



AGENDA
Planning Commission Workshop

City Council Chambers
City Hall, 29592 Ellensburg Avenue
Gold Beach, OR 97444

April 18, 2016, 3:00PM

Call to order: **Time:** _____
Pledge of Allegiance

	Present	Absent
Position #1 Summer Matteson-Kinney		
Position #2 VACANT		
Position #3 Thomas Schultz		
Position #4 VACANT		
Position #5 Robert Chibante		
City Administrator/Planning Director Jodi Fritts		
Deputy Planner Candy Cronberger		

I. Additions to the Agenda

II. New Business

III. Public Hearings

WORKSHOP DISCUSSION-REFERRALS FROM CITY COUNCIL

Presentation and discussion of possible zoning code amendments to allow and/or regulate:

- Medical & Recreational Marijuana Facilities
- Tiny Houses & Accessory Dwelling Units (ADUs)

IV. Old Business

V. Adjourn

If you have any questions prior to the meeting please contact Jodi Fritts, City Administrator:
jfritts@goldbeachoregon.gov
541-247-7029



MEDICAL & RECREATIONAL MARIJUANA



**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: April 18, 2016

**TITLE: MEDICAL & RECREATIONAL MARIJUANA FACILITIES
PROPOSED ZONING AMENDMENTS**

SUMMARY AND BACKGROUND:

The Council directed staff at the February council meeting to discuss possible code amendments regarding medical and recreational marijuana facilities with the Planning Commission. In March, staff met informally with the Planning Commission to determine what direction you would like to take. It was decided at that time to direct staff to prepare draft code amendments to be discussed in a workshop setting in April.

Attached are the draft code provisions. The text is formatted in the following manner: the EXISTING code language is in regular typeface. The proposed amendments are ***BOLD-UNDERLINED-& ITALIC'ed.***

FROM THE FEBRUARY CITY COUNCIL AGENDA REPORT:

We most recently discussed marijuana regulation at the January meeting:

FROM JANUARY 2016 REPORT: We have discussed medical and recreational marijuana many, many times in the past few years--most recently in November. At that time we talked about whether to impose a tax on recreational sales or to adopt any land use regulation in the zoning code related to marijuana businesses.

Legal Counsel has kept me updated on changes on the state level as they are being discussed and adopted. Below is a summary of items she suggested we discuss and consider.

- The Council can adopt up to a 3% tax on recreational retail marijuana sales, **but it won't take effect unless and until it is approved by the voters in November 2016.** There is no rush but we will need to move on it sometime before summer to comply with election time lines.
- If the Council wants to stop medical dispensaries and/or recreational facilities from locating in the City, they could adopt an ordinance banning those facilities now. **The ordinance would not take effect unless and until it is approved by the voters in November 2016,** but OHA and OLCC will stop issuing licenses in Gold Beach immediately.



**PLANNING COMMISSION
STAFF REPORT**

- If the Council wants to enact land use regulations for recreational vendors they should start thinking about what those regulations might look like sooner rather than later. After making a quick review of our current zoning ordinance this is what she found:
 - ✓ Medical dispensaries and recreational retail would not be allowed in residential zones (1-R, 2-R and 3-R).
 - ✓ Recreational grows would be allowed on sites of at least an acre in all three residential zones (outright permitted in 1-R and 3-R, and conditionally permitted in 2-R).
 - ✓ Certain types of medical and recreational processors would likely be allowed as home occupations (either outright permitted or conditionally permitted) in all three zones.
 - ✓ Recreational and medical processors, recreational wholesalers, recreational retailers and medical dispensaries are all outright permitted in the commercial and industrial zones. If you consider grows to be “manufacturing,” they are outright permitted as well.

Applicable state laws:

- Medical dispensaries are not allowed to locate within 1000 feet of a school or 1000 feet of each other, and may not locate in a residential zone.
- Recreational retail outlets may not locate within 1000 feet of a school (cities can add other reasonable buffers but may not require that recreational retail outlets locate MORE than 1000 feet from each other) and may not locate in a residential zone.
- Medical and recreational processors that process extracts may not be located in a residential zone.
- Recreational marijuana wholesalers may not be located in a residential zone.

Other considerations:

- Other cities have looked at adopting buffers around parks, libraries, and day care centers. Gold Beach could also as long as the buffers are not too big and they don't effectively prohibit marijuana facilities from locating in town.
- Staff was concerned about ineffective State/OLCC regulation and oversight. The Council could discuss adoption of some of the OLCC requirements (such as security measures) as City requirements so that the City has enforcement authority if OLCC does not step up.

