



Land of Cheese, Trees and Ocean Breeze

NOTICE OF PUBLIC HEARINGS

TILLAMOOK COUNTY PLANNING COMMISSION TILLAMOOK COUNTY BOARD OF COMMISSIONERS

Public hearings will be held by the Tillamook County Planning Commission at 6:30p.m. on Thursday, December 8, 2022, at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141 and at 9:00am on Monday, January 30, 2023, by the Tillamook County Board of Commissioners in the Board of County Commissioners Meeting Room in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141 to consider the following:

#851-22-000402-PLNG TCLUO Section 5.110: Accessory Dwelling Unit (ADU) Standards Legislative text amendment request to amend Article 5: Special Use Standards and Exception of the Tillamook County Land Use Ordinance (TCLUO) to include Section 5.110 to establish use and development standards for construction of an Accessory Dwelling Unit (ADU) on residentially zoned properties located within Tillamook County Unincorporated Communities. The Planning Commission may take action at the hearing on December 8, 2022 or may continue the matter to a date and time announced at the hearing. The Planning Commission will ultimately make a recommendation to the Board of County Commissioners who will hear this matter at 9:00am on January 30, 2023. Ordinance Amendment request #851-22-000402-PLNG will become effective upon adoption by the Tillamook County Board of Commissioners, which will occur no sooner than January 30, 2023.

The criteria applicable to review of this Ordinance Amendment are: Tillamook County Land Use Ordinance Article IX (Text Amendments). This document is available for review at the Department of Community Development or at https://www.co.tillamook.or.us/sites/default/files/fileattachments/community_development/page/27173/article_9_amendment.pdf.

The proposed ordinance amendment can be viewed online beginning November 8, 2022, at <https://www.co.tillamook.or.us/commdev/landuseapps>. The proposed amendment is also available for inspection at the Department of Community Development. To request a copy, please contact staff at 503-842-3408 ext. 3423 or email Lynn Tone, DCD Office Specialist 2, at ltone@co.tillamook.or.us. Copies can also be provided at a cost of \$0.25 per page.

The hearings will take place in-person at the specified locations stated in this notice with option for virtual participation. For instructions on how to provide oral testimony virtually at the hearings, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Lynn Tone,

Office Specialist 2, at ltone@co.tillamook.or.us. The virtual meeting link for each hearing will be provided at the DCD homepage address the day prior to each hearing as well as a dial in number for those who wish to participate via teleconference but are unable to participate virtually.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the December 8, 2022, Planning Commission hearing. If submitted by 4:00 p.m. on November 30, 2022, the testimony will be included in the packet mailed to the Planning Commission the week prior to the December 8, 2022, hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Lynn Tone, Office Specialist 2, Tillamook County Department of Community Development, ltone@co.tillamook.or.us as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

The record is available for public inspection on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. The staff report will be available for public inspection on December 1, 2022. Please contact Lynn Tone for additional information ltone@co.tillamook.or.us or call 1-800-488-8280 ext. 3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan, and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

The Tillamook County Courthouse and Port of Tillamook Bay Conference Center are handicapped accessible. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearing, please contact 1-800-488-8280 ext. 3423, at least 24 hours prior to the hearing in order that appropriate communications assistance can be arranged.

If you need additional information, please contact Lynn Tone, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email ltone@co.tillamook.or.us.

Tillamook County Department of Community Development

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive, with the first name "Sarah" being larger and more prominent than the last name "Absher".

Sarah Absher, CFM, Director

Encl: Draft TCLUO Section 5.110 Accessory Dwelling Unit (ADU) Standards

SECTION 5.110: ACCESSORY DWELLING UNIT (ADU) STANDARDS

DEFINITION: Accessory Dwelling Unit (ADU): a subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same lot or parcel as the primary dwelling and which is incidental to the main use of the property. In no case shall the ADU exceed in area, extent or purpose, the primary 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 dwelling, the ADU shall conform to all building code requirements for fire separation between the two units. Attached or detached, an ADU shall be subordinate to the primary dwelling and shall meet the following use and development standards:

(A) *Location.* An ADU may be sited on a lawfully established lot or parcel located in unincorporated community residential zoning districts. There is no minimum land area requirement for an ADU.

(B) *Number.* Only one ADU shall be permitted per lot or parcel.

(C) *Setbacks.* For a detached ADU, the minimum rear yard setback shall be five feet; the minimum side yard setback shall be five feet and where applicable, the minimum street-side yard setback shall be ten feet. The required front yard setback of the underlying residential zone shall apply or the required front yard setback for small lots allowed under Section 4.100 and Section 4.110, where applicable. A detached ADU shall be physically separated from the primary residence by a minimum distance of six feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements.

If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to the setback requirements of the underlying zone or the required setbacks for small lots allowed under Section 4.100 and Section 4.110, where applicable.

(D) *Design.* An ADU shall be set on a permanent foundation; have any wheels, tongues, and running gear removed; and be connected to domestic sewer and water or connect to an onsite wastewater treatment system for those lots or parcels in unincorporated communities not served by sewer. A Recreational Vehicle (RV), yurt, travel trailer or other non-habitable structures not intended for residential occupancy shall not be utilized as an ADU.

(E) *Area.* The floor area of an ADU shall not exceed 75% of the living space of the primary residence or 800 square feet, whichever is less. If free-standing, the building footprint of the ADU shall also not exceed 75% of the building footprint of the primary dwelling or 800 square feet, whichever is less.

(F) *Height.* The maximum height of a freestanding ADU shall not exceed the height of the primary residence or the allowable maximum height of the underlying zone, whichever is less. An ADU built within or as an addition to the primary dwelling unit or over a detached garage shall not exceed the maximum height of the zone.

