Items in bold are the proposed code amendments based on the standards, restrictions and requirements of Senate Bill 391 as implemented through ORS 215.495.

The amendments to the zones in Chapter 3 only include text adding ADUs to the outright uses in each zone.

The substance of the amendments is in Chapter 4, which includes the criteria for location and site development.

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# CHAPTER 3

## LAND USE ZONES

## Section 304 - Rural Residential (RR-2, RR-5, RR-10**,** RR-20)

Purpose: The Rural Residential (RR) Zones are intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. RR zones provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources.

In RR Zones, the following regulations shall apply:

1. Uses Permitted Outright.
	1. The following uses and their accessory uses are permitted outright:
	2. One single-family dwelling or a manufactured home subject to Section 408.
	3. Crop cultivation, except marijuana production or any type of marijuana business, or farm gardens.
	4. Raising of livestock, subject to Section 407.
	5. Day Care Home.
	6. Residential homes.
	7. Limited Home Occupation, pursuant to Section 410.1.
	8. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.

 [O-066-19]

* 1. Notwithstanding the language in subsection 7 above, on rural residentially zoned land within 2 miles of Lake Billy Chinook, Lake Simtustus, and the associated river arms as identified on Exhibit A at the end of this section, storage facilities for the personal use of the owner(s) of the subject property.
	2. Personal exempt wind energy facilities. The wind energy system’s manufacturer’s sound level estimate shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35.

[O-037-10, O-074-10]

* 1. One accessory dwelling unit in the urban growth area. A second accessory dwelling unit is permitted if the parcel in the urban growth area is larger than a half-acre. No more than two accessory dwelling units per parcel is permitted.

[O-077-18]

**l. One accessory dwelling unit outside an urban growth boundary and urban reserve area subject to Section 434.**

1. Administrative Uses.
	1. The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:
	2. Home Occupation, subject to compliance with the standards and criteria in Section 410.
	3. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.
	4. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.
2. Conditional Uses
	1. The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section
	2. 903.5 if found to comply with the conditional use criteria in Section 602:
3. Public buildings, structures and uses
4. Church, grange, cemetery, community center, school and similar uses.
5. Day Care Facility.
6. Golf Course.
7. Uses not permitted:
	* 1. Marijuana production
		2. Marijuana wholesale
		3. Marijuana processing
		4. Marijuana research
		5. Marijuana lab testing
		6. Marijuana retail
8. Minimum Lot Size:
	1. The minimum lot size for new parcels shall be 2 acres in the RR-2 zone.
	2. The minimum lot size for new parcels shall be 5 acres in the RR-5 zone.
	3. The minimum lot size for new parcels shall be 10 acres in the RR-10 zone.
	4. The minimum lot size for new parcels shall be 20 acres is the RR-20 zone.
9. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.
10. Height Requirements: The maximum structure height shall be 35 feet, except as authorized by Section 504.
11. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.
12. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

## Section 305 - Service Community (SC)

Purpose: The purpose of the Service Community Zone is to provide for continued rural residential living in existing rural communities, including but not limited to Gateway and Ashwood; to provide standards for rural land use development consistent with desired rural character and the capability of the land and natural resources; and to manage the extension of public services.

1. Uses Permitted Outright.
	1. The following uses and their accessory uses are permitted outright:
	2. A single-family dwelling, or a manufactured home subject to Section 408.
	3. Day care Home.
	4. Crop cultivation, except marijuana production or any type of marijuana business, or farm gardens.
	5. Raising of livestock, subject to Section 407.
	6. Limited Home Occupation, pursuant to Section 410.1.
	7. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.

 [O-066-19]

* 1. Personal exempt wind energy facilities

[O-037-10]

 **i. One accessory dwelling unit subject to Section 434.**

1. Administrative Uses.
	1. The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:
	2. Home Occupation, subject to compliance with the standards and criteria in Section 410.
	3. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.
	4. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.
	5. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.

[O-037-10]

1. Conditional Uses
	1. The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section
	2. 903.5 if found to comply with the conditional use criteria in Section 602:
2. Public buildings, structures and uses.
3. Church, grange, cemetery, community center, school and similar uses.
4. Uses not permitted:
	* 1. Marijuana production
		2. Marijuana wholesale
		3. Marijuana processing
		4. Marijuana research
		5. Marijuana lab testing
		6. Marijuana retail
5. Minimum Lot Size: The minimum lot size for new parcels shall be two acres.
6. Setback Requirements: Buildings shall be located a minimum of 12 feet from any property line abutting a road right-of-way, and a minimum of 8 feet from any other property line.
7. Stream Setback: All structures, buildings or similar permanent fixtures shall be sited in a manner that complies with the riparian protection standards of Section 419, if applicable.
8. Dimensional Standards: The following dimensional standards shall apply:
	1. Lot Coverage. The main building and accessory buildings shall not cover in excess of 60 percent of the total lot area.
	2. Height. No building or structure shall be erected or enlarged to exceed thirty-five
		1. (35) feet in height, except as authorized by Section 504.
9. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.
10. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

## Section 306 - Existing Rural Development (ERD)

The intent of the ERD Zone is to acknowledge existing rural development, both residential and commercial, and to allow for continuation of those existing uses without the encumbrances of a nonconforming use designation. Designation of an ERD area determines legitimacy only for existing situations and their modification as described below.

