

PLANNING COMMISSION RECOMMENDATION MATRIX

SENATE BILL (SB) 391 – RURAL ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENTS				
Land Use File No. 247-22-000671-TA				
	Issue Area	SB 391 Criterion	Planning Commission Recommendation	Possible Alternatives
1	Should rural ADUs be allowed with additional standards or prohibited?	None	<ul style="list-style-type: 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 subject to additional local standards and restrictions. Applies to Rural Residential (RR10), Multiple Use Agricultural (MUA10), Urban Area Reserve (UAR-10), and Suburban Residential (SR 2.5) zones. Recommended by Planning Commission 5 to 1 	<ol style="list-style-type: none"> Prohibit rural ADU development in Deschutes County.
2	How should “Useable Floor Area” be defined?	The ADU cannot include more than 900 square feet of “useable floor area.”	<ul style="list-style-type: none"> “Useable floor area” is undefined within SB 391 and the administering statutes. The 900 square-foot limit to applies to the entire ADU structure, including garages and accessory components Recommended by Planning Commission 5 to 1 	<ol style="list-style-type: none"> Exclude items such as garages and accessory components from the 900 square-foot “useable floor area” definition. Set a maximum size limit to accessory components of ADUs such as garages. Additional requirements for permitting standards on habitable versus non-habitable space (i.e. – Group R-3 building permits for habitable space and Group U permits for non-habitable space).
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.	<ul style="list-style-type: none"> 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. Unchanged by the Planning Commission from staff’s initial recommendation 	<ol style="list-style-type: none"> Requiring the entire footprint of an ADU to be located within 100 feet of the existing single-family dwelling.

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4	Are specific limitations warranted for Southern Deschutes County Groundwater Protection?	None	<ul style="list-style-type: none"> • Due to vulnerable groundwater characteristics in southern Deschutes County, 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. • Unchanged by the Planning Commission from staff’s initial recommendation 	<ol style="list-style-type: none"> 1. Prohibit all rural ADU development in the identified southern Deschutes County boundaries. 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. 3. Set a larger minimum parcel size requirement for all southern Deschutes County properties to qualify for rural ADU development. 4. Remove the minimum size requirements for all southern Deschutes County properties to qualify for rural ADU development.
5	Do the current amendments and ESEE analysis adequately address and protect Goal 5 and Natural Resources?	None	<ul style="list-style-type: none"> • 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) • Recommended by Planning Commission 5 to 1 	<ol style="list-style-type: none"> 1. Allow 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. 2. Prohibit rural ADU development in some, but not all, designated Goal 5 resource areas. 3. 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. 4. Delay the adoption of rural ADU legislation until such time as the proposed Deschutes County Goal 5 inventory update is complete.

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6	Do the current amendments adequately address Senate Bill 762 and Wildfire Mitigation?	<ul style="list-style-type: none"> 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; The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use; The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas; 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. 	<ul style="list-style-type: none"> Delay the adoption of rural ADU legislation until such time as the final State Wildfire Risk Map has been released by the Oregon Department of Forestry Recommended by Planning Commission 6 to 0 	<ol style="list-style-type: none"> Continue the adoption of rural ADU legislation with the SB 391 fire mitigation standards prior to the release of the final State Wildfire Risk Map by the Oregon Department of Forestry. Development on any rural ADU project would be prohibited until a final version of the State Wildfire Risk Map is released, likely in Winter 2023. Require all rural ADUs contain fire sprinklers (per recommendation from Chief Mike Supkis of La Pine Rural Fire Protection District).

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7	Should ADUs be allowed in the Westside Transect Zone?	None	<ul style="list-style-type: none"> Prohibit rural ADU development in the WTZ Rural ADUs would be allowed on properties within the Westside Transect Zone (WTZ) Recommended by Planning Commission 5 to 1 	<ol style="list-style-type: none"> Allow rural ADU development in the 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. Develop additional restrictions for rural ADU development in the WTZ such as siting standards, etc.
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.	<ul style="list-style-type: none"> Prohibit both the existing single-family dwelling and the ADU for vacation occupancy use, as defined in DCC 18.116.370(A)(8) and consistent with ORS 90.100 Recommended by Planning Commission 6 to 0 	<ol style="list-style-type: none"> Allow the existing single-family dwelling to be utilized for vacation occupancy use. The applicant shall be required to 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 DCC 18.116.370(A)(8) and consistent with ORS 90.100