



**CITY OF CENTRAL POINT  
PLANNING COMMISSION AGENDA  
August 6, 2019 - 6:00 p.m.**

**I. MEETING CALLED TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Planning Commission members, Mike Oliver (chair), Tom Van Voorhees, Amy Moore, Jim Mock, Kay Harrison, Chris Richey, Pat Smith

**IV. CORRESPONDENCE**

**V. MINUTES**

Review and approval of the June 4, 2019 Planning Commission meeting minutes.

**VI. PUBLIC APPEARANCES**

**VII. BUSINESS**

**A. Discussion of a Conceptual Land Use and Transportation Plan for Urban Reserve Area (URA) CP-2B and recommendation to the City Council. Applicant: City of Central Point. File No. CPA-19005**

**VIII. DISCUSSION**

**A. Introduce and discuss the amendments to CPMC 17.77, Accessory Dwelling Units. Applicant: City of Central Point. File No. ZC-19001**

**IX. ADMINISTRATIVE REVIEWS**

**X. MISCELLANEOUS**

**XI. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail at: [deanna.casey@centralpointoregon.gov](mailto:deanna.casey@centralpointoregon.gov).

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201.



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**City of Central Point Planning  
Commission Minutes  
June 4, 2019**

**I. MEETING CALLED TO ORDER AT 6:00 P.M.**

**II. ROLL CALL**

Commissioners, Mike Oliver (chair), Amy Moore, Tom Van Voorhees, Jim Mock, Pat Smith and Kay Harrison were present. Also in attendance were: Chris Clayton, City Manager, Matt Samitore, Public Works Director, Sydnee Dreyer, City Attorney, Tom Humphrey, Community Development Director, Stephanie Holtey, Principal Planner, and Karin Skelton, Planning Secretary.

**PLEDGE OF ALLEGIENCE**

**III. CORRESPONDENCE**

**IV. MINUTES**

Kay Harrison made a motion to approve the May 7, 2019 minutes. Pat Smith seconded the motion. ROLL CALL: Tom Van Voorhees, yes; Kay Harrison, yes; Amy Moore, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

**V. PUBLIC APPEARANCES**

There were no public appearances.

**VI. BUSINESS**

**A. Public hearing to consider a modification to a condition of approval for the Smith Crossing Site Plan and Architectural Review. The condition addresses the timing of building permit issuance for buildings in Phase 2 of the 245-unit multifamily development relative to completion of the Twin Creeks Rail Crossing.**

**Mike Oliver read the rules for a Quasi-Judicial public hearing.**

Community Development Director Tom Humphrey gave a review of the original application for the Smith Crossing development. He said the development was proposed in two phases. The Twin Creeks Master Plan included a Traffic Impact Analysis. Per the analysis and public agency feedback, a trip cap was imposed to assure traffic generated by new development did not negatively impact the neighborhood. The Twin Creeks rail crossing is the last project to be completed before the trip cap is removed.

Analysis of existing and approved development projects confirmed there was sufficient capacity to accommodate the development of Phase 1. A condition of approval was imposed stating the applicant would not begin Phase 2 until the rail crossing was completed. Construction of the rail crossing has been significantly delayed and is now well past the anticipated timeline for completion originally outlined by the city. The applicant asks for a modification to allow limited construction to begin on Phase 2 in order to keep their construction crews and sub-contractors working. The limited construction will include the garages and permit approval for four buildings, none of which would be allowed to be occupied until the railroad crossing is completed. Construction traffic would move from one site to another but no new traffic would be generated until residents are allowed to occupy the buildings in Phase 2.

Mr. Humphrey asked the Commissioners to consider whether the modification could have a detrimental impact on adjoining properties. He added the City is not being asked to remove the trip cap and the applicant has stated he is willing to abide by the restriction of the trip cap. The construction of the rail crossing is progressing positively and is now nearing completion.

Mr. Humphrey clarified once the railroad crossing was completed there would no longer be a trip cap.

**Public hearing was opened.**

**Milo Smith, Applicant**

Mr. Smith stated there would be no increase in traffic as there would be no occupancy of the buildings in phase 2 until the crossing is completed. He said each building should take five to six months to complete and the larger 22 unit buildings would take up to seven months. He said the railroad crossing should be complete by the time the first building is finished. He added it was important to them to keep their construction crews working.

Mr. Oliver asked for public comments and questions.

**Hank Williams, Twin Creeks Resident**

Mr. Williams stated he was the City's Mayor but was speaking in his capacity as a private citizen. He said he recommended denial of the modification to the condition of approval. He said traffic is worse now than before construction of phase 1 of the development. He said he has lived in Twin Creeks for 15 years and construction of the railroad crossing was originally supposed to be done 15 years ago. He added he had been in contact with the School District to address the traffic problems at Mae Richardson school with no results. He said he felt he was biased due to certain incidents regarding treatment of his family during the original site plan and architectural review of the Smith Crossing project. He said the trip caps should be adhered to. He added the owners of the Smith Crossing Development also owned a lot located across the street from the Twin Creeks Cottages. He said the grass was seriously overgrown. He said he was taking a picture of the lot when the City's code enforcement officer stopped to talk to him and said he would send the owners a letter.

**The Public Hearing was closed.**

Kay Harrison made a motion to approve Resolution 870 approving the revised modification to condition number 2 of the conditions of approval for the 245 unit multifamily development within the Twin Creeks TOD master plan area and medium mix residential zone. Jim Mock Seconded the motion.

The Commissioners agreed the railroad crossing was nearing completion and noted there would be no additional traffic impact as there would be no new residents. They felt it was reasonable for the applicant to want to keep the construction crews working and could see no harm inflicted on the neighborhood. They agreed it was a minor modification to the conditions of approval.

**ROLL CALL:** Tom Van Voorhees, yes; Kay Harrison, yes; Amy Moore, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

**B. Public hearing to consider the 2019-2039 Employment Buildable Lands Inventory (BLI), an adjunct to the Central Point Comprehensive Plan Land Use Element.**

Mike Oliver read the rules for a Legislative hearing stating .

Stephanie Holtey gave an overview of the Employment Buildable Lands Inventory stating it tracks the availability of employment buildable lands in the City's urban area, including vacant land and land that is likely to be redeveloped over the next 20 years. She stated at the May 7, 2019 meeting the Planning Commission was presented with a working draft of the BLI. As a result of the Commissioners' input, several tables were updated and minor corrections to the text have been made. She said it is not a policy document and is used in assessing the City's economic opportunities in the Economic Element. She reviewed the methodology for calculating employment buildable lands and explained the City has 147 acres of buildable employment land. The majority of the City's vacant land is in small size retail and industrial parcels. The data in the BLI supports the Economic Element, which sets forth the City's goals and policies relative to the opportunities and need for employment land in the City's urban area over the next 20 years.

**The Public Hearing was opened.**

There were no public comments.

**The Public Hearing was closed.**

Amy Moore moved to approve the 2019-2039 Employment Buildable Lands Inventory (BLI), an adjunct to the Central Point Comprehensive Plan Land Use Element as presented. Tom Van Voorhees seconded the motion. **ROLL CALL:** Tom Van Voorhees, yes; Kay Harrison, yes; Amy Moore, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

**C. Public hearing to consider an update the Central Point Comprehensive Plan Economic Element based on revised population forecast and buildable lands information.**

Mike Oliver stated the rules for the legislative public hearing remained as previously stated.

The commissioners had no conflict of interest to declare.

Stephanie Holtey gave an overview of the Economic Element and its purpose. She stressed the necessity for the City to grow and to plan for that growth. She said it was important to provide economic opportunities by evaluating the available employment lands and considering what future needs might be. She introduced Garrett West, an attorney, who prepared an updated economic analysis based on the City's Economic Element which was created in 2013 and was based on information in the Buildable Lands Inventory and the Population Element. She explained this draft incorporated input from the May 7, 2019 planning commission meeting. This included formatting the tables to be more readable and minor numbering adjustments. Additionally, the conclusions section has been separated from the goals and policies.

Garrett West said he examined the national, state and local economy to anticipate the economists' forecast over the next 30 years. He said the economy is doing well. He reviewed Southern Oregon specifically to identify the number of jobs the City might gain over the next 20 years. He used this number to identify the acres needed to support those new jobs.

Mr. West reviewed the methodology for his calculations, saying they were based on the population forecasts from Portland State University. He said he found there would be a need to provide for just under 2,000 new jobs over the next 20 years. According to the DLCDC ratios, the statistics indicate a need for 93 additional gross acres through 2039. He clarified for the commissioners that rezoning existing lands to accommodate certain categories of jobs would not decrease the need for additional land.

Stephanie Holtey said in order for the City to have a stable and diverse economy there is a need to provide opportunities for employment for the City's residents and those moving into the community. She added it is important to be able to have an adequate supply of land to provide for the anticipated growth and respond to market demand. She said economic conditions are dynamic and will require to City to be both proactive and responsive to those changes

The commissioners discussed the idea of compiling an economic development manual. Mr. Humphrey suggested information gained from working with consultants over the years might be consolidated as resource material. Additionally, keeping track of programs and incentives that successfully encourage and promote economic development would add to that resource.

Ms. Holtey reviewed and explained the goals and policies section for the record. There are 9 goals and 10 policies. She said Goals are aspirational statements. Policies are objectives which are required by the State for the City's economic development program.

### **Public Hearing was opened**

There were no public comments.

