



CITY OF GERVAIS

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GERVAIS CITY COUNCIL AGENDA

The Gervais City Council will hold a Work Session starting at 6:30 pm at the Gervais City Hall located at 592 Fourth Street, Gervais, Oregon, on Thursday, December 7, 2017.

1. Call to Order
2. Roll Call
3. Announcements:
 - a. Additions/deletions to the agenda
4. Discussion on amending the Gervais Development Code to comply with rule changes from Senate Bill 1051; allowing and setting standards for Accessory Dwelling Units
5. Discussion on adjusting storm drain charges for non-residential customers
6. Adjourn



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TO: Susie Marston, City Manager & Gervais City Council
FROM: Holly Byram, City Planner, MWVCOG
DATE: November 29th, for the December 7th, 2017 Work Session
RE: Accessory Dwelling Units (ADUs) Legislation in SB 1051

SUMMARY

Oregon Senate Bill 1051 passed in July of 2017. The intent of the bill was to increase available housing for Oregonians by streamlining permitting, refining development criteria, and expanding allowable housing types within local jurisdictions. This staff report addresses the topic of Accessory Dwelling Units (ADUs), as it pertains to the City of Gervais, Oregon. The City Council Work Session on December 7th will be a first look at the state requirement and common ADU standards. The City is required to adopt amendments to bring the Development Code into compliance with SB 1051 by July 1, 2018.

OREGON SENATE BILL 1051

SECTION 6. ORS 197.312 is amended to read:

(5)(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.

ACCESSORY DWELLING UNITS (ADUS)

ADUs have been historically referred to as "granny flats" or "mother in law units." ADUs are habitable structures containing living space, kitchen, and bathroom facilities. They are typically smaller than the main dwelling. They can be studios attached to the main house through a remodel, or detached as a standalone cottage in a back yard. The development of an ADU is an entirely voluntary decision made by a private property owner.

There are many benefits of ADUs to both a private property owner and the greater community, including: providing independent living for aging family members, future planning for property owners to age in place, additional source of income through rentals, providing a diverse mix of housing options

for the community, gradually increasing density while maintaining the feeling of a more traditional neighborhood scale, accommodating a growing population without expanding UGBs into nearby working ag lands, efficient use of existing utilities/infrastructure (water, sewer, power, streets, etc), providing affordable housing options for smaller households (students, young professionals, single parents, artists, nannies, empty-nesters, widows, elderly, etc), and infilling walkable areas near retail and services may mean fewer car trips in some communities, among others.

Many Oregon cities already allow Accessory Dwelling Units (ADUs) in their development codes. Many Oregon Counties are now grappling with this issue as well. The City of Gervais will benefit from the experiences of other communities by reviewing their available standards. A 17 page document is attached from the Oregon Department of Land Conservation & Development (DLCD), summarizing the ADU codes already in place by cities and counties throughout Oregon, as of 2016.

REQUIREMENTS OF THE LEGISLATION

SB 1051 requires Oregon cities with populations over 2,500 to allow ADUs, subject to reasonable local regulations relating to siting and design. The Gervais certified 2016 population is 2,565. The preliminary 2017 population is 2,570 (Population Research Center). ADUs are not currently allowed in any zone within the City of Gervais. Gervais will therefore need to adopt amendments to the Development Code to satisfy this legislation.

The new legislation applies to zones in which detached single family dwellings (houses) are allowed. Currently, the City of Gervais Development Code allows detached single family dwellings in two zones; the R1-Low Density Residential Zone and the R2-Medium Density Residential Zone. Both of the residential zones allow accessory structures currently, however, the Gervais Development Code defines “accessory structures” as non-dwelling structures. Also, while the CR-Commercial Retail Zone does allow residences, they must be located on the second floor above a commercial use in that zone, which does not qualify as a detached single family dwelling.