1. Uses Permitted Outright:
2. All uses which were legally established on the property before March 11, 1981 and that continue to exist, including normal maintenance and upkeep.
3. Day care home.
4. Limited home occupation, pursuant to Section 410.1.

4. One single-family residence or a manufactured home subject to Section 408.

5. Crop cultivation, except marijuana production or any type of marijuana business, or farm gardens including the keeping of domestic animals subject to Section 407

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

 [O-066-19]

 7. Personal exempt wind energy facilities.

 **8. One accessory dwelling unit subject to Section 434.**

1. Uses Permitted Subject to Administrative Review

The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

* 1. Alteration or expansion of commercial or industrial uses and structures, or a change in the type of commercial or industrial use, subject to findings of compliance with the following:
	2. a commercial or industrial use was legally established before March 11, 1981 and continues to exist on the property;
	3. the alteration, expansion or change in use will have no significant adverse impact on the surrounding area, taking into consideration noise and other emissions and visual appearance of the property;
	4. the use will not adversely affect agricultural or forestry uses;
	5. the use will be consistent with the identified function, capacity and level of service of transportation facilities serving the property.
	6. a building or buildings for an expanded commercial use shall not exceed 4,000 square feet of building floor area, and a building or buildings for an expanded industrial use shall not exceed 40,000 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved.
	7. Home Occupation, subject to Section 410.
	8. Temporary Medical Hardship Dwelling, subject to Section 422.3.
	9. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.
	10. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.
1. Uses not permitted:
	* 1. Marijuana production
		2. Marijuana wholesale
		3. Marijuana processing
		4. Marijuana research
		5. Marijuana lab testing
		6. Marijuana retail
2. Limitations on ERD
	1. No rezoning of additional land to ERD or expansion of ERD boundaries onto adjacent land shall be permitted.
3. Land Divisions
	1. Division of land in an ERD Zone is not permitted except under the following circumstances:
	2. The parcel to be divided has two or more permanent habitable dwellings on it;
	3. The dwellings were legally established prior to March 11, 1981;
	4. Each parcel to be created will contain at least one of the dwellings;
	5. The division will not create any vacant parcels on which a new dwelling could be established;
	6. Each parcel will be at least two acres in size; and
	7. Each parcel will have access in the form of at least 50 feet of frontage on a public road or an easement at least 25 feet in width.
4. Setback Requirements (minimum): Front - 30 Feet, Side - 15 Feet, Rear - 15 Feet.
5. Height Requirements: No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.
6. Riparian Protection: All structures and uses shall comply with the riparian protection standards in Section 419, if applicable.
7. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.
8. Fire Protection Standards: Development shall comply with the fire safety standards in Section 426.
9. Signs: Signs shall comply with the standards in Section 406.

# CHAPTER 4 SUPPLEMENTARY PROVISIONS

## **Section 434 – Accessory Dwelling Units in Areas Zoned for Rural Residential Use**

**Accessory dwelling units in an “area zoned for rural residential use,” as defined in ORS 215.501, are allowed in specified zones when in compliance with the following standards.**

**434.1 Definitions**

* 1. **“Accessory dwelling unit” has the meaning given that term in ORS 215.501.**
	2. **“Area zoned for rural residential use” has the meaning given that term in ORS 215.501.**
	3. **“Single-family dwelling” has the meaning given that term in ORS 215.501.**

**434.2 Lot or Parcel Standards**

1. **The lot or parcel is at least two acres in size.**
2. **The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.**
3. **One existing single-family dwelling is sited on the lot or parcel.**
4. **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.**

1. **No portion of the lot or parcel is within a designated area of critical state concern.**
2. **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 areas in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.**

**434.3 Site Development Standards**

1. **The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.**
2. **The accessory dwelling unit will not include more than 900 square feet of useable floor area.**
3. **The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling.**
4. **In order to ensure adequate setbacks from adjacent lands zoned for resource use, setbacks from any property line the following setbacks shall apply:**

**1. A 30-foot setback from any property line adjacent to a property zoned Exclusive Farm Use, consistent with setbacks of the EFU (Section 301.10).**

**2. A 40-foot setback from any property line adjacent to a property zoned Forest Management, consistent with setbacks of the FM zone (Section 303.10).**

**E. An existing single-family dwelling and an ADU under this section are considered a single unit for the purposes of calculating exepmtions under ORS 537.545 (1).**

**434.4 Restrictions**

1. **Any accessory dwelling unit approved under this section shall not be used for vacation occupancy, as defined in ORS 90.100.**
2. **No subdivision, partition, or other division or reconfiguration of the lot or parcel may be allowed which would situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit.**
3. **A second accessory dwelling unit shall not be permitted on the same lot or parcel.**
4. **No accessory dwelling shall be approved on a lot or parcel which is subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.**
5. **If the accessory dwelling unit is served by a well, it shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department. OPTIONAL: An accessory dwelling unit constructed under this section shall 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.**

**434.5 Fire Protection Standards**

1. **The lot or parcel must be served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.**
2. **No accessory dwelling unit may be approved until Statewide wildfire risk maps have been approved. The accessory dwelling unit shall comply with the Oregon residential specialty code related to wildfire hazard mitigation for the mapped area.**
3. **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 shall 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.**
4. **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 shall comply with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.**
5. **The accessory dwelling unit shall have adequate access for firefighting equipment, safe evacuation and staged evacuation areas.**