

Dunes City Planning Commission ~ Regular Session

Thursday, February 27, 2025 ~ 6:00 pm

If Agenda items are not completed, the meeting will continue on a date to be announced. Please sign in on the "Request for Recognition" form, if you wish to address the Commission or present testimony at a Public Hearing.



AGENDA

- 1. Call to Order.....Chair/Vice Chair**
- 2. Roll Call City Staff**
- 3. Pledge of Allegiance Participants**
- 4. Consideration of the Agenda..... Action Item**
- 5. Consideration of the Consent Agenda Action Item**
 - 1) Planning Commission Minutes from January 23, 2025 Regular Session
- 6. Announcements / Correspondence**
 - 1) City Council Special Session Minutes from January 22, 2025 meeting
 - 2) City Council Regular Session Minutes from February 5, 2025 meeting
- 7. New Business**
 - 1) Schedule Next Planning Commission Meeting.....Discussion/Action Item
 - 2) Concept Assistance/Fish Mill Lodge..... Discussion
- 8. Unfinished / Old Business**
 - 1) Chapter 155 Remand from City Council (Continued)Discussion/Action Item
 - Follow up on Accessory Dwelling Unit
 - Follow up on Building an Outbuilding Before a Home
- 9. Citizen Input**

Maximum time is 20 minutes. Each speaker is allowed three (3) minutes.
If there are more than seven speakers, each speaker’s time may be reduced to fit within the 20 minutes.
- 10. Unscheduled Items Not Listed on the Agenda / For the Good of the Order**
- 11. Adjournment**



**PLANNING COMMISSION MEETING MINUTES ~ DRAFT
REGULAR SESSION JANUARY 23, 2025 AT 6:00 PM**

City Hall ~ 82877 Spruce St. Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall.

Upon approval by the Planning Commission, these minutes will be available online at www.DunesCity.gov.

1. CALL TO ORDER

Chair Rapunzel Oberholtzer called the Thursday, January 23rd Regular Session of the Dunes City Planning Commission meeting to order at 6:00 p.m.

2. OATH OF OFFICE

City Administrator Lila Timmons gave the Oath of Office to Sean Grundon who was appointed to the Planning Commission by the City Council for three years.

3. ROLL CALL

City Administrator Lila Timmons called the roll.

Present: Chair Rapunzel Oberholtzer, Commissioner Gail Nichols, Commissioner Jamie Gorder, and Commissioner Sean Grundon were present.

The Planning Commission has one vacancy.

Also Present: City Administrator Lila Timmons, Jeanne Jackson, and Geneva Jackson.

3. SELECTION OF CHAIR AND VICE CHAIR

Jamie Gorder made a motion to nominate Rapunzel Oberholtzer to remain Chair of the Planning Commission. Commissioner Gail Nichols seconded the motion. The motion passed unanimously.

Chair Rapunzel Oberholzer made a motion to nominate Gail Nichols as the Vice Chair of the Planning Commission. Commissioner Jamie Gorder seconded the motion. The motion passed unanimously.

4. PLEDGE OF ALLEGIANCE TO THE FLAG

All who were present stood for the Pledge of Allegiance.

4. CONSIDERATION OF THE AGENDA

Chair Rapunzel Oberholtzer asked if there were any questions or comments regarding the agenda. There were none.

Commissioner Sean Grundon made a motion to approve the Agenda. Vice Chair Gail Nichols seconded the motion. The motion passed unanimously.

5. CONSIDERATION OF THE CONSENT AGENDA

Chair Rapunzel Oberholtzer asked if there were any questions or comments.

Commissioner Jamie Gorder made a motion to approved the consent agenda.

Vice Chair Gail Nichols seconded the motion. The motion passed unanimously.

6. ANNOUNCEMENTS / CORRESPONDENCE

A. City Council Regular Session minutes from December 18, 2024 meeting

B. City Council Special Session minutes from January 8, 2025 meeting

Chair Rapunzel Oberholtzer asked if there were any questions regarding the City Council meeting minutes. There were none.

Chair Rapunzel Oberholtzer mentioned that OSU was putting on a pruning workshop at a home nearby on February 8, 2025 from 10 am to 2 pm.

7. CITIZEN INPUT

Citizen Jeanne Jackson read a letter sent to her by the City Administrator.

Geneva Jackson stated she would comment at another time.

8. NEW BUSINESS

A. Schedule Next Planning Commission Meeting.

February 27, 2025

Chair Rapunzel Oberholtzer stated that the new owners of Fish Mill Lodge presented the Commissioners with some possible new upgrades to their property. The Commissioners agreed to talk about it at the next meeting.

