

## NOTICE OF CITY PLANNING COMMISSION MEETING

The City Planning Commission of the City of King City will hold a Planning **Session** at 9:30 AM, Wednesday, July 22, 2020, by teleconference at City Hall 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224  
– Please see instructions below.

**Posted Date:** July 16, 2020 at 1:00 pm

Location: (teleconference – Email comments to [rsmith@ci.king-city.or.us](mailto:rsmith@ci.king-city.or.us))

The King City Planning Commission will hold a meeting on July 22, 2020, at 9:30 AM.

Commissioner will be calling into the meeting via conference call. Members of the public will be able to listen to the meeting on the teleconference line or watch the meeting via video link. Minimal staff will be in the City Hall Conference Room, 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224. To avoid the potential spread of the COVID-19 virus, members of the public will not be allowed in the room. The packet can be found online at: [http://www.ci.king-city.or.us/departments/planning\\_commission/planning\\_commission\\_agenda\\_and\\_minutes.php#outer-958](http://www.ci.king-city.or.us/departments/planning_commission/planning_commission_agenda_and_minutes.php#outer-958)

The City has taken steps to utilize current technology to make meetings available to the public without increasing the risk of exposure. The public can participate by emailing public comments to City Recorder at [rsmith@ci.king-city.or.us](mailto:rsmith@ci.king-city.or.us) or leaving a voicemail that can be played during the meeting. The audio/Video recording of the meeting will be posted to the City website within two to three days after the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89634764477?pwd=ZGpRdFhYQzd4Mmk5RWgxNktxQ2g4Zz09>

Meeting ID: 896 3476 4477

Password: 421582

One tap mobile

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Dial by your location

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Meeting ID: 896 3476 4477

Find your local number: <https://us02web.zoom.us/j/kcq7heOpul>

Live broadcast coverage of the King City Council Meetings can now be seen on TVCTV cable channel 30 and live-streaming on [MACC TVCTV](#)'s YouTube page.

*{Next Page for Agenda}*

AGENDA		Action Item
***PLANNING SESSION***		
9:30 AM	<b>1. CALL TO ORDER</b> <b>2. ROLL CALL</b> <b>3. APPROVAL OF MINUTES:</b> 3.1 MAY 20, 2020 DAIRY QUEEN SIGN 3.2 JUNE 10, 2020 KING CITY DENTAL SIGN	Time: M   S   A
9:35 AM	<b>4. TO CONSIDER:</b> 4.1     Discuss and Consider Case No LU 2020-01 King City Community Development Code – Accessory Dwelling and Housekeeping Amendments.  <b>5. COMMISSIONER REPORT</b>  <b>6. ADJOURN</b>	M   S   A  M   S   A Time:
<p>The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Ronnie Smith, City Recorder, 503-639-4082.</p> <p>Live broadcast coverage of the King City Council Meetings can now be seen on TVCTV cable channel 30 and live-streaming on <a href="#">MACC TVCTV</a>'s YouTube page.</p> <p>M=Motion   S=Second   A=Action</p>		

### **Item 3. APPROVAL OF MINUTES:**

3.1 MAY 20, 2020 DAIRY QUEEN SIGN

3.2 JUNE 10, 2020 KING CITY DENTAL SIGN

**CITY OF KING CITY  
PLANNING COMMISSION MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City Planning Commission was held on ZOOM and at the City Hall in the Council Chamber with limited staff due to COVID-19: located at 15300 SW 116<sup>th</sup> Ave, King City, Oregon beginning at 9:30 a.m. on Wednesday, May 20, 2020. Chair Commissioner Petrie called the regular Planning Commission to Order at 9:31 a.m.

**Roll Call:** **The following Planning Commission members were present:**

Commissioner Laurie Petrie  
Commissioner Marc Manelis  
Commissioner Ann Marie Paulsen  
Commissioner Carol Bellows  
Commissioner Shawna Thompson  
Commissioner John Walter

**Absent:**

Commissioner Billie Reynolds

**Staff present included:**

City Manager (CM) Mike Weston  
City Planner (CP) Keith Liden  
City Recorder (CR) Ronnie Smith

**Approval of Minutes: No Minutes at this time**

**Agenda Item 4** **To consider a sign permit to replace the A&W sign with a new Dairy Queen Sign located at 16875 SW Pacific Highway.**

[Video Time \(1:46\)](#) **Staff and Commissioners discuss the sign no concerns were raised about the sign.**

[VIDEO TIME \(5:08\)](#) **MOTION MADE BY COMMISSIONER PAULSEN TO APPROVE THE SIGNAGE AS PRESENTED BY STAFF, SECONDED BY COMMISSIONER BELLOWES.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 6-0.**

[Video Time \(5:28\)](#) **Roll Call:**  
**Commissioner Shawna Thomson – yes**  
**Commissioner John Walter – Yes**  
**Commissioner Ann Marie Paulsen – yes**  
**Commissioner Carol Bellows – Yes**  
**Commissioner Marc Manelis –yes**  
**Commissioner Laurie Petrie - Yes**

**Agenda Item 5:** **Staff Report:**

[Video Time \(6:46\)](#) Staff discussed the TSP Tack meeting coming up on May 28, 2020. Staff also mentioned items about the Master Planning, ADU's, Annexations, and three open seats on the council meeting. No action was taken on any items.

**Agenda Item 6:** Commissioners Report: None

**Agenda Item 6:** Adjournment

[Video Time \(19:23\)](#)

**MOTION MADE BY COMMISSIONER PAULSEN TO  
ADJOURNMENT, SECONDED BY COMMISSIONER THOMPSON.  
THE MEETING ADJOURNED AT 9:54 A.M.**

Respectfully Submitted by:

Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager

**CITY OF KING CITY  
PLANNING COMMISSION MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City Planning Commission was held on ZOOM and at the City Hall in the Council Chamber with limited staff due to COVID-19: located at 15300 SW 116<sup>th</sup> Ave, King City, Oregon beginning at 9:30 a.m. on Wednesday, June 10, 2020. Chair Commissioner Petrie called the regular Planning Commission to Order at 9:31 a.m.

**Roll Call:** **The following Planning Commission members were present:**

[Video Time \(0:07\)](#)

Commissioner Billie Reynolds – was have issues with ZOOM.  
Commissioner Carol Bellows  
Commissioner Laurie Petrie  
Commissioner Ann Marie Paulsen  
Commissioner Marc Manelis  
Commissioner John Walter  
Commissioner Open Seat

**Absent:**

**Staff present included:**

City Manager (CM) Mike Weston  
City Planner (CP) Keith Liden  
City Recorder (CR) Ronnie Smith

**Approval of Minutes: No Minutes at this time**

**Agenda Item 4**      **4.1 To consider a sign permit for King City Dental located at 15405 SW 116<sup>th</sup> ave.**

[Video Time \(2:21\)](#)

Staff and Commissioners discuss the sign. Staff recommends approval of the sign permit.

[VIDEO TIME \(8:04\)](#)

**MOTION MADE BY COMMISSIONER REYNOLD TO APPROVE THE SIGNAGE AS PRESENTED BY STAFF, SECONDED BY COMMISSIONER PAULSEN.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.**

[Video Time \(8:36\)](#)

**Roll Call:**

Commissioner Marc Manelis – Yes  
Commissioner John Walter – Yes  
Commissioner Billie Reynolds – Yes  
Commissioner Carol Bellows – Yes  
Commissioner Ann Marie Paulsen – yes  
Commissioner Laurie Petrie – Yes

[Video Time \(9:16\)](#)

**4.2 Discuss sign code modification**

Staff and Commissioners discussed changing the sign code to allow modifications like King City Dental and the Dairy Queen signs be approved by staff. Staff will come back with recommended language.

**Agenda Item 5:**

[Video Time \(13:20\)](#)

**Staff Report:**

Staff also mentioned items about the Master Planning, ADU's, Annexations, and gave an update on the Pondarosa Pine Development action was taken on any items.

**Agenda Item 6:**

Commissioners Report: None

**Agenda Item 6:**

**Adjournment**

[Video Time \(22:14\)](#)

**MOTION MADE BY COMMISSIONER MANELIS TO  
ADJOURNMENT, SECONDED BY COMMISSIONER BELLOWS.  
THE MEETING ADJOURNED AT 9:30 A.M.**

Respectfully Submitted by:

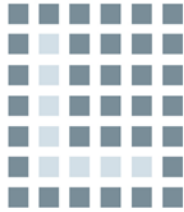
Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager

**Item 4.1 Discuss and Consider Case No LU 2020-01 King City  
Community Development Code – Accessory Dwelling and  
Housekeeping Amendments.**





Keith Liden, AICP PLANNING CONSULTANT

503.757.5501  
keith.liden@gmail.com

4021 SW 36th Place  
Portland, OR 97221

## MEMORANDUM

TO: King City Planning Commission  
FROM: Keith Liden, AICP  
RE: CDC Amendments - Accessory Dwelling Units (ADU)  
DATE: July 7, 2020

## INTRODUCTION

The state and Portland region have been working to address the problem of housing affordability and the need to provide adequate housing for different types of households and incomes. In response, the state passed legislation in 2017 requiring cities and counties of a certain population, including King City, to allow accessory dwelling units (ADUs) in zoning districts that permit detached single-family homes. As defined in the statutes, an ADU means an interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

As part of the decision to expand the Urban Growth Boundary (UGB) to include the area west of King City (along with three other areas), Metro had several conditions of approval pertaining to ADUs:

- A.3. *The four cities shall explore ways to encourage the construction of ADUs in the expansion areas.*
- B.1. *Within one year after the date this ordinance is acknowledged by LCDC (excluding any subsequent appeals), the four cities shall demonstrate compliance with Metro code section 3.07.120(g) and ORS 197.312(5) regarding accessory dwelling units. In addition to the specific requirements cited in Metro code and state law, cities shall not require that accessory dwelling unit be owner occupied and shall not require off street parking when street parking is available.*
- B.2. *Before amending their comprehensive plans to include the expansion areas, the four cities shall amend their codes to ensure that any future homeowners associations will not regulate housing types, including accessory dwelling units, or impose any standards that would have the effect of prohibiting or limiting the type or density of housing that would otherwise be allowable under city zoning.*
- B.3. *Before amending their comprehensive plans to include the expansion areas, the four cities shall amend their codes to ensure that any future homeowners associations will not require owner occupancy of homes that have accessory dwelling units.*
- B.5. *Cities shall engage with service providers to consider adoption of variable system development charges designed to reduce the costs of building smaller homes in order to make them more affordable to purchasers and renters.*
- E.7. *Prior to amending the King City comprehensive plan to include the expansion area, King City shall amend its code to remove barriers to the construction of accessory dwelling units, including:*
  - a. *Remove the requirement that accessory dwelling units can only be built on lots that are at least 7,500 square feet, which effectively prohibits construction of accessory dwelling units in the city.*

- b. *Remove or increase the requirement that accessory dwelling units be no bigger than 33 percent of the square footage of the primary home so that an accessory dwelling unit of at least 800 square feet would be allowable.*

## ADU REGULATIONS – STATE GUIDANCE

To help local governments with amendments to their ADU regulations, the state Department of Land Conservation and development (DLCD) provided a short summary of the key legislative requirements they must follow. This seven-page guide (attached) lists the key elements to be considered by local governments regarding the number of ADUs, siting and design standards, utilities, and system development charges (SDCs). It also includes model code language for local jurisdictions to consider.

## EXISTING CITY ADU REGULATIONS

King City adopted its current ADU regulations in 2003, which are found in the King City Community Development Code (CDC). ADUs are defined in CDC Section 16.24.030 C, and the ADU requirements are found in CDC Chapter 16.178. At that time, the allowance, regulation, and creation of ADUs was in its infancy, and King City's regulations were deemed acceptable by the state. It is now recognized that many local ADU requirements act to discourage ADUs. In King City's case, requirements of a City Manager review process (public notice and opportunity to appeal) and the minimum 7,500 square-foot lot size can act to discourage ADUs and/or make them more expensive.

## POTENTIAL ADU AND HOUSEKEEPING AMENDMENTS

In response to these requirements and guidelines, the staff has drafted ADU amendments to the CDC. The attached amendments have been prepared in track changes to address the immediate issues pertaining to ADUs. We anticipate subsequent amendments to the city's housing-related CDC requirements as we work to comply with HB 2001, which directs local governments to encourage a wider range of housing types including duplexes, triplexes, fourplexes, and cottage cluster housing. King City is required to have amended regulations in place by June 2022. The city received a state grant to help fund this work, which is currently proposed for completion by May 31, 2021. An element of this effort will be to address housing design to ensure compatibility between these different housing types without being overly burdensome. We intend to revisit ADU regulation in the context of this broader housing discussion to ensure a consistent and equitable approach for all housing types. Finally, we have included a few minor CDC housekeeping amendments that are unrelated to ADUs.

