



COMMUNITY DEVELOPMENT DEPARTMENT

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**STAFF REPORT
to the Planning Commission**

PROPOSED ACTION: Amendments to Development Code Chapters 51, 63, 64, 65, and 91 regarding accessory dwelling units and other amendments related to Senate Bill 1051

APPLICABLE CRITERIA: Benton County Code Sections 51.20, 63.105, 64.105, 65.015, 65.115, 65.215, 91.050, and 91.510

AFFECTED PROPERTIES: Allowance for Accessory Dwelling Units (ADUs) will affect areas outside incorporated city limits, but within urban growth boundaries (UGBs) in Benton County, including properties within the UGBs of Corvallis, Philomath, Monroe, and Adair Village. Changes to manufactured home standards and the definition of a dwelling unit will apply throughout Benton County (outside incorporated cities).

PLANNING COMMISSION HEARING DATE: May 1, 2018

STAFF CONTACT: Kevin Young/Greg Verret

FILE NUMBER: LU-18-016

I. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed amendments are consistent with the applicable provisions of the Benton County Code, and comply with applicable state statutes and administrative rules. Based on the findings presented below, staff recommends that the Planning Commission vote to: ***Recommend to the Board of Commissioners adoption of the proposed text amendments as contained in Attachment A. [See page 5 for motion language.]***

Attachment:

- A. Draft Amendments to the Development Code.**
- B. Written Testimony**
- C. Excerpts from the 2010 Health Impact Assessment for ADUs**
- D. Responses to Planning Commission Questions at the April 17, 2018, Work Session**

II. BACKGROUND

The Development Code has existed in its current form, with incremental amendments, since 1990. The current proposal is another set of incremental amendments.

The proposed Development Code amendments fall into two categories:

- Amendments required by the recent passage of Senate Bill (SB) 1051, as amended by House Bill (HB) 4031.
- Code amendments to enhance consistency with the required regulations above, to provide clarity regarding what is considered a “dwelling” in Benton County, and to expand manufactured home options to enhance affordability. Other corrections are proposed to correct out of date references and correct numeration.

III. COMMENTS

Notice of the proposed amendments was sent to the Oregon Department of Land Conservation and Development as required by Oregon Administrative Rule on March 27, 2018. An advertised public information session regarding the proposed code amendments was held on April 10, 2018, which was attended by approximately 20 - 25 County residents. A Planning Commission work session was held on April 17th, at which the draft concepts were discussed and written testimony and verbal comments received at the public information session were reviewed. Notice of the Planning Commission’s public hearing was published in the local newspaper on April 21, 2018. As of the date of preparation of this staff report, six written comments have been received regarding the draft proposal (**Attachment B**).

IV. PROPOSED AMENDMENTS

The following is a summary of the amendments; refer to **Attachment A** for the complete text of the proposal. The following table explains the proposed code amendments by chapter, as well as identifying whether they are required by recent changes to state law, or are recommended by staff for other reasons:

Code Section	Summary of Changes	Reason for Changes
51.020 Definitions	Defines “accessory dwelling unit”	Required by SB 1051
	Revises definition of “dwelling” to provide better clarification	To assist in code implementation and consistency
	Revises definition of “family”	Includes “dependents” within definition to clarify that foster and adoptive families are included

63.105 Rural Residential (RR)- Permitted Uses	Allows accessory dwelling units only within RR Zone areas within urban growth boundaries in Benton County	Required by SB 1051
64.106 Urban Residential (UR) – Permitted Uses	Allows accessory dwelling units within this zone	Required by SB 1051
65.015, 65.115, 65.215 – Philomath Low, Medium, and High Density Residential Zones	Allows accessory dwelling units within this zone	Required by SB 1051
91.050 Accessory Dwelling Unit Standards	Establishes standards for the development of accessory dwelling units	Although not required by SB 1051, the statute allows jurisdictions to adopt “reasonable local regulations related to siting and design.”
91.510 Placement Standards for Manufactured Dwellings in the UR and RR Zones	Reduces minimum allowed size for a manufactured home to 320 square feet	Proposed by staff to improve affordability
	Eliminates discretionary decision criteria from existing standards	Required by SB 1051

V. FINDINGS APPLYING CODE CRITERIA, INCLUDING JUSTIFICATION FOR THE PROPOSED AMENDMENTS

BCC 53.605: On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify the text.

Findings: Oregon Senate Bill (SB) 1051 was signed into law on August 15, 2017, and was recently amended by House Bill (HB) 4031. The bill was developed with the primary purpose of expanding housing opportunities, and the affordability of housing, in all but the least populated cities and counties in Oregon. The combined effect of the two bills places a few requirements on most Oregon local governments, including Benton County. The component of the new regulations that has probably received the most attention is the requirement to put in place clear and objective regulations to allow at least one accessory dwelling unit (ADU) to be established in conjunction with a detached single-family dwelling in any zone within an urban growth boundary (UGB) that allows detached single-family dwellings. Additionally, jurisdictions are required to adopt a definition for “accessory dwelling unit” consistent with that in SB 1051. Per SB 1051, the new ADU standards must be in place by July 1, 2018.

Senate Bill 1051 includes a number of other provisions, many of which will not require amending the Benton County Code. However, the Bill includes a requirement to apply only clear and objective standards to residential development within UGBs. For the most part, the County's standards for residential development within UGBs are clear and objective; however, some provisions in the County's placement standards for manufactured dwellings in Urban Residential and Rural Residential Zones are not clear and objective. Staff propose amending these requirements, which are related to the visual compatibility of the homes or required garages, to make them clear and objective.

In relation to the requirement to allow ADUs, SB 1051 allows local governments to establish "reasonable local regulations related to siting and design." Community Development Department staff have developed a recommended package of requirements for the establishment of accessory dwelling units (see Section 91.050 - Accessory Dwelling Unit Standards in **Attachment A**). The proposed regulations have been developed in consultation with Environmental Health, Public Works, and other Benton County staff, as well as with planning staff from other Oregon jurisdictions. The proposed regulatory concepts were introduced and discussed with the interested Benton County residents at the public information session on April 10, 2018. Reasons for the various requirements include: protecting environmental resources and public health, limiting the size of ADUs to enhance affordability and minimize environmental and other impacts, addressing impacts to the County's transportation system and ensuring public safety, minimizing impacts to neighboring properties and uses, disallowing use as short-term rentals to support use for affordable long-term housing, and ensuring that the location of ADUs within urban fringe areas (outside city limits, but within UGBs) will not complicate or preclude future urbanization.

The remaining code amendments include improving the definitions of "dwelling" and "family" and reducing the minimum size requirement for a manufactured home throughout Benton County to 320 square feet, which is the minimum size allowed by the US Department of Housing and Urban Development. Improving the definition of "dwelling" is necessary to ensure consistent interpretation and implementation regarding dwellings and accessory living space in the County. These revisions codify long-standing practice by Community Development staff in implementing the Development Code, making these requirements more transparent to the public and to the development community. Expanding the definition of "family" clarifies that this term includes adoptive and foster families, thereby promoting clarity and inclusion. Lastly, reducing the minimum size allowed for a manufactured dwelling within the County provides smaller scale and more affordable housing options for Benton County residents.

