

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amendments to the Columbia
County Zoning Ordinance Pertaining to
Accessory Dwelling Units Inside the Urban
Growth Boundary

ORDINANCE NO. 2019-1

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 2019-1.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035, ORS 203.045, ORS 197.175, and ORS 197.312.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend the Columbia County Zoning Ordinance ("Zoning Ordinance") to allow for accessory dwelling units ("ADUs") in Single-Family Zoning Districts inside the Urban Growth Boundary ("UGB"), and prescribe siting and design requirements. Specifically, this ordinance allows for the development of one ADU for each detached single-family dwelling on a lot zoned for single-family development inside a city's UGB, subject to requirements identified in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. PROCEDURAL HISTORY

Following public notice, this matter came before the Columbia County Planning Commission ("Planning Commission") for a public hearing on July 16, 2018, and was continued to August 20, 2018. At the August 20, 2018 hearing, the Planning Commission recommended approval of the proposed Zoning Ordinance amendments as presented in the Staff Report dated July 17, 2018. The Planning Commission also recommended the Board of Commissioners ("Board") fast-track the adoption of the proposed amendments and update the Columbia County Comprehensive Plan and Urbanization Goals and Policies accordingly.

Following public notice, this matter came before the Board for a public hearing on October 17, 2018, and was continued to November 28, 2018. The record was left open. The Board held a Work Session on November 7, 2018. The public was invited to attend the November 7, 2018 meeting; however, no public testimony was permitted at the meeting. At the conclusion of the

November 28, 2010 hearing, the Board closed the record for submittal of new evidence and testimony. The Board then deliberated and voted to tentatively approve the proposed amendments.

SECTION 5. AMENDMENT AND AUTHORIZATION

The Columbia County Zoning Ordinance is amended as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 6. FINDINGS

The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law in the Board Communication dated November 21, 2018, and the Staff Report dated October 10, 2018, attached hereto as Exhibit B and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision.

SECTION 7. SEVERABILITY

If for any reason a court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on appeal, that portion shall be deemed a separate, distinct and independent portion. The court's holding shall not affect the validity of the remaining portions.

SECTION 8. SCRIVENER'S ERRORS

Scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

DATED this 13th day of February, 2019.

Approved as to Form

By: Siffany Johnson

Office of County Counsel

Recording Secretary

By: Jan Greenhalgh

Jan Greenhalgh

First Reading: 1-30-19

Second Reading: 2-13-19

Effective Date: 5-15-19

BOARD FOR COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Henry Heimuller

Henry Heimuller, Chair

By: Margaret Magruder

Margaret Magruder, Commissioner

By: Alex Tardif

Alex Tardif, Commissioner

EXHIBIT A
AMENDMENTS TO COLUMBIA COUNTY ZONING ORDINANCE

The Columbia County Zoning Ordinance is hereby amended as follows with added text shown in **bold** and deleted text shown in ~~strikethrough~~:

ARTICLE I GENERAL DEFINITIONS

Section 100: GENERAL DEFINITIONS

For the purpose of this ordinance, the following terms are hereby defined:

- .1 Access: The way or means by which pedestrians and vehicles enter and leave the property.
- .2 Accessory Dwelling Unit (ADU): A self-contained interior, attached or detached residential structure that is used in connection with, or accessory to, a single-family dwelling. ADUs shall be allowed in conjunction with properties containing single-family dwellings.

[Renumber Section "100.2" through "100.116" to Section "100.3" through "100.117."]

ARTICLE II GENERAL PROVISIONS

Section 200 GENERAL PROVISIONS:

[...]

- 222 One Septic System Per Lot: Only one residential subsurface sewage disposal system may be installed on each legal lot or parcel. **For an Accessory Dwelling Unit, an Authorization Notice to connect to the primary residential sewage disposal system is required; however, an exception can be allowed if a connection is not physically and legally available.**

[...]

Section 224: ACCESSORY DWELLING UNITS

- .1 **One accessory dwelling unit is allowed in conjunction with a detached single-family dwelling on a lot zoned for single-family development within an Urban Growth Boundary (UGB) of a city. UGB areas have the following residential zoning districts: Single-Family Residential (R-10), Single-Family & Two-Family Residential (R-7), and Rural Residential (RR-5 and RR-2).**

- .2 An ADU shall contain a kitchen, bathroom and a living/sleeping area that is completely independent of the primary dwelling. Recreational vehicles are not allowed as an accessory dwelling unit. Creation of a new Accessory Dwelling Unit may be accomplished through any of the following methods:**
- A. Attached to the primary dwelling by converting a single-family dwelling's existing living area, attic, basement or garage;**
 - B. Attached to the primary dwelling by adding floor area to the existing single-family dwelling;**
 - C. Constructing a detached accessory dwelling unit on the developed site including siting of a manufactured dwelling;**
 - D. Converting an accessory building, or portion thereof, to an accessory dwelling unit; or,**
 - E. Constructing a new-dwelling with an internal accessory dwelling unit and,**
 - F. Constructing a new dwelling and converting the existing dwelling to a detached ADU, provided both dwellings meet the minimum zoning requirements.**
- .3 The County will require the proposed Accessory Dwelling Unit to comply with the Gross Habitable Floor Area, and Owner Occupancy requirements as imposed by the City for the unincorporated portion of the City's Urban Growth Boundary Area.**
- .4 Domestic Water: Documentation shall be submitted to LDS that the ADU can be served by an existing public or community water district or by a private well that has been recorded with the State of Oregon Water Resources Department. LDS shall also require a Will Serve letter from the community/city water purveyor verifying the ADU can utilize the water system.**
- .5 Sewage Disposal: The County Sanitarian shall review and approve the proposed method of onsite sewage disposal for the ADU for compliance with the applicable provisions in the Oregon Administrative Rules (OAR) 340-071-0205 for existing septic systems. If the ADU will utilize community sewer, documentation shall be submitted to the County that the affected city will provide sewer service.**
- .6 Access: The road access to all ADUs shall be reviewed and approved by the County Public Works Department and the affected city for consistency with the applicable provisions of the County Road Standards Ordinance and the**

Urban Growth Area Management Agreements between the affected city and Columbia County.

