

## BOCC DELIBERATION MATRIX

### SENATE BILLS (SBs) 391 & 644 – RURAL ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENTS

Land Use File No. 247-22-000671-TA

Issue Area	SB 391/644 Criterion	Draft Amendment Standards	Possible Alternatives	First Commission Recommendation	Second Commission Recommendation	
1	Should rural ADUs be allowed with additional standards or prohibited?	None	Allows an owner of a lot or parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the lot or parcel. Applies to Rural Residential (RR10), Multiple Use Agricultural (MUA10), Urban Area Reserve (UAR-10), Suburban Residential (SR 2.5), and Westside Transect (WTZ) zones. Additional local standards are proposed.	<ol style="list-style-type: none"> <li>1. Prohibit rural ADU development in Deschutes County.</li> </ol>	<ul style="list-style-type: none"> <li>• Approve rural ADU development in Deschutes County</li> <li>• Recommended by Planning Commission 4 to 2</li> </ul>	<ul style="list-style-type: none"> <li>• Approve rural ADU development in Deschutes County</li> <li>• Recommended by Planning Commission 5 to 0</li> </ul>
2	How should "Useable Floor Area" be defined?	The ADU cannot include more than 900 square feet of "useable floor area."	<p>"Useable floor area" is undefined within SB 391 and the administering statutes. For the purposes of Deschutes County Code, "Useable Floor Area" currently means "the area of the accessory dwelling unit included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers."</p>	<ol style="list-style-type: none"> <li>1. Require the 900 square-foot limit to apply to the entire ADU structure, including garages and accessory components.</li> <li>2. Set a maximum size limit to accessory components of ADUs such as attached garages.</li> <li>3. Including a prohibition on certain features in non-"useable floor area" portions of an ADU such as stoves, sinks, bathrooms, etc.</li> <li>4. Restricting any accessory components of ADUs to non-"conditioned area" as defined in the Oregon Residential Specialty Code.</li> <li>5. Accessory structures attached to an ADU do not count towards the useable floor area if they are not accessible from the interior of the ADU or if the accessory structure provides at least one allocated parking space for the ADU</li> </ol>	<ul style="list-style-type: none"> <li>• Require the 900 square-foot limit to apply to the entire ADU structure, including garages and accessory components</li> <li>• Recommended by Planning Commission 5 to 1</li> </ul>	<ul style="list-style-type: none"> <li>• "Useable Floor Area" means "the area of the accessory dwelling unit included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers."</li> <li>• This recommendation was unchanged by the Commission from staff's initial proposal and thus no approval vote was taken.</li> </ul>

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3	How should the 100-Foot Siting Distance requirement be interpreted?	The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling.	A unit must 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 “useable floor area” of the accessory dwelling unit.	<ol style="list-style-type: none"> <li>1. Requiring the entire footprint of an ADU to be located within 100 feet of the existing single-family dwelling.</li> </ol>	<ul style="list-style-type: none"> <li>• A unit must 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 “useable floor area” of the accessory dwelling unit.</li> <li>• This recommendation was unchanged by the Commission from staff’s initial proposal and thus no approval vote was taken.</li> </ul>	<ul style="list-style-type: none"> <li>• A unit must 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 “useable floor area” of the accessory dwelling unit.</li> <li>• This recommendation was unchanged by the Commission from staff’s initial proposal and thus no approval vote was taken.</li> </ul>
4	Are specific limitations warranted for Southern Deschutes County Groundwater Protection?	None	Due to vulnerable groundwater characteristics in southern Deschutes County, the Onsite Wastewater Division recommends increasing the minimum lot or parcel size for rural ADUs to be at least five (5) acres in size. The boundaries of this recommendation were defined by the upper Deschutes watershed area studied during the La Pine Demonstration Project, US Geological Survey report 2007-5237, USGS Fact Sheet 2007-3103.	<ol style="list-style-type: none"> <li>1. Prohibit all rural ADU development in the identified southern Deschutes County boundaries.</li> <li>2. Maintain 5-acre minimum parcel size for rural ADU development and require advanced nitrogen reducing systems for wastewater treatment for both existing single-family dwellings and proposed ADUs.</li> <li>3. Set a larger minimum parcel size requirement for all southern Deschutes County properties to qualify for rural ADU development.</li> <li>4. Remove the minimum size requirements for all southern Deschutes County properties to qualify for rural ADU development.</li> </ol>	<ul style="list-style-type: none"> <li>• In southern Deschutes County, the minimum lot or parcel size for rural ADUs is at least five (5) acres in size.</li> <li>• This recommendation was unchanged by the Commission from staff’s initial proposal and thus no approval vote was taken.</li> </ul>	<ul style="list-style-type: none"> <li>• In southern Deschutes County, the minimum lot or parcel size for rural ADUs is at least five (5) acres in size.</li> <li>• This recommendation was unchanged by the Commission from staff’s initial proposal and thus no approval vote was taken.</li> </ul>

