

430-37 Detached Dwelling Unit

430-37.1 Urban:

A dwelling which is designed to be and is physically separated from any other dwelling unit:

A. Type I

- (1) The dwelling is constructed on a lot of record.
- (2) The dwelling shall utilize at least five (5) of the following design features:
 - (a) The front of the dwelling shall be parallel (within 30 degrees) to the front lot line (see Figure 1);
 - (b) A roof with a pitch that is 4/12 or greater;
 - (c) A hip roof;
 - (d) A tile or shake roof;
 - (e) An attached garage with a gable or hip roof, or with a second story above the garage;
 - (f) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);
 - (g) Three or more gables (see Figure 3);
 - (h) Building face or roof offsets (minimum twelve [12] inch offset) that are parallel (within 30 degrees) to the front lot line (see Figure 4);
 - (i) Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;
 - (j) Bay or bowed windows that are parallel (within 30 degrees) to the front lot line;
 - (k) Window shutters on front, side and rear windows;
 - (l) Minimum ten (10) inch eaves (all house eaves);
 - (m) One or more of the following types of exterior siding:
 - (i) Horizontal lap siding, including simulated horizontal lap siding;
 - (ii) Vertical cedar siding;
 - (iii) Beveled siding; or
 - (iv) Stucco;

- (n) Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;
- (o) A recessed front entry (minimum twenty-four [24] inches) which is parallel (within 30 degrees) to the front lot line;
- (p) A covered porch entry (minimum five [5] foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);
- (q) Solid wood trim for exterior siding; or
- (r) A masonry or poured-in-place concrete perimeter foundation.

B. Type II

- (1) Placement of the dwelling in a manner which will not preclude development of the site to the density allowed by the district;
- (2) A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads and showing:
 - (a) Location of present urban services and location of those services proposed for the following five (5) years;
 - (b) Location of any natural features (flood plain, other hazards, etc.) which might inhibit full development;
- (3) Prior to the issuance of the permit, the signing of a waiver of the right to remonstrate against provision of urban services (as specified in Article V); and
- (4) The dwelling shall utilize at least five (5) of the following design features:
 - (a) The front of the dwelling shall be parallel (within 30 degrees) to the front lot line (see Figure 1);
 - (b) A roof with a pitch that is 4/12 or greater;
 - (c) A hip roof;
 - (d) A tile or shake roof;
 - (e) An attached garage with a gable or hip roof, or with a second story above the garage;
 - (f) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);
 - (g) Three or more gables (see Figure 3);

- (h) Building face or roof offsets (minimum twelve [12] inch offset) that are parallel (within 30 degrees) to the front lot line (see Figure 4);
- (i) Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;
- (j) Bay or bowed windows that are parallel (within 30 degrees) to the front lot line;
- (k) Window shutters on front, side and rear windows;
- (l) Minimum ten (10) inch eaves (all house eaves);
- (m) One or more of the following types of exterior siding:
 - (i) Horizontal lap siding, including simulated horizontal lap siding;
 - (ii) Vertical cedar siding;
 - (iii) Beveled siding; or
 - (iv) Stucco;
- (n) Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;
- (o) A recessed front entry (minimum twenty-four [24] inches) which is parallel (within 30 degrees) to the front lot line;
- (p) A covered porch entry (minimum five [5] foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);
- (q) Solid wood trim for exterior siding; or
- (r) A masonry or poured-in-place concrete perimeter foundation.

Figure 1.

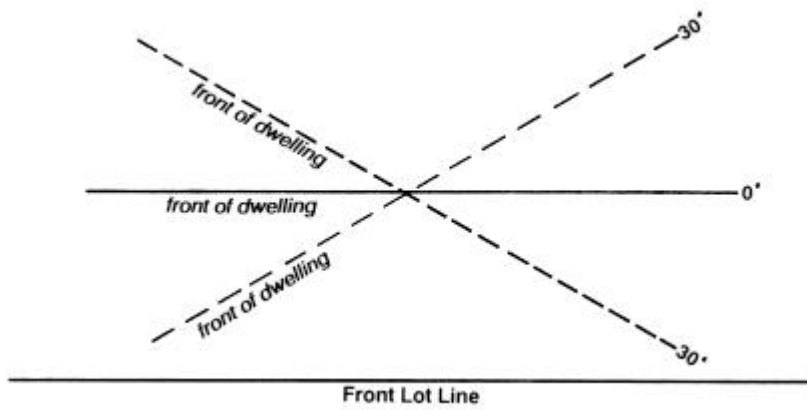


Figure 2.