- .7 **Siting Requirements/Standards:** The proposed ADU must comply with the underlying zone R-10, R-7, RR-5 and/or RR-2 Zones' minimum yard setback requirements for primary dwellings. Height limitations and lot or parcel coverage requirements shall be the same as the underlying zone.
- .8 **On Site Parking:** The ADU shall provide one additional on-site parking space if the primary dwelling has less than three available on-site parking spaces (inclusive of garage and driveway).
- .9 **Location of Entrances:** For an attached ADU only one entrance to the residence may be located on the front of the dwelling facing the street, unless the primary dwelling contained additional door entrances before its conversion to an ADU. An exception is entrances that do not have access from the ground such as entrances from balconies or decks.
- .10 **Exterior Design and Appearance:** ADUs shall maintain consistency with the primary dwelling. For an ADU that is created by an adding floor area to the existing primary dwelling, the ADU shall have the same siding and roofing materials and exterior paint colors as the primary dwelling. For a detached ADU the County will require compliance with clear and objective design and appearance regulations adopted by the City where the UGB is located.
- .11 **Divisions of Property:** The division of a property containing an ADU shall comply with the minimum and applicable provisions of Zoning District and Subdivision and Partitioning Ordinance. Establishing a new ADU shall not allow the further division of RR-5 and RR-2 properties provided for in Sections 606 and 627 of the County's Zoning Ordinance.
- .12 **Alteration:** If an existing authorized detached accessory structure, or portion thereof, is converted into an ADU, it is exempt from the minimum setback standards for primary dwellings. Any floor area that is added to this structure must not increase the setback non-conformity. Proposed expansions are not eligible to be approved with a Variance to the setback standards for single-family development.
- .13 **Existing Non-conforming ADU:** An existing, non-conforming second dwelling on a lot or parcel in any residential zone permitted by this section may be determined to be a conforming ADU through an approval process that includes the following:
 - A. All necessary building permits and occupancy authorization is obtained to assure the ADU complies with the applicable fire, life &

safety and building codes per the Oregon Residential Specialty Code and

- B. The ADU complies with other requirements of this section, such as size, floor area, water, sewerage, entry and access.**

COLUMBIA COUNTY BOARD OF COMMISSIONERS

Staff Report

October 10, 2018* (*Updated formatting January 2019*)
Zoning Ordinance Text Amendment for "Accessory Dwelling Units"
Located in Urban Growth Boundaries

FILE NUMBER: TA 18-01

APPLICANT: Columbia County
Land Development Services

HEARING DATE: October 17, 2018

REQUEST: Under Senate Bill 1051, as amended by House Bill 4034, Columbia County is authorized to amend provisions in the Zoning Ordinance establishing Accessory Dwelling Units (ADU) in single family residentially zoned properties which are located within Urban Growth Boundaries (UGB).

APPLICABLE REVIEW CRITERIA

Pages

Notification Requirements:

Columbia County Zoning Ordinance

Section 1606 - Legislative Hearing	3
Section 1607 - Consistency with the Comprehensive Plan	4
Section 1611 - Notice of Legislative Hearing	4

Oregon Administrative Rules

OAR 660-018-0020 - Post Acknowledgment Amendments	5
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Consistency with Columbia County Comprehensive Plan:

Columbia County Comprehensive Plan

Part I	Administrative Procedures	6
Part II	Citizen Involvement	7
Part III	Planning Coordination	8
Part VI	Housing	8
Part IX	Urbanization	9
Part XIV	Public Facilities and Services	10
Part XVIII	Air, Land and Water Quality	11

Proposed Zoning Ordinance Amendments:

General Definitions

Section 100.2	Accessory Dwelling Unit (ADU)	11
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Article II - General Provisions

Section 200	Accessory Dwelling Units	11 – 17
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Comments Received:

Conclusion and Recommendation	17 – 18
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BACKGROUND & SUMMARY

Oregon Senate Bill 1051:

In the 2017-2018 legislative sessions, Oregon Senate Bill 1051 as amended by House Bill 4034 provided enabling legislation for related amendments to ORS 197.312, requiring counties with populations greater than 15,000 to accept building permits for all properties that are zoned for single family development and within Urban Growth Boundaries (UGBs) to develop “*at least one accessory dwelling unit for each detached single family dwelling*”. Counties are also authorized to develop reasonable siting and design standards for these new accessory dwelling units.

Senate Bill 1051 as amended creates a series of provisions to simplify the process for the siting of affordable and higher density housing opportunities for cities and counties. Although primarily aimed at cities, Senate Bill 1051 includes provisions for siting accessory dwelling units for properties zoned for single family development that are outside city limits but inside an UGB. Until annexed, the development of all properties within UGBs remain the responsibility of the county. There are six (6) Urban Growth Boundaries in Columbia County for the cities of Clatskanie, Columbia City, Rainier, Scappoose, Saint Helens and Vernonia. The proposed Amendments apply only to properties within these six UGB areas that are zoned for single family development and include the Single-Family Residential (R-10), Single-Family and Two-Family Residential (R-7) and Rural Residential (RR-5 and RR-2) Zoning Districts.

These proposed Amendments will further implementation of the Comprehensive Plan’s Housing Goal by providing county citizens with wider ranges of affordable housing units including additional:

1. Opportunities for the development of new housing units and supporting the rehabilitation of the existing housing units when feasible;
2. Residential land inside urban growth boundaries that reflect wider range of housing types, densities, and costs commensurate with the needs of county residents;

3. In-fill development by increasing allowable densities in urban service areas which may have excess public facility capacity or potential for cost efficient expansion.

The County Board of Commissioners initiated this Amendment at their May 2, 2018 Work Session and instructed staff to proceed with the process of drafting amendments to the Zoning Ordinance addressing Accessory Dwelling Units in Urban Growth Boundaries according to the legislative process prescribed by the Comprehensive Plan and Zoning Ordinance.

Proposed Amendments to Section 100 "General Definitions", Section 222 "General Provisions" and Section 221: "Accessory Dwelling Units" within Articles I and II (**Attachment 1**) addresses local County standards specific to accessory dwelling units which are in addition to those applicable in individual zoning districts in which those uses are allowed. These standards incorporate State law requirements related to land use and add county reasonable siting and design regulations for increasing housing affordability, density and choices within Columbia County's six Urban Growth Boundaries. Findings justifying the proposed additional County standards are contained in the Findings of this report.