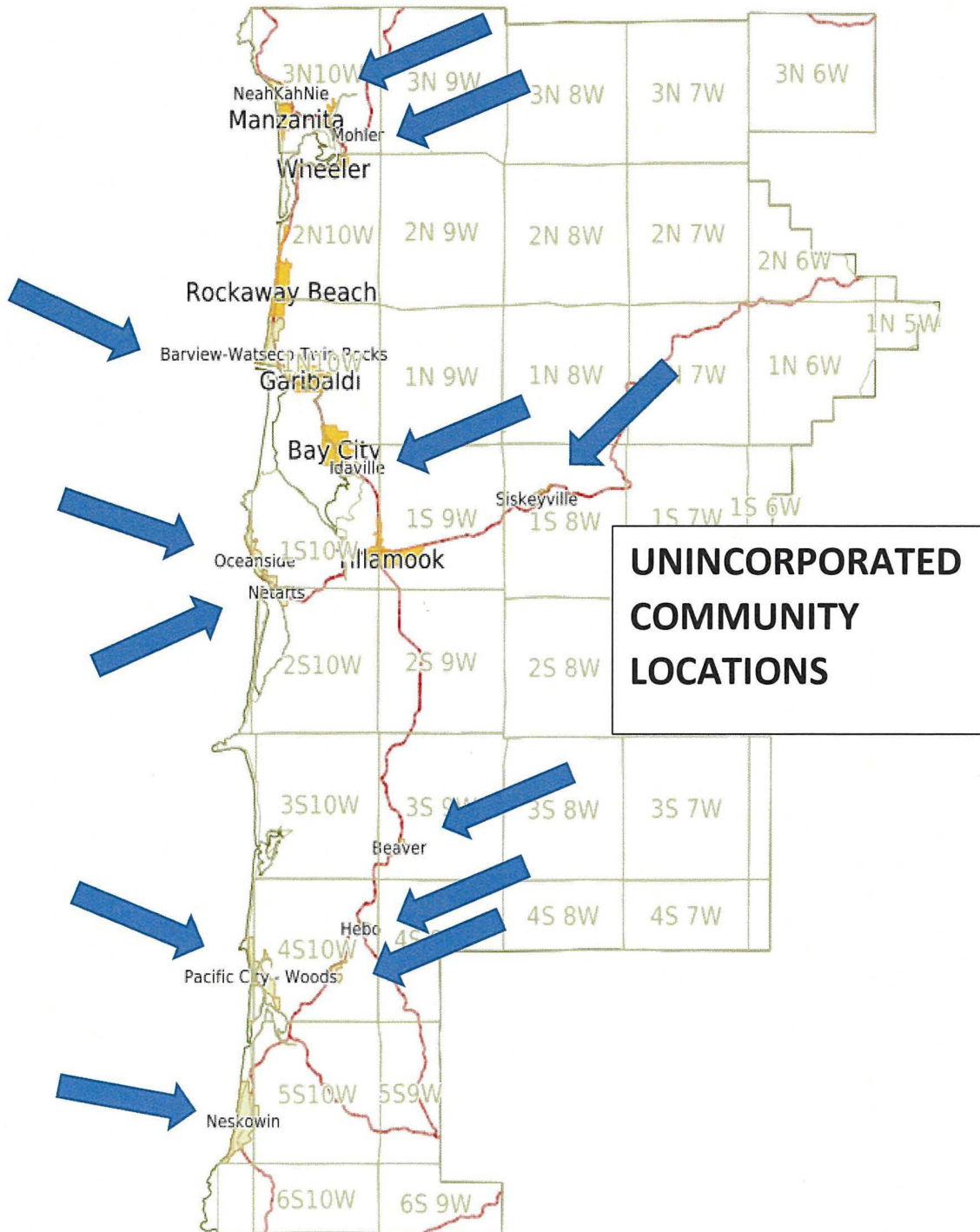
(G) *Lot Coverage.* Where applicable, maximum lot coverage requirements of the underlying zone shall not apply to the placement of an ADU. Maximum lot coverage requirements for properties developed under TCLUO Section 4.100 shall apply.

(H) *Parking.* 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.

(I) *Transient Lodging Prohibition.* The ADU shall not be utilized for transient lodging purposes.

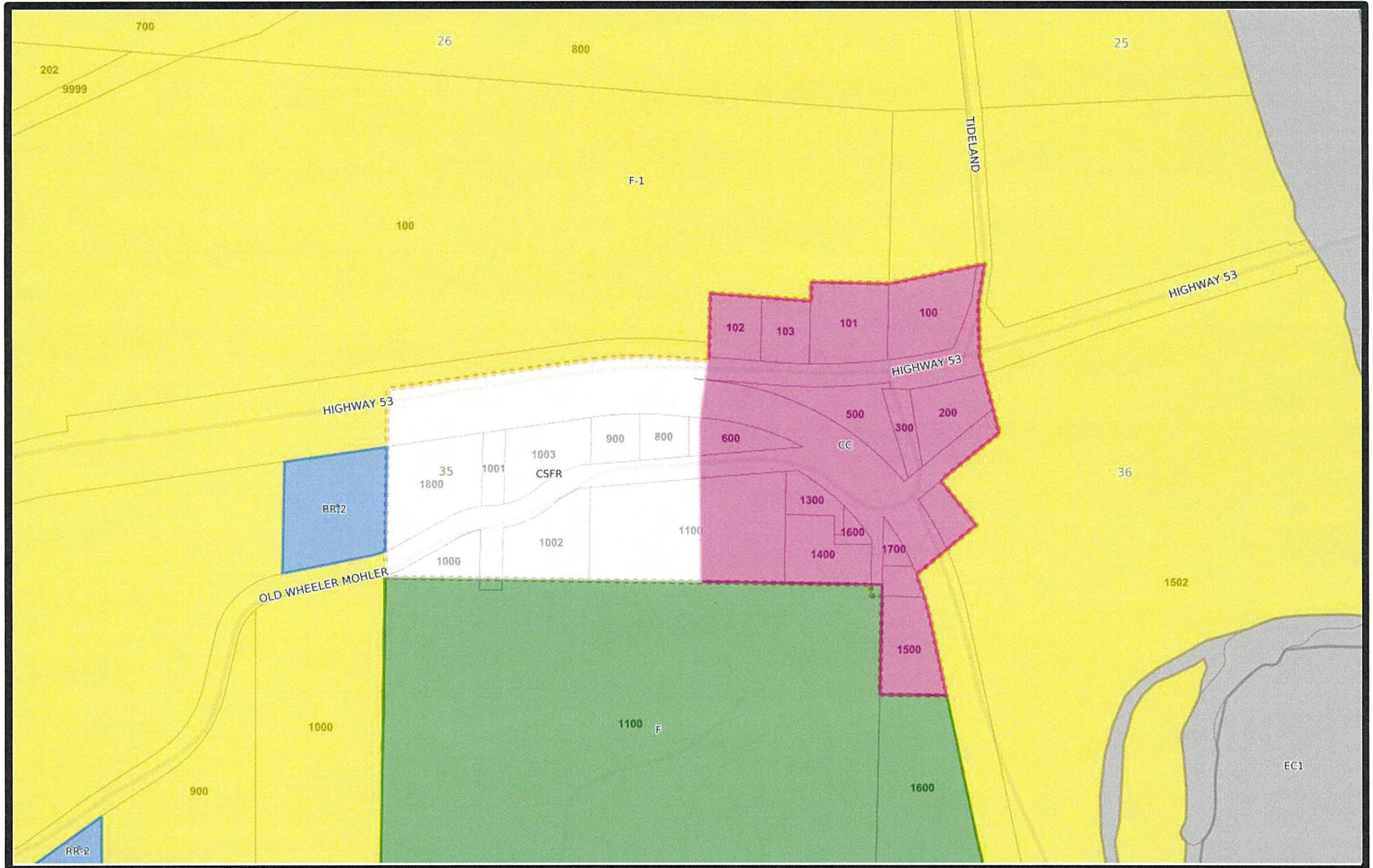
(J) *Non-Conforming Structures.* Any legal nonconforming structure may be allowed to contain, or be converted to, an ADU, provided the ADU does not increase the nonconformity and meets applicable building and fire code requirements. Expansion of a Non-Conforming structure to accommodate an ADU may be allowed, subject to the provisions of Article VII: Nonconforming Uses.