B. Amend Agenda order for Citizen Input

Chair Rapunzel Oberholtzer stated that she would like to try having the Citizen Input after Old Business starting at the next meeting. All Commissioners agreed.

9. UNFINISHED/OLD BUSINESS

A. Chapter 155 Remand from City Council (Continued)

Follow up on Multi-Family Housing

Follow up on Accessory Dwelling Unit

Follow up on Building an Outbuilding Before a Home

Chair Rapunzel Oberholtzer referred to the memo dated November 21 and December 12, 2024 and started a discussion on page 21 about the definition for Multifamily Housing. The Commissioners decided to adopt the language in HB 4065 that states, “Multifamily dwelling means a structure that contains more than one dwelling unit sharing at least one wall, floor, or ceiling surface in common with another unit within the same structure.”

On page 50, the Planning Commission discussed the first sentence in section 155.2.1.110, Allowed Land Uses (A)(1) and changed it to read, “One dwelling unit per lot” instead of “One single-family dwelling per lot”.

On page 13, the Planning Commission decided that the definition of Dwelling Unit should simply be “A dwelling unit is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code.”

On page 55 under Residential Density, the Planning Commission decided the second paragraph is to read “New land divisions and site developments shall provide for housing at a maximum density of no more than one (1) dwelling unit per acre.

On page 56, the Planning Commission decided that Section 155.2.1.190 Special Standards for Certain Uses should replace “They provide standards for the following land uses in order to control the scale and compatibility of those uses within the Residential Zone.” with “Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.”

On page 57, the Planning Commission decided to change Guest Houses to Multifamily Dwelling on the Section header of 155.2.1.240.

On page 194, the Planning Commission decided to delete paragraph 155.4.4.120 (H) from Application Submission Requirements.

On page 194, the Planning Commission also decided to delete “...including multifamily housing” from sentence in section 155.4.4.130 (A) Criteria, Standards and Conditions of Approval.

On page 195, on letter B, the Planning Commission decided to change the paragraph to read, “Multifamily Dwelling Unit. In addition to the General Use Criteria described in Subsection A above, the following guidelines 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.” They further decided to move this section to page 57 under Special Use.

The Planning Commission deleted page 196.

The Planning Commission decided to keep only letters d and e under the Multifamily Dwelling Unit on page 197.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA/FOR THE GOOD OF THE ORDER

Chair Rapunzel Oberholtzer asked the Planning Commissioners if anyone had anything. There were no other comments.

11. ADJOURNMENT

Commissioner Sean Grundon made a motion to adjourn the meeting. Vice Chair Gail Nichols seconded the motion. The motion passed unanimously.

Chair Rapunzel Oberholtzer adjourned the meeting at 7:24 pm.

**APPROVED BY THE DUNES CITY PLANNING COMMISSION ON THE 27th DAY OF
FEBRUARY, 2025.**

Rapunzel Oberholtzer, Planning Commission Chair

ATTEST:

Lila Timmons, City Administrator/Recorder



**DUNES CITY, OREGON
CITY COUNCIL
MEETING MINUTES**

**SPECIAL SESSION
January 22, 2025
CITY HALL**

- Call to Order** The meeting was called to order at 6:00 pm by Mayor Ed McGuire.
- Pledge of Allegiance to the Flag** Mayor Ed McGuire led the meeting in the Pledge of Allegiance.
- Roll Call** Mayor Ed McGuire stated that all Councilors were present except Council President Susan Snow who was excused. Also present were other various citizens.
- Agenda** Mayor Ed McGuire asked if there were any amendments or corrections to the Agenda.
There were none.
MOTION MADE BY: Councilor Richard Olson
MOTION: To approve the agenda for the January 22, 2025 Special Session Agenda.
SECONDED: Councilor Melissa Stinson
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
- Consent Agenda** Mayor Ed McGuire asked if there were any changes or corrections to the Consent Agenda.
There were none.
MOTION MADE BY: Councilor Melissa Stinson
MOTION: To approve the consent agenda.
SECONDED: Councilor Chris Clemons
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
- Announcements/Correspondence** City Administrator Lila stated that the City of Depoe Bay is holding an Emergency Power Solutions Rally on January 25, 2025 from 11 am to 3 pm and a potluck dinner at 6 pm. It is open to anyone.

City Administrator Lila Timmons stated that Dunes City was having their Game Day on January 25, 2025 from 1-4 pm. She also mentioned that the City is working on putting together a Shred Day for all Dunes City residents for the end of February.

Citizen Input

Jeanne Jackson welcomed the new members to the City Council. She also expressed concern about a lack of communication and a lack of transparency for the City.