Conclusion: The proposed code amendments are largely a response to "changing policies and conditions" stemming from the passage of SB 1051 and of HB 4031. Other amendments are proposed to benefit public health, safety, and welfare, as explained above. The proposed amendments meet the general criteria for consideration.

BCC 53.610(1): The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed text amendment.

Findings: The Benton County Board of Commissioners was briefed on the Community Development Department’s upcoming long range planning projects at a work session on September 26, 2017. On that list of projects, the implementation of Senate Bill 1051 was identified as a high priority for upcoming work efforts, due to the requirement to put in place standards by July 1, 2018. The Board of Commissioners expressed their support for the proposed long range planning projects, and directed staff to proceed with this set of code amendments. This staff report and the annotations within the attached code amendments constitute a background report discussing the justifications for the proposed amendments.

Conclusion: The proposed amendments were properly initiated.

BCC 53.620: The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed text amendment.

BCC 53.625: The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Planning Commission will conduct a hearing on May 1, 2018, and will forward a recommendation to the Board of Commissioners.

Conclusion: The conduct of the upcoming hearings will comply with the procedure stipulated here.

VI. CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the proposed amendments are consistent with the applicable provisions of the Benton County Code, and comply with applicable state statutes and administrative rules. Based on the findings presented below, staff recommends that the Planning Commission vote to: ***Recommend to the Board of Commissioners adoption of the proposed text amendments as contained in Attachment A.***

VIII. MOTIONS

1. “Based on the information presented in the staff report and evidence received at the public hearing, I move that the Planning Commission recommend that the Board of Commissioners adopt the proposed Development Code text amendments contained in Attachment A.”

or,

2. “Based on the information presented in the staff report and evidence received at the public hearing, I move that the Planning Commission recommend that the Board of Commissioners adopt the proposed Development Code text amendments contained in Attachment A **as amended at the hearing.**”

Proposed Changes to Chapter 51

Development Code Administration

(New language designated by double underline, deleted language by ~~strikeout~~)

51.020 Definitions. As used in BCC Chapters 51 to 100:

(2) “Accessory dwelling unit” means an interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. An interior accessory dwelling unit is one that is established through the conversion of existing space within an existing dwelling unit to serve as a separate accessory dwelling unit. Standards for accessory dwelling units are found in BCC Section 91.050.

(All subsequent definitions to be renumbered accordingly)

(12) “Dwelling” means a single-family dwelling, as further defined below for purposes of this Development Code. “Dwelling” includes a manufactured dwelling unless otherwise provided by this code. “Dwelling” does not mean a tent, tepee, yurt, hotel, motel, recreational vehicle or bus.

The land use category of “dwelling” is limited to a structure or structures, designed and occupied as a single housekeeping unit by an individual, two or more related persons (including dependents), or a group of not more than five unrelated persons. This type of use is distinct from a short-term rental use (defined as rental of a dwelling for less than a one month period) which is considered a home occupation and allowed subject to the applicable standards for home occupations in this code. Use of a structure or a portion of a structure as a second, independent housekeeping unit is allowed only when specifically authorized pursuant to this Development Code, such as for a duplex, accessory dwelling unit, medical hardship dwelling, farm-help dwelling, or other approved use. However, if the occupants described above occupy a primary dwelling structure and accessory living area in a separate structure on the same property, share a single kitchen, and live together as a household, the two structures would be considered components of one dwelling.

An accessory structure containing a kitchen, as defined below, in combination with a bathroom and a bedroom or a room that could function as a bedroom, is allowed only when authorized as an additional dwelling or accessory dwelling unit pursuant to the Development Code.

Within a dwelling, a second kitchen, as defined below, is allowed only when authorized as a duplex, accessory dwelling unit, or additional dwelling in those zones that allow such uses, or when the dwelling is organized such that neither kitchen can support a second, separate housekeeping unit; for example, the kitchen may not be capable of being shut off from the rest of the dwelling in a way that would isolate a combination of kitchen, bathroom, bedroom or a room that could function as a bedroom, and outside entrance.

As used in this definition, “kitchen” means a room or area containing a combination of:

- (a) Wash basin to be used for washing and food preparation; and
- (b) Range, stove, microwave or other cooking facility, or 220 wiring, or gas line, except as to service a facility other than a cooking facility.

(All subsequent definitions to be renumbered accordingly)

(14) “Family” means in individual, two or more related persons (including dependents), or a group of not more than five unrelated persons living together as a housekeeping unit.

(All subsequent definitions to be renumbered accordingly)

(15) "Farm use" means the following:

- (a) In only the Exclusive Farm Use, Forest Conservation, and Multi-Purpose Agriculture zones,

Attachment A-1

“farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Marijuana, grown commercially pursuant to a license issued by the State of Oregon, is a crop. "Farm Use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees defined in ORS 215.203 (3) or land described in ORS 321.267 (3) or 321.824. A wholesale or retail plant nursery is considered horticultural use and therefore is allowed under this definition. [Ord 2015-0270]

- (b) In zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees or for hardwood species marketable as fiber for manufacturing paper products as described in ORS 321.267(3) or 321.824. Farm use shall be appropriate for the continuation of existing, or the promotion of new, commercial agriculture enterprise in the area.

“Farm use” in zones other than Exclusive Farm Use, Forest Conservation and Multi-Purpose Agriculture is distinguished from the 51.020(~~4315~~)(a) definition by the exclusion of:

- (A) “stabling or training equines”;
- (B) “bird and other animal species that are under the jurisdiction of the State Fish and Wildlife Commission”;
- (C) “on-site construction and maintenance of equipment and facilities” used for farm use; and
- (D) “marijuana, grown commercially pursuant to a license issued by the State of Oregon,” as a farm crop. [Ord 2015-0270]

(All subsequent definitions to be renumbered accordingly)

Proposed Changes to Chapter 63

Rural Residential (RR)

(New language designated by double underline, deleted language by ~~strikeout~~)

PERMITTED USES

63.105 Permitted Uses. The following uses are allowed in the Rural Residential Zone:

- (1) Farm or forest use.
- (2) One dwelling per parcel. For the purposes of this section, “dwelling” includes a manufactured dwelling that complies with the manufactured dwelling standards in BCC 91.505 to 91.510, as well as all other applicable requirements of BCC Chapter 91.
- (3) Residential home.
- (4) Day care for fewer than thirteen children.
- (5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the terms and conditions set forth in BCC 91.545 and 91.550. The hardship manufactured dwelling shall comply with all other applicable requirements of BCC Chapter 91, except the additional placement standards of BCC 91.510 shall not apply.
- (6) Home occupation.
- (7) Accessory use or structure.
- (8) Accessory dwelling unit on properties zoned Rural Residential and only within urban growth boundaries, in conjunction with a single-family dwelling on a lot or parcel, subject to the special use standards in BCC 91.050.