VICINITY MAP

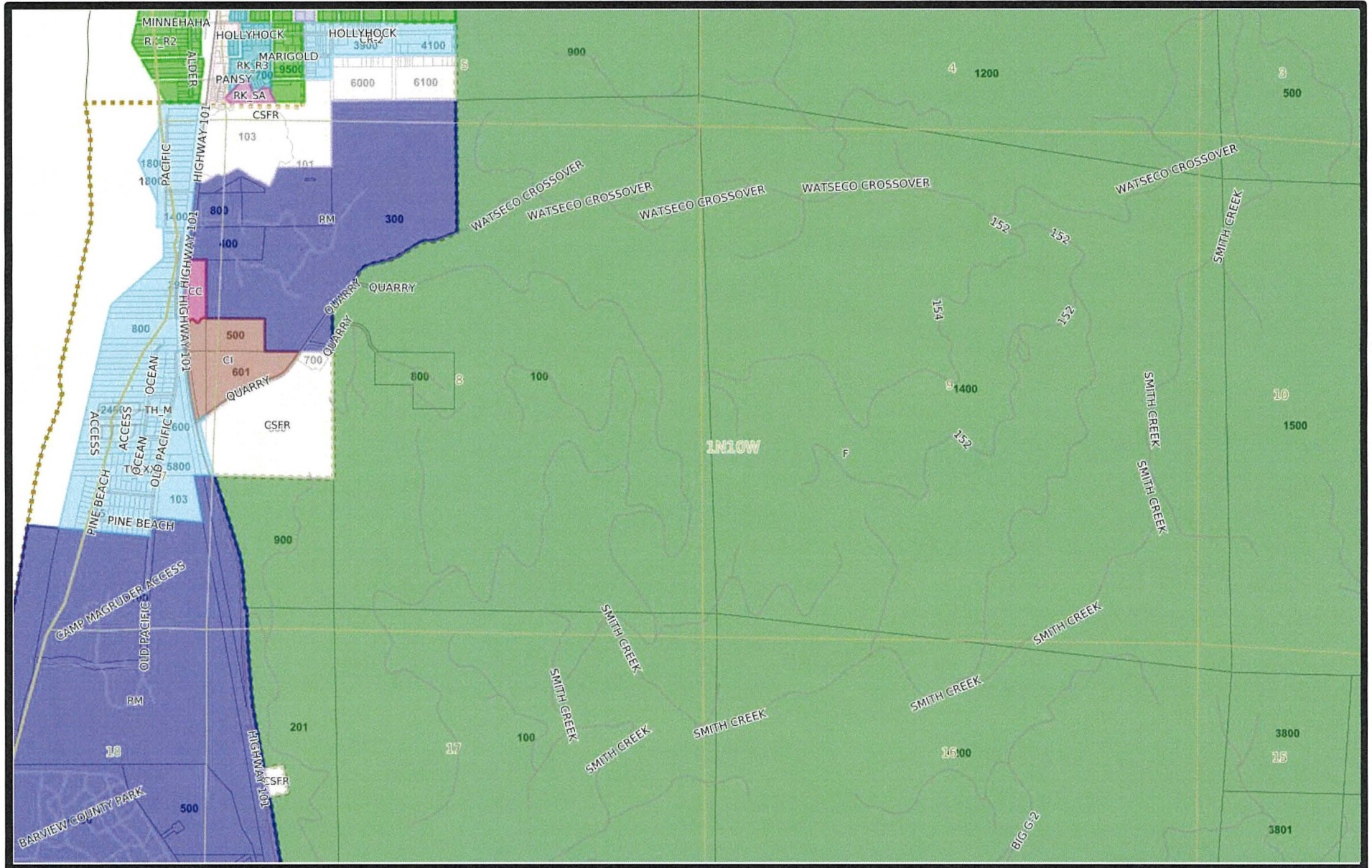


#851-22-000402-PLNG
TCLUO SECTION 5.110:
ACCESORY DWELLING UNIT STANDARDS

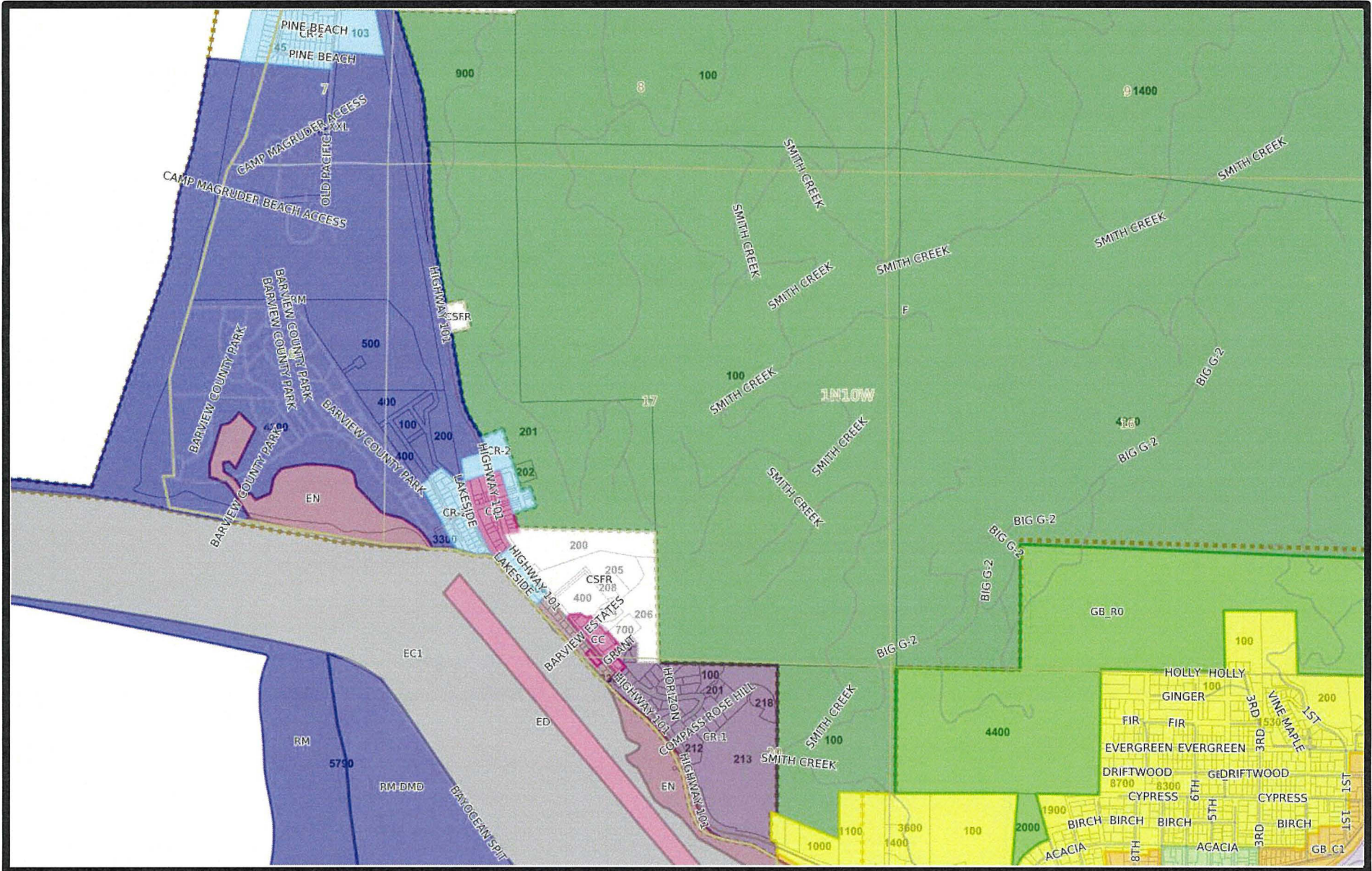
