

TILLAMOOK COUNTY PLANNING COMMISSION

LOCATION

Port of Tillamook Bay Conference Center
4000 Blimp Boulevard, Tillamook, OR 97141

HEARING DATE

March 14, 2024- Beginning at 7:00p.m.

VIRTUAL & TELECONFERENCE MEETING INFORMATION

For teleconference access the evening of the hearing, please call 971-254-3149. Conference ID: 887 242 77#. Virtual Meeting Access: <https://www.tillamookcounty.gov/commdev>. Click on Virtual Teams Link. *Microsoft Teams Meeting Format.

- I. CALL TO ORDER
- II. ROLL CALL
- III. OLD BUSINESS: NONE
- IV. NEW BUSINESS:

#851-24-000072-PLNG: Legislative text amendment request to amend Section 3.010 of the Tillamook County Land Use Ordinance (TCLUO) to establish use and development standards for construction of an Accessory Dwelling Unit (ADU) and siting of a Recreational Vehicle (RV) on properties located within the Rural Residential 2-Acre and 10-Acre Zone. The proposed actions are in being considered following legislative action at the 2023 State of Oregon Legislative session to pass Senate Bill 644 and Senate Bill 1013.
- V. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY
- VI. ADMINISTRATIVE DECISIONS: Administrative Decisions are available for public review on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>
- VII. HOUSING COMMISSION UPDATE
- VIII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT
- IX. ADJOURNMENT

The Port of Tillamook Bay Conference Center is accessible to citizens with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments that wish to participate in the meeting, please contact 1-800-488-8280x3423 at least 24 hours prior to the meeting in order that appropriate communications assistance can be arranged.

Tillamook County



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Land of Cheese, Trees and Ocean Breeze

MEMO

Date: March 7, 2024
To: Tillamook County Planning Commission
From: Sarah Absher, CFM, Director
Subject: #851-24-000072-PLNG: Amendment to TCLUO Section 3.010: Rural Residential (RR) Zone

Included with this memorandum is a copy of the staff report and related exhibits for Legislative Text Amendment request #851-24-000072-PLNG, to amend Article 3 Section 3.010 of the Tillamook County Land Use Ordinance (TCLUO) to establish new use and development standards for construction of an Accessory Dwelling Unit (ADU) and siting of a Recreational Vehicle (RV) on properties located within the Rural Residential 2-Acre and 10-Acre Zone.

Also included with this memorandum is a copy of Article 9 of the TCLUO. Criteria for a legislative text amendment is found in Section 9.030 and is the basis for decision of this request. There are no proposals for comprehensive plan and zone map amendments.

The draft ordinance amendments and staff report can also be found on the Community Development Land Use Application page: <https://www.tillamookcounty.gov/commdev/project/851-24-000072-plng>.

The Tillamook County Planning Commission will ultimately make a recommendation on the proposed amendments to the Tillamook County Board of Commissioners, who are the decision makers in this process. A public hearing is scheduled with the Tillamook County Board of Commissioners at 10:00am on Wednesday, April 17, 2024, in the Board of County Commissioners Meeting Room 106 located in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141.

If you have any questions regarding the information received, please do not hesitate to contact me at 503-842-3408 or email: sarah.absher@tillamookcounty.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher".

Sarah Absher, CFM, Director

ARTICLE IX

AMENDMENT

SECTION 9.010: AUTHORIZATION TO INITIATE AMENDMENTS

An AMENDMENT to a zoning map maybe initiated by the Board, the Commission, the Department, or by application of a property owner. Anyone may initiate proceedings to AMEND the text of this Ordinance.

SECTION 9.020: MAP AMENDMENT PROCEDURE AND CRITERIA

The following provisions shall govern the consideration of a MAP AMENDMENT request:

- (1) Review procedures shall be determined pursuant to Section 10.040; notice of a proposed AMENDMENT shall be distributed according to the provisions of a Type III or Type IV review.
- (2) The applicant or, if County initiated, the Department shall prepare an analysis of the site and the surrounding area in the form of a map and report, considering the following factors:
 - (a) Size, shape and orientation of the subject parcel.
 - (b) Surrounding parcel sizes.
 - (c) Topography, drainage, hazards, and other physical site characteristics.
 - (d) Parcel ownership and current use.
 - (e) Economic and population data for the affected area that may be contained in the Comprehensive Plan.
 - (f) Traffic circulation.
 - (g) Zoning history of the subject parcel.
 - (h) Compatibility of the proposed new zone with the surrounding zoning and land uses.
 - (i) Availability and feasibility for development of nearby properties in the proposed zone.
 - (j) Aesthetics.
 - (k) Availability of public facilities and services.
 - (l) Land use objectives of both the applicable and the proposed zoning.
- (3) The Commission shall consider an AMENDMENT request at the earliest practicable public hearing after it is proposed. In hearing the request to establish a new zoning designation, the Commission shall consider all of the following criteria. A zone MAP AMENDMENT may be approved only if all five criteria can be met.
 - (a) The proposed new zone is consistent with applicable Comprehensive Plan policies.
 - (b) The proposed new zone shall not result in the conversion of resource lands to non-resource use without an approved exception to applicable state resource protection Goals.

- (c) The site under consideration is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone.
 - (d) Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.
 - (e) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.
- (4) The Director shall report the Commission's recommendation to the Board. The Board shall conduct a public hearing on an AMENDMENT to modify or change an existing zone on a zoning map subsequent to receiving the report and recommendation of the Planning Commission. Zone MAP AMENDMENTS shall be adopted by the Board of County Commissioners by Ordinance.
 - (5) The Board's decision on a zone MAP AMENDMENT shall be final.
 - (6) A copy of all zone MAP AMENDMENTS shall be forwarded to the County Assessor's office.

