

City of Shady Cove

Ordinance No. 288

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON ADDING
ACCESSORY DWELLING UNITS TO THE SHADY COVE CODE OF
ORDINANCES**

Whereas, the Oregon Legislature approved Senate Bill 1051 and House Bill 4031 to require that cities with a population of 2,500 or more permit accessory dwelling units (ADU) on properties where zoning permits single family dwellings; and

Whereas, the Shady Cove Planning Commission conducted a series of properly advertised workshops and conducted a properly advertised public hearing on June 14, 2018, and deliberated on the proceedings, after which a motion was made, duly seconded, and passed by a roll call vote of 3-0 to recommend that the City Council approve adoption of accessory dwelling unit regulations to the Shady Cove Code of Ordinances; and

Whereas, the City Council conducted a properly advertised hearing public hearing on July 5, 2018, to consider the Planning Commission recommendation and accept public testimony.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

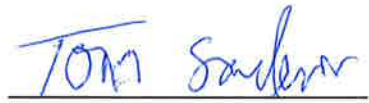
The Shady Cove Code of Ordinances is amended as follows:

- | | |
|------------------------|--|
| Section 1: Title | This Ordinance shall be known as the Accessory Dwelling Unit regulations of the City of Shady Cove, Oregon. |
| Section 2: Description | Accessory Dwelling Unit regulations, attached as Exhibit A, identifying the revisions approved by the City Council. |
| Section 3: Amendment | Insert "Accessory Dwelling" in Section 154.006 – Definitions
Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Insert "Accessory Dwelling Unit, subject to Section 154.280" in R-1 Section 154.036(H); R-2 Section 154.051(I); R-3 Section 154.066(J); and GC Section 154.081(E)(i). |
| Section 4: | The City Council adopts as its own, and incorporates by reference, the Planning Commission findings attached as Exhibit B. |

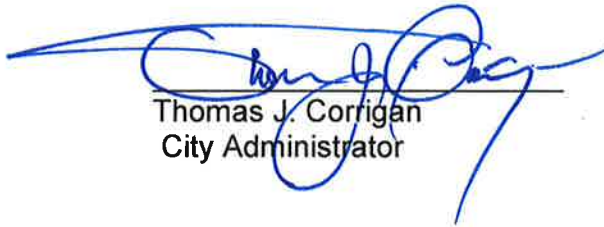
PASSED AND APPROVED by the City Council of the City of Shady Cove the 2nd day of August, 2018.

Approved:



Tom Sanderson
Mayor

Attest:



Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Sanderson	<u>Y</u>
Councilor Mitchell	<u>Y</u>
Councilor Kristich	<u>N</u>
Councilor McGregor	<u>Y</u>
Councilor Tarvin	<u>Y</u>

Exhibit A

ACCESSORY DWELLINGS

154.280 PURPOSE

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure, pursuant to Section 154.377, and shall conform to all of the following standards:

154.281 ACCESSORY DWELLING UNIT STANDARDS

- (A) 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).
 - (B) A detached Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
 - (C) An attached or interior Accessory Dwelling shall not exceed 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 900 square feet.
 - (D) An Accessory Dwelling shall have a minimum size that conforms to the International Building Code.
 - (E) Separate sewer lines shall be provided for each detached dwelling unless an existing detached accessory structure is already connected to the sewer system.
 - (F) Off-street parking shall be provided as required in Section 154.337.
 - (G) Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity.
 - (H) Each dwelling unit shall have a separate address.
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EXHIBIT B

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO THE SHADY COVE CODE OF) RECOMMENDATION
ORDINANCES TO PERMIT ACCESSORY) TO CITY COUNCIL
DWELLING UNITS)

Planning File No. CPA 18-02

RECITALS:

- 1) Chapter 154, of the Shady Cove Code of Ordinances governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on June 14, 2018, to consider allowing accessory dwelling units in all zones that permit single family dwellings. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On June 14, 2018, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council add accessory dwelling units as permitted uses. The motion passed by a roll call vote of 3 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,
- 2) The City provided public notice through the Upper Rogue Independent, and mailed notices to all property owners within the city limits via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 3) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens and staff, and findings

EXHIBIT B

of fact which are a part of the record, the City Planner's staff report; and,

- 4) The Planning Commission finds that it is reasonable to apply siting and design standards to ensure compatibility with existing development, as outlined in the draft regulations attached as Exhibit A; and,
- 5) The criteria used to evaluate the requested amendments to the Code of Ordinances are contained in Section 154.438 with additional considerations in Section 154.380(F). The Planning Commission finds that the request meets the criteria and considerations.

SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendments to the Shady Cove Code of Ordinances comply with procedural requirements of the Shady Cove Code of Ordinances, and appropriately implement State law regarding accessory dwelling units.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of amendments to the Shady Cove Code of Ordinances to permit accessory dwelling units in all zones that permit single family dwellings subject to the standards of Section 154.280 (Exhibit A)

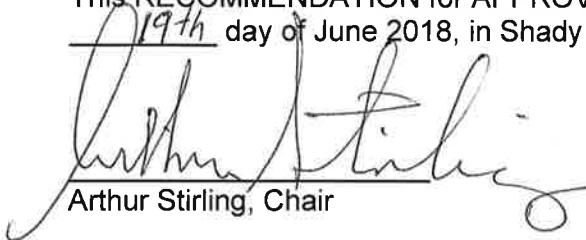
Insert "Accessory Dwelling" in Section 154.006 – Definitions

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

Insert "Accessory Dwelling Unit, subject to Section 154.280" in R-1 Section 154.036(H); R-2 Section 154.051(I); R-3 Section 154.066(J); and GC Section 154.081(E)(i).

The Planning Commission further recommends that accessory dwelling units are to be treated the same as any other dwelling unit for the purposes of System Development Charges and monthly user fees.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 19th day of June 2018, in Shady Cove, Oregon.



Arthur Stirling, Chair