The attached CDC amendment draft includes the following elements:

- Amend the definitions (16.24) to clarify what an ADU is and how it is different from accessory structures and other residential building types.
- Recognize the new NMU Zone in the list of zoning districts (16.80.020).
- Delete the requirement for a garage with every dwelling. This applies to ADUs along with all other residential building types (16.80.080).
- Include a prohibition for all new homeowners' association governing documents that attempt to limit housing types that would otherwise be allowed by the CDC (16.80.080).
- Correct a reference of the "Uniform Building Code" to the "Oregon Building Code" throughout the sections being amended.

- Amend the residential, LC, and NMU zones to clarify the applicable requirements for ADUs. As explained above, ADU design requirements will be revisited as part of the HB 2001 work noted above.
- List ADUs as a permitted use in the NMU Zone (16.102.020).
- Add lot depth requirement for single-family detached residences of 60 feet because it was inadvertently excluded in the ordinance for adoption (16.102.040).
- Refer parking requirements for ADUs to 16.178.050 in the off-street parking table (16.132.030).
- Clarify that ADUs are excluded from the calculation of driveway access standards (16.136.030).
- Note that ADUs are not included in density calculations (16.146.020).
- Amend accessory structure (does not include ADU) standards to note the size threshold for requiring planning review to coincide with the building code (16.176.020).
- Delete the preapplication conference for an accessory building (16.176.040).
- Clarify that an ADU is subject to administrative review (16.178.030).
- Reduce the application requirements to be comparable to what's required of new residences (16.178.040).
- Amend the approval standards to not be unnecessarily restrictive and consistent with state and Metro directives. This includes no on-site parking requirement for an ADU (16.178.050).
- Amend the sign code to allow for administrative review of signs that meet the applicable standards and Planning Commission review of sign applications that require a variance.

## REQUESTED ACTION

The Planning Commission should review the proposed amendments, consider any public testimony, and forward a recommendation to the City Council.

## FINDINGS

The relevant criteria for the King City Comprehensive Plan amendment are found in:

- The King City Comprehensive Plan
- The Oregon Statewide Planning Goals

Because the policy direction in the King City Comprehensive Plan is based directly upon the Oregon Statewide Planning Goals, addressing this plan will simultaneously consider the state goals. The Planning Commission and City Council should consider the findings regarding the proposed CDC amendments.

The King City Comprehensive Plan is organized using the Statewide Planning Goals. The plan goals are satisfied as indicated below:

*Citizen Involvement - Goal 1: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The original ADU requirements in the CDC were adopted following public notification. The city has sponsored a publicly noticed meeting with the Planning Commission to review the recent state legislation and requirements for ADUs and the need to amend the CDC to be compliant with current requirements. The hearings before the Planning Commission and City Council were properly noticed as provided in the CDC. This goal is satisfied.

*Land Use Planning - Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The city has adopted the King City Comprehensive Plan and Community Development Code in accordance with this goal, and as noted above, citizens have been afforded an opportunity to participate. This goal is satisfied.

*Agricultural Lands – Goal 3 and Forest Lands – Goal 4*

These goals are not relevant because the property is designated for urban rather than resource use.

*Open spaces, scenic and historic areas, and natural resources – Goal 5: To conserve open space and protect natural and scenic resources.*

While encouraging ADUs may have a minor beneficial effect on conserving these resources through greater urban density, it is not relevant to the conservation of these resources in any meaningful way.

*Air, water and land resource quality – Goal 6: To maintain and improve the quality of the air, water, and land resources of the state.*

While encouraging ADUs may have a minor beneficial effect for maintaining or improving these resources through greater urban density and parking standards that encourage reduced auto ownership, it is not relevant in any meaningful way.

*Natural Disasters and Hazards – Goal 7*

ADUs will be required to avoid or mitigate natural hazard areas, such as floodplains, in the same manner as all other development. This goal is satisfied.

*Recreational Needs – Goal 8: To satisfy the recreation needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

This goal is not relevant.

*Economy – Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The proposed CDC amendments will help the economy by making ADUs a more feasible and affordable housing option. Because housing represents a significant expense for most households, providing less costly housing opportunities will be an economic benefit to individual households as well as the regional and state economy. This goal is satisfied.

*Housing – Goal 10: To provide for the housing needs of citizens of the state.*

Not only is it important to provide adequate housing, it is critical to provide forms of housing that are affordable for the entire range of household sizes and incomes. These amendments will enhance the

potential feasibility of ADUs in the city. Obviously, this will not solve the housing affordability crisis, but it represents an important step toward providing a wider range of more affordable housing options. This goal is satisfied.

*Public Facilities and Services – Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

ADUs will be allowed in areas that currently have urban public facilities and services. They will take advantage of existing facilities and services, and they are not anticipated to create any additional burden on them. This goal is satisfied.

*Transportation – Goal 12: To provide and encourage a safe, convenient and economic transportation system.*

Similar to public facilities and services, ADUs will take advantage of existing transportation facilities. Due to their generally small size and anticipated distribution throughout the city, their transportation impact will be negligible. ADUs could potentially cause parking problems if no on-site parking is provided and on-street parking (streets less than 28 feet wide) is not available. However, this would be a relatively rare occurrence, and mandating on-site parking under any circumstance is prohibited by state law. This goal is satisfied.

*Energy Conservation – Goal 13: To conserve energy.*

ADUs hold the potential to conserve energy by encouraging development within existing urban areas. This will allow more efficient utilization of existing infrastructure and accommodation of additional city residents. ADUs are smaller and potentially more energy-efficient compared to other types of conventional housing. Locating new residents within existing neighborhoods rather than expanding the extent of urban development will tend to keep destinations, such as schools and shopping, within shorter travel distances. This goal is satisfied.

*Urbanization – Goal 14: To provide for an orderly and efficient transition from rural to urban land use.*

While this goal is not directly relevant because ADUs will only be allowed in areas already designated for urban development. They will not drive the transition from rural to urban land use on their own. If ADUs have any impact at all, it would be to slightly reduce the need to expand urban development into areas that are currently rural. This goal is satisfied.

**GUIDANCE ON IMPLEMENTING  
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT  
UNDER OREGON SENATE BILL 1051  
UPDATED TO INCLUDE HB 2001 (2019)**



*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, updated SEPTEMBER 2019**



## 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 (HB) 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 HB 2007 into Senate Bill (SB) 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017 (codified in amendments to Oregon Revised Statute 197.312). 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 requirement became effective on July 1, 2018 and subject cities and counties must now accept applications for ADUs inside urban growth boundaries (UGBs).

On August 8, 2019, Governor Brown signed HB 2001, which established that off-street parking and owner-occupancy requirements are not "reasonable local regulations relating to siting and design." This means that, even if a local development code requires off-street parking and owner-occupancy, as of January 1, 2020, local jurisdictions may not mandate off-street parking spaces for ADUs nor require a property owner to live in either a primary or

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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. As a result, land within a city with a population greater than 2,500 but that is not within a UGB is not required by this law to be zoned to allow accessory dwelling units. For counties with a population greater than 15,000, only those unincorporated areas within a UGB are required by this law to be zoned to allow accessory dwelling units.

accessory dwelling. The law provides an exception for ADUs that are used as vacation rentals, which may be mandated to provide off-street parking or have owner-occupancy requirements.

Some local governments in Oregon already have ADU regulations that meet the requirements of SB 1051 and HB 2001, however, many 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 at the end of this document.

### **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, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

### *Siting Standards*

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don't create a barrier to development. Additionally, some jurisdictions allow greater lot coverage for two ADUs. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

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 and it meets building and fire code.

#### *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, DLCDD 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. Other standards, such as those that regulate where entrances can be located or require porches and covered entrances, can impose logistical and financial barriers to ADU construction.

#### *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)*

Local governments should consider revising their SDC ordinances to match the true impact of ADUs in order to remove barriers to their development. In fact, HB 2001, passed by the Oregon Legislature in 2019, requires local governments to consider ways to increase the affordability of middle housing types through ordinances and policies, including waiving or deferring system development charges. ADUs are not a middle housing type, but if a local government is reviewing its SDCs for middle housing, that would be a good time to review ADU SDCs as well. 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. Waiving SDCs for ADUs has been used by some jurisdictions to stimulate the production of more housing units.

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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. The statute does not allow local jurisdictions to include off-street parking nor owner-occupancy requirements. 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. 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 and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

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

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

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

/

**A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

### **B. Floor Area.**

- 1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] 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 [75-85] 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;*

2. No off-street parking is required for an Accessory Dwelling;
3. Properties with two Accessory Dwellings are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located; and
4. Accessory dwellings are not included in density calculations.

---

**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.

## Chapter 16.24

### DEFINITIONS

#### Sections:

- 16.24.010**    **Meaning of words generally.**
- 16.24.020**    **Definitions of specific terms.**
- 16.24.030**    **Definitions of land use types.**
- 16.24.040**    **Solar access figures.**

#### **16.24.010**    **Meaning of words generally.**

- A. All of the terms used in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary.
- B. All words used in the present tense include the future tense.
- C. The words “shall” and “must” are mandatory and the word “may” is permissive. (Ord. 96-4 § 1 (part), 1996)

#### **16.24.020**    **Definitions of specific terms.**

As used in this title the following words and phrases shall mean:

“Abut/abutting” means two or more properties or lots joined by a common boundary or point.

“Access” means the right to cross between public and private property allowing pedestrians, bicyclists, and vehicles to enter and leave property.

“Accessory building or structure” means a structure incidental and subordinate to the main use of a property, ~~and is~~ located on the same lot as the main use, and is not a dwelling unit.

#### **16.24.030**    **Definitions of land use types.**

A. The purpose of the section is to classify land uses and activities into use categories on the basis of common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The types of uses allowed in the various zones are based on the goals and policies of the comprehensive plan.

##### B. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use, and accessory activities may also be present. Primary and accessory uses are addressed in subsections (2) and (3) of this section.

2. The following factors are considered to determine what category the use is in, and whether the activity(ies) constitute primary or accessory uses:

- a. The description of the activity(ies) in relationship to the characteristics of each use category;
- b. The relative amount of site or floor space and equipment devoted to the activity;
- c. The relative amount of sales from each activity;
- d. The number and type of customers for each activity;
- e. The relative number of employees in each activity;
- f. Hours of operation;
- g. Building and site arrangement;
- h. The number and type of vehicles used with the activity;

- i. The relative number of vehicle trips generated by the activity(ies);
  - j. Signs;
  - k. How the use advertises itself; and
  - l. Whether the activity(ies) would be likely to be found independent of the other activities on the site.
3. Multiple Primary Uses. When a development has a number of primary uses that fall within one use category, then the development is assigned to that use category. For example, if a development includes a grocery store and pharmacy, the development would be classified as a commercial retail sales and service use.

When the primary uses in a development are within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

4. Accessory Uses. These uses are allowed by right and are regulated in conjunction with the primary use unless otherwise stated in this title.

5. Examples and Exceptions. To help illustrate the types of uses allowed or not allowed under a specific uses category, examples and/or exceptions are given. They are based on the common meaning of the terms and not on what a specific use may call itself.

#### C. Residential Use Types.

“Dwelling, multi-family” means a structure that contains three or more dwelling units which share common walls, floors or ceilings with one or more than two dwelling units on one lot.

“Dwelling, single-family attached” means a dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. It does not share common floors or ceilings with other dwelling units.

“Dwelling, single-family detached” means a detached dwelling unit located on its own lot.

“Dwelling unit, accessory” means ~~an auxiliary a second and detached independent~~ living unit ~~created on a lot with a primary dwelling, which may be an attached or detached single-family dwelling or manufactured home. This second unit is created auxiliary to, and is always smaller than the primary dwelling. It has a~~ ~~with~~ separate kitchen, living and sleeping facilities ~~within a single family structure the primary dwelling or in a separate accessory building on the same lot as a primarily single family residence dwelling.~~ Because it is considered as an accessory use, this type of residential unit is not included in density calculations.

“Duplex” means a structure that contains two ~~primary~~ dwelling units on one lot. The units ~~may~~ ~~must~~ share common walls, floors or ceilings.

“Family care” includes two types of child care services and one type for adults.

1. “Family day care” as defined by Oregon State Statute, refers to the provision of day care services for children, with or without compensation, in the home of the caregiver. Family day care may provide care for six or fewer children full-time, with an additional four or fewer full-time or part-time

### Article III. Land Use Districts

#### Chapter 16.80

#### GENERAL PROVISIONS

##### Sections:

- 16.80.010 Districts generally.
- 16.80.020 Zoning classification districts.
- 16.80.030 Location of districts.

