

Tillamook County



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

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Land of Cheese, Trees and Ocean Breeze

MEMO

Date: May 1, 2024
To: Tillamook County Board of Commissioners
From: Sarah Absher, CFM, Director
Subject: #851-24-000072-PLNG: Legislative Text Amendments Rural Residential Zone

Included with this memorandum are two updated draft versions of TCLUO Section 3.010: Rural Residential 2-Acre and 10-Acre Zone. One copy of the draft highlights those changes made following the conclusion of the May 1, 2024, hearing. The second copy is an unmarked version that also reflects the directives of the Board of County Commissioners following the hearing proceedings that took place today, May 1, 2024.

All proposed amendments related to Senate Bill 1013 and the siting of a Recreational Vehicle with standards have been removed. As discussed at the May 1, 2024, hearing, these amendments will be revisited by the Board of County Commissioners later this month.

The Board of County Commissioner hearing regarding Legislative Text Amendment request #851-24-000072-PLNG has continued to a date and time certain of May 8, 2024, at 10:00am, where the proposed amendments will be further considered. The Board of County Commissioners may take action at the May 8, 2024, hearing or may continue this matter to a future date.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive, with a long, sweeping underline.

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 OUTHRIGHT: 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 215.501495, subject to Section 3.010(5).

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~~*(k) Recreational Vehicle sited in conjunction with an established single-family dwelling on the property for a consecutive 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

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boundary.

- (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

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ownership of 10 or more acres.

- (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.

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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.

(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.

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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 or 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

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surrounding exterior walls, exclusive of garages, carports, decks and porch covers.

- (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 primary dwelling, measured from an exterior wall of the building footprint of the

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primary dwelling to the nearest exterior wall of the accessory dwelling unit building footprint.

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 in fighting structural fires 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) The accessory dwelling unit complies with rules of the State Board of Forestry under ORS 477.015 to 477.061 and Oregon residential specialty code relating to wildfire hazard mitigation.
- (o) 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.
- (p) 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.
- (q) The accessory dwelling unit shall not be used for transient lodging purposes.

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~~(6) — RECREATIONAL VEHICLE SITING STANDARDS: In addition to the standards of Subsection (4), siting of a Recreational Vehicle (RV) 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.~~

~~“Recreational vehicle” means a self-contained vehicle with or without 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 or 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) — The property is at least 20,000 square feet in size.~~
- ~~(c) — A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property.~~
- ~~(d) — There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.~~
- ~~(e) — The recreational vehicle is owned or leased by the tenant; and~~
- ~~(f) — The recreational vehicle must have an operable toilet and sink.~~
- ~~(g) — The property owner shall provide essential services to the recreational vehicle space as described in ORS 90.100 (13)(b) and provide an all-weather parking pad for recreational vehicle placement.~~
- ~~(h) — The recreational vehicle shall be lawfully connected to water and electrical supply systems and a sewage disposal system.~~
- ~~(i) — The recreational vehicle shall be sited at least 10 feet from the primary dwelling.~~
- ~~(j) — The recreational vehicle shall maintain the required setbacks for the siting of a residential structure in the Rural Residential Zone.~~

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- ~~(k) — A storage building of at least sixty-four (64) square feet that is structurally compatible with the recreational vehicle shall be sited within ninety days following placement of the recreational vehicle.~~
- ~~(l) — If the recreational vehicle is to be located within a structure, the structure shall obtain approved zoning and building permits, and shall be entirely open on two or more sides.~~
- ~~(m) — The recreational vehicle shall be sited only after obtaining zoning approval and RV placement permit approval.~~
- ~~(n) — The property is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.~~
- ~~(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 property owner shall not allow the use of the recreational vehicle space or recreational vehicle for transient lodging or other temporary uses.~~
- ~~(q) — 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 recreational vehicle; and~~
 - 2.1. — Placement or construction of any additional dwelling unit or guest house, or any other temporary residence.***~~

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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 215.495, subject to Section 3.010(5).

- (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.
 - (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.
- (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.
 - (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 or 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.

- (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 primary dwelling, measured from an exterior wall of the building footprint of the primary dwelling to the nearest exterior wall of the accessory dwelling unit building footprint.
 - 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 in fighting structural fires 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) The accessory dwelling unit complies with rules of the State Board of Forestry under ORS 477.015 to 477.061 and Oregon residential specialty code relating to wildfire hazard mitigation.
- (o) 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.
- (p) 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.
- (q) The accessory dwelling unit shall not be used for transient lodging purposes.