

SB 88 -1 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 1/31

WHAT THE MEASURE DOES:

Authorizes a county to allow an owner of a lot or parcel in an area zoned for rural residential use to construct one accessory dwelling unit (ADU) under specified conditions including factors related to location, lot size, ADU square footage, water supply, and fire risk. Authorizes a county to impose conditions on the use of ADUs for vacation occupancy. Authorizes a county to require that an ADU be served by the same water supply source or system as the existing single family dwelling and requires ADU to be setback from wells as required by the Water Resources Commission or Department. Specifies that single family dwelling and ADU are considered a single unit for purposes of calculating ground water exemption under ORS 537.545 (1). Authorizes the Land Conservation and Development Commission to adopt rules by which counties may classify lands in a fire protection district as low, moderate, high, or very high fire risk.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Modifies requirements for county approval of accessory dwelling unit (ADU) in rural residential zone: (1) no portion of the lot or parcel may be within an area in which new ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission and (2) lot or parcel must be in a fire protection district. Prohibits county from approving both an existing family dwelling and ADU to be used as vacation rental. States that a county is not required to allow ADUs in rural residential zones and may impose additional requirements on such ADUs.

BACKGROUND:

Current Oregon land use law does not allow the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use.

Senate Bill 88 would authorize a county to allow a property owner in a rural residential zone to construct one accessory dwelling unit under specified conditions.