



**Mailing Date:**  
Thursday, March 28, 2024

## Coos County Community Development

ITEM Number: Agenda Item C

FILE NUMBER: AM-24-002

HEARING DATE: Thursday, March 7, 2024

HEARING LOCATION: 201 N. Adams Street, Coquille Oregon 97423  
This meeting can be attended virtually at:  
<https://meet.goto.com/940158709>  
You can also dial in using your phone.  
Access Code: 940-158-709  
United States: +1 (224) 501-3412

APPLICANT(s): Coos County

STAFF CONTACT: Jill Rolfe, Planning Director  
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HEARINGS BODY: Planning Commission

SUMMARY/REQUEST: Work Session to consider text amendments to the Coos County Zoning and Land Development Ordinance

### **Proposed Changes and Background**

#### **Chapter 4 – Balance of County**

#### **HOUSING UPDATE – HB 4064**

Background: The State of Oregon Legislature passed HB4064 which directs local governments to update regulations regarding manufactured home within the urban growth boundary. There is UR-1 zoning within Bandon UGB (within the donut hole) and Myrtle Point UGB (north eastern portion of Sitkum Lane). Coos County has definitions for both manufactured homes and mobile homes, the difference is the date the structures were built. The House bill references specific ORS definitions, as show below.

A manufactured home defined under HB4064 is defined as: *SECTION 5. (3) “Manufactured dwelling,” “manufactured dwelling park,” “manufactured home” and “mobile home park” have the meanings given those terms in ORS 446.003.*

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Oregon ORS 446.003 defines manufactured dwellings as (21)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home. (b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or 455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

Change: The request is to change the Dwelling – Mobile Single Family from ‘N’ to ‘CD’ in the UR-1. Basically, Single Family Conventional, Mobile Single Family, and Manufactured Single Family will have the same planning standards in the urban residential zoning districts. Below is what the proposed changes are requested.

**SECTION 4.3.200 ZONING TABLES FOR URBAN AND RURAL RESIDENTIAL, MIXED COMMERCIAL-RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MINOR ESTUARY AND SOUTH SLOUGH** (please note the text direction was modified to fit on the page)

#	USE	UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS	MES	Subject
25	Dwelling – Manufacture d Single Family (ORS 446.003)	CD	CD	CD	CD	CD	CD	CD	N	N	N	N	N	N	(27)(f)
26	Dwelling – Mobile Single Family (ORS 446.003)	<del>N</del> CD	CD	CD	CD	CD	CD	CD	N	N	N	N	N	N	(27)(g)
30	Dwelling – Single Family Conventional	CD	CD	CD	CD	CD	CD	CD	N	N	N	N	N	N	(27)(k)

**SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS (27)**

(f) *Manufactured Homes-* structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. In the urban zones this type of dwelling shall meet the requirements of ORS 197.307.

(g) *Mobile Homes -* Structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15,



1976. Mobile Homes and Residential Trailers are prohibited in the Urban Residential-1 Zone. Residential Trailers are further prohibited in all zoning districts.

(k) Single family dwelling- A single household unit. Construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise allowed by under this ordinance.

## **VACATION RENTALS**

Background: According to staff from Coos Health & Wellness (CHW) staff, they have received direction from the Oregon Health Authority about the role of their authority in regulate short-term rentals. CHW Staff has requested the licensing requirements for single family dwellings to require a license to operate a vacation rental based on prior guidance. If multiple on site short-term rentals are requested, in duplex or multifamily complex, it would be treated similar to a motel/hotel use and be subject to licensing.

### **SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS**

*The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above.*

- (87) *Vacation rental/short term rental - Subject to the following criteria:*
- (a) *Shall be found to be compatible with the surrounding area.*
  - (b) **Shall May be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350<sup>1</sup>;**
  - (c) *Shall meet parking access, driveway and parking standards as identified in Chapter VII;*
  - (d) *Shall not be conveyed or otherwise transferred to a subsequent landowner without the new property owner submitting a Compliance Determination Application showing compliance with this section; and*
  - (e) *A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that this is an accessory use to the approved residential use. If located within Urban Growth Boundary further restrictions may be required based on comments from the City.*

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<sup>1</sup> Single Family Dwellings will not be required to obtain a license to be consistent with ORS 466.301-350. An initial inspection to address any health compliance may be required prior to receiving a Zoning Compliance Letter to operate the Vacation/Short-term rental.

## **ACCESSORY DWELLING UNITS (ADU)**

### **Section 4.3.210 Changes**

#### **BACKGROUND**

##### **Senate Bill 391/644**

On June 23, 2021, the Oregon Legislature adopted Senate Bill (SB) 391, which authorizes counties to allow an owner of a lot or parcel within a rural residential exception area to construct one accessory dwelling unit (ADU) subject to certain restrictions and limitations. SB 391 does not obligate a county to allow ADUs, nor does it prohibit a county from imposing any additional restrictions beyond what is mandated in state law.