IMPACTED DEVELOPMENT CODE SECTIONS

Code amendments will need to be made to the following Development Code Sections, possibly others:

- CHAPTER 17.16 - DEFINITIONS
- CHAPTER 17.24 - RESIDENTIAL DISTRICT (R-1)
- CHAPTER 17.28 - RESIDENTIAL DISTRICT (R-2)
- CHAPTER 17.56 - OFF-STREET PARKING AND LOADING
- CHAPTER 17.80 - YARD AND LOT STANDARDS
- CHAPTER 17.84 - ACCESSORY STRUCTURES

ISSUES FOR CONSIDERATION & DISCUSSION

Because the legislation allows cities to adopt “reasonable local regulations relating to siting and design,” the Gervais City Council will need to determine which standards best fit their community. Below is an easy reference table of some important issues to be discussed.

NEXT STEPS

On Thursday, December 7th the Gervais City Council should convene a preliminary discussion about which ADU standards might best fit their community. It will be an opportunity to ask questions, provide feedback, and direct staff to proceed with drafting preliminary code amendments for public review and consideration through future work session(s) and a public hearing prior to adoption.

ADU STANDARDS	DISCUSSION
Types of structures allowed	SB 1051 requires ADUs as both attached and detached structures, possibly above an existing detached garage as well.
Number of ADUs	Most cities allow only one per residential lot.
Size limitation	Many communities will give a size limit in square feet (e.g. 600 sf) <u>OR</u> percentage of the main house (e.g. 75%), whichever is less.
Manufactured homes	ORS 197 requires a residential zone that allows stick-built dwelling to allow a manufactured dwelling.
Parking requirements	The current off street parking standards require 2 spaces per dwelling. Should this apply also to ADUs?
Entrance standards	Should ADUs be required to face the frontage street?
Occupancy restrictions	Should the number of occupants be limited? Number of bedrooms?
Garages	Should garages be required / allowed for ADUs? Attached and detached?
Garage conversions	A garage conversion into an ADU may provide the challenge of the main dwelling no longer having sufficient parking.
Driveway	Can the ADU share a driveway with the main dwelling? Should/can an ADU have a separate driveway?
Design	Should ADUs match the main dwelling in roof pitch, materials, color?
Rental term - days	While possibly not allowed through the ADU code, some cities set a 30 day rental minimum to avoid vacation rentals through separate code.
Owner occupancy	Some cities require the property owner to reside in either the main dwelling or the ADU.
Location	Should ADUs be allowed in a rear yard? Side yard? Front yard? Some cities require the ADUs to be set back farther than the main dwelling.
Setbacks	To maintain the neighborhood feel, cities typically require the ADU to comply with setbacks of the zone (same as the main dwelling).
Building separation	When the ADU is detached, should there be a minimum distance from the main dwelling?
Height	Should ADUs be limited to the height of the main dwelling? Allowed the full height of the zone?
Lot size	Some cities require the property to be a larger size. This is consistent with duplex lots often required to be larger than single family lots.
Second story windows	If ADUs are allowed to be two stories, should 2 nd story windows be privacy glass to protect privacy of neighboring back yards?
Utilities	Should the ADU have water & sewer service [meters] separate from the main dwelling?
System Development Charges	If applicable to single family dwellings, should they apply also to ADUs?
Lot coverage	Residential zones have a maximum lot coverage standard, should this apply and/or change with an ADU and associated parking?
Approval procedure	Single family dwellings and duplexes are permitted through a Marion County building permit. So the land use review is limited to setbacks and zone checks only. Routing ADU approval through a site development review and/or conditional use permit could provide public notice to neighbors and a planning commission hearing.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Albany	Allowed as an addition to or within a primary residence, in a detached building built before 1998, or on a lot in a subdivision of over 10 lots approved after 2007	May not exceed 50% of the primary residence floor area or 750 sq. ft., whichever is less.	At least three off-street parking spaces must serve the primary residence and the ADU.		Either primary residence or ADU must be occupied by the owner	Lot must meet minimum lot area requirements for the applicable zoning district. Only allowed in Residential Two-family zoning district.
Ashland		Shall not exceed 50% of the floor area of the primary residence on the lot or 1000 sq. ft. whichever is less.	No off street parking required if 50 linear feet of uninterrupted curb in front of property. More than 500sqft unit requires 2 parking spaces.			Accessory Residential Units (ARU) in the Single-Family Residential Zones (R-1-5/R-1-7.5 & R-1-10) require a Conditional Use Permit.
Astoria	May only be crated 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	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	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
Beaverton		The proposed ADU shall be no more than fifty percent (50%) of the gross floor area of the primary detached dwelling or 800 square feet, whichever is less.	One off street parking space must be provided.	The entrance to the ADU may not face the front property line.	Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied	The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Bend	Attached, separate structure, or above detached garage	Maximum 600 sq. ft. on a lot less than 6,000 sq. ft. Maximum 800 sq. ft. on a lot greater than 6,000 sq. ft.	One off-street parking space required. May be in a "tandem" arrangement with other required parking.	none	none	Overall floor-area ratio on lot no greater than .55. Height no greater than 25 feet or height of primary residence, whichever is less.
Boardman						Accessory dwelling units are permitted, but the code section referenced with regulations is missing.
Brownsville	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%.
Canby	Must be attached to the primary dwelling.	Maximum 800 sq. ft.	One off-street parking space for the ADU	None	Either primary residence or ADU must be occupied by the owner	
Cannon Beach	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.
Central Point		No more than thirty-five percent of the gross floor area of the main dwelling in existence prior to the construction of the accessory dwelling unit or 800 sq. ft., whichever is less.	At least one off-street parking space shall be provided for each ADU in addition to the off-street parking spaces required for the single-family dwelling.	If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling. All ADUs which are attached to a single-family dwelling shall have a separate entrance for the accessory dwelling unit.	The owner or of the primary dwelling shall reside either in the single-family dwelling or the ADU as a permanent place of residence	Permitted in single-family residential zoning districts.
Clackamas County	Varies by zoning district: in some it can be either attached or detached, in others only attached or above a garage.	Varies by zoning district and type, either 500 or 720 square feet maximum	none	Generally, if attached to main structure then entrance cannot face front property line.	The property owner must occupy the primary dwelling or the ADU as a principal residence.	