Map: MOHLER



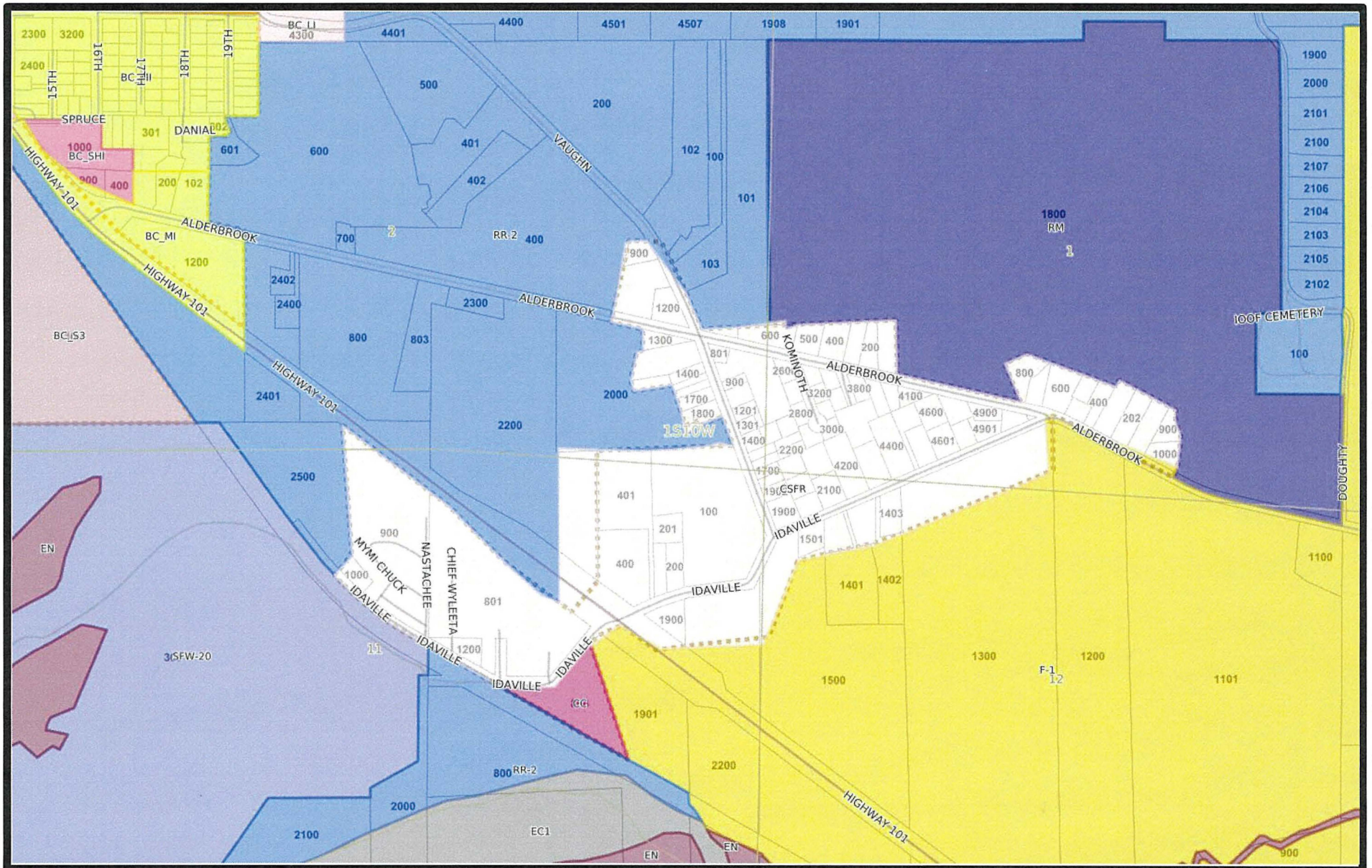
Map: BARVIEW / TWIN ROCKS / WATSELO (NORTH)



Map: BARVIEW / TWIN ROCKS / WATSECO (SOUTH)