**Commented [KL1]:** SB 1051 uses the following definition “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.” The potential problem with the single-family dwelling reference is differentiating between this and a duplex.

The CDC must be clear that a SF building doesn’t become a duplex with the addition of an ADU. This will make the dimensional standards in each zone easier to administer and would avoid the problem of a SF residence being converted with an interior ADU and becoming a duplex rather than simply continuing to meet setbacks, height, lot size, etc. for a SF home.

The Portland Zoning Code uses the term “primary dwelling,” and this appears to be a good method to retain a distinction between a single-family home with an ADU and a duplex.

*On a related issue, the city should ultimately revisit definitions for “building” and “structure” to avoid any potential duplication and confusion throughout the CDC.*

- 16.80.040 Zoning map.**
- 16.80.050 Zoning of annexed areas.**
- 16.80.060 Additional yard and setback requirements.**
- 16.80.070 Exceptions to building height requirements.**
- 16.80.080 Other requirements.**

**16.80.010 Districts generally.**

All lands, tracts and area within the corporate limits of the city area are included within one of the following described land use zoning districts. The purpose of use, classification and uses of each tract within the corporate limits of the city shall be limited to those applicable to the zoning classification district within which such tract or lands are situated. (Ord. O-99-6 § 1 (part), 1999: Ord. 96-4 § 1 (part), 1996)

**16.80.020 Zoning classification districts.**

The city is divided into the following zoning classification districts, with applicable abbreviated designation, shall be as follows:

District	Abbreviated Designation
Small Lot and Attached Residential (9 du/ac)	R-9
Single-family Residential (10 du/ac)	SF
Apartments and Townhouses (Approx. 15 du/ac)	AT
Attached Residential (12 du/ac)	R-12
Multi-family Residential (15 du/ac)	R-15
Multi-family residential (24 du/ac)	R-24
<a href="#">Neighborhood Mixed-Use</a>	<a href="#">NMU</a>
Limited Commercial	LC
Community Facilities	CF
Recreation Open Space	ROS

**Commented [K2]:** Recommending this small and simple housekeeping amendment as long as we're tinkering with this section.

(Ord. O-02-4 § 2 (part), 2002: Ord. O-99-6 § 1 (part), 1999: Ord. 96-4 § 1 (part), 1996)

**16.80.030 Location of districts.**

A. The boundaries for the districts listed in this chapter are indicated on the city zoning map which is adopted by reference. The boundaries shall be modified in accordance with the provisions of this code.

B. The boundaries, legends, symbols, notations and references of each of the zoning classification districts as depicted on the city zoning map are adopted by reference.

C. Unless otherwise specified, district and subdistrict boundaries are section lines, subdivision lines, lot lines, center lines of street right-of-way, or such lines extended. (Ord. 96-4 § 1 (part), 1996)

**16.80.040 Zoning map.**

The city zoning map is attached to the ordinance codified in this title and by this reference made a part hereof, bearing the signatures of the mayor and city recorder of the city, and entitled "City of King City Zoning Map" dated with the effective date of the ordinance codified in this title. It shall be maintained without change on file at all times in the office of the city recorder. (Ord. O-99-6 § 1 (part), 1999: Ord. 96-4 § 1 (part), 1996)

**16.80.050 Zoning of annexed areas.**

A. Zoning regulations applicable to an area prior to annexation to the city shall continue to apply and shall be enforced by the city until a zone change for the area has been adopted by the city council. The city may, in a resolution favoring annexation of property to the city may, conduct such proceedings as may be necessary to establish the zoning and land uses of the property to the requirements of this title and the comprehensive plan.

B. The city may also enter into zoning and land use agreements with owners of property prior to annexation, provided the proceedings follow all requirements of this title for zone changes. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**16.80.060 Additional yard and setback requirements.**

A. Substandard Street Right-of-Way.

1. Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased by the amount of right-of-way, measured from the street centerline, necessary to meet applicable city, county, or state standards.

2. The applicable street right-of-way width standards, measured at right angles to the street centerline, are as follows:

a. Pacific is Highway (State Route 99W)—Applicable right-of-way requirement from centerline as determined by the Oregon Department of Transportation;

b. Beef Bend Road—Thirty-three feet;

c. 131st Avenue, between Beef Bend Road and Fischer Road—Thirty-three feet;

d. Fischer Road—Thirty-three feet;

e. 116th Avenue, between Queen Elizabeth and Pacific Highway—Thirty feet;

f. Royalty Parkway, between Pacific Highway and 116th Avenue—Thirty feet; and

g. All other city streets—Twenty-five feet.

B. Projections into Required Yards.

1. Cornices, eaves, belt courses, sills, canopies, fireplace chimneys or similar architectural features may extend or project a maximum of thirty-six inches into a required yard provided the width of such yard is not reduced to less than three feet.

2. Open porches, decks or balconies not more than thirty-six inches in height and not covered by a roof or canopy, may extend or project a maximum of thirty-six inches into a required yard area provided the yard area is not reduced to less than three feet. Such building additions located in a rear or side yard shall be screened from abutting properties.

3. Porches, decks, or balconies that exceed thirty-six inches in height or are covered by a roof or canopy shall comply with the setback standards of the applicable zone. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**16.80.070 Exceptions to building height requirements.**

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag poles, utility poles and other similar structures not used for human occupancy, are not subject to the building height limitations of this title. (See 16.176.050(A)(4).) (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)



#### 16.80.080 Other requirements.

A. No temporary structure, trailer, recreational vehicle or other structure shall be placed on a lot for dwelling purposes, except during periods of construction when one such dwelling is allowed and approved by the city manager for a building project.

B. No signs or other advertising devices except real estate signs shall be placed on a lot without the express permission of the city manager.

~~C. A garage is required of each dwelling, which shall conform generally in architectural style and exterior materials and finish to the house. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)~~

~~C. No homeowners' association governing documents or deed restrictions shall be recorded to regulate housing types, including accessory dwelling units, or impose any standards, including owner occupancy, which would have the effect of prohibiting or limiting the type or density of housing that would otherwise be allowable under this code. Any such restriction recorded on or after January 1, 2020, and that restriction violated state housing laws, shall be deemed void and removed pursuant to this section and applicable state housing law.~~

**Commented [K3]:** While most developers will provide a garage anyway, it clearly adds to housing cost. To comply with Metro and state directives for housing generally and ADUs specifically, this requirement should be deleted.

**Commented [K4]:** Although this will typically apply to subdivisions, it is really a general requirement that appears to be most appropriate here.

### Chapter 16.84

#### SMALL LOT AND ATTACHED RESIDENTIAL ZONE (R-9)\*

##### Sections:

- 16.84.010 Purpose.
- 16.84.020 Permitted uses.
- 16.84.030 Conditional uses.
- 16.84.040 Dimensional and density requirements.
- 16.84.050 Design requirements.

\* Prior ordinance history: Ords. 96-4 and O-99-6.

#### 16.84.010 Purpose.

The purpose of the R-9 zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote single-family residential neighborhoods. This land use designation is intended to generally apply to annexed properties that were designated as R-9 in Washington County or in the West King City planning area. (Ord. O-02-4 § 2 (part), 2002)

#### 16.84.020 Permitted uses.

A permitted use is a use, which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the R-9 zone are:

- A. Dwelling, single-family detached;
- ~~B. Dwelling, single-family attached;~~
- C. Duplex;
- D. Manufactured home on an individual lot;
- E. Residential home;
- F. Manufactured/Mobile home parks and subdivisions;

**Commented [K5]:** When the R-9 and R-12 zones were developed in 2002, the intent was to encourage housing types that would tend to be owner occupied. This is why we allow townhomes/row houses, but not 3- and 4-plex units on one parcel. To fully comply with state/Metro requirements, 3- and 4-unit buildings should be specifically listed. Recommend waiting on amendments related to this until the master plan is completed, and we can take a comprehensive approach to address this issue. We'll need coherent and non-discriminatory design standards if these are to work well in SF zones.

- G. Family day care (family care);
- H. Park and open space created as part of a subdivision or planned development; and
- I. Dwelling, accessory.

(Ord. O-03-2 § 1 (part), 2003; Ord. O-02-4 § 2 (part), 2002)

**16.84.030 Conditional uses.**

A conditional use is a use, which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the R-9 district are:

- A. Schools;
- B. Utilities;
- C. Community services;
- D. Parks and open space not created as part of a subdivision or planned development;
- E. Religious assembly;
- F. Public safety facilities;
- G. Day care group home (family care); and
- H. Recreation vehicle and boat storage serving only the residents within the development. (Ord. O-02-4 § 2 (part), 2002)

**16.84.040 Dimensional and density requirements.**

The dimensional and density requirements of the R-9 district are:

Dimensional Requirements Table	
<b>Minimum and average lot size/land area per unit</b>	
Single-family detached units	2,400 min./2,800 avg. square feet
Duplex	4,400 min./4,800 avg. square feet
Single-family attached and 0-foot setback units	2,000 min./2,400 avg. square feet
<b>Minimum average lot width (per lot)</b>	
Single-family detached units	30 feet
Duplex	48 feet
Single-family attached and 0-foot setback detached units	24 feet
<b>Minimum average lot depth (per lot)</b>	
Single-family detached units	60 feet
Duplex	60 feet
Single-family attached and 0-foot setback detached units	60 feet
<b>Setbacks (measured from property lines, except as noted for garage entrances)*</b>	
Front yard	12 feet minimum and 26 feet maximum to front building wall. 8 feet minimum and 20 feet maximum to front porch.

Dimensional Requirements Table	
	18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.
Front yard – corner	For corner lots, at least one street frontage shall meet the front yard requirements above. For the second front yard, the <del>property owner/applicant may apply the</del> following standards <del>apply</del> : 10 feet minimum for a side yard facing a street. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.
Side yard – interior	0 feet, <del>except as required by the</del> <u>Uniform Building Code (UBC)</u> , or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet.
Rear yard	10 feet minimum for residential building. 0 feet for a detached accessory <del>dwelling unit or</del> building less than <del>or equal to</del> 18 feet in height. 0-6 feet or ≥ 18 feet to a garage entrance to an alley.
<b>Building height</b>	
Single-family <del>and</del> duplex, <del>and accessory dwellings that are within or attached to the primary dwelling</del>	35 feet
Accessory structures <del>and detached accessory dwellings</del>	18 feet
<b>Density standards</b>	
Maximum	9 units per gross acre (Chapter 16.146)
Minimum	80% of the allowed maximum

\*In addition, building setbacks for each type of structure must comply with the current Oregon Building Code.  
(Ord. O-02-4 § 2 (part), 2002)

#### 16.84.050 Design requirements.

In addition to the dimensional requirements in Section 16.84.040, the following design requirements shall apply:

Design Requirements Table	
<b>Main entrance</b>	
Location	Within 8 feet of the longest front building wall (see Figure 1). The applicant/owner may select which street frontage to use for a corner lot.
Orientation	Face the street at an angle that does not exceed 45 degrees; or

**Commented [KL6]:** Clair Co. says the proper reference is “current Oregon Building Code.” This reference is changed for the ADU amendments, but this ultimately needs to be done throughout the CDC. Because this applies to all setbacks this reference is proposed to apply throughout this table.

**Commented [KL7]:** The CDC will receive an organizational change as part of the master planning process and the dimensional standards from other CDC chapters ultimately reside in the zone districts. Also, dimensional standards for ADUs will be reevaluated in coordination with other residential housing types, especially 2-, 3-, and 4-unit residences.

*Mike’s comment about an ADU being subordinate in size is addressed in the definitions.*

Design Requirements Table	
	Open onto a porch, which has: <ul style="list-style-type: none"> <li>• A minimum of 25 square feet with a minimum dimension of 4 feet;</li> <li>• At least one entrance facing the street; and</li> <li>• A roof that covers at least 30 percent of the porch area (see Figure 2).</li> </ul>
<b>Front windows</b> - First floor of all dwellings.	
Minimum glazing area	20 sq. ft. for each building wall facing a street. Windows in entry or garage doors shall not be included to meet this standard.
Maximum window sill height	4 ft. above finished first floor elevation for the window(s) necessary to meet the 20 sq. ft. minimum glazing area standard. No sill height standard for all other windows.
<b>Garage door frontage</b> - Maximum percentage of the building width allowed for the garage door.	
Single-family detached units	50% when the garage door setback is the same or less than the front building wall. Garage door setback shall be no more than 6 feet less than the front building wall setback. 60% when the garage setback is at least 4 feet behind the front building wall or front porch. 70% when the garage setback is at least 8 feet behind the front building wall or front porch.
Single-family attached and duplex units	30% when the garage setback is less than the front building wall. 60% when the garage setback is equal to or greater than the front building wall or front porch. 70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Attached units</b>	
Maximum number of attached single-family units	4 units.
<b>Required outdoor area</b>	

Design Requirements Table	
Single-family detached units	Minimum contiguous rear or side yard outdoor area of 400 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence <u>or a detached accessory dwelling unit</u> is located in the rear yard.
Duplex, single-family attached, and detached single-family units with one 0-foot setback	Minimum contiguous rear or side yard outdoor area of 300 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence <u>or a detached accessory dwelling unit</u> is located in the rear yard.
Common outdoor area alternative	In lieu of meeting the outdoor area requirements for each lot, a common outdoor area may be provided for the development. This common outdoor area shall have a minimum contiguous area of 500 square feet unit in the development with a minimum size of 5,000 square feet, of which no dimension shall be less than 40 feet.