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Clatsop County	Attached, detached, or conversion of existing garage	75% of primary dwelling or 900 sq. ft., whichever is less	At least three off-street spaces total for primary dwelling and ADU	No new entrance in front of dwelling		Must be connected to public sewer. Allowed in Rural Community Residential zones.
Coburg	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 caretaker.	
Columbia City	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.
Coquille	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		At least 250 SF of floor area for each occupant, with no more than two occupants, and less than 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.
Corvallis	Attached or detached. Garage may be converted to ADU if off-street parking requirement for primary dwelling is met.	May not be greater than 40% of the floor area of primary structure or 480 sq. ft., whichever is greater. May in no case exceed 900 square feet.	No additional parking if parking requirement for the primary dwelling is met.	Entrance to detached ADU shall be located five feet or more toward the interior of the lot from the abutting side yard setback lines, screen is located between the ADU and the property line.	Either primary residence or ADU must be occupied by the owner.	Minimum lot sizes vary for each zoning district in which ADUs are allowed.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Cottage Grove	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.	
Dallas	Attached, separate structure, or above a detached garage	Cannot exceed 40% of primary dwelling area or 800 sq. ft., whichever is less	None	None	None	An ADU equals 0.5 units when calculating housing density.
Dayton	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	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.
Eagle Point		The habitable gross floor area of any ADU shall contain no more than 50 percent of the total gross habitable floor area of the main dwelling unit or 900 square feet, whichever is the lesser.	A minimum of two ADU off-street parking spaces shall be provided in addition to the two spaces of off-street parking required for the single-family residence.	If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling. All ADUs which are attached to a single-family dwelling shall have a separate entrance for the accessory dwelling unit.	The owner of the primary dwelling shall reside either in the single-family dwelling or the ADU as a permanent place of residence	The conversion of a garage to an ADU shall require the construction of a new garage, at a square footage equal to, or greater than, the area being converted from garage to habitable space.
Eugene		Dwelling unit shall not exceed 800 SF, unless occupying the full story of a multistory structure.	One off street parking space must be provided.		Owner shall occupy either the ADU or primary dwelling.	Except for flag lots, the lot shall be at least 6,000 SF. Flag lots shall contain at least 13,500 SF. The primary entrance to an ADU shall be defined by a roofed porch.

