the Planning Commission during their January 10, 2023, Work Session, which was a Joint Work Session held with the Community Landscape and Forestry Commission. A consensus was reached by the</p>

<p><a href="#">sites which can absorb rainfall and reduce storm water runoff, to enhance</a> the appearance of structures and properties, to provide visual privacy, <del>to provide areas on sites which can absorb rainfall and reduce storm water runoff,</del> and to improve the visual environment.</p>		<p>Planning Commission in support of this amendment.</p>
<p><b><u>SECTION 5.6.004 - STANDARDS FOR LANDSCAPING MATERIALS</u></b>                  Where landscaping is required by Section 5.6.002, the materials used are subject to the following provisions:</p> <p>A. Allowable Materials - Landscaping shall include some combination of the following materials, <del>where appropriate,</del> to achieve the intended or required purpose of the landscaping (e.g. <a href="#">tree canopy</a>, screening, etc.): <del>Trees</del><a href="#">trees</a>, shrubs, ground cover, vines, flowers or lawns. Landscaping may also include art work, walls, structural features and fences. Trees adapted to the site <del>will</del><a href="#">shall</a> be incorporated into the landscape when there is adequate space <a href="#">as determined in the standards for tree planting in the Community Forestry Program Guide.</a> <del>Shade trees.</del><del>Trees</del> shall be a minimum of fifteen (15) gallons and/or one and one quarter inch (1¼") caliper. <a href="#">Evergreen conifer trees shall be a minimum of five (5) feet in height.</a> Landscaping areas shall include live plant coverage, at occupancy, equal to or greater than fifty percent (50%) of each landscape area.</p> <p>B. <a href="#">Trees within designated planting areas located in public rights-of-way shall conform the standards for tree planting in the City Community Forestry Program Guide.</a></p> <p><b>BC.</b> Excluded Materials - Landscaping proposed to satisfy the requirements of this Code shall not include:</p>	<p>This amendment was requested by the Community Landscape and Forestry Commission and the City's Urban Forester.</p>	<p>This item was discussed by the Planning Commission during their January 10, 2023, Work Session, which was a Joint Work Session held with the Community Landscape and Forestry Commission. A consensus was reached by the Planning Commission in support of this amendment.</p>

<p>1. Plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of existing public or private under- or above-ground electrical lines, cables, or conduits, pipes or other utilities; or public or private sidewalks, curbs, gutters or paved parking and turn-around areas, drainage improvements, or adjacent structures, foundations, or landscape materials.</p> <p>2. <del>Trees within designated planting areas located in public rights-of-way shall conform to the City Street Tree Planting Guide</del>  <a href="#">Prohibited tree species as referenced in the standards of the Community Forestry Program Guide.</a></p>		
<p><b>SECTION 5.7.006 - PARKING LOT CONSTRUCTION</b>  <b>F. Landscaping</b>                  A minimum of five percent (5%) of the interior of all parking lots with four (4) or more spaces is to be landscaped, in addition to any perimeter landscaping required by Subsection G(2) of this Section. The total aggregate area of landscaping need not exceed the minimum requirements in Article 5.6, Section 5.6.005(B). One (1) <a href="#">appropriate shade tree, as determined by the standards for tree planting in the City Community Forestry Program Guide</a>, per each six (6) parking spaces is required in any parking lot to provide shade and visual relief to parking lots.</p>	<p>This amendment was requested by the Community Landscape and Forestry Commission and the City's Urban Forester.</p>	<p>This item was discussed by the Planning Commission during their January 10, 2023, Work Session, which was a Joint Work Session held with the Community Landscape and Forestry Commission. A consensus was reached by the Planning Commission in support of this amendment.</p>

Bed and Breakfast Inns (Short-Term Rentals)

<p><b>Proposed Code Amendment                      To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
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<p><b>SECTION 1.3.002 - DEFINITIONS INCLUDED BY REFERENCE</b></p> <p><del>BED AND BREAKFAST INN – A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or a weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The Bed and Breakfast Establishment has no more than five guest sleeping rooms provided on a daily or weekly basis for the use of no more than a total of ten (10) travelers or transients at any one time.</del> See definition of Short-Term Rental.</p> <p><u>SHORT-TERM RENTAL – Rental of a dwelling unit or portion of a dwelling unit for a period of less than thirty (30) consecutive days. The following are short-term rental use types:</u></p> <p><u>A. BED AND BREAKFAST INN OR HOSTED HOME SHARE – A single-family dwelling, occupied by the owner or manager, in which no more than five (5) 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.</u></p> <p><u>B. VACATION HOME RENTAL – The short-term rental of an entire single-family dwelling unit, which may also include an accessory dwelling on the same property, in which no more than five (5) guest sleeping rooms are provided for short-term rental.</u></p>	<p>This amendment was requested by the Planning Commission and Community Development Director.</p>	<p>This item was discussed during a Joint Works Session of the City Council and Planning Commission on January 30, 2023. A consensus was reached in support of this amendment.</p>
<p><b>NEW PROPOSED CODE SECTION</b> (see below)</p>	<p>This amendment was requested by the Planning Commission and Community Development Director.</p>	<p>This item was discussed during a Joint Works Session of the City Council and Planning Commission on January 30, 2023. A consensus was reached in support of this amendment.</p>
<p><b>SUMMARY:</b></p>		