Figure 1

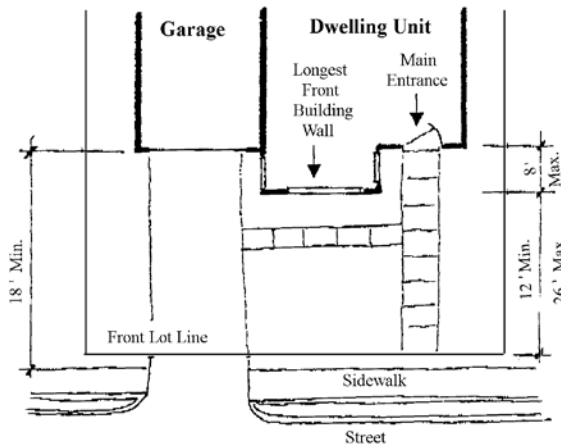
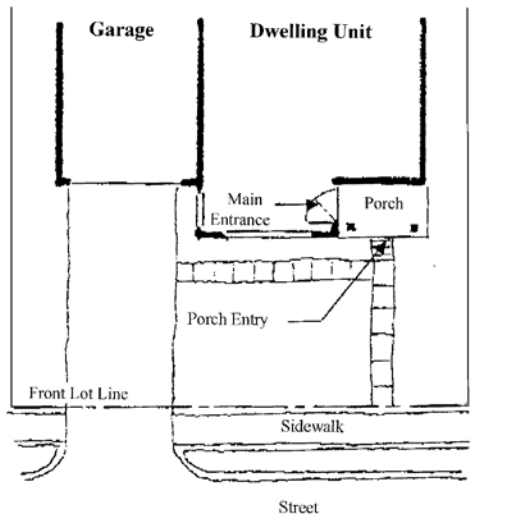


Figure 2



(Ord. O-02-4 § 2 (part), 2002)

## Chapter 16.88

### SINGLE-FAMILY RESIDENTIAL ZONE (SF)

#### Sections:

- 16.88.010 Purpose.**
- 16.88.020 Permitted uses.**
- 16.88.030 Conditional uses.**
- 16.88.040 Dimensional and density requirements.**

#### **16.88.010 Purpose.**

The purpose of the SF zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote single-family residential neighborhoods. This land use designation is intended to generally apply to established single-family residential properties within the city prior to June 5, 1991. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.88.020 Permitted uses.**

A permitted use is a use, which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the SF zone are:

- A. Dwelling, single-family detached;
- B. Manufactured home on an individual lot;
- C. Residential home; and
- D. Dwelling, accessory. (Ord. O-03-2 § 1 (part), 2003; Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.88.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the SF district are:

- A. Schools;
  - B. Utilities;
  - C. Community services;
  - D. Parks and open space;
  - E. Religious assembly; and
  - F. Public safety facilities.
- (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.88.040 Dimensional and density requirements.**

- A. The dimensional requirements in the SF district are:
  - 1. A minimum lot area of four thousand square feet;
  - 2. A minimum average lot width of forty feet;
  - 3. A minimum average lot depth of eighty feet;
  - 4. Minimum building setback requirements of:
    - a. Front yard of ten feet for the building and garage vehicle entrance;
    - b. Side yard of four feet;
    - c. Rear yard of four feet;
  - 5. Eaves and decorative features are allowed within setback areas but in no case shall any portion of a building encroach upon another lot;
  - 6. No building shall exceed twenty feet in height;
  - 7. The maximum height and size and minimum setbacks for accessory structures and detached accessory dwellings shall comply with the provisions of Chapters 16.176 and 16.178; and
  - 8. The maximum coverage of buildings and impervious surfaces shall not exceed seventy-five percent of the total lot area.
- B. Residential development shall be no less than eighty percent of the maximum density allowed by the requirements of this chapter. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**Commented [K8]:** As noted earlier, dimensional and design standards for residential building types will be reconsidered as part of the master plan process.

## **Chapter 16.92**

### **APARTMENTS AND TOWNHOUSES ZONE (AT)**

#### **Sections:**

- 16.92.010 Purpose.**
- 16.92.020 Permitted uses.**
- 16.92.030 Conditional uses.**
- 16.92.040 Dimensional and density requirements.**

#### **16.92.010 Purpose.**

The purpose of the AT zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote moderate density residential neighborhoods. This land use designation is intended to generally apply to established single-family residential properties within the city prior to June 5, 1991. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.92.020 Permitted uses.**

A permitted use is a use, which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the AT zone are:

- A. Dwelling, single-family detached;
- B. Dwelling, single-family attached;
- C. Dwelling, multi-family;
- D. Manufactured home on an individual lot;
- E. Residential home;
- F. Manufactured/mobile home parks and subdivisions;
- G. Duplex; and
- H. Dwelling, accessory.

(Ord. O-03-2 § 1 (part), 2003; Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.92.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the AT district are:

- A. Schools;
- B. Utilities;
- C. Community services;
- D. Parks and open space;
- E. Religious assembly;
- F. Public safety facilities; and
- G. Residential facility.

(Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)



**16.92.040 Dimensional and density requirements.**

- A. The dimensional requirements in the AT district are:
1. A minimum lot area of five thousand square feet. For more than one unit, the minimum lot area shall be two thousand five hundred square feet per unit;
  2. A minimum average lot width of forty feet;
  3. A minimum average lot depth of eighty feet;
  4. Minimum building setback requirements of:
    - a. Front yard of ten feet for the building;
    - b. Side yard of five feet for a one story structure, and ten feet for two-story structures;
    - c. Rear yard of twenty feet;
    - d. Garage vehicle entrance setback of fifteen feet;
  5. Eaves and decorative features are allowed within setback areas but in no case shall any portion of a building encroach upon another lot;
  6. In a group of buildings in one project, the minimum distance between buildings shall be not less than the sum of the required side yards computed separately;
  7. No building shall exceed thirty feet in height;
  8. The maximum height and size and minimum setbacks for accessory structures and detached accessory dwellings shall comply with the provisions of Chapters 16.176 and 16.178; and
  9. The maximum coverage of buildings and impervious surfaces shall not exceed seventy-five percent of the total lot area.
- B. Residential development shall be no less than eighty percent of the maximum density allowed by the requirements of this chapter. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**Commented [K9]:** Same as above comments for the SF zone.

*Mike suggests more form-based approach in master plan and possibly considering viewsheds.*

**Chapter 16.94**

**ATTACHED RESIDENTIAL ZONE (R-12)**

**Sections:**

- 16.94.010 Purpose.**  
**16.94.020 Permitted uses.**  
**16.94.030 Conditional uses.**  
**16.94.040 Dimensional and density requirements.**  
**16.94.050 Design requirements.**

**16.94.010 Purpose.**

The purpose of the R-12 zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote moderate density residential neighborhoods. (Ord. O-02-4 § 2 (part), 2002)

**16.94.020 Permitted uses.**

A permitted use is a use, which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the R-12 zone are:

- A. Dwelling, single-family detached;

- B. Dwelling, single-family attached;
- C. Dwelling, multi-family;
- D. Manufactured home on an individual lot;
- E. Duplex residential units;
- F. Residential home;
- G. Manufactured/mobile home parks and subdivisions;
- H. Family day care (family care);
- I. Residential facility;
- J. Parks and open space created as part of a subdivision or planned development; and
- K. Dwelling, accessory.

(Ord. O-03-2 § 1 (part), 2003; Ord. O-02-4 § 2 (part), 2002)

#### **16.94.030 Conditional uses.**

A conditional use is a use, which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the R-12 district are:

- A. Schools;
- B. Utilities;
- C. Community services;
- D. Parks and open space not created as part of a subdivision or planned development;
- E. Religious assembly;
- F. Public safety facilities;
- G. Day care group home (Family care); and
- H. Recreation vehicle and boat storage serving only the residents within the development. (Ord. O-02-4 § 2 (part), 2002)

#### **16.94.040 Dimensional and density requirements.**

The dimensional and density requirements of the R-12 district are:

<b>Dimensional Requirements Table</b>	
<b>Minimum and average lot size/land area per unit</b>	
Single-family detached units	2,000 min./2,400 avg. square feet
Duplex	3,600 min./4,000 avg. square feet
Single-family attached and 0-foot setback units	1,600 min./2,000 avg. square feet
Multi-family units	1,600 min./2,000 avg. square feet
<b>Minimum average lot width (per lot)</b>	
Single-family detached units	28 feet
Duplex	48 feet
Single-family attached and 0-foot setback detached units	24 feet
Multi-family units	48 feet
<b>Minimum average lot depth (per lot)</b>	
Single-family detached units	60 feet

Dimensional Requirements Table	
Duplex	60 feet
Single-family attached and 0-foot setback detached units	60 feet
Multi-family units	60 feet
<b>Setbacks (measured from property lines, except as noted for garage entrances)*</b>	
Front yard	10 feet minimum and 26 feet maximum to front building wall. 6 feet minimum and 15 feet maximum to front porch. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.
Front yard - corner	For corner lots, at least one street frontage shall meet the front yard requirements above. For the second front yard, the property owner/applicant may apply the following standards: 8 feet minimum for a side yard facing a street. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.
Side yard - interior	0 feet, <del>except as required by the Uniform Building Code (UBC)</del> , or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet.
Rear yard	10 feet minimum for residential building. 0 feet for a detached accessory dwelling unit or building less than or equal to 18 feet in height. 0-6 feet or ≥ 18 feet to a garage entrance to an alley.
<b>Building height</b>	
Single-family, duplex, <del>and</del> multi-family, and accessory dwellings that are within or attached to the primary dwelling	35 feet
Accessory structures and detached accessory dwellings	18 feet
<b>Density standards</b>	
Maximum	12 units per gross acre (Chapter 16.146)
Minimum	80% of the allowed maximum

\*In addition, setbacks for each type of structure must comply with the current Oregon Building Code.  
(Ord. O-02-4 § 2 (part), 2002)

**Commented [KL10]:** Same comment as for R-9 – should this be the same as for side yard?

*Mike - I feel that would depend on size. If the ADU is similar in size and nature to that of a Garden Shed then I think a 0 foot setback is acceptable, but if it's a whole new SFD, just a little smaller than the primary dwelling, we have issues.*

**Commented [K11]:** Same as above comments.

**16.94.050 Design requirements.**

In addition to the dimensional requirements in Section 16.94.040, the following design requirements shall apply:

<b>Design Requirements Table</b>	
<b>Main entrance</b>	
Location	Within 8 feet of the longest front building wall (see Figure 1). The applicant/owner may select which street frontage to use for a corner lot.
Orientation	Face the street at an angle that does not exceed 45 degrees; or Open onto a porch, which has: <ul style="list-style-type: none"><li>• A minimum of 25 square feet with a minimum dimension of 4 feet;</li><li>• At least one entrance facing the street; and</li><li>• A roof that covers at least 30 percent of the porch area (see Figure 2).</li></ul>
<b>Front windows</b> - First floor of all dwellings.	
Minimum glazing area	20 sq. ft. for each building wall facing a street. Windows in entry or garage doors shall not be included to meet this standard.
Maximum window sill height	4 ft. above finished first floor elevation for the window(s) necessary to meet the 20 sq. ft. minimum glazing area standard. No sill height standard for all other windows.
<b>Garage door frontage</b> - Maximum percentage of the building width allowed for the garage door.	
Single-family detached units	50% when the garage setback is the same or less than the front building wall. The garage door setback shall be no more than 6 feet less than the front building wall setback. 60% when the garage setback is at least 2 feet behind the front building wall or front porch. 70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Single-family attached, duplex and multi-family units	30% when the garage setback is less than the front building wall or front porch. 60% when the garage setback is equal to or greater than the front building wall. 70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Attached units</b>	
Maximum number of attached single or multi-family units	12 units.