SECTION 9.030: TEXT AMENDMENT PROCEDURE

- (1) A COMPREHENSIVE PLAN TEXT or ORDINANCE AMENDMENT may be requested by any person, subject to the requirements of a Type IV procedure and Article 10. The proponent of COMPREHENSIVE PLAN or ORDINANCE AMENDMENT shall arrange a pre-application conference with the Department, pursuant to Section 10.030.
- 2) The applicant or, if County initiated, the Department shall prepare an analysis of the proposed AMENDMENT, addressing such issues as the intent of the provisions being amended; the affect on land use patterns in the County; the affect on the productivity of resource lands in the County; administration and enforcement; and the benefits or costs to Departmental resources resulting from the proposed text.
- (3) Criteria. Commission review and recommendation, and Board approval, of an ordinance amending the Zoning Map, Development Code or Comprehensive Plan shall be based on all of the following criteria:
 - (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
 - (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
 - (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and
 - (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

SECTION 9.040: TRANSPORTATION PLANNING RULE COMPLIANCE

Proposals to amend the Comprehensive Plan, Zoning Map or Ordinance shall be reviewed to determine whether they significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the County, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the County shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.



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LEGISLATIVE TEXT AMENDMENT REQUEST


#851-24-000072-PLNG:

**AMENDMENT REQUEST FOR NEW PERMITTED USES WITH STANDARDS
IN THE RURAL RESIDENTIAL (RR) ZONE**

STAFF REPORT DATE: March 7, 2024

TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE: March 14, 2024

BOARD OF COMMISSIONERS HEARING DATE: April 17, 2024

PREPARED BY: Sarah Absher, CFM, Director 

I. GENERAL INFORMATION

Requested actions: Legislative text amendment request to amend Article 3 Section 3.010 of the Tillamook County Land Use Ordinance (TCLUO) to establish new use and development standards for construction of an Accessory Dwelling Unit (ADU) and siting of a Recreational Vehicle (RV) on properties located within the Rural Residential 2-Acre and 10-Acre Zone (Exhibit A).

Initiated By: Tillamook County Department of Community Development

II. BACKGROUND

The Tillamook County Housing Commission completed a Housing Need Analysis¹ (HNA) in December 2019. The HNA provided a comprehensive review of the County’s housing shortages and forecasted housing demands for the next 20 years. Over the past twenty years, the HNA determined new housing production has not kept pace with demand, leading to a severe shortage of housing availability and affordability issues. Most new construction over the past two decades has occurred in coastal “resort” towns, and 66%-80% of the total housing stock is owned by part-time residents. Approximately one in three local workers now reside outside Tillamook County.

¹ Housing Needs Analysis for Tillamook County can be found on the Tillamook County Housing Commission page under Housing Commission History:
https://www.co.tillamook.or.us/sites/default/files/fileattachments/housing_commission/page/57834/tillamook_hna_final_report_v2.pdf

The HNA estimated an increase of 2,936 residents in the 20-year projection between the base and forecast years with significant socio-economic and demographic shifts. Accordingly, the number of housing units necessary to ensure an adequate supply is expected to increase in tandem with the variety of housing types needed to accommodate a diversity of new residents. The HNA concludes that renters—the vast majority of new residents—will demand medium- and high-density housing types.

The 2019 HNA forecasts the housing needs for Tillamook County under four scenarios and underlying assumptions to determine the additional housing units needed by 2039. Future demand for attainably priced housing will largely require the development of medium density “missing middle” housing types. The likely forecast housing mix corresponds to single-family detached homes, accessory dwelling units (ADUs), multifamily housing units including townhomes and condominiums, and manufactured housing units. With the exception of accessory dwelling units (ADUs), the aforementioned housing types are listed in several unincorporated community residential zones as uses permitted outright or conditionally.

The proposed amendments are in response to recently passed legislation (Exhibits B & C). Senate Bill 644 allows counties to adopt regulations to permit with standards an accessory dwelling unit on properties zoned Rural Residential (Exhibit B). Minimum standards that must be met are outlined in the draft amendments contained “Exhibit A” and reflect the minimum requirements outlined in Senate Bill 644 (Exhibit B). The Department is not proposing additional development standards for an ADU in the Rural Residential (RR) zone and find the minimum standards outlined in Senate Bill 644 adequately address concerns related to consistency with Oregon’s Statewide Planning Goals and provide appropriate measures to address public health and safety requirements.

The Department recognizes the benefits that Accessory Dwelling Units (ADUs) provide as a housing option where such benefits are considered and are balanced with the County’s housing goals. If adopted, the proposed ordinance will further the County’s efforts to meet housing demands identified in the 2019 HNA.

Senate Bill 1013 relating to residential tenancies in Recreational Vehicles (RVs), outlines minimum siting requirements for the placement of a Recreational Vehicle (RV) on a Rural Residential (RR) zoned property. The proposed amendments to Section 3.010(6) reflect the minimum requirements outlined in Senate Bill 1013. Additional standards are proposed to address public health and safety requirements and a 24-month time limitation for the approval period is also folded into the proposed amendments (Exhibits A & C). Staff will be prepared to speak about the proposed 24-month time limit at the March 14, 2024, Planning Commission hearing.

III. APPLICABILITY

The proposed ordinance provisions as reflected in “Exhibit A” apply only to those properties zoned Rural Residential.