THE “T” WORD!:

Lots of cities adopted taxes on both medical and recreational marijuana before Measure 91 was enacted, in the hope that the legislature would grandfather in pre-existing city taxes. **Instead, the legislature adopted HB 3400, which provides that cities only have the authority to tax recreational retail marijuana sales, and only if the city tax is approved by the voters in November of 2016.**

HB 3400 says that except for local taxes expressly authorized by HB 3400 (i.e. up to 3%, must be approved by the voters) the authority to impose taxes on marijuana belongs only to the Legislature.



**PLANNING COMMISSION
STAFF REPORT**

At the request of Senator Prozanski, the Office of Legislative Counsel (the lawyers for the Legislature) recently issued an opinion that cities do not have the authority to tax medical marijuana. The opinion does not spend much time discussing taxation of recreational marijuana, presumably because Senator Prozanski's question focused on taxation of medical marijuana, but Legislative Counsel appears to conclude that cities have no authority to tax medical marijuana and the only authority cities have to tax recreational marijuana is the authority provided by HB 3400 (i.e. up to a 3% tax on recreational retail sales, if approved by the voters of the City in November of 2016).

I have attached a copy of legal opinion.

REQUESTED MOTION/ACTION:

Direct staff on how to proceed.

- **Tax Recreational?**
 - **Prepare an ordinance for adoption and begin election process for November**
- **Land Use Regulations? Time and place? Buffers?**
 - **Start the planning commission process**
- **City enforcement? Adopt some of the state security requirements as the City's?**
 - **Prepare an ordinance for adoption**



PROPOSED ZONING CODE AMENDMENTS:

MEDICAL & RECREATIONAL MARIJUANA FACILITIES

**PROPOSED AMENDMENTS TO GBZO TO ALLOW FOR RECREATIONAL AND
MEDICAL MARIJUANA DISPENSARIES CONDITIONALLY IN THE
COMMERCIAL 4-C AND INDUSTRIAL 5-I ZONES**

Existing zoning ordinance language in regular format
Proposed amendments ***Bold, underline, & Italics***

ADD to Section 1.030 DEFINITIONS

Medical Marijuana Dispensary means a medical marijuana dispensary registered under ORS 475B.450 or a site for which an applicant has submitted an application for registration under ORS 475B.450.

Recreational Marijuana Facility means a location where a wholesaler, retailer, producer, or processor licensed through the Oregon Health Authority or the Oregon State Liquor Control Commission conducts activities related to their marijuana business. This definition is not meant to include personal use marijuana activities as approved in Measure 91 by voters in November 2015.

Commercial Zone (4-C)

Section 2.310. Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

Section 2.320. Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.

5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the

general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling.
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.

8. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (11))

9. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (11))

10. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (11))

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

Industrial Zone (5-I)

Section 2.410. Purpose of Classification.

The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
6. Tire retreading or vulcanizing shop.
7. Wholesale trucking and storage establishment.
8. Machine shop or cabinet shop.

9. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.430.
10. Utility facility, including substation or pumping station.
11. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Place of worship or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators (1).
7. Recreational vehicle park or campground
8. Mobile or portable office.

9. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (11))

10. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (11))

11. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (11))

Section 2.440. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required. must be conformed with.

Section 2.450. Height of Building.

Except as provided in Section 4.020 in a 5-l zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

10. Medical or Recreational Marijuana Uses

The following criteria and conditions are applied to specific uses and activities in the Commercial (4-C) and Industrial (5-I) zones:

- a) **The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration.**
- b) **The facility shall be located 200' or more feet from residential uses.**
- c) **The facility shall be located 1000' or more feet from the exterior boundary line of parcel containing any public, private, preschool, or religious based school for students under the age of 18.**
- d) **The facility shall not be located with 1000' of a building containing another marijuana business.**
- e) **The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.**
- f) **Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.**
- g) **Drive-up use or windows are prohibited.**
- h) **The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.**
- i) **Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-I) zone.**



TINY HOUSES & ADUs



**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: April 18, 2016

TITLE: TINY HOUSES & Accessory Dwelling Units (ADUs)

SUMMARY AND BACKGROUND:

The Council directed staff at the February council meeting to discuss possible code amendments regarding tiny houses with the Planning Commission. In March, staff met informally with the Planning Commission to determine what direction you would like to take. It was decided at that time to direct staff to prepare draft code amendments to be discussed in a workshop setting in April.