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5	Do the current amendments and ESEE analysis adequately address and protect Goal 5 and Natural Resources?	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Allows rural ADU development in designated Goal 5 areas such as the Wildlife Area Combining Zone, subject to existing standards and requirements. Any development within Goal 5 sites such as the Flood Plain Zone or jurisdiction wetlands requires a Conditional Use Permit and review by local, state, and federal agencies to ensure compliance with environmental and natural hazard mitigation regulations. However, as presently drafted, the proposed amendments do not allow ADU development within the Flood Plain Zone (DCC 18.96).</li> </ul>	<ol style="list-style-type: none"> <li>Prohibit rural ADU development in designated Goal 5 resource areas (i.e. – Wildlife Area Combining Zone, Greater Sage-Grouse Area Combining Zone, and the Sensitive Bird and Mammal Habitat Combining Zone)</li> <li>Prohibit rural ADU development in some, but not all, designated Goal 5 resource areas.</li> <li>Develop additional restrictions in coordination with the Oregon Department of Fish and Wildlife (ODFW) for rural ADU development in designated Goal 5 resources areas such as minimum parcel sizes, driveway access consolidation, etc.</li> </ol>	<ul style="list-style-type: none"> <li>Prohibit rural ADU development in designated Goal 5 resource areas (i.e. – Wildlife Area Combining Zone, Greater Sage-Grouse Area Combining Zone, and the Sensitive Bird and Mammal Habitat Combining Zone)</li> <li>Recommended by Planning Commission 5 to 1</li> </ul>	<ul style="list-style-type: none"> <li>Prohibit rural ADU development in designated Goal 5 resource areas (i.e. – Wildlife Area Combining Zone, Greater Sage-Grouse Area Combining Zone, and the Sensitive Bird and Mammal Habitat Combining Zone)</li> <li>Recommended by Planning Commission 3 to 2</li> </ul>

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6 Do the current amendments adequately address Senate Bill 762 and Wildfire Mitigation?	<ul style="list-style-type: none"> <li>The Statewide Wildfire Hazard Maps have been approved and the accessory dwelling unit complies with the Oregon Residential Specialty Code relating to wildfire hazard mitigation for the mapped area; or the Statewide Wildfire Hazard Maps have been approved and all accessory dwelling units comply with the Oregon Residential Specialty Code relating to wildfire hazard mitigation</li> <li>The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use;</li> <li>The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.</li> </ul>	<ul style="list-style-type: none"> <li>The accessory dwelling unit will have a minimum setback of 100 feet between the accessory dwelling unit and adjacent land zoned F-1, F-2, or EFU and meet the other minimum setback requirements of the underlying zone and combining zones.</li> <li>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.</li> <li>A designated staged evacuation areas and safe evacuation route must be identified.</li> <li>Adequate access for firefighting equipment, safe evacuation and staged evacuation areas are met by illustrating compliance with the prescriptive standards of DCC 18.116.355 or DCC 19.92.160, or providing written confirmation that the relevant fire protection service provider has acknowledged that a property in question has met any relevant standards.</li> </ul>	<ol style="list-style-type: none"> <li>Delay the adoption of rural ADU legislation until such time as the final Statewide Wildfire Hazard Map has been released by the Oregon Department of Forestry.</li> <li>Require all rural ADUs contain fire sprinklers (per recommendation from Chief Mike Supkis of La Pine Rural Fire Protection District).</li> </ol>	<ul style="list-style-type: none"> <li>Delay the adoption of rural ADU legislation until such time as the final Statewide Wildfire Hazard Map has been released by the Oregon Department of Forestry.</li> <li>Recommended by Planning Commission 6 to 0.</li> </ul>	<ul style="list-style-type: none"> <li>No vote undertaken by Planning Commission given the new provisions of SB 644.</li> </ul>

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7	Should ADUs be allowed in the Westside Transect Zone?	None	Rural ADUs would be allowed on properties within the Westside Transect Zone (WTZ). All existing requirements related to development within the WTZ including subdivision and property scale fuel treatments, wildfire mitigation building code standards, and maintenance of designated open space corridors would be unaffected by the proposed amendments.	<ol style="list-style-type: none"> <li>1. Prohibit rural ADU development in the WTZ.</li> <li>2. Develop additional restrictions for rural ADU development in the WTZ such as siting standards, etc.</li> </ol>	<ul style="list-style-type: none"> <li>• Prohibit rural ADU development in the WTZ</li> <li>• Recommended by Planning Commission 6 to 0</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibit rural ADU development in the WTZ</li> <li>• Recommended by Planning Commission 3 to 2</li> </ul>
8	Should Vacation Occupancy be prohibited in the existing residence, as well as the ADU?	A county may not allow an accessory dwelling unit allowed under this section to be used for vacation occupancy, as defined in ORS 90.100.	The applicant shall sign and record with the County Clerk, prior to the issuance of a building permit, a restrictive covenant stating an accessory dwelling unit allowed under this section cannot be used for vacation occupancy, as defined in ORS 90.100.	<ol style="list-style-type: none"> <li>1. Prohibit both the existing single-family dwelling and the ADU for vacation occupancy use, as defined in ORS 90.100.</li> </ol>	<ul style="list-style-type: none"> <li>• Prohibit both the existing single-family dwelling and the ADU for vacation occupancy use, as defined in ORS 90.100</li> <li>• Recommended by Planning Commission 6 to 0</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibit both the existing single-family dwelling and the ADU for vacation occupancy use, as defined in ORS 90.100</li> <li>• Recommended by Planning Commission 4 to 0 (1 abstain)</li> </ul>