The purpose and intent the proposed amendments to allow the proposed uses with development standards on properties zoned Rural Residential is to:

- (a) Ensure that the proposed housing alternatives are clearly subordinate to the primary use on the property;
- (b) Accommodate housing needs to address the County’s housing shortage at an appropriate level of intensity in the Rural Residential (RR) zone;
- (c) Increase and diversify long-term rental housing options throughout the County to meet the needs of the local workforce, including low-barrier and cost-effective housing options;

- (d) Provide for the general convenience of area property owners to accommodate family and others with independent living quarters;
- (e) Create alternative housing opportunities that align with efficient use of existing or planned public and private utilities, transportation facilities, public transit and other facilities;
- (f) Facilitate low-intensity housing opportunities where public and private utilities, transportation facilities, public transit and other facilities already exist;
- (g) Ensure that adequate sanitation facilities are available to serve these proposed housing options.

IV. SUMMARY OF AMENDMENTS TO TCLUO SECTION 3.010: RURAL RESIDENTIAL ZONE

TCLUO Section 3.010: Rural Residential (RR) Zone contains draft supplemental standards for the proposed use of an Accessory Dwelling Unit (ADU) or Recreational Vehicle (RV) on a Rural Residential (RR) zoned property (Exhibit A). The proposed standards outlined in subsections (5) and (6) establish standards that control size, scale and compatibility of use of an Accessory Dwelling Unit (ADU) or Recreational Vehicle (RV) on a lot or parcel (Exhibit A). The proposed amendments include definitions specific to these uses on RR zoned properties as reflected in Senate Bill 644 and Senate Bill 1013 (Exhibits B & C).

TCLUO Section 3.010(5) Proposed Accessory Dwelling Unit Standards (Exhibit A):

General requirements and development standards for ADUs are outlined in this proposed subsection (5) and include standards for the location of an ADU in proximity to the primary dwelling, maximum allowable size and off-street parking. These standards ensure the ADU remains subordinate as an accessory use to the primary dwelling and require the ADU to be sited on the same lot or parcel as the primary dwelling.

Proposals for an Accessory Dwelling Unit (ADU) are also subject to the development standards of subsection (4), which would also include the 100-foot resource zone setback from a Farm (F-1), Forest (F) or Small Farm and Woodlot 20-Acre (SFW-20) where applicable. It should be noted that ADUs are permitted to be sited in other residential zones throughout unincorporated Tillamook County where the 100-foot resource zone setback does not apply when properties are within 100-feet of a Farm (F-1), Forest (F) or Small Farm and Woodlot 20-Acre (SFW-20) zone boundary. The resource zone setback varies by residential zoning district in Unincorporated Tillamook County.

Senate Bill 644 does not specifically require a 100-foot resource zone setback and instead requires the ADU have adequate setbacks from adjacent lands zoned for resource use (Exhibit B). The Planning Commission could determine a lesser setback recommendation to the Board of County Commissioners with findings supporting a lesser setback of adequate distance avoids conflict between residential and natural resource activities. In other residential zones, this setback ranges from the standard setbacks of the zone to 50-feet.

Permitting Requirements: Zoning approval is required for an Accessory Dwelling Unit (ADU) consistent with existing zoning requirements for the siting of a dwelling on a Rural Residential zoned property. Building permit approval is also required for the construction of an ADU and is required when structural alterations to an existing dwelling or accessory structure to accommodate an ADU are proposed. Demonstration of compliance with applicable building codes must be reflected on the structural plans and at the time of construction via inspections by the County Building Inspector. Trades permits for electrical, mechanical and plumbing are also required where applicable.

Letters confirming service availability from public facility service providers are required to be submitted in conjunction with the zoning permit application at the time of application submittal. Service provider letters are required to confirm services are available for the construction or placement of an ADU on a property. Service provider letters include a letter from the local fire district or fire department and the water district or

Oregon Water Resources Division for properties served by a well. Sanitation permit approvals are also required to ensure the onsite wastewater treatment system is adequately sized to accommodate an ADU on a property.

Road approach permit approval from the Tillamook County Public Works Department, or the Oregon Department of Transportation is required to confirm the existing road approach is adequate for the use of an ADU on a property. Documentation can be a copy of an approved road approach permit or written confirmation from the local road authority that the existing approach is adequate to serve the primary dwelling and ADU and shall be submitted to the Department at the time of zoning permit application submittal.

Transient Lodging Prohibition: Accessory Dwelling Units (ADUs) shall not be utilized for transient lodging purposes, including use as a bed and breakfast enterprise or part of a motel/hotel accommodation. Prohibition language has been included in Section 3.010(5) (Exhibit A). Properties with permitted ADUs will be flagged in the Department property database so that when future permit applications are received, or inquiries regarding a property with an ADU are received, Department staff will be able to advise property owners, sellers and future buyers of this prohibition.

Land Division & Property Line Adjustment Prohibition: Language has also been added to ensure the ADU is not separated from the primary dwelling.

TCLUO Section 3.010(6) Proposed Recreational Vehicle (RV) Siting Standards (Exhibit A):

General requirements for the siting of a Recreational Vehicle (RV) on Rural Residential zoned property are outlined in proposed subsection (6), and include standards for placement of a RV, off-street parking, and establishes the type of Recreational Vehicle (RV) that can be sited on a property. These standards also require the RV to be sited on the same lot or parcel (property) as the primary dwelling. Setback requirements outlined in Section 3.010(4) remain applicable for the siting of a RV in the RR zone, including the 100-foot resource zone setback from Farm (F-1), Forest (F) and Small Farm and Woodlot 20-Acre (SFW-20) zone boundaries for the siting of residential structures.