Attached are the draft code provisions. The text is formatted in the following manner: the EXISTING code language is in regular typeface. The proposed amendments are **ITALIC'ed**. The draft has tiny houses and ADUs as OUTRIGHT uses subject to specific siting standards. If the PC wishes to propose the uses as CONDITIONAL, that's an easy change.

Also attached is a survey of other small city ADU standards (type of structure, occupancy requirements, etc.)

FROM THE FEBRUARY 2016 CITY COUNCIL AGENDA REPORT

SUMMARY AND BACKGROUND:

In the past few years (since the recession began) we are frequently asked about "tiny home" standards and whether they are permitted within the City of Gold Beach. Our zoning code currently prohibits this type of mobile dwelling. A citizen brought me information about how the City of Fresno is addressing the homes. He requested that the information be provided to the Council for your consideration. I have attached an article about the new Fresno rules and below you will find the text of the code went into effect January 3, 2016.

REQUESTED ACTION:

Direct staff on whether to pursue amending the zoning code to allow for the tiny houses.



PROPOSED ZONING CODE AMENDMENTS:

TINY HOUSES & ADUs

**PROPOSED AMENDMENTS TO GBZO TO ALLOW FOR ACCESSORY DWELLING
UNITS (ADUs) & TINY HOUSES WITHIN THE
RESIDENTIAL (1-R, 2-R, 3-R) AND COMMERCIAL (4-C) ZONES**

Existing zoning ordinance language is in regular format
Proposed amendments ***Bold, underline, & Italics***

ADD to Section 1.030 DEFINITIONS

ACCESSORY DWELLING UNIT (ADU) means a smaller secondary home on the same lot as a primary dwelling having a total square footage of 800' (OR INSERT 400-800 INCREMENT) square feet or less. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. There are two types of ADUs:

- 1) "Garden" or "Granny" cottages which are detached structures (e.g. conversion of existing detached garage or accessory structure).***
- 2) Accessory suites or "mother-in-law" apartments which are attached or part of the primary dwelling (e.g. converted living space, apartments over garages, basements or attics; additions to existing dwellings, or any combination thereof).***

TINY HOUSE means a single-family dwelling of conventional or modular construction which is 600' square feet or less which are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities.

Tiny Houses are subject to the following siting standards:

- 1) Must be sited on a legally created parcel and are subject to the setback requirements of the underlying zone.***
- 2) If the structure is of modular construction the siting standards of Section 3.045 (2, 3, & 4) shall apply to the placement of the dwelling.***

ARTICLE II. Use Zones

Residential Zone (1-R)

Section 2.010. Purpose of Classification.

The 1-R zone is designated to be applied to residential areas where housing is typically single-family and duplex residences.

Section 2.020. Uses Permitted Outright.

In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling, ~~or a~~ manufactured home or TINY HOUSE which complies with the requirements set forth in Section 3.045.
2. Duplex
3. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
4. Farming where building site is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards listed in Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. Registered or certified family child care home pursuant to ORS 657A.440.
8. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040

Section 2.030. Conditional Uses Permitted.

In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall or community building.
2. Public use facility or public utility, including but not limited to fire stations and parks.(1)
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)

5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development in compliance with Article V.
7. Wind generators (1).
8. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
9. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051).

Section 2.040. Lot size.

Except as provided in Sections 4.040 and 4.050 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state and county requirements for water supply and sewage disposal.
2. The minimum lot area shall be five thousand (5,000) square feet when both a public water and sewage system are available.
3. The minimum average lot width shall be fifty (50) feet.

Section 2.050. Set-Back Requirements.

Except as provided in Section 4.010 and 4.030 in a 1-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.060. Height of Buildings.

Except as provided in Section 4.020 in a 1-R zone, no building shall exceed twenty-five (25) feet in height.

Residential Zone (2-R)

Section 2.110. Purpose of Classification.

The 2-R zone is designed to be applied to residential areas and recognizes the trend toward homes of other than conventional construction.

Section 2.120. Uses Permitted Outright.

In a 2-R zone, the following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling, ~~or~~ a manufactured or mobile home **or TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Duplex
4. Home Occupations meeting the general standards of Section 3.050.
5. A Residential Home as defined in ORS 197.660(2).
6. Registered or certified family child care home pursuant to ORS 657A.440.
7. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

Section 2.130. Conditional Uses Permitted.