	<p>The City's Housing Needs Analysis identifies that La Grande has a shortage of needed housing, with a need for seven hundred ninety-five (795) new dwelling units over the next twenty (20) years, by the year 2040. This includes a need for three hundred thirty-six (336) single-family dwelling units, one hundred fifteen (115) duplex dwelling units, two hundred (200) multi-family dwelling units, and one hundred forty-four (144) other group housing dwelling units.</p> <p>In early 2021, the Planning Commission and City Council expressed a commitment toward addressing needed housing through the adoption of a Housing Production Strategy (HPS) and focus on implementing the seven (7) strategies discussed above in this Decision Order, to encourage the production of needed housing. As part of this, concerns were discussed regarding how Bed and Breakfast Inns may compromise the residential character of neighborhoods, and more importantly, adversely impact the City's needed housing inventory as a result of slower than anticipated residential growth due to various economic factors.</p> <p>Following is a summary of the Goals and outcomes of Proposed Code Elements that are intended to be achieved through this Code amendment process.</p> <p>Goals:</p> <ul style="list-style-type: none"><li>• To support the City's adopted Housing Production Strategies and to reduce and minimize adverse impacts on the City's needed housing inventory, such as loss of needed housing.</li><li>• To support the purpose and intent of residential zoning, which is to encourage new residential development at various densities; and, to preserve and protect existing residential uses and the residential character of neighborhoods.</li><li>• To retain the short-term rental business opportunity within the City.</li><li>• To provide a faster/expedited application process with predictable outcomes.</li><li>• Existing BnB's (short-term rentals) that were legally established through the City's Conditional Use Permit process would not be required to get a new Short-Term Rental Permit under this proposed Code revision. Their existing Conditional Use Permit would be recognized as being a valid Short-Term Rental Permit.</li></ul> <p>Proposed Code Elements:</p>
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	<ul style="list-style-type: none"><li>• Better define the 2 types of short-term rentals (owner occupied rentals vs. vacation home rentals).</li><li>• Establishing an administrative (over the counter) permitting process.</li><li>• Continue to allow short-term rentals in residential neighborhoods, but limit ownership to one short-term rental.</li><li>• Issue the permit to the current property owner, not transferrable with a property sale. A new owner would need to apply for their own permit as a new short-term rental business.</li><li>• Require the applicant/owner to obtain support (or no objection) from the majority of adjacent property owners.</li><li>• As part of communicating with neighbors, require the applicant/owner to share their contact information and short-term rental rules/operation plans with neighbors. Neighbors could then contact the owner to address issues, as needed.</li><li>• Limit short-term rentals to single-family, accessory dwellings and duplexes only (no multi-family).</li><li>• Ensure that short-term rentals have adequate parking which is functional.</li><li>• Ensure that improvements to support a short-term rental do not result in the permanent conversion and loss of a dwelling, rendering the property out of compliance with City code if/when converted back to a dwelling unit.</li><li>• Establish enforcement provisions that allow for permits to be revoked for any property owner who is not compliant with City Codes, including payment of required room taxes (via Lodging Operations Certificate issued and managed by the Finance Department).</li></ul>
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**ARTICLE 3.23 – SHORT-TERM LODGING**

**SECTION 3.22.001 – PURPOSE**

The Purpose of this article is to allow short-term rentals in the City of La Grande with the goal of minimizing impacts to the residential housing stock in the city and to ensure and maintain livable neighborhoods. Short-term rentals are permitted in all residential zones, in both owner-occupied and leased properties, provided that the short-term rental meets the definition as stated in Article 1.3 of this Code; the requirements of this Article; and all other applicable City, County or State laws and regulations.

**SECTION 3.22.002 – SHORT-TERM RENTAL PERMIT**

- A. A Short-Term Rental Permit shall be required for operating a short-term rental in all Residential Zones within the City of La Grande. An application for a Permit shall be initiated by the property owner or long-term renter with the property owner as a co-applicant, on forms provided by the Community Development Director/Planner and shall include the following submittal information to demonstrate compliance with this Article:
1. Copy of property deed or other legal document showing proof of property ownership.
  2. For applications initiated by a long-term renter, the property owner shall be a co-applicant.
  3. A plot plan of the property showing the following:
    - a. The location and use of all buildings and structures on the property.
    - b. Identify the main entrance to the short-term rental dwelling on the property and the location of keypad or key lock box.
    - c. Identify the location and size of each required guest parking space.
  4. A signed acknowledgement statement of “no objection” from a majority of property owners described in ‘a’ and ‘b’ below:
    - a. From the majority of the owners of property adjacent to the short-term rental property.
      - i. For the purposes of this requirement, “adjacent” means only those properties that share property lines and those across a public alley.
      - ii. Where only two (2) adjacent properties exist, a minimum of fifty percent (50%) shall be required; and.
    - b. From the majority of the owners of property within two hundred-fifty feet (250’) of the short-term rental property.
    - c. The applicant shall prepare and present an “Acknowledgement Packet” to those neighbors described in 4.a. and b. above. The Acknowledgement Packet shall include the following:
      - i. The plot plan as required in Item #2 above.
      - ii. An operation plan that identified the number of rooms for rent, whether the rental includes the entire house to one party or by the room to separate parties, whether pets allowed, other? [specify “other” requirements].
      - iii. A copy of the House Rules for Guests staying at the short-term rental.
      - iv. Emergency contact information of the property owner or manager of the short-term rental.
      - v. The acknowledgment statement to be signed by property owners shall read as follows:



*"I have reviewed and fully understand the plans, operations and house rules for the proposed short-term rental, and I have no objections to the City of La Grande approving a Short-Term Rental Permit for operation of a short-term rental on the subject property as described in the Acknowledgement Packet."*

5. Copy of completed and approved Building Safety Inspection, signed by Building Inspector, City of La Grande Building Division.
  6. Any other information deemed necessary by the Community Development Director/Planner to demonstrate compliance with this Article.
- B. Property owner shall be limited to possessing only ~~one (1)~~ two (2) Short-Term Rental Permits and owning only ~~one (1)~~ two (2) short-term rentals within a residential zone the City.
- "Owner" is defined as natural person or legal entity that owns and holds legal title to the subject property. If the owner is a business entity such as a partnership corporation Limited Liability Company, Limited Partnership, Limited Liability Partnership or similar entity, each person who owns an interest in that business entity is considered an owner.
- C. The Short-Term Rental Permit is not transferrable and does not run with the land. The Permit is assigned exclusively to the property owner that is identified in the application and the use is subject to all terms and conditions of the initial permit. The Short-Term Rental Permit shall not grant any permanent land use rights that may later be interpreted or construed as being a legal nonconforming use or grandfather right attached to the property.
- D. Upon receiving approval of a Short-Term Rental Permit, the property owner shall also obtain and maintain a Lodging Operation Certificate from the City of La Grande Finance Department.
- E. The Short-Term Rental Permit will presumptively be renewed annually and the applicant may continue the short-term rental operation under the terms and conditions of the initial permit, unless the permit has been revoked as provided in Section 3.22.004.

### **SECTION 3.22.003 – 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. Multi-Family and Condominium Units Prohibited: Short-term rentals shall be limited to single-family or accessory dwelling units, and duplex dwellings. Short-term rentals shall be prohibited in all multi-family and condominium developments (three units or greater), as well as all cottage home developments.
- C. Only one (1) Short-Term Rental Permit is permitted per parcel, limited to one (1) residential dwelling, which may include an accessory dwelling unit that is rented to the same party.
  1. A single-family dwelling with an accessory dwelling unit shall not be rented separately to different parties, as this would be considered two (2) separate short-term rentals on the same parcel and not permitted under this Code.

