



# WASHINGTON COUNTY OREGON

**PROPOSED LAND USE ORDINANCE NO. 912**  
***Individual and General Notice 2025-04***  
***December 12, 2025***

The Washington County Planning Commission and Board of Commissioners will soon consider proposed **Ordinance No. 912**. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance or would like additional information, contact Long Range Planning at [lutplan@washingtoncountyor.gov](mailto:lutplan@washingtoncountyor.gov) or call 503-846-3519 and press 3, then 2.

**ORDINANCE PURPOSE AND SUMMARY:**

**Ordinance No. 912** would amend the Rural/Natural Resource Plan and the Community Development Code relating to the allowance of Rural Accessory Dwelling Units and Rural Historic Accessory Dwelling Units.

**Who is Affected**

Property owners within Rural Residential districts (Agriculture and Forest (AF-5 and AF-10) and Rural Residential (RR-5)) in Washington County.

**What Land is Affected**

Land within Rural Residential districts in Washington County.

**PUBLIC HEARING INFORMATION:**

The first hearings for each hearing body are scheduled for the dates and times below.

**Planning Commission**

1:30 p.m.  
January 7, 2026

**Board of Commissioners**

6:30 p.m.  
February 24, 2026

**Planning Commission and Board meetings are hybrid (in person and virtually on Zoom).**

In person hearings are in the auditorium of the  
Charles D. Cameron Public Services Building, 155 N First Ave, Hillsboro

**Planning Commission:** <https://www.washingtoncountyor.gov/lut/planning/planning-commission>

**Board of Commissioners:** <https://washingtoncounty.civicweb.net/Portal>

For information about the meetings and how to testify, please see page 2 of this notice.

At its February 24 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted February 24, it would become effective March 26, 2026.

### KEY PROVISIONS:

- Make changes to Plan policies to allow Accessory Dwelling Units in the rural area.
- Allow Rural Accessory Dwelling Units within the County's Rural Residential districts, subject to certain limitations and requirements.
- Allow Rural Historic Accessory Dwelling Units within the County's Rural Residential districts, subject to certain limitations and requirements.
- Make related changes to other Community Development Code sections.

### AFFECTED LAND USE PLANNING DOCUMENTS:

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#### Rural/Natural Resource Plan

- Policy 19, Rural Residential Development text
- Policy 26, Housing text

#### Community Development Code

- Multiple Sections – Replacement of terms
  - Section 106 – Definitions
  - Section 340 – Exclusive Farm use District (EFU)
  - Section 344 – Agriculture and Forest District (AF-20)
  - Section 346 – Agriculture and Forest District (AF-10)
  - Section 348 – Agriculture and Forest District (AF-5)
  - Section 350 – Rural Residential Five Acre Minimum District (RR-5)
  - Section 409 – Private Streets
  - Section 424 – Creation of Parcels in the EFU, EFC and AF-20 District
  - Section 430 – Special Use Standards
  - Section 440 – Nonconforming Uses and Structures
- 

The ordinance is available on the Land Use Ordinances webpage. Staff Reports will be available a week in advance of each hearing and will be posted on the Land Use Ordinances webpage:

<https://www.washingtoncountyor.gov/lut/land-use-ordinances-progress>

The ordinance will also be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

### HOW TO SUBMIT COMMENTS:

Washington County is committed to broad community engagement and transparency of government. You may submit oral or written testimony at public hearings or to staff in advance. For information on how to register and testify, please visit the webpages below. **Advance registration is recommended when providing testimony via Zoom.**

Planning Commission's How To Testify procedures:

<https://www.washingtoncountyor.gov/lut/planning/documents/pc-how-testify/download?inline>

Board of Commissioner's How To Testify procedures:

<https://washingtoncounty.civicweb.net/document/311591/>

#### Staff Contact

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FILED

DEC 03 2025

WASHINGTON COUNTY  
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 912

An Ordinance Amending the Rural/Natural  
Resource Plan and the Community Development  
Code Relating to the Allowance of Rural  
Accessory Dwelling Units and Rural Historic  
Accessory Dwelling Units

The Board of County Commissioners of Washington County, Oregon ("Board")  
ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the  
Comprehensive Plan (Volume III) was readopted with amendments on September 9, 1986,  
by way of Ordinance No. 307, and subsequently amended by Ordinance Nos. 342, 383, 411-  
412, 458-459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628-631,  
637, 643, 648 649, 653, 662, 671, 686, 733, 740, 753, 764, 772, 776, 785, 796, 809, 813-814,  
822, 824, 828, 840, 854, 865, and 897.

