

**STAFF REPORT  
UNION COUNTY  
ZONE TEXT AMENDMENT  
JANUARY 22, 2023**

**I. DESCRIPTION**

**A. REQUEST**

The applicant is requesting to add the opportunity for an additional dwelling unit (ADU) in all of the County's rural residential zones.

**B. LOCATION**

The subject properties are located within the County's R-1 Rural Center Zone, R-2 Rural Residential Zone, R-3 Farm Residential Zone and R-4 Forest Residential Zone.

**C. LAND USE PLAN**

The subject properties are all within acknowledged exception areas to Statewide Planning Goals 3 & 4 and are suitable and desirable for residential uses and small scale farm and/or forest operations.

**D. ZONING ORDINANCE**

Union County Zoning, Partition and Subdivision Ordinance Section 23.05 3. identifies the following criteria that must be satisfied to gain zone text amendment approval:

3. A decision on a Land Use Plan text or map amendment by the Planning Commission and Board of Commissioners shall be based on the applicant's ability to meet all of the following:
  - A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.
  - B. Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed.
  - C. All applications to take an exception or exclude certain land from the requirements of one or more applicable statewide planning goals shall be reviewed against the requirements in OAR Chapter 660, Division 4.
  - D. Determine whether the amendment significantly affects a transportation facility. The amendment shall assure that land uses are consistent with the function,

capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
- Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

#### E. SOILS

The USDA Natural Resource Conservation Service soils information does not pertain to this application request because all of the areas are pre-existing Goal 2 Exception Areas and the request does not involve a specific site(s).

### II. EXISTING CONDITIONS

Union County is requesting to add the opportunity for an additional dwelling unit (ADU) in all of the County's rural residential zones (R-1, R-2, R-3 & R-4). On May 8, 2023, Senate Bill 644 was signed into Oregon law. Senate Bill 644 allows ADUs in rural residential zoned areas, subject to certain conditions, including but not limited to the following- the parcel must be two acres or greater in size; the ADU can't be located more than 100 feet from the existing dwelling; the ADU is limited to 900 square feet of useable floor space and the ADU cannot be utilized for vacation rental occupancy. The intent is to alleviate some of the housing supply shortage facing Oregon communities.

### III. STAFF COMMENT

Based on feedback from the work session held on August 28, 2023, Staff recommends eliminating the opportunity for three dwellings on a parcel by either removing the temporary hardship dwelling opportunity in the residential zones or adding language to the ordinance that makes it clear that an applicant with an existing ADU cannot submit an application for a temporary medical hardship dwelling and an applicant with an existing temporary medical hardship dwelling cannot submit an application for an ADU.

### IV. SUGGESTED FINDINGS OF FACT

The Planning Commission may use the following findings which are relevant to justify approval or denial of the application plus add additional findings as brought out through testimony presented at the public hearing. Obviously, each of the following findings will tend to support or deny the application. Only those which support the Planning Commission's motion should be read into the record moving to approve or deny the request.

A. CRITERIA

1. UCZPSO Section 23.05 3. identifies the criteria that must be satisfied to gain zone text amendment approval.

B. BASIC FINDINGS

2. Union County is requesting to add the opportunity for an additional dwelling unit (ADU) in all of the County's rural residential zones (R-1, R-2, R-3 & R-4).
3. On May 8, 2023, Senate Bill 644 was signed into Oregon law. Senate Bill 644 allows ADUs in rural residential zoned areas, subject to certain conditions, including but not limited to the following- the parcel must be two acres or greater in size; the ADU can't be located more than 100 feet from the existing dwelling; the ADU is limited to 900 square feet of useable floor space and the ADU cannot be utilized for vacation rental occupancy.
4. The intent of Senate Bill 644 is to alleviate some of the housing supply shortage facing Oregon communities.
5. The USDA Natural Resource Conservation Service soils information does not pertain to this application request because all of the areas are pre-existing Goal 2 Exception Areas and the request does not involve a specific site(s).

C. ULTIMATE FINDINGS

6. The applicant has (has not) satisfied UCZPSO Section 23.05 3. to recommend approval to the Union County Board of Commissioners for the following reasons...

