

FILED

MAR 16 2000

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

Washington County
County Clerk

3
4 ORDINANCE 553

(An Ordinance Amending the Community
(Development Code Element of the
(Comprehensive Plan and the Cedar Hills-
(Cedar Mill and Sunset West Community Plans
(Relating to Accessory Dwellings

7 The Board of County Commissioners of Washington County, Oregon, ordains:

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon, recognizes
10 that the Community Development Code Element of the Comprehensive Plan (Volume IV) was
11 readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions
12 subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-
13 386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421, 422, 423, 428-434, 436, 437, 439,
14 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-
15 523, 525-526, and 528; and that the Cedar Hills-Cedar Mill Community Plan was adopted by
16 Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 346, 369, 396, 418, 420, 450, 471,
17 480, 484, and 526; and that the Sunset West Community Plan was adopted by Ordinance No. 242
18 and amended by Ordinance Nos. 278, 280, 292, 294, 348, 366, 420, 485, 503, 526, 531, and 532.

19 B. Subsequent ongoing planning efforts of the County indicate a need for changes to
20 the Community Development Code Element and to two Community Plans relating to accessory
21 dwellings. The Board takes note that such changes are necessary for the benefit of the health,
22 safety, and general welfare of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Land Use
2 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
3 notices, and the County Planning Commission has conducted public hearings processes on the
4 proposed amendments and have submitted its recommendations to the Board. The Board finds
5 that this Ordinance is based on the recommendation and any modifications made by the Board as a
6 result of the public hearings process.

7 D. The Board finds and takes public notice that it is in receipt of all matters and
8 information necessary to consider in an adequate manner this Ordinance, and that this Ordinance
9 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional
10 Plan, and the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the
11 Oregon Revised Statutes, the Washington County Charter, and the Washington County
12 Community Development Code.

13 SECTION 2

14 The following exhibits, attached and incorporated herein by reference, are hereby adopted
15 as amendments to the designated documents:

- 16 A) Exhibit "1" (4 pages) amending Section 430-117 of the Community Development
17 Code.
18 B) Exhibit "2" (1 page) amending Section 106, of the Community Development Code.
19 C) Exhibit "3" (1 page) amending the Cedar Hills-Cedar Mill Community Plan.
20 D) Exhibit "4" (1 page) amending the Sunset West Community Plan.

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22 ////

1 SECTION 3

2 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
3 which are not expressly amended or repealed herein, shall remain in full force and effect.

4 SECTION 4

5 All applications completed and submitted under former land use ordinances shall continue
6 to be processed pursuant to the provisions of the former ordinance, until a final decision is
7 rendered by the County or the application is withdrawn, unless specifically provided otherwise by
8 law.

9 SECTION 5

10 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid
11 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected
12 thereby and shall remain in full force and effect, and any provision of a prior land use ordinance
13 amended or repealed by the stricken portion of this Ordinance shall be revived and again be
14 considered in full force and effect.

15 SECTION 6

16 The Office of County Counsel and Department of Land Use and Transportation are
17 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
18 Ordinance, including deleting and adding textual material and maps, renumbering pages or
19 sections, and making any technical changes not affecting the substance of these amendments as
20 necessary to conform to the Washington County Comprehensive Plan format.

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22 ////

1 SECTION 7

2 This Ordinance shall take effect 30 days after the date of its enactment.

3 ENACTED this _____ day of _____, _____, being the
4 _____ reading and _____ public hearing before the Board of County Commissioners
5 of Washington County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 _____
9 CHAIRMAN

10 _____
11 RECORDING SECRETARY

12
13 READING

PUBLIC HEARING

14 First _____
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____
20 Seventh _____
21 Eighth _____
22 Ninth _____
Tenth _____
Eleventh _____

Vote Aye: _____

Nay: _____

Recording Secretary: _____

Date: _____

Section 430-117 of the Community Development Code is amended as follows:

430-117 Single Family Accessory Dwelling Unit

A single family accessory dwelling unit (ADU) is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary ~~detached~~-single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary ~~detached~~-single family dwelling unit ~~as specified in Sections 430-117.1 and 430-117.2~~. Only one accessory dwelling unit may be created in conjunction with a single detached ~~single~~ family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 or Section 430-117.2 are met.