B. The Board recognizes that the Community Development Code Element of the  
Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986,  
by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-  
341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417  
, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471,  
478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-  
561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623,

624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676,  
677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735,  
739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804,  
809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-  
859, 864, 866-867, 877, 885, 889-890, 902, and 903.

C. In 2017, Oregon House Bill 3012 permitted counties to allow historic dwelling  
Accessory Dwelling Units (ADUs) in rural districts, subject to conditions. In 2021, Senate Bill  
391 gave counties broader authority to allow new or converted ADUs in rural residential  
districts. In 2023, a technical correction to requirements for rural ADUs pertaining to wildfire  
risk mapping provisions was made, and counties can now implement allowances for rural  
ADUs in accordance with their comprehensive plans. To allow rural and historic dwelling  
ADUs in rural residential districts, Washington County must adopt amendments to the  
Rural/Natural Resource Plan and the Community Development Code, elements of the  
Comprehensive Plan. The Board recognizes that such changes are for the health, welfare,  
and benefit of the residents of Washington County, Oregon.

D. Under the provisions of Washington County Charter Chapter X, the  
Department of Land Use and Transportation has carried out its responsibilities, including  
preparation of notices, and the County Planning Commission has conducted one or more  
public hearings on the proposed amendments and has submitted its recommendations to  
the Board. The Board finds that this Ordinance is based on that recommendation and any  
modifications made by the Board are a result of the public hearings process.

1           E.       The Board finds and takes public notice that it is in receipt of all matters and  
2 information necessary to consider this Ordinance in an adequate manner and finds that this  
3 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan  
4 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the  
5 Washington County Charter, the Washington County Code, and the Washington County  
6 Comprehensive Plan.

7       SECTION 2

8           The following exhibits, attached hereto and incorporated herein by reference, are  
9 adopted as amendments to the designated document as follows:

10          A.       Exhibit 1 (2 pages), amends the following sections of the Rural/Natural  
11 Resource Plan:

- 12                   1. Policy 19, Rural Residential Development text
- 13                   2. Policy 26, Housing text

14          B.       Exhibit 2 (11 pages), amends the following provisions of the Community  
15 Development Code:

- 16                   1. Multiple Sections – Replacement of terms
- 17                   2. Section 106 – Definitions
- 18                   3. Section 340 – Exclusive Farm Use District (EFU)
- 19                   4. Section 344 – Agriculture and Forest District (AF-20)
- 20                   5. Section 346 – Agriculture and Forest District (AF-10)
- 21                   6. Section 348 – Agriculture and Forest District (AF-5)

7. Section 350 – Rural Residential Five Acre Minimum District (RR-5)
8. Section 409 – Private Streets
9. Section 424 – Creation of Parcels in the EFU, EFC, and AF-20 Districts
10. Section 430 – Special Use Standards
11. Section 440 – Nonconforming Uses and Structures

### SECTION 3

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

### SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

### SECTION 5

If any portion of this Ordinance, including the exhibits described herein, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

### SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these

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amendments as necessary to conform to the Washington County Comprehensive Plan  
format.

SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026, being the \_\_\_\_\_ reading  
and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

\_\_\_\_\_  
CHAIR KATHRYN HARRINGTON

\_\_\_\_\_  
RECORDING SECRETARY

READING

PUBLIC HEARING

First \_\_\_\_\_  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_  
\_\_\_\_\_

First \_\_\_\_\_  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

VOTE: Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Policy 19 of the RURAL/NATURAL RESOURCE PLAN is amended to reflect the following:

**POLICY 19, RURAL RESIDENTIAL DEVELOPMENT:**

**It is the policy of Washington County to allow rural housing in rural areas.**

**Implementing Strategies**

The County will:

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b. Through the CDC, establish residential land use district regulations ~~which~~that:

1. Contain a minimum lot size appropriate to retain the rural character of the area;
2. Permit as primary uses, residential dwellings and accessory structures, and farm and forest activities; ~~and~~
3. Permit as accessory uses, rural accessory dwelling units and rural historic accessory dwelling units in rural residential districts; and
- ~~34.~~ 4. Contain lot of record provisions.

