



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner
Will Groves, Planning Manager

DATE: August 2, 2023

SUBJECT: Deliberations: Senate Bills (SBs) 391 and 644 – Rural Accessory Dwelling Unit (ADU) Legislative Amendments

On August 9, 2023, the Board of County Commissioners (Board) will conduct deliberations on an County-initiated legislative text amendment concerning local provisions for rural ADUs as identified in Senate Bills (SB) 391¹ and 644² (file no. 247-22-000671-TA).

I. BACKGROUND

Staff submitted an initial 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on August 17, 2022. A public hearing was held with the Deschutes County Planning Commission (Commission) on September 22, 2022³. The Commission held deliberations and provided recommendations on October 27, 2022⁴.

Subsequently, legislation was passed by the Oregon Legislature which required several changes to the original proposed amendments to maintain compliance with state standards. Specifically, SB 644 was passed in May 2023 and provides direction to local jurisdictions looking to adopt rural ADU standards prior to formal release of the Statewide Wildfire Hazard Map required by SB 762. Additionally, SB 80⁵ was passed which alters the original standards and terminology used within the forthcoming Statewide Wildfire Hazard Map. Per Board direction, staff submitted a revised 35-day PAPA notice to DLCD on June 7, 2023 and held a new work session with the Commission on July 13, 2023⁶.

¹ <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0391/A-Engrossed>

² <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB644/Enrolled>

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

⁴ See Deschutes County Planning Commission October 27, 2022 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-21>

⁵ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

⁶ See Deschutes County Planning Commission July 13, 2023 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-29>

Following a Board work session on July 24, 2023⁷ and public hearing on July 26, 2023⁸, the Board voted to keep the written record open until Wednesday August 9th at 9am with deliberations also scheduled for August 9th, 2023.

II. BOARD DELIBERATIONS

On August 9, 2023, the Board will deliberate on the proposed legislative text amendments. If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on the proposal.

The full record is available for inspection at the Planning Division and at the following website: <https://www.deschutes.org/adu>.

Board Decision Matrix

A more thorough review and discussion of the subject proposal's compliance with the applicable approval criteria and issues is provided in Attachment 1 - Board Decision Matrix, prepared in conjunction with this deliberation memorandum.

III. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the August 9, 2023 meeting, the Board may then vote on whether to approve the proposal. If the Board renders a vote during the August 9, 2023 meeting, staff will coordinate with the Board to return for a future meeting during which a draft ordinance and relevant exhibits will be presented and a first reading of the ordinance initiated.

ATTACHMENTS:

1. Board Decision Matrix
2. Staff Report and Draft Amendments

⁷ See Board of County Commissioners July 24, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-115>

⁸ See Board of County Commissioners July 26, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-116>