

## **ORDINANCE NO. 2260**

### **AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 OF THE HERMISTON ZONING ORDINANCE TO AMEND THE PROVISIONS FOR ACCESSORY DWELLING UNITS**

WHEREAS, the Oregon legislature passed Senate Bill 1051, codified in ORS 197.312(5), which requires all cities over 2,500 to permit accessory dwelling units on all lots which permit single-family dwellings; and

WHEREAS, the Hermiston City Council voted on June 11, 2018 to initiate the process to amend the city's standards for residential zoning; and

WHEREAS, the Hermiston Planning Commission held a public hearing on July 11, 2018 to receive public testimony and consider amendments to the accessory dwelling unit standards in Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, the Hermiston City Council held a public hearing on July 23, 2018 to receive public testimony and consider amendments to the accessory dwelling unit standards in Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, notice of the planning commission and city council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments; and

WHEREAS, a staff report on the proposed amendment was available seven days prior to the public hearings and included findings in support of the amendment to the code of ordinances; NOW THEREFORE

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

**SECTION 1.** Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances is hereby amended to read as follows:

#### **157.136 ACCESSORY USE PROVISIONS; AUTHORIZATION.**

~~(3) A guest house may be maintained accessory to a dwelling provided there are no charges made for the accommodation.~~

(3) A maximum of one accessory dwelling may be constructed in any residential zone on a single lot which already contains a single-family dwelling, subject to the following provisions:

(a) For the purposes of this subsection, an accessory dwelling shall be defined as an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

(b) The unit may be a detached building, in a portion of a detached accessory structure, or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

(c) A detached accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.

(d) An accessory dwelling constructed within a portion of the existing primary dwelling or attached to the existing primary dwelling shall be subject to the following design standards:

(i) A separate entrance shall be provided for the accessory dwelling unit.

(ii) An accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.

(e) All accessory dwellings constructed after the effective date of this ordinance shall be subject to an accessory dwelling permit and shall pay an accessory dwelling permit fee as set by the city council.

(f) All accessory dwellings constructed after the effective date of this ordinance shall register with the city's utility billing services and pay per unit utility rates as set forth for multi-family dwellings. Registration shall be done as part of the accessory dwelling permit process.

(g) Parking shall be provided subject to the space requirements and design standards of 157.175 through 157.179 of the Hermiston Code of Ordinances.

(h) Accessory dwelling units are subject to the maximum lot coverage, setbacks, and building height requirements of the underlying zone in which they are located. The sum of the gross square footage of the primary dwelling, garage or carport, outbuildings, and accessory dwelling shall not exceed the maximum lot coverage requirements of the city.

**SECTION 2.** The findings of fact as adopted by the city council on August 13, 2018 are attached to this ordinance as Exhibit A.

**SECTION 3.** The effective date of this ordinance shall be thirty days after enactment.

PASSED by the Common Council this 13th day of August, 2018.

SIGNED by the Mayor this 13th day of August, 2018.

---

MAYOR

ATTEST:

---

CITY RECORDER

## **Exhibit A to Ordinance No. 2260**

### **Findings of Fact**

**Goal 1 and Policy 1. Citizen Involvement.** The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. The planning commission held three workshops on Accessory Dwelling Unit research to solicit public input and determine best practices. These workshops were held on March 14, April 11, and May 9, 2018.
2. The city council held a work session on June 11, 2018 to consider the planning commission's recommendation on ordinance language and made a motion during the regular session on June 11, 2018 to schedule hearings on the draft ordinance.
3. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing in accordance with §157.226 of the Hermiston Code of Ordinances.
4. The planning commission held a public hearing on July 11, 2018 in accordance with §157.266(F) of the Hermiston Code of Ordinances. Testimony in support and opposition was received by the planning commission.
5. The city council held a public hearing on August 13, 2018 in accordance with §157.266(F) of the Hermiston Code of Ordinances.

**Goal 2 and Policy 3. Intergovernmental Coordination.** The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

6. A notice of public hearing was provided to all affected agencies by direct mail. No comments were received as a result of that mailing.

**Policy 2. Planning Process.** The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

7. Policy 2 requires the City to monitor the comprehensive plan and periodically undertake major revisions to accommodate the changes in growth patterns and insure adequate buildable land for a 20-year demand.
8. The passage of SB 1051 and its subsequent incorporation into ORS 197.312 constitutes a significant change in the state law requiring amendment of the city's incorporating ordinances, specifically the zoning ordinance.
9. Adoption of the proposed ordinance creates an opportunity for additional needed housing as defined in ORS 197.303 to be added to all residential zones in the city without the need for adding additional land to the residential inventory.

**Policy 21. Housing Availability and Affordability.** The City of Hermiston will encourage the home building industry to provide a variety of housing opportunities in sufficient quantities at

affordable prices to meet the housing needs of its residents. Provision of an adequate supply of housing for low and moderate income families is a top priority.

10. Adding ADUs as a permitted use in all residential zones creates an opportunity to add to the housing supply without adding additional land to the residential inventory.
11. ADUs are an affordable housing option not currently available within the city due to the existing prohibition on charging rent when an ADU is constructed. Passage of this ordinance allows for creation of new rental opportunities.

**Policy 22. Neighborhood Quality.** The City of Hermiston will protect and enhance the quality of life in residential neighborhoods.

12. ADUs will be subject to the lot coverage, building height, and setback requirements equal to those regulating provision of single-family and multi-family dwellings. These requirements will insure that ADUs have no greater impact on neighboring properties than those created by single-family homes.
13. ADUs will be required to provide paved, off-street parking at the same ratio that single-family dwellings must provide parking. This requirement will insure that creation of additional dwellings will utilize off-street parking and will not contribute to on-street congestion.

Policies 4 through 20 and 23 through 34 are not applicable to this legislative text amendment.