REVIEW CRITERIA AND FINDINGS

Section 1600 of the Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the County Zoning Ordinance. The pertinent sections of the ordinance are as follows:

1606 **Legislative Hearing:** Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners."

Finding 1: On May 2, 2018, the Columbia County Board of Commissioners initiated these Text Amendments to Sections 100 and 200 of the Zoning Ordinance as a legislative amendment in accordance with the provisions in Section 1606. Notifications of the Planning Commission's

evidentiary public hearing were published in the *St. Helens Chronicle* on May 30, 2018 and June 6, 2018 and in the *South County Spotlight* on June 1, 2108 and June 8, 2018, the last publication date is 10 days prior to the Planning Commission hearing date of June 18, 2018. Public hearing notices and a preliminary draft of the proposed amendments were mailed to all members of the Columbia County's five (5) CPACs, the Cities of Clatskanie, Columbia City, Rainier, St. Helens, Scappoose, and Vernonia, and affected County Departments on May 11, 2018. The subsequent Board of Commissioner's public hearing notices were published in the *St Helens Chronicle* on October 3, 2018 and in the *South County Spotlight* on October 5, 2018. On September 20, 2018 the Board also sent a Notice of Public Hearing to interested parties who attended the Planning Commission hearings. With these Planning Commission and Board of Commissioners notifications, Staff finds this criteria in Sections 1606.1 and 1606.2 have been met.

Section 1607 of the Zoning Ordinance:

1607 **Consistency with the Comprehensive Plan:** All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611."

Finding 2: The Planning Commission's June 18, 2018 public hearing was postponed until July 16, 2018 and then continued until August 20, 2018. On August 20, 2018 the Planning Commission recommended Approval of TA 18-01 to the Board of Commissioners with Amendments identified as Accessory **Dwelling Units Requirements inside Urban Growth Boundaries dated July 17, 2018** as presented in the related Staff Reports. The Planning Commission does not make a final decision on this matter, but rather makes a Recommendation to the Board of Commissioners for the final decision of TA 18-01. As covered in the Background and throughout this Report, these Text Amendments are consistent with the provisions in OAR 660018-0020 which allow Columbia County to revise the County's Zoning Ordinance in order to better implement the Comprehensive Plan. See Pages 5 - 8 for discussion of consistency with the Comprehensive Plan and Statewide Planning Goals. Staff finds these criteria will be satisfied when the Board holds their October 17, 2018 hearing and can determine that the proposed amendments are consistent with the Comprehensive Plan and all applicable State criteria.

Continuing with Section 1611 of the Zoning Ordinance:

1611 **Notice of Legislative Hearing:** The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;

- .2 A description of the area to be rezoned or the changes to the text
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

Finding 3: All of the above information has been addressed during Finding 1's discussion related to the Planning Commission and Board of Commissioners Notices of Initial and Final Evidentiary Hearings that were published in the *Chronicle* and *Spotlight* newspapers and mailed to interested parties with these notifications, Staff finds this criterion is met.

Oregon Administrative Rules OAR 660-018-0020:

660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation:

- (1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.
- (2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:
 - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rules
 - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change
 - (d) The date set for the first evidentiary heading
 - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable and
 - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change a

legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception

Finding 4: Notice and the draft TA 18-01 Amendments were sent in accordance with OAR 660-018-0020 to DLCD on May 10, 2018 **41** days before the Planning Commission's first evidentiary hearing on June 18, 2018. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments. This criterion can be satisfied.

Parts of the County's Comprehensive Plan that apply to the Amendments proposed for TA 18-01. (Those not listed, are not applicable):

The Columbia County Comprehensive Plan has twenty-one (21) Parts, each with a set of general Goals and related Policies that are, in turn, implemented by the Zoning Ordinance, which identifies how land can be used and developed in the County's unincorporated areas. The seven (7) parts of the Comprehensive Plan applicable to the proposed text amendment are: Part I -Administrative Procedures, Part II -Citizen Involvement, Part III- Planning Coordination, and Part VI - Housing, Part IX Urbanization, Part XIV- Public Facilities and Services, and Part XVIII - Air, Land and Water Quality. The other fourteen (14) Parts not addressed in this report are not applicable to the request.

Part I - Administrative Procedures for Revising and Amending the Comprehensive Plan:

Part I (Administrative Procedures): This section provides a framework by which the Comprehensive Plan and its implementing ordinances (such as the Zoning Ordinance) may be reviewed, revised and amended. Policy 5.A allows amendments to be initiated by the Board of Commissioners, the Planning Commission, the Planning Director, or the owners of an affected property. Policy 5.C requires amendments to follow a process for adoption: CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments. Policy 5.D addresses legislative amendments and requires notice of the public hearing and that a copy of the proposed amendments be mailed to all Citizen Planning Advisory Committees and interested parties ten days prior to the first public hearing.

As discussed in Finding 1 of this report, the Board of County Commissioners initiated process for the Zoning Text Amendments to Sections 100 and 200 and directed Staff to prepare amendments addressing additional land use requirements for the proposed authorization of Accessory Dwelling Units in compliance with the passage of Senate Bill 1051 and House Bill 4031. Proposed amendments are legislative amendments and have been noticed in accordance with this Plan and applicable Oregon Revised Statutes (ORS 660-0180020). Notification of proposed amendments were sent to the Department of Land Conservation and Development (DLCD), all County CPACs, the Cities of Clatskanie, Columbia City, Rainier, St. Helens, Scappoose, and Vernonia, and other interested parties for their review. In accordance with ORS 660-018-0020(1), which requires notice of proposed amendments to be mailed to DLCD 35 days prior to the first evidentiary hearing. A copy of the proposed amendments was mailed to DLCD on May 10, 2018 which is **41**

days prior to the June 18, 2018 hearing. On May 11, 2018, notification of the amendments was mailed to all County CPAC members, the six cities listed above and other interested agencies. Public notices of the meetings (twice at least 10 days prior to the initial public hearing) were published accordingly.