As with the resource zone setback requirement discussion above, the Planning Commission has the ability to consider a lesser resource zone setback for the siting of a Recreational Vehicle (RV).

Permitting Requirements: Zoning approval is required for the siting of a RV on a Rural Residential zoned property, consistent with zoning permit requirements for the siting of a dwelling on a Rural Residential zoned property. An approved placement permit from the Building Division is required for the siting of a RV to confirm compliance with applicable building codes, including improvement of a pad for siting the RV, ensuring appropriate connections for utilities and a tiedown system for the RV to mitigate high wind hazards. Trades permits for electrical, mechanical and plumbing are also required where applicable. Compliance with these requirements is through review of the placement permit application and verification of compliance at the time of inspection by the County Building Inspector.

Letters confirming service availability from public facility service providers are required to be submitted in conjunction with the zoning permit application at the time of application submittal. Service provider letters are required to confirm services are available for the siting of a RV on a property. Service provider letters include a letter from the local fire district or fire department and the water district or Oregon Water Resources Division for properties served by a well. Sanitation permit approvals are also required to ensure the onsite wastewater treatment system is adequately sized to accommodate use of a RV on a property.

Road approach permit approval from the Tillamook County Public Works Department, or the Oregon Department of Transportation is required to confirm the existing road approach is adequate for the use of an RV on a property. Documentation can be a copy of an approved road approach permit or written confirmation from the local road authority that the existing approach is adequate to serve the primary dwelling and RV and shall be submitted to the Department at the time of zoning permit application submittal.

Transient Lodging Prohibition: Recreational Vehicles shall not be utilized for transient lodging purposes, including use as a bed and breakfast enterprise or part of a motel/hotel accommodation. Prohibition language has been included in Section 3.010(6) (Exhibit A).

Land Division & Property Line Adjustment Prohibition: Language has also been added to ensure the RV is not separated from the primary dwelling.

Time limitation for the use of an RV on a property is also included in the proposed amendments to TCLUO Section 3.010. Properties with a permitted RV will be flagged in the Department permitting database to track the 24-month time limit. Staff will be prepared to further discuss the 24-month time limit language at the March 14, 2024, Planning Commission hearing.

IV. ANALYSIS:

1. Statewide Planning Goal & Tillamook County Comprehensive Plan Discussion

Oregon's 19 statewide planning goals are adopted as Administrative Rule and express the state's policies on land use as well as land use related topics. Each county is required to have a comprehensive plan consistent with the statewide planning goals as well as zoning and land division ordinances for implementation of plan policies and objectives. The Tillamook County Comprehensive Plan contains 17 of the 19 Statewide Planning Goal Elements. A Goal 15 Element (Willamette Valley) and Goal 19 Element (Ocean Resources) are absent from the Tillamook County Comprehensive Plan as the goals and policies for the Willamette Valley do not apply to Tillamook County and the Ocean Resources Element was created after the adoption of the County's comprehensive plan.

The Comprehensive Plan provides the County with an important opportunity to make a detailed statement describing the needs and desires of its citizens for the future use of the County's land and water resources, and to guide future development of the County through agreed upon policy statements which give direction to County actions and programs. The policies provide a basis for coordination of the programs of other governmental entities and are also intended to assist the private sector in reaching development decisions which are beneficial to the citizens of the County generally as well as to the private property owner.

The plan must also be in conformance with the adopted statewide planning goals and policy statements are to be based upon required inventories of resource and other pertinent information and findings related to analysis of problems and opportunities existing in Tillamook County. The plan is intended to be used to guide actions for problem-solving, and state goals also require local adoption of implementation measures appropriate for dealing with the identified problems and needs.

- Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process
Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen

involvement (CCI) to monitor and encourage public participation in planning.

The proposed amendments are consistent with Goal 1 element policies. Notice of public hearing was published in the Headlight Herald in accordance with the Article 10 of the TCLUO with notice provided to County designated Citizen Advisory Committees (CACs) on February 22, 2024, three weeks prior to the first evidentiary hearing. Notice of the proposed amendment was also provided to local water, sewer and fire districts. As required, notice of public hearing and accompanying documents part of the PAPA process have been submitted to the Oregon Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing.

- **Tillamook County Comprehensive Plan Goal 2 Element: THE LAND USE PLAN**
Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program and describes the development of Tillamook County's Comprehensive Plan including justification for identifying exception areas.

The proposed amendments are consistent with policies contained within the Goal 2 element and an exception is not required for the proposed amendments.

- **Tillamook County Comprehensive Plan Goal 3 Element: AGRICULTURAL LANDS**
Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
- **Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS**
Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

The proposed amendments do not apply to resource zoned lands.

- **Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES**
Summary: The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open space. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Findings: The proposed amendments do not reduce existing protections of resources, or natural features reflected in the policies of the Goal 5 Element. Implementing ordinance provisions contained in the TCLUO that are reflective of these policies continue to apply to any development proposals on properties zoned Rural Residential.

- **Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER AND LAND RESOURCES QUALITY**
Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution and noise control in Tillamook County.

Findings: The proposed amendments do not reduce existing protections of resources, or natural features contained in the policies of the Goal 6 Element. Implementing ordinance provisions

contained in the TCLUO that are already reflective of these policies continue to apply to any development proposals on properties zoned Rural Residential.

- **Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS**

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Tillamook County, the purpose of addressing hazards is not meant to restrict properties from development, but to institute policies concerning potential problems, so they can be considered before financial losses and possible injury which may be avoided by the application of the policies formulated in the Comprehensive Plan.