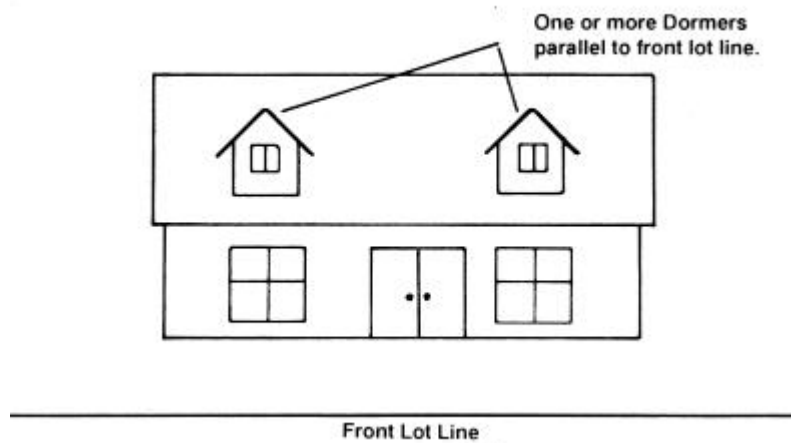


Figure 3.

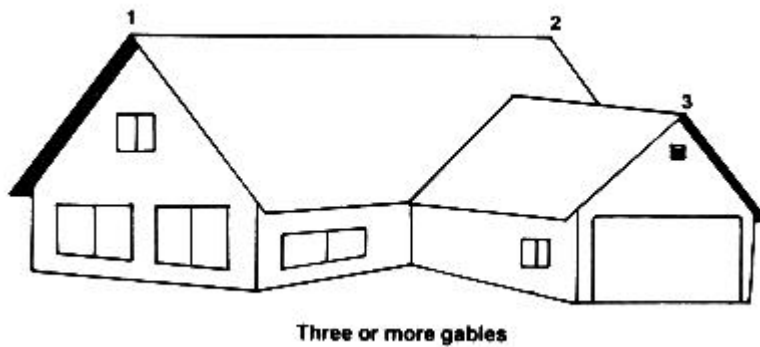


Figure 4.

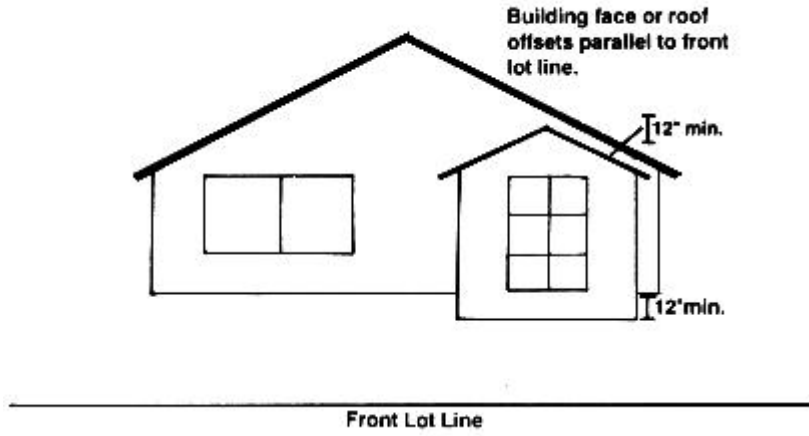
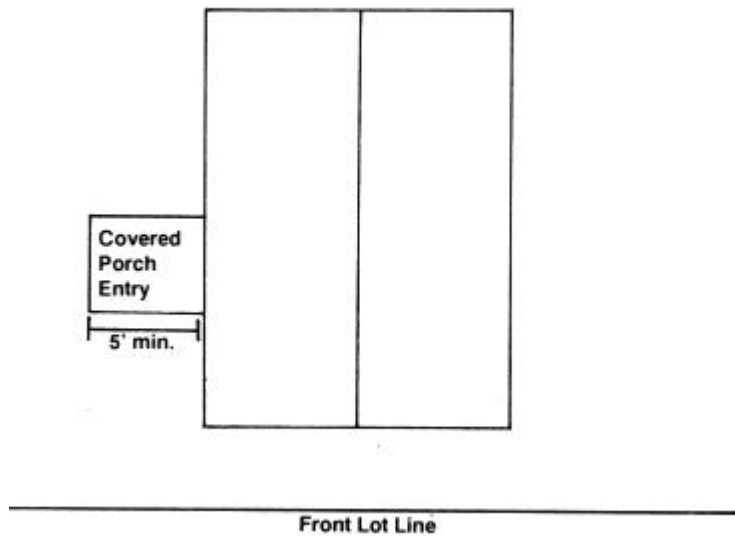


Figure 5.