Rural residential exception areas and their corresponding zones exist throughout Oregon. By definition, rural residential zones exist outside urban growth boundaries (UGBs), but are excluded from the state's resource land (farm and forest zone) protections. While the protections afforded to resource lands allow residential uses only in conjunction with a farm or forest use, rural residential zones allow a dwelling as a primary use of the land. Prior to the adoption of SB 391, state law allowed counties to permit an additional dwelling on a property containing a house built prior to 1945.2 However, unlike urban zones, rural residential zones did not have other by-right accessory dwelling options, making inter-generational and alternative housing options difficult to achieve.

SB 391 only authorizes ADUs on lands zoned for rural residential use. Areas zoned for rural residential use are defined by ORS 215.501 to mean "land that is not located inside a UGB as defined in ORS 195.060 (Definitions) and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use." The applicable zoning designations in Coos County for these lands are Rural Residential-2 (RR-2), Rural Residential-5 (RR-5).


In 2023 legislation was passed by the Oregon Legislature which modified SB 391. Specifically, SB 644 was passed which provides direction to local jurisdictions looking to adopt rural ADU standards prior to formal release of the Statewide Wildfire Hazard Map required by SB 762. Additionally, SB 80 was passed which alters the original standards and terminology used within the forthcoming Statewide Wildfire Hazard Map. Further details regarding SB 644 and SB 80 are discussed in following sections.

##### **Senate Bill 762**

There may be some properties in rural Coos County that will be subject to new wildfire mitigation measures as approved under SB 762. One of the primary pieces of SB 762 is the creation of a comprehensive Statewide Wildfire Hazard Map to guide new wildfire regulations for development. The initial hazard map was made available on June 30, 2022. However, based on significant concern from citizens and interest groups through the state, the Oregon Department of Forestry (ODF) withdrew the initial map to provide more time for additional public outreach and refinement of hazard classification methodologies. At this time, it is staff's understanding that ODF anticipates releasing new draft hazard maps in mid-2024.

Due to the current unavailability of the wildfire hazard maps, staff cannot provide specific

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estimates on the number of properties which may be subject to additional wildfire mitigation standards. The specific language of SB 391 originally mandated that no properties would be eligible for rural ADUs, despite adoption of County standards which approve said use within the County Comprehensive Plan and zoning ordinances, until such time as a new iteration of a Statewide Wildfire Hazard Map is formally released by ODF.

Under SB 762, once these hazard maps are finalized, properties included in **both** a designated Wildland Urban Interface (WUI) boundary and classified as high hazard will be subject to additional development regulations. SB 762 requires that, at minimum, local governments ensure that properties meeting both of these standards will be subject to:

- 1) Home hardening building codes as described in section R327 of the Oregon Residential Specialty Code.
- 2) Defensible space standards as determined by the Oregon State Fire Marshal.

At present, the State Fire Marshal has yet to develop final statewide defensible space requirements.

#### **Senate Bill 644**

SB 644 was passed by the Oregon State Legislature. SB 644 temporarily decouples the Statewide Wildfire Hazard Map from the adoption of any local rules allowing rural ADUs. During any interim period where a local jurisdiction has adopted rules allowing rural ADUs and prior to the release of the final hazard map, any constructed ADUs will be subject to the home hardening building codes as described in section R327 of the Oregon Residential Specialty Code. Additionally, SB 644 requires that any ADUs constructed within a designated WUI shall meet the minimum defensible space rules established by the State Fire Marshal.


SB 644 does not identify defensible space standards for ADUs constructed prior to the release of the Statewide Wildfire Hazard Map. To provide for clear and objective standards, staff has proposed supplemental defensible space rules for all ADU development which occurs prior to adoption and release of the Statewide Wildfire Hazard Map. The proposed defensible space standards are based on existing rules within the Forest Use Zones (F/FMU).

#### **Senate Bill 80**

SB 80 was recently in 2023 by the Oregon State Legislature. SB 80 alters several components of the wildfire hazard map mandated by SB 762. As it relates to rural ADU standards, SB 80 changes the name of the “Statewide Map of Wildfire Risk” to the “Statewide Wildfire Hazard Map.” Additionally, the bill reduces the number of hazard classifications from five to three: high, moderate, and low. The currently proposed ADU amendments reflect these changes where appropriate.