## **NOTICE of PUBLIC HEARING UNION COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN, the Union County Planning Commission, meeting in regular session, **Monday, January 22, 2024, 7:00 p.m.**, Daniel Chaplin Building Conference Room, 1001 Fourth Street, La Grande, will consider an application submitted by Union County to review, discuss and potentially change the Union County Zoning Partition and Subdivision Ordinance to allow the opportunity for Rural Accessory Dwelling Units in the County's R-1 Rural Center Zone, R-2 Rural Residential Zone, R-3 Farm Residential Zone and R-4 Forest Residential Zone.

The meeting location is accessible to persons with disabilities; a request for accommodations should be made at least 48 hours before the meeting by calling (541) 963-1014.

To listen via Zoom: call **(253) 215-8782** or **(669) 900-6833**; meeting ID **957 9307 1503**.

The applicable Land Use Regulations are found in Union County Zoning, Partition & Subdivision Ordinance Section 23.05.3 and Oregon Senate Bill 644. As a property owner within 250 feet of the subject property, you are entitled to notice of this application and may submit written testimony either in support or in opposition of the proposal. Failure to raise a specific issue with sufficient specificity at the local level precludes appeal to LUBA based on that issue. The application, all information related to the proposal, and a staff report are available for review at no cost in the Planning Department office; copies can be supplied at a reasonable cost.

Scott Hartell, Union County Planning Director  
Union County Planning Department • 1001 4<sup>th</sup> Street, Suite C • La Grande, OR 97850 • (541) 963-1014

This notice was published and circulated on or before January 11, 2024

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# UNION COUNTY Planning Department

Scott Hartell, Planning Director

1001 4th Street, Suite C

La Grande, OR 97850

PHONE (541) 963-1014

FAX (541)963-1039

Submit application by second Monday for hearings on fourth Monday

## RETURN TO UNION COUNTY PLANNING DEPARTMENT

- \_\_\_\_\_ Minor Partition
- \_\_\_\_\_ Major Partition
- \_\_\_\_\_ Conditional Use
- \_\_\_\_\_ Variance
- Other: Legislative Review - Rural Additional Dwelling Units

A. APPLICANT (1) Union County Planning owner and/or  
(2) \_\_\_\_\_

authorized agent of real property described as:

| Twp.  | Range | Section | Tax Lot |
|-------|-------|---------|---------|
| _____ | _____ | _____   | _____   |
| _____ | _____ | _____   | _____   |

B. The applicant requests the following in accordance with the provisions of the Union County Zoning Ordinances:

It is proposed to review, discuss and potentially change the UCZSO to allow the opportunity for ADU's in residential zones

C. Evidence supporting the request: (Attach additional materials if necessary)

The applicant alleges that the approval of the application or change would be in harmony with the intent and purpose of said zoning ordinances and that the proposed use conforms to the standards and/or criteria prescribed therefore in said ordinances and would not be detrimental to property or persons in the neighborhood for the following reasons see attached

D. A tentative plan attached including:

- 1) Vicinity map marked "Exhibit A"
- 2) Detailed plot plan marked "Exhibit B" and
- 3) Statements of explanatory information marked "Exhibit C"
- 4) \$ 0, being the fee provided by Ordinance, is attached.

Signature(s) Authorized Agent

Signature(s) of all landowners

Street/Mailing Address

Street/Mailing Address

City, State, Zip Code

City, State, Zip Code

Phone Number

Phone Number

Scott Hartell  
1001 4th St Suite C  
LaGrande, OR 97850  
541-963-1014

### Responses to UCZPSO Section 23.05 3.

3. A decision on a Land Use Plan text or map amendment by the Planning Commission and Board of Commissioners shall be based on the applicant's ability to meet all of the following:

A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.

*Due to social, economic and environmental changes, Governor Tina Kotek signed Senate Bill 644 into Oregon law on May 8, 2023. This law allows rural accessory dwelling units (ADUs) in rural residential zoned areas, subject to certain conditions, but does not require the adoption of a statewide wildfire risk map required by Senate Bill 391 which was signed into law on June 23, 2021. Allowing for ADUs in rural residential zones creates a tool for counties to provide additional housing options with minimal additional public resources, and increase the supply of long-term rental, supportive, and multigenerational housing to alleviate at least some of the housing supply shortage that many Oregon communities, including Union County, are facing.*

*Community attitudes have changed. The Union County Planning Department receives inquiries almost daily regarding the opportunity for accessory dwelling units in all of the County's zones.*

B. Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed.