The proposed amendments do not reduce existing protections against hazards addressed in the Goal 7 element or waive requirements for satisfaction of standards intended to address mitigation of natural hazards such as those contained in TCLUO Section 4.130: Development requirements for Geologic Hazard Areas, TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone, TCLUO Section 3.530: Beach and Dune Overlay (BD) Zone and TCLUO Section 3.580: Tsunami Hazard Overlay (TH) Zone.

- **Tillamook County Comprehensive Plan Goal 8 Element: RECREATION**

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. In Tillamook County, the main issue surrounding recreation is that of quantity, location and orientation. This Goal element recognizes that the tourism sector of the County's economy is rapidly growing and some feel tourism places too large a burden on local public facilities and services.

Recreation opportunities are not prohibited or limited by the proposed amendments.

- **Tillamook County Comprehensive Plan Goal 9 Element: POPULATION AND ECONOMY**

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. Projections in this Element of the Comprehensive Plan extend to year 2000. The importance of cottage industry, rural industry and light industry is recognized throughout this Element, stating that regulations be adopted to permit low-impact light manufacturing activity in suitable rural zones.

The Tillamook County Comprehensive Plan needs updated population projections. The forecasted housing needs contained within the 2019 Tillamook County Housing Needs Analysis (HNA) include current population data and forecasts for housing needed for Tillamook County's workforce. Absent updated information in the Goal 9 element, updated information that supports housing needs and the need for diverse housing options can be found in the County's HNA.

The policies contained within the Goal 9 element of the Tillamook County Comprehensive Plan are directive in actions needed to be taken by Tillamook County to promote and sustain the County's economy in collaboration with special districts and others. Policies also prioritize the needs of industrial and commercial lands.

Commercial and industrial zoning districts have been excluded from the list of eligible zoning districts that would allow for the placement of an Accessory Dwelling Unit (ADU) or siting of a Recreational Vehicle (RV) where not already allowed. Support of the proposed amendments can be

considered by way of providing needed workforce housing options to sustain Tillamook County's economy. The proposed amendments are consistent with efforts to provide diverse housing options to Tillamook County's workforce.

- **Tillamook County Comprehensive Plan Goal 10 Element: HOUSING**

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.

Goal 10 requires planning for housing that encourages the availability of adequate numbers of housing units, and allows for flexibility of housing location, type and density. It is recognized that the intent of the statewide planning goals is to encourage the concentration of growth within the urban growth boundaries of cities, however this interpretation has resulted from the definition of "buildable lands" which has traditionally only included lands within urban growth boundaries.

The County's Goal 10 element supports a second interpretation of the applicability of the Housing Goal consistent with past LCDC decisions- that it is unreasonable to conclude that, because Goal 10's building land inventory requirement applies only within urban growth boundaries, all housing needs must be satisfied within urban growth boundaries (UGBs). Given the spatial distance of location of incorporated cities and UGBs within Tillamook County, and the fact that there are no cities and urban growth boundaries from the City of Tillamook to the City of Lincoln City in Lincoln County, all housing needs cannot be satisfied within the urban growth boundaries of the seven incorporated cities in Tillamook County.

As a policy, Tillamook County interprets the Housing Goal (Goal 10) as applying to all areas of the County, not just to incorporated cities and their urban growth boundaries. This is the only reasonable non-contradictory interpretation of the goal. The proposed amendments support County efforts to meet housing needs county-wide and in areas outside city limits and UGBs.

The County can encourage the availability of housing to meet needs by: 1) zoning a sufficient amount of land for needed housing types, 2) encourage cities and service districts to service a sufficient amount of land to meet housing needs, and 3) minimizing the effect of regulations on housing cost.

The proposed amendments support the third action listed above by creating processes with clear and objective standards for the placement of an Accessory Dwelling Unit (ADU) or siting of a Recreational Vehicle (RV) on Rural Residential zoned properties. These proposed uses provide opportunities for low-intensity housing options in the Rural Residential zone made possible by Senate Bills 644 and 1013 (Exhibits A-C).

Staff finds the proposed amendments are supported by the goals and policies of the Goal 10 element of the Tillamook County Comprehensive Plan.

It should be noted that the Goal 10 Housing element of the County's Comprehensive Plan references other applicable goal elements and discusses the relationships between housing and public facilities and services, urbanization and applicability of the housing goal to urban and rural areas. Goal elements 11 and 14 are further discussed below.

- Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. This Element of the Comprehensive Plan outline types and levels of urban and rural facilities and services, with guidance to ensure timely, orderly and efficient arrangement of public facilities and services in Tillamook County.

Accessory Dwelling Units (ADUs) are by function and appearance intended to be ancillary and accessory to a primary dwelling. The development standards contained in proposed Section 3.010(5) establish standards that control size, scale and compatibility of use of an Accessory Dwelling Unit (ADU) on a lot or parcel in the Rural Residential (RR) zone. The proposed amendments include a definition of Accessory Dwelling Unit (ADU) and limits density to no more than one (1) ADU per Rural Residential zoned lot or parcel, commonly referred to as a "property".

As stated previously in this report, letters from applicable public facility and service providers are required to be submitted in conjunction with a zoning permit application to ensure services are available and can accommodate the proposed construction or placement of an Accessory Dwelling Unit (ADU) (Exhibit A).

Likewise, siting a Recreational Vehicle (RV) on a Rural Residential (RR) zoned property is intended to be ancillary and accessory to the primary dwelling. The development standards contained in proposed Section 3.010(6) establish standards to ensure a Recreational Vehicle is appropriately sited on the property (Exhibit A). The proposed amendments include a definition of a Recreational Vehicle (RV) to establish the type of RV that can be considered for siting on a property and limits density to no more than one (1) RV per residentially zoned lot or parcel (Exhibit A).

