

Community Development Department

Rural Accessory Dwelling Units (ADUs)



OPEN HOUSE | NOVEMBER 30, 2023

Presentation Overview

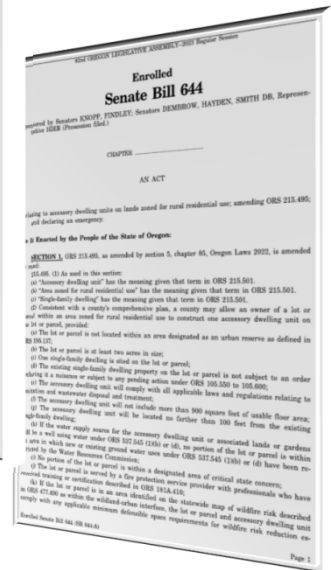
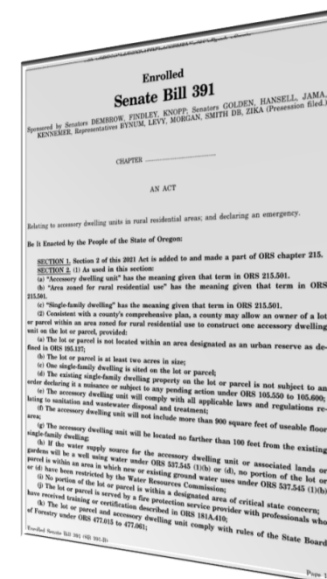
- Zoning Requirements
- Septic Requirements
- Wildfire Hazard Mitigation
- Permitting Process
- Moderated Q & A



ADU Zoning Requirements

Background

- In 2021 and 2023, State law changed to allow Rural ADUs.
- The County adopted new zoning codes based on the new laws.
- The County *cannot grant variances* to the State law requirements.
- Permits are required.



Background

- **An Accessory Dwelling Unit (ADU) is a secondary dwelling unit that is used in connection with a primary dwelling.**
- **Other common names:**
 - **In-Law or Mother-in-Law Unit**
 - **Secondary Dwelling Unit**
 - **Granny Flat**
 - **Accessory Apartment**



ADU Allowances in Cities

Cities have different ADU allowances and requirements.

- City of Bend
- City of Redmond
- City of La Pine
- City of Sisters



Rural ADU Zoning

A property must be located in one of the following *Deschutes County* zones:

- Rural Residential Zone (RR10)
- Multiple Use Agricultural Zone (MUA10)
- Urban Area Reserve Zone (UAR10)
- Suburban Low Density Residential Zone (SR 2 ½)
- Westside Transect Zone (WTZ)

Does not include Tumalo, Terrebonne, Sunriver, or Black Butte.



Verify Zoning

www.dial.deschutes.org

Deschutes County Property Information
Dial (Enhanced)

New Search | Interactive Map

View / Print Report | [Development >> Summary](#)

Assessment & Taxation ▶

Warnings/Notations

Service Providers ▶

Development ▼

Summary

Permits

Zoning Map

Documents

Mailing Labels

Transportation ▶

How to Use Dial

Development Summary for account [REDACTED]

The [Deschutes County Community Development Department](#) is responsible for land use and permits for properties if you have questions.

Account Information		Property Details	
Mailing Name:	[REDACTED]	Subdivision:	[REDACTED]
Map and Taxlot:	[REDACTED]	Acres:	2.27
Account:	[REDACTED]		
Situs Address:	[REDACTED]		
Tax Status: Assessable			

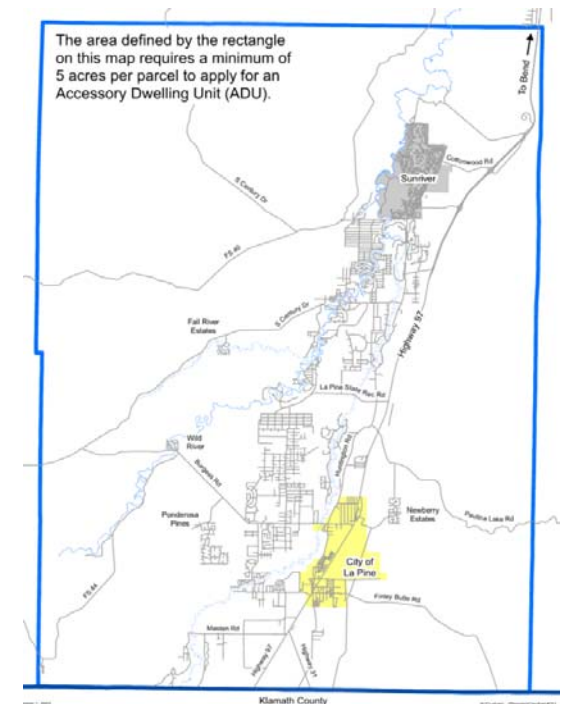
Zoning Designation

Jurisdiction	Zone	Description	Link to Zoning Code
COUNTY	MUA10	MULTIPLE USE AGRICULTURAL 10 ACRE MINIMUM	View Document
COUNTY	AS	AIRPORT SAFETY COMBINING ZONE	View Document