*Senate Bill 644 is specific to County lots or parcels zoned for rural residential use. This request includes all county residentially zoned properties- R-1 (Rural Center), R-2 (Rural Residential), R-3 (Farm Residential) and R-4 (Forest Residential) that are 2.0 acres in size or greater.*

C. All applications to take an exception or exclude certain land from the requirements of one or more applicable statewide planning goals shall be reviewed against the requirements in OAR Chapter 660, Division 4.

*This request does not include any exceptions or exclusions of land from applicable statewide planning goals.*

D. Determine whether the amendment significantly affects a transportation facility. The amendment shall assure that land uses are consistent with the function, capacity, and level

of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
- Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

A plan or land use regulation amendment significantly affects a transportation facility if it:

- Changes the functional classification of an existing or planned transportation facility;
- Changes standards implementing a functional classification system;
- Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

*While some additional housing scattered throughout the County may have some impact on the existing or planned transportation facility, it would not be significant enough to change the functional classification, change the standards implementing a functional classification system, result in levels of travel or access that are inconsistent with the functional classification or reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.*

ARTICLE 6.00  
R-1 RURAL CENTER ZONE

6.01 PURPOSE

The Rural Center Zone is intended to provide minimum standards for a variety of residential, recreation, commercial, industrial or public uses as may be located in a rural or recreational community. Development shall be in accord with the Rural Community/Recreation Center Land Use Plan classification provisions.

6.02 PERMITTED USES

The following uses are permitted outright in an R-1 Zone:

1. Raising, harvesting, storing or selling crops for the purpose of making a profit.
2. Breeding, feeding, production, managing and selling livestock, poultry, fish, furbearing animals or honeybees.
3. Dairying and sale of dairy products.
4. Other agriculture, horticulture or animal husbandry uses or activities.
5. Propagation and/or harvesting of a forest product.
6. Single-family dwelling per land unit meeting minimum lot size requirements.
7. Rehabilitation, replacements, minor betterment repairs and improvements and other similar construction activities on private or public parks, playgrounds or community centers which are not considered to have land use impacts.
8. Residential home per ORS 197.665.
9. Alteration, restoration, or replacement of a lawfully established dwelling if:
  - a. The following facilities are existing and functional:
    - A. Intact exterior walls and roof structure;
    - B. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - C. Has interior wiring for lights; and
    - D. Has a heating system.
  - b. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.



10. Single-family dwelling on a lawfully created, pre-existing substandard lot or parcel; platted prior to January 1, 2016; less than the minimum lot size of the zone where the subject lot or parcel can qualify for an Oregon Department of Environmental Quality approved subsurface sewage disposal system and demonstrate an adequate water supply for one single-family dwelling.

### 6.03 CONDITIONAL USES

The following uses may be established in an R-1 Zone subject to the approval of the Planning Commission

1. Any use permitted as a conditional use in an A-1 Zone and not listed specifically as a permitted or conditional use in this zone.
2. Utility facilities.
3. Amusement or recreation uses.
4. Lodges, hotels or motels.
5. Restaurants.
6. Campground or travel trailer or motor home park.
7. Mobile home parks.
8. Cemeteries.
9. Duplex.
10. Multi-family dwelling.
11. Planned unit development.
12. Home occupations
13. Other uses per criteria in Section 19.06 2.
14. One accessory dwelling unit (ADU).
  - 1) Subject to the following:
    - A. The lot or parcel is two (2) acres or greater in size;
    - B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
    - C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will 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;

- D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and
  - E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.
- 2) In the event approval is granted, the following standards and limitations shall apply:
- A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.
  - B. The accessory dwelling unit is limited to 900 square feet of useable floor space.
  - C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
  - D. The accessory dwelling unit cannot be utilized for vacation rental occupancy
  - E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
  - F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.

#### 6.04 MINIMUM LOT SIZE

The lot size in the R-1 Zone shall be one-acre where Oregon Department of Environmental Quality subsurface sewage disposal approval can be obtained; or where public services such as public access, and public water supply or public sewer already exist or are needed to avoid an identified public health hazard the minimum lot size shall be 20,000 square feet.

#### 6.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in the R-1 Zone:

1. All Structures shall be set back from property lines a minimum of 20-feet front yard, 10-foot back yard, and 5-foot side yards, except that on a corner lot the side yard on the street side shall be a minimum of 20-feet.
2. The highest floor of a permanently or temporarily occupied dwelling shall not exceed 35 feet.
3. Minimum lot width shall be 100 feet.
4. The minimum lot depth shall be 100 feet.