2. A short-term rental within a duplex shall be limited to one (1) side or one (1) dwelling unit only.
- D. The maximum occupancy for a dwelling used for a short-term rental shall be two (2) persons per guest bedroom, plus two (2) additional persons. For example, a two (2) bedroom dwelling would have a maximum occupancy of six (6) persons.
- E. One (1) 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 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 5.7.005 of this Code, and shall meet the following standards:
  1. While meeting the 9'x18' required dimension, the parking area shall include two-feet (2') 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 space(s).
  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 space(s) 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 phone 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 ~~ten (10)~~ fifteen (15) miles of the short-term rental and shall be responsive to neighborhood questions, concerns or complaints within two (2) hours.

#### **SECTION 3.22.004 – ENFORCEMENT OF SHORT-TERM RENTAL PROVISIONS**

- A. Upon receiving a complaint of a possible violation of this Article or the provisions of any other applicable ordinance or law, City Staff will investigate to determine if a violation exists; and when appropriate, will provide the property owner with written notice of the required actions to correct the violation.
- B. Revocation of Short-Term Rental Permit:
  1. Failure to complete corrective action to resolve a violation of this Article shall result in the revocation of the Short-Term Rental Permit.
  2. A third (3<sup>rd</sup>) violation of this Article, even if corrected, within a twelve (12) month period shall result in the revocation of the Short-Term Rental Permit.
  3. The expiration or termination of a Lodging Operation Certificate shall result in the revocation of the Short-Term Rental Permit.
  4. Submitting false information to the City shall result in the denial, suspension, or revocation of a Short-Term Rental Permit as determined by the City Manager in their sole discretion.
- C. Upon revocation of a Short-Term Rental Permit, a property owner shall not be permitted to submit a new application for a Short-Term Rental Permit for a period of two (2) years from the date the Permit was revoked.
- D. In the event that a tenant or property owner is found to be operating a Short-Term rental without the required Permit, the property owner shall immediately cease operating the Short-Term rental, submit an application for a Short-Term Rental Permit, obtain a Lodging Operation Certificate, and submit lodging taxes for all rents received while operating without a permit within 30 days of notice of the violation. Failure to comply with these provisions shall prohibit eligibility to submit an application for a Short-Term Rental Permit for a period of two (2) years.

## La Grande Business and Technology Park

<b>Proposed Code Amendment To LDC Ordinance 3252, Series 2021</b>	<b>Request/Need</b>	<b>Staff Comments</b>
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<p><b><u>SECTION 1.3.002 – DEFINITIONS INCLUDED BY REFERENCE</u></b></p> <p><u>CORPORATE HEADQUARTERS/CAMPUS – The development of a large-scale operation that serve as a corporate headquarters for a state, regional, or national corporation. The development may include a single principle structure and multiple secondary structures designed to accommodate a variety of services, such as administrative offices, research and development, training, manufacturing and logistics, marketing, and other ancillary activities associated with the corporation. Additional campus services and activities may include on-site child care, food service establishments, retail, assembly and recreation facilities, performance venue, and outdoor gathering spaces.</u></p> <p><b><u>SECTION 2.2.014 – BUSINESS PARK (BP)</u></b></p> <p><b>B. PERMITTED USES:</b></p> <p>9. Eating and Drinking Establishments – Only as an Incidental Use Built as an Integral Part of a Main Use <u>or Corporate Headquarters/Campus.</u></p> <p>18. <u>Retail Sales – Businesses Engaged in Retail Sale of Goods and Merchandise, only as an Incidental Use Built as an Integral Part of a Main Use or Corporate Campus; Excludes Medical Marijuana and Recreational Marijuana Facilities.</u></p> <p><b>C. CONDITIONAL USES:</b></p> <p>2. <u>Spectator Sports and Entertainment – only as an Incidental Use Built as an Integral Part of a Main Use or Corporate Headquarters/Campus.</u></p>	<p>This amendment was requested by the Economic Development Director and the Community Development Director.</p>	<p>The City’s Business Park zoning supports the mixture of industrial and commercial uses in a “<i>park-like setting</i>,” but the standards limit the mixture of industrial and commercial uses to being within the same building. For example, an industrial manufacturing business with a small/incidental retail outlet store.</p> <p>The Business Park zoning does not easily support a corporate campus setting with multiple buildings, each with an individual/principal use (some industrial and some commercial), that collectively serve and support each other.</p> <p>For example: A campus setting may have specific buildings for corporate office uses; specific buildings for research/development and/or manufacturing; a separate building for a coffee shop, restaurant or food court; and potential some form of entertainment space.</p> <p>In recent months, the City has had inquiries to develop a corporate campus within the City’s Business Park zoning, but the City’s existing Code does not support the mixture of uses and design for the campus setting described in the inquiry. To support this proposed development, the City would need to rezone small portions of the Business Park to General Commercial to support the proposed campus setting with the mixture of commercial uses.</p> <p>Instead of rezoning several small pockets within the Business Park, it makes more sense for the City to expand the Business Park zoning to better allow for a mixture of industrial and commercial uses to co-exist within corporate headquarters/campus environment.</p>
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## Small Scale (Artisan) Manufacturing

<b>Proposed Code Amendment To LDC Ordinance 3252, Series 2021</b>	<b>Request/Need</b>	<b>Staff Comments</b>
<p><b><u>SECTION 1.3.002 – DEFINITIONS INCLUDED BY REFERENCE</u></b></p> <p><u>ARTISAN MANUFACTURING – Small-scale consumer product businesses, roughly 10,000+/- square feet or less in size, that manufacture artisan goods or specialty foods, primarily focused on, consumer sales on site and online. Includes activities relating to small-scale production of consumer products, artisan crafts, and food and beverage production. Examples include but are not limited to small-batch bakeries; micro-distilleries; micro-breweries, and other small-scale food and beverage producers; small-scale production of textiles, and other artisan consumer goods including but not limited to small-scale welding, metalworking, leather, glass, cutlery, hand tools, wood, furniture, ceramic, and yarn or fabric products.</u></p> <p><b><u>SECTION 2.2.008 - CENTRAL BUSINESS (CB)</u></b></p> <p>B. <u>PERMITTED USES:</u></p> <p style="padding-left: 20px;"><u>5. Artisan Manufacturing Not to Exceed 5,000 Square Feet and Having a Retail Storefront.</u></p> <p>C. <u>CONDITIONAL USES:</u></p> <p style="padding-left: 20px;"><u>1. Artisan Manufacturing Exceeding 5,000 Square Feet and Having a Retail Storefront.</u></p> <p><b><u>SECTION 2.2.009 - GENERAL COMMERCIAL (GC)</u></b></p> <p>B. <u>PERMITTED USES:</u></p> <p style="padding-left: 20px;"><u>7. Artisan Manufacturing Not to Exceed 5,000 Square Feet and Having a Retail Storefront.</u></p> <p>C. <u>CONDITIONAL USES:</u></p> <p style="padding-left: 20px;"><u><del>4.</del>2. Artisan Manufacturing Exceeding 5,000 Square Feet and Having a Retail Storefront.</u></p>	<p>This amendment was requested by the Economic Development Director.</p>	<p>This is a request initiated by the Economic Development Director.</p> <p>City Code currently only allows limited small-scale manufacturing in the downtown Central Business Zone and the General Commercial Zone as a secondary or incidental use to a larger commercial use. (e.g. commercial retail soap shop as the primary/greater occupancy, which manufactures soap in a back room/lesser occupancy).</p> <p>This request will expand the allowed and conditionally allowed uses to include small scale manufacturing as a predominant use, but still require that a small retail storefront component exists. (e.g., brewery/bottling w/ tap room as the retail front; or other artisan fabrication/manufacturing with a retail storefront outlet).</p>