In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Mobile or manufactured home park subject to compliance with local building code requirements. (2)
2. Place of worship, school, grange hall, or community building.
3. Public use facility such as a fire station or park.
4. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.

5. Utility facility, including substation or pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
7. Planned Unit Development on a lot not less than one (1) acre, in compliance with Article V.
8. Wind generators (1).
9. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)
11. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (5)
12. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.
13. Where the lot is one acre or more in size, farming, including the keeping of livestock for noncommercial use.

Section 2.140. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by a public water or sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water and sewage system are available:
 - (a) For uses other than a mobile home park, the minimum lot area shall be five-thousand (5,000) square feet.
 - (b) For mobile or manufactured home park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per home space whichever is greater.
3. The minimum average width shall be fifty (50) feet.

Section 2.150. Set-back Requirements.

Except as provided in Section 4.010 and 4.030 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.160. Height of Buildings.

Except as provided in Section 4.020 in a 2-R zone, no buildings shall exceed twenty-five (25) feet in height.

Residential Zone (3-R)

Section 2.210. Purpose of Classification.

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

Section 2.220. Uses Permitted Outright.

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling, **or TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
4. Farming where building site is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.
9. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

Section 2.230. Conditional Uses Permitted.

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.

3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development on a lot not less than ~~three (3)~~ one (1) acre in compliance with Article V.
7. Hospital, sanitarium, retirement home, medical or dental clinic.
8. Wind generators (1).
9. Home occupations subject to the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling unit as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)

Section 2.240. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 3-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water supply and sewage disposal system are available the minimum lot area shall be four-thousand (4000) square feet.
3. The average lot width shall be a minimum of fifty (50) feet.

Section 2.250. Set-Back Requirements.

Except as provided in Section 4.010 and 4.030 in a 3-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.260. Height of Buildings.

Except as provided in Section 4.020 in a 3-R zone no building shall exceed thirty-five (35) feet in height.

Commercial Zone (4-C)

Section 2.310. Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

Section 2.320. Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling or **TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
8. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water

supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

Section 3.040 Accessory Dwelling Unit (ADU) Standards

Purpose. Accessory Dwelling Units (ADU) shall be permitted to provide the following:

- a) **Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;**
- b) **Offer housing choices with less average space per person;**
- c) **Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;**
- d) **Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.**

Specific ADU siting standards

- 1) **ADUs shall be accessory to an existing single-family, duplex, or multi-family dwelling; and**
- 2) **ADUs shall meet the setback requirements of the underlying zone; and**
- 3) **ADUs shall be 800' square feet or less in size; and**
- 4) **ADUs shall not be used for vacation rental dwellings or rentals of less than 30 day increments and may not be advertised as such; and**
- 5) **Either the primary dwelling or ADU shall be occupied by the owner or a family member of the owner of the subject property.**



ADU SURVEY OF OTHER CITIES

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Astoria POP 9,516	May only be created through conversion of existing living area or areas over attached garages. Existing primary unit must have at least 1400 square feet prior to creation of accessory dwelling unit.	Not to exceed 40% of the size of primary dwelling or 800 square feet, whichever is smaller.	One additional off-street parking space.	No new entrances at the front of the house – only separate ADU entrance can be to side or rear.	Property owner must occupy either primary residence or ADU.	All basic utilities must remain combined with primary structure. Minimum lot size 5000 square feet. Is only allowed in homes at least 50 years old at the time of permit application.
Aurora POP 939	Conversion of existing living area or garage, adding floor area, or constructing a detached accessory dwelling unit	Maximum 50% of size of primary dwelling or 1000 sq. ft., whichever is less.	No additional parking required if abutting street is at least 18 feet wide, except if accessory unit is created at the same time as primary dwelling.	No separate entrance in front yard.	Either primary residence or ADU must be occupied by the owner	Must be located in side or rear yard. If detached must be set back at least 6 feet from front building line.
Baker City POP 9,769	Attached, detached, or attached to garage	Maximum size of 700 sq. ft.			Primary dwelling must be owner-occupied, or owner may appoint family member as caretaker.	May not be used as a short term vacation rental

ACCESSORY DWELLING UNITS (accessory to an existing SFD or MFD)