430-37.2 Rural

- A. In the EFU and AF-20 Districts, a primary dwelling unit customarily provided in conjunction with farm use may be approved when the following standards are met:
- (1) The subject tract is currently employed for farm use, as defined in ORS 215.203, that produced:
 - (a) In the EFU and AF-20 Districts on land identified as high-value farmland at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years; or
 - (b) In the AF-20 District on land not identified as high-value farmland at least \$20,000 in gross annual income from the sale of farm products in the last two years or three of the last five years.
 - (2) Except as permitted in Section 340-4.1 N. and 344-4.1 N., there is no other dwelling on the subject tract; and
 - (3) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in Section (1) above.
 - (4) In determining the gross income required by Section (1) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from farm land owned, not leased or rented, shall be counted.
 - (5) To demonstrate compliance with Section (1) above, an applicant shall submit the following evidence:
 - (a) Federal income tax returns, and a list describing where the farmed properties are located, their size, the type of crops or livestock products raised on the properties, and the amount of income produced from the properties and from each farm product; or
 - (b) Sales receipts for the sale (retail or wholesale) of products produced from the property; or
 - (c) Other information as may be necessary to prove income; and
 - (d) An affidavit signed by the person whose income is in question, certifying that income requirements for the parcel have been met.

The Review Authority may consider statistical information compiled by the Oregon State University Extension or other objective criteria, such as average yields per acre and average price per unit, to calculate income to verify an applicant's information.
 - (6) If the tract consists of two or more lots or parcels and more than one lot or parcel is used to meet the income standards of this section, the dwelling may be approved if:

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

The restrictive covenant shall be irrevocable, unless the Director finds that the tract is no longer subject to Statewide Goal 3 (Agricultural Lands) or, if a dwelling is proposed on another lot or parcel that is part of the tract that was used to meet the income requirements, each parcel meets the income standards of this section.

- B. In the EFU and AF-20 Districts, a primary dwelling in conjunction with the propagation or harvesting of a forest product may be approved when the following standards are met:
- (1) The lot or parcel is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and
 - (2) The lot or parcel is not high-value farmland as defined by Section 340-2 or 344-2, whichever is applicable.
 - (3) The following information establishes standards which an applicant may use in applying for a dwelling approval under (1) above. Applicants are not limited to these standards if the applicant can otherwise demonstrate that the proposed woodlot can meet the \$20,000 income requirement.

Minimum acreage to produce \$20,000 annual gross income over the growing cycle¹ for merchantable trees.²

Cubic Feet Site Class	Acreage (Douglas Fir)
2 (165-224 cf/ac)	34
3 (120-164 cf/ac)	48
4 (85-119 cf/ac)	68
5 (50-84 cf/ac)	86
6 (20-49 cf/ac)	128

SITE INDEX CONVERSION TABLE

GROWTH MEASURES	SCALE																
SCS Site Index: Height in Feet at 100 Years	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Oregon Dept. of Forestry Potential Yield: Cubic Feet/Acre Scale	20	20-49	50 - 84				85 - 119		120 - 164			165 - 224					

¹Based on a 55 to 60 year growth cycle and a small log value of \$235.00 in June 1983.

²Source: Oregon Department of Forestry, September 1983.