As stated previously in this report, letters from applicable public facility and service providers are required to be submitted at the time of zoning permit application submittal to ensure services are available and can accommodate the Recreational Vehicle (RV).

Staff finds the proposed standards ensure applicable policies contained within the Goal 11 element are not limited or compromised by the proposed new uses of an ADU or RV, and that availability of public services can be confirmed at the time of zoning permit review.

- Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged." Policies outlined in this Goal element of the Tillamook County Comprehensive Plan require the County to protect the function, operation and safety of existing and planned roadways as identified in the County's Transportation Plan, consider land use impacts on existing or planned transportation facilities in all land use decisions, plan for multi-modal networks, and coordinate transportation planning efforts with other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.

In consideration of the proposed standards outlined in Subsection (5) and (6), Staff finds that future needs or opportunities for transportation facilities are not limited or compromised by the proposed amendments (Exhibit A). Transportation facility considerations will be accomplished through confirmation from the local road authority that adequate transportation facilities exist to

accommodate the proposed use.

- **Tillamook County Comprehensive Plan Goal 13 Element: ENERGY CONSERVATION**
Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." Planning for energy conservation and opportunities to promote the installation of renewable energy systems are discussed in this Goal element of the Tillamook County Comprehensive Plan.

Existing opportunities for renewable energy conservation systems and efforts to maximize conservation of existing energy facilities are not affected by the proposed amendments.

- **Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION**
Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses. This Goal element of the Tillamook County Comprehensive Plan focuses largely on development within unincorporated communities, public facility limitations to rural areas, and impacts of urban sprawl on resource lands.

Consistent with Goal 11 Comprehensive Plan policies, continued planning to ensure adequate public services such as onsite wastewater treatment facilities, water availability, law enforcement and fire protection is critical to the public health, welfare and safety of Tillamook County communities and its residents.

The proposed standards contained within proposed subsections (5) and (6) are designed to avoid conflict with relevant goals and policies contained within the Goal 14 element of the Tillamook County Comprehensive Plan and to ensure development does not result in urban sprawl on resource lands (Exhibit A).

- **Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES**
Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.
- **Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS**
Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.
- **Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES**
Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development

if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.

The proposed amendments are not in conflict with the goals and policies of the coastal elements. Coastal resources protected through Comprehensive Plan policies and implementing ordinances will continue to be protected.

2. Tillamook County Land Use Ordinance, Article IX, Amendment Process

A. Section 9.030: Text Amendment Procedure (Amend Article 3, Section 3.010 of the TCLUO to include allowable uses and standards contained in Subsections (5) and (6))

1. A COMPREHENSIVE PLAN TEXT or ORDINANCE AMENDMENT may be requested by any person, subject to the requirements of a Type IV procedure and Article 10.

If County initiated, Article 9 requires the Department to prepare an analysis of the proposed amendments addressing such issues as the intent of the applicable Comprehensive Plan policies; the intent of the provisions being amended; the effect on the land use patterns in the County; the effect on the productivity of resource lands in the County; administration and enforcement; and the benefits or costs to Departmental resources resulting from the proposed amendment.

Staff finds as follows:

- Analysis of the proposed amendments in relation to existing Comprehensive Plan policies is contained in this report.
- The proposed amendments do not impair legally designated uses permitted outright or conditionally in the established Rural Residential (RR) Zone. The proposed amendments are supplemental and limited for the development of an Accessory Dwelling Unit (ADU) or siting of a Recreational Vehicle (RV) on a Rural Residential (RR) zoned property, residential uses that are designed to be accessory and subordinate to the established primary use on the property (primary dwelling). No effect on land use patterns is anticipated as a result.
- The proposed amendments do not have an anticipated effect on the productivity of resource lands in Tillamook County. It should be noted the Farm zone does allow limited use of a Recreational Vehicle (RV) under specific circumstances, such as for use as a farm help dwelling.
- The Department does not anticipate any impact on County administration or enforcement of the proposed amendments.
- A fee structure already exists for required land use, zoning and building permit application(s) which will continue to apply. The Department is considering a reduced fee for RV placement permit and zoning permit review at the time of renewal should the Board of Commissioners agree the 24-month time limit is appropriate.

- Permitting requirements are briefly described in this report. Permitting processes will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.

2. CRITERIA

- (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;*
- (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);*
- (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and*
- (d) The amendment must conform to Section 9.040 Transportation Planning Rule Compliance.*

Staff finds as follows:

- Goals and policies reflected in the Tillamook County Comprehensive Plan are required to be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.
- The proposed amendments do not involve an amendment to the Tillamook County Comprehensive Plan. Policies contained within support the Goal 10 Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments.
- The proposed amendments are within the public interest and further County efforts to meet current and future housing needs identified the County's Housing Needs Analysis.
- The proposed amendments are not in conflict with Section 9.040 Transportation Planning Rule Compliance, specifically the proposed amendments will not significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

V. EXHIBITS:

- Exhibit A: TCLUO Section 3.010: Rural Residential Zone with Amendments
- Exhibit B: Senate Bill 644
- Exhibit C: Senate Bill 1013

EXHIBIT A

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10)

- (1) **PURPOSE:** The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) **USES PERMITTED OUTRIGHT:** In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
 - (a) Single-family dwelling.
 - (b) Mobile or Manufactured Home.
 - (c) Recreational Vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
 - (e) Farm uses, including aquaculture.
 - (f) Forest uses.
 - (g) Roadside stands for produce grown on the premises.
 - (h) Signs, subject to Section 4.020.
 - (i) Electrical distribution lines.
 - (j) ***Accessory Dwelling Unit as defined in ORS 215.501, subject to Section 3.010(5).***
 - (k) ***Recreational Vehicle sited in conjunction with an established single-family dwelling on the property for a period not to exceed 24-months, subject to Section 3.010(6).***
- (3) **USES PERMITTED CONDITIONALLY:** In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
 - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