## Mobile Food Vending Trailers and Courts

<p><b>Proposed Code Amendment                      To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
<p><b><u>SECTION 1.3.002 – DEFINITIONS INCLUDED BY REFERENCE</u></b></p> <p>EATING AND DRINKING ESTABLISHMENTS - The Eating and Drinking Establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical use includes restaurants, short-order (<u>fast foot</u>) eating places, bars, or brew pubs <u>and also includes mobile food units and mobile food courts which are defined as follows:-</u></p> <ul style="list-style-type: none"> <li>• <u>Mobile Food Unit – A vehicle or structure that is self-propelled or towed, in which food is cooked, prepared, processed, or converted, or which is used in selling and dispensing food or beverages.</u></li> <li>• <u>Mobile Food Court – Two (2) or more mobile food units located on the same site for the purpose of selling food and/or beverages.</u></li> </ul> <p><b><u>SECTION 2.2.008 - CENTRAL BUSINESS (CB)</u></b></p> <p>B. <u>PERMITTED USES:</u></p> <p>11. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Brew Pubs, <u>and Mobile Food Units Accessory to a Permitted Use.</u></p> <p>C. <u>CONDITIONAL USES:</u></p> <p>6. <u>Eating and Drinking Establishments – Mobile Food Courts.</u></p>	<p>This amendment was requested by property owners and businesses.</p>	<p>The City Code is currently silent on this use type. Under the closest fit, food vending trailers have been allowed in the same zones as “Eating and Drinking Establishments – Restaurants, Short-Order” (aka fast food). But, because they are using a mobile trailer and not a permanent structure, the City has historically only allowed these by Temporary Use Permit, limited to 6 months with the opportunity for a couple extensions.</p> <p>This request is to consider establishing standards that specifically allow for mobile food vendors to remain on a property long-term (no time limit).</p> <p>Permitting would require the approval of a site plan the demonstrates that the placement of the vending trailer/vehicle will be in a location that does not obstruct traffic flow onto and through the site, required parking for the existing business or uses, or otherwise create a conflict with City code requirements.</p> <p>Typical Improvements Required:</p> <ul style="list-style-type: none"> <li>o Compliance with any building code and Department of Health requirements.</li> <li>o If outdoor seating is provided, then ADA accessibility, ADA parking and restrooms may be required.</li> </ul>

<p><b>SECTION 2.2.009 - GENERAL COMMERCIAL (GC)</b></p> <p>B. <u>PERMITTED USES:</u></p> <p>22. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Brew Pubs, <a href="#">Mobile Food Units Accessory to a Permitted Use.</a></p> <p>C. <u>CONDITIONAL USES:</u></p> <p>5. <a href="#">Eating and Drinking Establishments – Mobile Food Courts.</a></p>		
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## Parking - Eastern Oregon University

<p><b>Proposed Code Amendment                      To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
<p><b><u>SECTION 5.7.001 - OFF-STREET PARKING SPACES AND LOADING FACILITIES</u></b></p> <p><b><u>A Eligibility of Street Parking Spaces</u></b></p> <ol style="list-style-type: none"> <li>1. An exception may only be granted for the required vehicular parking for the assembly use types, or for bus parking for pre-elementary, elementary, junior high, <del>and</del> high school <del>and university</del> <del>use types</del> <del>campuses</del>.</li> <li>2. Eligible street parking shall only include those spaces that are immediately adjacent to the subject property, provided:                             <ol style="list-style-type: none"> <li>b. The furthest eligible parking space shall be no greater than five hundred feet (500') from the use or uses served, <del>except for university campuses, the furthest eligible parking space shall be no greater than one-thousand three-hundred feet (1,300') from the use or uses served.</del></li> </ol> </li> </ol> <p><b><u>SECTION 5.7.005 - PARKING DESIGN STANDARDS</u></b></p> <p><b><u>C. Vehicle Parking and Loading Area Location</u></b></p> <ol style="list-style-type: none"> <li>2. Required parking and loading facilities for uses other than residential shall be located as follows:                             <ol style="list-style-type: none"> <li>c. On a lot or parcel of land within five hundred feet (500') of the use or uses served, <del>except for university campuses, within one-thousand three-hundred feet (1,300') from the use or uses served.</del></li> </ol> </li> </ol>	<p>This amendment was requested by Eastern Oregon University.</p>	<p>Current City Code requires that all required parking be located within 500 feet of the use it is intended to serve.</p> <p>This not an issue for most development as required parking is typically constructed adjacent to the building and use it is serving. However, this is problematic in a University or campus environment.</p> <p>In a campus environment, parking is often spread out around the periphery of the campus and people expect to walk further to various buildings and facilities.</p> <p>For the new EOU fieldhouse construction, the parking in the vicinity of this new facility predominantly serves the student housing-dormitories. Some additional parking was construct around the fieldhouse, but there was insufficient space to construct all of the required parking for this facility without demolishing other campus facilities. There is, however, ample parking available to serve this facility near the football stadium and other parking lots near 6<sup>th</sup> Street, but they are outside of the required 500' distance and thus not eligible to count towards satisfying the City's parking requirements.</p> <p>EOU is requesting this distance standards in Sections 5.7.001 and 5.7.005 be increased to 1,300 feet for the EOU campus, which is maximum separation distance of the fieldhouse from the available parking areas that will reasonably accommodate this facility.</p>

