



Minutes

DESCHUTES COUNTY PLANNING COMMISSION
DESCHUTES SERVICES CENTER
1300 NW WALL STREET, BEND, OREGON, 97703
SEPTEMBER 22ND, 2022 – 5:30 P.M.

THIS MEETING WAS CONDUCTED IN PERSON, ELECTRONICALLY, AND BY PHONE. IT WAS AUDIO AND VIDEO RECORDED AND CAN BE ACCESSED AT THE DESCHUTES COUNTY MEETING PORTAL WEBSITE WWW.DESCHUTES.ORG/MEETINGS

I. Call to Order

Chairperson Jessica Kieras called the meeting to order at 5:30 pm. Planning Commissioners present in-person: Dale Crawford, Nathan Hovekamp, Matt Cyrus, Susan Altman, Toni Williams. Planning Commissioners Absent: Maggie Kirby.

Staff present: Peter Gutowsky – Community Development Director, Will Groves – Planning Manager, Kyle Collins – Associate Planner.

II. Public Comment

- None

III. Action Items

1. **Text Amendment Public Hearing - Senate Bill (SB) 391 and Rural Accessory Dwelling Units (Kyle Collins, Associate Planner)**

- Mr. Collins discussed the Eligibility requirements and applicable restrictions outlined in Senate Bill 391 for Rural ADUs and the proposed interpretations for Deschutes County.
- Mr. Collins outlined the significance and relevance of Senate Bill 762 and how the state wildfire standards and timing of implementation will influence the adoption of rural ADU regulations in Deschutes County. No applications will be accepted until a new release of the state wildfire risk map is issued and can be applied to address any additional building and fire hardening code that may be necessary based on risk classification.
- Agency comments received have included concerns for southern Deschutes County's risk of water resource contamination with any increase of density and number of dwellings in areas that are already exceeding nitrate loading sustainability. The Environmental Soils division recommends minimum parcel size of 5 acres in these areas.
- ODFW expressed concerns that allowing rural ADUs constitutes a conflicting use to wildlife populations and habitats.
- La Pine Rural fire protection district states all State fire codes need to be maintained and Deschutes County should fully adopt the State's new structural WUI hardening codes. They also recommend any rural ADU feature fire suppression sprinklers.
- Oregon water Resources noted that landowners may not drill two wells and the presence of two dwellings does not allow for doubling of the exempt uses.

IV. Public Hearing Comments

- Dennis Krakow, Bend, OR- Confused about how many days constitutes a short-term rental. Questioned whether the regulations only applied to new construction or if it also applied to structures that may already be existing and potentially converted.
- Rory Isabel, Staff Attorney for COLW- Provided hard copies of written comments submitted electronically to CDD earlier. COLW believes there are many downfalls to rural ADUs and shared those potential negative impacts to resources and wildlife if adopted by Deschutes County and noted the SB 391 does not require Deschutes County to adopt and allow ADUs, but rather gives them the ability to and nearby jurisdictions such as Jefferson County have recently elected not to allow them. They recommend the minimum parcel size be 5 acres throughout the county, prohibiting ADUs in goal 5 overlay zones and the West Side Transect zone.
- Dan Slauson, Bend, OR- Urged the PC to move forward with the allowance of rural ADUs and shared his support.
- Elise Wolf, Sisters, OR- Questioned how ADUs will be monitored and violations addressed and whether the number of illegally established ADUs are being considered. She also shared her concerns for wildlife populations and road issues that will be caused by the development of rural ADUs.
- Jeff Marenick, Bend, OR- Shared his support of rural ADU development moving forward but encouraged staff to look at lot size requirements between 2 and 5 acres. He also shared that the addition of an ADU will lead to an increased assessed value and therefore property taxes to offset the cost of road issues for special road districts.
- Nunzie Gould, Bend, OR- Questioned how the county will assure that an ADU will not be used as a vacation rental. She also shared concerns for issues like water shortages in the area and exempt wells. She encouraged ADUs be focused in municipalities where city code already allows their development.
- Martin Stewart, Redmond, OR- Shared his support for the development of ADUs to help with the housing shortage.
- Ralph Santana, Redmond, OR- Shared his interest in building an ADU on his property to make housing more affordable for his family and provide an additional living accommodation.

Motion: Commissioner Crawford moves to close the oral hearing and leave the written record open until close of business on October 6th and commence deliberation on October 13th. Commissioner Cyrus seconded the motion.

- Commissioner Cyrus offers a friendly amendment to leave the record open only one week, closing on September 29th to allow staff time to prepare materials for deliberation on October 13th.
- Unanimous vote to approve the motion with the friendly amendment.

V. Planning Commission and Staff Comments

- Commissioner Williams questioned any Deschutes County plans for safe evacuation related to ADU developments.
- Commissioner Cyrus inquired if there was documentation to support claims in the board packet that the decline in mule deer population as a result of human caused habitat reduction.

- Peter Gutowsky shared that the Oregon Department of Forestry made an announcement that they have revised its' schedule for the release of the updated wildfire risk map and shared the prospective timeline over the coming months.
- Peter shared that Deschutes just recently hired a new Houseless Coordinator to steer a regional taskforce in Central Oregon.
- Peter reported that Jenn Patterson started as Strategic Initiatives Manager a couple of weeks ago.
- Commissioner Williams commended the presentation this evening. Chair Kieras and Vice Chair Altman concurred.
- Commissioner Hovekamp noted his appreciation for the additional time to consider the information presented this evening prior to deliberation and the quality of the presentation this evening.

VI. Adjourn

The meeting was adjourned at 7:49 pm.

Respectfully submitted by

Brooke Clark

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