### **Public Hearing was closed.**

Tom Van Voorhees made a motion to approve Resolution 872 forwarding a favorable recommendation of the Central Point Comprehensive Plan Economic Element based on revised population forecast and buildable lands information to the City Council. Kay Harrison seconded the motion.

The commissioners reviewed several clerical errors in the draft.

**ROLL CALL:** Tom Van Voorhees, yes; Kay Harrison, yes; Amy Moore, yes; Pat Smith, yes; Jim Mock, yes. Motion passed

### **Planning Update**

Mr. Humphrey gave the following update on land use development activities in the community.

- The City paid for an environmental assessment through an EPA grant in order to facilitate the bank loan for the sale of the Pfaff building on E. Pine Street. The new owner is using the façade grant program to update the building.
- The property on W. Pine Street which the Creamery is purchasing also qualified for an environmental assessment through the EPA grant. It has now closed and will allow expansion of the Creamery.
- The Brodiart building on S. Front street is getting close to completion.
- The Pro Spine and Sport chiropractors is relocating to 63 N. Third Street.
- The proposed Urgent Care and office building on the corner of Pine and 6<sup>th</sup> Street is currently in review.
- The owners of six small industrial lots on Federal Way have inquired about construction of office and light manufacturing buildings on those properties.
- There is an application for an Oil Stop/Car wash on the corner of Table Rock and Pine Street. Additionally Bridgestone has expressed interest in that location so there might be an automotive area developing there.
- There has been no sign that Les Schwab is considering developing their property.
- The owner of The Point is close to completing the Crater Café, which is adjacent to The



Point

- Ms. Holtey said there are several small partitions in the city which would be able to develop using either conventional zoning or the design standards in the TOD district, which would give more flexibility regarding setbacks and parking requirements. She added there have been some property owners recently who have chosen to change from standard designs to more aesthetically appealing units.
- Mr. Humphrey said there were people interested in purchasing the Rustic Mobile Home park on Taylor Road . It would remain a mobile home park but their plan was to upgrade the appearance and livability.

**VII. DISCUSSION**

**VIII. ADMINISTRATIVE REVIEWS IX.**

**MISCELLANEOUS**

**X. ADJOURNMENT**

Amy Moore moved to adjourn the meeting. Pat Smith seconded the motion. All members said "aye". Meeting was adjourned at 7:50 p.m.

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Planning Commission Chair



**Conceptual Land Use and Transportation Plan for URA CP-2B**



STAFF REPORT

STAFF REPORT

August 6, 2019

**AGENDA ITEM: File No. CPA-19005**

Discussion of a Conceptual Land Use and Transportation Plan for Urban Reserve Area CP-2B and recommendation to the City Council; **Applicant:** City of Central Point.

**STAFF SOURCE:**

Tom Humphrey AICP, Community Development Director

**BACKGROUND:**

The City's Regional Plan Element includes a provision that prior to expansion of the urban growth boundary (UGB) into an urban reserve area (URA) it is necessary to adopt conceptual land use and transportation plans for the affected urban reserve. The City has received requests to add *parts of* URA, CP-2B to the City's UGB in order to offer additional land for housing. In 2009 the City participated in a demonstration project integrating land use and transportation concepts in one of the City's future growth areas. The project, known as the *Wilson Road Area UGB Expansion Plan*, is also referred to as CP-2B. Unlike other URAs in Central Point, CP-2B was never formally ratified by the City Council.

When the City adopted the Regional Plan Element to its Comprehensive Plan in 2012 it agreed to land use percentages in each URA. The residential/employment/park land split in CP-2B was 81%, 13% and 6% respectively. *The City also agreed to an average residential zoning density of 6.9 units per gross acre of land.* Upon further review, it was found that the 'Preferred Alternative' for CP-2B did not meet the average residential zoning density. It averaged only 4.95 dwelling units per gross acre (refer to Attachment A - Maps). City staff has made revisions to the 2009 concept plan for the Planning Commission's consideration. Three alternatives are being presented and all three meet the density requirements.

Once the Concept Plan is accepted and approved by the City Council it will be used in the City's application for UGB Amendment with Jackson County and the Department of Land Conservation and Development (DLCD).

**ISSUES:**

Public Comment for the Conceptual Plan was received during the demonstration project charrette. This was a 'grass roots' effort by property owners and interested agencies. City staff modified this work which is once again being considered in a public forum. Staff delivered a PowerPoint presentation to the Metropolitan Planning Organization (MPO) last month (Attachment B) which included the three land use and circulation alternatives. The Regional Plan requires this collaboration as well as feedback from the MPO. The Technical and Policy Committees are made up of local a state agency representatives who voted to support the CP-2B Conceptual Plan finding that it satisfies the Performance indicators in the Regional Plan (see Attachment C).

Perhaps the most critical of the performance indicators is the City's Target Residential Density of 6.9 units per gross acre. Planning staff analyzed committed residential densities using the Wilson Road Area concept shown in Attachment A and came up with only a 4.95 unit per acre total. Consequently some land use densities were increased along Upton Road and around a new activity center to bring the total to at least 6.9 units per gross acre. The Transportation Concept Plan is incorporated into the land use alternatives to illustrate and explain new road extensions/connections.

Changes to the Concept Plan were made with the understanding that some people might be unhappy with the outcome and that it might seem that public input is being ignored. I will remind the Commission that; 1) the City is obligated to honor its commitment to the Regional Plan, 2) the Concept Plan is a general guide, and 3) the designations the City places on property in this plan do not change the County zoning or force county residents to come into the UGB.

Staff has developed some policies in Attachment B for the Commission to consider in their recommendation. Management agreements with Jackson County are typically used to address issues in the *urban-rural interface*. An Urban Growth Management Agreement (URMA) dictates what County roads the City will assume jurisdiction of once land is brought into the UGB.

**CONCLUSION:**

In order to comply with the Regional Plan, *the City must assign an urban land use designation to all of the land in the URA* and do so using the categories and percentages to which the City and County agreed. The average residential density (6.9 units/acre) to which the City committed is met in each of the land use concept maps. The Performance Indicators serve as findings that support the concept plan. City land use designations only become effective at the time of a UGB Amendment and only then when they are initiated at the request of property owners. The new Parks Master Plan has been incorporated into the City's Comprehensive Plan and will be used to designate the number, size and characteristic of the parks that are needed in CP-2B. The Jackson County Active Transportation Plan will be used to better define trails and bike paths once land is added to the UGB and planned for development.

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**EXHIBITS/ATTACHMENTS:**

Attachment "A – Wilson Road Area Concept Plan *draft maps* for CP-2B"

Attachment "B – Power Point Presentation"

Attachment "C – Rogue Valley Metropolitan Planning Organization Letter, dated July 23, 2019" (signature pending)

Attachment "D - Planning Commission Resolution No. 873"

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**ACTION:**

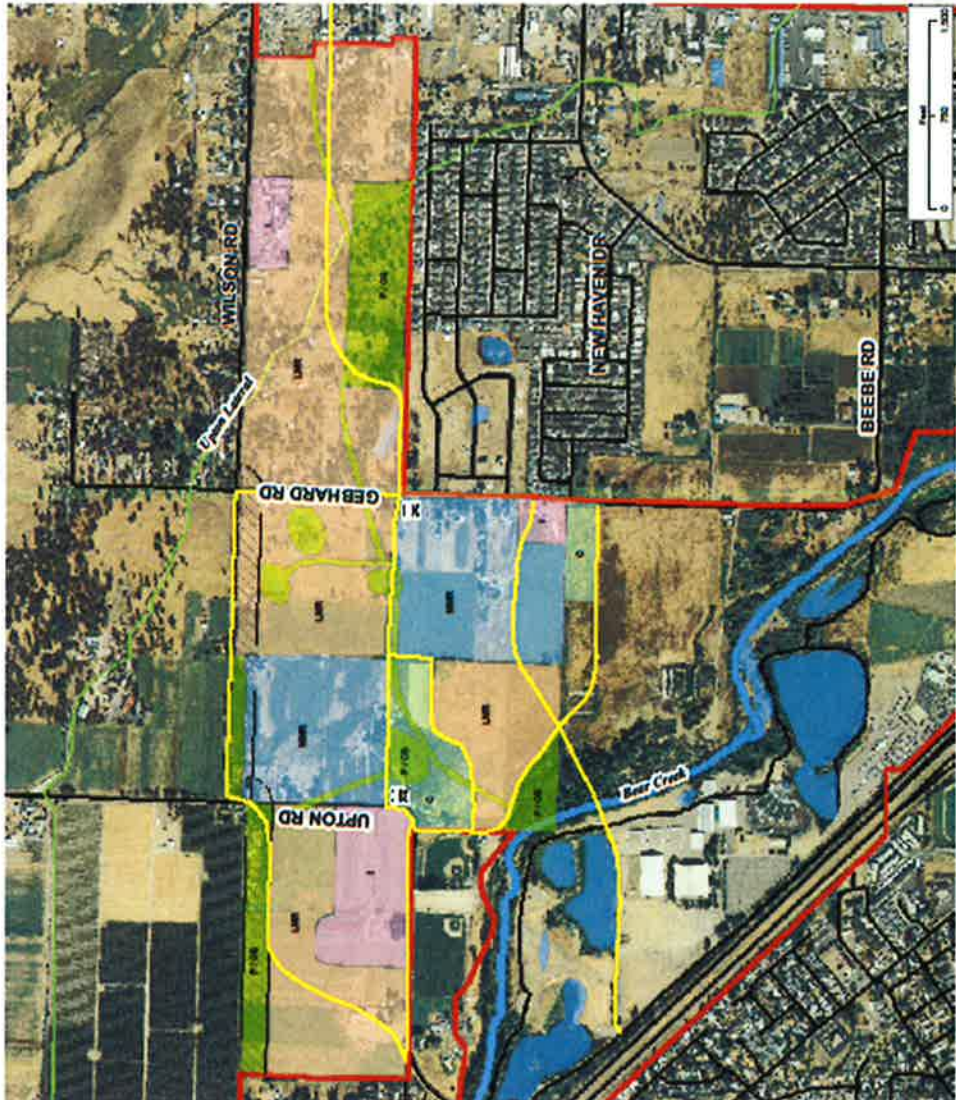
Invite public testimony, discuss the three Conceptual Plan alternatives and 1) support one alternative as presented; or 2) support one alternative with revisions.