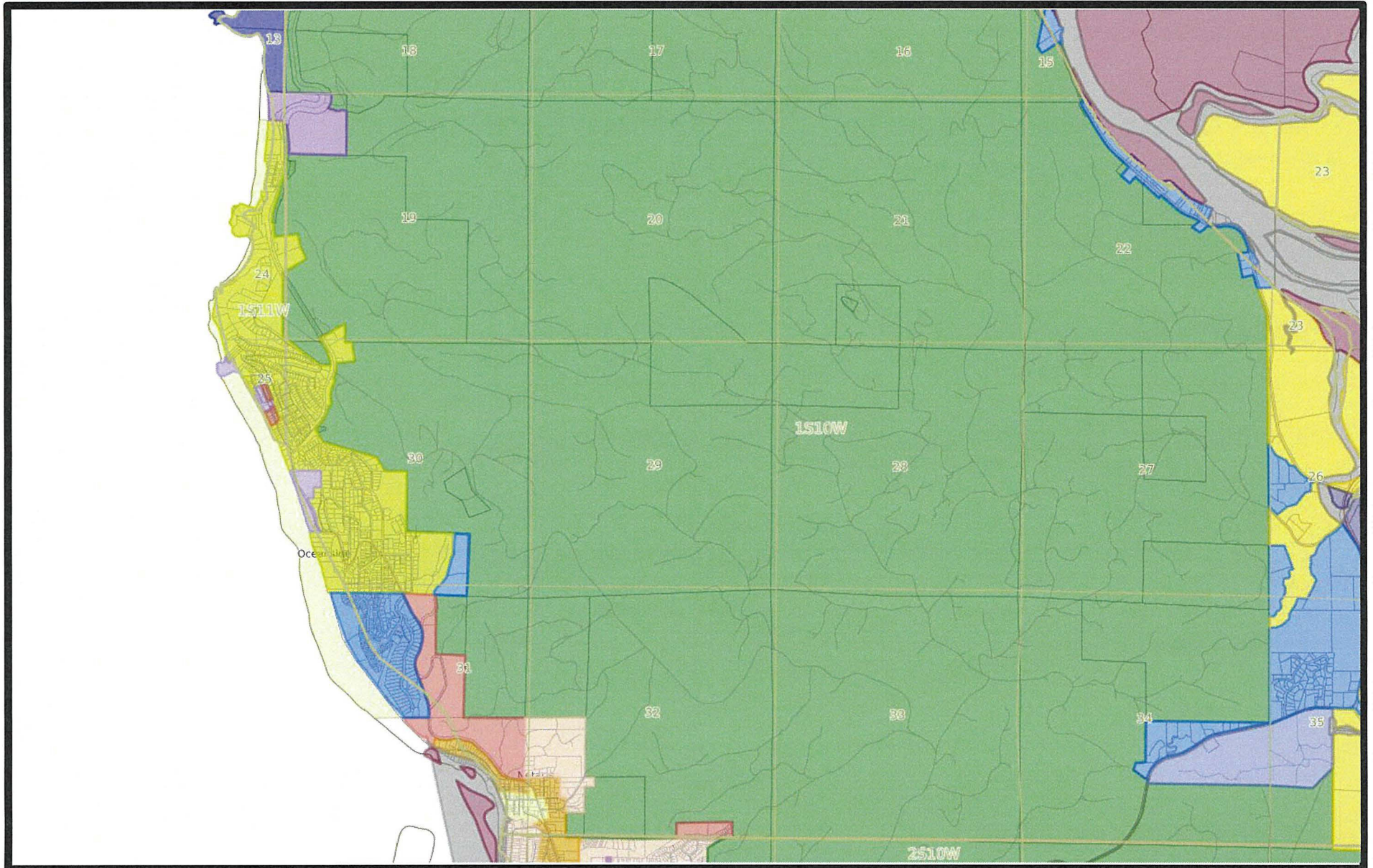


Map: IDAVILLE



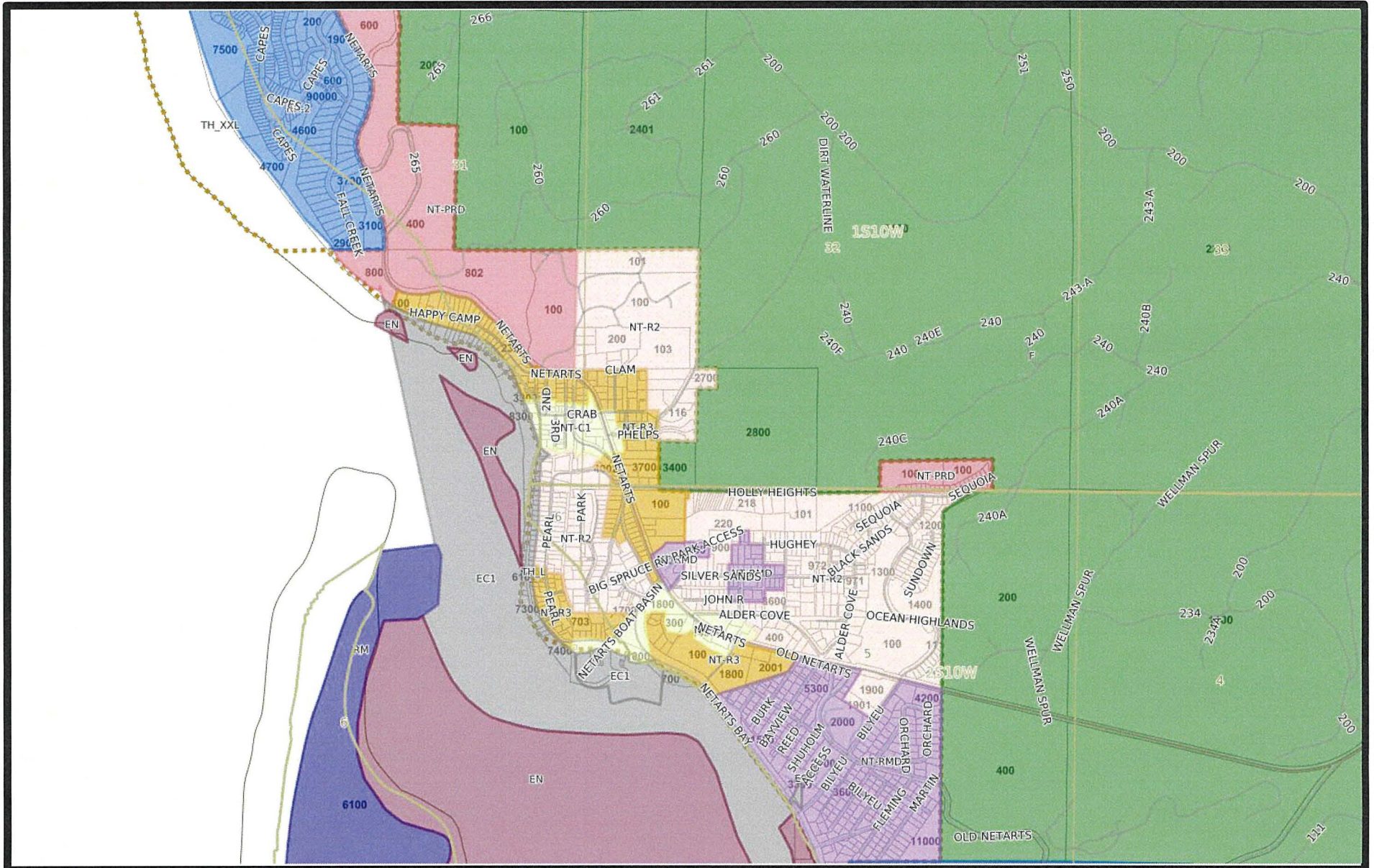
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Map: OCEANSIDE



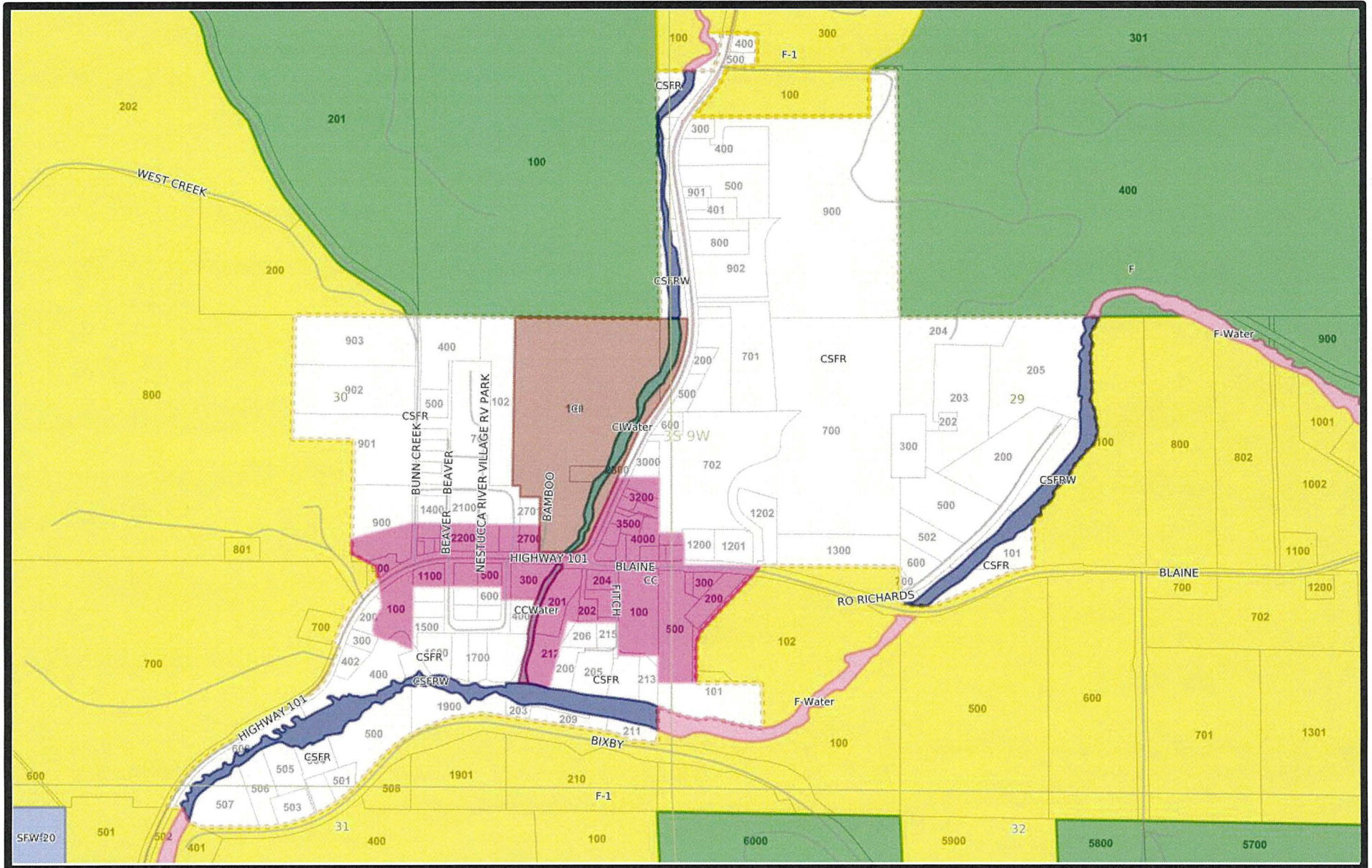
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Map: NETARTS



