

## What is the difference between ‘Caretakers Residence’ and ‘Caretakers Quarters’?

First, no other primary dwelling is required to be on-site.

Caretakers Quarters are allowed, by permit, in conjunction with the care of industrial uses only; they are restricted to specific zones. They are manufactured dwellings or apartments that do not exceed 1000 square feet.

Caretaker Residences differ in that they are for the protection of properties zoned for forest use. They too are restricted to specific zoning districts. However, Caretaker Residences are not limited to 1000 square feet.

### What setbacks apply?

Placement must meet the same setbacks as required for a new dwelling in the zoning district in which it is located. If an existing building encroaches within a required yard setback, no portion of it may be converted to, or used as, a medical hardship dwelling or as detached living space.

### Violations

We take violations seriously. If non-compliant with state and county codes, it could result in legal action.



### Is the property subject to CC&Rs (Conditions, Covenants and Restrictions)?

Each property owner is strongly advised to determine whether CC&Rs exist for his or her property, and to carefully read that legal document to determine whether there may be a prohibition against the land uses described in this brochure.

### Disclaimer

This brochure is for information purposes only and is not a complete list of all codes relating to secondary living spaces. This flyer is intended to clarify the most common questions about additional living space requirements. The complete set of codes is available online and at the Community Development Department. Rules are subject to change, and likely will. Please always check to verify you have the most current flyer or codes, both available on the website.



### For More Information

[www.co.josephine.or.us/planning/](http://www.co.josephine.or.us/planning/)

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## JOSEPHINE COUNTY COMMUNITY DEVELOPMENT

# SECONDARY LIVING SPACES



**Detached Living Spaces  
Medical Hardships  
Caretakers Residence  
Caretakers Quarters**

## Is a second home allowed on my property?

State law does not allow two permanent dwellings on a parcel; however, an additional temporary living space is allowed. In Josephine County you can have, by permit, a temporary secondary living space, but, in most zones, that space cannot have an oven (stove tops and microwave ovens are allowed) or a dining room/dining table (snack bars and island are allowed).

Secondary living spaces (called *Detached Living Spaces*) are allowed in any zone where a single family dwelling is allowed and on-site. The secondary living space must be the only other area on-site equipped for sleeping purposes (no other mobile homes, recreational vehicles, sleeping quarters in garages, etc.). It must be part of the primary dwelling or free-standing within 100 feet of the primary home (some exceptions can be made for 150 feet).

The size of the secondary living space is limited. If part of the home, floor area cannot exceed 50% of the floor area of the primary dwelling; if free-standing, the space cannot exceed 900 square feet. Accessory building size limitations apply (Ordinance No.2018-005).

Secondary living spaces cannot be rented on a short term basis (no Airbnb or VRBO). A deed restriction will be required to ensure the unit will not be rented for less than a thirty day period.

No new access or separate driveway is allowed for the secondary living space.

Tiny homes on wheels are not allowed. Wheels must be removed and the unit must be placed on a foundation and meet residential codes.

## What permits are required?

You will need a land use permit to authorize the use. That permit is called a *Temporary Land Use Permit/Detached Living Space*. The cost is \$300. There will also be the cost of filing a deed restriction, and, the cost of any approvals from DEQ regarding the septic. If a new water source is needed, you will incur additional expenses.

If the use is approved, you will then need a *Development Permit* (\$300) for the actual construction, or, if in an existing building, a Development Permit for a '*Change of Use*' (also \$300). Lastly, permits are required from the Building Safety Office, as required by state law, to ensure proper wiring, ventilation, etc.

## What is a Medical Hardship Dwelling?

In all zones where a dwelling is allowed and on-site, county codes allow a temporary secondary dwelling for the term of a medical hardship suffered by the existing resident or a relative of the resident.

The state allows Medical Hardship Dwellings in Resource zones (Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource) and has additional laws for those zones.

In addition to the county limitations for a Detached Living Space, the state allows for a manufactured dwelling, recreational vehicle, or the temporary use of an existing building (no new buildings may be built for a Medical Hardship Dwelling). Again though, only one living space is allowed—regardless if the living area is a Detached Living Medical Hardship Dwelling.

The difference between a Detached Living Space and a Medical Hardship Dwelling is the latter can

have an oven and a dining room/dining table. And, the latter allows for recreational vehicles to be used, but prohibits new buildings to be used as the living space.

Also, per state law, in the Resource zones, within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished (no exceptions!), or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. Permits and deed restrictions are required for the initial authorization, and, to change the use thereafter.

For all Medical Hardship Dwellings the county will request yearly review of the hardship claimed (proof of the medical hardship).

Note: Due to the additional restrictions of the Medical Hardship Dwelling program, staff encourages residents to utilize the Detached Living Space program instead of the Medical Hardship Dwelling program.

## **If I already have an approved 'Medical Hardship Dwelling' on my property, can it be converted to 'Detached Living Space'?**

Possibly, if the existing medical hardship dwelling is able to meet the specifications.