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**Summary Findings and Conclusions**

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The establishment or continuation of a rural residence, including a rural accessory dwelling unit or rural historic accessory dwelling unit, on a parcel of land adjacent to or near land being used for agriculture or forestry production will be allowed only with the understanding that residents on these rural residential tracts will be subject to the normal and accepted farming and forestry practices.

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Policy 26 of the RURAL/NATURAL RESOURCE PLAN is amended to reflect the following:

**POLICY 26, HOUSING:**

**It is the policy of Washington County to allow housing in conjunction with Natural Resource uses and to provide housing choices in rural areas.**

**Implementing Strategies**

The County will:

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- c. Allow dwellings in accordance with specified criteria in the Exclusive Farm and Forest Land Use Districts, and the Agricultural and Forest (AF-20) Land Use District.
- d. Allow rural accessory dwelling units, including rural historic accessory dwelling units, in accordance with specified criteria in the Agricultural and Forest (AF-10 and AF-5) and Rural Residential (RR-5) Land Use Districts.

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**Summary Findings and Conclusions**

The primary purpose of housing outside the UGB is to provide shelter for ~~the people who are~~ involved in farm, forest, and other activities related to ~~the~~ natural resources in the area and to offer a diversified lifestyle in areas designed for rural development. Rural accessory dwelling units broaden the range of housing options in the rural area. Because of previous development and commitment to development, portions of the County outside of the UGB provide rural residential areas where farming and forestry uses are secondary to the residential nature of development. Residents of these areas often supplement their incomes with farm or forest activities on their land.

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

**1. MULTIPLE SECTIONS – REPLACEMENT OF TERMS**

Addition of “Urban” before the terms “Accessory Dwelling Unit”, “Accessory Dwelling Units”, and “Accessory Dwelling Unit(s)” in the following Sections of the Code:

- Section 302-2.13
- Section 303-2.13
- Section 304-2.10
- Section 305-2.8
- Section 306-2.8
- Section 307-2.7
- Section 308-2.12
- Section 309-2.12
- Section 390-8.2 L.
- Section 390-9.2 K.
- Section 390-10.2 J.
- Section 392-4
- Section 409-3.3 E.
- Section 430-2.1 through Section 430-2.2
- Section 501-2.6 A.
- Section 501-8.5 F. (1)
- Section 606-4.1 B. (6) (b)

Addition of “Urban” before the term “ADU”, “ADUs”, and “ADU(s)” in Sections 430-2.1 and 430-2.2 of the Code.

## 2. SECTION 106 – DEFINITIONS

106-70.1 **Dwelling Unit.** An individual unit providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

A. **Dwelling Unit, Accessory (ADU).** An auxiliary dwelling allowed with a Single Detached Dwelling Unit, which meets size restrictions and other requirements of Section 430-2. ~~The accessory unit.~~ An ADU functions as a complete living unit with its own kitchen, bathroom, and sleeping area. ADUs are classified as either attached or detached. ~~based on the following characteristics:~~

~~(1) Attached.~~ An attached ADU shares a common building wall or floor/ceiling with the primary dwelling and may be created from existing square footage within the primary dwelling, added square footage, or a combination thereof. It may have access only from within the primary dwelling unit, or it may have a separate entry door from the outside. See Figures 1 and 2 for examples.

~~(2) Detached.~~ A detached ADU does not share a common wall, roof, or foundation with the primary dwelling. See Figure 3 for example.

ADUs are characterized as:

(1) Urban – Section 430-2. An ADU allowed by the underlying district with a primary detached dwelling unit.

(2) Rural – Section 430-3. An ADU allowed by the underlying district with a primary detached dwelling unit.