- (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.
- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Golf courses and associated facilities.
- (l) Animal hospital, kennel, or other animal boarding service.
- (m) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (n) Public utility facilities, including substations and transmission lines.
- (o) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (p) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (q) Rural industries on a contiguous ownership of 10 or more acres.
- (r) Foster family homes accommodating six or more children or adults.
- (s) Bed and breakfast enterprise.
- (t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (u) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

- (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
- (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
 - (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
 - (b) The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.
 - (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
 - (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.
 - (e) The minimum lot width and depth shall both be 100 feet.
 - (f) The minimum front yard shall be 20 feet.
 - (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
 - (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
 - (i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
 - (j) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:
 - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
 - 2. The property has been taxed at the farm use rate during three of the past five year.
 - 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

- (k) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100-foot requirement. In either case, all yard requirements in this zone shall still apply.
- (5) ***ACCESSORY DWELLING UNIT (ADU) STANDARDS: In addition to the standards of Subsection (4), an accessory dwelling unit shall also conform to the following standards, unless more restrictive supplemental regulations apply.***

As used in this subsection, the following definitions apply:

“Accessory Dwelling Unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For purposes of this section “auxiliary” means a use or structure incidental and subordinate to the single-family dwelling on the property and located on the same property as the single-family dwelling. An “Accessory Dwelling Unit” (ADU) may be either integrated into the same structure as the primary dwelling or constructed as a separate freestanding dwelling. If constructed within or as an addition to an existing or under construction primary single-family dwelling, the accessory dwelling unit shall conform to all building code requirements for fire separation between the two units.

“Accessory Dwelling Unit Structure” means all areas of an accessory dwelling unit inclusive of garages, carports, decks and porch covers.

“Property” means a lawfully established lot or parcel of land.

“Rural Residential Use” means a property located in the Rural Residential 2-Acre and 10-Acre zone, consistent with the definition in ORS 215.501.

“Safe Evacuation Plan” means an identifiable route on a right(s)-of-way and any onsite driveways from the accessory dwelling unit to a staged evacuation area.

“Single Family Dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.

“Staged Evacuation Area” means a public or private location that occupants of the accessory dwelling unit may evacuate to reorganize.

“Temporary Residence” includes use of a Recreational Vehicle as a residence, including siting of a recreational vehicle under Subsection 6 of this section and use of a temporary residence for a “Health Hardship” under Section 6.050.

“Usable Floor Area” means all areas of an accessory dwelling unit included within the surrounding exterior walls, exclusive of garages, carports, decks and porch covers.

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

- (a) *The property is not located within an area designated as an urban reserve as defined in ORS 195.137.*
- (b) *The property is at least two acres in size.*
- (c) *One single-family dwelling as defined in ORS 215.501 is sited on the property.*
 - 1. *As used in this section, "sited" means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.*
 - 2. *An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.*
- (d) *There is no guest house, temporary residence or additional dwelling units on the property except for the primary single-family dwelling established on the property.*
 - 1. *An existing lawfully established guest house, temporary residence or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.*
- (e) *The existing single-family dwelling on the property is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.*
- (f) *The accessory dwelling unit shall comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.*
- (g) *If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Oregon Water Resources Department.*
 - 1. *At the time of application, a letter confirming the supplier of the water is willing and able to serve the accessory dwelling unit shall be provided to the Department if the accessory dwelling unit is to be served by any water source other than on onsite domestic well.*
 - 2. *An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for purposes of calculating ground water right exemptions under ORS 537.545(1).*
- (h) *The accessory dwelling unit shall not include more than 900 square feet of usable floor area.*
- (i) *The accessory dwelling unit shall be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.*

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

1. *An existing structure converted to an accessory dwelling unit must be located no farther than 100-feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purpose of this section, “existing” means the structure was lawfully established on or before adoption of this subsection.*
- (j) *If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the property is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.*
- (k) *No portion of the property is within a designated area of critical state concern.*
- (l) *The property is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.*
- (m) *If the property is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the property and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.*
- (n) *A property with an accessory dwelling unit approved under this section is ineligible for:*
 1. *A subdivision, partition, or other division of a property, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different property than the accessory dwelling unit; and*
 2. *Placement or construction of any additional dwelling unit or guest house, or any other temporary residence.*
- (o) *One off-street parking space shall be maintained for the ADU. The parking space shall be a minimum of 8-feet by 20-feet in size.*
- (p) *The accessory dwelling unit shall not be used for transient lodging purposes.*
- (6) **RECREATIONAL VEHICLE SITING STANDARDS:** *In addition to the standards of Subsection (4), siting of a recreational vehicle on a property shall also conform to the following standards, unless more restrictive supplemental regulations apply.*

As used in this subsection, the following definitions apply:

“Property” means a lawfully established lot or parcel of land.

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

“Recreational Vehicle” means a factory equipped, self-contained recreational vehicle with motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140. For purposes of this section, “Recreational Vehicle” does not include a camper or tent trailer.

“Rural Area” means an area zoned for rural residential use as defined in ORS 215.501 or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use.

“Rural Residential Use” means a property located in the Rural Residential 2-Acre and 10-Acre zone, consistent with the definition in ORS 215.501.

