SECTION 4.150: ACCESSORY HOUSING

(1) PURPOSE AND INTENT: Tillamook County recognizes the benefits that accessory dwellings can provide as a housing alternative where such benefits consider and are balanced with other community goals. The purpose and intent of this section is to:

(a) Ensure that accessory housing is clearly subordinate to the single-family dwelling or business comprising the primary use on the lot;
(b) Accommodate unique or special housing needs and circumstances such as caretaker housing;
(c) Increase and diversify rental housing options throughout the county to meet the needs of the local workforce and fixed income households;
(d) Provide for the general convenience of area property owners to accommodate family and guests with independent living quarters;
(e) Allow for accessory apartments above commercial buildings without consuming valuable commercial property with residential uses;
(f) Create alternative housing opportunities that promote more efficient use of existing or planned public and private utilities, transportation facilities, public transit and other facilities;
(g) Encourage accessory housing where public and private utilities, transportation facilities, public transit and other facilities already exist;
(h) Ensure that adequate sanitation facilities are available to serve the accessory housing.

(2) APPLICABILITY: Accessory housing, defined as an Accessory Dwelling Unit (ADU), is allowed outright or conditionally in all zones except the following: F-1; F; SFW-20; SFW-10; RR-10; RR-2; CP; RI; CI; M-1; UFO; RM; RN; RD; POS; Nesk RM; PCW-P; and PCW-AP, subject to the provisions, requirements and standards of this section and all other applicable sections of this Ordinance.

(3) ACCESSORY DWELLING UNIT: An Accessory Dwelling Unit (ADU) is a secondary, self-contained dwelling unit that may be allowed in conjunction with a primary dwelling. An ADU generally has its own outside entrance, and always has a separate kitchen and bathroom. One (1) ADU may be located either within, attached to, or detached from the primary dwelling or authorized accessory structure.

(4) GENERAL REQUIREMENTS: The requirements listed below apply to all accessory housing:

(a) Structure Type. Accessory housing shall not be travel trailers, recreational vehicles (RVs), buses, truck storage containers, or similar manufactured units not originally intended to be used for permanent residences.

1. Temporary placement of a mobile home or RV to accommodate a seriously ill person or their attendant that is subject to the health hardship provisions of Article 6 is not considered to be accessory

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housing for purposes of this subsection, and is not therefore subject to the requirements and standards of Section 4.150.

(b) Water and Wastewater Disposal.

1. Accessory housing shall be required to utilize the same potable water source as the associated primary residential or commercial use; and
2. Shall be permitted when the Environmental Health Division certifies that the water supply and sewage disposal facilities are adequate for the projected number of bedrooms where community water and sewer are not available.

(c) Density. There shall be no more than one (1) ADU allowed per lot.

(d) Restrictive Covenant. A restrictive covenant shall be recorded with the Tillamook County Clerk's Office to ensure continued compliance with ordinance requirements by current, as well as any subsequent owners. This restrictive covenant shall be provided on a form obtained from the Department of Community Development, and be filled out completely by the owner prior to filing. This restrictive covenant shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the ADU and the applicable restrictions pursuant to Section 4.150. A copy of the filed document shall be presented to the Department of Community Development prior to issuance of a building permit. This restrictive covenant may be removed only upon a demonstration to the Department of Community Development that the ADU has been lawfully removed from the subject property, converted to another lawful use permitted by the Tillamook County Land Use Ordinance, or the portion of the subject property on which the ADU is located is legally subdivided from the remainder of the property pursuant to the Tillamook County Land Division Ordinance.

(e) Sale or Transfer of Accessory Housing. ADUs permitted under the provisions of this Ordinance shall not be sold or otherwise conveyed as separate dwelling units, except where the portion of the lot on which the ADU is located is legally subdivided from the parent lot pursuant to the Tillamook County Land Division Ordinance.

(5) ADDITIONAL STANDARDS FOR ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES: In addition to the General Requirements for accessory housing contained in subsection 4.150(4) above, the following standards shall apply to ADUs in any residential zone in which they are allowed:

(a) Location. One (1) ADU may be located within or added to the primary dwelling, added to or over an attached or detached garage or other permitted accessory structure, or constructed as a detached single-story

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structure. An ADU may be constructed as part of a new single-family dwelling, garage or other lawfully permitted accessory structure.

(b) Size. The maximum size of an ADU shall meet the applicable standard listed below:

1. The floor area of an interior ADU may be as large as 50 percent of the primary dwelling's existing floor area, or 1000 square feet, whichever is greater (excluding the garage and expansions for additional floor area).
2. In all other situations, the total floor area of an ADU shall not exceed 800 square feet.

(c) Self-Contained. An ADU shall contain a kitchen, bathroom and sleeping area completely independent of the primary dwelling.

(d) Lot size. An ADU shall not be allowed on a lot having less than the minimum area required for a single-family dwelling in the underlying zone.

(e) Design. ADUs shall be designed so that the appearance of the property remains that of a single-family residential development through adherence to the following standards:

1. The exterior appearance of any construction to create the ADU 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).
2. The height limitations of the underlying zone shall apply; however, the primary dwelling shall have at least two-stories in order to construct an ADU over a garage or other lawful accessory structure.

(f) Setbacks. An ADU shall meet the following setback standards:

1. A stand-alone detached ADU shall be located behind the front façade foundation of the primary dwelling, and for all other types of ADUs, the minimum front yard setback shall be that of the underlying zone.
2. The minimum side yard setback for an ADU shall be five (5) feet except on the street side of a corner lot, where it shall be that of the underlying zone.
3. The minimum rear yard setback for an ADU shall be the minimum required by the underlying zone.

(g) Parking. At least one (1) off-street parking space shall be provided for the ADU in addition to the on-site parking spaces required for the primary dwelling. The parking space shall meet the applicable standards in Section 4.030.

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(h) Occupancy and rental.

1. ADUs may be occupied by family members, guests, renters, lessees, estate caretakers/groundskeepers, and care givers.
2. ADUs may be rented for a minimum term of 30 consecutive days. Neither an ADU nor the primary dwelling located on the same lot shall be used as a short-term vacation rental.

(i) Non-Conforming Structures.

1. Alteration or Expansion of a Non-Conforming structure may be allowed, subject to the provisions of Article VII: Nonconforming Uses.

(6) ADDITIONAL STANDARDS FOR ACCESSORY DWELLING UNITS IN COMMERCIAL ZONES: In addition to the General Requirements for accessory housing contained in subsection 4.150(4) above, the following standards shall apply to ADUs in any commercial zone in which they are allowed:

(a) The total floor area of an ADU or caretaker apartment shall not exceed 1,250 square feet.

(b) In order to ensure that accessory housing does not constitute an encroachment into commercial areas or otherwise compete with commercial developments for limited commercially zoned property, ADUs and/or caretaker apartments shall only be allowed above the first floor of commercial buildings or lawful accessory structures located on the same lot.

(c) All other provisions and development standards of the underlying commercial zone shall apply.

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