(3) Rural Historic – Section 430-4. An ADU allowed by the underlying district created through conversion of a historic home, defined as an existing detached dwelling constructed between 1850 and 1945. A Rural Historic ADU is accessory to a new primary detached dwelling unit on the same lot or parcel.

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E. **Dwelling Unit, Primary.** Main dwelling unit on a lot or parcel, not subject to ~~Accessory Dwelling Unit~~ ADU provisions of this ~~e~~Code. When more than one Middle Housing Unit is sited on a single lot or parcel, each is considered a primary dwelling unit.

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### 3. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

#### 340-4 Uses Permitted Through a Type II Procedure

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##### 340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- A. Accessory Farm Dwelling Units customarily provided in conjunction with a farm use and occupied by a person or persons who will be principally engaged in the farm use of the land - Section 430-37.2 D. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an Accessory Farm Dwelling Unit. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

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### 4. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)

#### 344-4 Uses Permitted Through a Type II Procedure

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##### 344-4.1 Permitted Uses which are exempt from Section 344-4.3:

- A. Accessory Farm Dwelling Units customarily provided in conjunction with a farm use and occupied by a person or persons who will be principally engaged in the farm use of the land - Section 430-37.2 D. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an Accessory Farm Dwelling Unit. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

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### 5. SECTION 346 – AGRICULTURE AND FOREST DISTRICT (AF-10)

#### 346-2 Uses Permitted Through a Type I Procedure

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##### 346-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot or parcel.

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346-2.13 Rural Accessory Dwelling Unit - Section 430-3, including conversion of one existing lawful temporary dwelling approved through provisions in Sections 430-135.1 C. (6) or (7), if no other Rural ADU, Rural Historic Dwelling ADU, or temporary dwelling exists on the lot or parcel.

346-2.14 Rural Historic Accessory Dwelling Unit - Section 430-4.

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### **346-3 Uses Permitted Through a Type II Procedure**

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346-3.7 Temporary Use - Section 430-135.2 A., except when a Rural Accessory Dwelling Unit or Rural Historic Accessory Dwelling Unit is sited on the same lot or parcel.

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## **6. SECTION 348 – AGRICULTURE AND FOREST DISTRICT (AF-5)**

### **348-2 Uses Permitted Through a Type I Procedure**

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348-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot or parcel.

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348-2.7 Temporary Use - Sections 430-135.1 C. (6) and (7), except when a Rural Accessory Dwelling Unit or Rural Historic Accessory Dwelling Unit is sited on the same lot or parcel; and 430-135.1 H.

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348-2.13 Rural Accessory Dwelling Unit - Section 430-3, including conversion of one existing lawful temporary dwelling approved through provisions in Sections 430-135.1 C. (6) or (7), if no other Rural ADU, Rural Historic Dwelling ADU, or temporary dwelling exists on the lot or parcel.

348-2.14 Rural Historic Accessory Dwelling Unit - Section 430-4.

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### **348-3 Uses Permitted Through a Type II Procedure**

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348-3.7 Temporary Use - Section 430-135.2 A., except when a Rural Accessory Dwelling Unit or Rural Historic Accessory Dwelling Unit is sited on the same lot or parcel.

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## **7. SECTION 350 – RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)**

### **350-2 Uses Permitted Through a Type I Procedure**

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350-2.2 Detached Dwelling Unit (one) on a legally created lot or parcel.

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350-2.6 Temporary Use - Sections 430-135.1 C. (6) and (7), except when a Rural Accessory Dwelling Unit or Rural Historic Accessory Dwelling Unit is sited on the same lot or parcel; and 430-135.1 H.

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350-2.12 Rural Accessory Dwelling Unit - Section 430-3, including conversion of one existing lawful temporary dwelling approved through provisions in Sections 430-135.1 C. (6) or (7), if no other Rural ADU, Rural Historic Dwelling ADU, or temporary dwelling exists on the lot or parcel.

350-2.13 Rural Historic Accessory Dwelling Unit – Section 430-4.

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### **350-3 Uses Permitted Through a Type II Procedure**

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350-3.6 Temporary Use - Section 430-135.2 A., except when a Rural Accessory Dwelling Unit or Rural Historic Accessory Dwelling Unit is sited on the same lot or parcel.