The first public hearing by the Planning Commission was scheduled for June 18, 2018; this was postponed to July 16, 2018 and then continued to August 20, 2018. On August 31, 2018 the Planning Commission Recommended Approval of TA 18-01 to the Board of Commissioners with Amendments identified as Accessory **Dwelling Units Requirements inside Urban Growth Boundaries dated July 17, 2018** as presented in the related Staff Reports. The Board will then hold a public hearing on October 17, 2018 to consider the Planning Commission's recommendation and public testimony prior to making a decision on the adoption of proposed amendments.

Finally, Policy 8 requires all land use approvals to be consistent with the Comprehensive Plan. The proposed amendments' consistency with the Comprehensive Plan are discussed as follows.

Part II of the Comprehensive Plan - Citizen Involvement:

Part II (Citizen Involvement): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been completed for this application.

As a result of public testimony heard and documents submitted at the July 16, 2018 hearing, the Planning Commission expressed interest in receiving additional information related to how the amendments proposed for TA 18-01 could better address the county's lack of adequate affordable housing. Specifically, the Planning Commission directed staff to provide additional information related to how these amendments could:

1. Allow seniors, individuals and families to live in ADA compliant dwellings,
2. Eliminate the owner occupancy requirement of one of the two authorized dwellings,
3. Adding another category for the creation of new ADUs, and
4. Consider allowing ADUs outside of UGBs (and into rural areas) should the State grant counties this statutory authority in the future.

Consequently, staff researched these issues and provided the related Recommendations to the Planning Commission in the August 10, 2018 "Refining Accessory Dwelling Legislation Proposed ADU Ordinance Issues..." The Planning Commission reviewed this additional information at their August 20, 2018 and voted to incorporate the necessary revisions to TA 18-01 in their August 31,

2018 Recommendation to the Board. For these reasons, Staff finds that TA 18-01 complies with Part II of the Comprehensive Plan.

Part III of the Comprehensive Plan: Planning Coordination:

Part III (Planning Coordination): This section requires coordination with affected governments and agencies. In accordance with Section 1603 of Columbia County's Zoning Ordinance and ORS 660-018-0020, the County provided notice of the hearing with the opportunity for comments to DLCD, all County CPAC members, six cities and interested parties. Any and all comments, received as of the date of this report, are discussed under "Comments Received" below.

Additionally, Zoning Ordinance Text Amendments are subject to the Legislative public hearing process and are heard by the Planning Commission (for a recommendation) and by the Board of County Commissioners (for a final decision). These hearings are advertised and open to the public and provide additional opportunity for public comment. The Planning Commission hearings and the subsequent October 17, 2018 public hearing of the Board of County Commissioners will satisfy the Planning Coordination requirements of Part III of the Comprehensive Plan.

Part VI of the Comprehensive Plan - Housing:

Part VI (Housing): Residential land use in Columbia County is characterized by single family dwellings on individual parcels. Columbia County has significantly fewer multi-family dwellings than the statewide average. People moving into the unincorporated areas prefer a rural lifestyle on a small acreage. One of the primary factors in this growth has been the pressure of suburbanization from the Portland metropolitan area. In the southeastern portion of the county, many residents live in St. Helens or Scappoose commute to Portland or Washington County to work. Many of Vernonia residents and those in the southwestern portion of the county are also commute to the Tualatin Valley to work while those living the northern portion commute to Longview, Washington.

Oregon DLCD's March 2018 publication entitled Guidance on Implementing the ADU Requirement under Oregon Senate Bill 1051 states "*As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities through the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up.*"

As the County population continues to increase, so will the demand for housing. One of the problems in trying to meet that need is that increased cost are pricing families out of the market. The State Housing Goal states ". . . plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households".

The Text Amendments proposed for TA 18-01 are directly related to the County's Housing Goal of providing for its citizens' housing needs by allowing infill development in UGBs as well as

adequate flexibility in housing location, type and density. TA 18-01 also supports the following Housing Goal Policies in that they will:

Encourage an adequate housing supply by providing adequate opportunity for the development of new 1,200 square foot housing units and will support the rehabilitation of the existing housing units that meet the minimum zoning requirements.

Provide adequate land inside the urban growth boundaries to meet housing needs and to provide for a wide range of urban housing choices.

Encourage development which will provide a range of choices in housing type, densities, price, and rent ranges throughout the County.

Insure there is an adequate supply of zoned land available in areas accessible to employment and public services to provide a choice of type, location, density, and cost of housing units commensurate to the needs of County residents.

Encourage the full utilization of urban lands by providing for development of undersized lots and increasing allowable densities in urban service areas which have excess public facility capacity or potential for cost efficient expansion. And

Assist all the appropriate organizations, property owners, and individuals in their efforts to provide ADA compliant housing which meets the needs of the low income, elderly, and handicapped residents of the County, and to rehabilitate the existing housing stock.

Part IX of the Comprehensive Plan - Urbanization:

Part IX (Urbanization): The Text Amendments proposed for TA 18-01 apply only to the unincorporated and urbanizable areas which are those lands within a City's recognized UGB where public facilities are planned and sewer systems to accommodate urban densities are inevitable in the near future. Those lands outside of a City's UGB are Rural Lands. Statewide Planning Goal 14 identifies urban growth boundaries as lands intended "to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Consequently, even though TA 18-01 applies to some RR-5 and RR-2 properties because these lands located within a UGB, the county, cities and State consider them to be Urban, and not Rural, Lands. Urban growth boundaries were established in Columbia County using State criteria and as a result of the combined efforts of Columbia County and its incorporated cities.

This Part of the Comprehensive Plan requires the county to provide for an orderly and efficient transition from rural to urban land uses. It also is an efficient method of managing urban growth so that the needs of all citizens of the County are met. All ADUs will also be reviewed for compliance with design and appearance regulations adopted by the City where the UGB is located. A major consideration in the management of urban growth is the reduction of the costs associated with uncontrolled and scattered development. These costs are measured both in terms of wasted resources and in the expense of providing services to remote residences. The purpose of

urbanization is not to prevent growth from occurring, but to minimize and/or mitigate potential conflicts between conflicting land uses. Until the State of Oregon grants counties the statutory authority to allow ADUs outside of UGBs and into rural areas moreover, TA 18-01 is consistent with Part IX of its Comprehensive Plan related to Urbanization.

Zoning Text Amendments proposed for TA 18-01 will help the County and cities to maintain all UGB areas and are supported by the following Urbanization Policies to:

Accommodate urban population and urban employment inside urban growth boundaries, ensure the efficient use of land, and provide for livable communities.