**Proposed Changes to
Chapter 64
Urban Residential (UR)**

(New language designated by double underline, deleted language by ~~strikeout~~)

64.105 Permitted Uses. The following uses are allowed in the Urban Residential Zone:

- (1) One dwelling per parcel. For the purposes of this section, “dwelling” includes a manufactured dwelling that complies with the manufactured dwelling placement in BCC 91.505 and 91.510, as well as all other applicable requirements of BCC Chapter 91.
- (2) One manufactured dwelling per space in a mobile home or manufactured dwelling park. The manufactured dwelling shall comply with the minimum placement standards for a Manufactured Dwelling in 91.515. The manufactured dwelling in an approved park shall comply with the applicable manufactured dwelling standards in Chapter 91, except that additional placement standards of BCC 91.510 shall not apply, and BCC 91.515 shall be applicable.
- (3) Home occupation.
- (4) Day care for fewer than thirteen children.
- (5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the terms and conditions set forth in 91.502, 91.505, BCC 91.545 and 91.550. The hardship manufactured dwelling shall comply with all other applicable requirements standards of Chapter 91, except the additional placement standards of BCC 91.510 shall not apply.
- (6) Residential home.
- (7) Farm or forest use except for feed lots, except as prohibited or limited by the provisions of Chapters 83 and 88.
- (8) Accessory use or structure.
- (9) Fire stations or other public facilities rendering a public service to the community when located on an arterial or collector road as designated in the County’s Comprehensive Plan.
- (10) Natural area, open space, or acquisition of greenway corridor.
- (11) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, and subject to the special use standards in BCC 91.050.

Proposed Changes to Chapter 65

Philomath Low-Density Residential Zone (PR-1)

(New language designated by double underline, deleted language by ~~strikeout~~)

65.015 Permitted Uses. The following uses are allowed in the Philomath Low-Density Residential Zone:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Duplex, on corner lots or parcels only.
- (6) Accessory use or structure.
- (7) Public utilities.
- (8) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the special use standards in BCC 91.050.

Philomath Medium-Density Residential Zone (PR-2)

65.115 Permitted Uses. The following uses are allowed in the Philomath Medium-Density Residential zone subject to applicable siting standards:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Duplex, triplex, or fourplex.
- (6) Residential facility.
- (7) Accessory use or structure.
- (8) Public utilities.
- (9) Manufactured dwelling.
- (10) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the special use standards in BCC 91.050.

Philomath High-Density Residential Zone (PR-3)

65.215 Permitted Uses. The following uses are allowed in the Philomath High-Density Residential Zone:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Multi-family dwelling.
- (6) Residential facility.
- (7) Accessory use or structure.

(8) Public utilities.

(9) Manufactured dwelling.

(10) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the special use standards in BCC 91.050.

Proposed Changes to Chapter 91

Specific Use Standards

(New language designated by double underline, deleted language by ~~strikeout~~)

ACCESSORY DWELLING UNITS

91.050 Accessory Dwelling Unit Standards. Where permitted by zoning within urban growth boundaries, every accessory dwelling unit (ADU) shall:

- (1) Be allowed in conjunction with and on the same lot or parcel as one legally established detached single-family dwelling. The single-family dwelling must be established prior to, or concurrent with, the establishment of the accessory dwelling unit;
- (2) Be constructed or renovated to comply with all applicable building code requirements, and shall comply with all other applicable regulations for a dwelling, including but not limited to floodplain provisions and setback requirements;
- (3) Contain no more than 800 square feet of habitable space. A single-car garage (no larger than 300 square feet in size) is allowed in conjunction with an ADU, but may not be used for human habitation. The garage area does not count towards the 800 square foot maximum size allowed for the ADU. One on-site parking space (which may be outside or in a garage) is required to serve an accessory dwelling unit, in addition to the parking required for the single-family dwelling;
- (4) Contain no more than one bedroom and one bathroom. For the purposes of this code, a bathroom is defined as a room containing, at minimum, a sink and a toilet; a bedroom is defined as a room designed for sleeping, in compliance with all applicable building code requirements for such rooms. A studio space shall be considered a bedroom if it has the components of a bedroom;
- (5) Be served by either:
 - (a) a septic system; whether existing or new, the system shall meet all applicable requirements of the Benton County Environmental Health Department and of the Oregon Department of Environmental Quality; or
 - (b) a community/municipal sewer system, in which case the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.
- (6) Be provided with water from an approved source, consistent with BCC 99.805. Well or spring water serving the ADU must comply with the well log and water quality requirements of BCC 99.810(1) and (2). A spring shall comply with the provisions of BCC 99.820 with the exception that the minimum gallons per minute required of the flow test described in BCC 99.820(4)(a) shall be increased by 50% if both the single-family dwelling and the ADU will be served by the spring. For a well, a minor pump test is required, consistent with BCC 99.845. If the ADU will be served by a separate well than the single-family dwelling, the pump test shall demonstrate compliance with the standards in BCC 99.845(1). If a single well is proposed to serve both the single-family dwelling and the ADU, the pump test shall demonstrate compliance with the following modified standards for BCC 99.845(1):
 - a. Minimum supply = 1.5 gpm
 - b. Minimum required to avoid storage requirement = 7.5 gpm
 - c. If storage is required, storage within the tank and well must meet the following requirements:

<u>1.5 – 2.99 gpm</u>	<u>No less than 2,250 gallons</u>
<u>3 – 4.49 gpm</u>	<u>No less than 1,500 gallons</u>

4.5 – 7.49 gpm

No less than 1,000 gallons

- (7) Share the same road approach as the primary dwelling on the property.
- (8) Be located no more than 200 feet from the single-family dwelling unit on the site, as measured horizontally from structural wall to structural wall. Attached garages within 200 feet of each other may be used to meet this requirement;
- (9) Access to the ADU, and construction of the ADU, must comply with applicable Fire District requirements;
- (10) Either the single-family dwelling or the accessory dwelling unit shall be occupied by the owner, or one of the owners if more than one, of the subject property;
- (10) A manufactured home may be utilized as an ADU, if in compliance with all applicable standards;
- (11) Neither the single-family dwelling nor the ADU may be utilized for short-term accommodation purposes. Short-term accommodations are defined as lodging agreements for a period of less than one month;
- (12) An ADU is allowed in addition to a temporary medical hardship dwelling, if all applicable requirements are met for all dwellings on the site;
- (13) Road improvement requirements consistent with the requirements of BCC Chapter 99 shall be met, proportionate to the transportation impacts of the ADU;
- (14) The applicant for an ADU shall submit an urbanization plan, demonstrating that the location and placement of the single-family dwelling and accessory dwelling unit on the subject property will not conflict with achieving the minimum density designated by the respective city's comprehensive plan. The urbanization plan shall show potential future roadways necessary to serve the development, potential lot configurations, and protected natural features or natural hazard areas on the site.
- (15) The applicant for an ADU shall record a covenant to memorialize the requirements of Sections (4), (10), and (11) above for current and future property owners.