Reports

Mayors Report

Mayor Ed McGuire spoke about the FEMA Ordinance that was tabled by the City.

Permit Report

Mayor Ed McGuire asked if there were any questions regarding the permit report. Mayor Ed McGuire asked Pamela Palmer, the Permit Administrator, if the Short-Term Rental Permits have been increased to 30. Pamela Palmer confirmed that there were 30 Short-Term Rental Permits for the City.

New Business

Dunes City Shared Water Right

Water Master Susan Douthit spoke about the Dunes City Shared Water Right and took questions from the City Council and audience.

Appeal Hearing

City v. Jack Thomas Claycomb

Tom Claycomb did not appear for the hearing so the fine that the City Council imposed on August 21, 2024 remains unchanged.

Old Business

Dunes City Water Right Update

Mayor Ed McGuire stated that there had been meetings between himself, City Administrator Lila Timmons recently with the City's water right attorney and consultant, ODFW, and the Water Master.

Executive Session

None

For the Good of the Order

Councilor Melissa Stinson asked if there was any commercial property in Dunes City that would be suitable for food trucks. Councilor Larry Farnsworth recognized Officer Alexander who was able to attend the meeting. He also stated that he felt that the road maintenance done on Cloud Nine looked great. Mayor Ed McGuire presented the new polo shirt that will be provided for Councilors and staff for City business and events.

Adjournment

MOTION MADE BY: Councilor Larry Farnsworth

LT1.22.2025

City Council Meeting Minutes - Approved

MOTION: To adjourn.
SECONDED: Councilor Chris Clemons
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
Meeting adjourned at 7:40 pm

APPROVED BY THE DUNES CITY COUNCIL ON THE 19th DAY OF FEBRUARY, 2025.

[Signature on File]

Ed McGuire, Mayor

ATTEST:

[Signature on File]

Lila Timmons, City Administrator



**DUNES CITY, OREGON
CITY COUNCIL
MEETING MINUTES**

REGULAR MEETING
February 5, 2025
CITY HALL

- Call to Order** The meeting was called to order at 6:01 pm by Mayor Ed McGuire.
- Roll Call** Mayor Ed McGuire stated that all Councilors were present. Councilor Larry Farnsworth was online virtually.
- Pledge of Allegiance to the Flag** Mayor Ed McGuire led the meeting in the Pledge of Allegiance.
- Agenda** Mayor Ed McGuire asked if there were any amendments or corrections to the Agenda.
MOTION MADE BY: Council President Susan Snow
MOTION: To approve the agenda for the February 5, 2025 Regular Session Agenda.
SECONDED: Councilor Chris Clemons
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
- Announcements/Correspondence** Mayor Ed McGuire stated that City Administrator Lila Timmons was absent to the meeting due to an all-day training and that he had all of the Announcements and Correspondence.
- A. Events
First event of the year was a Game Day on January 25th. Dunes City will be having a Shred Day as soon as it can get scheduled with the vendor.
 - B. New Dunes City Sign
Mayor Ed McGuire stated that a new sign is at the corner of Highway 101 and Pacific.
 - C. Charter Communications Franchise Agreement Renewal
Mayor Ed McGuire stated that the City Attorney has recommended a public hearing for the Charter Communications Franchise Agreement Renewal. It will be held at the next meeting.
 - D. Adopt-A-Highway
Mayor Ed McGuire asked if the Council wanted to apply.

- E. Estate Planning
Mayor Ed McGuire stated that the April event will be Estate Planning.
- F. ODART will have a practice flight on June 14, 2025.

Citizen Input

Richard Snow states that Lane County already has nuisance codes so that should be checked first. He further stated he did not want the City to become an HOA.
Jeanne Jackson thanked the City for the new sign.
Ricky Watts welcomed Duke Wells to the Council.

Old Business

- A. Updated Council Rules of Procedure
Mayor Ed McGuire asked if there were any changes or questions about the Council Rules of Procedure or the City Council Norms. Council President Susan Snow asked about the procedure for a Councilor to get acknowledged.
MOTION MADE BY: Councilor Larry Farnsworth
MOTION: To adopt the updated Council Rules of Procedure.
SECONDED: Councilor Richard Olson
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
- B. City Council Norms
Mayor Ed McGuire suggested to take out the line that the Councilors will address each other using titles during council meetings.
Councilor Melissa Stinson suggested removing the line that states in public, staff will use titles when speaking to the council and council will use first names for staff. All agreed.
MOTION MADE BY: Council President Susan Snow
MOTION: To adopt the City Council Norms with two bullet points stricken.
SECONDED: Councilor Melissa Olson
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed

New Business

- A. Approve Budget Calendar
MOTION MADE BY: Council President Susan Snow
MOTION: To approve the Budget Calendar
SECONDED: Councilor Chris Clemons
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
- B. Appoint Budget Officer
MOTION MADE BY: Councilor Melissa Stinson
MOTION: To appoint Lila Timmons as the Budget Officer
SECONDED: Council President Susan Snow

IN FAVOR: Unanimous
OPPOSED: None
Motion Passed

Work Session

Chapter 91
Councilor Melissa Stinson stated that she liked the example's definitions and the way the Ordinance was laid out as compared to what the City has currently.
Mayor Ed McGuire stated that he suggested to add the Abatement section from the example to the City's Ordinance. After much discussion, the Council decided that the Councilors will review the Nuisance Ordinance and have their changes for staff at the February 19, 2025 meeting.

For the Good of the Order

Councilor Richard Olson mentioned that he had an inspection of his septic recently and the report stated that the septic company is saying the septic needed to be pumped before it is actually needed according to the table from OSU.
Councilor Duke Wells mentioned that the Planning Commission should be visually recorded and not just audio. Mayor McGuire stated that it will be and that City Staff will be trained to do that.

Executive Session

There were none.

Adjournment

MOTION MADE BY: Council President Susan Snow
MOTION: To adjourn.
SECONDED: Councilor Chris Clemons
IN FAVOR: Unanimous
OPPOSED: None
Motion Passed
Meeting adjourned at 7:14 pm

APPROVED BY THE DUNES CITY COUNCIL ON THE 19th DAY OF February, 2025.

[Signature on File]

Ed McGuire, Mayor

ATTEST:

[Signature on File]

Lila Timmons, City Administrator

Fish Mill Lodge now known as “Florence Waterfront Hotel”

Fish mill was purchased by a very nice young couple in November of 2024.

Their plan is to refurbish it, put on community events, weddings, potlucks, and just let people come enjoy the peaceful beauty and quiet surroundings.

They have already started on their repairs. They are redoing all the little cabins that have been there for so long.

We can't wait to see how it all turns out.

They're going to plant LOTS of flowers that hopefully will attract humming birds and many others.

They plan to redo the docks so boaters may be able to come tie up and get a coffee as soon as the coffee shop gets put in. Who knows.....? They may even add a small sandwich shop.

They want to discontinue the RV rental spaces and put up these tent units to rent out in the summer. It's called "Glamping" The tents look like the structures are built with logs, but it's all metal and easy to remove, fix or whatever.

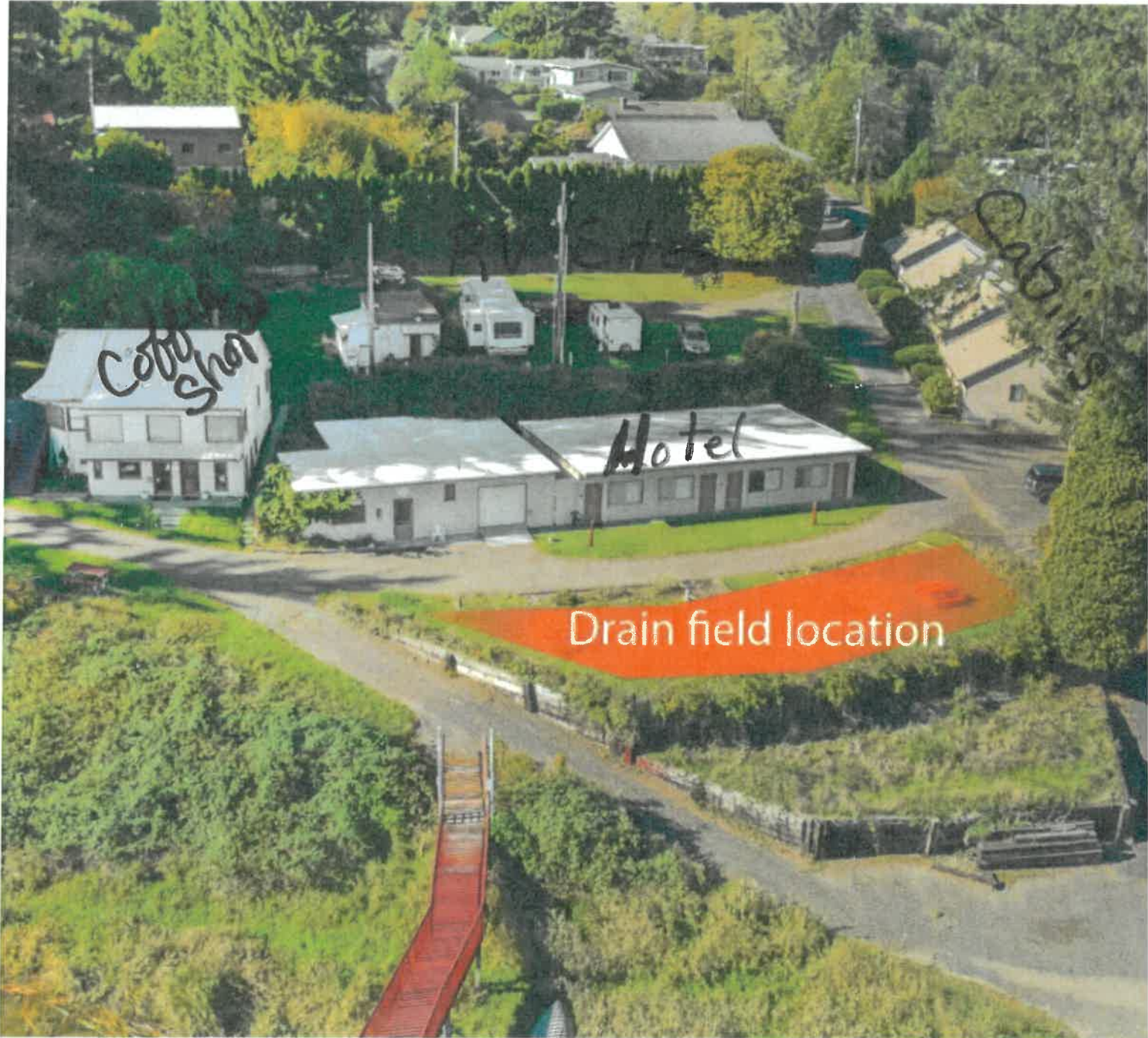
It would be so wonderful for all of us in Westlake and the visiting public.

