



## FINDINGS

### STATE WILDFIRE HAZARD MAP REPEAL - TEXT AMENDMENTS

#### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

#### II. **BACKGROUND:**

Pursuant to Senate Bills (SBs) 83 and 75, Text Amendments are required to remove local references to the State Wildfire Hazard Map originally established by SB 762 and SB 80. The text amendments would also remove all wildfire mitigation standards for Rural Accessory Dwelling Units (ADUs), which were previously governed by the Wildfire Hazard Map.

#### III. **BASIC FINDINGS:**

On June 26, 2025, the Oregon Legislature adopted SB 83<sup>1</sup>. This Bill repeals the State Wildfire Hazard Map which was previously adopted and administered pursuant to SBs 762<sup>2</sup> and 80<sup>3</sup>. Additionally, SB 75<sup>4</sup> was adopted concurrently with SB 83 and removes all wildfire mitigation building and defensible space standards which were previously activated by the State Wildfire Hazard Map. The proposed text amendments are necessary to align Deschutes County Code with state statutes governing wildfire mitigation building standards.

Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on June 30, 2025 (File no. 247-25-000425-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

#### IV. **FINDINGS:**

#### CHAPTER 22.12, LEGISLATIVE PROCEDURES

##### Section 22.12.010.

<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB83>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB75>

### ***Hearing Required***

***No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.***

**FINDING:** This criterion will be met because the proposal was reviewed by the Deschutes County Planning Commission (Commission) on July 24, 2025 and a public hearing was held before the Board of County Commissioners (Board) on August 13, 2025.

### Section 22.12.020, Notice

#### ***Notice***

##### ***A. Published Notice***

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

**FINDING:** This criterion is met as notice was published in *The Bulletin* newspaper on July 13, 2025 for the Board public hearing.

##### ***B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

##### ***C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

**FINDING:** The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

##### ***D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion has been met.

### Section 22.12.030 Initiation of Legislative Changes.

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***A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.***

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
  - 1. *The Planning Commission.***
  - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** This criterion is met as the Commission reviewed the proposed amendments on July 24, 2025. The Board held a public hearing on August 13, 2025.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-25-000425-TA will be implemented by ordinances upon approval and adoption by the Board.

**V. PROPOSED TEXT AMENDMENTS:**

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~striketrough~~. Below are summary explanations of the proposed changes.

**Title 18, County Zoning:**

**Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit A)**

**Section 18.116.355. Accessory Dwelling Units In The RR-10 And MUA Zones**

The proposed changes alter the standards for establishing a rural accessory dwelling units (ADUs) within the Multiple Use Agricultural (MUA10) and Rural Residential (RR10) Zones to match the updated state statutory standards put in place by SB 75, and referenced in ORS 215.495. The modified statutory language:

- Removes the mandatory construction provisions from section R327 of the Oregon Residential Specialty Code that apply to rural accessory dwelling units.
- Removes the mandatory defensible space provisions as determined by the Oregon State Fire Marshal that apply to rural accessory dwelling units.

## **Title 19, BEND URBAN GROWTH BOUNDARY ORDINANCE:**

### **Chapter 19.92. INTERPRETATIONS AND EXCEPTIONS - (See Exhibit B)**

#### **Section 19.92.160. Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

The proposed changes alter the standards for establishing a rural accessory dwelling unit (ADU) within the Urban Area Reserve (UAR10), Suburban Low Density Residential (SR 2 1/2), and Westside Transect (WTZ) Zones to match the updated state statutory standards put in place by SB 75, and referenced in ORS 215.495. The modified statutory language:

- Removes the mandatory construction provisions from section R327 of the Oregon Residential Specialty Code that apply to rural accessory dwelling units.
- Removes the mandatory defensible space provisions as determined by the Oregon State Fire Marshal that apply to rural accessory dwelling units.

## **VI. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements based on the repeal of the State Wildfire Hazard Map.

## **CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

[18.116.010 Authorization Of Similar Uses](#)

[18.116.020 Clear Vision Areas](#)

[18.116.030 Off-Street Parking And Loading](#)

[18.116.031 Bicycle Parking](#)

[18.116.035 Bicycle Commuter Facilities](#)

[18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)

[18.116.040 Accessory Uses](#)

[18.116.045 Exceptions To Permitted Dwelling Unit Facilities](#)

[18.116.050 Manufactured Dwellings](#)

[18.116.070 Placement Standards For Manufactured Dwellings](#)

[18.116.080 Manufactured Dwelling Or RV As A Temporary Dwelling Unit On An Individual Lot Or Parcel During Construction](#)