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Brownsville POP 1,686	May be attached or detached	The maximum size of any secondary residence shall be no greater than 800 square feet of interior floor space.	Two parking places shall be provided for the secondary residence. These spaces may be in tandem. Required parking shall not be located in the front yard.	none	One of the dwelling units on a property shall be occupied by one or more owners of the property as the owner's permanent and principal residence.	Maximum lot coverage for the principal residence and all accessory structures, including the secondary residence, is 30%.
Cannon Beach POP 1,691	Any new structure, or addition to an existing structure, must go through design review.	Maximum 600 square feet.	One additional off-street parking space required	None	None	Must be rented for a term of 30 days or more. May not be a manufactured dwelling.
Coburg POP 1,037	Attached to primary residence, separate structure, or above garage	Maximum floor area is 800 sq. ft.	None	None	Owner must occupy primary residence, or appoint a family member as resident care-taker.	
Columbia City POP 1,953	May only be created by converting existing floor area or adding floor area to an existing dwelling unit.	No greater than 50% of the size of the primary dwelling.	No off-street parking required if the street frontage is at least 18 feet wide, unless ADU is constructed at the same time as the primary dwelling.	No separate entrance from the front yard.	None	Not allowed in city R-1 zoning district. Must be located in either rear or side yard.

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Coquille POP 3,820	The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;	Accessory dwellings shall not exceed 800 square feet of floor area if detached from the primary dwelling, or 40 percent of the primary unit, whichever is less.	None	None	The primary residence or accessory dwelling shall be owner-occupied, or owner may appoint a family member as a resident caretaker of one of the units and manager of the other unit;	
Cornelius POP 12,161		A minimum of 250 SF of floor area for each occupant, and there shall be no more than two occupants, and the unit shall not exceed 800 square feet, or 30 percent of the total floor area of the primary dwelling.	One additional off-street parking space shall be provided.	Only one door may face the street, either primary dwelling or ADU.	The owner(s) of the primary dwelling shall occupy at least one of the units.	Area occupied by the home, and all accessory buildings and structures on the lot shall not exceed 50 percent of the lot area. No more than two occupants of the ADU.
Cottage Grove POP 9,795	Detached structure, above a garage, or attached to primary dwelling	Maximum 800 Sq. Ft.	none	none	Primary dwelling must be owner-occupied, or owner may appoint family member as caretaker.	
Creswell	Detached structure, above a garage, or attached to primary dwelling	Maximum of 800 Sq. Ft. or 40% of primary dwelling floor area, whichever is less.	none	none	Primary dwelling must be owner-occupied, or owner may appoint family member as caretaker.	

ACCESSORY DWELLING UNITS (accessory to an existing SFD or MFD)

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Dayton POP 2,542	Must be located in a detached structure	No more than 25% of size of primary dwelling or 750 square feet, whichever is less.				Allowed only in R-2 zoning district. Must be located in side or rear yard.
Durham POP 1,922	Must be created within or share a common wall with the primary residence.	An ADU shall not be larger than 33 percent of the habitable area of the primary residence (excludes garage) or 600 square feet, whichever is less.		Primary entrance to the ADU may not be newly constructed on the façade of the primary residence that faces public right of way.	Primary residence must be owner occupied.	A garage may not be converted into an ADU unless replaced by a new garage. Maximum occupancy of ADU is two persons.
Fairview POP 9,176	Can be a detached cottage, a unit attached to a garage, or in a portion of an existing house.	Size of ADU shall not exceed 800 square feet. On a lot less than one acre, an ADU may be constructed above a detached garage. However, the floor area of the ADU cannot exceed 800 square feet and the floor area of the detached garage, excluding the ADU, cannot exceed 1,000 square feet.	One additional on-site parking space is required if the primary dwelling has less than four on-site spaces available before construction of the ADU.		The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house or of the accessory dwelling.	The number of accessory dwelling units is not to exceed 50 percent of the lots within any block

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Garibaldi POP 770	detached cottage, a unit attached to a garage, or in a portion of the existing house	The maximum floor area of the accessory dwelling shall not exceed 33 percent of the living area of the house or 600 square feet, whichever is less, and may not exceed 15 percent of the entire area of the site.	a minimum of one space shall be provided for the accessory dwelling.	None	The primary residence shall be owner-occupied. Alternatively, the owner may appoint a family member as a caretaker of the principal house and manager of the accessory dwelling.	
Gladstone POP 11,724	May be created as a detached structure or within, or as an addition to, a primary dwelling or accessory structure.	The floor area of an ADU shall not exceed 400 square feet or contain more than one bedroom	One off-street parking space shall be provided in addition to the off-street parking for the primary dwelling unit.	Only one entrance may be located on the street-facing façade of the structure containing the primary dwelling unit	Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied.	
Hood River	Attached or detached	ADU's shall contain 800 square feet or less.	One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling	none	The property owner must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year	The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent. If a garage or detached building does not currently meet setbacks, no conversion to an ADU.

