



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/25/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eagle Point Plan Amendment
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 10, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bunny Lincoln, City of Eagle Point
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	FEB 18 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Eagle Point**Local file number: **09/10-05:ZOMAMEND (ADU)**Date of Adoption: **2/09/10**Date Mailed: **2/18/10**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other: **Zoning Ordinance Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Accessory Dwelling Unit criteria established. Applicable in single family zoning only (R-1 and R-2).

Does the Adoption differ from proposal?

Text underwent minor adjustments, but nothing substantive.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **Variable**Specify Density: Previous: **5/acre (SFD only)**New: **10/acre (SFD only)**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES **X** NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing?

X Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 004-09 (18005) [15994]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD	ODOT	Medford Water Commission	John Renz, DLCD Rep.
Jackson County	JACO Fire District #3	Rogue Valley Transportation District	
Rogue Valley Sewer District	Southern Oregon Sanitation	Rogue Valley COG	

Local Contact: **Bunny Lincoln**

Phone: (541) 826-4212 Extension: 111

Address: PO Box 75

Fax Number: 542-826-6155

City: **Eagle Point**

Zip: **97524**

E-mail Address: **bunnylincoln@
cityofeaglepoint.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 2010 - 01

AN ORDINANCE AMENDING THE EAGLE POINT ZONING ORDINANCE AND CREATING ARTICLE XVII, ALLOWING FOR ACCESSORY DWELLING UNITS (ADUs), IN CONJUNCTION WITH SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE R-1 AND R-2 ZONING DISTRICTS

WHEREAS, the City of Eagle Point has acknowledged Zoning Ordinance establishing uses and development criteria in various zoning districts; and

WHEREAS, said Ordinance may be amended from time to time, when found, by the Planning Commission and City Council, as part of a public hearing process, to be in the best interests of the City; and

WHEREAS, City review has determined the need to amend sections of the Ordinance related to the construction of Accessory Dwelling Units (ADUs) in conjunction with single family residences in the R-1, R-2 zoning districts. Said determination is based upon findings that such provisions will:

- provide increased affordable housing opportunities, integrated more uniformly in the community
- encourage higher residential densities in compliance with adopted State Planning Goals
- create additional housing opportunities at minimal cost
- maintain livability standards in surrounding neighborhoods
- allow individuals and smaller households to retain larger homes as residences
- create opportunities to provide elder care on a long term basis
- provide increased rental income opportunities on owner occupied properties
- promote more efficient and effective use of the City's land resources; and

WHEREAS, all requirements for legal notifications and public hearings have been fulfilled; now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:


Section 1 - Findings of Fact. The Council hereby adopts the **Findings of Fact** contained within the whole record.

Section 2 – Text Amendments. The Council hereby adopts the amendments to the text of the **Eagle Point Zoning Ordinance, Article XVII – Accessory Dwelling Units (ADUs) (Exhibit “A”), Article III – Zoning Districts, Sections 3.041 (b) 3.051 (b) (Exhibits “B” (R-1) and “C” (R-2)), Article XVI, Definitions (Exhibit “D”), and Article V – Off-Street Parking, Section 5.050 (a.) 1. – Spaces Required (Exhibit “E”),** attached and incorporated hereto.

Section 3. Severability In the event any provision or clause of this ordinance is deemed to be void, invalid or unenforceable, that provision or clause shall be severed from the remainder of this ordinance so as to not cause the invalidity or unenforceability of the remainder of this ordinance. In that event, all remaining clauses and provisions shall continue in full force and effect.

Section 4. Effective Date. The Ordinance amendment shall become effective thirty (30) days after formal adoption by the City Council.

APPROVED by the City of Eagle Point this 9th day of February, 2010.