MANUFACTURED DWELLINGS

91.510 Placement Standards for Manufactured Dwellings in the Urban Residential and Rural Residential Zones. In addition to the minimum standards set forth in BCC 91.505, a manufactured dwelling placed in the Urban and Rural Residential Zones shall:

- ~~(1) Contain at least 320 800-square feet of ~~occupied space~~ enclosed floor area in a unit in the Rural Residential Zone or 1,000 square feet in a double-section or larger multi-section unit in the Urban Residential Zone;~~
- ~~(2) Be constructed with asphalt shingle or standing seam metal roofing materials similar in appearance to other residences in the area and ~~h~~Have a roof with a minimum pitch of three feet in height for each twelve feet in width (3/12);~~
- ~~(3) Be constructed with siding materials similar in appearance to other residences in the area and shall ~~have no~~ Siding shall not be reflective, unpainted, or uncoated metal siding;~~
- ~~(4) Have its foundation installed according to one of the methods listed in the most current Oregon Manufactured Dwelling Standard;~~
- ~~(5) Be placed on an excavated and back-filled foundation and enclosed at the perimeter;~~
(5) Must bear certificates of compliance from the US Department of Housing and Urban Development and from the State of Oregon. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance

~~standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010. Evidence demonstrating that the manufactured dwelling meets “Super Good Cents” energy efficiency standards is deemed to satisfy this requirement without further certification from the manufacturer;~~

- (6) ~~If sited within the Corvallis urban growth boundary have a garage or carport with exterior materials similar in appearance to the main unit;~~
- (7) Have all wheels, axles, hitch mechanisms, and transient lights removed; and
- (8) Comply with every development standard to which a conventional single-family residential dwelling on the same parcel or lot would be subject. [Ord 90-0069, Ord 94-0104, Ord 97-0131]

YOUNG Kevin

From: Adam Schultz <dradamschultz@gmail.com>
Sent: Tuesday, April 24, 2018 12:39 PM
To: YOUNG Kevin
Cc: ANDERSON Kristin
Subject: Re: Webmail: Accessory Dwelling Unit in RR-5

Kevin,

Thanks for responding so quickly, and apologies for my delayed response (I'm recovering from a significant work-related injury and just now catching up with my backlog of emails).

I've read the proposed code amendments and find that I am in broad agreement with them. Where I deviate from them is in the restriction of conversion of existing structures (e.g. garages) or construction of new ones, into ADUs, in the County outside of urban growth boundaries; and specifically to the problem of providing reasonably independent living arrangements for family members. The current code and proposed amendments specifically seek to prohibit making the ADU a truly functional independent living unit, but that is specifically what I think is needed for the following reasons.

1) Benton County is geographically small, and the presence particularly of OSU in Corvallis and its rapid expansion has grossly distorted the local real estate market, and particularly the affordable rental housing market. The OSU "distortion footprint" is definitely not limited to Corvallis, Philomath or the urban growth boundaries, but it county-wide (and beyond - extending into Albany/Linn County as well).

2) For families struggling with members who are chronically ill (e.g. ageing parents, children with special medical needs, etc), there is a strong desire to provide those family members with independent living arrangements to the greatest extent possible. This is best served, in this distorted real estate/rental market, in many cases, by a classical mother-in-law housing arrangement, with independent bedroom, bathroom and kitchen for the family members requiring special accommodation. In many cases, such a retrofit to an existing residential structure is impractical, but would otherwise be practical if the conversion could be to an existing outbuilding such as a garage, or for construction of a small separate outbuilding on the existing single family property.

The intention is to maintain the status of the property as "Single Family" (this is important), but not to restrict the viability of single family status by forcing the family to use a single kitchen unit. Yes, this opens up the risk that at some future point the ADU could be illegally repurposed as a rental for a non family member; but that is a legal enforcement issue that I don't think overrules the true needs of many families to provide as independent a living arrangement as possible for family members with the need to live on site, but for important emotional/mental health reasons require a sense of independence. This is a very real issue. This is not a situation that can be handled by the existing policy on temporary medical needs and use of manufactured homes for temporary relief. This is to address more chronic health/pastoral care issues, and it also addresses another, very real problem of college student family members unable to afford to live independently given the distorted rental market. This is a huge issue that crosses urban growth boundaries. I know a number of families in this situation.

I think if carefully reworded, the draft policy could allow for a kitchen as well as a bathroom unit, but make it clear this is for legally defined family member use only, consistent with single family zoning. The enforcement stick could come with penalties for use as a rental unit for non-family members, which I leave up to your office and the County legal team to ponder over.

I also do not understand why there is a restriction as to the maximum number of cars in a garage used for conversion to an ADU. For instance, If a property owner has a three car garage with a 2nd story storage space that could be brought up to code as a single person residential space with some investment of time and money, would the wording in the proposed code exclude the conversion of this outbuilding because it is a three car garage? I'm confused about that.

Functionally my proposed code changes would make little to no difference in terms of the number of people living in the residence (say, in the case of a college student who returns home because of the distorted rental market); but it would have a huge impact on quality of life. There have been studies on the health impacts on parents from empty nesters who return home for the reasons stated, and this is a real public health issue. The stress of not being able to provide an independent living arrangement for an ageing parent of special needs adult child who needs a degree of day-to-day supervision is also a burden on family health and well being. Why should the County object to such a change if the intent is not to get around single family zoning but to maintain that zoning and allow for a humane solution to a pressing problem?

Many thanks for your consideration.

Adam Schultz

On Apr 13, 2018, at 9:40 AM, YOUNG Kevin <kevin.young@co.benton.or.us> wrote:

Hi Adam, what's not included in SB 1051 is the later amendment that passed this legislative session, in HB 4031, which limited the ADU requirement to only be allowed within urban growth boundaries, which are areas into which incorporated cities are planned to grow (see Section 7(5) of the bill, amending ORS 197.312). It's my understanding that current state regulations prohibit allowing ADUs outside of UGBs. If you're interested in our draft regulations, you may review them and provide comments. The link below should provide the information you need:

<https://www.co.benton.or.us/planning/page/code-amendments-accessory-dwelling-units-and-other-sb-1051-requirements>

Hope that helps,

Kevin Young, Senior Planner
Benton County Community Development
360 SW Avery Avenue
Corvallis, OR 97333
(541) 766-6819
kevin.young@Co.Benton.OR.US

From: ANDERSON Kristin
Sent: Friday, April 13, 2018 9:01 AM
To: 'dradamschultz@gmail.com' <dradamschultz@gmail.com>
Subject: RE: Webmail: Accessory Dwelling Unit in RR-5

Hi Adam,

I've forwarded this most recent email to Kevin Young, who knows much more about the subject than I do, as he is the planner in charge of making the changes to Benton County Code. He will either email or phone you.

Thanks,
Kristin

From: Adam Schultz [<mailto:dradamschultz@gmail.com>]
Sent: Thursday, April 12, 2018 11:00 PM
To: ANDERSON Kristin <Kristin.Anderson@Co.Benton.OR.US>
Subject: Re: Webmail: Accessory Dwelling Unit in RR-5

Thanks Kristin.

I'd be happy to discuss that possibility (temporary medical hardship) with the planner on call, since our situation may well meet that requirement. Having said that, I am still confused about one point in regard to SB1051.

In SB1026 SECTION 6. ORS 197.312 is amended to read:

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Doesn't this obligate Benton County, under law, to structure the code requirements for ADUs that would be applicable to my area - which is RR5, with CC&R's explicitly requiring use of our lots for detached single-family dwellings? The population of the county meets the criterion set for in SECTION 6 ORS 197.312. This appears to have nothing in the language that allows the county to restrict applicability only to urban growth boundaries.