- C. A Dwelling Unit located on real property used for farm use occupied by a relative may be approved when:
- (1) The dwelling is located on the same lot or parcel as the dwelling of the farm operator; and
 - (2) The relative is a grandparent, stepgrandparent, grandchild, parent, stepparent, child, sibling, stepsibling, niece, nephew or first cousin of the farm operator, or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator;
 - (3) The farm operator continues to play the predominant role in the management and farm use of the farm. For the purposes of this section, a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions, about such things as planting, harvesting, feeding and marketing; and
 - (4) The lot or parcel which receives a building permit under these provisions shall not be partitioned or subdivided unless any residence approved under these provisions is removed. Unless, notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses in the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.
- D. In the EFU and AF-20 Districts, accessory dwellings customarily provided in conjunction with farm use may be approved when:
- (1) Subsequent to or concurrently with the approval of a primary farm related dwelling pursuant to this Code, an accessory dwelling(s) may be allowed provided there is a finding that the proposed accessory dwelling(s) is customarily required to conduct the proposed farm use considering:
 - a) Size of Parcel and Farm (proposed and/or existing);
 - (b) Type of Farm Use (proposed and/or existing);
 - (c) Potential Markets (proposed and/or existing);
 - (d) Accepted farming practices as that term is defined in ORS Chapter 215;
 - (e) A three (3) year farm management plan which describes the present and proposed farm uses for the farm operation; and
 - (f) Other evidence the Director considers necessary (e.g., soil type).
 - (2) In addition to (1) above, the applicant shall demonstrate the accessory dwelling(s) complies with the applicable requirements of OAR 660-033.

- E. In the EFC District, a single-family dwelling unit on a lot or may be approved when the following standards are met:
- (1) For the purposes of this section, the words listed below have the following meaning:
 - (a) Tract One (1) or more contiguous lots or parcels under the same ownership.
 - (b) Commercial tree species Trees recognized under rules adopted under ORS 527.715 for commercial production.
 - (c) Date of creation and existence When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
 - (2) Lot-of-Record Dwelling Standards
 - (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (i) Prior to January 1, 1985; or
 - (ii) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of the Lot-of-Record Dwelling Standards, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 - (b) The tract on which the dwelling will be sited does not include a dwelling.
 - (c) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.
 - (d) The tract on which the dwelling will be sited is composed of soils not capable of producing five-thousand (5,000) cubic feet per year of commercial tree species.
 - (e) The tract on which the dwelling will be sited is located within fifteen-hundred (1,500) feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:

- (i) A United States Bureau of Land Management road; or
 - (ii) A United States Forest Service road unless the road is paved to a minimum width of eighteen (18) feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
- (3) Large Tract Forestland Dwelling Standards

(a) Lot Area Requirements:

- (i) The dwelling will be sited on a tract in one ownership of at least one-hundred and sixty (160) contiguous acres zoned for forest use. A tract shall not be considered to consist of less than one-hundred and sixty (160) acres because it is crossed by a public road or waterway; or
- (ii) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two (2) or more tracts to total two-hundred (200) acres or more.
- (iii) Prior to issuance of a building permit:

The owner shall submit proof that the covenants, conditions, and restrictions form adopted by OAR 660-06, effective March 1, 1994, has been recorded in the deed records for all the tracts that are used to meet the acreage requirement.

The covenants, conditions, and restrictions shall preclude all future rights to construct a dwelling on the tract(s) or to use the tract(s) to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by the Director.

The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this subsection and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions, restrictions filed in the county deed records pursuant to this subsection. The map or other record required by this subsection shall be readily available to the public in the Department of Land Use and Transportation.

- (b) The tract or tracts on which the dwelling will be sited does not include a dwelling.

(4) Template Dwelling Standards

The lot or parcel must meet one of the Template Options and one of the Parcel Options.

If the data that the County has on record shows that any of the dwellings used to qualify for the template test are within one-hundred (100) feet of the template, the applicant may be required to provide more accurate information, stamped by a professional surveyor, in order for the Review Authority to determine whether or not the standards can be satisfied. Acceptable forms of information include a survey of the subject parcel, referenced to digital orthographic photographs, including information on the accuracy of the photographs for the subject area.

(a) Template Options:

The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the 160-acre template pattern (square or rectangle).