Design Requirements Table	
<b>Required outdoor area</b>	
Single-family detached units	Minimum contiguous rear or side yard outdoor area of 300 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence <u>or a detached accessory dwelling unit</u> is located in the rear yard.
Duplex, single-family attached, <del>and</del> detached single-family units, <u>or detached accessory dwelling units</u> with one 0-foot setback	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence <u>or a detached accessory dwelling unit</u> is located in the rear yard.
Multi-family units	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided for each unit on the lot, of which no dimension shall be less than 15 feet.
Common outdoor area alternative	In lieu of meeting the outdoor area requirements for each lot, a common outdoor area may be provided for the development. This common outdoor area shall have a minimum contiguous area of 400 square feet per unit in the development with a minimum size of 4,000 square feet, of which no dimension shall be less than 40 feet.

Figure 1

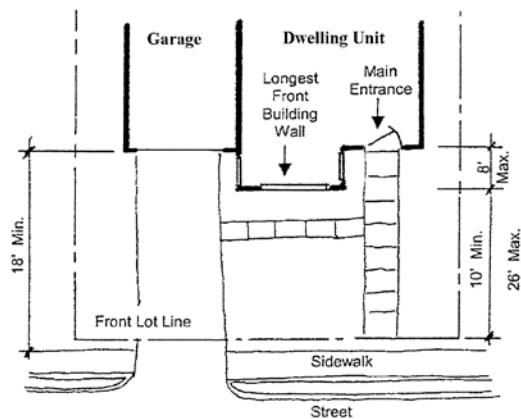
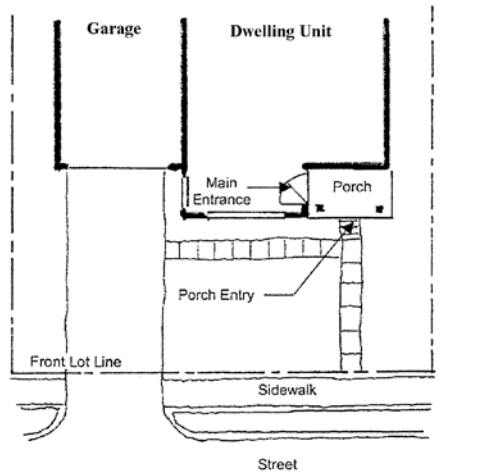


Figure 2



(Ord. O-02-4 § 2 (part), 2002)

## Chapter 16.96

### MULTI-FAMILY RESIDENTIAL ZONE (R-15)

#### Sections:

- 16.96.010 Purpose.**
- 16.96.020 Permitted uses.**
- 16.96.030 Conditional uses.**
- 16.96.040 Dimensional and density requirements.**

#### 16.96.010 Purpose.

The purpose of the R-15 zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote moderate density residential neighborhoods. This land use designation is intended to generally apply to annexed properties that were designated as R-15 in Washington County. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### 16.96.020 Permitted uses.

A permitted use is a use, which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the AT zone are:

**Commented [K12]:** Since this zone isn't applied anywhere, and it needs a total revision if it is retained, no ADU changes are proposed at this time.

- A. Dwelling, single-family detached;
- B. Dwelling, single-family attached;
- C. Dwelling, multi-family;
- D. Manufactured home on an individual lot;
- E. Duplex residential units;
- F. Residential home;
- G. Manufactured/mobile home parks and subdivisions;
- H. Family day care (family care); and
- I. Residential facility;
- J. Dwelling, accessory.

(Ord. O-03-2 § 1 (part), 2003; Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.96.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the R-15 district are:

- A. Schools;
- B. Utilities;
- C. Community services;
- D. Parks and open space;
- E. Religious assembly;
- F. Public safety facilities; and
- G. Day care group home (family care).

(Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.96.040 Dimensional and density requirements.**

The dimensional requirements in the R-15 district are:

- A. The minimum lot area shall be:
  - 1. Twenty thousand square feet for multi-family development;
  - 2. Five thousand square feet for single-family dwellings and manufactured homes on individual lots;
  - 3. Ten thousand square feet for a duplex;
  - 4. Five thousand square feet for a park.
- B. The minimum yards required shall be:
  - 1. Front yard:
    - a. Multi-family—Twenty feet;
    - b. Single-family, manufactured home, duplex—Fifteen feet;
  - 2. Side yard:
    - a. Multi-family—Twenty feet;
    - b. Single-family, manufactured home, duplex—Five feet.
  - 3. Rear yard for all buildings—Twenty feet;
  - 4. Garage vehicle entrance setback of fifteen feet;
  - 5. Where the side yard or rear yard of single-family attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than thirty feet.

C. Residential structures shall not exceed thirty feet in height, and accessory structures shall not exceed twenty feet in height;

**Commented [KL13]:** Not an ADU issue, but we should stick with a common height limit for accessory buildings, unless there's a reason. Calling for 18' in R-9/R-12 and 20' here makes no sense.

D. The maximum height and size and minimum setbacks for accessory structures shall comply with the provisions of Chapter 16.176;

E. The maximum coverage of buildings and impervious surfaces shall not exceed seventy-five percent of the total lot area; and

F. Residential development shall be no less than eighty percent of the maximum density allowed by the requirements of this chapter. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

## **Chapter 16.100**

### **MULTI-FAMILY RESIDENTIAL ZONE (R-24)**

#### **Sections:**

**16.100.010 Purpose.**

**16.100.020 Permitted uses.**

**16.100.030 Conditional uses.**

**16.100.040 Dimensional and density requirements.**

#### **16.100.010 Purpose.**

The purpose of the R-24 zone is to provide land for housing opportunities for individual households. The zone implements the comprehensive plan policies and regulations that are intended to create, maintain and promote high density residential neighborhoods. This land use designation is intended to generally apply to annexed properties that were designated as R-24 in Washington County. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.100.020 Permitted uses.**

A permitted use is a use which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the AT zone are:

- A. Dwelling, single-family detached;
- B. Dwelling, single-family attached;
- C. Multi-family residential dwellings;
- D. Manufactured home on an individual lot;
- E. Duplex residential units;
- F. Residential home;
- G. Manufactured/mobile home parks and subdivisions;
- H. Family day care (family care);
- I. Residential facility; and
- J. Dwelling, accessory. (Ord. O-03-2 § 1 (part), 2003; Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

#### **16.100.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the R-24 district are:



- A. Schools;
- B. Utilities;
- C. Community services;
- D. Parks and open space;
- E. Religious assembly;
- F. Public safety facilities;
- G. Day care group home and adult day care (family care); and
- H. Recreational vehicle parks. (Ord. O-03-2 § 1 (part), 2003; Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**16.100.040 Dimensional and density requirements.**

The dimensional requirements in the R-24 district are:

A. The minimum lot area shall be:

- 1. Twenty thousand square feet for multi-family development;
- 2. Five thousand square feet for single-family dwellings and manufactured homes on individual lots;
- 3. Ten thousand square feet for a duplex;
- 4. Five thousand square feet for a park.

B. The minimum yards required shall be:

- 1. Front yard:
  - a. Multi-family—Twenty feet;
  - b. Single-family, manufactured home, duplex—Fifteen feet;
- 2. Side yard:
  - a. Multi-family—Twenty feet;
  - b. Single-family, manufactured home, duplex—Five feet;
- 3. Rear yard for all buildings—Twenty feet;
- 4. Garage vehicle entrance setback of fifteen feet;
- 5. Where the side yard or rear yard of attached, multiple-family, single-family dwelling, or manufactured home on an individual lot abut a more restrictive zoning district, such setbacks shall not be less than thirty feet.

C. The maximum building heights shall be:

- 1. Thirty feet for single-family dwellings;
- 2. Forty feet for multi-family dwellings.

D. The maximum height and size and minimum setbacks for accessory structures and detached accessory dwellings shall comply with the provisions of Chapters 16.176 and 16.178;

E. The maximum coverage of buildings and impervious surfaces shall not exceed seventy-five percent of the total lot area; and

F. Residential development shall be no less than eighty percent of the maximum density allowed by the requirements of this chapter. (Ord. O-99-6 § 1 (part), 1999; Ord. 96-4 § 1 (part), 1996)

**Commented [KL14]:** We should ultimately adopt a unified format for zoning districts, perhaps a similar format to R-9/R-12.

**Commented [KL15]:** Not an ADU issue, but these dimensional standards are out of date and should be amended or simply deleted with upcoming CDC revisions.

**Commented [KL16]:** Not an ADU issue, but we should allow 35'/45'

*Mike - Agree – See viewshed comment above if we want to consider removal of a hard ceiling*

**Commented [K17]:** Same as above comments.

**Chapter 16.102**  
**NEIGHBORHOOD MIXED-USE ZONE (NMU)**

**Sections:**

- 16.102.010 Purpose.**
- 16.102.020 Permitted uses.**
- 16.102.030 Conditional uses.**
- 16.102.040 Dimensional and density requirements.**
- 16.102.050 Design requirements.**
- 16.102.060 Additional requirements.**

**16.102.010 Purpose.**

The purpose of the NMU zone is to provide a mix of residential, retail, service, and business needs of surrounding residential neighborhoods while maintaining a compatible scale and character with those neighborhoods. It is intended for relatively small sites within or adjacent to residential neighborhoods.

**16.102.020 Permitted uses.**

A permitted use is a use which is allowed outright but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the NMU district are as follows:

- A. Dwelling, single-family attached and detached 0-foot side yard;
- B. Dwelling, multi-family;
- C. Duplex;
- D. Dwelling, Accessory
- ~~EE~~. Office;
- ~~FE~~. Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060
- C. or is subject to liquor license review according to Chapter 5.05 of this title;
  - 1. Sales-oriented;
  - 2. Personal service-oriented; and
  - 3. Entertainment-oriented.
- ~~GF~~. Live-work unit approved as a Type I or II home occupation as provided in Chapter 16.172;
- ~~HG~~. Community services;
- ~~IH~~. Religious assembly;
- ~~JH~~. Family care;
- ~~KJ~~. Residential facility; and
- ~~LK~~. Adult day care (family care).

**16.102.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the NMU district are as follows:

- A. Live-work unit that does not qualify for Type I or II home occupation approval as provided in Chapter 16.172;
- B. Retail sales and service conducted partially or completely outside of a building or subject to liquor license review according to Chapter 5.05 of this title;

1. Sales-oriented,
  2. Personal service-oriented, and
  3. Entertainment-oriented;
- C. Utilities;
- D. Public safety facilities; and
- E. Parks and open space.

**16.102.040 Dimensional and density requirements.**

- A. The dimensional requirements in the NMU district are:

Dimensional Requirements Table	
<b>Minimum land area per unit</b>	
Duplex	3,000 min.
Single-family detached	1,600 min.
Single-family attached and 0-foot setback units	1,500 min.
Multi-family units	1,500 min.
Live-work units	1,500 min.
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot width (per lot)</b>	
Duplex	48 feet
Single-family detached	40 feet
Single-family attached and 0-foot setback detached units	20 feet
Multi-family units	48 feet
Live-work units	24 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot depth (per lot)</b>	
Duplex	60 feet
Single-family detached	60 feet
Single-family attached and 0-foot setback detached units	60 feet
Multi-family units	60 feet
Live-work units	60 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Setbacks (measured from property lines, except as noted)<sup>1</sup></b>	
<u>Front yard</u>	
Residential and live-work	10 feet minimum and 26 feet maximum to front building wall. 6 feet minimum and 15 feet maximum to front porch.

**Commented [K18]:** Dimension inadvertently missing in adopted version.

Dimensional Requirements Table	
Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.	18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.  Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or $\geq$ 18 feet to a garage entrance if driveway parking is allowed.
<u>Front yard – corner</u> For corner lots, at least one street frontage shall meet the front yard requirements above. For the second front yard, the property owner/applicant may apply the following standards: Residential and live-work  Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.	6 feet minimum for a side yard facing a street. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.  Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or $\geq$ 18 feet to a garage entrance if driveway parking is allowed.
<u>Side yard – interior</u> Residential and live-work  Non-residential and mixed-use (non-residential and multi-family) buildings	0 feet minimum, <del>except as required by the Uniform Building Code (UBC)</del> , or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet.  0 feet minimum, for side yard lot lines adjacent to other property zoned NMU or LC, <del>except as required by the Uniform Building Code (UBC)</del> , or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet. 10 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC.