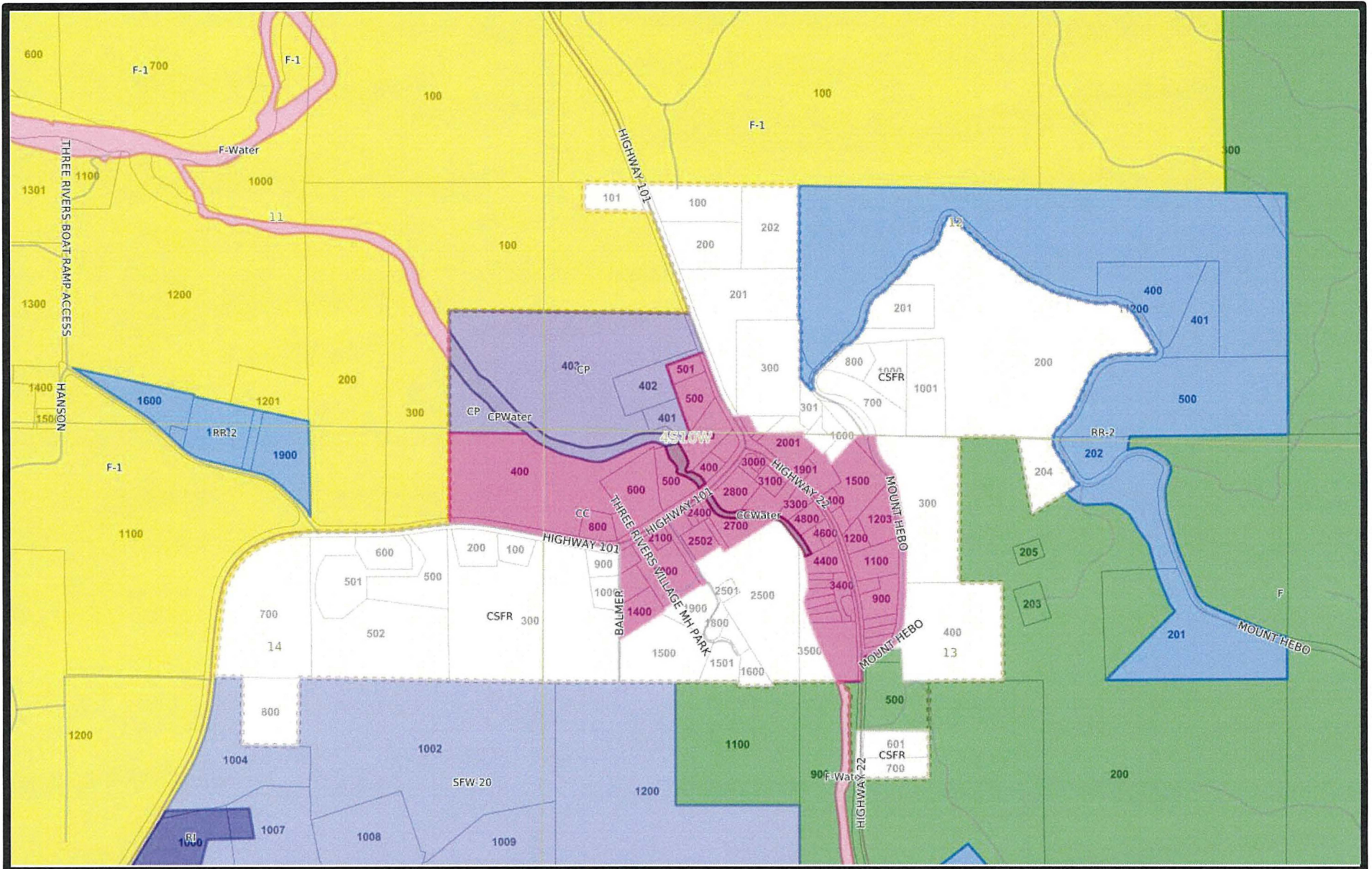
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Map: BEAVER



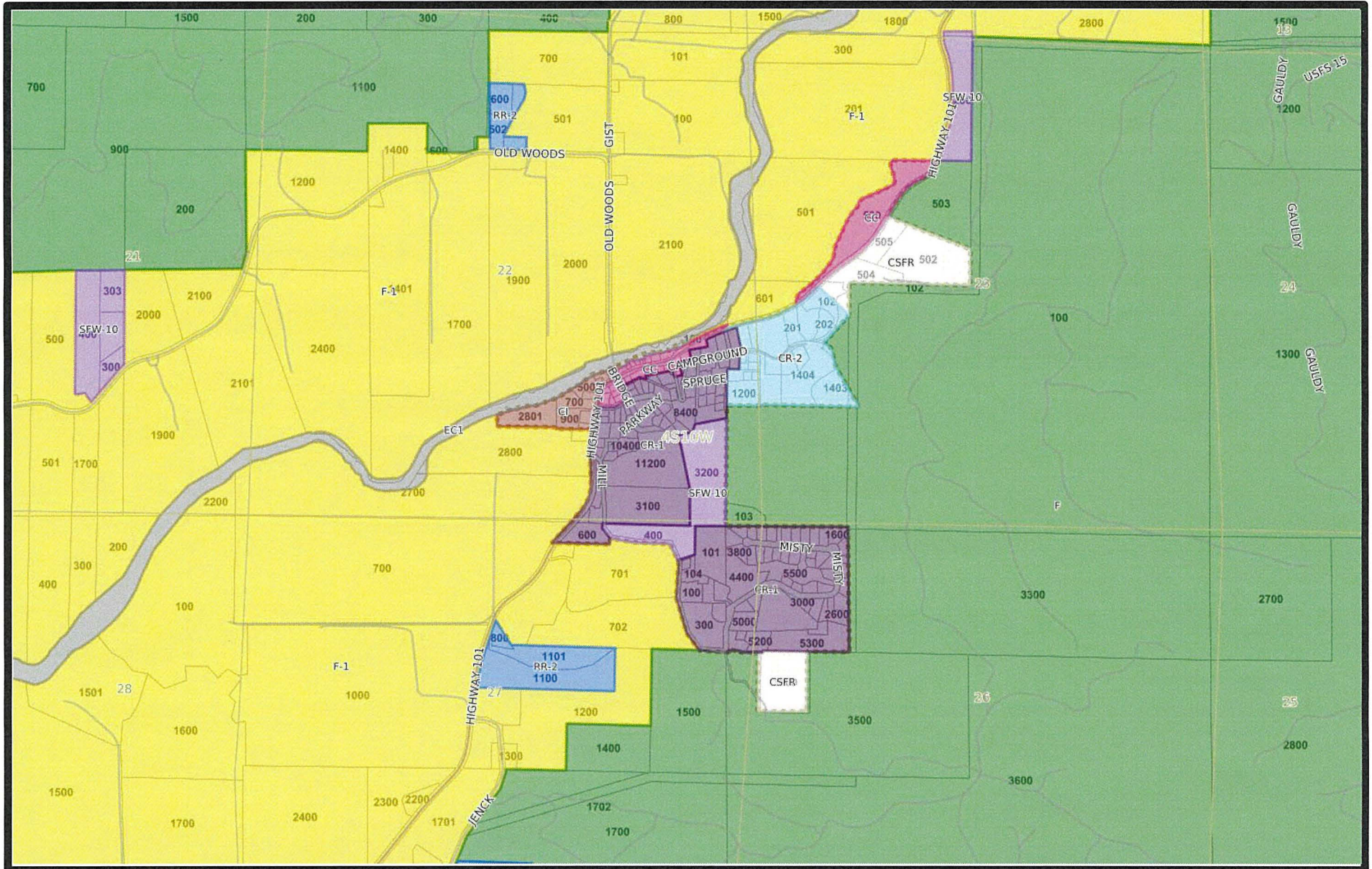
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Map: HEBO



