



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: June 29, 2023

SUBJECT: Rural Accessory Dwelling Unit (ADU) Legislative Amendments – Anticipated Property Eligibility

The Deschutes County Planning Commission (Commission) will conduct a work session on July 13, 2023 concerning local provisions for rural ADUs as identified in Senate Bill (SB) 391¹ (file no. 247-22-000671-TA). This will be second work session with the Commission on these proposed amendments following previous actions during fall 2022.

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 Planning Commission (Commission) on September 22, 2022². The Commission held deliberations on October 27, 2022³ and the recommendations from that meeting are discussed herein.

Since the Commission's last actions on this proposal, legislation was passed by the Oregon Legislature which requires several changes to the original proposed amendments to maintain compliance with state standards. Specifically, SB 644 was recently passed which 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 80 was passed which alters the original standards and terminology used within the forthcoming Statewide Wildfire Hazard Map.

Given the passage of SB 644 and SB 80, along with the necessary amendment changes required by the bills, staff conducted a work session with the Deschutes County Board of Commissioners (Board) on June 5, 2023 to understand preferred steps on the ADU proposal moving forward. During that work session, the Board directed staff to reinstate PAPA notice proceedings with DLCD to capture the

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

² See Deschutes County Planning Commission September 22, 2022 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-17>

³ See Deschutes County Planning Commission October 27, 2022 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-21>

newest version of the amendments and provide the Commission with an opportunity to review the revised amendments. Per Board direction, staff submitted a revised 35-day PAPA notice to DLCD on June 7, 2023.

Based on the newest alterations and PAPA notice, the Commission will review the proposed amendments during the July 13, 2023 work session and offer any revised or new recommendations for the Board's consideration. No additional public hearings will be held before the Commission regarding the new amendments and any deliberative comments must be submitted during the work session proceedings. Recommendations from the Commission will be provided to the Board during a public hearing on July 26, 2023.

I. ANTICIPATED PROPERTY ELIGIBILITY

This proposal amends Deschutes County Code (DCC), Titles 18 and 19 to allow Rural ADUs consistent with SB 391 in the Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect (WTZ) Zones. Eligibility criteria will be incorporated in DCC Chapters 18.116, Supplementary Provisions and 19.92, Interpretations and Exceptions. Based on initial review of the qualifying characteristics, approximately **8,660 tax lots in Deschutes County could potentially qualify for a rural ADU**. This includes properties which do not currently have a single-family dwelling onsite, but otherwise meet the qualifying standards. Additionally, this includes parcels which the Commission has recommended be prohibited from rural ADU development. However, staff notes the following limitations and revisions to that initial estimate:

- The estimate is only based on general requirements from SB 391 and SB 644, and does not evaluate properties on an individual level. Specific properties may have unique lot boundaries, geographic features, onsite wastewater limitations, or other characteristics which make the establishment of a rural ADU more challenging or impossible.
- Property owners may encounter additional costs and challenges when constructing a rural ADU above and beyond specific land use standards. It is likely that numerous properties will need to incorporate significant upgrades to onsite wastewater treatment systems prior to establishment of rural ADUs.
- This estimate includes 765 potentially eligible tax lots in the Wildlife Area Combining Zone (includes Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat). There are no potentially eligible tax lots within the Greater Sage Grouse Area Combining Zone.
 - The Commission initially recommended that all properties within the Wildlife Area Combining Zone be prohibited from qualifying for an ADU.
- This estimate includes 120 potentially eligible parcels in the Westside Transect Zone.
 - The Commission recommends that all properties within the Westside Transect Zone be prohibited from qualifying for an ADU.

- This estimate is based on a 5-acre minimum parcel size in southern Deschutes County. There are approximately 319 potentially eligible tax lots in southern Deschutes County based on a 5-acre minimum parcel size. There are approximately 1,129 potentially eligible tax lots in this area based on a 2-acre minimum parcel size.
 - The Commission recommends a 5-acre minimum parcel size in southern Deschutes County for ADU development.

Attachments:

1. Map of Potentially Eligible Properties



1" = 3.5 Miles

Parcels Meeting Initial Criteria for Rural ADUs per SB 391