Dimensional Requirements Table	
<b>Rear yard</b> Residential and Live-Work	10 feet minimum for residential building. 0 feet for a detached accessory <b>dwelling or</b> building less than 18 feet in height. 0-6 feet or $\geq$ 18 feet to a garage entrance to an alley.
Non-residential and mixed-use (non-residential and multi-family) buildings	10 feet minimum adjacent to property zoned NMU or LC. 20 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC. 5 feet for a detached accessory building less than 18 feet in height. 0-6 feet or $\geq$ 18 feet to a garage entrance to an alley.
<b>Minimum landscaped area</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, <b>accessory dwellings</b> , and multi-family dwellings	20% of the total lot area <sup>21</sup>
Live-work units	20% of the total lot area <sup>24</sup>
Non-residential and mixed-use (non-residential and multi-family) buildings	15% of the total lot area <sup>24</sup>
<b>Building height</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, <b>accessory dwellings that are within or attached to the primary dwelling</b> , and multi-family dwellings	35 feet
Live-work units	35 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	35 feet <sup>25</sup>
Accessory structures <b>and detached accessory dwellings</b>	18 feet
<b>Residential (only) density standards</b>	
Maximum	12 units per gross acre (Chapter 16.146)
Minimum	80% of the allowed maximum
<b>Commercial, mixed-use (non-residential &amp; multi-family) and live-work floor area standards</b>	
Commercial including: Office, Retail sales and service (sales-, personal service-, and entertainment-oriented)	Maximum 1.5 to 1 FAR <sup>26</sup>
Live-work units	Commercial floor area shall not exceed 50% of the total floor area of the live-work unit

<sup>21</sup> In addition, setbacks for each type of structure must comply with the current Oregon Building Code.

<sup>22</sup> The landscaped area per lot may be reduced when common open space is provided. In this case, the total landscaped area on lots and common areas must total a minimum of 20%.

<sup>23</sup> Building height may be increased to a maximum of 45 feet as provided in Figure 1.

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34 Floor area ratios (FARs) apply to the total floor area in a mixed-use project regardless of the use.

- B. The maximum building height of thirty-five feet in subsection (a) of this section shall increase one foot for each additional foot of building setback over twenty-five feet from a residential zoning district, up to a maximum building height of forty-five feet as illustrated in Figure 1. In the case of a public street right-of-way lying between the NMU Zone and a residential zone, the setback shall be calculated using the right-of-way centerline in lieu of the property line.

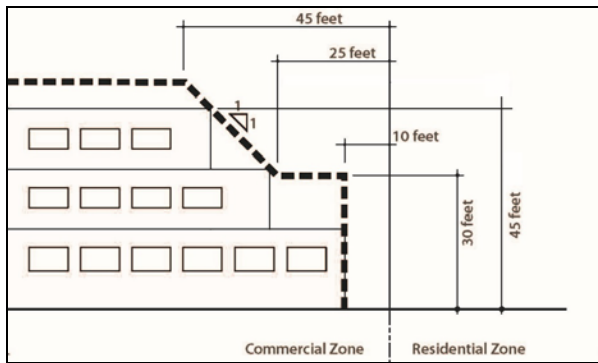


Figure 1. Building Height

## **Chapter 16.132**

### **PARKING AND LOADING**

#### **Sections:**

- 16.132.010 Purpose.**
- 16.132.020 General provisions.**
- 16.132.030 Minimum off-street parking requirements.**
- 16.132.040 Parking dimensional standards.**
- 16.132.050 Parking design standards.**
- 16.132.060 Minimum bicycle parking requirements.**
- 16.132.070 Bicycle parking design standards.**
- 16.132.080 Loading area standards.**

**16.132.030 Minimum off-street parking requirements.**

Minimum Off-Street Parking Requirements		
Use Categories	Specific Uses	Minimum Required Parking
A. Residential Categories		
1. Single-Family	<ul style="list-style-type: none"> <li>■ Single-Family Attached/Detached</li> <li>■ Manufactured Home</li> <li>■ Mobile Home</li> <li>■ Duplex</li> <li>■ Residential Care</li> </ul>	1 space per unit ( <a href="#">accessory dwellings shall comply with 16.178.050</a> )
2. Multi-Family/Group Living	■ Multi-Family Studio/1 Bedroom	1 space per unit
	<ul style="list-style-type: none"> <li>■ Multi-Family</li> <li>■ 2 or more Bedrooms</li> </ul>	1 space per unit
B. Commercial Categories		
1. Retail Sales and Service	■ Retail, Personal Service, Repair	1 space per 500 sq. ft. of floor area
	■ Retail, Repair Large Merchandise such as Home Appliances, Furniture	1 space per 1,000 sq. ft. of floor area
	■ Restaurants, Health clubs, Meeting rooms	1 space per 250 sq. ft. of floor area
	■ Motel	1 space per room, plus 1 per 2 employees
	■ Theater	1 space per 4 seats or 1 per 6 feet of bench
2. Office	■ Professional Government	1 space per 400 sq. ft. of floor area
	■ Medical, Dental	1 space per 250 sq. ft. of floor area
3. Automotive	■ Vehicle Repair	1 space per 750 sq. ft. of floor area
	■ Quick Vehicle Service, Car Wash	1 space per 500 sq. ft. of floor area
C. Institutional Categories		
1. Public Safety Facilities		1 space per 500 sq. ft. of floor area
2. Community	■ Parks and Open Space Meeting Recreation Halls, Recreation Buildings	Per site Plan or Conditional Use Review
3. Schools	■ Grades K-9	1 space per classroom
	■ Grades 9-12	7 spaces per classroom



Minimum Off-Street Parking Requirements		
Use Categories	Specific Uses	Minimum Required Parking
4. Religious Assembly		1 space per 100 sq. ft. of main assembly area
5. Utilities		Number determined as part of Conditional Use Review

**16.132.060 Minimum bicycle parking requirements.**

Minimum Bicycle Parking Requirements		
Use Categories	Specific Uses	Minimum Required Bicycle Parking
A. Residential Categories		
1. Single-Family Facilities	<ul style="list-style-type: none"> <li>■ Single-Family Attached/Detached/<a href="#">Accessory Dwellings</a></li> <li>■ Manufactured Home</li> <li>■ Mobile Home</li> <li>■ Duplex</li> <li>■ Residential Care</li> </ul>	
2. Multi-Family Group Living	<ul style="list-style-type: none"> <li>■ Multi-Family Studio/1 Bedroom</li> <li>■ Multi-Family 2 or more Bedrooms</li> </ul>	1 space per unit  1 space per unit
B. Commercial Categories		
1. Retail Sales and Service	<ul style="list-style-type: none"> <li>■ Retail, Personal Service, Repair</li> <li>■ Retail, Repair Large merchandise such as home appliances, furniture</li> <li>■ Restaurants, Health Clubs, Meeting Rooms</li> <li>■ Motel</li> <li>■ Theater</li> </ul>	1 space per 4,000 sq. ft. or 2 minimum 1 space per 6,000 sq. ft. or 2 minimum 1 space per 5,000 sq. ft. or 6 minimum 1 space per 5 rooms, or 2 minimum 1 space per 5 rooms, or 2 minimum
2. Office	<ul style="list-style-type: none"> <li>■ Professional Government</li> <li>■ Medical, Dental</li> </ul>	1 space per 4,000 sq. ft. or 2 minimum 1 space per 5,000 sq. ft. or 2 minimum
3. Automotive	<ul style="list-style-type: none"> <li>■ Service Stations, Vehicle Repair</li> </ul>	1 space per 6,000 sq. ft. or 2 minimum

Minimum Bicycle Parking Requirements		
Use Categories	Specific Uses	Minimum Required Bicycle Parking
	■ Quick Vehicle Service, Car Wash	1 space per 6,000 sq. ft. or 2 minimum
C. Institutional Categories		
1. Utilities	■ Transit Station/ Park and Ride ■ Other use Types	10 spaces per acre, or 6 minimum* Number determined as part of conditional use
2. Public Safety Facilities		Number determined as part of conditional use
3. Community Recreation	■ Parks ■ Meeting Halls, Recreation Buildings	Per site plan or conditional use review
4. Schools	■ Grades K-9 ■ Grades 9-12 Studio/1 Bedroom	6 spaces per classroom 4 spaces per 40 seats in main assembly area, or 4 minimum
5. Religious Assembly		1 space per 40 seats in main assembly area, or 4 minimum

\* All spaces shall be covered and fifty percent of the spaces shall be lockable enclosures.

(Ord. 96-4 § 1 (part), 1996)

## Chapter 16.136

### CIRCULATION AND ACCESS

#### Sections:

- 16.136.010 Purpose.**
- 16.136.020 General provisions.**
- 16.136.030 Access standards—Residential.**
- 16.136.040 Access standards—Non-residential.**
- 16.136.050 Design standards.**
- 16.136.060 Reservoir areas required for drive-in use.**
- 16.136.070 Access restrictions.**
- 16.136.080 Surfacing requirements.**

**16.136.030 Access standards—Residential.**

A. Vehicular access and egress for single-family, duplex, or attached single-family dwelling units on individual lots shall not be less than the following:

<b>Number Dwelling Unit/Lots*</b>	<b>Minimum Number of Driveways</b>	<b>Minimum Property or Easement Width</b>	<b>Minimum Pavement Width</b>
1	1	15 ft.	10 ft.
2	2 or 1	15 ft. 25 ft.	10 ft. 20 ft.
3-6	1	30 ft.	24 ft. With curbs on both sides and walkway on one side.

\* Excludes accessory dwelling units

B. Vehicular access and egress for multiple-family residential uses shall not be less than the following:

<b>Dwelling Units*</b>	<b>Minimum Number of Driveways</b>	<b>Minimum Property or Easement Width</b>	<b>Minimum Pavement, Sidewalks, etc.</b>
1-2	1	10 ft.	10 ft.
3-19	1 or one-way	30 ft. 20 ft.	24 ft. if two-way 15 ft. if one-way Curbs on both sides and 5' walkway on one side.
20-49	1 or 2	30 ft. 30 ft.	24 ft. if two-way 15 ft. if one-way Curbs on both sides and 5' walkway on one side.
50-100	2	30 ft.	24 ft. Curbs on both sides and 5' walkway on one side.
100+	for each 100 spaces	one additional access	24 ft. drive Curbs on both sides and 5' walkway on one side.

\* Excludes accessory dwelling units

## Chapter 16.146

### RESIDENTIAL DENSITY CALCULATION

#### Sections:

- 16.146.010 Purpose.**
- 16.146.020 Applicability of provisions.**
- 16.146.030 Density calculation.**
- 16.146.040 Density transfers for unbuildable lands.**

#### **16.146.010 Purpose.**

The purpose of this chapter is to describe how density shall be calculated for residential development proposals. (Ord. O-02-4 § 2 (part), 2004)

#### **16.146.020 Applicability of provisions.**

The density calculations in this chapter shall apply to any development that has residential units as part of the proposed development with the exception of residential facilities and residential homes where the units for residents do not include individual kitchen and/or bathroom facilities and accessory dwelling units. (Ord. O-02-4 § 2 (part), 2004)

#### **16.146.030 Density calculation.**

A. To determine the maximum or minimum number of units, which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated by the applicable zone district, except as specified otherwise in this chapter.

##### EXAMPLE

Acres x units per acre = number of units allowed  
 $1.6 \times 5 = 8.0$  or 8 units

B. Site size shall include the area of the subject lot(s) or parcel(s), in acres or portions thereof, except for:

1. All areas dedicated for public right-of-way that exist at the time the development application is submitted for review;

2. Proposed lots with a maximum size of twenty thousand square feet to include existing residences on the subject lot(s) or parcel(s) to be developed; and

3. Proposed remnant parcels, which are of sufficient size to be developed or divided in the future.

C. No portion of the allowable density shall be transferred from one land use designation to another land use designation, except as permitted in accordance with the planned development provisions of Chapter 16.150.

D. Land outside of the urban growth boundary (UGB) shall be ineligible for density transfer and shall not be considered in any density calculations.

E. The number of units, which may be constructed on the subject lot(s) or parcel(s) shall be subject to the limitations of the applicable provisions of this title.

F. When the maximum or minimum number of units allowed on a site results in a fraction of one-half or more, the number of units allowed shall be the next highest whole number, provided all minimum zone district requirements other than density can be met.

**Commented [K19]:** In light of Ponderosa Pines, we should consider fixing this with the ADU amendment package. I recall the original intent to be that the developer, at his option, could decide to include or exclude up to 20,000 sf from the density calculation. As West King City was being built, the primary issue for developers was meeting the minimum density, and this was a way for them to reduce the overall density of their development if they wanted to. Now with development and housing costs being what they are, developers are more interested in maximizing density.

G. Land that is dedicated to a park and recreation provider as public park land may be used to calculate the minimum or maximum density, provided the land is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland or slopes over twenty percent.

H. Land used for a private park, that is available to the general public outside of the residential development the park is located in, may be excluded from the acreage used to calculate the minimum density, provided the park is developed for recreational uses and does not include flood plain, drainage hazard, wetland, or slopes over twenty percent.