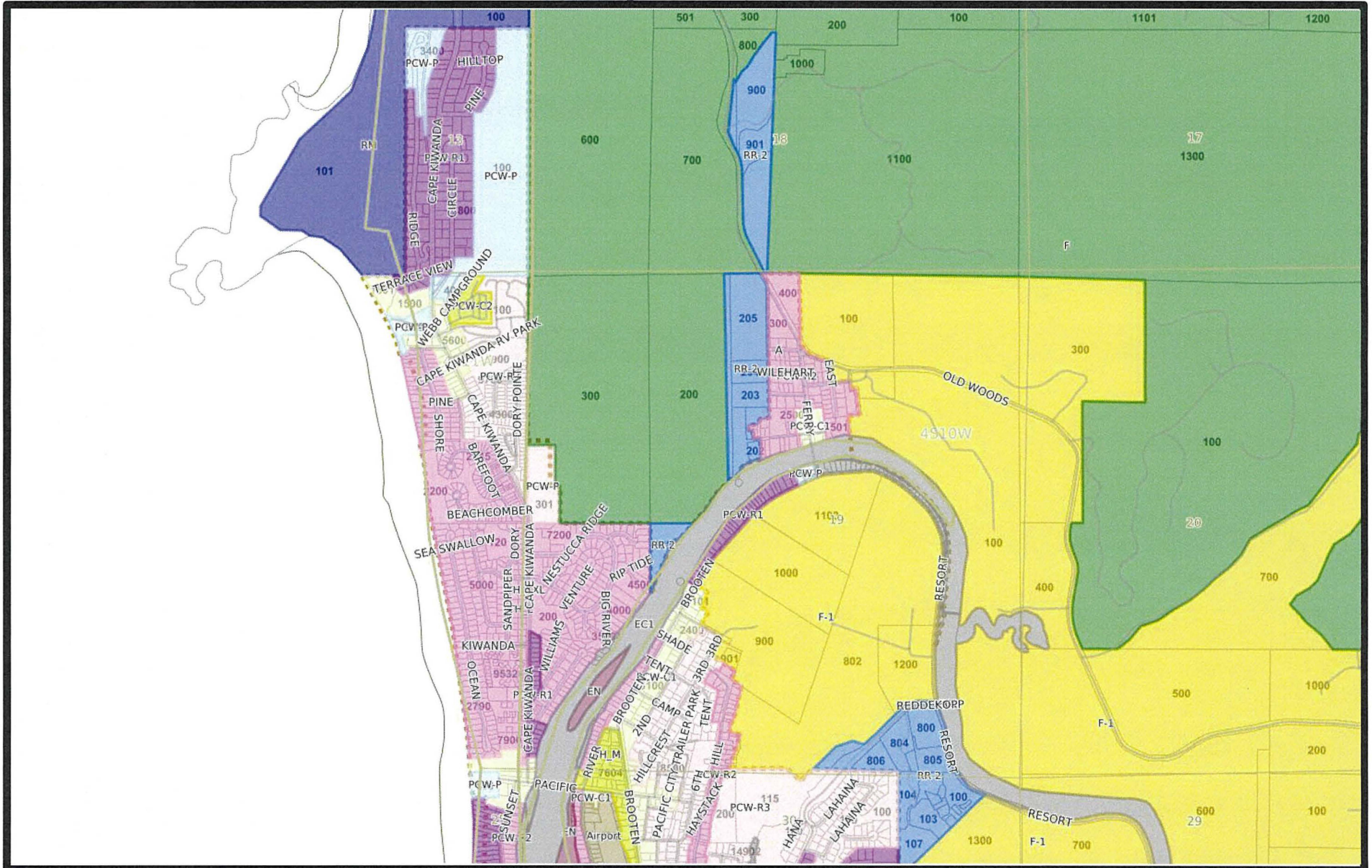
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Map : CLOVERDALE

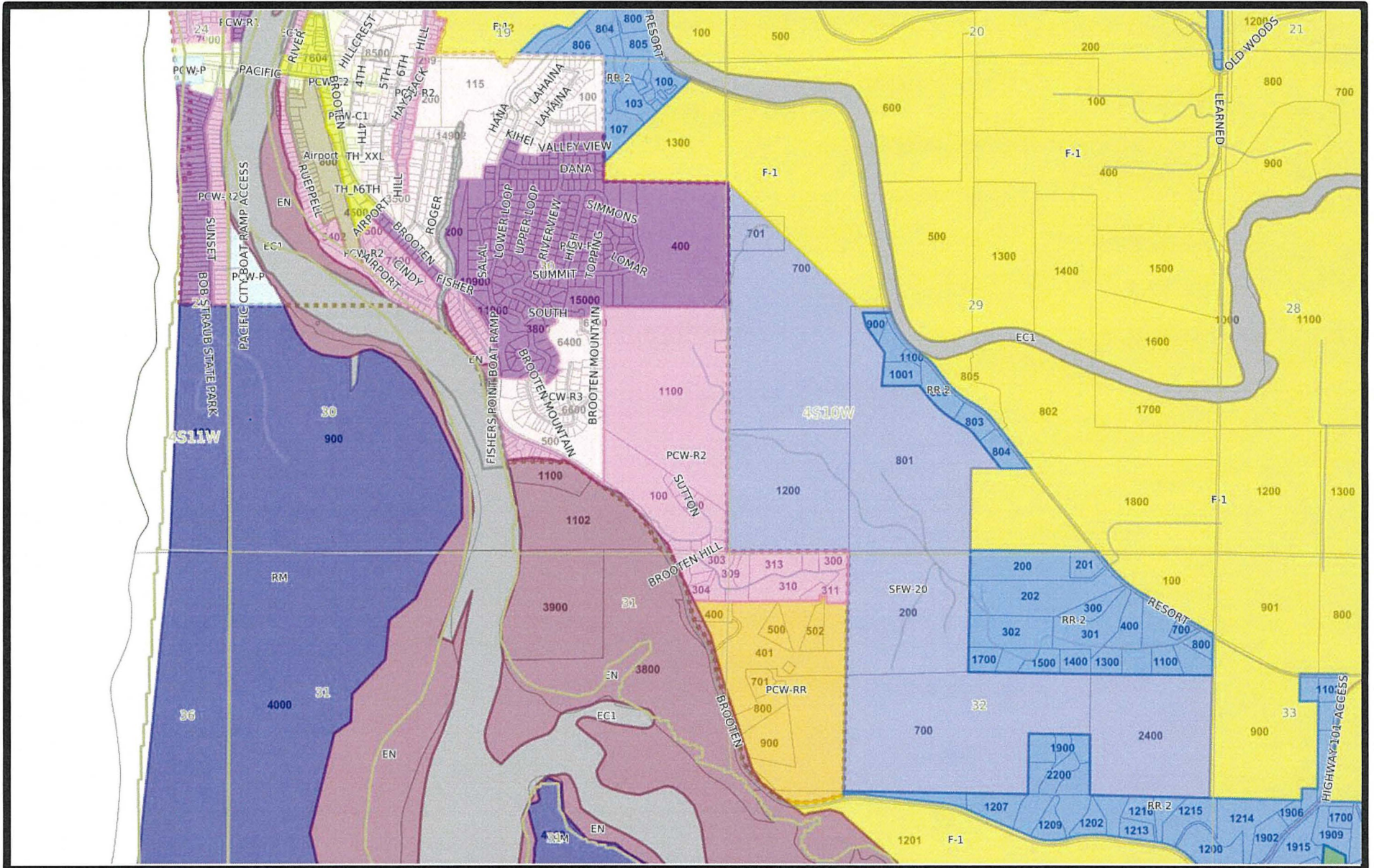


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Map: PACIFIC CITY / WOODS (NORTH)