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Fairview	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
Forest Grove	May be allowed by conversion of an existing space, by means of an addition, or as an accessory structure.	The gross floor area of the ADU shall not exceed 30% of the primary dwelling's gross floor area, or 720 square feet, whichever is less	One additional off-street parking space shall be provided in addition to the required parking for the primary dwelling.		The owner(s) of the primary dwelling shall occupy at least one of the units;	Any addition shall not increase the gross floor area of the original dwelling by more than 10%;
Garibaldi	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	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.	
Grants Pass						Only allowed in commercial zoning districts.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Gresham	Must be within or added to the primary dwelling. No separate free-standing units allowed. May be attached to a garage or above a garage.	An accessory dwelling shall have a maximum floor area of 900 square feet.	One off-street parking space, in addition to that which is required by the Development Code for the primary dwelling unit, shall be provided.	No new door entrance on an exterior wall facing a front property line.	Either the ADU or the primary residence must be occupied by the owner.	
Happy Valley	The ADU may be created by converting existing living area or adding floor area, or construction of a new structure that is either attached or detached.	The maximum sq. ft. of an ADU involving the conversion of existing space within a primary dwelling shall not exceed 50% of the size of the primary residence. For a detached ADU, the size shall not exceed 50% of the size of the primary residence and shall not exceed a maximum of 1000 sq. ft., whichever is less.	The ADU shall provide an additional on-site parking space if the primary dwelling has less than four on-site spaces available before construction of the accessory unit	Only one entrance shall be located on the front of the primary dwelling or any portion of the primary dwelling abutting a street	Either the primary dwelling or the ADU must be owner occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the primary dwelling or of the ADU.	
Hillsboro		The floor area of an accessory dwelling unit may be as large as 50% of the existing dwellings total floor area, and may not exceed 600sf.	At least one off-street parking space shall be provided for the accessory dwelling unit	The entrance to the ADU shall not face the front property line.	Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is 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	Must provide proof that at least one ADU occupant is employed in the Gorge, a relative or on an assistance program for the rent. If a garage or detached building does not currently meet setbacks, no conversion to an ADU.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Independence	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".
Jackson County	Attached or detached	50% of primary dwelling or 800 sq. ft., whichever is less	If not fronting on a street built to urban road standards, then one off-street parking space.			Allowed only in the White City unincorporated area.
Jefferson	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	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.	
Keizer	Must be in a separate structure	Maximum area 25% of primary residence floor area or 750 sq. ft., whichever is less.	None	None	None	Not allowed in any of the city's zoning districts?
King City	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.	None	Lot size must be a minimum of 7500 square feet;
Lafayette	May be attached, detached, above garage, or conversion of portion of existing dwelling.	Maximum 800 sq. ft. or 40% of primary unit size, whichever is less	One off-street space, unless on-street space is available in front of lot, or driveway space is available for existing dwelling.	None	None	Only allowed in RC zoning district.

