IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the Yamhill County Zoning Ordinance to Allow for Accessory Dwelling Units Within the Rural Residential Zones, Declaring an Emergency, and Setting the Effective Date	ORDINANCE 928

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 29, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

WHEREAS, The Oregon Legislature passed Senate Bill 644 in during the 2023 legislative session, with an effective date immediately upon passage; and

WHEREAS, Senate Bill 644 authorizes a county to allow an owner of a lot or parcel within a rural residential zone to construct one Accessory Dwelling Unit (ADU), subject to certain restrictions and limitations; and

WHEREAS, On June 1, 2023, the Yamhill County Planning Commission reviewed proposed amendments to the Yamhill County Zoning Code allowing for ADUs within the Rural Residential Districts and recommended approval with the requirement that, whenever possible, the ADU shall use the same on-site well as that of the principal dwelling; and

WHEREAS, On June 22, 2023, the Board held a legislative hearing to discuss the proposed amendments and voted unanimously to approve them as proposed; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendments to the Yamhill County Zoning Ordinance. The Board hereby adopts the Yamhill County Zoning Ordinance amendments as shown in Exhibit A, incorporated herein by this reference.

Section 2. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 3. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective immediately upon passage.

//

DATED this 29th day of June, 2023, at McMinnville, Oregon.

YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

	AYE	NAY
Chair LINDSAY BERSCHAUER	x	
Commissioner KIT JOHNSTON	x	
Commissioner MARY STARRETT	x	

KERI HINTON
County Clerk

By: _____
Deputy CAROLINA ROOK

FORM APPROVED BY:

JODI GOLLEHON
Assistant Yamhill County Counsel

EXHIBIT A

AMENDMENTS TO THE YAMHILL COUNTY ZONING ORDINANCE

I. **Section 501, *Agriculture/Forestry Small Holding District (AF-10)*.** Section 501, *Agriculture/Forestry Small Holding District (AF-10)*, is hereby amended as follows (new language is double-underlined; deleted language is ~~stricken~~):

501.02 Permitted Uses.

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

A. Farm uses;

B. Propagation and harvesting of forest products;

C. The boarding of horses for profit, subject to Section 1101 for site design review;

D. Principal dwelling;

E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves;

F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;

H. Accessory uses;

I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;

J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

K. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

L. Signs, pursuant to the sign provisions set forth in Section 1006; ~~and~~

M. Residential home; and

N. Accessory dwelling unit ~~within an urban growth boundary~~, subject to the Type A application procedure set forth in Section 1301 and the standards in Section 1014.

II. **Section 502, *Very Low Density Residential Districts (VLDR-5, VLDR-2 2, VLDR-1)*.** Section 502, *Very Low Density Residential Districts (VLDR-5, VLDR-2 2, VLDR-1)* Section 502, *Very Low Density Residential Districts (VLDR-5, VLDR-2 2, VLDR-1)*, is hereby amended as follows (new language is double-underlined; deleted language is ~~stricken~~):

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

A. Farm uses. The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J)~~.~~;

B. Propagation and harvesting of Christmas trees;

C. Principal Dwelling;

D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

E. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;

F. Accessory uses;

G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

H. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

I. Signs, pursuant to the sign provisions set forth in Section 1006;

J. Residential home or a registered or certified family child-care home; ~~and~~

K. Propagation and harvesting of forest products; and

L. Accessory dwelling unit ~~within an urban growth boundary~~, subject to the Type A application procedure set forth in Section 1301 and standards in Section 1014.

III. Section 503, *Low Density Residential Districts (LDR-12,000, LDR-9,000, LDR-6,750)*. Section 503, *Low Density Residential Districts (LDR-12,000, LDR-9,000, LDR-6,750)*, Section 503, Low Density Residential Districts (LDR-12,000, LDR-9,000, LDR-6,750), is hereby amended as follows (new language is double-underlined; deleted language is ~~stricken~~):

503.02 Permitted Uses.

In the LDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 503.06:

A. Principal Dwelling;

B. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

C. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;

D. Accessory uses;

E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

F. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;

G. Signs, pursuant to the sign provisions set forth in Section 1006;

H. Residential home~~.~~; and

I. Accessory dwelling unit ~~within an urban growth boundary~~, subject to the Type A application procedure set forth in Section 1301 and standards in Section 1014.

IV. Section 1014, *Accessory Dwelling Units*. Section 1014, *Accessory Dwelling Units*, is hereby amended as follows (new language is double-underlined; deleted language is ~~stricken~~):

1014.01 General Provisions.

A. The following provisions shall apply to accessory dwelling units (ADU's) on lands zoned for rural residential use, located within an Urban Growth Boundary (UGB):

1. The lot or parcel shall be located within an Urban Growth Boundary (UGB).

2. A maximum of one ADU is allowed per principal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or shop), or a unit attached or interior to the primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A recreational vehicle is not permitted to be used as an ADU.

4. ADU's shall, if possible, utilize the same driveway as the principal dwelling.

5. ADU's are exempted from the parcel coverage and dwelling density standards.

6. Short-term rental of the ADU is prohibited. For purposes of this provision, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive days. Month to month rental agreements for long-term purposes is not short-term rental when the renter(s) remains the same each month.

B. In addition to the provisions of Section 1014.01(A), the following additional provisions shall apply to ADU's on lands zoned for rural residential use, located outside of a UGB:

1. The lot or parcel is at least two acres in size and not within an urban reserve as defined in ORS 195.137.

2. The ADU will be located no farther than 100 feet from the existing single-family dwelling;

3. If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission;

   a. The ADU 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 ADU by an existing water right or a use under ORS 537.545. If the ADU is served by a well, the construction of the ADU shall maintain all setbacks from the well

required by the Water Resources Commission or Water Resources Department.

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

4. The lot or parcel is located within a fire protection district with professionals who have received training or certification described in ORS 181A.410;

5. 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 ADU 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;

6. The ADU complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

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

b. No statewide map of wildfire risk has been adopted and the county has adopted land use regulations that ensure that:

(i) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use The ADU is setback a minimum of 30 feet from adjacent lands zoned Exclusive Farm use (Section 402); and 60 feet from adjacent lands zoned Agriculture/Forestry Large Holding (Section 403) and Forestry (Section 401);

(ii) The ADU, if adjacent to lands zoned Forestry (Section 401) or Agriculture/Forestry Large Holding (Section 403), meets the firebreak requirements of Section 401.09(F) & (G);

(iii) The ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas as determined by the local fire district; and

(iv) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490

as within the wildland-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392, as developed in consultation with local fire protection service providers.

1014.02 Standards and Requirements.

A. Accessory dwelling units (ADU's), where allowed, are subject to review and approval through a Type A application procedure as set forth in Section 1301, and shall meet the following development standards:

1. If interior or attached:

   a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less. However, ADU's that result from the conversion of a level or floor (e.g. basement, attic or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 900 square feet.

   b. Shall meet the same height requirements as the primary dwelling on the property.

   c. Shall meet the same setbacks as required of the primary dwelling in the underlying zoning district, or the setbacks as required by 1014.01(B)(6), whichever is applicable.

2. If detached:

   a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less.

   b. Shall not exceed 25 feet in height or the height of the primary dwelling, whichever is less;

   c. Shall maintain the setbacks of the underlying zoning district, or the setbacks as required by 1014.01(B)(6), whichever is applicable.

3. An ADU is not allowed if the existing single-family dwelling is subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

4. A subdivision, partition or other division of the lot or parcel is not allowed if it would result in the existing single-family dwelling being situated on a different lot or parcel than ADU.

5. The ADU will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;

~~3.~~6. Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.