		<p>Staff supports this amendment. Functionally, students, faculty and members of the public regularly park in these periphery parking lots and walk much further than 1,300 feet to the various facilities they are visiting. This is especially true for events on campus and the distance attendees are willing to park in relation to the event. Staff feels that increasing this standard to 1,300 feet for the EOU campus is a reasonable request and justified code amendment.</p>
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## Public Street Standards

<p><b>Proposed Code Amendment                      To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
<p><b><u>SECTION 1.3.002 – DEFINITIONS INCLUDED BY REFERENCE</u></b></p> <p>STREET – The portion or portions of street right-of-way developed for vehicular traffic.</p> <p>A. <u>Street Classifications:</u></p> <ol style="list-style-type: none"> <li>1. <u>ARTERIAL STREET</u> – A public street which provides primary access <u>into and through the City, and connects with County arterials and/or state highways</u>. <del>between large developed areas and which is designated in the La Grande/Island City Transportation System Plan.</del></li> <li>2. <u>COLLECTOR STREET</u> – A public street which connects individual land uses within neighborhood to an arterial street.</li> </ol>	<p>This amendment was requested by the Community Development Director, Fire Department, Public Works Department and Waste-Pro.</p>	<p><b><u>Street Classifications:</u></b>                      The City’s code defines the various classifications of City streets as Arterial, Collector and Local, with definitions alphabetically sorted in Section 1.3.002. This amendment will move all of the street type definitions, together, under the heading of “STREET” so they are easier to find.</p> <p><b><u>Private Streets:</u></b>                      Since ~2016. The City has allowed for private streets within a development to help encourage infill residential development and to help minimize costs for improvements.</p> <p>However, since the establishment of a private road option, the City has experience conflicts with such roads being fully or partially obstructed with parked vehicles (e.g. turn-around areas blocked for emergency services, Waste-Pro, &amp; other parking in no-parking zones).</p>

<p>3. <a href="#">LOCAL STREET – A public street within neighborhoods that provides access to abutting properties.</a></p> <p>4. <a href="#">SEMI-PRIVATE LOCAL STREET – A public street that is within neighborhoods that provides access to abutting properties, but which includes private street improvements that are maintained entirely by the adjacent property owners and not by the City.</a></p> <p><b>SECTION 6.2.005 - MINIMUM STREET IMPROVEMENTS</b> The following <a href="#">public</a> street improvements shall be required for development and shall be provided at the expense of the developer:</p> <p>D. <a href="#">Semi-Private Local Streets -- Semi-Private local streets shall be located within a dedicated public street right-of-way and shall be improved to a minimum standard that includes a storm water collection system, gravel shoulders and a paved surface in accordance with Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by Resolution of the City Council. A semi-private local street shall only be allowed when it is determined by the Planning Commission at the recommendation of the City Public Works Director, that a City standard Arterial, Collector or Local Street, as referenced above, cannot adequately be constructed to serve the development. The typical street section shall be approved by the Public Works Department Director or designee.</a></p>		<p>As a private street, these exist and function similar to private driveways and are owned and managed entirely by the property owners. As such, the City does not have any enforcement authority to police/enforce parking conflicts.</p> <p>The resolve this, the proposed amendment will require that private streets be constructed within Public Street rights-of-way. The City will still allow a private street option to help facilitate infill development, but by developing such street within a public street right-of-way, the City will have the enforcement authority to ticket and tow vehicles that block the street, turn-around and other no-parking zones.</p>
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## Conditional Use Permit Review Criteria

<p><b>Proposed Code Amendment To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Request/Need</b></p>	<p><b>Staff Comments</b></p>
<p><b>SECTION 8.5.003 - REVIEW CRITERIA</b>                      A Conditional Use Permit shall be granted only if the reviewing authority shall find that it satisfies <u>all of</u> the following criteria, as well as all other criteria and standards of this Code and other applicable codes and Ordinances.</p> <p>A. That the use is <u>listed as being</u> conditionally permitted in the zone in which it is proposed to be located; <u>and,</u></p> <p>B. <del>That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services. That all</del> <u>required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposed development, consistent with City standards; and,</u></p> <p>C. That the <u>site</u> location, size, <del>design,</del> <u>access and existing improvements are adequate to support the proposed development and its</u> operating characteristics, <u>taking into consideration the proposed building mass, aesthetics, parking, traffic, safety noise, odors, dust, and other characteristics; and,</u> <del>of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.</del></p> <p>D. That significant adverse impacts attributable to the proposed development, if any, on adjacent properties or on the public can be mitigated through additional development improvements permitted by this Code, or other reasonable conditions of approval.</p>	<p>This amendment was requested by the Community Development Director.</p>	<p>The existing review criteria is subjective, and as a result occasionally result in decisions based on opinion that may be difficult to defend if challenged.</p> <p>State law requires that land use codes be clear and objective to ensure that land use decisions are based on fact, and consistent over time and fair.</p> <p>Staff recommends these changes as they are “clear and objective” and based on examples use successfully in other cities in Oregon.</p>

## Housekeeping and Other Code Amendments

<p><b>Proposed Code Amendment To LDC Ordinance 3252, Series 2021</b></p>	<p><b>Per HPS, State Law, or Other (if applicable)</b></p>	<p><b>Staff Comments</b></p>
<p><b><u>SECTION 1.3.002 – DEFINITIONS INCLUDED BY REFERENCE</u></b></p> <p>DWELLING, COTTAGE HOME – Any structure on a Lot or Parcel that is one thousand (1,000) square feet or less and designed for occupancy by one family and containing one (1) dwelling unit, either site built or a manufactured dwelling.</p> <ul style="list-style-type: none"> <li>• One (1) cottage home on a Lot or Parcel may also be considered a detached single-family dwelling.</li> <li>• Two (2) cottage homes on a Lot or Parcel, if one is not an accessory dwelling, shall be considered a detached duplex.</li> <li>• Three (3) cottage homes on a Lot or Parcel shall be considered similar to a triplex.</li> <li>• Four (4) or more cottage homes on a Lot or Parcel, shall be considered similar to multifamily apartments.</li> </ul>	<p><u>Housekeeping</u></p> <ul style="list-style-type: none"> <li>• Clarify the definition of a Cottage Home Dwelling(s) when use as a single-family, duplex, triplex or greater scenario.</li> </ul>	<p>This item was discussed by the Planning Commission during their May 24, 2022, Work Session, and a consensus was reached in support of this amendment.</p>
<p><b><u>SECTION 5.7.009 – OFF-STREET PKARING REQUIREMENTS:</u></b></p> <p><b>Residential Uses:</b> <del>Vehicle - One and one-half (1½) (1) spaces per dwelling unit, for multiple family (tri-plex and greater) and one (1) space per each single family and duplex unit; one (1) space per dwelling unit</del> <u>which</u> must be covered.</p>	<p>This amendment is proposed in response to citizen inquiries and requests; and discussions of the Planning Commission and Community Development Director.</p> <ul style="list-style-type: none"> <li>• Consider amending the parking quantity requirement for multi-family to be the same or less than that of single-family and duplexes.</li> </ul>	<p>This item was discussed by the Planning Commission during their May 24, 2022, Work Session, and a consensus was reached in support of this amendment, resulting in the parking quantity being the same for all housing development and consistent with Oregon House Bill 2001.</p>