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La Grande		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.
Lake Oswego	Conversion of existing space, an addition, or as an accessory structure.	Max of one bedroom and an area of 800 sq. ft., or a total FAR of 0.4:1 for all buildings; Minimums: One person - 250 sq. ft.; Two persons - 500 sq. ft.	One off-street parking space for the secondary unit in addition to the required parking for the primary dwelling		One unit shall be occupied by the property owner.	No more than 2 persons in the secondary unit.
Lakeview	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.	
Lane County						Allowed in certain rural zones (FF-20, GR-10, AGT, AV) Approved unless: 1) incompatible with existing or permitted uses, 2) not consistent with the purpose of the zoning district; 3) interferes with accepted farming or forestry practices on surrounding lands.
Lebanon	Attached, separate structure, or above detached garage	Not to exceed smaller of 1000 sq. ft. or 40% of the primary unit,	None	none	none	May not reduce the floor area of the primary residence.
Lincoln City	Attached in all zones, detached if lot is at least 5,000 sq. ft.	Maximum of 750 square feet or 50% of the floor area of the primary dwelling, whichever is less	One additional off-street parking space	If separate entrance for ADU, must be "less visible" than primary entrance	Either primary residence or ADU must be occupied by the owner	No vacation rental use for either primary residence or ADU. No septic system.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
McMinnville	Conversion of any portion of primary dwelling, adding floor area to primary dwelling, or construction of detached ADU	Square footage not greater than 40% of primary dwelling square footage or 800 sq. ft., whichever is less. Minimum area is 300 sq. ft.	One additional off street parking space required.	None	Primary residence must be occupied by the property owner.	Must have independent utilities. May not be a manufactured home.
Medford		No greater than 50% of the size of the primary dwelling on the lot, or 900 square feet, whichever is less.	A parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off-street parking spaces	Only one entrance may be located on the front of the existing dwelling	none	
Milwaukie	Either conversion of existing space or by means of an addition.	Maximum unit size of 600 sf; and shall not exceed 40% of the gross floor area of the primary structure.	Off-street parking shall be provided. If new parking must be constructed to meet minimum required parking, it shall be located contiguous to existing parking.	Only one entrance to the residential structure may face the street.	Either the ADU or the primary residence must be occupied by the owner.	
Monmouth	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".
Mosier						Conditional Use Permit required.
Myrtle Point	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.
Newberg	An accessory dwelling unit may be created within or as an addition to a detached or attached single-family structure or as a freestanding accessory building.	An accessory dwelling unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1,000 square feet.	One on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.	The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.	NONE	Second story windows 10 feet or less from the property line must be privacy glass. ADU is a conditional use in the R-1 zoning district, which is primary city residential district.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
North Plains	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.
Oregon City	May be attached or detached.	The ADU cannot be more than 40% of the primary dwelling unit's total floor area or be more than 800 sq. ft. or be less than 300 sq. ft.	No additional parking space is required for the ADU if it is created on a site with an existing primary dwelling unit and the roadway for at least one abutting street is at least twenty-eight feet wide.		The property owner must occupy either the primary dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.	May not have more than 2 sleeping areas. , Owner may at no time receive rent for the owner-occupied unit
Philomath	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	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	
Portland	Converting existing living area Finishing an existing basement or attic Building a new structure Making an addition to an existing structure Some existing attached or detached garages can be converted into an ADU	The ADU may be no more than 75% of the total living area of the house or a maximum of 800 square feet, whichever is less.	Additional parking is not required for an ADU. However, if parking is required for the existing dwelling unit, that parking must either be retained, or if eliminated in the creation of the ADU, replaced.	Only one entrance can be located on the facade facing a street.	NONE	Building coverage smaller than SFR and no more than 15% of lot. Detached ADUs set back 60 feet from street or 6 feet behind main SFR