Control development within the limitation of the public's ability to provide services.

Develop managing techniques with the incorporated cities
Provide direction for developers to utilize land within the boundary in the most efficient manner.
And

Have mutually agreed upon land use designations and uses with each city.

For the above mentioned reasons, Staff finds that TA 18-01 will be consistent with the Urbanization Goals and Policies of the Comprehensive Plan.

Part XIV of the Comprehensive Plan - Public Facilities and Services:

Part XIV (Public Facilities and Services): Text Amendments proposed for TA 18-01 will allow for increased single family residential and ADA complaint development in the county's urban areas where the existing or planned public facilities are available and suitable for these services. In addition, they also consider energy conservation strategies related to the distribution and location of new housing and public facilities to existing facilities. These Text Amendments support this Part of the Comprehensive Plan by implementing the timely, orderly, and efficient arrangement of public facilities and services as a framework for urban development. Requiring all ADUs to utilize approved potable water supplies (wells or community water) and sewage disposal systems (onsite septic system or sanitary sewer), will ensure the increased residential development is appropriate for these urbanizable areas. Not allowing the existence of an ADU as justification for further partitioning of the property further, will also ensure the subdivision of urbanizable land complies with the County's and Cities' subdivision ordinances and ORS 92. Finally by allowing non- profit agencies to develop future ADUs on properties they own will also allow the county and cities to work with these agencies to support and provide housing assistance for citizens with limited incomes. For these reasons, Staff finds these Text Amendments are consistent with Part XIV of the Comprehensive Plan.

Part XVIII of the Comprehensive Plan - Air, Land and Water Quality:

Part XVIII (Air, Land and Water Quality): This Part of the Comprehensive Plan requires the County to maintain and improve its land resources as well as the quality of its air and water. By requiring ADUs to utilize approved potable water supplies and sewage disposal services and be constructed to the applicable provisions of the Oregon Residential Structural and Fire Codes, will ensure the ADU complies with all applicable local, state and federal water, air and land resource quality standards. If an ADU is proposed on any property that contains any identified environmentally sensitive areas protected by Statewide Planning Goal 5, it will be required to comply with these minimum applicable provisions of the Zoning Ordinance that protect these Goal 5 protected areas. By limiting the size of ADUs to 1,200 square feet will also help to ensure the increased residential density is timely and can be supported by the existing and/or planned for services and utilities.

Finding 5: For these stated reasons, Staff finds the proposed Text Amendments are consistent with these seven (7) specific Parts of the Columbia County Comprehensive Plan.

Proposed Amendments to Section 100 of the Zoning Ordinance as recommended by the Planning Commission:

Article I. Section 100: GENERAL DEFINITIONS

New Definition:

- 100.2 **Accessory Dwelling Unit (ADU):** A self-contained interior, attached or detached residential structure that is used in connection with, or accessory to, a single family dwelling. ADUs shall be allowed in conjunction with properties containing single family dwellings.

Finding 6: This proposed Text Amendment defines the general characteristics of an ADU from the building and land use perspectives and is consistent with the DLCD's public guidance to help jurisdictions meet the requirements of Senate Bill 1051. Site specific regulatory requirements of all ADUs will be defined in the proposed amendments to Section 223 that will be presented and evaluated in Findings 8 - 16. Staff finds that the proposed Text Amendment to Section 100.2 is necessary before the County/Land Development Services can review and process the lawful establishment of future ADUs.

Proposed Amendments to Section 222 of the Zoning Ordinance as recommended by the Planning Commission:

Article II. General Provisions

[...] (Add highlighted portion)

222. Only one residential subsurface sewage disposal system may be installed on each legal lot or parcel. For an Accessory Dwelling Unit, an Authorization Notice to connect to the primary residential sewage disposal system is required; however, an exception can be allowed if connection is not physically and legally available.

Discussion: Provisions in OAR 340-071-0205 prohibit persons from changing the use of or increasing the projected daily sewage flow into an existing onsite system without first obtaining an Authorization Notice from the local Department of Environmental Quality representative, the Columbia County Sanitarian. These provisions will allow the County Sanitarian flexibility in authorizing new uses of existing onsite sewage systems.

This revision will also allow the County Sanitarian more flexibility to work with any of the affected 6 incorporated cities to determine if the ADU can be served by the onsite sewage disposal system or whether the ADU will need to connect to the affected city's sewerage system if this community system is both legally and physically available, as described in OAR 340-071-0160 (4) (A and B). Since all ADUs proposed for TA 18-01 will be located within UGBs, this revised Text Amendment will help ensure both the ADU's and primary residence's sewage disposal system complies with the minimum statutory requirements for properties in close proximity to existing community sewer systems.

Finding 7: Staff finds the Text Amendment to Section 222 will help to ensure the required connections of all ADUs to existing septic systems or to nearby sanitary sewer systems are reviewed and approved by the County Sanitarian and will be consistent with the provisions in OAR 340-071-0205 for authorized changes in existing onsite sewage disposal systems.

Proposed Amendments to Include Siting and Design Criteria for Accessory Dwelling Units in Section 223 of the Zoning Ordinance as recommended by the Planning Commission:

Section 223: ACCESSORY DWELLING UNITS

- 223.1 One accessory dwelling unit is allowed in conjunction with a detached single family dwelling on a lot zoned for single family development within an Urban Growth Boundary (UGB) of a city. UGB areas have the following residential zoning districts: Single-Family Residential (R-10), Single-Family & Two-Family Residential (R-7), and Rural Residential (RR-5 and RR-2).

Finding 8: Consistent with the requirements in Senate Bill 1051, this Text Amendment specifies which residential zoning districts within any of Columbia County's 6 UGBs will be authorized to have one ADU. Although there are a few Industrial, Commercial, Surface Mining, Mobile Home Residential, Primary Forest and/or Forest-Agriculture zoned properties within UGBs, these zones are not intended to be developed for predominantly single family residential uses. Staff finds this Text Amendment will identify which unincorporated properties will be eligible to support a new ADU provided all land uses and development permits are obtained.