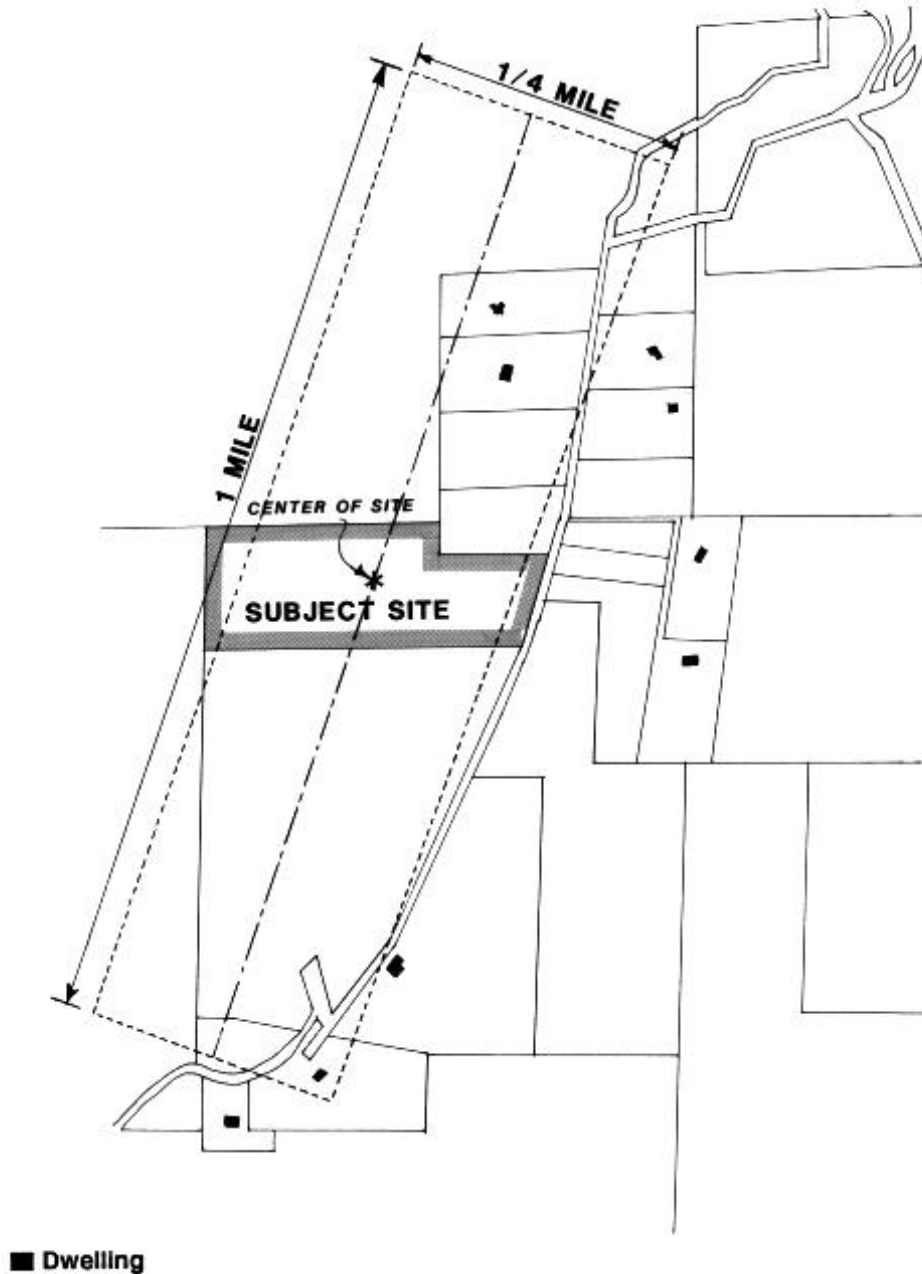
Option 1: For tracts less than sixty (60) acres:

- (i) The lot or parcel on which the dwelling is to be established shall be within a 160-acre square centered on the center of the subject tract; or
- (ii) If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. See Figure 1.

Option 2: For tracts sixty (60) acres and larger:

If a tract sixty (60) acres or larger abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or perennial stream.

FIGURE 1. 160 Acre Rectangle Template



However, one of the three required dwellings under the Parcel Options shall be on the same side of the road or stream as the tract and:

- (i) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

- (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (iii) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

(b) Parcel Options:

The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the parcel's soil type.

If the lot or parcel is predominantly composed of soils that are capable of:

- (i) Producing 0 to 49 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least three other lots or parcels, all of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.
- (ii) Producing 50 to 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least seven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.
- (iii) If the lot parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least eleven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.

For the purposes of the Parcel Requirements above, all lots, parcels and dwellings must have existed on January 1, 1993, and continue to exist.

Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements of the Parcel Requirements above.

- (c) The tract on which the dwelling will be sited does not include a dwelling.