

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON
FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF AMENDING THE JEFFERSON)
COUNTY ZONING ORDINANCE AS IT PERTAINS) ORDINANCE NO.
TO ACCESSORY STRUCTURES AND DECLARING) 0 - 121 - 23
AN EMERGENCY)

WHEREAS, the Jefferson County Planning Commission held public hearings on April 27, May 11, May 25, June 22, and July 13, 2023 to consider the amendments proposed in Casefile 23-PA-02, during which time the Planning Commission received a staff report, accepted testimony and deliberated on the information presented therein; and

WHEREAS, the Jefferson County Board of Commissioners received a recommendation from the Jefferson County Planning Commission related to accessory structures, held work sessions on July 26, 2023 and August 2, 2023 to consider the recommendations, after which it revised the Planning Commission recommendations; and

WHEREAS, following notice in accordance with ORS 203.045, the Jefferson County Board of Commissioners conducted public hearings on August 23, 2023, September 13, 2023, and October 4, 2023 and accepted testimony on the proposed ordinance amendments. At the conclusion of the hearing, the Board closed the record and deliberated on the amendments. After considering information and testimony, and upon reading by title only, the Board voted to approve the Amendments;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby Ordains as follows:

A. Adoption of Zoning Ordinance Amendments. The Jefferson County Zoning Ordinance is amended to reflect the changes in the attached Exhibit A as follows:

- Section 105: Insert proposed language alphabetically.
- Section 304: Replace Section 304(A)(h) and add (A)(l).
- Section 306: Replace Section 306(A)(6) and add (A)(8).
- Section 318: Replace Section 318(A)(8) and add (A)(9).
- Section 319: Replace Section 319(A)(6) and add (A)(9).
- Section 434: Add new Section 434.

B. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or exhibits thereto is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

C. Corrections. This Ordinance may be corrected by an order of the Board of County Commissioners to cure editorial and/or clerical errors.

D. Effective Date. These amendments being necessary for immediate implementation, an emergency is declared to exist and this Ordinance shall be effective upon adoption.

Date of First Reading: 10/4/2023

Date of Second Reading: _____

Adoption Date: 10/4/2023

JEFFERSON COUNTY BOARD OF COMMISSIONERS



Kelly Simmelink, Commission Chair



Wayne Fording, Commissioner



Mark Wunsch, Commissioner

ATTEST


Lyndsay Hessel, Recording Secretary

EXHIBIT A – PROPOSED AMENDMENTS

Section 105 – Definitions

Bathroom: A room containing a toilet and sink and typically also a bathtub and/or shower.

Accessory Structure, Habitable: A building, or portion of a building, that is located on the same lot as the primary use, but is incidental and subordinate to the primary use of the property and is an extension of the primary dwelling and, therefore, occupants and users of the habitable accessory structure live together as one housekeeping unit sharing the kitchen and laundry facilities in the primary dwelling. Examples include, but are not limited to, guest quarters, home offices, exercise rooms, music/art studios, and bonus rooms (including “she sheds” and “man caves”).

Accessory Structure, Non-habitable: A building, or portion of a building, located on the same lot as the primary use, but is incidental and subordinate to the primary use of the property and complies with the standards for non-habitable structures in Section 434.

Section 304 – Rural Residential (RR-2, RR-5, RR-10, RR-20)**A. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

- h. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.
- i. One habitable accessory structure in accordance with Section 434.

Section 306 – Existing Rural Development (ERD)**A. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

- 6. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for

onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.

8. One habitable accessory structure in accordance with Section 434.

Section 318 – Crooked River Ranch Residential (CRRR)

- A. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

8. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.
9. One habitable accessory structure in accordance with Section 434.

Section 319 – Three Rivers Recreation Area Zone (TRRA)

- A. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

6. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.
9. One habitable accessory structure in accordance with Section 434.

Section 434 – Accessory Structures

1. Accessory structures are those that are incidental and subordinate to the primary use or structure on the same lot. There are two types of accessory structures, non-habitable (also referred to as *non-residential*) and habitable. Non-habitable and habitable accessory structures must meet the requirements of the current building code.

2. Non-habitable accessory structures must comply with all of the following standards and the applicable land use zone.

A. Primary Use Required. A non-habitable accessory structure is only allowed on a lot or parcel after the primary use is established. The non-habitable accessory use must be a permitted use in the land use zone.