Leon C. Sherman, Mayor

Attest:



Deña Roberts, Recorder

EXHIBIT "A"

ARTICLE - XVII

ACCESSORY DWELLING UNITS (ADUs)

SECTION

17.010	Purpose
17.020	Permitted in Single Family Residential Districts
17.030	Provision of Sewer and Water
17.040	Fire Protection
17.050	Limitations
17.060	General Provisions
17.070	Special Provisions
17.080	Adjoining Property Owner Notice and Owner Occupancy Monitoring
17.090	Permit Applications, Fees and Inspections
17.100	Detached ADU Standards

Section 17.010 Purpose

The purpose of this section is to establishment criteria for the construction of accessory dwelling units (ADU), either attached or detached, in conjunction with single family residences located in the R-1 and R-2 zoning districts. ADUs are designed to provide increased affordable housing opportunities and encourage higher residential densities, with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain larger homes as residences; providing elder care on a long term basis, and promoting more efficient and effective use of the City's land resources.

Section 17.020 Permitted Uses in the R-1 and R-2 Zoning Districts

ADUs shall be a permitted use in the R-1 and R-2 residential zoning districts as accessory to single family dwellings subject to the provisions of this article. (**NOTE:** Single family residences are a permitted use in the R-2 District.)

Section 17.030 **Provision of Sewer and Water**

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 prior certification from the Eagle Point Public Works Department, or other affected regulatory agency, that the water supply and sanitary sewer facilities are adequate to serve the proposed ADU.

- A. Water service to any ADU shall be provided through a single meter, shared with the primary residence, and shall be maintained under the name of the property owner in the City's utility accounting system.

17.040 **Fire Protection**

ADUs shall be sited and constructed in compliance with **Oregon Fire Code, Chapter 5, Section 503.1 - Required Access (including exceptions)**.

17.050 **ADU Limitations**

The number of ADUs permitted as accessory to a single family residence shall be one (1).

17.060 **General Provisions**

- A. ADUs shall be permitted as second dwelling units, added to or created within, or on, the same lot as a single family residence located within the R-1 or R-2 zoning districts.
- B. All housing and building codes and standards shall be applicable to ADUs, including, but not limited to, the building, plumbing, electric mechanical and fire codes, and all requirements of the City of Eagle Point.
- C. ADUs shall share water connections with the single family residence to which they are accessory upon review and approval by Eagle Point Public Works Department. Rogue Valley Sewer shall determine the standards to which any ADU sewer connection shall be held.
- D. **System Development Charges -** The following System Development Charges (SDCs) shall apply to all ADUs:

Sewer	Rogue Valley Sewer rate
Water	\$0 (shared with primary residence)
Transportation	Multi-Family rate
Storm Drainage	Standard rate
Parks	Multi-Family rate

- E. The habitable gross floor area of any ADU shall contain no more than fifty percent (50%) of the total gross habitable floor area of the main dwelling unit or 900 square feet, whichever is the lesser. The minimum room sizes, dimensions and square footages, established in the State of Oregon Residential Code shall be maintained. Existing garage space shall not be included in the gross square footage for purposes of ADU size allowance.

- F. When combined with the gross square footage of the primary residence, the total ADU gross square footage may not exceed the permitted lot coverage. **(Section 1.080 A.)**
- G. No subdivision of land or creation of a "condominium" is allowed so as to enable the sale or ownership transfer of the ADU independently of the main dwelling unit or other portions of the property.
- H. All ADUs shall be designed to maintain the appearance of the single family residence to which they are accessory. If an attached ADU extends beyond the established footprint of the single family residence, its architecture must be consistent with the existing roof pitch, siding and windows of the main residence. Any separate entrance door must be located off the side or rear of the main dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into required setbacks outlined in the City's Zoning Ordinance.
- I. Attached ADUs shall have a separate entrance door, but it shall not be located on the front of the existing structure.
- J. A minimum of two (2) ADU off-street parking spaces shall be provided in addition to the two (2) spaces of off-street parking required for the single family residence. All off-street parking areas shall be developed with an approved all-weather surface, and meet applicable Eagle Point design standards.
- K. 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.
- L. Every ADU shall have a separate street address, visible from the abutting street frontage and clearly identifying the site location of the ADU.

17.070 - Special Provisions

- A. The owner or contract purchaser of the single family residence to which the ADU is accessory shall reside either in the single family dwelling or the ADU as a permanent residence, and shall not be permitted to rent or lease the same. The ownership of any ADU may not be separated from ownership of the single family residence to which it is accessory.
- B. No daycare centers or adult foster care homes shall be permitted in ADUs. Such uses shall remain permitted in primary residences, under prevailing State, local and applicable CC&R regulations.
- C. Home occupations, when fully licensed by the City, and any other involved agencies, shall be permitted in both primary and accessory residences, under local and applicable CC&R regulations.