Hopefully Dunes City's planning department will take into consideration what they are trying to do and let them move forward. They will be bringing us full plans if it sounds like this is something that they can do.

Thank you for your time. They are so happy to be a new part of your community

Respectfully, Pam Palmer

Permit Tech.



Fish Mill Lodges Proposal

Goal

Repurpose RV spaces into a beautiful garden with safari tents and a 25x25 round yurt/barn for hosting wedding dinners, art workshops, yoga lessons, etc.

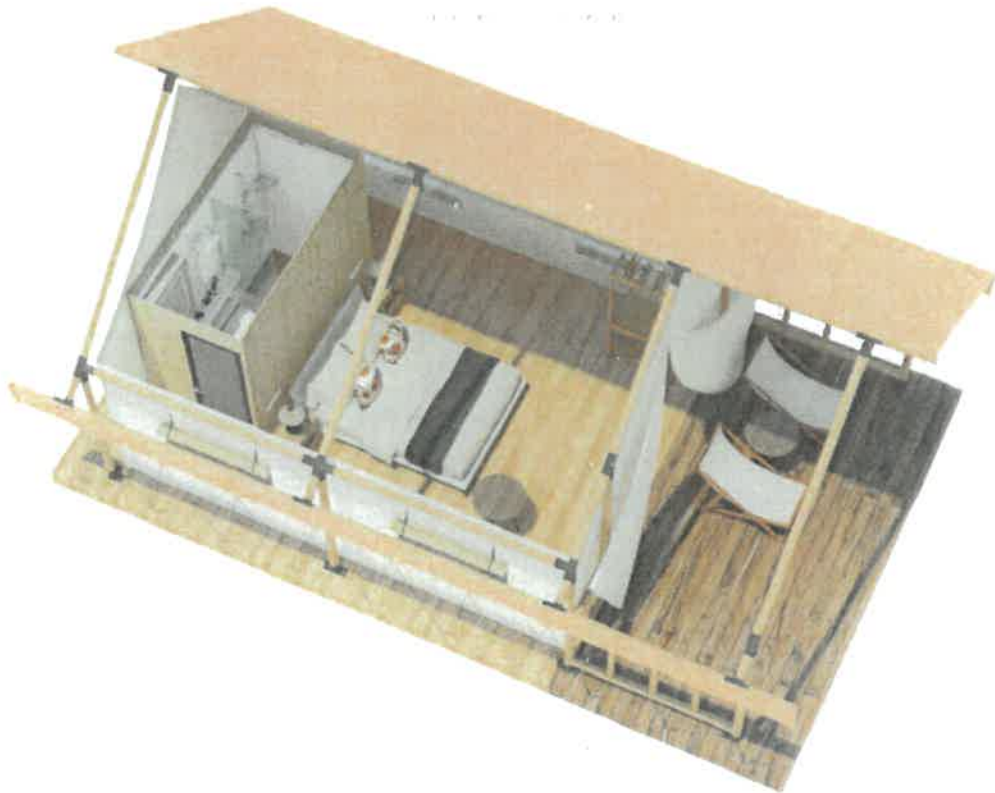
Layout

This is a rough layout that will add

- 6 additional 14'x18' Luxury Safari tents set to replace the 12 existing RV spaces
- 25x25 Round Yurt/Barn for hosting small wedding dinners, art workshops, cooking classes, pottery making lessons, yoga sessions, small corporate events, as well as other local community events.
- 10 additional parking spaces on the property to accommodate the additional guests.