1. Exception. An accessory structure without a primary use is allowed in certain situations when specifically stated in a land use zone, subject to the restrictions in B.2. of this section.

B. Restrictions.

1. With Primary Use Established

- a. Shall not include a stove, oven, or other cooking appliance or any mechanical ventilation intended to facilitate installation of a cooking appliance.
- b. May include a water heater and a maximum of five additional internal plumbing fixtures. If internal plumbing is going to be installed, a plumbing declaration shall be signed and recorded with the County Clerk. There is no limit to external plumbing fixtures (i.e. outdoor faucets or sinks).
- c. Laundry facilities may be allowed as one of the three plumbing fixtures.
- d. A non-habitable accessory structure may not be attached to or share a roof line with any other structure on the property.

2. Without Primary Use Established

- a. Shall not include a kitchen, wet bar, stove, oven or other cooking appliance.
- b. No interior plumbing is allowed.
- c. The building must be a single story.
- d. Glass doors are not allowed.
- e. A single window is allowed on one side of the building.

3. Habitable accessory structures must comply with all of the following standards and the applicable land use zone.

A. Primary Use Required. A habitable accessory structure is only allowed on a lot or parcel after the primary residential use is established. The residential accessory use must be a permitted use in the land use zone.

B. Restrictions.

1. Use. May only be used by members of the family residing in the primary dwelling or their nonpaying guests. May not be used as a source of income.
2. Number. Only one habitable accessory structure shall be allowed per lot of record. If accessory dwelling units (ADUs) are allowed, an eligible property may have one ADU or one habitable accessory structure, but not both.
3. Maximum floor area. The maximum floor area shall be 900 square feet.

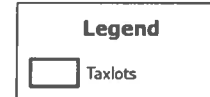
4. Maximum Separation Distance. Shall be located within 100 feet of the primary dwelling to which it is accessory. This distance shall be measured from the closest portion of each structure. In the case of a structure that contains both habitable and non-habitable areas, the distance shall be measured from the closest point of the building, regardless of classification. Exception: a habitable accessory structure may exceed this distance if the building in which it is being constructed was legally built on or before December 31, 2023.
5. Facilities. Occupants and users of the habitable accessory structure shall live together as one housekeeping unit, sharing the kitchen and laundry facilities in the primary dwelling. The habitable accessory structure shall be limited to one bathroom and one additional internal plumbing fixture other than a water heater. It shall not include a stove, oven, or other cooking appliance or any mechanical ventilation intended to facilitate installation of a cooking appliance.
6. Utilities. All public water, electric, natural gas, and sanitary sewer service for the habitable accessory structure shall be extended from the primary dwelling service. No separate meters for the structure shall be allowed.
7. On-site Wastewater Treatment Systems. A habitable accessory structure shall use the same on-site wastewater treatment system as the primary dwelling except when a separate system is required by the County due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
8. Area of Critical State Concern. Habitable accessory structures shall not be allowed on any lot or parcel within a designated area of critical state concern.
9. Juniper Butte. Properties south of the Feather Drive Bridge are restricted from adding habitable accessory structures until the bridge can maintain a 75,000 pound load carrying capacity. The map below identifies lots affected by this temporary restriction.



Jefferson County uses GIS data in support of its internal business functions and the public services it provides. These GIS data which Jefferson County distributes may not be suitable for other purposes or uses. It is the responsibility to verify any information derived from the GIS data before making any decisions or taking any action based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data and errors and omissions in the data. Jefferson County assumes no legal responsibility for this information.

Juniper Butte Lots

0 0.25 0.5 Miles



4. Combined Structures with both habitable and non-habitable components, such as a habitable space attached to or above a shop or garage, are allowed but with the following restrictions in addition to the other requirements listed in this Section.

- A. One bathroom is allowed in the habitable portion of the structure along with one additional plumbing fixture other than a water heater.
- B. Five plumbing fixtures are allowed, in addition to a water heater, in the non-habitable portion of the structure.
- C. Laundry facilities are allowed only in the non-habitable portion of the structure as one of the five permitted internal plumbing fixtures.
- D. Any habitable portion of a combined structure will be reviewed as such by the Building Department, under the same standards as a single family dwelling.
- E. The maximum floor area for the habitable portion of the building shall not exceed 900 square feet.