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**RECOMMENDATION:**

Approve Resolution No. 873 forwarding a favorable recommendation to the City Council to approve a specific alternative for the CP-2B Concept Plan.

Wilson Road Area UGB Expansion Plan



- Preferred Alternative**
- Commercial
  - Institutional
  - Low Mix Residential
  - Med Mix Residential
  - Park-Open Space
  - Study Area
  - UGB
  - Agricultural Buffer
  - Proposed Collectors
  - Streets
  - Wetlands







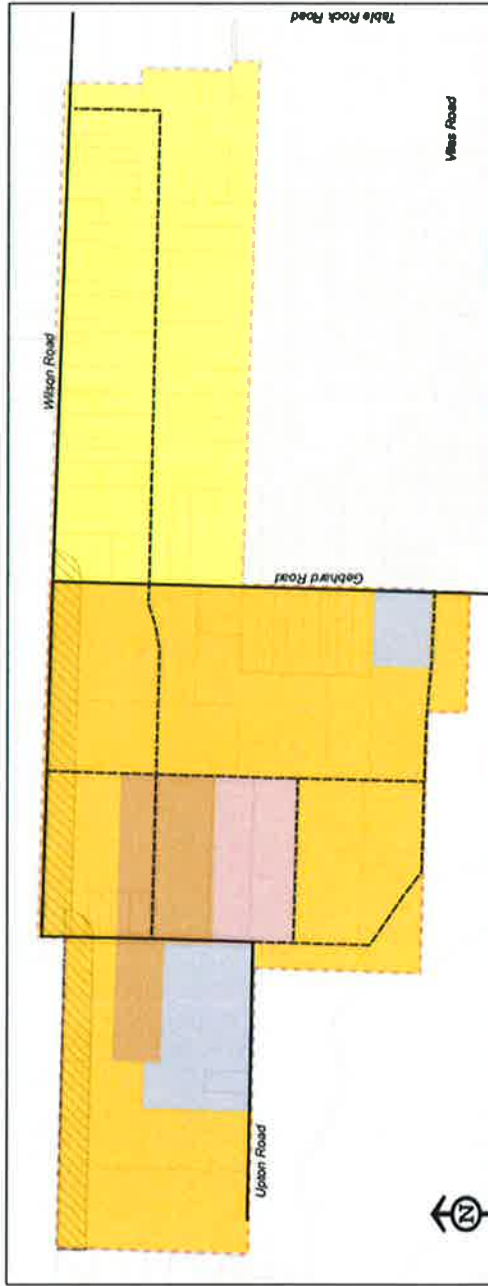
## Land Use Concept - 2009 Preferred Alternative CP-2B Concept Plan

Land Use Category	Gross Acreage	Min. Density	Min. Lot		Density Distribution	%
			Width	Depth		
Civic	26.67	0	0	0	0	8%
Commercial	9.75	0	0	0	0	3%
<b>UMR</b>	<b>185.193</b>	<b>4</b>	<b>740.764</b>	<b>4</b>	<b>75%</b>	<b>75%</b>
Partis/OS	68.98	7.5	517.35	7.5	0	16%
<b>TOTALS:</b>	<b>47.12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4.91</b>	<b>98%</b>

- Legend**
- Preferred Alternative (2009)
    - AgBuffer1
    - AgBuffer2
    - CP2-B
  - Land Use
    - Civic
    - Commercial
    - Partis and Open Space
    - Low Mix Residential
    - Medium Mix Residential

Map layout created by R/COG in 2009 as part of a pilot study for Conceptual Planning in the URAs. This map is a digitized form of the 2009 Preferred Alternative selected by community members at that time.

\\epch\Planning\GIS Map Projects\City Projects\CP-2B Concept Plan (2018)



### CP-2B Concept Plan Land Use and Transportation, Alternative 1

#### Legend

##### Concept Circulation

- Conceptual
- Existing

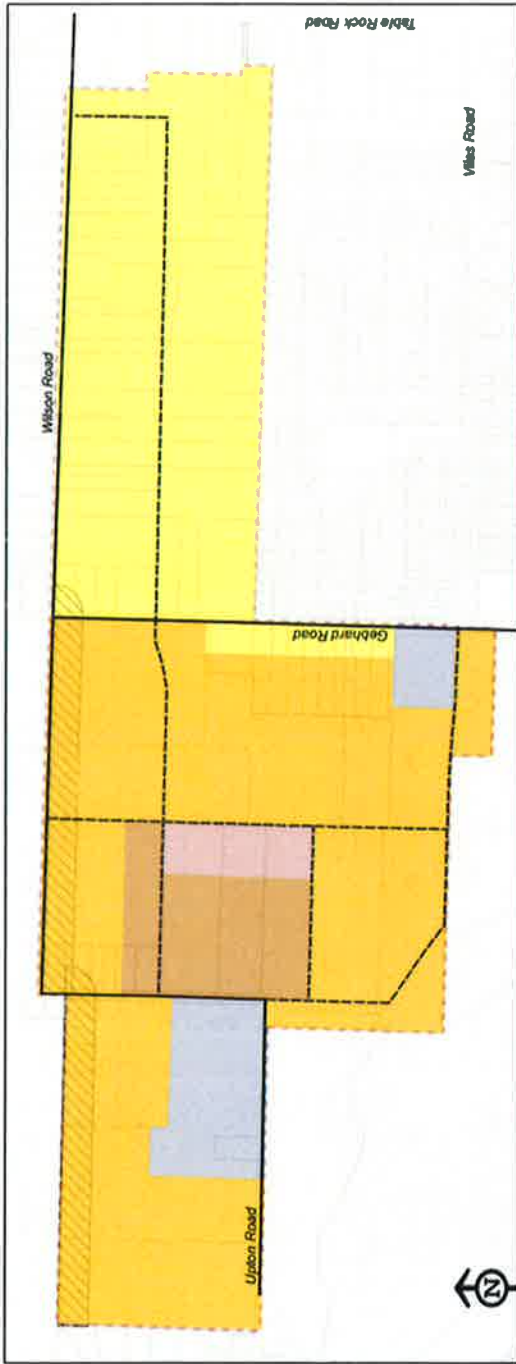
##### Land Use Concept

- High Residential
- Low Residential
- Medium Residential
- Neighborhood Commercial
- AgBuller1
- AgBuller2
- CP2-B

This map was adopted from the 2009 CP-2B Preferred Alternative to meet adopted requirements of the Greater Bear Creek Valley Regional Plan and Regional Plan Element.

**LAND USE CONCEPT:**  
Land Use distributions are general with transitions in between, provided that acreages and densities remain generally the same.

Land Use Category	Area (Acres)	Proposed Density	Min. Av. Gross Density	Proposed % Distribution
Very Low Density	100.0	0	1	0
Low Density	152.2	12.0	10	10
Medium Density	152.2	8.1	5	10
High Density	24.3	0	20	48
<b>Total Residential</b>	<b>438.7</b>	<b>20.1</b>	<b>100%</b>	<b>71%</b>
Neighborhood Commercial	15.1	0	15.1	11%
Other Commercial	23.0	0	23.0	11%
<b>Total Commercial</b>	<b>38.1</b>	<b>0</b>	<b>38.1</b>	<b>11%</b>
<b>Residential (Subtotal)</b>	<b>438.7</b>	<b>20.1</b>	<b>100%</b>	<b>82%</b>
<b>Commercial (Subtotal)</b>	<b>38.1</b>	<b>0</b>	<b>38.1</b>	<b>11%</b>
<b>TOTALS</b>	<b>476.8</b>	<b>20.1</b>	<b>137.2</b>	<b>100%</b>