Tent












Visual

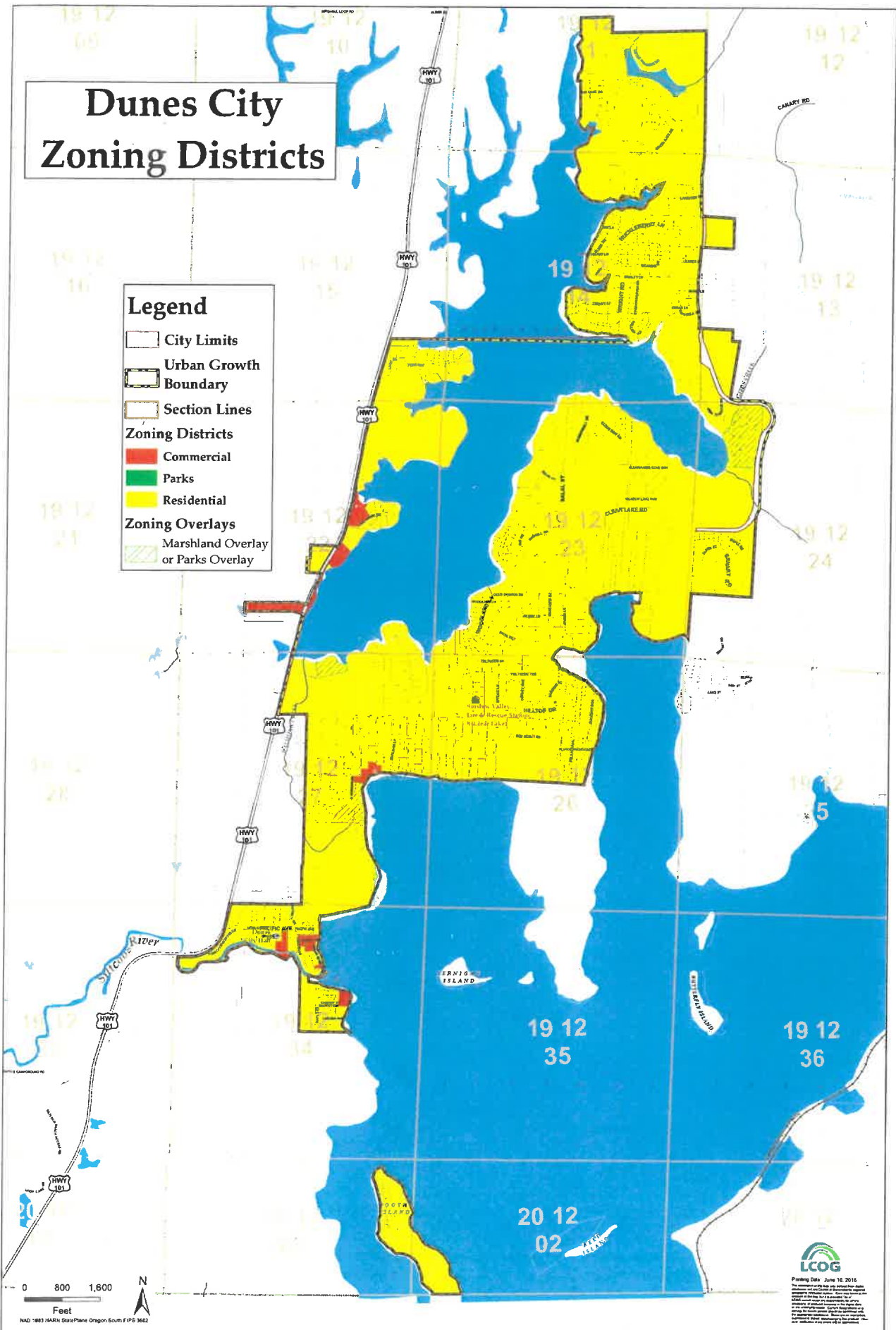
The below is a rough rendering for the type of space we have in mind but with a lot more flowers & plants.



