

AGENDA
PLANNING COMMISSION MEETING
WEDNESDAY, AUGUST 1, 2018 – 7:00 P.M.
Lowell City Hall, 107 East 3rd Street, Lowell, Oregon

- 1. CALL TO ORDER/ROLL CALL**
- 2. ADMINISTER OATH OF OFFICE**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**
 - a. May 2, 2018
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - a. Discussion of Accessory Dwelling Units
- 7. OTHER BUSINESS**
- 8. ADJOURN**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk, Joyce Donnell, at 541-937-2157.

City of Lowell, Oregon
Minutes of the Planning Commission Meeting
May 2, 2018

The meeting was called to order at 7:00 PM by Commission Chair Bjornstad

Members Present: Jerry Bjornstad, Don Swain, Stacie Harris, Mary Wallace

Administer Oath of Office: CA Cobb administered Oath of Office to Stacie Harris and Jerry Bjornstad.

Selection of Commission Chair - Mary Wallace nominated Jerry Bjornstad for Commission Chair, second by Don Swain. PASS 4:0

Selection of Commission Vice-Chair – Jerry Bjornstad nominated Mary Wallace for Vice-Chair, second by Stacie Harris. PASS 4:0

Approval of Planning Commission Minutes: Commissioner Swain moved to approve minutes from November 1, 2017, second by Commissioner Harris. PASS 4:0

Old Business: None

New Business: 7:34 PM

- a. Land Use File 2018-001 – Site Plan Review for Two Duplexes at Moss St. & 4th Street.**

Planning Commission Meeting Closed: 7:08 PM

Public Hearing Open: 7:08 PM

- Staff Report – Henry Hearley, LCOG presented report, staff recommends the Planning Commission Approve a site plan review as conditioned, for the proposed development of two duplexes on a single lot in the R-3 zone. William George, the applicant, responded to Commissioners questions, Lon Dragt, property owner adjacent to proposed development inquired if owner would consider changing the proposed chain fence, to a wooden fence. Mr. George agreed to place a wooden fence.

Public Hearing Closed: 7:25 PM

Planning Commission Meeting Open: 7:26 PM

- Commission Deliberation – Discussion followed in regard to wetlands.
- Commission Decision – **Commissioner Harris move to approve with the three conditions, and also the change to the fence on the westside of property, being a solid wood fence, second by Commissioner Swain. PASS 4:0**

Jared Cobb removed himself from the meeting table, and was seated in the audience, being the applicant for the following variance and property line adjustment.

- b. Land Use File 2018-02 – Variance & Property Line Adjustment at 188 E 2nd Street.**

Planning Commission Meeting Closed: 7:28 PM

Public Hearing Open: 7:28 PM

- Staff Report – Henry Hearley, LCOG presented report, staff recommends the Planning Commission Approve, in conjunction, a property line adjustment, and a variance request to the 7,000 square foot lot minimum in the preliminary property line adjustment plat submitted by the applicant. Jonathan Oakes, Poage Engineering, the representative for applicant was present. A condition was made to dedicate an easement for utilities to serve the other parcel, and a final survey to be submitted to the County

Public Hearing Closed: 7:40 PM

Planning Commission Meeting Open: 7:40 PM

- Commission Deliberation – none
- Commission Decision – **Commissioner Swain move to approve the application with the one condition, second by Commissioner Wallace. PASS 4:0**

CA Cobb returned to the meeting table.

- c. Discussion of 2018 Work Plan – CA presented work plan as provided. **Commissioner Harris move to accept the 2018 Planning Commission Work Plan, second by Commissioner Bjornstad. PASS 4:0**

Other Business: Commissioner Bjornstad stated there is a request for a Commissioner to be part of the Parks & Rec. Master Plan and the Downtown Master Plan Steering Committees. Commissioner Swain volunteered to be on the Downtown Master Plan Steering Committee. Commissioner Wallace volunteered to be on the Parks & Rec Master Plan Steering Committee.

Adjourn: 7:48 PM

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error¹ was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____.] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

R

Rail Right-of-way. See Transportation-Related Definitions.

Recreation camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)

Recreational vehicle. See Vehicle Types.

Recreational vehicle park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

Residence. Same as Dwelling. See Residential Structure Types.

Residential Structure Types

- **Accessory Dwelling Unit.** An interior, attached, or detached residential structure that is used in connection with, or is accessory to, a single-family home.
- **Attached Duplex.** A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.
- **Attached House (Townhome or Rowhouse).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.
- **Cottage.** A small house, generally containing not more than 1,200 square feet of floor area that may be used as an accessory dwelling.
- **Cottage cluster.** A group of two or more cottages on one lot.
- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed

2.2.200 – Residential Districts – Special Use Standards

Section 2.2.200 provides standards for specific land uses and building types, as identified in Table 2.2.110, that control the scale and compatibility of those uses within the Residential District. The standards in Section 2.2.200 supplement (are in addition to and do not replace) the standards in Sections 2.2.100 through 2.2.190. This Section applies to the following uses and building types, as specified in subsections A-K:

- Accessory Dwelling
- Attached Single-Family (Townhouses or Rowhouses) and Attached Duplexes
- Bed and Breakfast Inns
- Group Living (Residential Care Homes and Facilities)
- Home Occupations
- Manufactured Homes
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Short-Term Vacation Rentals
- Zero-Lot Line Housing (not common wall)
- Modifications to Designated Historic Structures

A. Accessory dwelling (attached, separate cottage, or above detached garage). Accessory dwellings shall conform to all of the following standards:

1. Floor Area.
 - A. Accessory dwellings shall not exceed 800 square feet of floor area,. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;
 - B. Accessory units that result from the conversion of a level or floor (i.e. basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling exceeds 800 square feet.
2. Exempt from Density and Required Parking. Accessory dwellings are exempt from the housing density standards and any parking requirements of the Residential District, due to their small size and low occupancy levels;
3. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
4. One Attached Unit, One Detached Unit. A maximum of one attached dwelling unit and one detached dwelling unit for a maximum of three dwelling units (one primary, two accessory) are allowed per lot;
5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 110% of the primary unit’s height; and
6. Buffering.
 - A. Detached structures shall not be located less than 10 feet from the primary structure.
 - B. Accessory structures shall maintain the setback standards specified by property

2.2 – Residential (R) Land Use Districts – Special Use Standards: Accessory Dwellings

- zoning designation related to front, rear, and side setbacks and shall retain at least a 5 foot buffer from any property line or outbuilding such as a garden shed.
- C. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling, unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.
7. Existing Non-Conforming Structures. Conversion of an existing non-conforming structure into an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity

B. Attached Single-Family (Townhouses and Rowhouses) and Duplexes. Single-family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single-family dwellings, and developments with two (2) or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court, as described in Chapter 3.1.2. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4.1, Transportation Standards, and Chapter 4.3, Land Divisions.
2. Common Areas. Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

ACCESSORY DWELLING UNITS

10.7.005 PURPOSE

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single-family dwelling in any zone that allows residential uses. An accessory dwelling unit may be permitted as a means to provide more affordable housing opportunities for young families and the elderly; encourage additional density at minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; and allow more energy efficient use of large, older homes.

10.7.010 PROCEDURE

An application for an accessory dwelling unit shall be reviewed by the Director under the Type I procedure.

10.7.015 STANDARDS

One (1) accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of an existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, subject to the following standards and limitations:

- A. The owner(s) of the primary dwelling shall occupy at least one (1) of the units;
- B. Any addition shall not increase the gross floor area of the original dwelling by more than 10%;
- C. The gross floor area of the accessory dwelling unit shall not exceed 30% of the primary dwelling's gross floor area, or 720 square feet, whichever is less;
- D. One (1) additional off-street parking space shall be provided in addition to the required parking for the primary dwelling;
- E. The accessory dwelling unit shall have exterior siding and roofing similar in color, material and appearance to that used on the primary dwelling; and
- G. The accessory dwelling unit shall comply with applicable fire and life safety codes.

CITY OF NEWPORT
ORDINANCE NO. 2055

AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE, NMC TITLE
XIV, RELATING TO
ASSESSORY DWELLING UNITS

Findings:

1. On March 25, 2013 the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code (NMC), to create standards for permitting Accessory Dwelling Units on residential properties.
2. An Accessory Dwelling Unit (ADU) is a second dwelling unit created on a lot or parcel that already contains a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the primary residence.
3. Authorizing ADUs in residential zoning districts, irrespective of existing density limitations, creates an avenue for property owners to construct modest, ancillary residential units that can be rented to persons employed in the City. This is consistent with Policy 4, Goal 2 of the Housing Element of the Newport Comprehensive Plan, which calls for the City to identify potential amendments to its codes in order to facilitate the development of housing affordable to Newport workers at all wages levels.
4. Desirability of ADUs is not limited to persons interested in generating rental income, as they are often constructed for the purpose of providing housing for family members, or on-site care givers. ADUs are an important housing option that are consistent with the objectives of Goal 1 of the Housing Element, which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households.
5. Other than those addressed above, no Comprehensive Plan policies or provisions apply to this proposed amendment of the Newport Zoning Ordinance.
6. The Newport Planning Commission discussed the proposed code amendments at work sessions on March 25, 2013 and April 8, 2013. The Commission held a public hearing on May 28, 2013 and voted to recommend adoption of the amendments.
7. The City Council held a public hearing on June 17, 2013 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
8. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public and Agency notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments to the Newport Zoning Ordinance, NMC Title XIV, adopted by this Ordinance No. 2055.

Section 2. The following definition for the term "Accessory Dwelling Unit" is hereby inserted alphabetically into Section 14.01.020, Definitions, above the definition for the term "Accessory Structure or Use":

Accessory Dwelling Unit. A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

Section 3. NMC 14.03.050, Residential Uses, is hereby amended to add "B. Accessory Dwelling Units" alphabetically under "A. Residential" and a "P" to indicate that Accessory Dwelling Units are permitted within in the R-1, R-2, R-3 and R-4 zones. All subsequent existing residential uses are hereby relettered, accordingly.

Section 4. NMC Chapter 14.16, Accessory Uses and Structures, is hereby repealed in its entirety and replaced with the new Chapter 14.16, attached and incorporated herein by this reference as Exhibit "A."

Section 5. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: June 17, 2013

Signed by the Mayor on June 18, 2013.

Sandra Roumagoux, Mayor
Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker
Margaret M. Hawker, City Recorder

EXHIBIT A

CHAPTER 14.16 ACCESSORY USES AND STRUCTURES

14.16.010 Purpose. The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

14.16.020 General Provisions.

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to Section 14.52.001, Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

14.16.030 Accessory Use or Structure on a Separate Lot or Parcel. An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the City, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

14.16.040 Development Standards (excluding Accessory Dwelling Units).

Accessory buildings and structures, except for Accessory Dwelling Units, shall conform to the following standards:

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.

- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.
- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

14.16.050 Development Standards - Accessory Dwelling Unit Standards.

Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.
- D. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- E. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- F. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.
- G. Exterior materials used to construct an Accessory Dwelling Unit shall be the same as those of the primary dwelling or garage.
- H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.
- I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.
- J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.

14.16.060 Conditional Use Approval of Accessory Dwelling Units. If one or more of the standards of this chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to Chapter 14.34. A Conditional Use Permit may allow relief from one or more of the standards of this

chapter, but does not excuse the owner from complying with the standards that can be satisfied.