### CP-2B Concept Plan Land Use and Transportation, Alternative 2

**CP-2B Modified Alternative - 2**

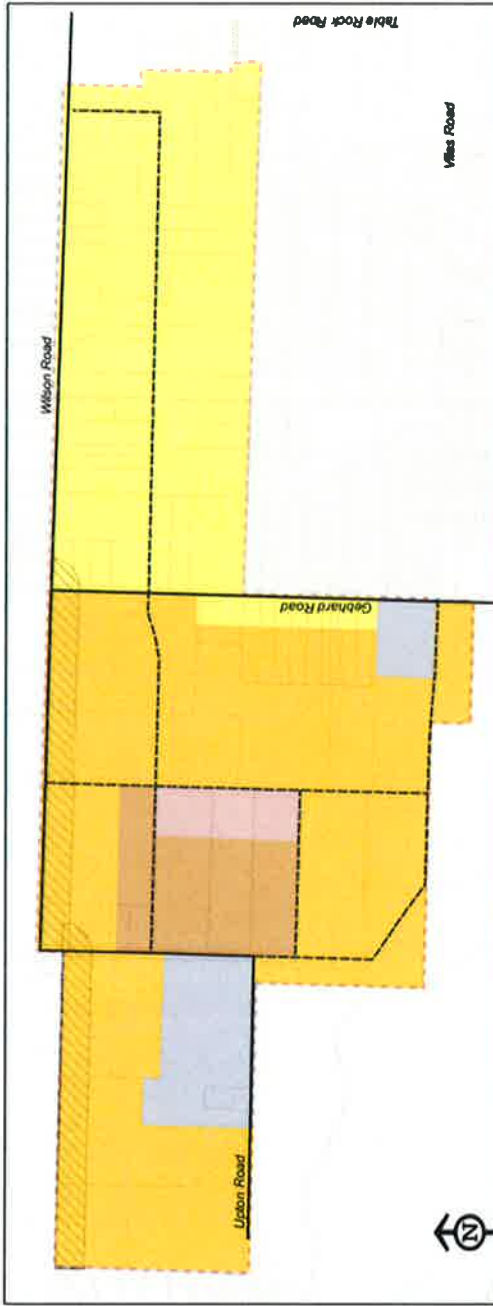
Land Use Category	Acres	Parcels	Adjusted Gross Acreage	Min. Density	Min. DU Yield	Min. Av. Gross Density	Proposed % Distribution
<b>Residential</b>							
Very Low Density	0	0	0	0	1	0	
Low Density	116.2	12.0	104.2	4	417		
Medium Density	166.3	8.1	158.2	7	1107		
High Density	24.7	0	24.7	20	494		
<b>Total Residential</b>	<b>307.2</b>	<b>20.1</b>	<b>287.1</b>		<b>2018</b>	<b>7.0</b>	<b>85%</b>
<b>Employment</b>							
Neighborhood Commercial	7.9		7.9				
Office	23.3	0	23.3				
<b>Total Employment</b>	<b>31.2</b>						<b>9%</b>
<b>Parcels</b>	<b>20.1</b>						<b>6%</b>
<b>TOTALS</b>	<b>338.4</b>	<b>40.2</b>	<b>668.4</b>		<b>2018</b>	<b>7.0</b>	<b>100%</b>

This map was adapted from the 2009 CP-2B Preferred Alternative to meet adopted requirements of the Greater Bear Creek Valley Regional Plan and Regional Plan Element.

**LAND USE CONCEPT:**  
Land Use distributions are general with transitions in between, provided that acreages and densities remain generally the same.

- Legend**
- Concept Circulation
    - Conceptual
    - Existing
  - Land Use
    - Civic
    - High Residential
    - Low Residential
    - Medium Residential
    - Neighborhood Commercial
    - AgBuffer1
    - AgBuffer2
    - CP-2B





### CP-2B Concept Plan Land Use and Transportation, Alternative 2

**CP-2B Modified Alternative #2**

Land Use Category	Gross Acreage	Park/OS Adjusted Acreage	Adjusted Gross Acreage	Min. Density	Min. (Sq Ft) Yield	Min. Av. Gross Density	Proposed % (Rounded)
Residential	0	0	0	0	0	0	
Very Low Density	116.2	12.0	104.2	4	417		
Low Density	546.3	8.1	538.2	7	1107		
High Density	24.2	0	24.1	20	494		
<b>Total Residential</b>	<b>307.2</b>	<b>20.1</b>	<b>287.1</b>		<b>2018</b>	<b>7.8</b>	<b>88%</b>
Neighborhood Commercial	7.9	0	7.9				
Chc	23.3	0	23.3				
<b>Total Employment</b>	<b>31.2</b>	<b>0</b>	<b>31.2</b>				<b>4%</b>
Park/OS							
<b>TOTALS</b>	<b>338.4</b>	<b>48.2</b>	<b>606.4</b>		<b>2018</b>	<b>7.8</b>	<b>100%</b>

This map was adopted from the 2009 CP-2B Preferred Alternative to meet adopted requirements of the Greater Bear Creek Valley Regional Plan and Regional Plan Element.

**LAND USE CONCEPT:**  
Land Use distributions are general with transitions in between, provided their acreages and densities remain generally the same.

- Legend**
- Concept Circulation
    - Conceptual
    - Existing
  - Land Use
    - High Residential
    - Low Residential
    - Medium Residential
    - Neighborhood Commercial
  - AgBuffer1
  - AgBuffer2
  - CP-2B

## Urban RESERVE AREA for CP-2B

PLANNING COMMISSION MEETING  
AUGUST 6, 2019

### Overview/Review

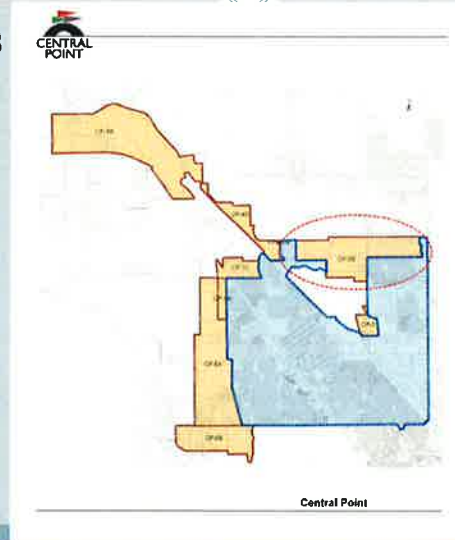
- **Greater Bear Creek Valley Regional Plan/Central Point Regional Plan Element**
  - Establishes 50-year land supply (doubling of population)
  - Establishes general land use type & percentage distribution
  - Identifies Conditions specific to certain URAs
  - Requires RVMPO Concurrence with Transportation Plans
  - Requires Urban Reserve Area (URA) Concept Planning for:
    - Land Use
      - Refine land use categories and align with Comp Plan Land Use and Zoning designations.
    - Transportation
      - Identify a general network of regionally significant arterials, transit corridors, and bike and pedestrian pathways.

## Concept plan a general guide

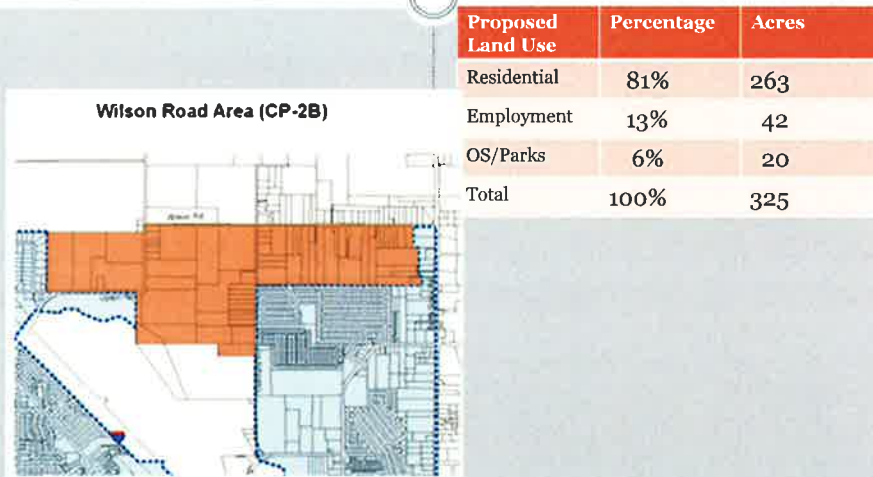
- The **concept plan is a general land use guide** prepared in accordance with, and intended to facilitate implementation of the Central Point Regional Plan Element. It does not address compliance with the Oregon Statewide Land Use Planning Goals, applicability of land use planning law, or comprehensive plan compliance.
- The Concept Plan **has been prepared in accordance with the County's Greater Bear Creek Valley Regional Plan** including all applicable performance indicators set forth in these documents. An assessment of performance indicators as they apply to CP-2B will follow:

## CP-2B Vicinity Map

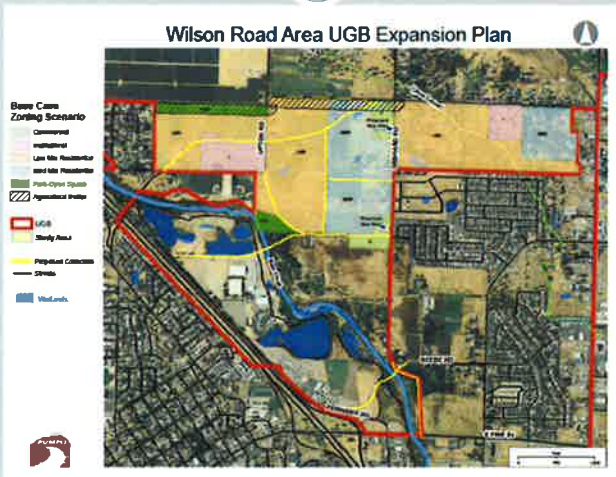
- City URAs



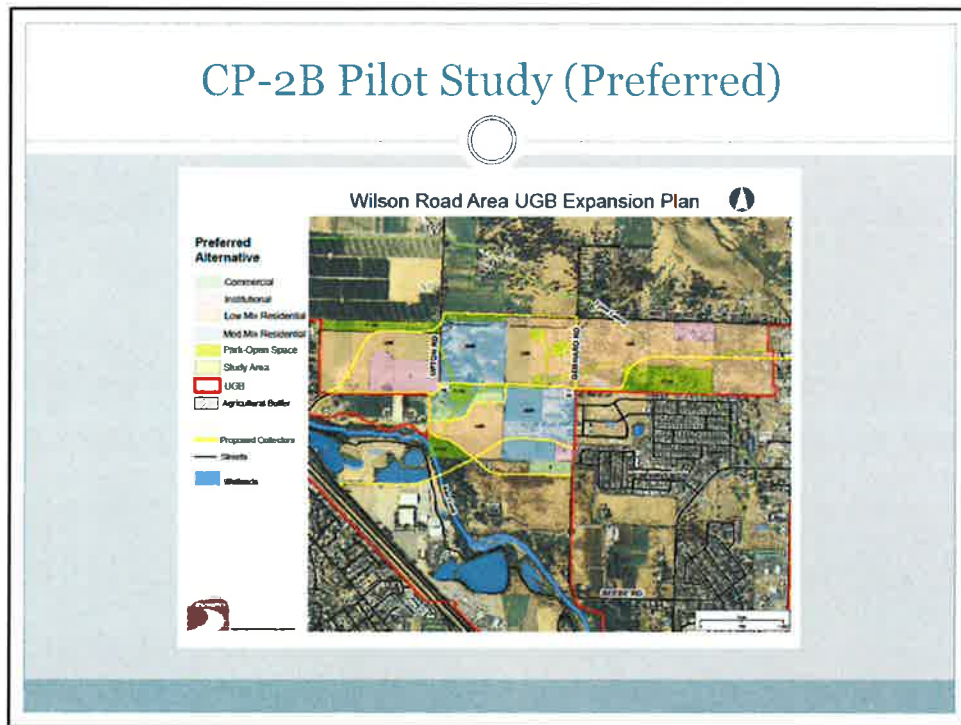
## Regional Plan Percentages



## CP-2B Pilot Study (Base Case)

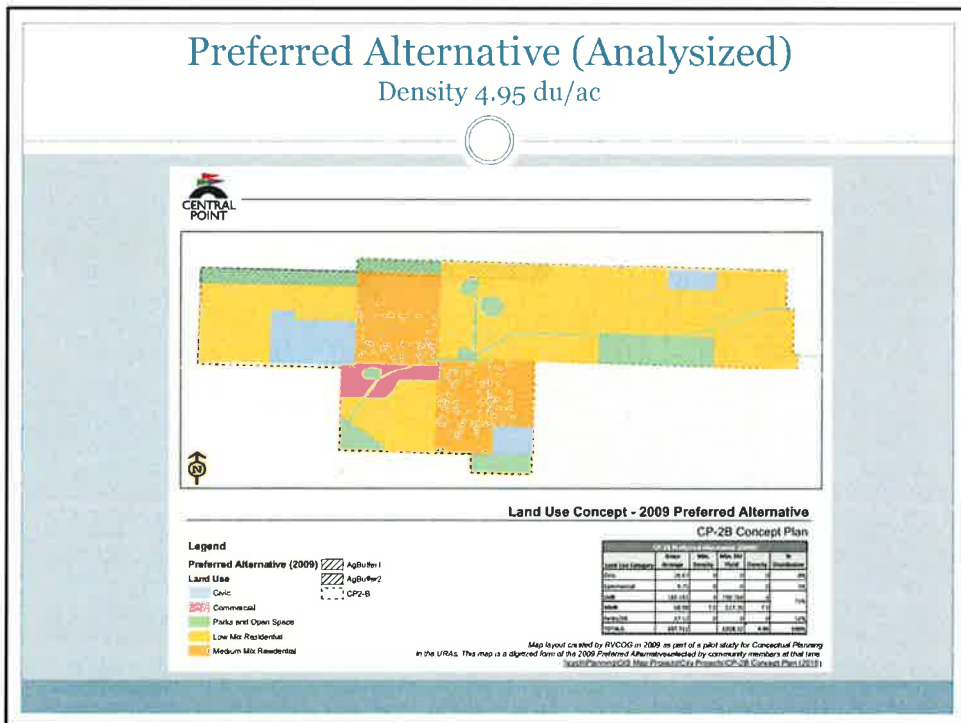


## CP-2B Pilot Study (Preferred)

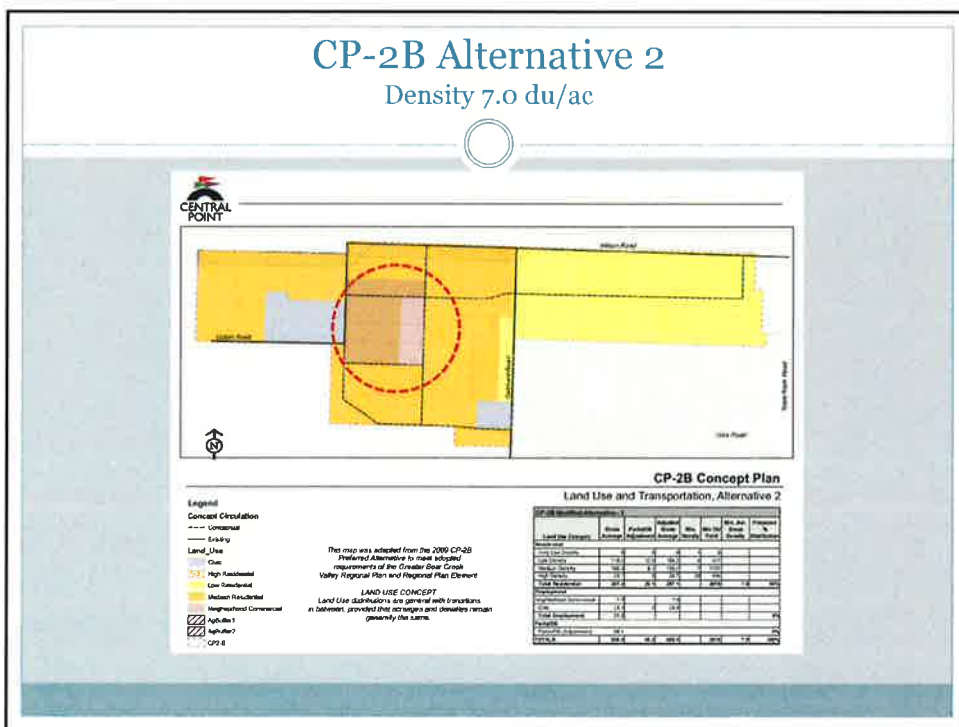
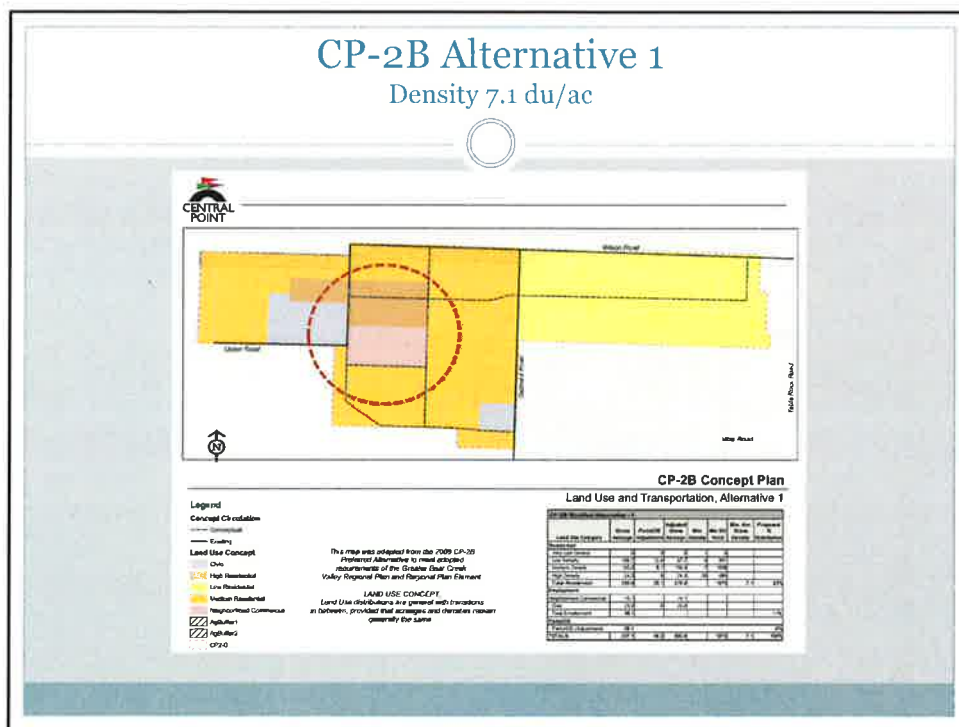