<p><b>ARTICLE 3.21 – MARIJUANA AND PSILOCYBIN FACILITIES</b></p> <p>Incorporate Psilocybin Time, Place and Manner requirements into Code regulating Marijuana Facilities.</p>	<p>Housekeeping.</p>	<p>By Ordinance 3256, Series 2022, the City Council established Time, Place and Manner restrictions for psilocybin facilities. These restrictions were modeled after the City’s existing code and restrictions for marijuana facilities.</p> <p>At the time of adopting Ordinance 3256, it was intended that these restrictions would be incorporated into the Land Development Code at the time of its next update. This proposed amendment achieves this intent and will result in the repeal of Ordinance 3256 upon the adoption of these proposed code amendments.</p>
<p><b>ARTICLE 6.6 – PUBLIC STREET STANDARDS</b></p> <p>The <del>attached</del> drawings <a href="#">set forth in the Public Works Engineering Standard Drawings and Specifications for Construction Manual, adopted by Resolution of the City Council.</a></p> <p><del>Possible means of financing available for this Class shall be methods A, B, C, D, E, F, G, and H in Section 6.6.006.</del></p>	<p>Housekeeping.</p>	<p>The existing code refers to the Public Works street design drawings as being attached to the Land Development Code. These are actually adopted as a separate document by Resolution of the City Council. This amendment cleans up old outdated language.</p> <p>Other housekeeping changes in this Article include removing references to possible financing methods. This is information provided in the City’s Comprehensive Plan – Transportation System Plan, which is where it belongs and will be retained in that document. The purpose of the Land Development Code is to identify and implement code standards. This financing language is not a standard and should not be included in this document.</p>

## **EXHIBIT B**

### **Article 8.8 – LAND DEVELOPMENT CODE AMENDMENT**

#### **SECTION 8.8.003 – REVIEW CRITERIA**

*A proposed Land Development Code Amendment shall meet the following criteria:*

*(A) That the proposed amendment is in compliance with the Statewide Planning Goals and with the Comprehensive Plan Policies.*

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

The proposed Land Development Code amendments are specifically proposed to incorporate land use code amendments that were recommended in the City's Housing Production Strategy, adopted by City Council Resolution 4810, Series 2021, pursuant to Oregon House Bill 2003. The proposed amendments also recommended land use code changes that are intended to address issues identified by the Planning Commission, City Council, local agencies (such as Eastern Oregon University), staff, developers and community members during the implementation and enforcement of the City's land use code.

The City finds that only Statewide Planning Goal 1 and Goal 2 are directly applicable to the proposed amendments, as 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 9 and Goal 10 are more applicable to conducting studies and considering Comprehensive Plan amendments, and less about the implantation of a Goal, but were evaluated in this Decision order and included 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 City has held twenty (20) Work Sessions that were advertised and where citizens had the opportunity to participate in-person or virtually in the proposed Code amendment process. The process also includes six (6) Public Hearing; three (3) before the City of La Grande and three (3) before Union County. All City of La Grande meetings are open to the public for participation in-person or virtually. Additionally, all meetings

are held via Zoom meetings and broadcast live on the City Manager's Facebook page. All meeting materials have been and will continue to be made available for electronic download, free of charge, from the City of La Grande Planning Division website. Printed copies are and will continue to be 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 submit written comments, up until 5:00 p.m. on the date of the meetings. Such comments are or will be read into the record during the public comment period of the meeting. The City of La Grande Planning Commission and/or City Council have or will respond 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 (2) 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 implement adopted plans, as well as amendments that address changes in the conditions or circumstances within the City of La Grande, as discussed in Goal 2, paragraph two (2), above.

First, for implementation, several of the code amendments implement strategies recommended in the City's recently adopted Housing Production Strategy (HPS). See Exhibit A summary of code amendments – Housing Production Strategy Action Items. Following the adoption of Oregon House Bill 2003, with funding through the Oregon Department of Land Conservation and Development (DLCD), the City of La Grande completed and adopted both a Housing Needs Analysis (HNA) and a Housing Production Strategy (HPS), in accordance with House Bill 2003 and consistent with Statewide Planning Goal 10. These plans were adopted by the City of La Grande City Council by Ordinance 3250, Series 2020, and Resolution 4810, Series 2021.

Second, several of the amendments address issues that have been identified by the Planning Commission, City Council, local agencies (such as Eastern Oregon University), staff, developers and community members during the implementation and enforcement of the Code as a result of changes in our community and/or changes in State laws. Such as:

- Parking requirement for the Eastern Oregon University campus.
- Private street standards.
- Short-term rental code.
- Small scale or artisan manufacturing in commercial zones.
- Others.

Based on the above, the Planning Commission and City Council's decision to amend the Land Development Code is being made on a factual basis, consistent with Statewide Planning Goal 2.



### **C. STATEWIDE PLANNING GOAL 9 – ECONOMIC DEVELOPMENT**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

**Finding:** This Statewide Planning Goal establishes State guidelines for developing Comprehensive Plans, which includes longer range planning efforts to ensure that the City has evaluated the local economic patterns and other characteristics, has sufficient commercial and industrial lands to meet is current and future needs, and established policies to guide economic development decisions.

For the proposed Land Development Code amendments, the City Comprehensive Plan is not proposed to be amended. As a result, Statewide Planning Goal 9 is not applicable to this Code amendment process.

### **D. 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 “plans” for addressing needed housing in the community. This includes conducting a buildable lands inventory and developing a strategy for addressing needed housing.

Following the adoption of Oregon House Bill 2003, with funding through the Oregon Department of Land Conservation and Development (DLCD), the City of La Grande completed and adopted both a Housing Needs Analysis (HNA) and a Housing Production Strategy (HPS), in accordance with House Bill 2003 and consistent with Statewide Planning Goal 10. These plans were adopted by the City of La Grande City Council by Ordinance 3250, Series 2020, and Resolution 4810, Series 2021.