SB 391 and SB 644 contain several provisions related to properties eligible for rural ADUs which cannot be amended by counties. Those criteria and restrictions are listed in the table below:

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Eligibility	Restrictions
<b>1. Rural Residential Exception Areas, Minimum Lot Size, and Dwelling Requirements</b>	<ul style="list-style-type: none"> <li>Applies to Rural Residential RR-2 and RR-5</li> <li>Lot or parcel must be at least two (2) acres in size.</li> <li>One (1) single-family dwelling must be sited on the lot or parcel.</li> </ul>
<b>2. Existing Dwelling Nuisance</b>	<ul style="list-style-type: none"> <li>The existing single-family dwelling is not subject to an order declaring it a nuisance or pending action under ORS 105.550 to 105.600.</li> </ul>
<b>3. ADU Sanitation Requirements</b>	<ul style="list-style-type: none"> <li>The ADU must comply with all applicable laws and regulations relating to sanitization and wastewater disposal and treatment.</li> </ul>
<b>4. ADU Square Footage Requirements</b>	<ul style="list-style-type: none"> <li>The ADU cannot include more than 900 square feet of useable floor area.</li> </ul>
<b>5. ADU Distance Requirements</b>	<ul style="list-style-type: none"> <li>The ADU is required to be located no farther than 100 feet from the existing single-family dwelling.</li> </ul>
<b>6. ADU Water Supply Requirements</b>	<ul style="list-style-type: none"> <li>If the ADU is relying on a domestic well, no portion of the lot or parcel can be within new or existing ground water uses restricted by the Water Resource Commission.</li> </ul>
<b>7. ADU Water Supply Source Option</b>	<ul style="list-style-type: none"> <li>A county may require that an ADU be served by the same water supply source or water supply system as the existing single-family dwelling, provided such is allowed by an existing water right or a use under ORS 537.545 (exempt uses).</li> </ul>
<b>8. ADU Setback Requirements</b>	<ul style="list-style-type: none"> <li>The ADU is required to have adequate setbacks from adjacent lands zoned Exclusive Farm Use (EFU) or Forest Use (F/FMU).</li> </ul>
<b>9. ADU / Statewide Wildfire Map Requirements</b>	<ul style="list-style-type: none"> <li>Applies to properties identified as high hazard and/or located within a designated wildland urban interface (WUI) on the statewide wildfire hazard maps established per SB 762 and SB 80.</li> <li>ADUs on properties identified as high hazard are required to comply with the Oregon Residential Specialty Code relating to wildfire hazard mitigation for the mapped area (R327.4).</li> <li>ADUs identified within a designated WUI on the statewide wildfire hazard maps are required to comply with the minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392.</li> <li>Per SB 644, prior to release of the statewide wildfire hazard maps, all ADUs, regardless of future hazard classification, are required to comply with the Oregon Residential Specialty Code relating to wildfire hazard mitigation (R327.4).</li> </ul>
<b>10. ADU / Outside Wildland- Urban Interface (WUI) Area Requirements</b>	<ul style="list-style-type: none"> <li>If the ADU is not subject to ORS 477.015 to 477.061 (i.e. outside of the newly-defined WUI), local jurisdictions can impose supplemental defensible space and fuel break standards.</li> </ul>
<b>11. ADU Adequate Access and Evacuation for Firefighting Requirements</b>	<ul style="list-style-type: none"> <li>Local regulations must ensure the ADU has adequate access for firefighting equipment, safe evacuation, and staged evacuation areas</li> </ul>

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Eligibility	Restrictions
<b>12. ADU Occupancy Requirements</b>	<ul style="list-style-type: none"> <li>ADUs cannot be allowed for vacation occupancy, as defined in ORS 90.100.</li> </ul>
<b>13. ADU Land Division Requirements</b>	<ul style="list-style-type: none"> <li>If an eligible property with an ADU is divided, the single-family dwelling and ADU cannot be situated on a different lot or parcel.</li> </ul>
<b>14. ADU / Additional Units</b>	<ul style="list-style-type: none"> <li>A second ADU is not allowed.</li> </ul>

***PROPOSED LANGUAGE CHANGE:***

Coos County is currently allowing Accessory Dwelling Units in certain urban zoning districts and allowing for Guest Houses on rural residential lands containing an existing dwelling. Below is the current language from the CCZLDO for ADUs and Guest Houses.

#	Use	Zones													Subject To
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS	MES	
18.	Accessory Uses and Structures to permitted residential	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	(1)
19.	Accessory Dwelling Unit														
	a. <i>ADU – Urban Zones</i>	<i>CD</i>	<i>CD</i>	<i>CD</i>	<i>N</i>	<i>N</i>	<i>CD</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>(27)(a)(A)</i>
	b. <i>ADU- Historical Dwellings</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>CD</i>	<i>CD</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>(27)(a)(B)</i>
	c. <i>ADU- Rural Residential Zones</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>CD</i>	<i>CD</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>(27)(a)(C)</i>
20.	Dwelling Dwelling (Two Family Dwelling)	CD	CD	CD	CD	CD	CD	CD	CD	N	N	N	N	N	(27)(A)

Section 4.3.210 (27)