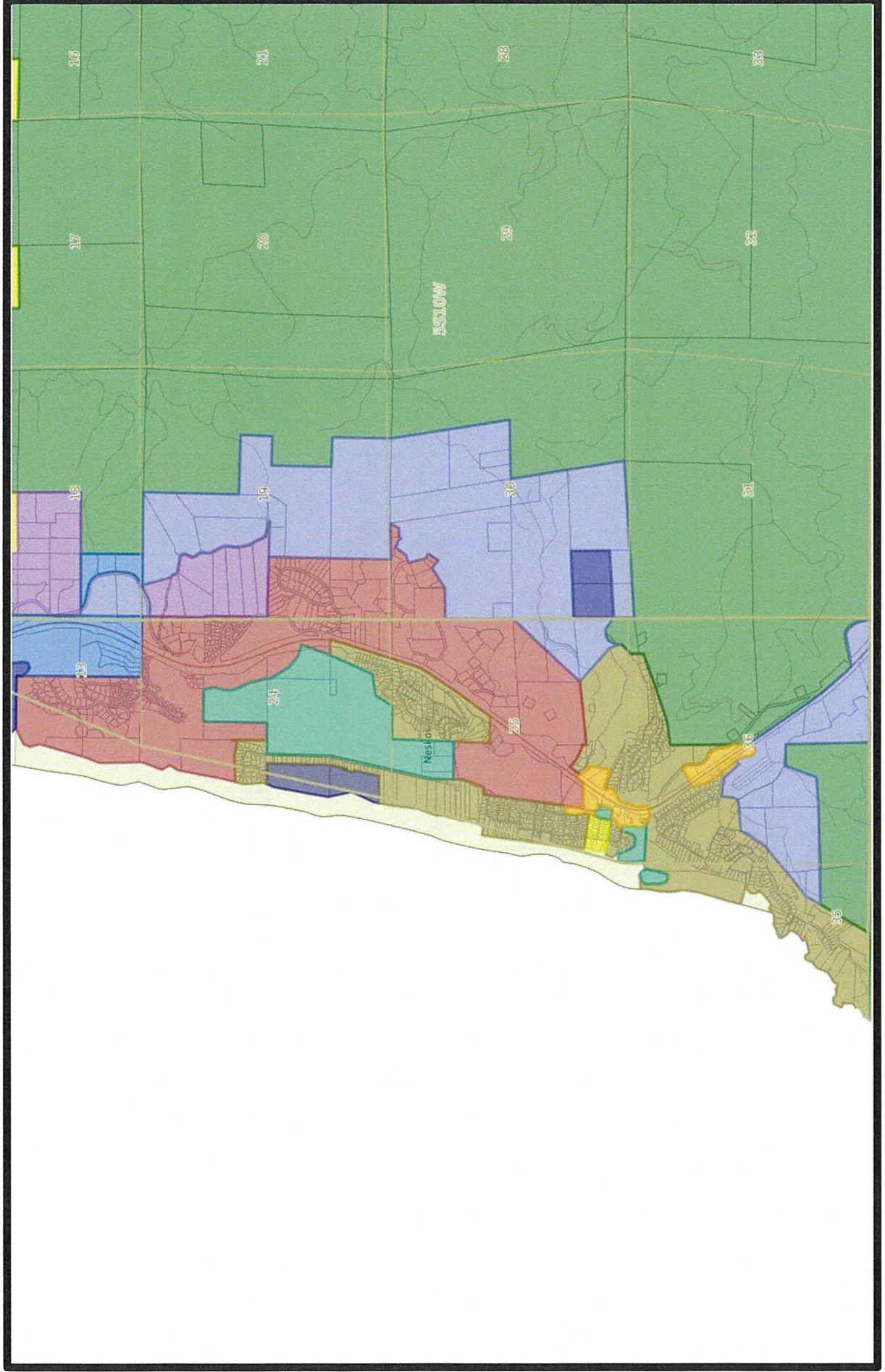


Map: PACIFIC CITY / WOODS (SOUTH)

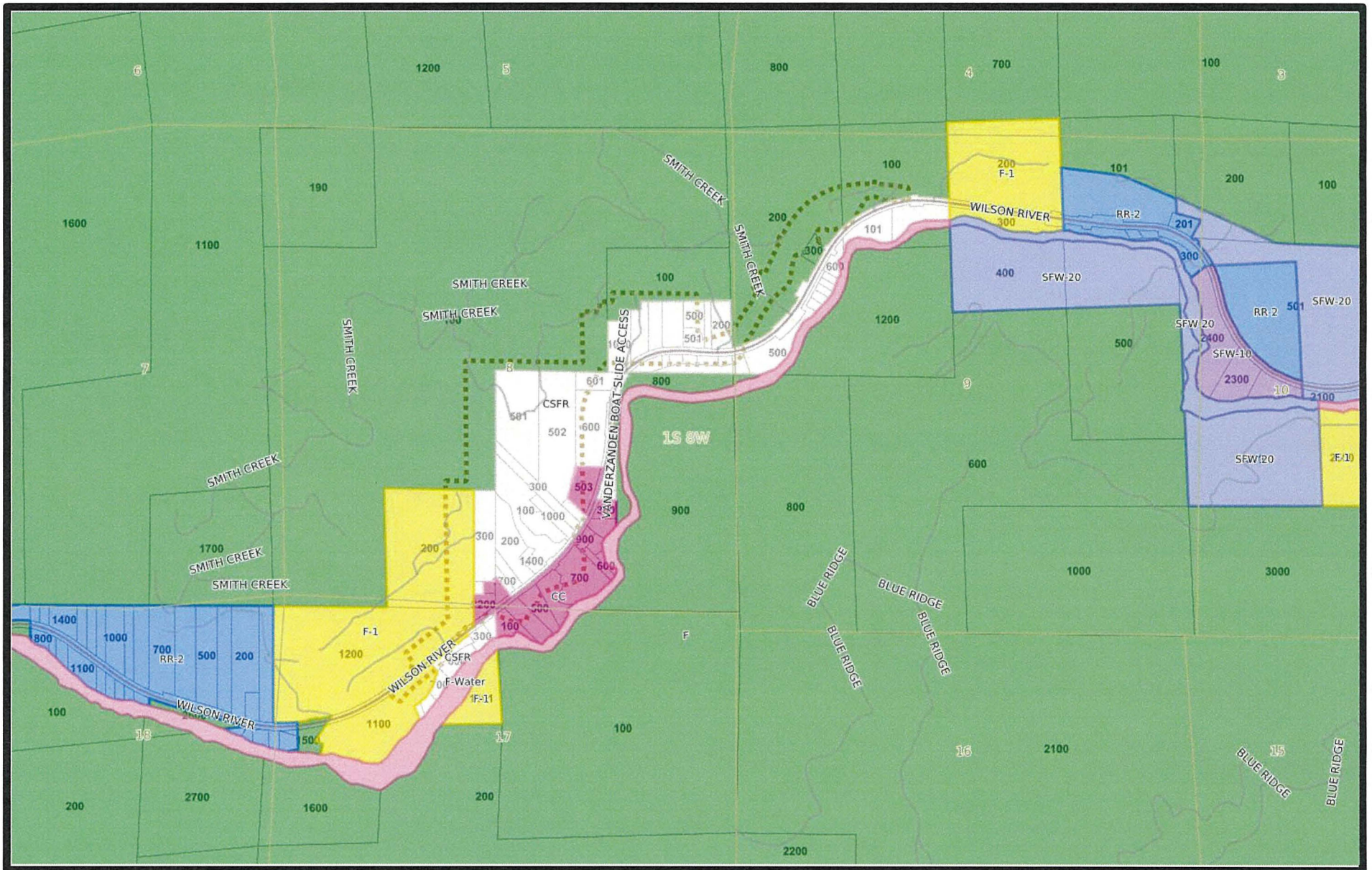


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Map: NESKOWIN



Map: SISKEYVILLE



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