The proposed code amendments in this Decision Order addresses part of the implementation by amending the City’s land use codes as recommended in the adopted HPS. These amendments are intended to increase the opportunities for developing missing middle housing (affordable single-family homes, duplexes, townhouses, cottage homes, other) for both ownership and rental.

See Exhibit A summary of code amendments – Housing Production Strategy Action Items.

In the future, the City hopes to move forward with other implementation measures that may include incentive options.

## 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 fourteen (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 Chapter 9 of the Land Development Code Ordinance 3252, Series 2021, establishes the procedural requirement that implement the City public involvement program. For the above listed policies, the City has held twenty (20) work sessions that were advertised and where citizens had the opportunity to participate in-person or virtually in the proposed Code amendment process.

As part of the formal Public Hearing process, this includes six (6) Public Hearing; 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 until 5:00 p.m. on the public meeting date. 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 Facebook Live on the City Manager's Facebook page, and the Zoom 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 (2) 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 eleven (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.

For the proposed Land Development Code Amendments, the initial driver was the City’s adoption of the Housing Production Strategy (HPS) report, by City Council Resolution 4810, Series 2021. Based on the need and the factual basis established through the City’s recent Housing Needs Analysis (HNA), the HPS recommended a number of Land Development Code amendments that would help encourage needed housing at various household income levels. The greatest housing need identified was in the lower income household levels, which includes housing that the State commonly refers to as the missing middle. Code amendments that address this need include reducing the minimum allowed lot size to accommodate smaller home sizes, allowing townhouse development (up to 3-dwellings) in the medium density residential zone, eliminating maximum densities, and being more accommodating to cottage housing developments.

Other Code amendments proposed are based on needs that were identified by the Planning Commission, City Council, local agencies (such as Eastern Oregon University), staff, developers and community members during the implementation and/or enforcement of the Code as a result of changes in our community. Some of these include amendments to:

- Parking requirement for the Eastern Oregon University campus.
- Private street standards.
- Short-term rental code.
- Small scale or artisan manufacturing in commercial zones.
- Others.

## **C. COMPREHENSIVE PLAN GOAL 9 – ECONOMIC DEVELOPMENT**

*Goal 4 – To Revitalize the Downtown: To revitalize the Central Business District by building on its historic character, expanding the mix of goods and services offered and creating public spaces and amenities.*

*Policy 1 – The City shall undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract new businesses to the community in industries that will provide local employment opportunities that are consistent with community needs and not detrimental to the quality of life in the community.*

**Finding:** The City of La Grande Comprehensive Plan, Goal 9, includes 29 policies that focus on economic development, ensuring that sufficient lands exist for future needs, encourage siting of certain industrial uses in the City's business park, encouraging upper floor residential downtown, and a number of other economic goals. The above policy is specific to the efforts currently underway in the La Grande downtown area and helping entrepreneurial businesses expand and grow.

The City's existing commercial zoning throughout the City does not adequately support small-scale manufacturing businesses that desire to locate in a commercial area and have a retail storefront and commercial presence. Manufacturing is currently not an allowed use in the City's commercial zoning, regardless of scale. The proposed amendment to allow artisan manufacturing (aka small-scale manufacturing) in the commercial zones is intended to accommodate the small entrepreneurial startup businesses that are ready to expand and need a commercial storefront. Many of these small businesses have not grown to the size that requires a larger industrial size for their manufacturing, but rather they are better suited for a smaller commercial site that includes a retail storefront, with some office space and manufacturing in the back.

This entrepreneurial need has sparked interest in the redevelopment of a portion of La Grande's downtown, along Jefferson Avenue which is one block off the main street or corridor. Along Jefferson Avenue, the North side of the street is industrially zones, where the South side of the street is commercially zoned but with businesses that are industrial in nature (auto repair, auto parts retail, cabinet shops, etc.). An effort is underway to revitalize this corridor with a strong desire to accommodate artisan manufacturing businesses with a commercial storefront.

In addition to helping existing small businesses in the community grow, this effort will also help revitalize the downtown by bringing in new businesses, expanding the mixture of goods and services, and result in a more vibrant and walkable downtown.

#### **D. 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:** In December 2020, The City of La Grande City Council adopted Ordinance 3250, Series 2020, adopted a Housing Needs Analysis (HNA). The development of this HNA was made possible through funding provided from the Oregon Department of Land Conservation and Development (DLCD). Immediately following the adoption of the HNA, the City of La Grande developed a Housing Production Strategy (HPS), as required by Oregon House Bill 2003, which was also made possible through funding provided from the DLCD. (Note: The HNA was later incorporated into the Goal 10 Chapter of the La Grande Comprehensive Plan in July 2022).

The Housing Goal and Housing Strategies above are policies set forth in the Goal 10 Chapter of the Comprehensive Plan. However, these 4 strategies have been further refined (expanded into 7 strategies) in the City's adopted HPS. These are as follows:

- Strategy 1.1: Allow small lot single-family houses.
- Strategy 1.2: Allow townhouses in the R-2, R-3 and R-P zones.
- Strategy 1.3: Reduce barriers to triplexes and quadplexes.
- Strategy 1.4: Reduce barriers to apartment buildings in the R-3 zone.
- Strategy 1.5: Reduce barriers to cottage housing developments.
- Strategy 1.6: Reduce barriers to accessory dwelling units.
- Strategy 1.7: Reduce barriers to conversions or additions to existing buildings that create new housing.

The above seven (7) strategies were the driver and focus of the proposed Code amendments discussed in Exhibit B of this Decision Order. These include a variety of residential land use code amendments throughout the City's Code that will result in the reduction of minimum lot sizes and creating additional opportunities for developing affordable housing (e.g. accessory dwelling units, cottage homes, multi-family dwellings) within the City of La Grande.

## EXHIBIT C

### Public Engagement Opportunities

### Summary of Work Sessions and Public Hearings

In accordance with Land Development Code Chapter 9, Articles 9.3, 9.4, 9.5 and 9.6, the adoption process includes a minimum of six (6) Public Hearings, with three (3) before City officials and three (3) before County officials. In advance of these Public Hearings, several Work Sessions were held to discuss and develop the proposed recommendations. For a list of meeting dates and public opportunities to participate in the process, see Section II – Schedule of Procedural and Public Hearing Requirements on page 2 of this Decision Order.

All Work Sessions and Public Hearings were and are open to the public for citizen involvement. Following is a summary of how public notice was provided to the public, followed by a summary of scheduled meetings.

For Public Hearing under Section II below, the City Planning Division circulated a City-wide public notice, which was mailed to the owners of all properties within the City of La Grande and its Urban Growth Boundary. The public notice included a link to the City's webpage, where meeting materials and other information was published and made available for citizens to be informed of the proposed Plan amendments and meeting dates where they can engage in the process.