ACCESSORY DWELLING UNITS (accessory to an existing SFD or MFD)

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Independence POP 8,662	Must be in same building as primary residence unless lot is at least 8,500 square feet.	May not be less than 300 square feet. May not be greater than 800 square feet. May not exceed 40% of the combined size of primary residence and ADU	One off-street parking space required.	Separate entrance for ADU must be located on side or rear of building.	Either primary residence or ADU must be occupied by the owner.	Total number of occupants on property cannot exceed maximum number defined by "family".
Jefferson POP 3,150	None	The maximum floor area of the accessory dwelling shall not exceed seven hundred fifty (750) square feet.	None	None	None	Only in Mixed Use Zoning district
Junction City POP 5,651	May be a detached cottage, a unit attached to or above a garage, or in a portion of an existing house	The floor area of the accessory dwelling unit shall not exceed 800 square feet.	none	None	The primary residence or accessory dwelling shall be owner-occupied or occupied by a family member.	
King City POP 3,498	May be created by converting existing living area, attic, basement or garage; Adding floor area; Constructing a detached ADU on site with an existing house or constructing a new house,...etc.	Size of attached or detached ADU shall not exceed 33% of the living area of the existing dwelling or 800 sq. ft., whichever is less.	Not required if ADU is created on a site with an existing primary residence and one abutting street has a paved width of at least twenty-eight feet; otherwise one parking space required.	Only one building entrance may be located on the façade for the two dwellings.		Lot size must be a minimum of 7500 square feet;

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
La Grande PO 13,074		May not exceed 33% of primary dwelling size, or 800 sq. ft., whichever is less	One off-street parking space is required if ADU is constructed at the same time as the primary residence, or an abutting street has pavement width less than 28 feet.	Only one total entrance is allowed along the front façade.	Owner must occupy the primary dwelling. Total number of occupants must not exceed definition of a "family" in the code.	Requires a conditional use permit. Minimum lot size is 7500 sq. ft.
Lakeview POP 2,287	Attached, separate structure, or above detached garage	May not exceed 40% of primary dwelling size, or 800 sq. ft., whichever is less	none	none	Primary dwelling must be owner-occupied, or owner may appoint family member as caretaker.	
Myrtle Point POP 2,476	Detached cottage, attached to a dwelling, or in a portion of an existing dwelling	Accessory dwellings shall not exceed 600 square feet of floor area if detached from the primary dwelling, or 40 percent of the primary unit, whichever is less.	A parcel containing a primary dwelling unit and an accessory dwelling shall provide a minimum of two off-street parking spaces.	None	None	Minimum lot size of 6000 square feet.

ACCESSORY DWELLING UNITS (accessory to an existing SFD or MFD)

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
North Plains POP 2,029	None	Maximum floor area is 650 square feet.	None	None	Either primary residence or accessory dwelling must be owner occupied unless owner appoints family member as resident caretaker of primary residence.	Recessed behind or flush with front elevation of the primary dwelling.
Phiomath POP 4,574	May be detached structure, attached to a garage, or a portion of existing dwelling.	May not exceed 600 sq. ft.	None	None	Either primary residence or ADU must be occupied by the owner, or owner may appoint a family member as a resident caretaker of the principal dwelling	Allowed use in R-2 and R-3 districts. Conditional use in R-1 district.
Phoenix POP 4,603	Attached to house, detached structure, or attached to garage	May not exceed 50% of primary dwelling size, or 800 sq. ft., whichever is less	One off-street paved parking space required	none	none	
Prineville POP 9,223	A detached cottage, a unit attached to a garage, or in a portion of an existing house.	The maximum floor area of the accessory dwelling shall not exceed 700 square feet.	An accessory dwelling shall provide at least one additional off-street parking space	none	none	