I. For categories of land listed in Section 16.146.040, the applicant may either include it or exclude it from the acreage used to calculate the minimum or maximum density. (Ord. O-02-4 § 2 (part), 2004)

#### **16.146.040 Density transfers for unbuildable lands.**

A. Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within the UGB and within one of the following areas:

1. Flood plain;
2. Drainage hazard;
3. Jurisdictional wetland;
4. Slopes over twenty percent;
5. Power line easement or right-of-way;
6. Future right-of-way for transitway, designated arterials, collectors and neighborhood collectors;
7. Water quality sensitive areas designated for permanent protection; or
8. Vegetated corridors designated for permanent protection.

B. Density may be transferred within the UGB only as follows:

1. Within a single lot or parcel within the same land use designation; or
2. To an adjoining lot or parcel that is a subject of the development application provided it is also within the same land use designation as the other lot or parcel.

C. Density Transfer Calculations. The number of units, which may be transferred, shall be calculated as follows:

1. Determine the total density for the subject lot(s) or parcel(s);
2. Determine the total number of units in the buildable portion and the unbuildable portion of the total site;
3. Transfer the density of the unbuildable portion of the site to the buildable portion of the site, provided that the transferred density does not more than double the density allowed on the buildable portion of the site.

D. For the purpose of this chapter, buildable shall mean all portions of the subject lot(s) or parcel(s) not included within a category listed in subsection A of this section, and unbuildable shall mean all portions of the lot(s) or parcel(s) included in one of these categories. (Ord. O-02-4 § 2 (part), 2004)

### **Chapter 16.176**

#### **ACCESSORY STRUCTURES**

##### **Sections:**

- 16.176.010 Purpose.**
- 16.176.020 Applicability of provisions.**
- 16.176.030 Administration.**
- 16.176.040 Submission requirements.**
- 16.176.050 Approval standards.**

**Commented [K20]:** This chapter needs a wide range of amendments, but for the purpose of making interim ADU amendments, I recommend making a few amendments to be consistent with the Oregon Building Code and CDC and entertaining other amendments regarding design with the major CDC amendments that will come later.

#### 16.176.010 Purpose.

The purpose of this chapter is to:

- A. Establish criteria for regulating the type, size and location of accessory structures in residential zoning districts;
- B. Allow the property to be more useful while not altering the residential character of the principal structures of the neighborhood; and
- C. Allow for accessory structures within non-residential zones including the limited commercial (LC), community facilities (CF), and recreational golf course (RGC) districts. (Ord. 96-4 § 1 (part), 1996)

#### 16.176.020 Applicability of provisions.

- A. Review by the city manager of accessory structures is required except for the following situations.
  1. ~~Non-habitable buildings~~ Buildings or structures within residential zoning districts which are less than ~~two~~ ~~one~~ hundred ~~twenty~~ square feet in gross floor area, meet applicable building setback requirements (see Section 16.176.050(A)), and ten feet or less in height, measured from ~~base to highest point of the structure~~ the finished floor to the wall or top plate.
  2. Accessory buildings or structures attached to the principle building or structure. Attached means wall-to-wall or any permanent roof attachment such as breezeways. Said structures shall be considered as building additions and shall require building permits and compliance with the applicable setback standards for the principle building or structure;
  3. Accessory buildings are subject to the provisions of Chapter 16.152 in the limited commercial (LC), community facilities (CF) and recreational golf course (RGC) zoning districts. If a new or remodeled accessory structure represents a major modification, as provided in Section 16.152.020, it will be subject to the provisions of Chapter 16.152; and
  4. Fences and Walls.
- B. All of the provisions and regulations of the underlying zone apply unless modified by this chapter. (Ord. 96-4 § 1 (part), 1996)

**Commented [K21]:** Amended language per Clair.

#### 16.176.030 Administration.

- A. Accessory structure applications shall be administered and reviewed as an administrative review in accordance with Article II of this title.
- B. In instances where an alteration, extension or reconstruction is requested, the applicant shall apply for an accessory structure permit in accordance with this chapter.
- C. A conflict of interpretation concerning whether a structure is an accessory structure shall be resolved in accordance with the provisions of Section 16.40.050. (Ord. 96-4 § 1 (part), 1996)

#### 16.176.040 Submission requirements.

- A. In addition to the application form and information required in Section 16.44.030, the applicant shall submit the following:
  1. A site plan(s) and necessary data or narrative ~~(number to be determined at the preapplication conference)~~, which ~~explains~~ demonstrates how the accessory structure proposal conforms to the standards:
    - a. Sheet size for an accessory structure site plan(s) and required drawings shall be drawn on sheets preferably not exceeding eighteen inches by twenty-four inches;
    - b. The scale of the site plan shall be an engineering scale; and

**Commented [K22]:** Removed the reference to a preapp meeting because it's not necessary.

c. All drawings of structure elevations shall be at standard architectural scale, being one-fourth inch or one-eighth inch.

2. The proposed accessory structure site plan and narrative shall include:

a. The location of all existing and proposed structures on the site and directly abutting the site, and their orientation;

b. The location of existing and proposed utility lines and easements;

c. The location of any streets abutting the site;

d. The location of any accessway to the proposed structure;

e. The dimensions and square footage of the accessory structure; and

f. A copy of all existing and proposed restrictions or covenants.

3. The proposed architectural plans for the accessory structure shall include:

a. At least the front and side elevations of any proposed structure; and

b. If a building permit is required, all structural drawings and data required by the ~~current Oregon uniform Building Code~~ shall be included.

B. The city manager may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.

C. The city manager may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application. (Ord. 96-4 § 1 (part), 1996)

#### 16.176.050 Approval standards.

A. The following dimensional standards shall apply to all accessory structures:

1. Residential Zones.

a. Minimum front yard setback as required by the applicable zone;

b. Minimum side and rear yard setback as required by the applicable zone; and

c. ~~Maximum height of eighteen feet.~~

2. Non-residential Zones.

a. Minimum front, side and rear setbacks shall comply with the requirements of the applicable zone; and

b. Maximum height shall comply with the requirements of the applicable zone.

3. All detached accessory structures and the setback between the accessory structure and the principal building shall comply with the ~~current Oregon uniform Building Code~~.

4. All freestanding and detached towers, antennas, wind generating devices and TV receiving dishes shall have setbacks equal to or greater than the height of the proposed structure.

B. The following non-dimensional approval criteria shall be satisfied:

1. ~~A garage is required for each single family dwelling which shall conform generally in architectural style, exterior materials and finish to the residence.~~

2. Accessory structures or buildings shall comply with all requirements for the principal structure, except where specifically modified by this chapter;

3. No accessory building or structure shall be allowed in any required front yard ~~or any yard area abutting the golf course.~~

4. The applicant shall present documentation of the possession of any required license by any federal, state or local agency;

5. Any accessory building or structure attached to the principal building or structure must comply with all setbacks of the zoning district (attached means wall-to-wall or any permanent roof attachment such as breezeways);

**Commented [K23]:** Dimensional standards should ultimately be moved to reside in the base zones.

**Commented [KL24]:** Not an ADU issue, but this is probably a bit extreme to expect this much setback. It should be consistent and coordinated with the approach for communication facilities and structures in 16.179.

*Mike agrees.*

**Commented [K25]:** We should delete this to support more affordable housing.

**Commented [KL26]:** This requirement appears to related to KCCA requirements, and is not appropriate in the CDC.

*Mike agrees.*

56. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including, but not limited to, streets, alleys and public or private easements;

67. TV receiving dishes, greater than twenty-four inches in diameter, may be erected upon the roof of a structure only within a non-residential zone; and

78. Accessory structures which are nonconforming shall satisfy the requirements of Chapter 16.160 where an alteration, extension or reconstruction is requested. (Ord. O-02-4 § 2 (part), 2002; Ord. 96-4 § 1 (part), 1996)

**Commented [K27]:** As noted above, this needs to be coordinated with and perhaps moved to 16.179.

## Chapter 16.178

### ACCESSORY DWELLING UNITS

#### Sections:

**16.178.010 Purpose.**

**16.178.020 Applicability of provisions.**

**16.178.030 Administration.**

**16.178.040 Submission requirements.**

**16.178.050 Approval standards.**

#### 16.178.010 Purpose.

Accessory dwelling units are allowed ~~in certain situations to:~~

- A. Create new housing units while respecting the character of single-family residential neighborhoods;
- B. Utilize existing housing stock and infrastructure more efficiently;
- C. Provide a mix of housing types that respond to changing household needs;
- D. Provide a means for residents, particularly seniors, single parents and other established residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- E. Provide a broader range of affordable housing options. (Ord. O-03-2 § 1 (part), 2003)

#### 16.178.020 Applicability of provisions.

The provisions of this chapter shall apply to all new accessory dwelling unit construction or floor area expansion of an existing accessory dwelling in the R-9, SF, AT, R-12, R-15, ~~and~~ R-24, and NMU districts. (Ord. O-03-2 § 1 (part), 2003)

#### 16.178.030 Administration.

~~A.—Applications for a new~~ accessory dwelling unit ~~applications shall be administered and reviewed as a city manager review in accordance with Article II of this title.~~

~~B.—In instances where~~ or an alteration, extension or reconstruction ~~of an existing accessory dwelling unit is requested, the applicant shall apply for an accessory dwelling unit permit in accordance with this chapter. (Ord. O-03-2 § 1 (part), 2003)~~ shall be administered and reviewed as an administrative review in accordance with Article II of this title.

#### 16.178.040 Submission requirements.

A. In addition to the application form and information required in Section 16.44.030, the applicant shall submit the following:

**Commented [KL28]:** Because this is basically a building permit review with planning oversight, the information necessary for a building permit should be all that's required.



1. A site plan(s) and necessary data or narrative (~~number to be determined at the preapplication conference~~), which explains how the accessory ~~structure proposal~~ dwelling unit conforms to the standards of this title:

- ~~a. Sheet size for an accessory structure dwelling site plan(s) and required drawings shall be drawn on sheets preferably not exceeding eighteen inches by twenty-four inches;~~
- ~~b. The scale of the site plan shall be an engineering scale; and~~
- ~~c. All drawings of structure elevations shall be at standard architectural scale, being one-fourth inch or one-eighth inch.~~

2. The application for a proposed accessory ~~structure dwelling unit site plan and narrative shall include~~ the alteration, extension or reconstruction of an existing accessory dwelling unit shall include:

- a. ~~A site plan showing~~ the location of all existing and proposed structures on the site and directly abutting the site, and their orientation;
  - ~~i.b.~~ The location of existing and proposed utility lines and easements;
  - ~~ii.e.~~ The location of any streets abutting the site;
  - ~~iii.f.~~ The location of any accessway to the proposed ~~structure~~ accessory dwelling unit;
  - ~~iv.e.~~ The dimensions and square footage of the accessory ~~structure~~ accessory dwelling unit; and
  - ~~v.f.~~ A copy of all existing and proposed restrictions or covenants.
- ~~b.3.~~ The proposed architectural plans for the accessory ~~structure~~ accessory dwelling unit shall include:
- ~~ia.~~ At least the front and side elevations of any proposed structure; and
  - ~~ib.~~ If a building permit is required, all structural drawings and data required by the ~~current Oregon uniform~~ Building Code shall be included.

B. The city manager may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.

C. The city manager may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application. (Ord. O-03-2 § 1 (part), 2003)

#### 16.178.050 Approval standards.

##### A. Creation.

An accessory dwelling unit may only be created through the following methods:

- 1. Converting existing living area, attic, basement, ~~or~~ garage, ~~or detached accessory structure~~;
- 2. Adding floor area ~~to an existing residence or detached accessory structure~~;
- 3. Constructing a detached accessory dwelling unit on a site with an existing house, attached house or manufactured home; or
- 4. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.

##### B. ~~Maximum Number~~.

~~A maximum of one accessory dwelling unit is allowed per legal single-family dwelling.~~

##### ~~C.B. Other Development~~ Requirements for New and Existing Accessory Dwellings.

~~1. An attached accessory dwelling unit must be consistent with the design of the existing dwelling to which it is attached in the following ways:~~

- ~~a. The type size and placement of exterior finish material and trim;~~
- ~~b. The predominant roof pitch;~~
- ~~c. The proportion (relationship of width to height) and orientation (horizontal or vertical) of new windows;~~
- ~~d. Eaves must project from the same distance from building walls; and~~
- ~~e. Only one building entrance may be located on the front facade for the two dwellings. The entrance for one unit and all secondary entrances shall be located on the side or rear of the building.~~

**Commented [KL29]:** Depending upon how KC approaches land use application forms and public handout information, we could encourage discussing a proposed ADU with city staff prior to applying, but not a formal preapp.