Prineville	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 OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Redmond		Minimum 300 sq. ft. Maximum 800 sq. ft. or 50% of primary dwelling size, whichever is less.	One off-street parking space required.	Must be separately accessible from exterior of the structure.	Owner shall occupy either the ADU or primary dwelling.	If ADU is above a garage, may not exceed the building footprint of the garage.
Reedsport	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.
Rivergrove	Either within the primary residence or above a garage.	?	Residential units less than 500 SF and 1 bedroom;(except for over the garage units) require 1 additional parking space			
Roseburg		Shall not exceed a maximum size of 1,000 square feet or no more than 50% of the gross floor area of the primary residence	Shall have one additional off-street parking space	None	Shall have at least one unit owner-occupied	Conditional Uses in single-family residential zoning districts. Primary heat source must be electric or gas. No separate utility meters
St. Helens	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
Sandy	May be detached or attached.	Maximum 600 sq, ft,	One off-street parking space for the ADU	Primary entrance may not be in front of the primary dwelling.	Either primary residence or ADU must be occupied by the owner	Maximum number of occupants in ADU is 3. May not be a single-wide manufactured unit.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Scappoose	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.	
Sherwood	Converting existing living area, adding floor area, or constructing a detached ADU	The maximum floor area) of the ADU shall not exceed 40% of the floor area of the primary residence.			The property owner must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year,	Property owner may not receive rent for the owner-occupied unit. Total occupants of both units may not exceed the number allowed for a household.
Silverton	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	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	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.
Springfield		Minimum size is 300 sq. ft. Maximum size is 40% of main dwelling or 750 sq. ft., whichever is less.	One additional 9'x18' paved, off-street parking space must be provided	Only one entrance may be located on the front or street side of each residence.	Owner must occupy either primary dwelling or ADU.	
Sutherlin	Attached or detached or attached to garage	Maximum 600 sq. ft.	One off-street parking space required	none	none	
Sweet Home						Conditional use in the R-1 zoning district.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Talent	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.
The Dalles		May not exceed 60% of primary dwelling size, or 600 sq. ft., whichever is less	none	none	The property owner must occupy the primary dwelling or the ADU as a principal residence	Minimum lot size requirement of the underlying zoning district must be met. If garage is converted then replacement off-street required.
Tigard	Must be within or attached to a primary dwelling.	May not exceed 50% of the size of the primary unit, up to a maximum of 800 square feet;	One parking space shall be provided for the accessory residential unit. This parking space shall be paved and/or covered;	The door to the ADU cannot open onto the front façade.	Either the primary or accessory residential unit must be owner-occupied;	Garage may not be converted to an ADU unless it is replaced.
Tillamook County	Attached or detached	Maximum 800 square feet				Allowed only in Neahkahnie community. Conditional Use Permit required
Toledo	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.	
Troutdale	Must be within or added to a detached primary dwelling.	Shall not exceed 750 square feet in area	One off-street parking space, in addition to that which is required for the primary dwelling, shall be provided for the ADU.	Only one entrance shall be located on any portion of the primary dwelling abutting a street.		Primary dwelling must be at least 1800 sq. ft. or in a subdivision recorded after 2000. Shall not have more than 1 bedroom.
Tualatin	Must be within a detached single-family dwelling or be an addition to the primary dwelling.	An ADU shall not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.	One paved onsite parking space shall be provided for the ADU.	ADU front door shall not be located on the same street frontage as the primary dwelling's front door.		