5. Animals other than cats, dogs and other domestic pets shall be provided at least 10,000 square feet of area and shall be limited to the following density per 10,000 square feet:
  - A. One horse, cow or pig.
  - B. Five sheep or goats.
  - C. Twenty-four chickens or rabbits.
  - D. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days, shall not be considered in calculating the number of allowable animals.
6. Parking space shall be in accord with Section 18.11 of this ordinance.

#### 6.06 Fire Siting Standards

The following standards shall apply to all development in an R-1 Rural Center Zone. Fire siting standards (items 5-11) shall apply only to new dwellings and related structures in the R-1 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

1. Signs shall be limited to the following:
  - a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
  - b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:
    - A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
    - B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
    - C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
    - D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
  - c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.
  - d. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers

provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.

- e. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.
  - f. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.
2. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the ~~governing body~~ applicant may shall provide an alternate means of protecting the dwelling from fire hazards. The means selected may shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

3. Access and Evacuation
- a. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
    - 1. Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
    - 2. Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.

- b. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
- c. A vertical clearance of 14 feet 6 inches.
- d. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.
- e. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.
- f. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

#### 4. Defensible Space

- a. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
- b. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.
- c. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
- d. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.
- e. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.
- f. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.
- g. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.
- h. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of

the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.

- i. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.
- j. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.
5. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.
  - a. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.
  - b. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.
  - c. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.
  - d. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.
  - e. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.
  - f. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.
  - g. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

ARTICLE 7.00  
R-2 RURAL RESIDENTIAL USE ZONE

7.01 PURPOSE

The Rural Residential Zone is intended to provide minimum standards for development of residential uses in those areas designated on Zoning maps as Rural Residential. Development shall be in accord with Rural Residential Land Use Plan classification provisions.

7.02 PERMITTED USES

The following uses may be established in an R-2 Zone:

1. Any use permitted outright in an R-1 Zone.

7.03 CONDITIONAL USES

The following uses may be established in an R-2 Zone as conditional uses subject to the approval of the Planning Commission.

1. Cemetery.
2. Schools, parks, or playgrounds.
3. Golf course.
4. Grange hall, community center or church.
5. Geothermal exploration and development.
6. Aggregate and mineral exploration, mining and processing.
7. Utility facilities.
8. Other public buildings or facility.
9. Radio or television transmitter or tower.
10. Home occupations.
11. Planned unit development
12. Commercial activities undertaken in conjunction with farm use.
13. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
  - a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
  - b. The permit authorizing such manufactured homes shall be reviewed every two years. When the hardship ends, the temporary dwelling shall be removed.
  - c. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirmed person or persons.
  - d. Each application for a temporary hardship dwelling shall include a Letter to Primary Care Provider and Certificate by Primary Care Physician. Biannual

review requires the applicant to complete and submit a new Certificate by Primary Care Physician to the County Planning Department.

14. One accessory dwelling unit (ADU).
  - 1) Subject to the following:
    - A. The lot or parcel is two (2) acres or greater in size;
    - B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
    - C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will 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;
    - D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and
    - E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.
  - 2) In the event approval is granted, the following standards and limitations shall apply:
    - A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.
    - B. The accessory dwelling unit is limited to 900 square feet of useable floor space.
    - C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
    - D. The accessory dwelling unit cannot be utilized for vacation rental occupancy
    - E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
    - F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.



15. Water bottling facilities.

#### 7.04 MINIMUM LOT SIZE

The lot size in the R-2 Zone shall be one-acre-where Oregon Department of Environmental Quality subsurface sewage disposal approval can be obtained; or where public services such as public access, and public water supply or public sewer already exist or are needed to avoid an identified public health hazard the minimum lot size shall be 20,000 square feet.

#### 7.05 DEVELOPMENT STANDARDS

Development in the R-2 Zone shall be the same as standards in the R-1 Zone.

ARTICLE 8.00  
R-3 FARM RESIDENTIAL ZONE

8.01 PURPOSE

The Farm Residential Zone is intended to provide areas suitable and desirable for small agricultural uses and rural living opportunities. Development shall be in accord with Farm Residential Land Use Plan classification provisions.