Dunes City Zoning Districts

Legend

-  City Limits
-  Urban Growth Boundary
-  Section Lines
- Zoning Districts**
-  Commercial
-  Parks
-  Residential
- Zoning Overlays**
-  Marshland Overlay or Parks Overlay



LCOG
 Printing Date: June 16, 2016
The information on this map was prepared by the LCOG Planning Department. It is not intended to be used for any other purpose. The LCOG Planning Department is not responsible for any errors or omissions on this map. The LCOG Planning Department is not responsible for any actions taken based on this map. The LCOG Planning Department is not responsible for any damages or losses resulting from the use of this map. The LCOG Planning Department is not responsible for any actions taken based on this map. The LCOG Planning Department is not responsible for any damages or losses resulting from the use of this map.





Pacific Pacific Pacific Pacific Ave Ave Ave Ave

Spruce St

Fir St

Lake Blvd

Lake Blvd

Laurel Ave

Pacific Ave

Ocean Blvd

Ocean Blvd

Lake Blvd

Lake Blvd

Maple St

Summit Ave

Cherry St

Lake Blvd

Maple St

Laguna Ave

Myrtlewood Ln

Fish Mill Way

MEMORANDUM

TO: Dunes City Planning Commission

FROM: Commissioner Rapunzel O

DATE: 27 February 2025

RE: Chapter 155 Follow Up Discussion:
Miscellaneous Additional Notes/Comments for Guest Houses/ADUs Discussions

Following are the ADU/Guest House notes left over from our November and December 2024 and January 2025 meetings. PLUS, other notes for reference from DLCD. Also see separate handout of Florence Code for ADUs

From Chapter 155

Page 7 of 168 from 155.1.3 Definitions

(As amended) "Accessory Dwelling Unit (ADU) – an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling."

Page 15 of 268 from 155.1.3 Definitions

(As amended) "Guest House – A subordinate residential structure that is accessory to, and dependent on, an existing primary dwelling located on the same lot or parcel as the guest house. A guest house shall be temporarily occupied solely by members of the family residing in the primary dwelling, their nonpaying guests, or by nonpaying employees who work on the premises. A Guest House is not an accessory dwelling unit (ADU).

Delete definition of guest house?

Page 45 of 268 from 155.2 TOC

155.2.1.220 was Bed and Breakfast, could be Accessory Dwelling Units (ADU).

Page 50 of 268 from 155.2.1 Residential (R-1) Zone TOC

155.2.1.220 was Bed and Breakfast, could be Accessory Dwelling Units (ADU).

Page 51 of 268 from 155.2.1.111120 (A) Conditional Uses/Uses Subject to Review

Remove "Guest Houses" from list? Unless ADUs should be Conditionally permitted, then adjust accordingly

Renumber list.

Page 52 of 268 from 155.2.1.112130 Uses Not Allowed

"Accessory dwelling units, and all other uses not listed under Sections 155.2.1.110 and 155.2.1.111-120 are not allowed."

Delete "Accessory dwelling units"?

Page 57 of 268 from 155.2.1.230-220 was Bed and Breakfast *could be Accessory Dwelling Units (ADU)*

See Page 58 for existing "Guest House" text.

See also Accessory Dwellings Model Code from "ADU Guidance" 2018 below.

INSERT NEW TEXT

NOTE RE SEPTIC SYSTEMS

From DC Ordinance 256-B (Short Term Rentals)

Septic Expanded Use Approval. If the property is served by a private on-site septic system, the property owner shall provide an approved On-Site Wastewater Authorization Notice from the Lane County Sanitarian that indicates the maximum number of people the septic system is able to accommodate.

Intro/Notes from 2018 "Guidance on Implementing ADU Requirement under Oregon Senate Bill 1051 (DLCD)"

Among the provisions of SB 1051 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 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.

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement SB 1051 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 SB 1051 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.

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 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.



- FLORENCE CODE

- **17.64.040 - Building on the same lot.**

Generally, only one (1) principal building shall be permitted on any lot unless approved as part of a planned unit development under [Chapter 17.56](#). A property owner may have up to two (2) primary structures on a single lot, provided that:

- The parcel meets the minimum zone district standards;
- 2. The parcel is at least twice the minimum lot size required for the district; and
- 3. The parcel could be divided into two (2) separate conforming lots; and
- 4. Before any subsequent sale of either primary structure, the lot be subdivided into separate lots so that each primary structure has its own conforming lot.

(Ord. No. 03-05-2018B, § 1, 3-19-2018; Ord. 3-96 (part), 1996).