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## 8. SECTION 409 – PRIVATE STREETS

### 409-5 Private Streets Outside an Urban Growth Boundary

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409-5.2 All private streets providing access from a public roadway to a proposed Land Division shall meet the following standards:

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H. To establish a new private road, the applicant shall submit at preliminary review the following information:

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- (3) A statement of the maximum number of dwellings, ~~or~~ lots, or parcels the street can serve. For purposes of determining the applicable private street standards, Accessory Dwelling Units, as allowed under Sections 430-3 and 430-4, do not count as units.

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## 9. SECTION 424 – CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS

### 424-5 Creation of a Parcel with an Existing ~~Historic Dwelling~~ Listed on the National Register of Historic Places in the EFU and AF-20 Districts

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## 10. SECTION 430 – SPECIAL USE STANDARDS

### 430-2 Accessory Dwelling Unit, Urban

An Urban Accessory Dwelling Unit (Urban ADU) is subject to review and approval through a Type I procedure and shall conform to all standards of Section 430-2.1. The Accessory Uses and Structures standards of Section 430-1 and density requirements of Section 300-2 are not applicable to Urban ADUs. Except as required to meet building code, ~~CDC~~ Sections 430-76, 430-77, and 430-79 are not applicable to prefabricated Urban ADUs when the standards of Section 430-2.1 are met.

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**430-3 ~~Reserved~~ Accessory Dwelling Unit, Rural**

A Rural Accessory Dwelling Unit (Rural ADU) is subject to review and approval through a Type I procedure and shall conform to all standards of Section 430-3.1. The Accessory Uses and Structures standards of Section 430-1 and density requirements of Section 300-2 are not applicable to Rural ADUs.

430-3.1 A Rural ADU may be provided in conjunction with a primary detached dwelling unit, subject to the applicable standards below.

A. One Rural ADU is allowed per lot or parcel, provided:

- (1) The lot or parcel is not located in an area designated as an urban reserve;
- (2) The lot or parcel is at least two acres in size;
- (3) One primary detached dwelling unit is sited on the lot or parcel;
- (4) The existing primary detached dwelling unit on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
- (5) If the water supply source for the primary detached dwelling unit and/or Rural ADU is or will be a well, the proposed location of the Rural ADU conforms to all minimum distances required by the Water Resources Commission or Water Resources Department from all wells serving the lot or parcel;
- (6) If the water supply source for the Rural 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 groundwater uses have been restricted by the Water Resources Commission;
- (7) No other permanent or temporary dwelling exists on the same lot or parcel, except as allowed by the underlying district.

B. Facilities and Services. The applicant shall:

- (1) Demonstrate that the Rural ADU will comply with all applicable laws and regulations related to sanitation and wastewater disposal and treatment;



- (2) Submit a letter from a structural fire protection service provider staffed with professionals who have received training or certification described in ORS 181A.410 stating it is willing and able to serve the lot or parcel; and
  - (3) If the water supply source for the Rural ADU will not be a well, submit a letter from an alternate long-term water provider stating it is willing and able to serve the Rural ADU.
- C. Configuration. A Rural ADU may be a detached building, in a portion of a lawful detached accessory building, or attached and/or interior to the primary Detached Dwelling Unit.
- D. Floor Area. A Rural ADU shall not exceed 900 square feet of habitable floor area.
- E. Setbacks. The minimum setbacks for a Rural ADU shall be no less than that required by the underlying district. On corner lots, either the front or street-side lot line may be used for Rural ADU front setback purposes.
- F. A Rural ADU shall be located no farther than 100 feet from the primary detached dwelling unit, as measured from the closest portion of each structure.
- G. A Rural ADU shall not be used for vacation occupancy, as defined in ORS 90.100.
- H. A lot or parcel containing a Rural ADU allowed under this Section shall not be subdivided, partitioned, or otherwise divided so that the primary Detached Dwelling Unit is situated on a different lot or parcel than the Rural ADU.

#### **430-4 Rural Historic Accessory Dwelling Unit**

A Rural Historic Accessory Dwelling Unit (Rural Historic ADU) is subject to review and approval through a Type I procedure and shall conform to all standards of Section 430-4.1. The Accessory Uses and Structures standards of Section 430-1 and density requirements of Section 300-2 are not applicable to Rural Historic ADUs.