- (a) The property is not located within an area designated as an urban reserve as defined in ORS 195.137.*
- (b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property.*
- (c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.*
- (d) The property owner shall not allow the use of the recreational vehicle space or recreational vehicle for transient lodging or other temporary uses.*
- (e) The recreational vehicle is owned or leased by the tenant; and*
- (f) The property owner shall provide essential services to the recreational vehicle space as described in ORS 90.100 (13)(b).*
- (g) The recreational vehicle shall be sited only after obtaining zoning approval and RV placement permit approval.*
- (h) The recreational vehicle shall be lawfully connected to water and electrical supply systems and a sewage disposal system.*
- (i) The property is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.*
- (j) One off-street parking space shall be maintained for the ADU. The parking space shall be a minimum of 8-feet by 20-feet in size.*
- (k) A property with the siting of a recreational vehicle approved under this section is ineligible for:
 - 1. A subdivision, partition, or other division of a property, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different property than the**

PROPOSED AMENDMENTS ARE IN BOLD AND ITALICS.

recreational vehicle; and

2. ***Placement or construction of any additional dwelling unit or guest house, or any other temporary residence.***



EXHIBIT

B

Enrolled
Senate Bill 644

Sponsored by Senators KNOPP, FINDLEY; Senators DEMBROW, HAYDEN, SMITH DB, Representative HIEB (Presession filed.)

CHAPTER

AN ACT

Relating to accessory dwelling units on lands zoned for rural residential use; amending ORS 215.495; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 215.495, as amended by section 5, chapter 85, Oregon Laws 2022, is amended to read:

- 215.495. (1) As used in this section:
- (a) "Accessory dwelling unit" has the meaning given that term in ORS 215.501.
 - (b) "Area zoned for rural residential use" has the meaning given that term in ORS 215.501.
 - (c) "Single-family dwelling" has the meaning given that term in ORS 215.501.
- (2) Consistent with a county's comprehensive plan, a county may allow an owner of a lot or parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the lot or parcel, provided:
- (a) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137;
 - (b) The lot or parcel is at least two acres in size;
 - (c) One single-family dwelling is sited on the lot or parcel;
 - (d) The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
 - (e) The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;
 - (f) The accessory dwelling unit will not include more than 900 square feet of usable floor area;
 - (g) The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling;
 - (h) If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission;
 - (i) No portion of the lot or parcel is within a designated area of critical state concern;
 - (j) The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410;
 - (k) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction es-

published by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;

(L) *[Statewide wildfire risk maps have been approved and the accessory dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area; and]* The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or

(B) No statewide map of wildfire risk has been adopted; and

(m) The county has adopted land use regulations that ensure that:

(A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use;

(B) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas; and

(C) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.

(3) A county may not allow an accessory dwelling unit allowed under this section to be used for vacation occupancy, as defined in ORS 90.100.

(4) A county that allows construction of an accessory dwelling unit under this section may not approve:

(a) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.

(b) Construction of an additional accessory dwelling unit on the same lot or parcel.

(5) A county may require that an accessory dwelling unit constructed under this section be served by the same water supply source or water supply system as the existing single-family dwelling, provided such use is allowed for the accessory dwelling unit by an existing water right or a use under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

(6) An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545 (1).

(7) Nothing in this section requires a county to allow any accessory dwelling units in areas zoned for rural residential use or prohibits a county from imposing any additional restrictions on accessory dwelling units in areas zoned for rural residential use, including restrictions on the construction of garages and outbuildings that support an accessory dwelling unit.

SECTION 2. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by Senate March 28, 2023

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Lori L. Brocker, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House April 26, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Shemia Fagan, Secretary of State

EXHIBIT

C

Enrolled
Senate Bill 1013

Sponsored by Senators HAYDEN, LINTHICUM, SMITH DB; Representatives BOICE, DIEHL, GAMBA, HELFRICH, LEVY B, MORGAN (at the request of Clackamas County Chair Tootie Smith)

CHAPTER

AN ACT

Relating to residential tenancies in recreational vehicles; creating new provisions; and amending ORS 197.493.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) "Recreational vehicle" means a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation.

(b) "Rural area" means an area zoned for rural residential use as defined in ORS 215.501 or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use.

(2) A county may allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement, provided:

(a) The property is not within an area designated as an urban reserve as defined in ORS 195.137;

(b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property;

(c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy;

(d) The property owner will not allow the use of the recreational vehicle space or recreational vehicle for vacation occupancy, as defined in ORS 90.100, or other short-term uses;

(e) The recreational vehicle is owned or leased by the tenant; and

(f) The property owner will provide essential services to the recreational vehicle space, as described in ORS 90.100 (13)(b).

(3) A county may require that an owner of a lot or parcel who sites a recreational vehicle under this section:

(a) Register the use with the county.

(b) Enter into a written residential rental agreement with the tenant of the recreational vehicle.

(c) Limit the amount of payments that the property owner may accept from the tenant under ORS 90.140 to those reasonably necessary to cover the owner's costs or losses.

(d) Require that the recreational vehicle comply with any reasonable appearance, repair, inspection or siting standards adopted by the county.

(4) Notwithstanding ORS 455.405, a recreational vehicle sited under this section is not subject to the state building code.

SECTION 3. ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Allowed under section 2 of this 2023 Act;

[(a)(A)] (b)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(B) Occupied as a residential dwelling; and

(C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

or

[(b)] (c) On a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural [disasters] disaster, including wildfires, earthquakes, flooding or storms, until no later than the date:

(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

(B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or

(C) Twenty-four months after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Passed by Senate April 5, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

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Rob Wagner, President of Senate

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Tina Kotek, Governor

Passed by House May 31, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State