**Commented [K30]:** Because a new ADU and virtually all remodels/expansions will require a building permit, I think we can rely on the building permit submittal requirements, just as we do now with residential building design review through Clair and the building permit process.

**Commented [KL31]:**  
*Mike believes it's saying if a building permit is required, so to is a development permit.*

**Commented [K32]:**  
*Mike – allow 1 ADU, but allow more than 1 accessory structure.*

~~2. A detached accessory dwelling unit must have the same roof pitch as the predominant roof pitch of the other dwelling unit on the lot.~~

~~B. Dimensional Standards.~~

~~1. A building containing an attached accessory dwelling unit shall provide front, side and rear setbacks and have a maximum building height which comply with the applicable zone district.~~

~~2. A detached accessory dwelling unit shall provide side and rear setbacks which comply with the applicable zone district and a front yard setback which is ten feet greater than the existing dwelling not be located within a front yard.~~

~~3. The lot size must be a minimum of seven thousand five hundred square feet. Properties with a detached accessory dwelling unit are allowed to increase the maximum lot coverage standard of the applicable zone up to 10 percent.~~

~~4. No additional off-street parking is required for an accessory dwelling unit. The size of an attached or detached accessory dwelling unit may be no more than thirty three percent of the living area of the existing dwelling or eight hundred square feet, whichever is less.~~

~~5. A detached accessory dwelling unit shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is less.~~

~~5. The maximum height allowed for an accessory dwelling unit shall:~~

~~a. Meet the standard of the applicable zone district for an attached unit; and~~

~~b. Be twenty five feet for a detached unit.~~

~~6. Conversion of an existing legal nonconforming structure to an accessory dwelling unit is allowed provided that the conversion does not increase the degree of nonconformity.~~

~~7. Accessory dwelling units are exempt from density calculations and requirements.~~

~~C. Parking.~~

~~1. No additional parking space as required for an accessory dwelling unit if it is created on a site with an existing house, attached house, or manufactured home and one abutting street has a paved width of at least twenty eight feet.~~

~~2. One additional parking space is required for an accessory dwelling unit:~~

~~a. When the abutting street(s) do not have a minimum paved width of twenty eight feet; or~~

~~b. When the accessory dwelling unit is created at the same time as the house, attached house, or manufactured home. (Ord. O-03-2 § 1 (part), 2003)~~

**Commented [K33]:** Need to test this and also consider the minimum rear yard standards in the R-9/R-12 zones. We could also waive the maximum lot coverage standard and rely on setbacks to retain some space.

**Commented [K34]:** Initially, our understanding from Metro and the state was that the city could require one on-site parking space where no on-street parking was possible (streets <28'. However, state statute prohibits any parking requirement regardless of the circumstances.

## Chapter 16.148

### SIGNS

#### Sections:

- 16.148.010 Title and purpose.
- 16.148.020 General provisions.
- 16.148.030 Commercial, office and business signs.
- 16.148.040 Public and semi-public signs.
- 16.148.050 Residential use signs.
- 16.148.060 Signs not requiring permits.
- 16.148.070 Temporary signs.
- 16.148.080 Exempt signs.

- 16.148.090 Nonconforming signs and uses.
- 16.148.100 Nuisance signs.
- 16.148.110 Prohibited signs and advertising devices.
- 16.148.120 Sign maintenance.
- 16.148.130 Criteria for sign permits—All signs.
- 16.148.140 Planning commission review.
- 16.148.150 Permits—Approval and fees.
- 16.148.160 Variances.
- 16.148.170 Inspection.
- 16.148.180 Appeals process.
- 16.148.190 Enforcement.
- 16.148.200 Responsibility for violations.
- 16.148.210 Penalties.
- 16.148.220 Cumulative remedies.

**16.148.140 — Planning commission review.**

~~— In addition to provisions of this chapter, all signs, except temporary signs and those which are exempt from provisions of this chapter, shall be subject to an objective review of all information submitted. This information should be submitted five working days prior to the planning commissions monthly meeting. The decision reached on all signs, shall be based on the requirements contained in Section 16.148.110 of this chapter. In addition, construction shall be compatible with surrounding architectural design to promote and give consideration to location of signs, design or building, landscaping, visibility, construction, quantity of existing signs, pedestrian activities and traffic patterns. (Ord. 96-4 § 1 (part), 1996)~~

**16.148.140 Administration.**

~~A. Sign applications shall be administered and reviewed as an administrative decision in accordance with Article II of this title.~~

~~B. Sign applications requiring a variance shall be administered and reviewed as a Planning Commission decision in accordance with Article II of this title.~~

**16.148.150 Permits—Approval and fees.**

A. Sign Permit Application. Application for a sign permit shall be submitted on forms prescribed by the city manager. The application shall address all criterion listed in Section 16.148.110. In addition, the application shall contain the names and addresses of the sign contractors, if any, the applicant, the owner of the property on which the sign will be erected and the property owner's consent. A separate application shall be submitted for each sign.

B. Sign Permit. The city manager shall issue a sign permit when all applicable provisions of this chapter have been met. Except as otherwise provided, a separate sign permit shall be obtained for each sign.

C. Sign Permit Fee. Each sign permit application shall be accompanied by a sign permit fee as required by the city's schedule of fees and penalties as approved through resolution of the city council.

D. Double Fees. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee specified in the city's schedule of fees and penalties as approved through resolution of the city council shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of this chapter or from penalties prescribed in this chapter. (Ord. 96-4 § 1 (part), 1996)

**Commented [KL35]:** The sign code needs a complete revision. This amendment is intended to remove the unwieldy requirement to have all signs approved by the Planning Commission.

## Public Notices

# Pamplin MediaGroup

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State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the The Times, a newspaper of general circulation, published at , in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**Ad#: 168726**

**Owner: City of King City**

**Description: Case No. LU 2020-01**

**King City Community Development Code  
- Accessory Dwelling and Housekeeping  
Amendments**

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 week(s) in the following issue:

**06/25/2020**

*Charlotte Allsop*

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this  
06/25/2020

*Deseri Kim Cerruti*

NOTARY PUBLIC FOR OREGON

Acct #: 133662

**Attn: Ronnie Smith**

**CITY OF KING CITY**

**15300 SW 16TH AVENUE**

**KING CITY, OR 97224**

## PUBLIC NOTICE

**Case No. LU 2020-01**

### **King City Community Development Code - Accessory Dwelling and Housekeeping Amendments**

The city of King City will hold public hearings before the King City Planning Commission and King City Council regarding potential amendments to the King City Community Development Code (CDC). The purposes of the proposed amendments are to: 1) adopt amended regulations for accessory dwelling units (ADUs); and 2) correct a numerical standard in the Neighborhood Mixed-Use (NMU) Zone; and 3) modify review procedures for signs. The approval criteria for evaluating the plan include:

- King City Comprehensive Plan; and
- Statewide planning goals.

The Planning Commission will consider public testimony regarding the draft King City CDC amendments. The purpose of the hearing will be for the Planning Commission to make a formal recommendation about the draft amendments to the King City Council.

The City Council will consider public testimony and the Planning Commission recommendation prior to making a decision regarding adoption of the King City CDC amendments.

Failure of an issue to be raised in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

**The public hearing before the Planning Commission is scheduled for Wednesday, July 22, 2020 at 9:30 a.m.,** Commissioner will be calling into the meeting via conference call. Members of the public will be able to listen to the meeting on the teleconference line or watch the meeting via video link. Accommodation shall be made to accept oral testimony. Minimal staff will be in the City Hall Conference Room, 15300 SW 116th Ave, King City, Oregon 97224. To avoid the potential spread of the COVID-19 virus, members of the public will not be allowed in the room. The final packet will can be found online seven (7) days before the meeting at: [http://www.ci.king-city.or.us/departments/planning\\_commission/planning\\_commission\\_agenda\\_and\\_minutes.php#outer-958](http://www.ci.king-city.or.us/departments/planning_commission/planning_commission_agenda_and_minutes.php#outer-958)

**The public hearing before the City Council is scheduled for Monday, August 19, 2020 at 5:00 p.m.** City Councilors will be calling into the meeting via conference call. Members of the public will be able to listen to the meeting on the teleconference line or watch the meeting via video link. Accommodation shall be made to accept oral testimony. Minimal staff will be in the City Hall Conference Room, 15300 SW 116th Ave, King City, Oregon 97224. To avoid the potential spread of the COVID-19 virus, members of the public will not be allowed in the room. The final packet will can be found online seven (7) days before the meeting at: [http://www.ci.king-city.or.us/government/mayor\\_and\\_council/agendas\\_and\\_minutes.php#](http://www.ci.king-city.or.us/government/mayor_and_council/agendas_and_minutes.php#)

Copies of the draft King City CDC amendments and a staff report are available at King City Hall, 15300 SW 116th Avenue. In addition, the King City CDC draft amendments and staff report may be found on the city's website at [http://www.ci.king-city.or.us/government/public\\_notices/hearings.php](http://www.ci.king-city.or.us/government/public_notices/hearings.php) under Wednesday, July 22, 2020. - NOTICE King City Community Development Code - Accessory Dwelling and Housekeeping Amendments Case No. LU 2020-01.

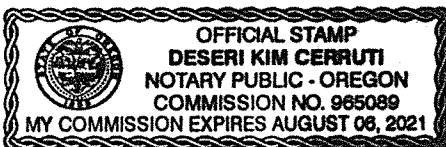
Questions and requests for additional information should be directed to:  
Michael Weston, City Manager [mweston@ci.king-city.or.us](mailto:mweston@ci.king-city.or.us) 503.639.4082

Keith Liden, Contract City Planner [keith.liden@gmail.com](mailto:keith.liden@gmail.com) 503.757.5501

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215  
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED  
TO THE PURCHASER.**

Published June 25, 2020.

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AFFIDAVIT OF PUBLICATION

**DJC**



921 S.W. Washington St. Suite 210 / Portland, OR 97205-2810  
(503) 226-1311

STATE OF OREGON, COUNTY OF MULTNOMAH--ss.

I, **Nick Bjork**, being first duly sworn, depose and say that I am a **Publisher** of the **Daily Journal of Commerce**, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH, and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that I know from my personal knowledge that the Hearings and Minutes notice described as

**Case Number: NOT PROVIDED**

**King City Community Development Code - Accessory Dwelling and Housekeeping Amendments**

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 time(s) in the following issues:

6/19/2020

State of Oregon  
County of Multnomah

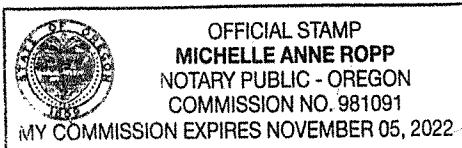
SIGNED OR ATTESTED BEFORE ME  
ON THE **19th** DAY OF **June**, 2020

*Nick Bjork*

**Nick Bjork**

*Michelle Anne Ropp*

Notary Public-State of Oregon



**Ronnie Smith**  
**City Of King City**  
15300 SW 116th Ave  
King City, OR 97224-2658

**CITY OF KING CITY**  
**CASE NO. LU 2020-01**  
**KING CITY COMMUNITY**  
**DEVELOPMENT CODE -**  
**ACCESSORY DWELLING AND**  
**HOUSEKEEPING AMENDMENTS**  
**PUBLIC NOTICE**

The city of King City will hold public hearings before the King City Planning Commission and King City Council regarding potential amendments to the King City Community Development Code (CDC). The purposes of the proposed amendments are to: 1) adopt amended regulations for accessory dwelling units (ADUs); and 2) correct a numerical standard in the Neighborhood Mixed-Use (NMU) Zone; and 3) modify review procedures for signs. The approval criteria for evaluating the plan include:

- King City Comprehensive Plan; and
- Statewide planning goals.

The Planning Commission will consider public testimony regarding the draft King City CDC amendments. The purpose of the hearing will be for the Planning Commission to make a formal recommendation about the draft amendments to the King City Council.

The City Council will consider public testimony and the Planning Commission recommendation prior to making a decision regarding adoption of the King City CDC amendments.

Failure of an issue to be raised in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The public hearing before the Planning Commission is scheduled for **Wednesday, July 22, 2020 at 9:30 a.m.**, Commissioner will be calling into the meeting via conference call. Members of the public will be able to listen to the meeting on the teleconference line or watch the meeting via video link. Accommodation shall be made to accept oral testimony. Minimal staff will be in the City Hall Conference Room, 15300 SW 116th Ave, King City, Oregon 97224. To avoid the potential spread of the COVID-19 virus, members of the public will not be allowed in the room. The final packet will can be found online seven (7) days before the meeting at: <https://www.ci.kingcity.or.us/departme>