- 430-4.1** A historic home, as defined in Section 106-70.1 A. (3), may be converted to a Rural Historic ADU in conjunction with a new primary detached dwelling unit on the same lot or parcel, subject to the applicable standards below.

**New** in this Section means that the dwelling being constructed or installed did not formerly exist in residential or nonresidential form. New does not include the acquisition, alteration, renovation, or remodeling of an existing structure.

**A. One Rural Historic ADU is allowed per lot or parcel, provided:**

- (1) The lot or parcel is not located in an area designated as an urban reserve;**
- (2) The lot or parcel is at least two acres in size;**
- (3) The historic home on the lot or parcel that is converted to a Rural Historic ADU is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;**
- (4) No other permanent or temporary dwelling exists on the same lot or parcel, except as allowed by the underlying district.**

**B. Facilities and Services. The applicant shall:**

- (1) Demonstrate that the Rural Historic ADU will comply with all applicable laws and regulations related to sanitation and wastewater disposal and treatment; and**
- (2) Submit a letter from a structural fire protection service provider staffed with professionals who have received training or certification described in ORS 181A.410 stating it is willing and able to serve the lot or parcel.**

**C. Configuration. A historic home converted to a Rural Historic ADU must be detached from the new primary detached dwelling unit.**

**D. Floor Area. A Rural Historic ADU may not be altered, renovated, or remodeled so that its square footage is more than 120% of the historic home's square footage at the time construction or installation of the new primary detached dwelling unit commenced.**

**E. A Rural Historic ADU shall not be used for vacation occupancy, as defined in ORS 90.100.**

**F. A lot or parcel containing a Rural Historic ADU shall not be subdivided, partitioned, or otherwise divided so that the primary Detached Dwelling Unit is situated on a different lot or parcel than the Rural Historic ADU.**

G. A Rural Historic ADU shall not be rebuilt if the structure is lost to fire.

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**430-37 Single Detached Dwelling Unit on Lot of Record, Middle Housing Duplex, and Type II Middle Housing**

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**430-37.2 Rural**

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- A. Farm Dwelling. In the EFU and AF-20 Districts, a primary dwelling unit customarily provided in conjunction with a farm use may be approved when the following standards are met:

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- (6) If the tract consists of two or more lots or parcels and more than one lot or parcel is used to meet the income standards of this section, the Farm Dwelling may be approved if:

Prior to final approval for a Farm Dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remainder of the tract. This restriction does not apply to seasonal farm worker housing, Accessory Farm Dwelling Units and replacement dwellings.

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- D. Accessory Farm Dwelling Unit. In the EFU and AF-20 Districts, an Accessory Dwelling Unit customarily provided in conjunction with a farm use and occupied by a person or persons who will be principally engaged in the farm use of the land may be approved when:

- (1) Subsequent to or concurrently with the approval of a primary Farm related Dwelling pursuant to this Code, an Accessory Farm Dwelling Unit(s) may be allowed provided there is a finding that the proposed Accessory Farm Dwelling Unit(s) is customarily required to conduct the proposed farm use, considering:

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- (2) In addition to (1) above, the applicant shall demonstrate the Accessory Farm Dwelling Unit(s) complies with the applicable requirements of OAR 660-033.

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## **11. SECTION 440 – NONCONFORMING USES AND STRUCTURES**

### **440-10 Alteration or Expansion of Uses with an Access Not Conforming to the Access Requirements to Public or County Roads**

Approval of an alteration, expansion or change in occupancy of a use on a site whose access does not conform with the requirements of Section 501-8.5 (Access to Public Roads) shall require that the access be brought into compliance with these standards when such changes create a 25% or greater increase in the existing Average Daily Trips (ADT). Compliance must be assured prior to the issuance of final approval or building permits for the expansion, addition, or alteration. For the purposes of this Section, increases in ADT from addition of Urban Accessory Dwelling Units (Section 430-2), Rural Accessory Dwelling Units (Section 430-3), and Rural Historic Accessory Dwelling Units (Section 430-4) do not count toward the 25% threshold.

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