430-117.1 ~~A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, and R-25+, TO: R9-12 or TO:R12-18 Districts, one single family accessory dwelling unit may be provided within an existing detached single family dwelling when the following standards are met:~~

- ~~A. The existing dwelling must have at least fifteen hundred (1,500) square feet of gross floor area, exclusive of garage space;~~
- ~~B. The new dwelling unit may be created only through internal conversion of the existing dwelling unit. Garage space may not be converted;~~
- ~~C. The new accessory dwelling unit may not occupy more than twenty five (25) percent of the existing dwelling unit's floor area;~~
- ~~D. Only one entrance to the primary and accessory dwellings shall be visible from the front yard;~~
- ~~E. A home occupation, except as provided for by Section 201-2-18, shall not be conducted from either the primary or accessory dwelling; and~~
- ~~F. The primary dwelling to which an accessory dwelling unit is to be added must be owner occupied for the twelve (12) calendar months preceding the date of application, and during any use of the accessory dwelling unit, the existing dwelling shall be owner occupied.~~

430-117.2 ~~A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the TO: R9-12 or TO:R12-18 Districts, or in the R-5 District in Area of Special Concern No. 10 of the Cedar Hills Cedar Mill Community Plan or the Sunset West Community Plan, when the following standards are met:~~

- ~~A. The One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure that does not exceed six hundred (600) square~~

feet in floor area. An accessory dwelling may be constructed as part of a new single-family dwelling. (See Figure 1 for examples of Accessory Dwelling Units);

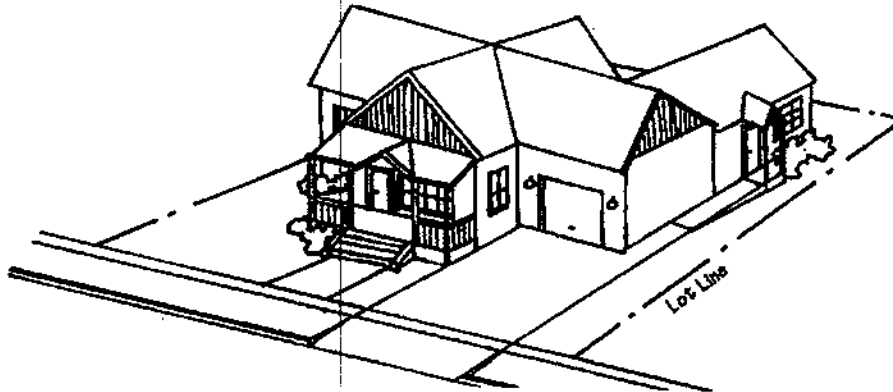
- ~~B. The primary dwelling shall have at least fifteen hundred (1,500) square feet of gross floor area, exclusive of garage space; The accessory dwelling unit shall not exceed six hundred (600) square feet in floor area. The Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;~~
- ~~C. An accessory dwelling unit shall not be established on any lot smaller than four thousand (4,000) square feet. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;~~
- D. An accessory dwelling unit may not be created through the conversion of garage space for living space (i.e. this standard does not include the conversion of the attic space above a garage);
- E. An accessory dwelling unit provided within the primary dwelling or attached to the primary dwelling (does not include an ADU provided over an attached garage; see F below for standards) may occupy:
- ~~(1) One full story of an existing multi-story single family dwelling;~~
 - ~~(2) Six hundred (600) square feet of the primary dwelling; or~~
 - ~~(3) Up to twenty five (25) percent of the floor area of the primary dwelling;~~
 - ~~(4) The Review Authority may grant an increase to the floor area requirements above to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability; and~~
 - ~~(5) An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;~~
- F. An accessory dwelling unit, ~~provided over an attached or detached garage or provided as a detached single story structure,~~ shall meet the following standards: shall meet the following setback standards:
- ~~(1) The A detached~~ accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front facade foundation of the

primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;