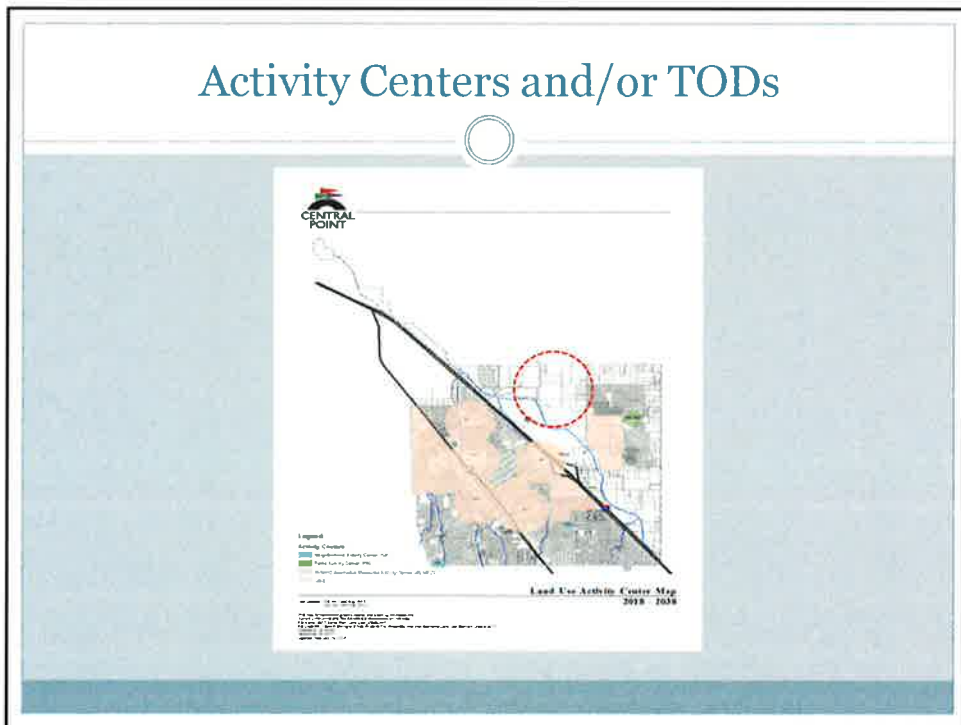
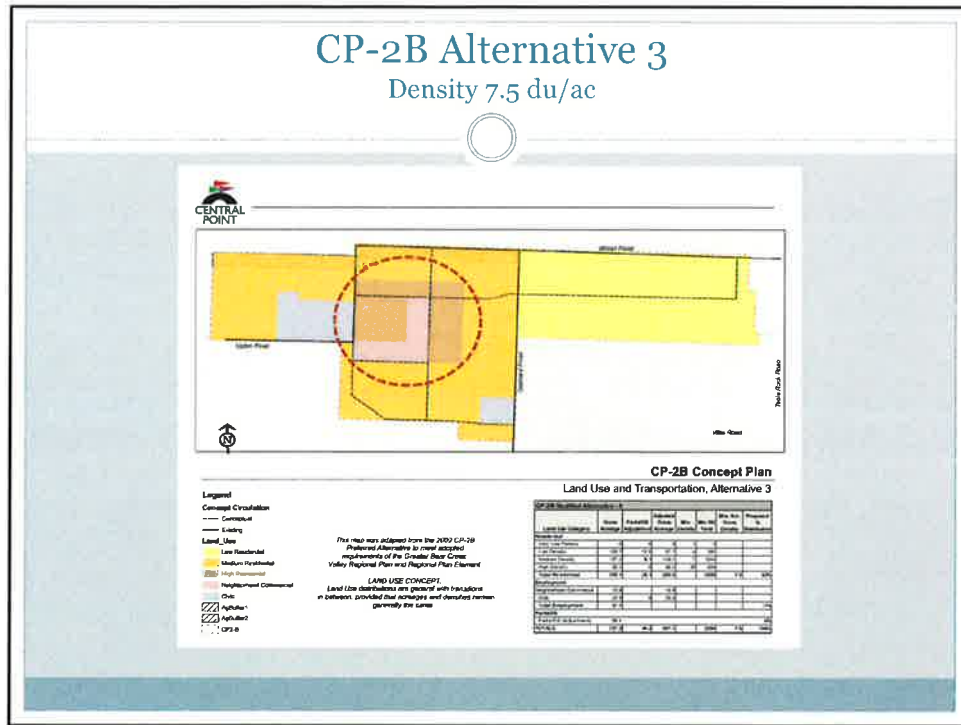
## Preferred Alternative (Analyzed)

Density 4.95 du/ac











### Current County zoning breakdown

• Exclusive Farm Use (EFU)	-	222 acres
• Urban Residential (UR-1)	-	
• Rural Residential (RR-2.5)	-	136 acres
• Rural Residential (RR-5)	-	
• Total		358 acres

### Proposed land use breakdown

• Residential (low)	-	116 acres
• Residential (med)	-	166 acres
• Residential (high)	-	25 acres (85%)
• Employment/Public	-	23 acres
• Employment/Commercial	-	8 acres ( 9%)
• Parks/Open Space (adjusted)	-	20 acres ( 6%)
• Total		358 acres

## EXISTING INFRASTRUCTURE

- **Water**
  - Currently, public water service exists in subdivisions east of Gebhard Road and in the Boes Subdivision to the west off of Upton Road.
- **Sanitary Sewer**
  - CP-2B is in the RVSS service area and some sewer lines already extend into this Urban Reserve Area (URA).
- **Storm Drainage**
  - CP-2B does not have an improved storm drainage system and relies upon natural drainage and drainage from road improvements to channel water to local creeks.
- **Street System**
  - CP-2B is accessed via east-west roads; Upton and Wilson. Gebhard Road runs north and south, intercepting Wilson on the north and Beebe Road on the south. Plans call for Upton to extend to Gebhard and Gebhard to extend to East Pine Street in the future. The Central Point TSP will guide the nature of long term improvements and some of the internal circulation which the concept plan proposes.
- **Irrigation District**
  - CP-2B is located within the Rogue River Valley Irrigation District (RRVID). Irrigation water is transferred via district canals, laterals and by natural means.

## Implementation guidelines

- **Policy CP-2B/6.1 Land Use** – Use Concept Plan Land Use Designation or Alternative dictated by Regional Housing strategy.
- **Policy CP-2B/6.2 Transportation** – Collaborate with County to upgrade/reconfigure Upton, Gebhard and Wilson Roads.
- **Policy CP-2B/6.3 Adjacent TOD Land Uses** – Proximity allows City to use similar land use designations and promote connectivity
- **Policy CP-2B/6.4 Committed Residential Density** – Existing County residences may be preserved in a low density status unless owners chose to pursue higher densities during UGB amendment
- **Policy CP-2B/6.5 Forest/Gibbon Acres** – AMPC Status
- **Policy CP-2B/6.6 Agricultural Mitigation & Buffering** RRVID Coordination and use of Buffering ordinance

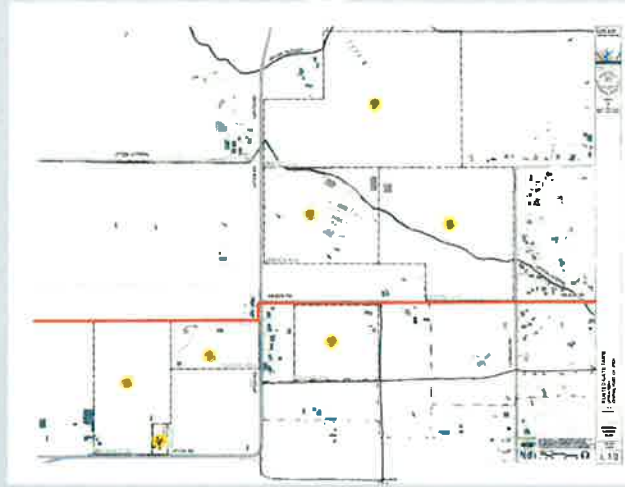
## CP-2B Concept plan conclusions

- Use City low density residential categories in areas of similar County designations unless owners support higher densities.
- Concentrate on those areas where owners are interested in UGB inclusion.
- Emphasize use of County Roads such as Upton, Gebhard and Wilson as collectors. Collaborate with County when upgrade/ improvements are necessary.
- Rely on Parks Master Plan recommendations when siting new parks and open space.
- Use employment category to form activity and convenience centers within new neighborhoods.
- Determine impact of traffic to facilities before land uses are institutionalized in a UGB amendment.

## New Developments

- **Rusted Gate Farms Proposal**
  - **Create an Agri-Tourism Destination**
  - **Demonstration Farm incubating new business**
  - **May pursue land conservancy easement**
  - **Affects 4 and possibly 5 tax lots in CP-2B**
  - **How should City/Region reconcile proposal with \*UR designation?**
- **\*Urban Reserve (UR):** Lands outside of a UGB identified as highest priority (per ORS 197.298) for inclusion in the UGB when additional urbanizable land is needed in accordance with the requirements of Statewide Planning Goal 14.

## Rusted Gate Farm Area



## CP-2B URA Concept plan

QUESTIONS?



**Rogue Valley  
Metropolitan Planning Organization**

**Regional Transportation Planning**

Ashland • Central Point • Eagle Point • Jacksonville • Medford • Phoenix • Talent • White City  
Jackson County • Rogue Valley Transportation District • Oregon Department of Transportation

July 23, 2019

Chris Clayton, City Manager  
City of Central Point  
140 S. 3<sup>rd</sup> Street  
Central Point, OR 97502

RE: RVMPO Comments on Future Growth Areas CP-2B

Dear Chris,

Pursuant to the Regional Plan requirement that cities prepare conceptual plans in collaboration with the Rogue Valley Metropolitan Planning Organization (RVMPO), both the Technical Advisory Committee (TAC) and the Policy Committee reviewed conceptual plans prepared for Future Growth Area CP-2B. The scope of conceptual plan review is defined in Regional Plan Performance Indicators 2.7 (Conceptual Transportation Plans) and 2.8 (Conceptual Land Use Plans).