- **17.64.015 - Accessory buildings and structures.**

A. General Provisions. All accessory structures shall comply with the following general conditions:

1. Be clearly incidental and customarily used in connection with the principal use;
2. Be located on the same parcel as the principal use and structure;
3. Except as specifically provided, no accessory structure shall be built or placed within any required front, side or rear yard setback;
4. No accessory structure shall be placed upon land within any recorded easement, including all deeded and dedicated easements, or be permitted to encroach into any public right-of-way;
5. All roofed or covered accessory structures shall be subject to lot coverage maximums in combination to the principal structure of the zone district in which the accessory structure is located;

6. No accessory structure shall be built or placed on any lot before the principal structure to which it is an accessory has been completed and issued a certificate of occupancy or equivalent approval from the city building department unless the principal structure and accessory structure are being constructed at the same time; and

7. No accessory structure shall allow residential occupancy except as specifically authorized in other sections.

B. Attached accessory structures, including but not limited to private garages, carports, porches and decks, built as an integral part of the principal structure shall not be subject to size limitations provided it is smaller than the habitable portion of the principal structure. Attached accessory structures shall be attached to and architecturally compatible with the principal structure, and shall not exceed the height of the principal structure.

C. Unless otherwise specified, all detached accessory structures shall comply with the following:

1. No detached accessory structure or combination of structures shall exceed twenty-five (25) percent of the lot area, up to a maximum of one thousand (1,000) square feet, or one hundred (100) percent of the foot print of the principal structure, whichever is smaller.

2. Only two (2) detached accessory structures larger than one hundred sixty (160) square feet shall be permitted for each principal structure on the lot.

3. Only one-story detached accessory structures sixteen (16) feet or lower in height may be placed as close as five (5) feet to the rear or side property lines. The Planning Director with concurrence of the City Public Works, may allow a detached accessory structure to be placed up to two and one-half (2.5) feet from a deeded or dedicated alley at the rear property line if the prevailing development pattern of the neighborhood historically allowed for the placement of similar accessory structures.

4. Any detached accessory structure more than one-story or higher than sixteen (16) feet shall comply with the minimum setback requirements of the zone district.

5. Any detached accessory structure larger than two hundred (200) square feet or higher than seven (7) feet at the highest point shall be architecturally compatible with the principal structure. For the purposes of this section, compatibility shall mean construction of similar material and details and shall specifically exclude prefabricated metal structures and open pole barns, or the use of corrugated metal panels as a siding material. The Zoning Board of Appeals may grant exceptions to this architectural compatibility requirement for agricultural buildings on conforming agriculturally zoned lots as a use by review as provided in [Chapter 17](#).

6. More than the allowed two (2) detached accessory structures may be located on conforming lots within the R-E zone district as a use by review as provided in [Chapter 17](#).

D. Exceptions from accessory building and structure provisions:

1. Uncovered accessory structures such as patios and decks fewer than thirty (30) inches in height from adjacent finished grade.

2. Swimming pools are not subject to the size limitations in this chapter provided no part of the structure is placed in front of the building setback established by the principal structure.

3. Removable playhouses and children's play equipment lower than eight (8) feet in height.

4. Detached accessory structures are allowed in side and rear yards provided:

a. The projected roof area of the structure does not exceed seventy-five (75) square feet;

b. The maximum height of the structure at the highest point does not exceed seven (7) feet;

c. The structure is not placed on a permanent aggregate foundation; and

d. No part of the structure may be placed in front of the building setback established by

the location of the principal structure.

- e. All accessory structures, regardless of size, must provide for drainage of runoff other than onto a neighboring property.

5. Prefabricated metal carports will be allowed on a single-family residential lot provided the following conditions are met:

- a. The property contains a single-family residence that does not have an attached or detached garage, carport, carriage house or similar parking structure;
- b. The lot is located in a subdivision created before February 1, 1972;
- c. The structure is maintained in a manner that does not detract from the aesthetics of the neighborhood;
- d. The carport is built behind the principal structure and not in any setbacks; and
- e. If the property owner later applies for a building permit to construct any garage or parking accessory structure, the prefabricated metal carport shall be removed from the property before such permit is issued. Owners may erect a second non parking structure such as a shop, in addition to the existing prefabricated carport.

E. Appeal Procedures; Variances. To obtain a variance from the requirements of this section, the property owner must prove a variance is needed to avoid unnecessary hardship and will not undermine the purpose and intent of the zoning ordinances. The alleged hardship cannot be self-imposed and must be of a type unique to the property owner, that is, a hardship not generally shared by other property owners in the zone district. The Board of Zoning Appeals shall not have the authority to grant variances for accessory structures larger than the area requirements established in this section.

(Ord. No. 10-16-2017A, § 1, 11-6-2017).