Can you point me to where in this amended ORS there is an exclusion for our type of property? If such an exclusion does not exist, then I would appreciate a statement from the county that indicates it will produce code requirements within the mandated time-frame for ADUs in the RR zone.

It would be more preference to consider modifications to the storage loft area of my detached garage to create an ADU for my immediate family member, rather than to seek a temporary medical hardship dwelling designation.

Many thanks,

Adam Schultz

On Apr 12, 2018, at 3:34 PM, ANDERSON Kristin <Kristin.Anderson@Co.Benton.OR.US> wrote:

Dear Adam Schultz,

Thank you for your inquiry. The County is now seeking public input on how to structure the code requirements for ADUs in the Urban Residential zone. However, there is no

code proposed for the Rural Residential zone. However, perhaps a temporary medical hardship dwelling would work for your needs? The planner on call would be happy to discuss the parameters of temporary medical hardship dwellings with you (541-766-6819).

Sincerely,

Kristin

Associate Planner, MCRP

Benton County Community Development | 541-766-6819 NOTE: The construction is finished, so last week Community Development moved back to 360 SW Avery Ave. For more information click [here](#). Call or check our website for the Planner on Call hours. If you wish to meet with a *specific* planner, you should make an appointment. Thanks.

Submitted on Wednesday, April 11, 2018 - 7:35am

What is this about? Planning & Zoning

First Name Adam

Last Name Schultz

Phone Number 5419083304

Email dradamschultz@gmail.com

Question/Comment

In light of Oregon Senate Bill 1051, should I decide to proceed, would Benton County process an application from me to build an Accessory Dwelling Unit for a family member who currently lives in my house but requires their own space in a separate structure? I live in the unincorporated county in an area zoned RR5.

YOUNG Kevin

From: Lawton, Steve - COB <Steve.Lawton@bus.oregonstate.edu>
Sent: Tuesday, April 10, 2018 11:29 AM
To: YOUNG Kevin
Subject: Proposed Accessory Dwelling Units Code

Dear Mr. Young,

I respectfully submit the following comments on the proposed ADU code for Bento County:

- Maximum Size of ADU
- The 800 square foot limit is too small. ***I recommend that the limit be raised to 1,200-1,500 sq ft.*** As elderly owners, we will want to have our children and/or grandchildren be able to visit and we need the extra space.
- One Bedroom/One Bathroom
- As per the comment above, we need an extra bedroom and bath for our children and/or grandchildren to stay when visiting for us. ***I recommend 2 baths and 2 bedrooms.***
- 200 Foot Limit from Primary Dwelling
- We own an active farm that we harvest trees and work in our orchard and garden. The 200 foot limit is not realistic when one considers the obstacles of placing an ADU on a working farm. Barns, storage sheds, wells, septic system, underground utility and irrigation lines, orchard, access roads to the forest and orchard, culverts, and drainage ditches SEVERLY limit our ability to locate an ADU within 200 feet. ***I recommend that it should be a 500 foot limit.***

Thank you for your consideration.

Regards,

Steve and Kathy Lawton
Nash Tree Farm
4902 SW Nash Ave
Corvallis, OR 97333

541-979-9199

Chris Bentley
2175 SE Powells Rd
Corvallis, OR 97333

April 10, 2018

To: Kevin Young, Senior Planner
RE: Proposed regulations for ADUs in the Urban Growth Boundary

Kevin,

Please consider this comment for the record as the Planning Commission considers altering the Development Code to allow ADUs in the UGB.

I strongly support allowing ADUs outside the City Limits, including within the Urban Growth Boundaries in Benton County, as currently under consideration. During 15 years as a county planner, times when this measure would have brought benefits to the community were quite numerous. The benefits include, but are not limited to: fostering family support, enhancing community cooperation, promoting sustainable use of resources, and providing affordable housing.

Although we already allow duplexes within the UGB (as a conditional use), we have seen some frankly ridiculous interpretations of the term "duplex" as families have tried to fit their needs into the existing regulations. A strict definition of duplex was eventually adopted to prevent a duplex from becoming what it should have been all along, an ADU. For this reason, the addition of "no further than 200 feet away" in the proposed regulations may need to be reconsidered. It would be best, in my opinion, to allow unique site features and an intelligent urban conversion plan to determine location of the ADU. One size does not fit all when it comes to site characteristics.

In the proposed manufactured home regulations, I believe we should avoid any that attempt to impose design standards on the structures. We realize that these rules in the UGB were meant to keep out manufactured dwellings back when they were called "trailers" that threatened property values. Times have changed, and today's design of manufactured homes is often innovative and aesthetically pleasing. Therefore, a regulation such as minimum roof pitch is misdirected in its attempt to avoid the metal cubes of "trailers". Likewise with roof materials; if someone wants a green roof (covered with growing plants), what's the problem? I suggest dropping all the design proscriptions, including siding, roof pitch, and roofing materials.

As an example of well-designed manufactured home design that is attractive, energy-efficient, and uses space very effectively, see the Ideabox website: <http://www.ideabox.us/about#home> These homes were developed (and are made) in Oregon, and may not pass the roof pitch test, yet would be a great addition to any neighborhood.

I recall countless times, in meetings with members of the public, when we attempted to find ways for family members to live near each other on a strict budget; a 90-year-old parent without a medical condition to live near their kids; a family to offer help to a down-on-their-luck relative; a method of connecting a detached ADU to allow it to be considered a duplex unit, and more. The proposed regulations will allow common sense and compassion to become a bit easier to implement.

Respectfully,
Chris Bentley

B-6

Benton County Planning

RE: ORS 197.312

We are in the midst of an aging population. As part of that group, many of us will face the possibility of having to leave our current residence and seek a residence that provides further assistance as our health conditions evolve. This will force some to leave a home they have known for many years. As witnessed by the large growth in Assisted Living Centers that certainly is a valid option but it comes with a price. Not only is there a substantial cost associated with these places; but, they also force individuals to lose some of their independence. We personally would like to have additional options if and when we face that situation. Having the ability to add an attached but independent space could satisfy the needs of many people that might face this situation relieving them of the burden of leaving their residence and seeking other alternatives. This space could be used either by the aging individual(s) or a dedicated care giver.

SB 1051 appeared to address that particular issue by directing cities and counties to provide another option, 'accessory dwelling unit' (ADU). What we don't understand is the rationale behind HB 4031 that restricted the requirement to areas within Urban Growth Boundaries. There may be many of us that live in areas suitable for an ADU such as Rural Residential zoning so why not include other suitable areas? Why do you have to live close to town to qualify?

It is also our understanding that the 'directive' (ORS 197.312) only applies to areas within the Urban Growth Boundary but that Counties have the option to include other zoning areas. If that is the case we would ask that Benton County strongly consider that option and make ADU's available where suitable conditions apply to better serve the aging population.

Thank you.