8.02 PERMITTED USES

The following uses are permitted outright in an R-3 Zone:

1. Any use permitted outright in an R-1 Zone.

8.03 CONDITIONAL USES

The following uses may be established in an R-3 Zone as conditional uses subject to the approval of the Planning Commission

1. Cemetery.
2. Schools, parks, or playgrounds.
3. Utility facilities.
4. Home Occupation.
5. Commercial activities undertaken in conjunction with farm use.
6. Geothermal exploration or development.
7. Aggregate and mineral exploration, mining and processing.
8. Boarding of dogs for profit.
9. Temporary dwellings.
10. Churches
11. Private Parks
12. One accessory dwelling unit (ADU).
  - 1) Subject to the following:
    - A. The lot or parcel is two (2) acres or greater in size;
    - B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
    - C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will 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;
    - D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for

defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and

- E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.
- 2) In the event approval is granted, the following standards and limitations shall apply:
- A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.
  - B. The accessory dwelling unit is limited to 900 square feet of useable floor space.
  - C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
  - D. The accessory dwelling unit cannot be utilized for vacation rental occupancy
  - E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
  - F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.

#### 8.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the R-3 Zone shall be ten acres.

#### 8.05 DEVELOPMENT STANDARDS

- 1. All structures shall be set back from property lines a minimum of 20-feet front and rear yards and 10-feet side yards.
- 2. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.

#### 8.06 Fire Siting Standards

The following standards shall apply to all development in an R-3 Farm Residential Zone. Fire siting standards (items 5-11) shall apply only to new dwellings and related structures in the R-3 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

- 1. Signs shall be limited to the following:
  - a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

- b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:
  - A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
  - B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
  - C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
  - D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
- c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.
- d. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.
- e. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.
- f. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.
- 2. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required

for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

3. Access and Evacuation
  - a. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
    1. Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
    2. Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.
  - b. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
  - c. A vertical clearance of 14 feet 6 inches.
  - d. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.
  - e. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.
  - f. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

4. Defensible Space
  - a. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
  - b. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.
  - c. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
  - d. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.
  - e. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.
  - f. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.
  - g. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.
  - h. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.
  - i. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.
  - j. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.

5. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.
  - a. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.
  - b. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.
  - c. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.
  - d. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.
  - e. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.
  - f. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.
  - g. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

ARTICLE 9.00  
R-4 FOREST RESIDENTIAL ZONE

9.01 PURPOSE

The Forest Residential Zone is intended to provide areas suitable and desirable for small acreage forest uses and seasonal or full-time living opportunities.

9.02 PERMITTED USES

The following uses are permitted outright in an R-4 Zone:

1. Any use permitted outright in an R-1 Zone.

9.03 CONDITIONAL USES

The following uses may be established in an R-4 Zone subject to the approval of the Planning Commission

1. Utility facilities necessary for public service including, but not limited to, substations, power generating facilities for public use and sale, and/or other related structural uses.
2. Commercial activities that are in conjunction with forest use.
3. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
4. Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.
5. Golf courses.
6. Churches.
7. Public or private schools.
8. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
9. Single-family dwellings not provided in conjunction with forest use may be established subject to finding that the dwelling:
  - A. Is compatible with forest uses as defined and is consistent with the intent and purpose set forth in Oregon Agricultural Land Use Policies in ORS 215.243.
  - B. Does not interfere seriously with accepted forest practices as defined on adjacent lands.



- C. Does not materially alter the stability of the overall land use pattern which could establish a trend for the area.
  - D. Is situated upon generally unsuitable land for the production of timber and farm crops and livestock, considering the terrain, adverse soils or land conditions, drainage and flooding, vegetation, location and size of the tract.
  - E. Does not interfere with open space values.
  - F. Complies with such other conditions as the governing body considers necessary-
10. Home occupation subject to standards in Section 21.07 2.
  11. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming or forest practices and is compatible with farm and forest uses as defined. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber growth upon a parcel of land or contiguous land where the primary processing facility is located.
  12. Aggregate, mineral, or other resource exploration, mining, and processing.
  13. Operations conducted for the mining and processing of geothermal resources.
  14. The boarding of horses for profit.
  15. A site for the disposal of solid waste with equipment, facilities or buildings necessary for its operation.
  16. One accessory dwelling unit (ADU).
    - 1) Subject to the following:
      - A. The lot or parcel is two (2) acres or greater in size;
      - B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
      - C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will 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;

- D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and
  - E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.
- 2) In the event approval is granted, the following standards and limitations shall apply:
- A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.
  - B. The accessory dwelling unit is limited to 900 square feet of useable floor space.
  - C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
  - D. The accessory dwelling unit cannot be utilized for vacation rental occupancy
  - E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
  - F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.

