

## 18.124.140 Accessory dwelling units.

(1) Accessory dwelling units, as defined in CCC [18.08.010](#), where permitted by zoning within the city of Prineville's urban growth boundary, are subject to site plan review and the following standards:

(1a) A maximum of one accessory dwelling unit is allowed per legal single-family dwelling.

(2b) Floor Area. A detached accessory dwelling unit shall not exceed more than 900 square feet of habitable space.

(3c) Building Codes. The structure shall meet all requirements of the Crook County building official. A manufactured dwelling may be utilized if all other standards can be met.

(4d) Wastewater. The dwelling unit shall be serviced by either:

(a) An existing septic system that meets all applicable requirements of the Crook County sanitarian and the Oregon Department of Environmental Quality. The applicant shall submit evidence that the appropriate septic system permit has been issued; or

(b) A community/municipal sewer system, in which case, the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.

(5e) Domestic Water. The applicant must demonstrate that the property can be served by an approved drinking water source.

(6f) The accessory dwelling unit shall share the same road approach as the primary dwelling on the property.

(7g) The accessory dwelling unit shall meet all setback requirements of the zone in which the property is located.

(8h) There shall be one additional off-street parking space for use by occupants of the accessory dwelling unit. (Ord. 313 § 5, 2019)

## (2) Rural Accessory Dwelling Units.

(a) Definitions. For the purposes of CCC 18.124.140(2), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.

(ii) “Area zoned for rural residential use” means land that is not located inside an urban growth boundary 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.

(iii) “Single-family dwelling” means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(iv) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(v) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(c) Criteria for ADUs. In rural residential zones where an ADU is a permitted use, a lot or parcel may qualify for one (1) ADU subject to site plan review and the following standards:

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

(ii) At least one single-family dwelling is sited on the lot or parcel. For purposes of this section, “sited” means that a single-family dwelling exists on the lot or parcel, or a single-family dwelling has been approved by the Planning Department.

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.

(v) The ADU must comply with the property development standards of the applicable rural residential zone, except that any ADU that is proposed on a lot or parcel that is adjacent to land zoned primarily for farm (EFU) or forest use (F-1),

the ADU shall be setback at least 100 feet from the boundary of the adjacent property that is zoned for farm or forest use.

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU is allowed on a qualifying lot or parcel.

(viii) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(ix) The ADU will not include more than 900 square feet of usable floor area as defined by CCC 18.124.140(2)(iv).

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

(xi) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(xii) The ADU provides for the following:

(A) Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with sections (xii)(A)(aa) and (xii)(A)(bb), or (x)(A)(cc):

(aa) A continuous, minimum 20-foot width right(s)-of-way with unobstructed vertical clearance of not less than 13.5 feet.

(bb) A continuous, minimum 20-foot width driveway with an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained (1) to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a professional engineer, registered in Oregon, or (2) composed on all-weather surface including asphalt or concrete.

(cc) The applicant provides written certification from the applicable fire district, on a form prepared by Crook County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(xiii) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, “safe evacuation” means an identified route for evacuation from the ADU to the staged evacuation area. “Staged evacuation area” means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of CCC 18.124.140(xiii) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(xiv) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(xv) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(xvi) If the ADU is served by a well, the construction of the ADU shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

(xvii) If the ADU will be served by a water source other than a well, the applicant must provide a letter confirming that the supplier of water “Willing and Able to Serve” the ADU.

(xviii) The applicant signs and records a restrictive covenant with Crook County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy.

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

(xx) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or

(B) No statewide map of wildfire risk has been adopted.

(xxi) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the 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 the local government pursuant to ORS 476.392.