#### I. Work Sessions

##### A. Notice of Work Sessions before the Planning Commission

1. City of La Grande Website: The City of La Grande's official website includes a page dedicated to business and activities conducted by the Planning Commission (<https://cityoflagrande.org/planningcommission>). Information published on this page includes, but is not limited to:
  - Planning Commission meeting calendar;
  - Agendas and meeting materials for all Work Sessions and Regular Sessions;
  - Sub-page dedicated to providing updated information on the proposed code amendments and process. (<https://www.cityoflagrande.org/planning-commission/2023-proposed-code-amendments>)
2. Advertising – Works Session Meeting Notices: Notice of all Planning Commission Work Sessions are provided to *The Observer* (local newspaper), and *Elkhorn Media* and *Brent Clapp/La Grande Alive*. *Elkhorn Media* typically reaches out to the Planning Division following each meeting and publishes a meeting summary on-line at <http://elkhornmediagroup.com/>.

3. Zoom Meetings and Facebook Live: All Planning Commission Work Sessions and Regular Sessions include an opportunity for the public to participate electronically via Zoom Meetings, upon request. All meetings are also broadcast and viewable on Facebook Live at <https://www.facebook.com/LaGrandeCityManager>.

**B. Work Sessions before the Planning Commission**

- October 12, 2021.....Discussion on developing short-term lodging codes (BnB).
- November 9, 2021.....Discussion on developing short-term lodging codes (BnB).
- December 14, 2021.....Complete discussion on developing short-term lodging codes (BnB) and begin discussion on Housing Production Strategy Action Items 1.1 – 1.4.
- February 8, 2022.....Discussion on Housing Production Strategy Action Items 1.1 – 1.4.
- February 22, 2022.....Discussion on Housing Production Strategy Action Items 1.1 – 1.4.
- March 8, 2022.....Discussion on Housing Production Strategy Action Items 1.5 – 1.7.
- March 22, 2022.....Discussion on Housing Production Strategy Action Items 1.5 – 1.7.
- April 26, 2022.....Complete discussion on Housing Production Strategy Action Items and begin other Code amendment discussions.
- May 24, 2022.....Discuss off-street parking, utility connections, definitions of cottage homes and townhouses, other.
- July 12, 2022.....Discussion on short-term lodging codes (BnB) and establishing a moratorium on new BnBs.
- August 8, 2022.....Joint Work Session, before the Planning Commission & City Council to discuss short-term lodging codes (BnB) and establishing a moratorium on new BnBs.
- September 13, 2022.....Discussion on developing short-term lodging codes (BnB).
- October 4, 2022.....Discussion on developing short-term lodging codes (BnB).
- November 5, 2022.....Discussion on developing short-term lodging codes (BnB).
- December 13, 2022.....Discussion on developing short-term lodging codes (BnB).
- January 10, 2023.....Joint Work Session, before the Planning Commission & Community Landscape and Forestry Commission to discuss street trees and landscaping standards.
- January 30, 2023.....Joint Work Session, before the Planning Commission & City Council to discuss short-term lodging codes (BnB) and extending the moratorium on BnBs.
- February 23, 2023.....Discussion on private street standards, mobile food vendors, EOU campus parking standards, and Business Park zoning and permitted uses.
- March 7, 2023.....Discussion on small scale manufacturing in commercial zones.

May 22, 2023.....Joint Work Session, before the Planning Commission & City Council to discuss summary of all proposed code amendments.

## II. Public Hearings

### A. Notice of Public Hearings before the Planning Commission and City Council

In advance of holding Public Hearings for the adoption of the proposed code amendments, the following public notices were provided in accordance with City and/or State laws:

1. Notice to DLCD of Post-Acknowledgement Plan Amendment (PAPA). State law requires that proposed changes to local land use codes, along with supporting documents be submitted to DLCD for review a minimum of thirty-five (35) days in advance of the first evidentiary hearing. For this application, the first evidentiary hearing was scheduled before the City of La Grande Planning Commission on June 13, 2023. Notice was provided to DLCD via PAPA Online on May 9, 2023.
2. Mailed Notice (City-wide) of Proposed Land Development Code Amendments. In accordance with Land Development Code Article 9.6, Section 9.6.001(A), notices of Public Hearings on legislative matters shall be provided a minimum of twenty (20) days, but not more than forty (40) days before the first evidentiary hearing. With the first hearing before the Planning Commission scheduled for June 13, 2023, notice must be mailed by May 24, 2023 (20-days) but not earlier than May 4, 2023 (40 days). In this case, notice was mailed on May 18, 2023, which is 26-days in advance of the first Public Hearing. The city-wide public notice identified both the Planning Commission Public Hearing scheduled for June 13, 2023, and the City Council Public Hearing schedule for July 5, 2023.
3. Advertising – Works Session Meeting Notices: In addition to mailed notice, notice of all Planning Commission and City Council meetings are provided to *The Observer* (local newspaper), and *Elkhorn Media* and *Brent Clapp/La Grande Alive*. All meeting materials were made available for download from the City’s website. Planning Commission meeting materials were made available at <https://cityoflagrande.org/planningcommission>. City Council meeting materials were made available at <https://www.cityoflagrande.org/city-council-mayor>.
4. Zoom Meetings and Facebook Live: All Planning Commission and City Council meetings include an opportunity for the public to participate electronically via Zoom Meetings or by teleconference, upon request. All meetings are also broadcast and viewable on Facebook Live at <https://www.facebook.com/LaGrandeCityManager>.

### B. Schedule of Public Hearings and Final Adoption

- June 13, 2023.....Public Hearing #1, before the Planning Commission.
- July 12, 2023.....Public Hearing #2, before the City Council, and First Reading of the adopting Ordinance by Title Only.
- August 2, 2023.....Public Hearing #3, before the City Council, and Second Reading of the adopting Ordinance by Title Only.
- August 3, 2023.....DLCD Notice of City Adoption - Post Acknowledgement Plan Amendment (PAPA).



- September, 2023.....Public Hearing #4, before the Union County Planning Commission for Co-Adoption.
- October, 2023.....Public Hearing #5, before the Union County Board of Commissioners, and First Reading of the co-adopting Ordinance by Title Only.
- November, 2023.....Public Hearing #6, before the Union County Board of Commissioners, and Second Reading of the co-adopting Ordinance by Title Only.
- December, 2023.....DLCD Notice of County Adoption - Post Acknowledgement Plan Amendment (PAPA).