[18.116.090 Manufactured Dwelling Or Recreational Vehicle As A Temporary Hardship Dwelling](#)

[18.116.095 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel](#)

[18.116.100 Building Projections](#)

[18.116.120 Fences](#)

[18.116.130 Hydroelectric Facilities](#)

[18.116.140 Electrical Substations](#)

[18.116.150 Endangered Species](#)

[18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)

[18.116.170 Solar Height Restrictions](#)

[18.116.180 Building Setbacks For The Protection Of Solar Access](#)

[18.116.190 Solar Access Permit](#)

[18.116.200 \(Repealed\)](#)

[18.116.210 Residential Homes And Residential Facilities](#)

[18.116.215 Family Child Care Provider](#)

[18.116.220 Conservation Easements On Property Abutting Rivers And Streams; Prohibitions](#)

[18.116.230 Standards For Class I And II Road Projects](#)

[18.116.240 Protection Of Historic Sites](#)

[18.116.250 Wireless Telecommunications Facilities](#)

[18.116.260 Rock Crushing Outside The SM Zone](#)

[18.116.270 Conducting Filming Activities In All Zones](#)

[18.116.280 Home Occupations](#)

[18.116.290 Amateur Radio Facilities](#)

[18.116.300 Wind Energy Systems That Generate Less Than 100 KW](#)

[18.116.310 Traffic Impact Studies](#)

[18.116.320 Medical Marijuana Dispensary](#)

[18.116.330 Marijuana Production, Processing, Retailing, And Wholesaling](#)

[18.116.340 Marijuana Production Registered By The Oregon Health Authority \(OHA\)](#)

[18.116.350 Historic Home Accessory Dwelling Units In RR-10 And MUA Zones](#)

[18.116.355 Accessory Dwelling Units In The RR-10 And MUA Zones](#)

[18.116.360 Nursery Schools](#)

[18.116.380 Psilocybin Manufacturing, Service Centers, And Testing Laboratories](#)

### **18.116.355 Accessory Dwelling Units In The RR-10 And MUA Zones**

A. 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 single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
2. “Accessory dwelling unit structure” means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.
3. “Rural residential use” means a lot or parcel located in the RR-10 or MUA-10 Zones, consistent with the definition in ORS 215.501..
4. “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. For the purposes of this chapter, “single-family dwelling” shall be synonymous with “single-unit dwelling” as defined in DCC 18.04.030..
5. “Useable floor area” means all areas of an accessory dwelling unit defined as floor area in DCC 18.04.030, exclusive of garages, carports, decks, and porch covers.
6. “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
  - a. The occupant rents the unit for vacation purposes only, not as a principal residence; and

- b. The occupant has a principal residence other than at the unit; and
  - c. The period of authorized occupancy does not exceed 45 days.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned RR-10 or MUA-10, provided all of the following standards are met:
  - 1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  - 2. There is no guest-house, temporary dwelling unit as identified in DCC 18.116.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guest house, temporary dwelling unit as identified in DCC 18.116.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.
  - 3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
  - 4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
  - 5. The lot area is at least two acres, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres.
  - 6. The accessory dwelling unit structure will have a minimum setback of 100 feet from all lot lines abutting properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone(s) and combining zone.

7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
  - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. 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.
11. The accessory dwelling unit provides for all of 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 section 11(a)i and 11(a)(ii), or section 11(a)(iii):
    1. A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
      - A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
      - B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or



homeowners associations by covenant or agreement pursuant to ORS 105; and

2. A continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:
  - A. Composed of an all-weather surface including asphalt or concrete; or
  - B. Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;
3. Written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

~~12.-Wildfire Hazard Mitigation Building Code Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~1.—For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:~~

~~A.—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~1.—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

~~13. Wildfire Hazard Mitigation Defensible Space Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:~~

~~1.—For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:~~

~~A.—The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392.~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:~~

~~1.—Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit that is owned or controlled by the owner:~~

~~A.—Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials; and~~

~~B.—Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~C.—Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and~~

~~brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~D.—No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.~~

~~2.—Prior to issuance of building permits, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner.~~

14.12. The existing single-family dwelling property 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.

15.13. A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:

- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and
- b. Placement or construction of any additional dwelling unit, guest house, or any other temporary dwelling unit as identified in DCC 18.116.090.

16.14. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

17.15. At the time of application, a letter confirming that the supplier of water is “Willing and Able to Serve” the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.

~~18.16.~~ \_\_\_\_ An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).

~~19.17.~~ \_\_\_\_ If the water supply source for the accessory dwelling unit 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.

~~20.18.~~ \_\_\_\_ Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 18.116.355(A)(6) and consistent with ORS 90.100.