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Veneta		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 space if no on-street parking abuts the property	none	none	
Vernonia	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	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.
Washington County	Attached, detached, or attached to garage	50% of main dwelling or 800 sq. ft., whichever is greater. 15% increase for units to meet ADA requirements.	One off-street parking space required.	Entrance cannot face front property line.	The property owner must occupy the primary dwelling or the ADU as a principal residence – exception for units owned by non-profits serving developmentally disabled.	Primary unit must be 2 stories if ADU is built over a garage. Minimum 450 sq. ft. side or rear outdoor area.
West Linn	Conversion of existing space inside the primary dwelling, addition to the existing dwelling, addition as an accessory structure, or converting or adding to an existing accessory structure	No more than one bedroom and between 250 and 1000 square feet. 500 square feet required for two person occupancy	One off-street parking space for the ADU	The main exterior entrance of the ADU shall be located on either the rear or side of the ADU.	None	The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling. The only exception allowed shall be for an ADU which is located above a detached garage.

CITY OR COUNTY	TYPES OF STRUCTURES	SIZE LIMITATION	PARKING REQUIREMENTS	ENTRANCE STANDARDS	OCCUPANCY RESTRICTIONS	OTHER STANDARDS
Wilsonville	May be attached or detached.	No greater than 800 square feet with not more than two bedrooms.	Each ADU shall have one standard sized parking space on the same lot; Where an off-street parking space is not available to serve the ADU, onstreet parking is allowed if street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot AND No more than 25% of the lots in a block will have ADUs.			
Winston		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
Wood Village	Converted existing living area or garage, adding floor area to primary dwelling or constructing a detached ADU.	The maximum floor area of the ADU shall not exceed 800 square feet.	One additional parking stall required for ADU.		The property owner must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year,	Owner may at no time receive rent for the owner-occupied unit. The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

OREGON CITIES THAT DO NOT ALLOW ACCESSORY DWELLING UNITS

<p>North Coast</p> <p>Newport Depoe Bay Tillamook Bay City Rockaway Beach Wheeler Nehalem Manzanita Seaside Gearhart Clatskanie</p>	<p>Mid-Willamette Valley</p> <p>Yamhill Carlton Dundee Amity Sheridan Willamina Falls City Donald Hubbard Woodburn Mt. Angel Salem Sublimity Stayton Turner Aumsville</p>
<p>South Coast</p> <p>North Bend Coos Bay Gold Beach Brookings Port Orford Bandon Lakeside Florence Yachats Waldport</p>	<p>Eastern Oregon</p> <p>Pendleton Hermiston Umatilla Milton-Freewater Enterprise Joseph Elgin Ontario Nyssa Vale</p>
<p>West Portland Metro</p> <p>Banks</p>	<p>Central Oregon</p> <p>Klamath Falls Madras Cascade Locks</p>
<p>East Portland Metro</p> <p>Molalla Estacada</p>	<p>South Willamette Valley</p> <p>Scio Tangent Harrisburg Adair Village</p>
<p>Southern Oregon</p> <p>Rogue River Shady Cove</p>	

Oregon Counties that do not allow accessory dwelling units in urban districts

Columbia
Yamhill
Marion
Polk
Linn
Multnomah
Lincoln
Douglas
Coos
Curry
Josephine
Hood River
Wasco
Jefferson
Crook
Deschutes
Klamath
Lake
Harney
Union
Umatilla
Morrow



CITY OF GERVAIS

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Text Tel. (TTY) Dial 711 or 1-800-735-2900 Spanish (TTY/V) 1-800-735-3896

Date: November 30, 2017

To: Mayor and City Council

From: Susie Marston, City Manager *SM*

Re: Monthly Storm Drain Charges for Non-residential Customers

We placed an item on this month's worksession agenda for a discussion on monthly storm drain charges for non-residential customers. The City's non-residential customers include commercial, industrial, school and church property. I've had discussions with Steve Kraushaar, and typically customers are charged by Equivalent Residential Units (ERUs), which is based on the total impervious area (roofs, driveways, patios) of their property. Our current billing structure does not have a specific calculation method for storm water, but estimates of the number of ERUs have been made to determine the monthly charge. I am proposing that the city council allow staff to modify the billing calculation for monthly storm water charges for all non-residential customers based on the total impervious area of a property.

My proposal is to define one ERU as 2,500 square feet and charge by the current rate per ERU. It is reasonable to assume that the average impervious area on a 5,000 – 6,600 square foot residential lot would be about half the size of the lot.

For example:

Let's say we have a commercial property with a 32,000 sf impervious area, and the current billing rate is \$5.43 per ERU. If the 2,500 sf ERU is used, then total ERUs for this property would be 12.8 (32,000/2,500), and their monthly charge would be \$69.50 (12.8 ERU X \$5.43).

This is a typical method used to calculate storm water charges. Thank you for taking the time to consider this information for our discussion next week.

Gervais is a charming, dynamic rural community with a rich cultural heritage, valuing the past and anticipating the future...a wonderful and tranquil place to work, play and live.

The City of Gervais is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410