Performance Indicator 2.7 requires that transportation plans are prepared in collaboration with the RVMPO. Central Point submitted its plans to the TAC for review at its meetings on June 12, 2019 and again on July 10, 2019. The Policy Committee reviewed the plans at its July 23, 2019 meeting, and provides the following comments.

Performance Indicator 2.6 requires compliance with Regional Transportation Plan (RTP) Alternative Measures to ensure walkable mixed use neighborhoods that are anchored by activity centers. This indicator relies on benchmarks from the RTP regarding the number of overall dwelling units and employment to occur in mixed-use/pedestrian-friendly areas. The conceptual plan proposed one activity center that is characterized by medium and high density residential land use and employment centers. Public open space is only broadly identified at this point because park locations will be settled when master plans are created. Central Point's Parks and Recreation Element, adopted in March of 2018, will dictate size and type.

Performance Indicator 2.7.1 requires that plans identify a general network of regionally significant arterials under local jurisdiction, transit corridors, bike and pedestrian paths, and associated projects to provide mobility throughout the region. All scenarios use the existing network of County collector roads as the primary road network. Upton, Gebhard, and Wilson Road abut or cross this Urban Reserve. Bike and pedestrian paths locations will be dependent upon and developed in coordination with the Active Transportation Plan currently being developed by Jackson County. The transportation plans appear to have no significant impact on the regional transportation system.

Performance Indicator 2.8 requires the same collaboration as for 2.7. Performance Indicator 2.8.1 requires conceptual plans to demonstrate how the density requirements of Section 2.5 will be met. Central Point's target density is 6.9 units per gross acre through 2035, increasing to 7.9 units per acre thereafter. The concept plan for

CP-2B demonstrates compliance with the Regional Plan. The proposed land use percentages are 85 percent residential, 6 percent open space/park, and 9 percent employment. Using a mix of low-, medium-, and high-density residential zoning, the targets will be met.

Performance Indicator 2.10 requires agricultural buffering. The conceptual plan states that the City will implement agricultural buffers in accordance with adopted ordinances at the time of annexation.

The Policy Committee notes that the conceptual plans create no barrier to inter-jurisdictional connectivity and are consistent with other Regional Plan performance indicators. The Policy Committee further understands that revisions to the Concept Plan are possible and even likely up until such time as a UGB Amendment is drafted. Any future significant Concept Plan revisions will be made in collaboration with the RVMPO. These comments are provided to affirm that Central Point followed the requirements of the Regional Plan to prepare its conceptual plans in collaboration with the RVMPO.

Sincerely,

Michael G. Quilty, Chair  
RVMPO Policy Committee

DRAFT



**PLANNING COMMISSION RESOLUTION NO. 873**

**A RESOLUTION ACKNOWLEDGING COMPLETION AND ACCEPTANCE OF THE CONCEPTUAL LAND USE PLAN AND CONCEPTUAL TRANSPORTATION PLAN FOR THE URBAN RESERVE AREA DESIGNATED AS CP-2B**

**WHEREAS**, on August 9, 2012 by Ordinance No. 1964 the City Council adopted City of Central Point Regional Plan Element; and

**WHEREAS**, in accordance with Regional Plan Sections 4.1.7 and 4.1.8 (Performance Indicators) prior to, or in conjunction with, the expansion of an urban growth boundary the City shall adopt both a Conceptual Transportation Plan and a Conceptual Land Use Plan for the Urban Reserve Area (URA); and

**WHEREAS**, the City is preparing to expand its Urban Growth Boundary into CP-2B and has prepared the necessary Conceptual Transportation Plan and Conceptual Land Use Plan (the “Concept Plan”); and

**WHEREAS**, the Concept Plan, as illustrated in Exhibit “A”, has been determined to comply with all applicable performance indicators identified in Section 4.1 of the Regional Plan Element.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Central Point Planning Commission, by Resolution No. 873, does hereby accept, and forward to the City Council, a recommendation to approve the Concept Plan for CP-2B as per attached Exhibit “A”.

**PASSED** by the Planning Commission and signed by me in authentication of its passage this 6th day of August, 2019.

Approved by me this 6th day of August, 2019

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_



**Amendments to CPMC 17.77, Accessory Dwelling Units**



August 6, 2019

**Agenda Item: VIII-C**

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Introduce and discuss the amendments to CPMC 17.77, Accessory Dwelling Units. **Applicant:** City of Central Point. **File No.** ZC-19001.

**Staff Source**

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Stephanie Holtey, Principal Planner

**Background**

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In 2006 the City adopted regulations allowing Accessory Dwelling Units in single family zones (i.e. Residential Very Low Density, R-L; and Residential Single Family, R-1). The purpose of the ADU chapter is to allow construction of smaller independent units on the same lot as a primary single family dwelling to provide more economical housing opportunities for Central Point residents, allow proximity of aging or ill family members, and promote efficient use of land. However, since its adoption, only a handful of ADUs have been constructed. Common barriers to ADU construction include but are not limited to the following:

- Floor area limits result in allowable ADU sizes that are too small to be desirable;
- Off-street parking requirements are difficult to meet; and,
- System Development Charges (SDCs) are cost prohibitive, especially given the floor area limitation and cost to provide parking.

As the City continues to grow, housing supply and affordability will continue to be a concern. To address these issues, the City is proposing amendments to CPMC 17.77 to simplify the ADU code standards to address local conditions and concerns (Attachment “A” and “B”). The proposed amendments are designed to comply with ORS 197.312(5), which requires the City to allow at least one ADU per single family dwelling in zones that allow single family detached dwellings (i.e. R-L, R-1, R-2, and LMR zones). At this time, ADUs are permitted in the R-L, R-1 and LMR zones only. The law allows cities to enact reasonable regulations related to siting and design, which has been interpreted as standards that are clear and objective (Attachment “C”).

**Preliminary Draft Code Amendments Overview:**

The proposed code amendments eliminate redundancies and address common barriers for ADU construction as follows:

- All standards that are addressed as part of the building permit review process (i.e. building codes, water service, etc.) have been deleted as these provisions are duplicative;

- Provisions addressing home occupations in ADUs have been deleted, since home occupations are addressed in a separate chapter (i.e. CPMC 17.60.190).
- Applicability for ADUs is expanded to include all zones that permit single-family detached dwellings.
- Floor area limits have been increased from 35% of the Gross Floor Area (GFA) of the primary dwelling or 800 square feet, whichever is less, to 50% GFA or 900 square feet, whichever is less. As shown in Table 1, this provides a much more reasonable maximum floor area for primary dwellings below 2000 square feet GFA. It should be noted that many of Central Point’s older homes with smaller GFA’s and larger lot sizes and are well suited for ADUs (Attachment “D”).

**Table 1. ADU Floor Area Comparison**

Gross Floor Area	Current Code		Proposed Code	
	Max Floor Area %	Max Floor Area SF	Max Floor Area %	Max Floor Area SF
1200	35%	420	50%	600
1500		525		750
2000		700		1000
2500		875		1250

*Note: Square footage in red would be reduced to 800SF per the proposed maximum floor area requirement in the current code Section 17.77.040(D), and 900SF in the proposed code Section 17.77.030(A).*

- All ADUs continue to be subject to base zone requirements, such as setbacks, building height, lot coverage, and design standards. However, the proposed code amendments include the following exceptions:
  - Allow existing nonconforming structures to be utilized as ADUs when building code standards can be met and the nonconformity is not aggravated.
  - Allow conversion of a second story in a detached garage (carriage unit) into an ADU in excess of the 900SF floor area limitation.
  - Provide a standard 10-ft rear yard setback for new ADUs in all zones. This is an existing rule that provides consistency and increases ADU construction, allowing the structures to be developed on limited yard area.

At the August 6, 2019 Planning Commission meeting, staff will review the preliminary amendments for discussion and direction relative to any needed changes and/or readiness to schedule a public hearing.

## Issues

The purpose of the Planning Commission discussion is to determine if changes outside the scope of ORS 197.312 are appropriate with the City’s objectives to provide an increased housing supply while maintaining neighborhood character that aligns with the City’s vision for its preferred future. The following questions are recommended as a starting point for the discussion:

- Does the Planning Commission think that the proposed increase in allowable floor area ( i.e. 50% or 900SF, whichever is less) is reasonable and appropriate for the City of Central Point? Would the Planning Commission prefer to increase the percentage allowed but maintain 800SF as the maximum allowed?
- The proposed amendment aims to eliminate red tape and provide greater flexibility for property owners to use existing structures, both conforming and nonconforming. Does the Planning Commission see any issues or have concerns with this approach? Should we limit flexibility? If so, how?
- Parking has been a major concern expressed by residents, the Planning Commission and City Council in the past. The proposed amendment aims to assure parking is provided but would represent the first codified allowance to use on-street parking. Does the Planning Commission think this is appropriate to promote construction of additional housing in situations where on-street parking can be provided along the site frontage?

