

HB 3012 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Natural Resources

Carrier: Rep. Lininger

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-1-0

Yeas: 8 - Barreto, Clem, Esquivel, McKeown, McLain, Power, Smith DB, Witt

Exc: 1 - Sprenger

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Sione Filimoehala

WHAT THE MEASURE DOES:

Defines terms, including accessory dwelling unit (ADU), area zoned for rural residential use and historic home. Authorizes counties to allow owner of property within area zoned for rural residential to construct new single-family dwelling on lot or parcel if not located in urban reserve; historic home is sited on lot or parcel; owner converts historic home to ADU upon completion of new dwelling; and accessory dwelling unit complies with all applicable sanitation and wastewater laws and regulations. Prohibits owner from dividing lot or parcel in any way that new dwelling is on different lot or parcel from ADU. Prohibits modifications to ADU that increase size of ADU to greater than 120 percent of square footage of historic home at time new dwelling construction commenced. Prohibits rebuilding of ADU if structure is lost to fire or constructing additional ADU on same lot or parcel. Authorizes county to require new dwelling be served by same water supply source as ADU. Permits county to impose additional conditions for approval.

ISSUES DISCUSSED:

- Previous public hearing in House Committee on Human Services and Housing
- Preservation of historic structures as accessory dwelling units
- Water and septic systems

EFFECT OF AMENDMENT:

Replaces original measure.

BACKGROUND:

Current Oregon county planning, zoning and housing laws allow the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use (EFU) or rural residential (RR) use only if the ADU would be used for farmworkers. Further, to qualify for a replacement dwelling under current law, the existing dwelling must have the following features: intact exterior walls and roof; indoor plumbing including a kitchen sink, toilet, and bathing facilities; interior wiring for lights; a heating system; and the dwelling to be replaced must be removed, demolished, or converted within three months of completion of the replacement dwelling. A person may also request a deferred replacement permit to allow for the construction of the replacement dwelling at any time, provided that the existing structure is removed or demolished within three months after the permit is issued, otherwise the permit is void.

House Bill 3012A authorizes counties to allow the owner of a property within an area zoned for rural residential use to construct a new single-family dwelling on the lot or parcel, subject to certain conditions, without destroying a historic home on the same lot or parcel, and instead converting it to an ADU. The measure prohibits the subdivision of the lot or parcel, limits modifications on the ADU, prohibits rebuilding of the structure in the case of fire and does not allow the construction of an additional ADU on the same lot or parcel. HB 3012A authorizes counties to require that the new dwelling be served by the same water supply source as the ADU and allows counties to impose additional conditions for approval.