*(a) Accessory Dwelling Unit –*

**(A) ACCESSORY DWELLING UNITS IN URBAN ZONES (UR-1, UR-2 AND UR-M)**

An Accessory Dwelling Unit (ADU) is defined as an interior, attached, or detached residential structure which is clearly accessory and incidental to that of a lawfully established single-family dwelling on the same lawfully created unit of land. For the purpose of this definition, interior means the ADU is located within a building that was not originally designed or used as an ADU. Attached means at least a portion of one wall or floor of the ADU is connected to a building. Detached means the ADU is not connected to any other building. A structure that qualifies as an apartment, duplex dwelling, multi-unit dwelling structure, an accessory building, or an accessory structure is not an ADU. ~~In order to qualify for an accessory dwelling unit a primary dwelling shall have existed or been approved as of July 1, 2018.~~ ADUs are subject to the following standards:

- (i) The ADU shall be located entirely inside the Urban Growth Boundary or Urban Unincorporated Community Boundary and is zoned for Urban Residential or Controlled Development;
- (ii) The ADU shall either be detached, attached, or located within the interior of a lawfully established single-family dwelling on a lawfully created unit of land and meet one of the following size requirements:
  1. On Properties served by water and sewer or meet the current one (1) acre density requirement for not having water and sewer, an ADU can be detached, attached or interior. The ADU shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling exceeds 800 square feet.
  2. On Properties not served by water and sewer and less than one (1) acre, an ADU can be detached, attached or interior. The accessory dwelling unit shall not exceed 500 square feet, or 75% of the floor area of the primary dwelling whichever is less.
  3. Calculation of size shall be made using the Coos County assessment square footage. If ~~there is no~~ data is ~~un~~available in the assessment records on the size of the existing dwelling unit ~~available~~ then ~~the~~ applicant shall supply a sworn statement of compliance and plot plan showing the size of the primary dwelling. No primary dwelling shall be converted to an accessory dwelling unless the dwelling is a historic dwelling pursuant to subsection e (Historical Dwellings Modifications) of this section.
- (iii) All ADUs shall comply with Oregon Residential Specialty Code which may require modification to one or more existing structures. Any structure not constructed for permanent human occupancy shall not be used as accessory dwelling units. These structures include recreational vehicles, park models, yurts or any other similar design. Any legal accessory structure, not described in the prior sentence, may be converted to an ADU as long as the floor area requirements are met.

(iv) ~~All development standards, with the exception of dwelling density and off street parking requirements to the extent they may conflict with allowance of an accessory dwelling, shall apply.~~

**All development standards will be upheld, except for the dwelling density and off-street parking requirements, which will be waived if they hinder the placement of the ADU. These exceptions will only be applied if enforcing them conflicts with the allowance of an accessory dwelling, and only to the extent necessary to facilitate such use.**

(v) The ADU shall not:

1. be accessory to a temporary dwelling;
2. be used as a short-term rental (vacation rentals). The applicant shall sign a covenant stating that the ADU cannot be used for a short-term rental and record it in the deed of records. This deed restriction shall apply until the property is annexed into the city or the restriction is otherwise removed.

**(B) ACCESSORY HISTORICAL DWELLING UNITS IN RURAL RESIDENTIAL (RR-2 AND RR-5)**

*(i) As Used in this section:*

1. *“Historic Accessory dwelling unit (‘ADU’)” means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, “auxiliary” means a use or structure incidental and subordinate to the main use of the property, and located on the same lot as the main use.*
2. *” Area zoned for rural residential use” means land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use. Qualified Rural Residential Zoned property will not qualify for an ADU.*
3. *“Historic home” means a single-family dwelling constructed between 1850 and 1945.*
4. *“New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.*
5. *“Place a manufactured home” for this purpose of this section only, means the placement of a manufactured home that did not previously exist on the subject lot of record; it may include the placement of a manufactured home that was previously used as a dwelling on another lot and moved to the subject lot of record.*
6. *“Single-family dwelling” for the purpose of this section only, means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.*

*(ii) An owner of a lot or parcel within an area zoned for Rural Residential use (RR-2 & RR-5) may construct a new single-family dwelling or place a manufactured dwelling on the lot or parcel, provided:*

1. *The lot or parcel is not located in an area designated as an urban reserve as defined in ORS 195.137;*
2. *The lot or parcel is at least two acres in size;*
3. *A historic home is sited on the lot or parcel;*
4. *The owner converts the historic home to an accessory dwelling unit upon completion of the new single-family dwelling or placement of a manufactured home; and*
5. *The accessory dwelling unit may be required to comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment*

*An owner who constructs a new single-family dwelling or places a manufactured home under subsection (B)(i) of this section must adhere to the following conditions:*