Rich & Mary Olson
3567 NW Scenic Dr.
Albany, OR 97321

April 6, 2018

Kevin Young, Senior Planner
Benton County Community Development
360 SW Avery Avenue
Corvallis, Oregon 97333

RE: Testimony Regarding Accessory Dwelling Units within Urban Growth Boundaries

Dear Mr. Young:

I received the notification of a public meeting on ADU's next Tuesday. Unfortunately I will be out of town that day and unable to attend your meeting. I've reviewed the preliminary materials you have developed and would like to provide the following comments regarding ADU's that are being considered within the urban growth boundaries.

Your assumption that the goal of SB 1051 was to expand affordable housing opportunities is only one element of the bill. SB 1051 requires subject cities and counties to allow "at least one accessory dwelling unit for each detached single-family dwelling." While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. Furthermore, ORS 197.312 states that accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings.

The majority of your recommendations such as the need to ensure adequate provisions of water supply and septic disposal are critically important in rural settings. I do have concern with the following three proposed recommendations for ADU's:

1. 800 square foot maximum size
2. Limited to 1 bedroom and 1 bath
3. No more than 200 feet from primary dwelling

A number of residents (including myself) living within the UGB built or purchased our homes and raised our families here. These homes were intended for our growing families, however now that the children have grown up and left, mom and dad are left in a large home to heat and maintain. Although we would love to stay on our properties, the homes are much too large and we wish to downsize. This new ADU provision provides a wonderful opportunity for us to do just that, however a 1 bedroom 1 bath restriction would not allow our children and grandchildren to spend time with us when they visit, as there won't be any room for them. Imposing an 800 square foot maximum size restriction poses challenges for some of us as well.

The City of Corvallis requires ADU's to not exceed 40% of the gross floor area of the primary structure and in no case shall exceed 900 SF. One ADU is allowed for each primary structure. The City of Albany has developed draft ADU standards similar to Corvallis where they may not exceed 75% of the gross floor area of the primary structure and in no case shall exceed 900 SF. However Albany allows up to two ADU's for each primary structure. What seems odd to me is city lots are considerably smaller than parcels within the County, yet the County is requiring ADU's to be smaller than what is allowed in the cities.

I have attached some sample floorplans from a local manufactured home supplier with 2 and 3 bedroom models that range in size from 1,404 SF to 1,512 SF. In Corvallis these modest dwellings are considered affordable.

I would recommend the following changes be made to the County's proposed ADU standards as noted below with redlines and strikeouts.

~~ADU may contain no more than 1 bedroom and 1 bathroom, and a covenant will be required to memorialize this requirement for the current and future property owners. A bedroom is defined as a room designated for sleeping, meeting all applicable building code requirements for such rooms.~~

~~ADU must contain no more than 800 SF of habitable space. A single car garage (no larger than 300 SF) is allowed in conjunction with an ADU, but may not be used for human habitation. Garage area does not count toward the 800 SF maximum size for the ADU. One additional exterior or garage parking space is required to serve the ADU.~~ The ADU shall not exceed either 50 percent of the gross floor area of the primary dwelling, exclusive of garages, or the gross floor area of a two-car garage which is 480 square feet, whichever is greater, but in no case shall the ADU exceed 1,500 square feet. County standard parking requirements must be met to serve the ADU.

There are a number of natural features constraints that can impact the development options in Benton County, from wetlands, floodplains, steep slopes, and protected significant vegetation. If the primary dwelling is surrounded by natural features, then it may be difficult to place the ADU within 200-feet of the existing residence without impacting natural features. Therefore, I would recommend this be increased to 300-feet to minimize impacts to home sites with natural features.

I would recommend the following changes be made to the County's proposed ADU standards as noted below with redlines and strikeouts.

ADU must share the same road approach as the primary dwelling on the property. An ADU may be interior to the primary dwelling unit, attached to it, or detached, but may not be more than ~~200~~ 300 feet away from the primary dwelling unit on the site, as measured horizontally from structural wall to structural wall.

Thank you for considering my concerns.

Sincerely,



David j. Dodson, AICP



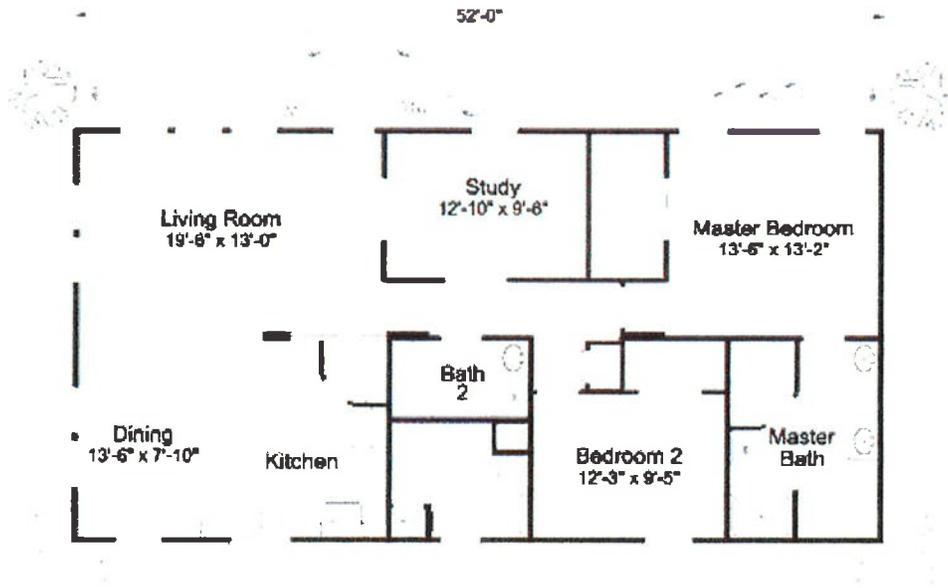
Homes Direct of Millersburg
Millersburg, OR

