

SB 88 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 1/31, 3/19

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.

-2 Replaces measure. Authorizes county to allow an owner of a lot or parcel in a rural residential zone to construct one accessory dwelling unit (ADU) under specified conditions: the lot or parcel is not located in an urban reserve, an area in which new or existing exempt ground water uses have been restricted by the Water Resources Commission, or a designated area of statewide concern; the lot or parcel located in a rural fire protection district, is at least two acres in size, has one single-family dwelling that is not subject to an order declaring it a nuisance or any pending action under nuisance statutes; the ADU will comply with all laws and rules related to sanitation and wastewater disposal, have a floor space no greater than 900 square feet, and be located no further than 100 feet from the existing dwelling; and the lot or parcel and ADU comply with State Board of Forestry rules regarding defensible space and the ADU complies with the residential specialty code relating to wildfire hazard mitigation.

Prohibits a county from allowing both the single family dwelling and the ADU to be used for vacation occupancy during more than one week per year. Authorizes a county to prohibit outright or impose conditions on ADU use for vacation occupancy and identifies factors on which the county may condition vacation occupancy use.

Prohibits county approving ADU from allowing lot or parcel division so that ADU is on a different lot or parcel than single family dwelling or construction of an additional ADU on the same lot or parcel.

Authorizes county to require ADU to be served by same water source or water supply system as single family dwelling. Requires ADU served by a well to maintain all setbacks required by Water Resources Commission or department. Specifies that single family dwelling and ADU are one unit for purposes of calculating exempt water use.

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States that nothing in measure requires a county to allow ADUs in rural residential zones or prohibits a county from imposing additional restrictions.

Directs the Department of Consumer and Business Services (DCBS) to develop and maintain statewide maps identifying categories of wildfire risk and to engage Oregon State University College of Forestry to do so. Requires DCBS to update the state building code to require appropriate fire protection for ADUs based on fire risk identified on maps. Requires DCBS and College to report to interim committee on maps and updates to building code no later than September 15, 2020. Effective January 1, 2021, requires ADU in rural residential zone to comply with state building code for fire protection standards based on maps produced by DCBS.

Declares emergency, effective upon passage.

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.