1. *Prohibitions: The owner may not:*
  - a. *Subdivide, partition, or otherwise divide the lot or parcel in a manner that separates the new single-family dwelling or manufactured home from the accessory dwelling unit.*
  - b. *Increase the square footage of the accessory dwelling unit beyond 120 percent of the historic home's square footage at the time of constructing the new single-family dwelling.*
  - c. *Rebuild the accessory dwelling unit if it is deemed a dangerous building due to fire or other natural disasters, as defined by the Uniform Code for the Abatement of Dangerous Buildings.*
  - d. *Construct an additional accessory dwelling unit on the same lot or parcel.*
2. *Water Supply: The new single-family dwelling constructed or manufactured home placed under this section may be required to use the same water supply source as the accessory dwelling unit.*
3. *Occupancy and Rental Restrictions: Owner occupancy of either the accessory dwelling unit or the new single-family dwelling is not mandatory. However, neither unit may be used for vacation rentals (short-term rentals of thirty consecutive days or less).*

**(C) ACCESSORY DWELLING UNITS IN RURAL RESIDENTIAL ZONES (RR-2 AND RR-5)**

- (i) *As used in this section:*
  1. *“Accessory dwelling unit” means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, “auxiliary” means a use or structure incidental and subordinate to the main use of the property, and located on the same lot as the main use.*
  2. *“Rural Residential Use” means a lot or parcel located in the RR-2 or RR-5 zones, consistent with the definition of ORS 215.501. Properties that are zoned Qualified Rural Residential will not qualify for an ADU.*
  3. *“Single-family dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.*

4. *“Useable floor area” means all areas of the accessory dwelling unit included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers.*

(ii) *One accessory dwelling unit (ADU) is permitted on a lot or parcel zoned for RR-2 or RR-5 provided:*

1. *The property is not within an urban reserve area.*
2. *The property size is at least two acres.*
3. *Only one single-family dwelling is present on the property.*
4. *The existing single-family dwelling is not declared a nuisance, facing legal actions, or in the process of foreclosure and the property taxes are current.*
5. *The accessory dwelling unit complies with onsite or approved community sanitation and wastewater regulations.*
6. *The accessory dwelling unit does not exceed 900 square feet in floor area.*
7. *The accessory dwelling unit is located within 100 feet of the existing single-family dwelling.*
8. *Accessory dwelling units must share the same water supply as the main dwelling, if legally allowed. Any well usage must adhere to setback requirements. If a well is used, there shall be no water use restrictions in the area or the property is not within a designated area of critical state concern.*
9. *The property is served by a fire protection service.*
10. *Vacation occupancy, as defined in ORS 90.100, is prohibited for accessory dwelling units allowed under this section.*
11. *The accessory dwelling unit shall not be divided from the primary dwelling.*

(iii) *Fire Restrictions:*

1. *If the lot or parcel falls within an area identified on the statewide map of wildfire risk as within the wildland-urban interface, the lot or parcel, as well as any accessory dwelling unit constructed thereon, must adhere to the following requirements: (i) Comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392. (ii) Adhere to any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.*
2. *In cases where statewide wildfire risk maps have been approved, the accessory dwelling unit must also comply with: (i) The Oregon residential specialty code pertaining to wildfire hazard mitigation for the mapped area.*
3. *Additionally, the county must have adopted land use regulations ensuring that:*
  - i. *The accessory dwelling unit that is proposed to be sited adjacent to lands zoned for resource use shall comply with all requirements of Section 4.11.132(f) Natural Hazards Wildfire.*
  - ii. *The accessory dwelling unit provides adequate access for firefighting equipment, safe evacuation, and staged evacuation*

*areas. Access, driveway and road standards are located in Chapter VII.*

- iii. If the accessory dwelling unit is not within the wildland-urban interface as identified on the statewide wildfire risk map, it must comply with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392*

**CHANGES TO FARM AND FOREST**

**Updated to Chapter 4 – Forest and Exclusive Farm Use.**

**1<sup>st</sup> Change** - Add into language for Accessory Structure in Forest zone. Staff is recommending that this be added into the use subject to compliance determinations. This would be consistent with how accessory structures are permitted in other zoning districts.

*SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones*

*(2)The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones. For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.*

<b>21. a</b>	<i>Agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building to another use. (ORS 215.760)</i>	<b>CD</b>	<b>(3)(r)</b>
<b>b</b>	<b>Accessory Structure</b>	<b>CD</b>	<b>(3)(s)</b>

**(3) PERMITTED OR USES SUBJECT TO COMPLIANCE DETERMINATIONS:**

*The following uses may be allowed outright on forest lands subject to the review identified in the use table for forest are listed as part of the use:*

- (s) ACCESSORY STRUCTURE – A building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use.**

**2nd Change** - HB 2192 - Aligns criteria for alteration, restoration or replacement of dwellings on lands zoned for forest use consistent with criteria applicable to dwellings on lands zoned for farm use. Repeals temporary changes made in 2013 to laws authorizing alteration, restoration or replacement for dwellings on lands zoned for exclusive farm use and further amends those laws. Effective Date: January 1, 2024 Requires rulemaking and rulemaking will not be complete until December 2024. At this time staff has included the language as codified in the statute and will amend at later date if the rulemaking changes the language significantly. This provision is listed twice in the ordinance and staff would like to eliminate the duplicated reference and included the new language. Subsection 18 will be eliminated as replacement dwelling is found in ORS

215.755 as a type of dwelling authorized under that statute. Therefore, staff is keeping the use under 64. The language in Exclusive Farm Use is also proposed to comply with the changes.