Floor Plan: The Metolius N4P252J4 or 4G28522A

2 Bedrooms, 2 Baths, 1,404 Sq. Ft.

- Exterior Dimensions: 52 x 27
- Floor Plans >>
- More Details >>

Floor Plans



Metolius

Photos / Videos

B-10



Homes Direct of Millersburg
Millersburg, OR



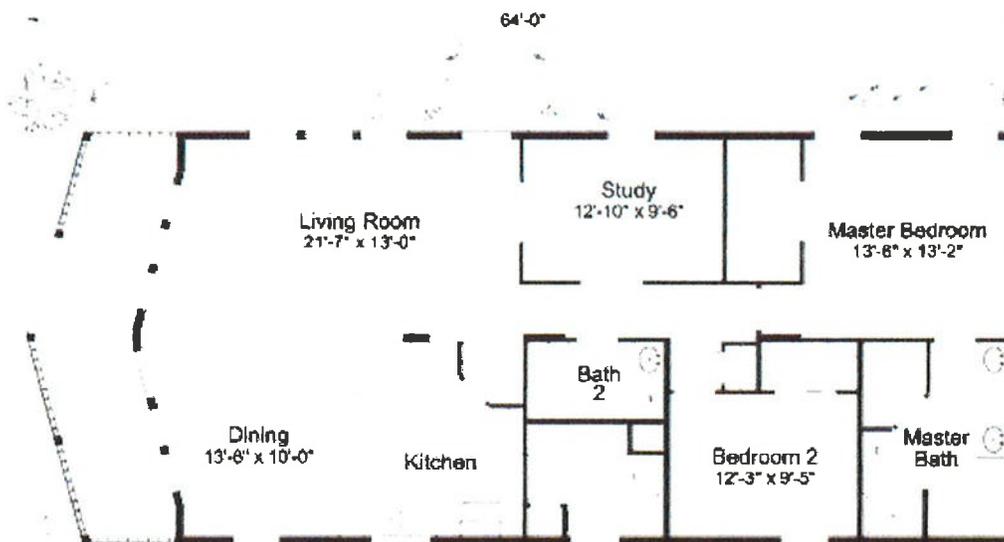
Photos: 11

Floor Plan: The Metolius Cabin 4P264K1 or 4G28522A

2 Bedrooms, 2 Baths, 1,496 Sq. Ft.

- Exterior Dimensions: 64 x 27
- Floor Plans >>
- More Details >>

Floor Plans



Metolius Cabin

B-11



Homes Direct of Millersburg
Millersburg, OR



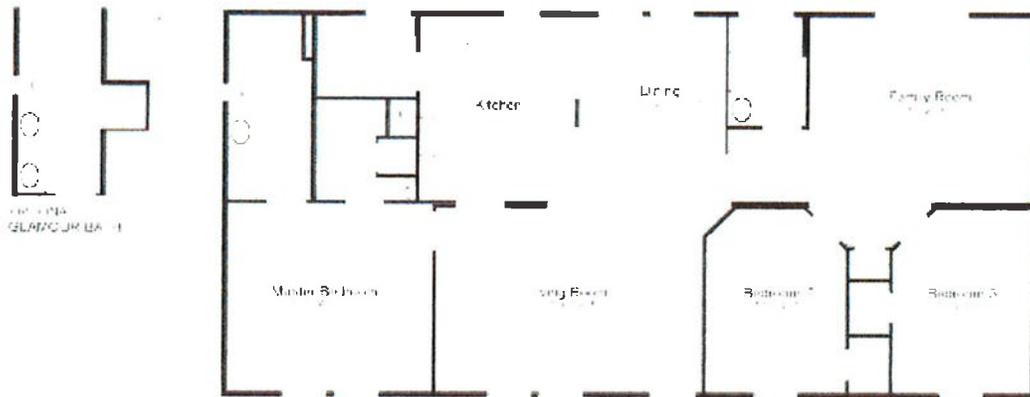
Photos: 12

Floor Plan: The Klamath N4P56S49 or 4G28563A

3 Bedrooms, 2 Baths, 1,512 Sq. Ft.

- Exterior Dimensions: 56 x 27
- Floor Plans >>
- More Details >>

Floor Plans



Value Series 56S49

B-12

YOUNG Kevin

From: Randall Kaaz <rkaaz@comcast.net>
Sent: Wednesday, April 04, 2018 8:25 PM
To: YOUNG Kevin
Subject: Proposed additional dwelling units

From: Randall Kaaz
2665 NW Vista Place
Albany, Oregon 97321
(541) 905-2986

To: Mr. Kevin Young

I am not in favor of allowing any additional dwelling place to be added to an existing dwelling parcel. There is an understanding of the need for something like a barn or additional garages, but not additional dwelling Unless it is to replace an existing dwelling. Within a timely manner, the existing dwelling should be removed upon completion of the new dwelling.

Thank you for taking the time to read this.

Benton County Health Impact Assessment: Accessory Dwelling Units

June 30th, 2010



By: Benton County Health Department
Health Promotions Division

Attachment C-1

CHAPTER SEVEN: FINDINGS, MITIGATIONS AND RECOMMENDATIONS

IMPACTS ON INDICATORS SUMMARY

The table below summarizes the impacts of each policy option on the indicators of health for rural Benton County residents. A “+” symbol indicates that the policy has a positive effect on the indicator and would positively affect health. A “-“ symbols denotes a negative effect on the indicator and a negative impact on health. A “*” symbol indicates that the policy has no impact on the indicator or that the effect is not significant enough to impact health.

The rankings for each policy are summed under the four categories. These numbers should not be compared category to category as some categories have more indicators than others. The accumulated scoring can be used to compare policies against each other in the last row of Table 7.1. The scoring totals are purely comparative, and do not represent a quantification of the policies impacts.

Indicator	Policy Options				
	One	Two	Three	Four	Five
Health Housing	0	-4	5		4
HH.1: proportion of households paying more than 30% or 50% of their total household income on gross rent or mortgage	*	-	+	++	+
HH.2: proportion of housing unit types to housing need by household size and income	*	-	+	++	+
HH.3: Proportion of households living below the poverty line	*	-	+	++	+
HH.4: Proportion of households living in overcrowded and substandard conditions.	*	-	++	++	+
Access to Goods and Services	0	5	-10	-14	-9
AGS.1: Proportion of households within ½ mile of a public school	*	+	--	---	--
AGS.2: Proportion of population within ½ mile of a public park or recreational facility	*	+	--	---	--
AGS.3: Accessibility of full-service grocery store/supermarket	*	+	--	---	--
AGS.4: Average distance to the nearest hospital, urgent care clinic, or other medical facility	*	+	--	---	--
AGS.5: Accessibility to Senior Centers	*	+	--	--	-
Family and Social Cohesion	0	-4	12	8	4
SC.1: Proportion of households with a resident over the age of 65	*	-	+++	++	+
SC.2: Proportion of households with a disabled	*	-	+++	++	+

resident					
SC.3: Proportion of households with grandparents as caregivers of children	*	-	+++	++	+
SC.4: Mortality rates by age and gender	*	-	+++	++	+
Transportation and Mobility	0	5	-5	-9	
TM.1: Household access to a private automobile	*	+	--	---	--
TM.2: Average vehicle miles travelled by rural Benton County residents per day	*	+	*	-	-
TM.3: Average minutes travelled to work per day by rural Benton County residents	*	+	*	-	-
TM.4: Access to public transportation services	*	+	--	---	-
TM.5: Proportion of commute trips made by driving alone	*	+	-	-	-
Total cumulative Impact	0	2	2	-7	-7

FINDINGS ON IMPACTS

- Options two and three have the most positive benefit to health.
- Options four and five have the most negative impact on health.

The assessment shows that the indicators within each category will have a similar impact on health. Indicators in the Health Housing category show that option two has the greatest negative effect on health and option four has the greatest positive effect. In Access to Goods and Services, option two has the greatest positive benefit to health and option four has the greatest negative benefit. For Social and Family Cohesion, option two has the greatest negative impact and option three has the most positive negative benefit. Lastly, in Transportation and Mobility, option two has the greatest positive benefit and option four has the greatest negative impact.

Many of the true impacts for most indicators will be relatively small as the projected number of ADU permits annually represents a very small portion of total housing units. However, indicators relating to access (in Access to Goods and Services and other categories) and social benefits were ranked as having the most significant impacts because these were the greatest areas of concern for stakeholders. Homeowners frequently call the Planning Department requesting ADUs for social purposes, and staff recognizes these needs as legitimate. Staff and the public also recognize the lack of amenities and basic services in some of the more rural parts of Benton County. For these reasons, allowing ADUs will have the greatest negative impact on health issues relating to accessibility of goods and services and the greatest positive benefit to social and family cohesion.