#### HISTORY

*Adopted by Ord. [2023-014](#) §3 on 12/1/2023*

*Amended by Ord. [2025-002](#) §30 (and edit to (B)(20) citation) on 3/28/2025*

*[Amended by Ord. 2025-015 §1 on 8/13/2025](#)*

## **CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

**19.92.010 General Exceptions To Lot Area Requirements**

**19.92.020 Accessory Uses And Structures**

**19.92.025 Exceptions To Permitted Dwelling Unit Facilities**

**19.92.030 Exception To Height Regulations**

**19.92.040 Establishment And Measure Of Clear Vision Areas**

**19.92.050 Exceptions To Setback Requirements**

**19.92.060 Authorization For Similar Uses**

**19.92.070 Existing Uses**

**19.92.080 Pending Building Permits**

**19.92.090 River Setback (Repealed)**

**19.92.100 (Untitled)**

**19.92.110 Solar Height Restrictions**

**19.92.120 Conservation Easements On Property Adjacent To Rivers And Streams;  
Prohibitions**

**19.92.130 Fill And Removal Exceptions**

**19.92.140 Existing Marijuana Production Registered By The Oregon Health Authority  
(OHA)**

**19.92.150 Historic Home Accessory Dwelling Units In UAR-10 And SR-2 1/2 Zones**

**19.92.160 Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

**19.92.170 Recreational Vehicles A Rental Dwellings In UAR-10, SR-2 1/2, And WTZ  
Zones**

**19.92.160 Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

### **A. 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 single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
2. “Accessory dwelling unit structure” means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.

3. “Rural residential use” means a lot or parcel located in the UAR-10, SR-2 ½, or WTZ Zones, consistent with the definition in ORS 215.501..
  4. “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. For the purposes of this chapter, “single-family dwelling” shall be synonymous with “single-unit dwelling” as defined in DCC 19.04.040..
  5. “Useable floor area” means all areas of an accessory dwelling unit defined as floor area in DCC 19.04.040, exclusive of garages, carports, decks, and porch covers.
  6. “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
    - a. The occupant rents the unit for vacation purposes only, not as a principal residence; and
    - b. The occupant has a principal residence other than at the unit; and
    - c. The period of authorized occupancy does not exceed 45 days.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned UAR-10, SR-2 ½, or WTZ, provided all of the following standards are met:
1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  2. There is no guest-house, temporary dwelling unit as identified in DCC 19.88.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guesthouse, temporary dwelling unit as identified in DCC 19.88.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.

3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
5. The lot area is at least two acres, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres.
6. The accessory dwelling unit structure will have a minimum setback of 100 feet from all lot lines abutting properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone(s) and combining zones.
7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
  - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. 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.
11. The accessory dwelling unit provides for all of 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 section 11(a)i and 11(a)(ii), or section 11(a)(iii):
  - (1) A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
    - (A) Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
    - (B) Private roads, as permitted by DCC Title 19, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; and
  - (2) A continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:
    - (A) Composed of an all-weather surface including asphalt or concrete; or
    - (B) Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;
  - (3) Written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the property meets minimum fire district requirements to provide emergency services to the property.



~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~(1) For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:~~

~~(A) The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~(1) The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

#### ~~13. Wildfire Hazard Mitigation Defensible Space Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:~~

~~(1) For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:~~

~~(A) The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:~~

~~(1) Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner:~~

~~(A) Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials; and~~

~~(B)-Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~(C)-Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~(D)-No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.~~

~~(2)-Prior to issuance of building permits, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the accessory dwelling unit that is owned or controlled by the owner.~~

~~14.12.~~ \_\_\_\_ The existing single-family dwelling property 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.

~~15.13.~~ \_\_\_\_ A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:

- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would

be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and

- b. Placement or construction of any additional dwelling unit, guest-house, or any other temporary dwelling unit as identified in DCC 19.88.090.

~~16.14.~~ 17.14. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

~~17.15.~~ 18.15. At the time of application, a letter confirming that the supplier of water is “Willing and Able to Serve” the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.

~~18.16.~~ 19.16. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).

~~19.17.~~ 20.17. If the water supply source for the accessory dwelling unit 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.

~~20.18.~~ 21.18. Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 19.92.160(A)(6) and consistent with ORS 90.100.

#### HISTORY

*Adopted by Ord. [2023-014](#) §9 on 12/1/2023*

*Amended by Ord. [2025-002](#) §50 (and edit to (B)(20) citation) on 3/28/2025*

*[Amended by Ord. 2025-015 §2 on 8/13/2025](#)*