#### 9.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the R-4 Zone shall be 10 acres.

#### 9.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an R-4 Zone:

1. All structures are subject to Site Plan Requirements in accordance with Section 20.10
2. All structures shall be set back from property lines a minimum of 20-foot front and rear yards and 10-foot side yards.

## 9.06 Fire Siting Standards

The following standards shall apply to all development in an R-4 Forest Residential Zone. Fire siting standards (items 5-11) shall apply only to new dwellings and related structures in the R-4 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one quarter mile of forest land areas.

1. Signs shall be limited to the following:
  - a. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
  - b. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:
    - A. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
    - B. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
    - C. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
    - D. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
  - c. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.
  - d. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.
  - e. Signs identifying pertinent information such as "dead end road", "bridge out", and so forth, shall be appropriately placed as designated by Union County.
  - f. Signs identifying location of a fire-fighting water source and each assess to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.
2. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is

not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected shall include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

3. Access and Evacuation

- a. Road Construction – All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
  1. Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
  2. Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.
- b. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
- c. A vertical clearance of 14 feet 6 inches.
- d. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.

- e. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.
- f. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.
- 4. Defensible Space
  - a. Fuel Load Reduction – Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
  - b. Ground Fuel – Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.
  - c. Thinning and Pruning – Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
  - d. Dead Trees – Dead trees within a dwelling's defensible space shall be removed.
  - e. Ladder Fuels – No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.
  - f. Landscaping – Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.
  - g. Secondary Fuel Breaks – The applicant for a dwelling within a predominantly forested area or within ¼ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.
  - h. Secondary Fuel Break Maintenance – If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.
  - i. Defensible Space Maintenance – The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not

permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.

- j. Location – The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.
- 5. Design and Construction – All buildings in identified forestland areas or within one quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.
  - a. Roofing – Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.
  - b. Re-roofing or Roofing Repair of Existing Structures and Dwellings – When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.
  - c. Attic and Sub-floor Ventilation – All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.
  - d. Eaves – Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.
  - e. Overhanging Projections and Buildings – Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.
  - f. Chimneys and Flues – Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.
  - g. Mobile and Manufactured Homes – shall be skirted with noncombustible materials.

# Senate Bill 644

Sponsored by Senator KNOPP (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes certain requirements relating to wildfire risk maps for development of accessory dwelling units on lands zoned for rural residential use.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units on lands zoned for rural residential use; amending ORS 215.495;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 215.495, as amended by section 5, chapter 85, Oregon Laws 2022, is amended  
6 to read:

7 215.495. (1) As used in this section:

8 (a) "Accessory dwelling unit" has the meaning given that term in ORS 215.501.

9 (b) "Area zoned for rural residential use" has the meaning given that term in ORS 215.501.

10 (c) "Single-family dwelling" has the meaning given that term in ORS 215.501.

11 (2) Consistent with a county's comprehensive plan, a county may allow an owner of a lot or  
12 parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the  
13 lot or parcel, provided:

14 (a) The lot or parcel is not located within an area designated as an urban reserve as defined in  
15 ORS 195.137;

16 (b) The lot or parcel is at least two acres in size;

17 (c) One single-family dwelling is sited on the lot or parcel;

18 (d) The existing single-family dwelling property on the lot or parcel is not subject to an order  
19 declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

20 (e) The accessory dwelling unit will comply with all applicable laws and regulations relating to  
21 sanitation and wastewater disposal and treatment;

22 (f) The accessory dwelling unit will not include more than 900 square feet of usable floor area;

23 (g) The accessory dwelling unit will be located no farther than 100 feet from the existing  
24 single-family dwelling;

25 (h) If the water supply source for the accessory dwelling unit or associated lands or gardens  
26 will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within  
27 an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been re-  
28 stricted by the Water Resources Commission;

29 (i) No portion of the lot or parcel is within a designated area of critical state concern;