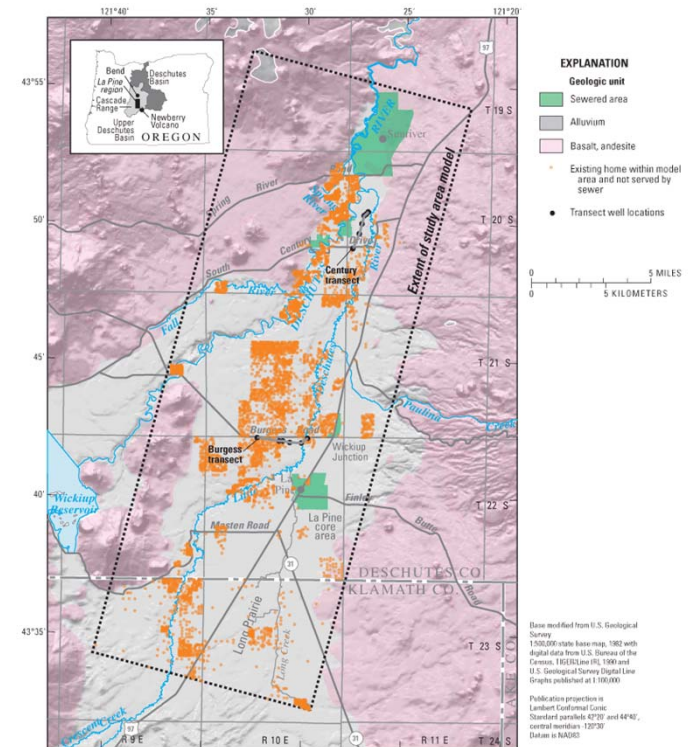
Rural ADU Zoning Standards

- There must be a primary dwelling.
- Minimum Lot Size:
 - South Deschutes County = 5 acres
 - Unless Sewer is Available = 2 acres
 - All Other Areas = 2 acres



Background - Minimum Lot Sizes

- 2 Acre Minimum
 - State Law
- 5 Acre Minimum
 - South County Groundwater Protection Area
 - Too much wastewater going into the ground to protect drinking water.
 - Nitrogen reducing system requirements



Rural ADU Zoning Standards

- The ADU is limited to 900 sq ft of *usable floor area* (does not include garage areas, porches, and decks).
- The ADU must be located within *100 feet* of the primary dwelling.

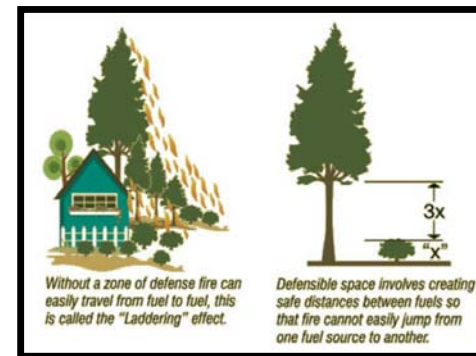
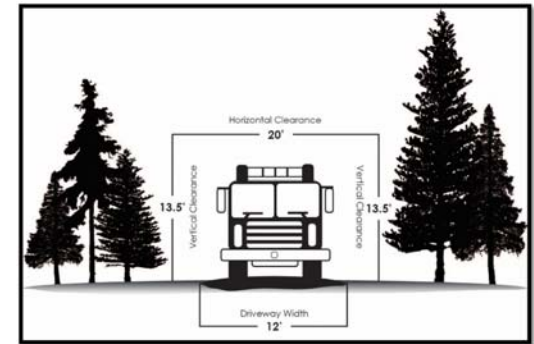
New Construction ADU - Measured from wall of primary dwelling to *usable floor area*.

Converting an Existing Structure to an ADU - Measured from wall of primary dwelling to any part of the existing structure.