17.080 – Adjoining Property Owner Notice and Owner Occupancy Monitoring

- A. Prior to approval for same, any ADU added to, created within or constructed upon the same lot as the primary residence shall be subject to adjoining property owner notification under the

provisions of the Eagle Point Zoning Ordinance Article IIA -- Section 2A.070 'Type B' -- Decision Made Without an Initial Hearing.

- B. In conjunction with any ADU permit issuance, property owner shall file a notarized statement, in a form approved by the City, stipulating understanding of, and future compliance with, the requirement that the property owner must reside on the property.
- C. The City shall maintain an inventory of all ADU properties in its computer system.
- D. Mandated owner occupancy shall be monitored under the provisions of the Eagle Point Zoning Ordinance Article XIII -- Sections 13.020 (Enforcement) and 13.060 (Penalties).

17.090 – Permit Applications, Fees and Inspections

- A. Any ADU added to, created within or constructed upon the same lot as the primary residence shall be subject to all applications, pre-construction clearances and permits required by the Planning and Building Departments. Said clearances and permits may include those required by other regulatory agencies (RV Sewer, etc.).

17.100 - Detached ADUS

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

- A. When combined with the lot coverage percentage of the main residence, no detached ADU may exceed the allowable lot coverage (40% R-1 or 50% R-2).
- B. No detached ADU shall encroach into required setbacks outlined in the City's Zoning Ordinance.
- C. Separate trash collection shall be provided for detached ADUs.
- D. Provision of sewer service, including all required permits and payment of System Development Fees, shall be under the jurisdiction of Rogue Valley Sewer.
- E. For accounting/billing purposes, all sewer/water services shall be registered in the name of the property owner.
- F. Detached ADUs shall comply with all setback and separation requirements for detached accessory buildings, except that the minimum residential rear yard setback shall be ten (10) feet per story.
- G. Detached ADUs shall be designed in the same architectural style as the single family residence to which they are accessory.
- H. Unless taking access from a rear alley, detached ADUs shall share the same, paved driveway as the single family residence to which it is accessory, and shall have direct access to the street abutting the single family residence, or take access from an alley. No new or additional driveway approaches shall be permitted for the ADU except on corner lots, where a new driveway approach may be allowed on the street frontage having no existing curb cut. Any new driveways shall be subject to required permits and constructed to City standards.

- I. No on-alley parking shall be allowed for an ADU or the single family residence to which it is accessory and all alleys shall be posted as **fire lanes** in accordance with **Oregon Fire Code – Appendix “D”, Section D103.6 (“Fire Lane Signs”)**.
- J. When an ADU or the single family residence to which it is accessory utilizes alley access, the depth for any required off-street parking (driveway) shall be a minimum of twenty (20) feet. This standard shall apply to both public and private alleys.

EXHIBIT "B"

R-1 RESIDENTIAL SINGLE FAMILY DISTRICT

SECTION

3.040	Description and Purpose
3.041	Permitted Buildings and Uses
3.042	Buildings and Uses Permitted Conditionally
3.043	Yard Regulations
3.044	Building and Structural Height Limitations
3.045	Lot Regulations
3.046	Parking Requirements
3.047	Fences, Walls and Hedges
3.048	Development Standards for Manufactured Housing

Section 3.040 Description and Purpose

The R-1 Single Family Residential District is intended to create, preserve and enhance areas for standard construction and modular construction, urban, single family and limited two family residential uses. These areas shall be located as residential neighborhoods to provide for those persons desiring low-density living styles. The size of the districts, in conjunction with other residential land uses, is to be more than twenty (20) acres in size. To be consistent with sound planning practice, these districts will primarily be adjacent to other residential districts and adjacent to traffic collector streets.

