

Bold type: options for BOCC consideration

Yellow highlight: wildfire-related, to be addressed later, may also require subsequent Board direction

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.370 Rural Accessory Dwelling Units

* * *

18.116.370 Rural Accessory Dwelling Units

- A. The purpose of DCC 18.116.070 is to, consistent with provisions of state law, provide for the allowance of accessory dwelling units in rural residential areas.
- B. Definitions. As used in this section:
 - 1. "Accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to an existing single-family dwelling or manufactured home.
 - 2. "Rural residential use" means a lot or parcel located in the RR-10, MUA-10, UAR-10, or SR 2 ½ zones, consistent with the definition in ORS 215.501.
 - 3. "Single-family dwelling" or "manufactured home" means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.
 - 4. "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;
 - b. The occupant has a principal residence other than at the unit; and
 - c. The period of authorized occupancy does not exceed 45 days.
- C. One accessory dwelling unit is permitted outright on a lot or parcel zoned for rural residential use, provided:
 - 1. One single-family dwelling is sited on the lot or parcel;
 - 2. The lot or parcel is not located within the Redmond Urban Reserve Area, consistent with ORS 195.137;
 - 3. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416;
 - 4. 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;

Distance from Existing Dwelling

- 5. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling;

OPTION 1: The entirety of the useable floor area of the accessory dwelling unit will be located no farther than 100 feet from the existing single family dwelling;

OPTION 2: The accessory dwelling unit will be located no farther than 100 feet from the existing single family dwelling, measured by the nearest part of the useable square feet of the accessory dwelling unit;

Useable Floor Area

6. The accessory dwelling unit will not include more than 900 square feet of useable floor area, where “useable floor area” means

OPTION 1: The area included within the surrounding insulated exterior walls;

OPTION 2: The area included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers.

Minimum Acreage

7. The lot or parcel is at least two acres in size; 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:

OPTION 1: the minimum lot or parcel size must be at least five acres in size

OPTION 2: the minimum lot or parcel size must be at least ten acres in size

Wildlife Areas

8. **OPTION 1: The lot or parcel is not located within a Wildlife Area Combining Zone.**

OPTION 2: A garage located in a Wildlife Area Combining Zone may be constructed to support the accessory dwelling unit, provided the garage is no larger than xxx square feet and complies with applicable siting standards in this section and the setbacks of the underlying zones and other combining zones. The garage may be either attached or detached to the accessory dwelling unit and does not count towards the useable square footage standards set forth in 18.116.370(C)(6).

9. The accessory dwelling unit receives approval from a sewer authority or Deschutes County Environmental Soils for onsite wastewater disposal and treatment;
 10. The lot or parcel is served by one of the structural fire agencies serving Deschutes County: Alfalfa Rural Fire Protection District; Bend Fire and Rescue; Black Butte Ranch Rural Fire Protection District; Cloverdale Rural Fire Protection District; Crooked River Ranch Rural Fire Protection District; Deschutes Rural Fire Protection District #2; La Pine Rural Fire Protection District; Redmond Fire & Rescue; Sisters-Camp Sherman RFPD; Sunriver Fire and Rescue;
 11. 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;
 12. The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas;
 13. Statewide wildfire risk 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;
 14. The lot or parcel and accessory dwelling unit comply with rules of the State Board of Forestry under ORS 477.015 to 477.061; and
 15. If the accessory dwelling unit is not subject to ORS 477.015 to 477.061, the accessory dwelling unit has defensible space and fuel break standards as developed in consultation with local fire protection service providers.
- D. The applicant shall sign and record with the County Clerk a restrictive covenant stating an accessory dwelling unit allowed under this section to be used for vacation occupancy, as defined in DCC

18.116.370(B) and consistent with ORS 90.100.

- E. An accessory dwelling unit under this section is not authorized for :
 - 1. A subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
 - 2. Construction of an additional accessory dwelling unit including a medical hardship dwelling on the same lot or parcel.
- F. 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.
- G. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

HISTORY

Adopted by Ord. 2022-xxx §x on xx/xx/2022