Overall, options two and three have the greatest potential to positively affect health. Options four and five have significant negative impacts compared to options two and three. Option one, because it does not change the indicators, will have no measureable impact on health.

POLICY RECOMMENDATION

Based on the conclusions from the indicator assessments, it is recommended that **Policy Option Three: Dependent Accessory Dwelling Units** be adopted with certain mitigations. Recommended mitigations include:

1. Include a condition in the permit requiring ADU resident to be the homeowner, a relative, or a caretaker. This condition is enforced through citizen complains;
2. Include a condition in the permit requiring ADU to not be used as a rental unit. This condition is enforced through citizen complains;
3. Review the policy after 1, 5, or 10 years per the planning departments recommendation to review the number of units built, impacts on built environment and health, complaints from neighbors, etc.
4. Set an ADU “cap” at 8, 10, 12 permits annually per the planning departments recommendation. This cap may be increased, reduced or removed after the initial review of the policy is completed.

Rationale for Recommendation:

Policy Option Three (a reduction in current rules) was ranked with Policy Option Two (dependent dwelling units) to have the greatest positive benefit to health. The social benefits associated with Option Three and Dependent ADUs have been identified through the HIA process as both the Health Department’s and public’s highest priority. Option two has potential negative health impacts related to lack of accessibility and increased auto dependence. However, the identified social benefits of accommodating families with medical hardships are considered to outweigh any other identified negative impacts.

Rationale for Mitigations:

1. Assessment shows that ADUs have the greatest benefit to health, and particularly social and family cohesion, when they are used by family members and not used as rentals.
2. Restricting residency to relatives and caregivers will promote family cohesion and ensure that ADUs are being used to accommodate persons with medical hardships. Restricting units from use as rentals limits conflicts with neighbors and discourages residency in rural areas far from basic amenities. This mitigation may reduce the positive health benefits associated with additional affordable housing opportunities. However, both the Health Department and the public do not consider ADUs a feasible solution to housing issues because of their smaller size and high development costs. The primary goal of an ADU policy remains to increase the health benefit related to accommodating ill, aging, or disabled relatives.

3. Requiring a review of the policy is intended to identify any unexpected negative impacts to health and the built environment. The review allows staff to identify those impacts and amend the policy as necessary to ensure successful implementation in the future.
4. A unit cap is intended to pace the issuance of permits to minimize any initial and unexpected impacts. Assessments were based on a modest projection from both existing literature and past Planning Department experiences. There is a possibility that, if approved, permit requests can exceed these estimates and impacts will be much higher than predicted. The cap can be reassessed several years after implementation to more appropriately reflect the true demand of ADUs.

HIA MONITORING PLAN

The Benton County Health Department chronic disease prevention team will allocate staff time to the monitoring of results and impact of this Health Impact Assessment. The goals of the monitoring of this HIA are:

1. Is the HIA well received by county staff and elected officials?
2. Does the HIA have an impact on decision-making?
3. Does the HIA increase interest in incorporating new HIAs into future work?
4. If policy changes do occur, how accurate were the findings of the potential health impacts in this report?

Health Department staff will present this report to Benton County staff, the County planning commission, and County Board of Commissioners for review. Health Department staff will also follow up with each of these entities with the results of monitoring and in planning for future work.

Answers to Planning Commission Questions from the April 17, 2018, Work Session

Q – Please include relevant portions of the recent Benton County Health Impact Assessment (HIA) regarding Accessory Dwelling Units (ADUs) with the staff report to the Planning Commission.

A – Excerpts from the HIA are included as Attachment C to the staff report.

Q – Would it be possible to allow multiple ADUs on larger properties in the interest of providing additional affordable housing opportunities?

A – Yes, it's possible to put in place an allowance for one ADU per a specified amount of land, thereby allowing multiple ADUs on larger properties. Because there did not seem to be a consensus to make this change, staff have retained the original proposal, with one ADU allowed per lot or parcel with a single-family detached dwelling. However, if desired, this change could be made. Considerations in making that change would include potential environmental, infrastructure, and compatibility impacts, which would inform the minimum land area required per ADU. Another consideration is to avoid allowing a pattern of development that might conflict with future urbanization.

Q – The proposal should address the potential for ADUs within sewer service districts.

A – The proposed code language, Section 91.050(5)(b) requires that if an ADU is to be served by a community or municipal sewer system, the applicant shall submit “evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.”

Q- Is it necessary to define what a “bathroom” consists of?

A – The proposed code language, Section 91.050(4) states that, “For the purposes of this code, a bathroom is defined as a room containing, at minimum, a sink and a toilet.” Although we understand that a tub and/or shower is typically also provided in a bathroom, we have kept the definition more narrow to prevent “game playing.” This is nothing inherent in the definition that would disallow addition of a tub or shower to a “bathroom.”

Q – HUD requires any manufactured home to be wired to accommodate an electric stove. For manufactured homes that are proposed as “accessory living area” how will you manage utilization of the kitchen area as a separate kitchen?

A – We typically will require a covenant memorializing the understanding that the new structure is not to be used as a separate dwelling. Although it's not a perfect approach, it makes it easier for us to enforce the requirement, if needed.

Q – Please provide any data you can find regarding average water usage by bedroom or bathroom.

A – A quick on-line search was not able to find this information. However, there are a number of good resources, including water usage calculators, that are able to estimate water usage based on the number of members in a household and usage characteristics. USGS data indicates that, on average, a two-person family requires 160-200 gallons of water per day.

Q – What is required for an urbanization plan?

Attachment D-1

A – For the purposes of an ADU application, an urbanization plan would show the subject property, any streets currently stubbed to the property, potential future roadways through the property necessary to serve the development of the site at urban densities and in compliance with any street standards of the subject jurisdiction, potential lot configurations, and protected natural features or natural hazard areas on the site.

Q – How will addressing work for ADUs?

A – We don't know yet, but we'll have to work that out with the subject jurisdictions, US Postal Service, and emergency service providers. This issue does not need to be addressed in the development code, but will need to be answered.

Q – Where does our current minimum size standard of 320 square feet for manufactured homes come from?

A- This requirement is established by the US Department of Housing and Urban Development (HUD) and applies throughout the country.

Q – Does a studio unit qualify as a bedroom?

A – We have added the following sentence to Section 91.050(4): “A studio space shall be considered a bedroom if it has the components of a bedroom.”

Q – Rather than eliminating the requirements for design and materials compatibility between manufactured homes and required garages and neighboring development, would it be possible to put in place a menu requiring a certain number of design elements to be met, such as roof materials, paint color, etc.?

A - Yes, it would be possible to put together such a menu in clear and objective terms. Staff have not gone through that exercise as of yet, because it's not clear whether there is a consensus of support for the concept.

Q – Would it be possible to establish incentives for ADUs to promote more affordable housing?

A – Although some jurisdictions are waiving systems development charges (SDCs) to promote ADUs, the County doesn't charge SDCs. Because the building permit function in Community Development is 100% fee supported, relaxing permit fees would not be favored. This is because other developers would have to effectively subsidize reviews for these units. It is not clear what other incentives might be put into place.