Section 3.041 Permitted Buildings and Uses

- (a) One family dwellings.
- (b) Accessory Dwelling Units under the provisions of Article XVII.
- (c) Duplex or two family dwellings on corner lots.
- (d) Parks, playgrounds, golf courses, tennis courts, community centers, recreation buildings, or swimming pools.

- (e) Public and semi-public buildings essential to the physical and economic welfare of the area, such as fire stations, libraries, sub-stations, pump stations, reservoirs, provided that each side and rear yard adjacent to a residential use shall be a minimum of ten (10) feet.
- (f) Accessory buildings and structures are permitted (120 sq. ft. maximum), provided that they are not built in the required front or street side yard. There shall not be more than two (2) buildings allowed as accessory to any single family dwelling. Well house structures shall not be considered as accessory buildings or structures for the purpose of this Ordinance.
- (g) Existing duplexes on interior lots.
- (h) Residential care facilities.
- (i) Manufactured housing subject to the provisions of Section 3.048.
- (j) Home Occupations subject to the provisions of Section 4.100.

EXHIBIT "C"

R-2 TWO FAMILY DISTRICT

SECTION

3.050	Description and Purpose
3.051	Permitted Building and Uses
3.052	Buildings and Uses Permitted Conditionally
3.053	Yard Regulations
3.054	Building or Structural Height Limitations
3.055	Lot Regulations
3.056	Parking Requirements
3.057	Fences and Walls

Section 3.050 Description and Purpose

The R-2 Two Family Residential District is intended to create, preserve and enhance areas for standard construction and modular construction, urban, two family residential use. These areas shall be located as residential neighborhoods to provide for those persons desiring living densities not less than one living unit for every 4,800 square feet of land (6,000 square foot minimum lot size). A lot size with a minimum of 9,600 square feet is required for a duplex. The size of the District, in conjunction with other residential land uses, is to be more than 10 acres in size. To be consistent with sound planning practice, these districts will primarily be adjacent to other residential districts and adjacent to traffic collector streets.

Section 3.051 Permitted Building and Uses (Parks, etc.)

- (a) One-family dwelling subject to provisions of 3.048 (n).
- (b) Accessory Dwelling Units under the provisions of Article XVII.
- (c) Duplex or Two Family Dwellings.
- (d) Flats
- (e) Multiple family dwelling units, developed to the density standards in this Article.

- (f) Replacement or enlargement of SFD pursuant to Section 3.048 (n).
- (g) Home Occupation subject to the provisions of Section 4.100.
- (h) Manufactured Housing subject to provisions of Section 3.048. (Amended 4/26/94).

EXHIBIT "D"

ARTICLE XIV

DEFINITIONS

For the purpose of this Ordinance, certain words, terms and phrases are defined as follows;

Words used in the present tense include the future; the singular member includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "ordinance" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

ABUT - contiguous to; for example, two (2) lots with a common property line are considered to be abutting.

ACCESS - the place, or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use, or parking space.

ACCESSORY BUILDING OR USE - any detached subordinate building, including **Accessory Dwelling Units (ADUs)** developed under the provisions of Article XVII, the use of which is incidental and subordinate to that of the main building or use on the same lot.

ADJACENT - near, close; for example, an Industrial District across the street or highway from a Residential District shall be considered as "adjacent".

ADJOIN - the same as "Abut".....

EXHIBIT "E"

ARTICLE V

OFF-STREET PARKING AND LOADING FACILITY REQUIREMENTS

SECTION

5.050

Parking Spaces Required

Section 5.050

Parking Spaces Required

The number of off-street parking spaces required shall be no less than as set forth in the following:

In any parking area with four (4) or more required parking spaces, 25% of those spaces may be designed for compact vehicle use. Compact spaces shall be designed in accordance with adopted City standards.

(a) Residential Types

- | | | |
|----|--|--|
| 1. | Dwelling, single family
or two family | 2 spaces for each
dwelling unit (not in front yard) |
|----|--|--|

Accessory Dwelling Unit (ADU)

**2 spaces in addition to
requirement for
primary residence**

Wainwright
Box 779
Hague Point DE 97524

DEPT OF
FEB 18 2010
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AND DEVELOPMENT

DLCB
635 Capital St NE #150
Ameny DE 97301-2540



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