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### **Attachments:**

Attachment “A” – Chapter 17.77 Draft Amendments (mark-up)

Attachment “B” – Chapter 17.77 Draft Amendments (clean)

Attachment “C” – Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement Under Oregon Senate Bill 1051., DLCD.

Attachment “D” – Floor Area Analysis: Current vs. Proposed Floor Area Limits

### **Action**

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Discuss the draft code amendments and direct staff to: 1) schedule for a public hearing with changes; 2) schedule for a public hearing without changes, or 3) make changes and bring back for further discussion at the September 6, 2019 Planning Commission meeting.

### **Recommendation**

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Direct staff to schedule the code amendments for a public hearing with or without changes.

**Chapter 17.77  
ACCESSORY DWELLING UNITS (ADU)**

Sections:

**17.77.005 Purpose.**

**17.77.010 Applicability. Permitted in residential districts, R-L and R-1.**

**17.77.020 Provisions for water and sewer.**

**17.77.030-020 One Unit.**

**Only one accessory dwelling unit per single-family dwelling.**

**17.77.040-030 Approval Criteria. General provisions.**

**17.77.050 Special provisions.**

**17.77.060 Permit Fee Application Inspection.**

**17.77.070 ADUs detached from single-family dwelling Special.**

**17.77.005 \_\_\_\_\_ Purpose.**

The purpose of this section is to allow for establishment of an accessory dwelling unit (ADU) in conjunction with a single-family detached dwelling within a single-family residential zoning district zones that allow single family detached dwellings in accordance with ORS 197.312. An accessory dwelling may be permitted as a means of providing ADUs are intended to provide more economical housing choices more affordable housing opportunities for young families, empty nesters and others ; while encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more energy-efficient use of large, older homes. (Ord. 1884 (part), 2006).

**17.77.010 \_\_\_\_\_ Permitted in residential districts, R-L and R-1. Applicability.**

Accessory dwelling units (ADUs) shall be a permitted use in the R-L, and R-1, R-2 residential districts, and LMR, MMR, and HMR mixed-use districts within the Transit Oriented Development (TOD) District, as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

**17.77.020 Provisions for water and sewer.**

No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate. (Ord. 1884 (part), 2006).

**17.77.030-020 One Unit, Only one accessory dwelling unit per single-family dwelling.**



~~A maximum of Only one (1) ADU shall be permitted as accessory to allowed a per legally established single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a detached garage or workshop), or attached to or interior to the primary dwelling (e.g. addition or conversion of floor area within the existing building).~~ (Ord. 1884 (part), 2006).

**17.77.040-030 General provisions-Approval Criteria.**

~~A. ADUs shall be permitted as second dwelling units that are added to or created within or on the same lot as a single family dwelling.~~

~~B. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the city of Central Point.~~

~~C. ADUs, whether attached or detached, that are added to or created within single family dwellings are not required to have separate independent utility connections.~~

A. Floor Area. The maximum floor area allowed for an ADU shall be 900 square feet or fifty (50) percent of the gross floor area of the primary dwelling, whichever is less, except that conversion of a new or existing level or floor (e.g. attic, or second story) of a detached accessory building (i.e. garage, workshop) to an ADU is permitted even if the floor area of the ADU would be more than 900 square feet.

B. Development Standards. ADUs shall meet all development standards required for residential structures per the base zone requirements (e.g. building height, setbacks, lot coverage, building design, etc.) except for the following:

~~1. The gross floor area of an accessory dwelling unit shall contain 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 eight hundred square feet, whichever is less.~~D

1. Density. ADUs are exempt from the maximum density standard in the base zone in which the ADU is located, provided that all other base zone standards are met.

2. Conversion of Nonconforming Structures. Conversion of an existing legally nonconforming structure to an ADU is allowed provided that the conversion does not increase the nonconformity and the structure complies with the Oregon Residential Specialty Code.

3. Parking. Off-street parking is not required for an ADU when on-street parking is located adjacent to the site on which the ADU is located. If on-street parking is not adjacent to site, then one off-street parking space is required.

4. Rear Yard Setback. The rear yard setback for ADUs shall be 10-feet.

C. Other Standards.

1. Unit Separation. For attached and interior ADUs, the primary dwelling and ADU shall be distinct with wall separation, separate building entrances and visible addresses.

2. Utilities. Separate utility connections may be provided at the applicant's discretion. Separate connections are not required.

2.3. E-Transfer Prohibited. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.

~~F. All ADUs shall be designed to maintain the appearance of the single family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single family dwelling it must be consistent with the existing roof pitch, siding and windows of 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. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.~~

~~G. All ADUs which are attached to a single family dwelling shall have a separate entrance for the accessory dwelling unit, but it shall not be located on the front of the existing building.~~

~~H. 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.~~

~~I. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU. (Ord. 1942 §1, 2010; Ord. 1884 (part), 2006).~~

**17.77.050 Special provisions.**

~~A. The owner or contract purchaser of record of the single family dwelling to which an ADU is accessory shall reside either in the single family dwelling or the ADU as a permanent place of residence and shall~~



~~not be permitted to rent or lease the same. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.~~

~~B. No home occupations, day care centers or adult foster homes shall be permitted in ADUs or in single-family dwellings to which they are accessory. (Ord. 1884 (part), 2006).~~

**~~17.77.060 Permit Fee Application Inspection.~~**

~~A. No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit therefor, issued by the planning department. ADU permits shall be processed as a Type I land use application.~~

~~B. All applications for ADU permits shall be on forms provided by the planning department, and the fee for such permit shall be as provided in the building code.~~

~~C. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated. (Ord. 1942 §2, 2010; Ord. 1884 (part), 2006).~~

**~~17.77.070 ADUs detached from single-family dwelling Special.~~**

~~The following provisions shall be applicable to detached ADUs:~~

~~A. Water, sewer and solid waste collection may be by way of connections and service that is completely separate, apart and independently metered from the single-family dwelling to which such ADU is accessory, or by other means approved by the public works department.~~

~~B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.~~

~~C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.~~

~~D. Detached ADUs shall share the same hard surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.~~

~~E. Detached ADUs shall have an unobstructed street frontage approved by the fire district with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1981 §5 (Exh. E), 2014; Ord. 1942 §3, 2010; Ord. 1884 (part), 2006).~~

**Chapter 17.77**  
**ACCESSORY DWELLING UNITS (ADU)**

Sections:

**17.77.005 Purpose.**

**17.77.010 Applicability.**

**17.77.020 One Unit.**

**17.77.030 Approval Criteria.**

**17.77.005 Purpose.**

The purpose of this section is to allow for establishment of an accessory dwelling unit (ADU) in conjunction with a single-family detached dwelling within zones that allow single family detached dwellings in accordance with ORS 197.312. ADUs are intended to provide more economical housing choices for young families, empty nesters and others while encouraging additional density with minimal cost and disruption to surrounding neighborhoods; and allowing more energy-efficient use of large, older homes. (Ord. 1884 (part), 2006).

**17.77.010 Applicability.**

Accessory dwelling units (ADUs) shall be a permitted use in the R-L,R-1, R-2 residential districts, and LMR, MMR, and HMR mixed-use districts within the Transit Oriented Development (TOD) District, as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

**17.77.020 One Unit.**

A maximum of one (1) ADU shall be allowed per legally established single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a detached garage or workshop), or attached to or interior to the primary dwelling (e.g. addition or conversion of floor area within the existing building). (Ord. 1884 (part), 2006).

**17.77.030 Approval Criteria.**

- A. Floor Area. The maximum floor area allowed for an ADU shall be 900 square feet or fifty (50) percent of the gross floor area of the primary dwelling, whichever is less, except that conversion of a new or existing level or floor (e.g. attic, or second story) of a detached accessory building (i.e. garage, workshop) to an ADU is permitted even if the floor area of the ADU would be more than 900 square feet.
- B. Development Standards. ADUs shall meet all development standards required for residential structures per the base zone requirements (e.g. building height, setbacks, lot coverage, building

design, etc.) except for the following:

1. DDensity. ADUs are exempt from the maximum density standard in the base zone in which the ADU is located, provided that all other base zone standards are met.
2. Conversion of Nonconforming Structures. Conversion of an existing legally nonconforming structure to an ADU is allowed provided that the conversion does not increase the nonconformity and the structure complies with the Oregon Residential Specialty Code.
3. Parking. Off-street parking is not required for an ADU when on-street parking is located adjacent to the site on which the ADU is located. If on-street parking is not adjacent to site, then one off-street parking space is required.
4. Rear Yard Setback. The rear yard setback for ADUs shall be 10-feet.

C. Other Standards.

1. Unit Separation. For attached and interior ADUs, the primary dwelling and ADU shall be distinct with wall separation, separate building entrances and visible addresses.
2. Utilities. Separate utility connections may be provided at the applicant's discretion. Separate connections are not required.
3. Transfer Prohibited. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.

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



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

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

**MARCH 2018**



**Oregon Department of  
Land Conservation  
and Development**



## Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error<sup>1</sup> was corrected through the passage of HB 4031 in 2018.

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

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

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

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

**Guidance by Topic**

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

*Number of Units*

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCDC 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, DLCDC 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, DLCDC 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](http://www.oregon.gov/lcd/tgm/pages/parking.aspx) or contact DLCDC.

*Owner Occupancy*

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

*Public Utilities*

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

*System Development Charges (SDCs)*

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

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## Accessory Dwellings (model code)

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

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

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

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

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**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.

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**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.