Wildfire Mitigation Standards

- The ADU must be fire hardened to R327 standards (includes new construction and conversion of an existing structure).
- Special driveway requirements or need approval from the Fire District.
- Special firebreak requirements around the ADU or need approval from the Fire District.



Utility Requirements

Prior to applying for zoning approval:

Fire Protection

- The property must be in a Fire Protection District.

Wastewater

- Obtain approval of an ADU Septic Site Evaluation; or
- A “will serve” letter from the sewer district.

Domestic Water

- Obtain a “will serve” letter from the water provider; or
- Well users contact the local Watermaster (OWRD)



Rural ADU Restrictions

- The primary dwelling and ADU cannot be used as a short-term rental (i.e. vacation occupancy).
- A property does not qualify for an ADU if there is a guest house or other dwellings on the property.
- An ADU cannot be attached to the primary dwelling.



Planning Permit

- Planning permit required
- Review fee = \$730
- Review time = 30 days or less
- ADU Planning Application form must be completed
- Submit via:
 - Email: planning@deschutes.org
 - In-person
 - By mail



File No. 247 _____
(Office Use Only)

COMMUNITY DEVELOPMENT

ACCESSORY DWELLING UNIT (ADU) PLANNING APPLICATION
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

FEE: _____

1. Complete the application form and provide appropriate signatures. All materials must be submitted on 8.5" x 11" paper or electronically to planning@deschutes.org.
2. This application shall include a plot plan that shows all property lines and existing and proposed structures, parking, landscaping, lighting, etc.
3. Attach a copy of the current deed showing the property owners.
4. Attach correct fee.
5. All applicable standards and criteria must be addressed in writing prior to acceptance of the application. Construction plans, detailed descriptions, maps and other relevant information must be attached to this application.

Applicant's Name (Print): _____ Phone: (____) _____
Mailing Address: _____ City/State/Zip: _____
Applicant's Email Address: _____
Property Owner's Name (if different)*: _____ Phone: (____) _____
Mailing Address: _____ City/State/Zip: _____
Property Owner's Email Address: _____

1. Property Address: _____
2. Property Description: Township _____ Range _____ Section _____ Tax Lot _____
3. Property Zonets: _____
4. Property will be served by (Check one): Sewer Onsite Disposal System
5. Domestic Water Source: _____

To the best of my knowledge, the proposal complies with all previous conditions of approval and all other applicable local, state, and federal laws. By signing this application, I acknowledge that Deschutes County planning staff may make a site visit(s) to the address(es) listed on this application in order to evaluate the property(ies) with the Deschutes County Code criteria applicable to the land use request(s) submitted. Please describe any special circumstances regarding a potential site visit:

117 NW Lafayette Avenue, Bend, Oregon 97701 | P.O. Box 6026, Bend, OR 97708-6026
(541) 388-6375 | info@deschutes.org | www.deschutes.org

Rev 10/23



ADU Septic Requirements

ADU Septic Requirements

- A second dwelling requires a review of the septic system and site conditions – like new development.
- Property owners will need: Site evaluation & installation permit.
- Timing – Start septic site evaluation prior to design.



Septic Site Evaluation

- A Septic Site Evaluation *is required for all ADUs.*
- Test holes for expansion/new area
- The County's report will provide options and sizing requirements:
 1. Can the existing system be modified and how much? *or*
 2. Can a new system be approved?
 3. Locate area for future replacement



R327 Wildfire Hazard Mitigation

Purpose & Scope



The Purpose of this section is to provide minimum construction standards and material compliance to reduce or eliminate hazards presented by wildfires.

Currently only applicable to *rural ADUs*.



What It Means

- **New requirements for exterior elements such as: Roofing, Gutters, Ventilation, Siding, Exterior Decks and Porch Covers, Balconies and Carports just to name a few....**
- **Installation of materials largely defined as “Heavy timber”, “Ignition-resistant material” and “Noncombustible Material”**

(See Fire Hardening handout for complete list)



Key Definitions



Heavy Timber

Sawn lumber or glue laminated wood with a minimum nominal dimension of 4".



Key Definitions

Ignition Resistant Material

A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfires.



Image Source: UL – Underwriters Laboratories, Inc.



Key Definitions



CONCRETE



STEEL



MASONRY



GLASS

Noncombustible Material

Any material that will not ignite, burn, support combustion or release flammable vapors when subjected to fire or heat.



ADU & R327 Implementation

- These new requirements apply to both newly constructed ADUs *as well as* existing structures converted to ADUs.
- Submission of construction plans for building permit review need to include details and notes that demonstrate full compliance with R327.