Proposed Amendments to Section 223:

- .2 An ADU shall contain a kitchen, bathroom and a living/sleeping area that is completely independent of the primary dwelling. Recreational vehicles are not allowed as an accessory dwelling unit. Creation of a new Accessory Dwelling Unit may be accomplished through any of the following methods:
 - A. Attached to the primary dwelling by converting a single family dwelling's existing living area, attic, basement or garage;
 - B. Attached to the primary dwelling by adding floor area to the existing single family dwelling;
 - C. Constructing a detached accessory dwelling unit on the developed site including siting of a manufactured dwelling;
 - D. Converting an accessory building, or portion thereof, to an accessory dwelling unit; or,
 - E. Constructing a new house with an internal accessory dwelling unit and
 - F. Constructing a new dwelling and converting the existing dwelling to a detached ADU, provided both dwellings meet the minimum zoning requirements.
- .3 Floor Area: The gross habitable floor area of the ADU shall not exceed 1,200 square feet

Discussion: These Text Amendments in Section 223.2 are necessary to ensure all ADUs comply with the minimum Oregon Residential Building Code requirements for permanent residential structures. The prohibition from using Recreational Vehicles as an ADU is also compliant with this building code requirement since these are vehicles, not structures that are built for temporary recreational uses; RVs are not built as permanent residential structures.

Regarding the six (6) identified ways in Section 223.2 (A -F) to establish new ADUs by either converting or expanding existing structures or by constructing new structures, are consistent with the existing ADU provisions for the Cities of Clatskanie, Columbia City, Rainier, Saint Helens, Scappoose, and Vernonia. Since these UGB areas are subject to future annexation, incorporating these components into the County Zoning Ordinance is also consistent with the current Urban Growth Area Management Agreements between the County and affected Cities. The City of Scappoose commented that they fully support the proposed ADU Amendments. The County has yet to hear from any other of these cities notified of TA 18-01. These Text Amendments will also encourage in-fill development on potentially underutilized properties by increasing allowable densities in urban service areas which may have excess public facility capacity for their cost efficient expansion.

With regards to the ADU's 1,200 square foot maximum gross habitable floor area, the Planning Commission considered testimony and evidence submitted at their public hearings. This documentation included Agnes and Al Petersen's submittal of "Accessory Dwelling Units,

Columbia county, Oregon Index” and the December 2017 Columbia County Housing Report conducted by the Community Action Team all of which pertain to the lack of affordable h housing at the national and local levels. After deliberation, the Planning Commission recommended increasing the size of the ADU from 750 square feet to 1,200 square feet in order to provide more reasonable and ADA complaint housing accommodations that would be affordable for seniors, families, and individual who often need to reside in larger households due to financial and/or economic limitations and demographic characteristics. Although many jurisdictions use the lesser of (1) a percentage of the gross habitable square footage of the primary dwelling or (2) a specified square foot requirement to determine the size of any new ADU, many of Columbia County’s existing homes were built between 1940 and 1970 and may be less than 1,000 square feet. The Planning Commission conferred with the Planning Director’s decision to not restrict new ADUs to a percentage of the site’s existing dwelling in order to help ensure all authorized ADUs can safely and functionally accommodate the needs of future residents.

Finding 9: For these reasons, Staff finds these Text Amendments will satisfy the requirements of Senate Bill 1051 as well as with Columbia County’s existing Urban Growth Area Management Agreements.

Continuing with Proposed Amendments to Section 223:

- .4 Domestic Water: Documentation shall be submitted to Land Development Services (LDS) that the ADU can be served by an existing public or community water district or by a private well that has been recorded with the State of Oregon Water Resources Department. LDS shall also require a Will Serve letter from the community/city water purveyor verifying the ADU can utilize the water system.
- .5 Sewage Disposal: The County Sanitarian shall approve the proposed method of onsite sewage disposal for the ADU for compliance with the applicable provisions in the Oregon Administrative Rules (OAR) 340-071-0205 for existing septic systems. If the ADU will utilize community sewer, documentation shall be submitted to the County that the affected city will provide sewer service.
- .6 Access: The road access to all ADUs shall be reviewed and approved by the County Road Department and/or the affected city for consistency with the applicable provisions of the County Road Standards Ordinance and/or the Urban Growth Area Management Agreements between the affected city and Columbia County.

Discussion and Finding 10: These three requirements for new ADUs will ensure the subject property has adequate public facilities (potable water, sewage disposal and access to a public right-of-way) to support the increased density resulting from the new ADU. Written confirmation that all three services are available onsite shall be submitted to Land Development Services prior to the issuance of any building permit for the ADU. With these conditions of building permit issuance, Staff finds the proposed Text Amendments will satisfy the requirements of Senate Bill 1051 and existing Urban Growth Area Management Agreements between the affected cities and Columbia County.

Continuing with Proposed Amendments to Section 223:

- .7 Siting Requirements/Standards: The proposed ADU must comply with the underlying zone R-10, R-7, RR-5 and/or RR-2 Zones' minimum yard setback requirements for primary dwellings. Height limitations and lot or parcel coverage requirements shall be the same as the underlying zone.

Discussion and Finding 11: Since all newly created ADUs will be considered to be lawful permanent residential structures in the residential zone, this new use and related structures should also be required to comply with the minimum siting, height limitations, and lot or parcel coverage zoning provisions for permanent residential structures. Except for the provisions in Section 223.13 allowing the ADU through the Alteration/Change of Occupancy of an existing and legal detached accessory structure, these provisions will enable the creation of a property's second residence without creating new non-complaint structures. Staff finds these Text Amendments will comply with the applicable and minimum development provisions for authorized single family development in the County's 6 Urban Growth Boundaries as authorized through Senate Bill 1051.

Continuing with Proposed Amendments to Section 223:

Continuing with Proposed Amendments to Section 223

- .8 On Site Parking: The ADU shall provide one additional on-site parking space if the primary dwelling has less than three available on-site parking spaces (inclusive of garage and driveway).

Discussion: Currently, single-family dwellings require a minimum of two off-street parking spaces for each dwelling according to provisions in Section 1416 of the Zoning Ordinance. Requiring the subject property to have at least three off-street parking spaces (inclusive of garage and driveways) appears to be an adequate and reasonable way to accommodate the increase in vehicular traffic generated by a new Accessory Dwelling Unit.