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Reedsport POP 4,090	Detached or attached	Maximum 750 square feet.	One additional off-street parking space	None	Either the primary residence or the ADU must be owner-occupied	Detached ADU must be located in the side yard or rear yard.
Scappoose POP 6,802	May be created by converting existing living area or adding floor area, or construction of a new structure that is either attached or detached. An attached garage may not be converted.	Floor area shall not exceed 50% of floor area of primary residence or 800 square feet, whichever is less.	One additional on-site parking space unless existing dwelling has four or more on-site spaces.	No separate entrance to ADU from the front yard.	Primary dwelling must be occupied by owner; however owner may appoint a family member or resident caretaker. In low density zone ADU must be occupied by a family member of owner-occupied primary dwelling.	
Silverton POP 9,369	Attached, Separate Cottage, or Above Detached Garage	Accessory dwellings shall not exceed 800 square feet of floor area if detached from the primary dwelling, or 40 percent of the primary unit, whichever is less.	A parcel containing a primary dwelling unit and an accessory dwelling shall provide a minimum of two off-street parking spaces.	None	The primary residence or accessory dwelling shall be owner-occupied, or owner may appoint a family member as a resident caretaker of one of the units and manager of the other unit.	
Sisters POP 2,174	Attached, detached, or attached to garage.	May not exceed 50% of primary dwelling size, or 800 sq. ft., whichever is less	One off-street parking space required.	none	Primary residence must be occupied by owner or member of owner's family.	Separate water and sewer service required.

ACCESSORY DWELLING UNITS (accessory to an existing SFD or MFD)

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
St. Helens POP 13,060	Converting existing living area, attic, basement or garage; Adding floor area; Constructing a detached auxiliary dwelling unit on a developed site; or Constructing a new house, attached house, or manufactured home with an internal or detached auxiliary dwelling unit;	Minimum is 220 square feet. Maximum may be no more than 30 percent of the living area of the primary dwelling or 1,000 square feet, whichever is less.	No off-street parking required if the street frontage is at least 20 feet wide, unless ADU is constructed at the same time as the primary dwelling.	No separate entrance from the front yard.	The owner of the property must occupy either the primary residence or the auxiliary dwelling unit	The detached auxiliary dwelling unit may not have a larger footprint than the footprint of the house
Sutherlin POP 7,746	Attached or detached or attached to garage	Maximum 600 sq. ft.	One off-street parking space required	none	none	
Talent POP 6,224	May be either conversion of existing living space, new attached structure, or new detached structure.	Must be at least 300 square feet. If a detached structure, may be no more than 750 sq. ft.	Two off street parking spaces required.	Separate entrance must be less visible than entrance to primary dwelling.	none	Maximum of three occupants. Manufactured home ADUs are not allowed. If a garage is converted to an ADU, it must be replaced.
Toledo POP 3,466	Conversion of existing space, addition to dwelling, accessory structure.	Maximum of 650 square feet or 35% of the floor area of the primary dwelling, whichever is less	One additional off-street parking space	None	Owner must occupy either primary dwelling or accessory dwelling.	
Veneta POP 4,657		Maximum size 600 sq. ft. or 50% of primary dwelling size, whichever is smaller	A minimum of two combined spaces for primary dwelling and ADU, plus one additional	none	none	

CITY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Vernonia POP 2,158	May be created by converting existing living area, finishing basement or attic, addition to an existing structure, new structure, or converting or adding to detached garage or shed.	Maximum size of 33% of primary dwelling living area or 880 square feet, whichever is less.	One additional off-street parking space provided for the ADU	Main entrance must open onto a porch or covered entry unless ADU is limited to interior remodeling of existing dwelling.	Primary residence must be owner occupied	Total number of individuals in both units may not exceed the number allowed for a "family." Separate water service may be required. SDC is 1/3 that of a single family residence.
Warrenton POP 5,135	a detached cottage, a unit attached to a garage, or in a portion of an existing house	The maximum floor area of the accessory dwelling shall not exceed 600 square feet.	No additional off-street parking is required if the lot already contains at least two off-street parking spaces; otherwise, one space is required.	None	The primary residence or accessory dwelling shall be owner-occupied. The owner may appoint a family member as resident caretaker.	May not be used as a rental unit or other income-producing unit. May not be used as servants' quarters or as lodging (temporary or permanent) for housekeepers, gardeners, etc.
Winston POP 5,335		Maximum 1000 sq. ft. of 50% of the size of the primary dwelling, whichever is less	One off-street parking space required	none	Primary dwelling or ADU must be owner occupied	Primary heat source must be electric or gas, not wood