Forest, Farm and Natural Resource Uses			

18.	<del>Alteration, restoration or replacement of a lawfully established dwelling; RESERVED</del>	<del>CD</del>	<del>(3)(e)</del>
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<i>(9) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>			
64.	Replacement Dwelling (Other forestland dwellings 215.755)	ACU	(9)(B)(III)

**(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -**

**(III) REPLACEMENT DWELLING** - 215.755 other forestland dwellings; criteria. Subject to the approval of the governing body or its designee **through a compliance determination unless discretion has been applied requiring a land use decision**, the following dwellings may be established in any area zoned for forest use under a land use planning goal protecting forestland, provided that the requirements of the acknowledged comprehensive plan, land use regulations and other applicable provisions of law are met:

- ~~(1) (Replacement Dwelling) Alteration, restoration or replacement of a lawfully established dwelling that:
 
  - ~~(a) Has intact exterior walls and roof structure;~~
  - ~~(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
  - ~~(c) Has interior wiring for interior lights;~~
  - ~~(d) Has a heating system; and~~
  - ~~(e) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.~~~~
- ~~(2 & 3) Hardship dwelling and caretaker dwelling covered under uses requiring a conditional use.~~

1) **A lawfully established dwelling may be altered, restored, or replaced under ORS 215.213 (1)(q), 215.283 (1)(p), or 215.755 (1) if the county determines that the dwelling to be altered, restored, or replaced:**

- (a) **Has, or formerly had:**
  - (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) **Interior wiring for interior lights;**
  - (D) **A heating system; and**
- (b) (A) **If the value of the dwelling hasn't been eliminated due to destruction or demolition, it must have been assessed for property tax purposes as a dwelling for at least five years before the application date. Alternatively, it must have been assessed as a dwelling since the date it was erected or fixed to the land and became subject to property tax assessment, whichever is later.**

- (B) **If the value of the dwelling has been eliminated due to destruction or demolition, it still must have been assessed as a dwelling for property tax purposes for at least five years before the destruction or demolition date. Alternatively, it must have been assessed as a dwelling since the date it was erected or fixed to the land and became subject to property tax assessment, whichever is later.**
- 2) **For replacement of a lawfully established dwelling under this section:**
  - (a) **The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055. A demo permit shall be obtained and signed off prior to the certificate of occupancy has been completed.**
  - (b) **The replacement dwelling:**
    - (A) **May be sited on any part of the same lot or parcel.**
    - (B) **Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
    - (C) **Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**
      - (i) **The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or**
      - (ii) **No statewide map of wildfire risk has been adopted.**
  - (c) **As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.**
- 3) **The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.**
- 4) **If an applicant is granted a deferred replacement permit under this section:**
  - (a) **The deferred replacement permit:**
    - (A) **Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and**
    - (B) **May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. This condition shall be recorded on the deed prior to receiving a Zoning Compliance Letter.**
  - (b) **The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.**
- 5) **An application under this section must be filed within three years following the date that the dwelling last contained all the features listed under subsection (1)(a) of this section.**

- 6) **Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.**

EXCLUSIVE FARM USE (EFU)

**SECTION 4.6.200 EXCLUSIVE FARM USE – USE TABLES**

Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone. The tables describe the use, type of review, applicable review standards and Section 4.6.210 Development and Siting Standards. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

1.	a. Alteration, restoration, or replacement of a lawfully established dwelling. <del>(replaced within a year)</del>	CD (8) (30)	CD (8) (30)
	<del>b. Alteration, restoration, or replacement of a lawfully established dwelling. (DEFERRED REPLACEMENT)</del>	<del>ACU (8) (30)</del>	<del>ACU (8) (30)</del>

~~(8) REPLACEMENT DWELLING - Dwelling that no longer meets replacement criteria as described in subsection (8)(a)(A)(i) through (iv) of this section. This determination meets the requirements for a land use decision and shall reviewed as an Administrative Conditional Use (ACU).~~ **Subject to the approval of the governing body or its designee through a compliance determination unless discretion has been applied requiring a land use decision, the following dwellings may be established in any area zoned for Exclusive Farm Use (EFU) under a land use planning goal protecting forestland, provided that the requirements of the acknowledged comprehensive plan, land use regulations and other applicable provisions of law are met:**

