

Accessory dwellings approved in Curry

Apartments, tiny house can be built on with an existing home

By Boyd C. Allen

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In a move dictated by the state but locally planned and encouraged, the Curry County Board of Commissioners (BOC) approved amendments to the county zoning ordinances to allow Accessory Dwelling Units (ADUs) in areas of the county.

The board voted Aug. 15 to change the status of ADUs from requiring a conditional use permit to “allowed outright.” This means residents adding an ADU will only need a building permit, according to Community Development Director Carolyn Johnson.

The amendments also set standards for the construction or addition of ADUs.

State documents define Accessory Dwelling Units (ADUs) as tiny homes or apartments built on an existing property with a pre-existing dwelling. An apartment added over the garage or in the basement would be an example, as would a tiny home in the backyard.

Earlier this year, AllCare representative Cameron McVay suggested the county adopt incentives to encourage adding ADUs, saying they would create rental property and help alleviate the housing shortage in the county.

AllCare officials had awarded the Curry County Planning Department \$5,000 in January to develop planning processes for ADUs.

The amendments, based on Oregon Senate Bill 1051, allow ADUs within the Urban Growth Boundary and in residentially-zoned areas. According to Johnson, the law also applies to Nesika Beach, Harbor, Agness and Langlois because they are zoned Rural Community Residential.

Local residents and realtors who spoke at the meeting encouraged commissioners to pressure the state to allow ADUs in Rural Residential (RR) areas as well.

Johnson said the law, as written, does not allow ADUs in these areas, which comprise large portions of Curry County.

Commissioner Court Boice said the exclusion of RR areas evidences an ongoing state-level prejudice against rural counties and reflects the underrepresentation of those counties.

Curry County Housing Study Task Force member Georgia Nowlin characterized the exclusion of RR zones as a “deliberate move” against rural residents outside the urban growth boundary by legislation at the state level.

“It needs to be fixed at that level,” she said, “but we all need to know this so that there is a fix.”

Johnson indicated she had called repeatedly and had sent numerous emails to the state attempting to find ways to expand ADUs into rural, unincorporated areas. Although unable to expand ADUs in those areas, she was able to clarify that owners in RR zones could add guest quarters; however, those additions could not include bathrooms or kitchens.

Commissioner Sue Gold shook her head in disbelief at these limitations.

Nowlin again said she was in favor of the amendments, but said, “They don’t go far enough. We need the same level of permitting in RR zones.”

Local Realtor Bret Curtis echoed Nowlin’s concerns.

“I have concern about the use of these units in residential areas,” Curtis said. “Many of the lots in R1, R2 and R3 zones are too small for another dwelling. They – ADUs – are less cumbersome and a better idea in RR zones.”

Curtis, like Nowlin and Johnson, encouraged the BOC to pressure the state to expand the program into rural, unincorporated areas.

I hope people take advantage of this program,” Johnson said. “It should definitely help with the housing needs in the county.”

Details and standards

Johnson provided the following criteria for accessory dwelling units in Curry County, but these are not inclusive:

Must be located within, attached to, or detached from the primary detached single-family dwelling unit. With a building permit, an accessory dwelling unit may be added to or over an attached or detached garage or constructed as a detached single-story structure or as a part of a new single family dwelling.

An accessory dwelling unit must have its own outside address identification, entrance, kitchen, bathroom and sleeping area completely independent of the primary dwelling.

The accessory dwelling unit shall not exceed 1,200 square feet in floor area but shall be no smaller than 240 square feet.

An accessory dwelling unit may not be created through the conversion of a main level garage space.

A detached accessory dwelling unit shall be located a minimum of 20 feet from the foundation of the primary dwelling.

One off-street parking space shall be provided for the accessory dwelling unit.

Oregon Department of Environmental Quality authorization for septic services shall be provided prior to county authorization of an accessory dwelling unit.

Evidence of potable water availability shall be provided prior to county authorization of an accessory dwelling unit.

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