30 (j) The lot or parcel is served by a fire protection service provider with professionals who have  
31 received training or certification described in ORS 181A.410;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (k) *[If the lot or parcel is in an area identified on the statewide map of wildfire risk described in*  
2 *ORS 477.490 as within the wildland-urban interface,]* The lot or parcel and accessory dwelling unit  
3 comply with any applicable minimum defensible space requirements for wildfire risk reduction es-  
4 tablished by the State Fire Marshal under ORS 476.392 and any applicable local requirements for  
5 defensible space established by a local government pursuant to ORS 476.392; **and**

6 *[(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit complies*  
7 *with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area;*  
8 *and]*

9 *[(m)]* **(L)** The county has adopted land use regulations that ensure that **the accessory dwelling**  
10 **unit has adequate:**

11 **(A)** *[The accessory dwelling unit has adequate]* Setbacks from adjacent lands zoned for resource  
12 use; **and**

13 **(B)** *[The accessory dwelling unit has adequate]* Access for firefighting equipment, safe evacuation  
14 and staged evacuation areas[; *and*].

15 *[(C) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk*  
16 *described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies*  
17 *with the provisions of this section and any applicable local requirements for defensible space estab-*  
18 *lished by a local government pursuant to ORS 476.392.]*

19 **(3)** A county may not allow an accessory dwelling unit allowed under this section to be used for  
20 vacation occupancy, as defined in ORS 90.100.

21 **(4)** A county that allows construction of an accessory dwelling unit under this section may not  
22 approve:

23 **(a)** A subdivision, partition or other division of the lot or parcel so that the existing single-family  
24 dwelling is situated on a different lot or parcel than the accessory dwelling unit.

25 **(b)** Construction of an additional accessory dwelling unit on the same lot or parcel.

26 **(5)** A county may require that an accessory dwelling unit constructed under this section be  
27 served by the same water supply source or water supply system as the existing single-family dwell-  
28 ing, provided such use is allowed for the accessory dwelling unit by an existing water right or a use  
29 under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the ac-  
30 cessory dwelling unit shall maintain all setbacks from the well required by the Water Resources  
31 Commission or Water Resources Department.

32 **(6)** An existing single-family dwelling and an accessory dwelling unit allowed under this section  
33 are considered a single unit for the purposes of calculating exemptions under ORS 537.545 (1).

34 **(7)** Nothing in this section requires a county to allow any accessory dwelling units in areas  
35 zoned for rural residential use or prohibits a county from imposing any additional restrictions on  
36 accessory dwelling units in areas zoned for rural residential use, including restrictions on the con-  
37 struction of garages and outbuildings that support an accessory dwelling unit.

38 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**  
39 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
40 **on its passage.**



**SB644 Measure History**

|          |  |
|----------|--|
| 1-9 (S)  | Introduction and first reading. Referred to President's desk.                                      |
| 1-13 (S) | Referred to Natural Resources.   |
| 3-1 (S)  | <a href="#">Public Hearing held.</a>   |
| 3-15 (S) | <a href="#">Work Session held.</a>   |
| 3-22 (S) | Recommendation: Do pass with amendments. (Printed A-Eng.)  |
| 3-23 (S) | Second reading.  |
| 3-27 (S) | Carried over to 03-28 by unanimous consent.  |
| 3-28 (S) | Third reading. Carried by Knopp. Passed. Ayes, 27; Nays, 2--Boquist, Robinson; Excused, 1--Gorsek. |
| 3-28 (S) | Findley declared potential conflict of interest.   |
| 3-29 (H) | First reading. Referred to Speaker's desk.   |
| 4-3 (H)  | Referred to Climate, Energy, and Environment.  |
| 4-12 (H) | Public Hearing cancelled.  |
| 4-17 (H) | <a href="#">Public Hearing held.</a>   |
| 4-19 (H) | <a href="#">Work Session held.</a>   |
| 4-20 (H) | Recommendation: Do pass.   |
| 4-24 (H) | Second reading.  |
| 4-25 (H) | Rules suspended. Carried over to April 26, 2023 Calendar.  |
| 4-26 (H) | Third reading. Carried by Marsh. Passed. Ayes, 59; Excused, 1--Javadi.                             |
| 4-26 (H) | Vote explanation(s) filed by Morgan.   |
| 4-27 (S) | President signed.  |
| 5-1 (H)  | Speaker signed.  |
| 5-8 (S)  | Governor signed.   |
| 5-16 (S) | Chapter 76, 2023 Laws.   |
| 5-16 (S) | Effective date, May 8, 2023.   |