- 1) **A lawfully established dwelling may be altered, restored, or replaced under ORS 215.213 (1)(q), 215.283 (1)(p), or 215.755 (1) if the county determines that the dwelling to be altered, restored, or replaced:**
  - (a) **Has, or formerly had:**
    - (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) **Interior wiring for interior lights;**
    - (D) **A heating system; and**
  - (b) **(A) If the value of the dwelling hasn't been eliminated due to destruction or demolition, it must have been assessed for property tax purposes as a dwelling for at least five years before the application date. Alternatively, it must have been assessed as a dwelling since the date it was erected or fixed to the land and became subject to property tax assessment, whichever is later.**
  - (C) **If the value of the dwelling has been eliminated due to destruction or demolition, it still must have been assessed as a dwelling for property tax purposes for at least five years before the destruction or demolition date. Alternatively, it must have been assessed as a dwelling since the date it was**

erected or fixed to the land and became subject to property tax assessment, whichever is later.

- 2) **For replacement of a lawfully established dwelling under this section:**
  - (a) **The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055. A demo permit shall be obtained and signed off prior to the certificate of occupancy has been completed.**
  - (b) **The replacement dwelling:**
    - (A) **May be sited on any part of the same lot or parcel.**
    - (B) **Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
    - (C) **Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**
      - (i) **The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or**
      - (ii) **No statewide map of wildfire risk has been adopted.**
  - (c) **As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.**
- 3) **The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.**
- 4) **If an applicant is granted a deferred replacement permit under this section:**
  - (a) **The deferred replacement permit:**
    - (A) **Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and**
    - (B) **May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. This condition shall be recorded on the deed prior to receiving a Zoning Compliance Letter.**
  - (b) **The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes, and other requirements relating to health and safety or to siting at the time of construction.**
- 5) **An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (1)(a) of this section.**
- 6) **Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.**

There are no changes to Review Standard (30) proposed.

## **COMPLIANCE DETERMINATION**

Background: There is currently no expiration period for incomplete Compliance Determination Applications. Compliance Determinations are typically for simpler development projects. Staff receives incomplete Compliance Determination applications that are never completed. Typically, reasons include a substandard plot plan, or the failure to build a passable driveway. Staff is proposed to make compliance determinations have the same period as conditional use applications for submitting complete information, which is 180 days. This is necessary to align with the new clear and objective standards

### *SECTION 5.10.100 COMPLIANCE DETERMINATIONS:*

*An application for Compliance Determination (CD) are required to be submitted to the Planning Department with the elements described in § 5.10.200. Once the application is received the Planning Staff will review the CD against the applicable zoning district to determine if additional reviews or notifications are required. **If incomplete, the applicant shall submit all the required information and acquire all necessary permits to achieve approval within 180 days from the time of initial submittal. If the information is not provided then the application will become void. If the project substantially changes with the additional information an additional fee may be assessed to cover additional time for review.***

## **VALIDATION OF A UNIT OF LAND NOT LAWFULLY CREATED**

**As part of HB 2192 – Replacement Dwelling criteria a portion of ORS 92.176(2) was updated regarding validation of units of land not lawfully established. This only requires a minor change, reflected below.**

### **SECTION 6.1.175 VALIDATION OF A UNIT OF LAND NOT LAWFULLY ESTABLISHED:**

This section does not condone or encourage illegal land divisions, and as a penalty, this process will be charged a triple fee. Road requirements will be at the discretion of the Roadmaster.

1. The Planning Director may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:
  - a. Is not a lawfully established unit of land pursuant to LDO Section 6.1.125; and
  - b. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
2. Notwithstanding subsection (1)(b) of this section, the Planning Director may approve an application to validate a unit of land under this section if the Planning Department or Hearings Body approved a discretionary decision for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the Planning Director must determine that the dwelling ~~qualifies for replacement under the criteria listed below~~ **has**.
  - a. The dwelling must contain:
    - i. Intact exterior walls and roof structure;
    - ii. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

- iii. Interior wiring for interior lights; and
- iv. A heating system

## **CHAPTER VII**

### **TRANSPORTATION, ACCESS AND PARKING**

Background: This section is being updated to remove the requirement to require driveways to be installed prior to siting a dwelling/development, updates slope and remove bonding requirements.