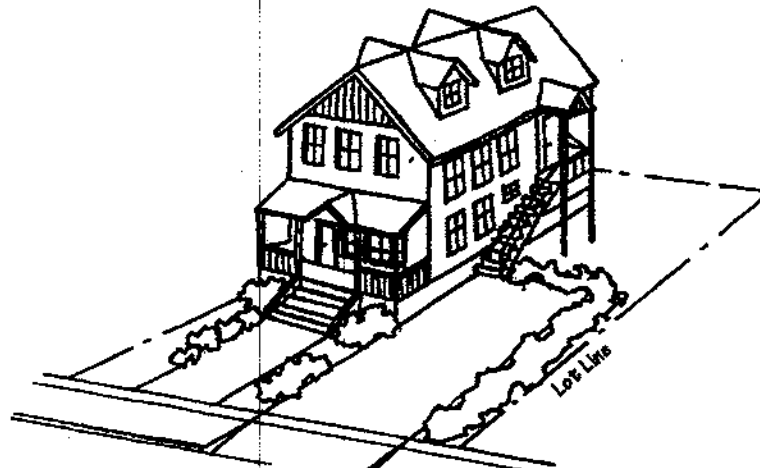
- ~~(2) The primary dwelling shall be at least two stories when the attached dwelling unit is to be provided over an attached or detached garage. This standard is not applicable to an accessory dwelling unit provided as a detached single story structure;~~
- ~~(3)~~(2) The minimum side yard setback for an detached accessory dwelling unit shall be five (5) feet; and,
- ~~(4)~~(3) The minimum rear yard setback for an detached accessory dwelling unit shall be ~~ten (10)~~ feet no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district; and,
- ~~(5) The accessory dwelling unit shall not exceed six hundred (600) square feet in floor area. The Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;~~
- G. The entrance to the accessory dwelling unit shall not face the front property line;
- H. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);
- I. At least one (1) off-street parking space shall be provided for the accessory dwelling unit;
- J. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;
- K. A home occupation ~~may~~ shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18; and
- L. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied;
- M. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and,
- N. A minimum contiguous rear or side yard outdoor area of four-hundred and fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.

Figure 1.

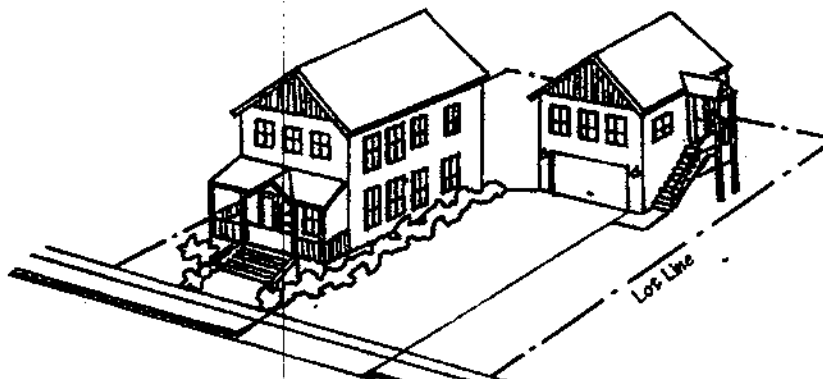
Examples of Accessory Dwellings Unit



Attached Accessory Dwelling Unit - Single Story



Interior Accessory Dwelling Unit



Detached Accessory Dwelling Unit - Over a Detached Garage

Abcdef Proposed additions
~~Abcdef~~ Proposed deletions

Section 106 of the Community Development Code is amended as follows:

106 DEFINITIONS

106-5 Accessory Building or Structure A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use (An Accessory Dwelling Unit is not considered an Accessory Building or Structure, see definition for Single Family Accessory Dwelling Unit, section 106NEW.)

106NEW Single Family Accessory Dwelling Unit A second dwelling unit which occupies the same lot with a detached single family dwelling unit and that is subordinate to the primary dwelling. The accessory dwelling unit may be located within, attached to, or detached from the primary detached single family dwelling unit. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.

The Cedar Hills-Cedar Mill Community Plan is amended as follows:

~~Area of Special Concern No. 10: A single family detached dwelling in this area shall be allowed to have an accessory dwelling unit, subject to the provisions of Section 430-417.2 of the Community Development Code.~~

Delete the A.S.C. 10 designation from the Cedar Hills-Cedar Mill Community Plan Map.

The Sunset West Community Plan is amended as follows:

~~Area of Special Concern No. 10: A single family detached dwelling in this area shall be allowed to have an accessory dwelling unit, subject to the provisions of Section 430-417.2 of the Community Development Code.~~

Delete the A.S.C. 10 designation from the Sunset West Community Plan Map.