Finding 12: Staff finds these Text Amendments are consistent with the purpose of Senate Bill 1051 by increasing the availability of affordable housing opportunities in the county's single family residential zoning districts located within existing UGB Areas.

Continuing with Proposed Amendments to Section 223:

- .9 Location of Entrances: For attached ADU only one entrance to the residence may be located on the front of the dwelling facing the street, unless the primary dwelling contained additional door entrances before its conversion to an ADU. An exception is entrances that do not have access from the ground such as entrances from balconies or decks.

- .10 Exterior Design and Appearance: In order to maintain an architectural character similar to the primary dwelling, for an ADU that is created by an adding floor area to the existing primary dwelling, the ADU shall have siding and roofing materials and exterior paint colors that generally match the exterior colors, siding and roofing materials of the primary dwelling. For a detached ADU the County will require compliance with design and appearance regulations adopted by the City where the UGB is located.

Discussion and Finding 13: Since it is likely these specific residentially zoned properties will be annexed in the future, these Text Amendments are similar to these ADU zoning provisions in the affected six Cities of Clatskanie, Columbia City, Rainier, Saint Helens, Scappoose and Vernonia. These specifications that require expansions of existing residences(for the new ADU) to generally match the primary residence's exterior colors, siding and roofing material will also help to minimize potential incompatibility issues at time of future annexation. Although Patrick Wingard, Columbia County's DLCD Regional Representative, recommended the county forgo applying design standards for ADUs, requiring ADUs to generally match the primary dwelling's exterior colors, siding and roofing materials does not appear to be an unreasonable barrier to development for urbanizable properties. Design and appearance of any new detached ADU structure will be required to be accepted by the City prior to county building permit issuance since this property is likely to be annexed in the future. Staff finds these provisions are also consistent with the purposes of Columbia County's existing Urban Growth Area Management Agreements as well as with the increased residential development opportunities that will be available in UGBs with the Board's adoption of TA 18-01.

Continuing with Proposed Amendments to Section 223:

11. Divisions of Property: The division of a property containing an ADU shall comply with the minimum and applicable provisions of Zoning District and Subdivision and Partitioning Ordinance. Establishing a new ADU shall not allow the further division of RR-5 and RR-2 properties provided for in Sections 606 and 627 of the County's Zoning Ordinance.

Finding 14: This clarification is necessary to ensure that the construction of any future ADUs does not exempt the future subdivision of these properties from the minimum applicable provisions of the County's Subdivision and Partitioning and Zoning Ordinances as provided for in Chapter 92 of the Oregon Revised Statutes. Since these UGB properties are already subject to future annexation, they should not be exempt from the minimum size for newly created parcels/lots as provided for in Section 606 and 627 of the Zoning Ordinance.

Continuing with Proposed Amendments to Section 223:

12. Alteration: If an existing authorized detached accessory structure, or portion thereof, is converted into an ADU, it is exempt from the minimum setback standards for primary dwellings. Any floor area that is added to this structure must

not increase the setback non-conformity. Proposed expansions are not eligible to be approved with a Variance to the setback standards for single family development.

Finding 15: This provision enables the new residential use of any lawfully existing detached structure provided any necessary expansions do not increase the new residential structure's setback nonconformity. All alterations for this structure's Change of Occupancy moreover, shall comply with the minimum applicable provisions of the Oregon Residential Building and Fire Codes provided the expansion does not result in a non-complying setback for residences in the zoning district. Staff finds that this Text Amendment is consistent with the purpose of Senate Bill 1051 and the new authorized residential use of urbanizable residentially zoned properties.

Continuing with Proposed Amendments to Section 223:

13. Existing Non-conforming ADU: An existing, non-conforming second dwelling on a lot or parcel in any residential zone permitting detached single family dwellings may be determined to be a conforming ADU through an adjustment process that includes the following:
 - A. All necessary building permits and occupancy authorization is obtained to assure the dwelling unit and structure are in compliance with applicable fire, life & safety and building codes per the Oregon Residential Specialty Code , and
 - B. The unit complies with the other requirements of this section, such as size, floor area, water, sewerage, entry, and access.

Finding 16: These Text Amendments will allow for the legalization of any existing unauthorized accessory residences within the affected zoning districts in the UGB Areas. Like the State of Oregon, Columbia County's population continues to expand while the supply of housing has not kept up. Staff finds this Text Amendment will provide a means for property owners to legalize any unauthorized second residences on their residentially zoned properties in a UGB in compliance with the applicable land use, fire, life and safety and building codes identified in the County's Zoning Ordinance as well as in the State of Oregon's Residential Specialty Codes.

COMMENTS

The following comments have been received as of October 10, 2018 and are included in **Attachment 2**.

City of Scappoose: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

County Sanitarian: Included revisions to TA 18-01 that clarify the Authorization Notice Permit process required for new ADUs. These comments have been incorporated into the Discussion related to Finding 7 of this report.

Patrick Wingard, DLCD Regional Representative: Recommended the County revise portions of TA 18-01 related to the general definition of ADUs, Exterior Design and Appearances, and requirement of Owner Occupancy.

Lonny Welter, County Transportation Planner: Commented that the County Road Department has no objections to the approval of ADUs as presented but will require all ADUs to obtain Road Access Permits at time of building permit issuance.

Rodney Hansen, Columbia County Building Official: Has no objections to the approval of TA 18-01 provided all necessary building permits and inspections are obtained.

County resident, Nanette Koss: Ms. Koss contacted the Project Planner and expressed interest in applying for an ADU on property near Ross Road in St. Helens.

Agnes and Al Petersen: The Petersen's submitted testimony and written materials at the Planning Commission's hearings including the December 2017 *Columbia County Housing Report* prepared by the Community Action Team. In addition, the Petersen's strongly advocate that Columbia County allow ADUs outside of UGBs.

Linda Zahl: Resides at 60120 Barrick Lane and submitted a letter on July 11, 2018 to the Planning Commission in support of a minimum 800 square foot size of new ADUs.

CONCLUSION AND RECOMMENDATION

Staff concludes that the proposed Text Amendments to Sections 100 and 200 are necessary to coordinate the State of Oregon's and Columbia County's review and approval of new ADUs consistent with their respective roles and authorities. Adopting these Text Amendments alone will not resolve Columbia County's undeniable lack of affordable housing opportunities. However, they will help provide county residents with a wider variety of housing options that not only cost less than the traditional single family detached residence but also better reflect their demographics and economic limitations.