#### **SECTION 7.1.275 ACCESS MANAGEMENT:**

**Subsection 6 Non-conforming Access Features:** Legal access connections that are already in place as of the date of adoption of this ordinance that do not conform with the standards herein are considered non-conforming features and shall be brought into compliance with applicable standards under following conditions:

1. When new access connection permits are requested;
2. A change in use or enlargements or improvements that will increase trip generation by 50% or more; or
3. When trips increase or the character of traffic changes on ODOT facilities.
4. **If the driveway serves more than one dwelling or commercial/industrial use, the improvements must be proportional to the additional use.**

**A private road or driveway is not required to be widened beyond the width specified in the existing legal easement. If a restrictive easement prevents the driveway from meeting the current standards outlined in the ordinance:**

1. **The landowner must record a document on the property title.**
2. **This document, in a form prescribed by the County Roadmaster, indicates that the road does not meet the County Road standards.**

#### **SECTION 7.1.300 CIRCUMSTANCES REQUIRING ROAD IMPROVEMENTS; EXTENT OF REQUIRED ROAD IMPROVEMENTS:**

Public and private road and street improvements may be required by this ordinance when new development is proposed. The road standards are found in Article 7.2. The County Roadmaster has the authority to require road improvements to meet the road standards and requirements of local fire and ambulance districts.

If and when public or private road improvements are required, then such **proportional** improvements will be required to extend to the nearest intersection of an open road.

## SECTION 7.1.425 ACCESS CONNECTION AND DRIVEWAY DESIGN:

All new development is required to have a driveway confirmation completed. Driveways for the purpose of serving a single family residence shall comply with figure 7.1.425. An application must be completed prior to obtaining **the final building permit or a certificate of occupancy a zoning compliance letter** from the Coos County ~~Planning~~ **Community Development** Department. **If a building permit is not necessary for an approved use, the confirmation of driveway compliance must be obtained before obtaining a zoning compliance letter.** In the event that a driveway cannot be constructed prior to applying for development permits, a ~~bond may be issued using the requirements of Article 7.6.100(2).~~

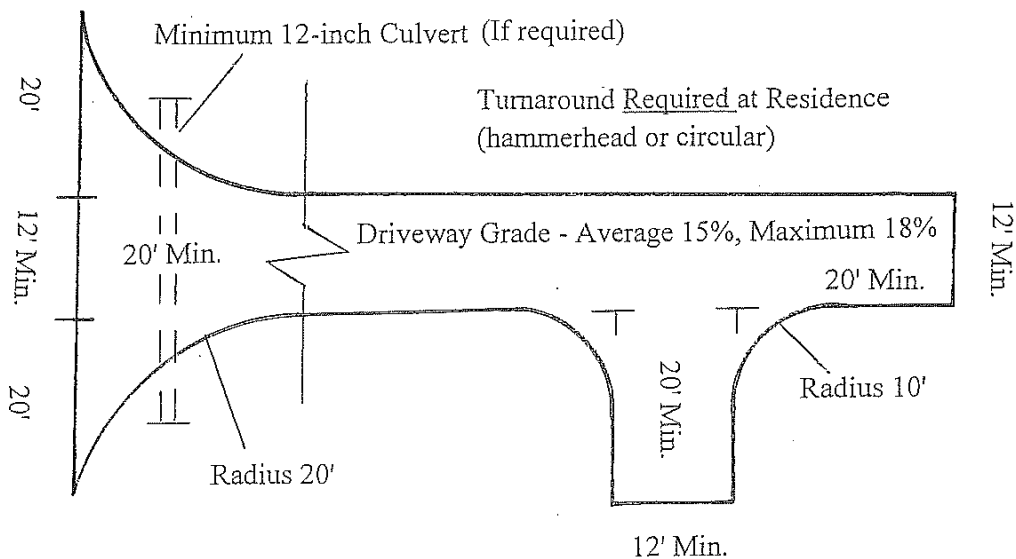
### DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

*Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.*

*If driveway is over 1,000 ft., a pullout is required an average of every 600 ft.*

**A turnaround is not required if a driveway distance is less than 150 feet and the Average Daily Traffic count is less than 600 for Rural Roads or less than 150 for Urban Roads. (Local Residential from TSP Table 6-1 & 6-2) (see above to correct).**

~~If a driveway cannot meet the maximum 18% or 21% grade if paved, then a Variance application conforming with Article 7.3 must be submitted and approved prior to the issuance of final building permit or certificate of occupancy. a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers to know that the driveway does not meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standards. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.~~

**SECTION 7.5.175 REQUIRED NUMBER OF PARKING SPACES FOR TYPE OF USE:**

USE	STANDARD
Single Family Dwelling/Vacation Short-Term Rental	2 parking spaces at minimum. Vacation Rentals shall be limited for compatibility. A garage or attached shop may be used to calculate parking spaces. Turn around space is designated for emergency vehicles shall not be used to determine parking area.

**ARTICLE 7.6 BONDING FOR DRIVEWAY, ACCESS, ROAD AND PARKING IMPROVEMENTS:**

**SECTION 7.6.100 REQUESTING BONDING:**

If the road, utility, or other improvements for a partition, subdivision, or development are to be completed on or before a specified date after recording of the plat ~~or obtaining land use approval for a dwelling~~, the estimated cost (See figures 7.6.a and 7.6.b) of performing the work shall be prepared and approved by the County Roadmaster.