Code Information/Links



Visit the Deschutes County Website

www.deschutes.org/adu

ADU Fire Hardening Requirements
PDF (contains code links)



www.oregon.gov/bcd

ADOPTED CODE ONLINE



Permitting Process

Development Requirement

- **Site Evaluation**

- **Test pits – Minimum of three; 4'x4'x5'**
- **Review: 3-4 Weeks, weather permitting**
- **Apply electronically through Oregon ePermitting**



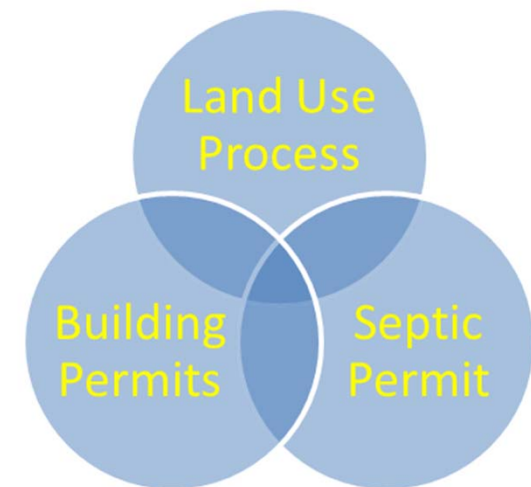
- **Why?**

- **Evaluation of existing system and soil study to determine septic requirements for a second dwelling.**



Permitting Process

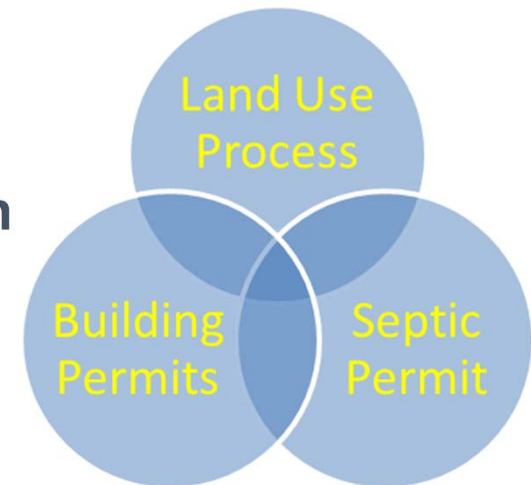
- **Planning Approval** (Planning Division)
 - Review: Within 30 Days
 - Apply in person, by email or mail
- **Septic Installation Permit** (Onsite Wastewater Division)
 - Review: 10 Days
 - Apply electronically through Oregon ePermitting
- **Building Permits** (Building Safety Division)
 - Review: 8-10 Weeks
 - Apply electronically through Oregon ePermitting



Permitting Process, continued

- **Driveway Access Permit**, if applicable (On behalf of Road Dept.)
 - Review: 2-3 Weeks
 - Address assignment based on access location
 - Apply electronically through Oregon ePermitting
- **Planning, septic, building and driveway permit reviews can run concurrently.**

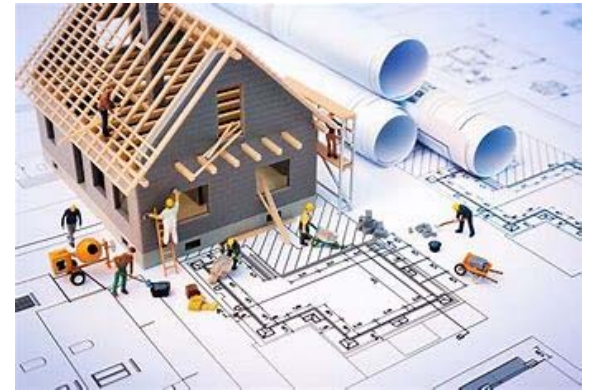
If you have questions regarding the permitting process, staff are available to assist you in person, by phone or email.



Permit Costs Example

Proposal:

New 900 sf. ADU (2 bed/1 bath) with attached 400 sf garage connecting to a new ATT septic system



- **Septic Site Evaluation - \$1,005**
- **Planning Permit - \$730**
- **Septic Installation Permit - \$2,168 (ATT)**



Permit Costs Example, continued

- Building Permits - \$5,000
- Driveway Access Permit, if applicable - \$81.50
- Transportation System Development Charge (TSDC) - \$2,269
To be paid prior to Certificate of Occupancy issuance

Total permit costs: \$11,500 (approximate)

Fees are subject to change annually