Based upon Discussion and related Findings in this Staff Report, Staff and the Planning Commission recommends the Board of Commissioners **APPROVE** TA 18-01 for the legislative amendment to the text of the Columbia County Zoning Ordinance as required by Senate Bill 1051. These Text Amendments will specify reasonable standards that will authorize the establishment of Accessory Dwelling Units on unincorporated properties that are zoned for R-10, R-7, RR-5 and RR-2 uses and located within any of the county's existing six Urban Growth Boundaries. These Amendments are included as **Attachment 1** to this report.

ATTACHMENTS

Attachment 1. Proposed Accessory Dwelling Unit Amendments

Attachment 2. Comments received as October 10, 2018

Comments from County Sanitarian, Laurie Oliver - Scappoose Planning Director, Patrick Wingard
DLCD Representative, Lonny Welter- County Transportation Planner, Rodney Hansen- County
Building Official, Nanette Koss, and Linda Zahl.

cc: County Counsel

Columbia County
Accessory Dwelling Units(ADU) Requirements
Inside Urban Growth Boundaries
under Oregon Senate Bill 1051 & HB 4034
October 10, 2018

Proposed Text Amendments to the Columbia County Zoning Ordinance include the following:

Section 100: GENERAL DEFINITIONS

New Definition:

[...]

100.2 Accessory Dwelling Unit (ADU): A self-contained interior, attached or detached residential structure that is used in connection with, or accessory to, a single family dwelling. ADUs shall be allowed in conjunction with properties containing single-family dwellings.

Amendment to Section 222:

Article II. General Provisions

[...] (add highlighted portion)

222. Only one residential subsurface sewage disposal system may be installed on each legal lot or parcel. For an Accessory Dwelling Unit, an Authorization Notice to connect to the primary residential sewage disposal system is required; however, an exception can be allowed if a connection is not physically and legally available.

New provisions for Accessory Dwelling Units:

Section 223: ACCESSORY DWELLING UNITS

223.1 One accessory dwelling unit is allowed in conjunction with a detached single family dwelling on a lot zoned for single family development within an Urban Growth Boundary (UGB) of a city. UGB areas have the following residential zoning districts: Single-Family Residential (R-10), Single-Family & Two-Family Residential (R-7), and Rural Residential (RR-5 and RR-2).

.2 An ADU shall contain a kitchen, bathroom and a living/sleeping area that is completely independent of the primary dwelling. Recreational vehicles are not allowed as an accessory dwelling unit. Creation of a new Accessory Dwelling Unit may be accomplished through any of the following methods:

A. Attached to the primary dwelling by converting a single family dwelling's existing living area, attic, basement or garage;

- B. Attached to the primary dwelling by adding floor area to the existing single family dwelling;
 - C. Constructing a detached accessory dwelling unit on the developed site including siting of a manufactured dwelling;
 - D. Converting an accessory building, or portion thereof, to an accessory dwelling unit; or,
 - E. Constructing a new house with an internal accessory dwelling unit; and,
 - F. Constructing a new dwelling and converting the existing dwelling to a detached ADU, provided both dwellings meet the minimum zoning requirements.
- .3 **Floor Area** The gross habitable floor area of the ADU shall not exceed 1,200 square feet .
- .4 **Domestic Water:** Documentation shall be submitted to LDS that the ADU can be served by an existing public or community water district or by a private well that has been recorded with the State of Oregon Water Resources Department. LDS shall also require a Will Serve letter from the community/city water purveyor verifying the ADU can utilize the water system.
- .5 **Sewage Disposal:** The County Sanitarian shall approve the proposed method of onsite sewage disposal for the ADU for compliance with the applicable provisions in the Oregon Administrative Rules (OAR) 340-071-0205 for existing septic systems. If the ADU will utilize community sewer, documentation shall be submitted to the County that the affected city will provide sewer service.
- .6 **Access:** The road access to all ADUs shall be reviewed and approved by the County Road Department and/or the affected city for consistency with the applicable provisions of the County Road Standards Ordinance and/or the Urban Growth Area Management Agreements between the affected city and Columbia County.
- .7 **Siting Requirements/Standards:** The proposed ADU must comply with the underlying zone R-10, R-7, RR-5 and/or RR-2 Zones' minimum yard setback requirements for primary dwellings. Height limitations and lot or parcel coverage requirements shall be the same as the underlying zone.
- .8 **On Site Parking:** The ADU shall provide one additional on-site parking space if the primary dwelling has less than three available on-site parking spaces (inclusive of garage and driveway).
9. **Location of Entrances:** For an attached ADU only one entrance to the residence may be located on the front of the dwelling facing the street, unless the primary dwelling contained additional door entrances before its conversion to an ADU. An exception is entrances that do not have access from the ground such as entrances

from balconies or decks.

10. **Exterior Design and Appearance:** ADUs shall maintain consistency with the primary dwelling. For an ADU that is created by an adding floor area to the existing primary dwelling, the ADU shall have the same siding and roofing materials and exterior paint colors as the primary dwelling. For a detached ADU the County will require compliance with clear and objective design and appearance regulations adopted by the City where the UGB is located.
11. **Divisions of Property:** The division of a property containing an ADU shall comply with the minimum and applicable provisions of Zoning District and Subdivision and Partitioning Ordinance. Establishing a new ADU shall not allow the further division of RR-5 and RR-2 properties provided for in Sections 606 and 627 of the County's Zoning Ordinance.
12. **Alteration:** If an existing authorized detached accessory structure, or portion thereof, is converted into an ADU, it is exempt from the minimum setback standards for primary dwellings. Any floor area that is added to this structure must not increase the setback non-conformity. Proposed expansions are not eligible to be approved with a Variance to the setback standards for single family development.
13. **Existing Non-conforming ADU:** An existing, non-conforming second dwelling on a lot or parcel in any residential zone permitted by this section may be determined to be a conforming ADU through an approval process that includes the following:
 - A. All necessary building permits and occupancy authorization is obtained to assure the ADU complies with the applicable fire, life & safety and building codes per the Oregon Residential Specialty Code and
 - B. The ADU complies with other requirements of this section, such as size, floor area, water, sewerage, entry and access.

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