

SB 88 A STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Action Date: 04/02/19

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 3-1-1-0

Yeas: 3 - Bentz, Dembrow, Roblan

Nays: 1 - Prozanski

Exc: 1 - Olsen

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 1/31, 3/19, 4/2

WHAT THE MEASURE DOES:

Authorizes county to allow an owner of a lot or parcel in a rural residential zone to construct one accessory dwelling unit (ADU) under following 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 (WRC), or a designated area of statewide concern; the lot or parcel must be located in a rural fire protection district, be at least two acres in size, have 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, not include more than 900 square feet of useable floor area, 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 residential specialty code relating to wildfire hazard mitigation. Prohibits county from allowing both single-family dwelling and ADU to be used simultaneously for vacation rental for more than one week per year. Requires notice to county before both dwelling and ADU are used simultaneously as vacation rental for up to 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 Department or WRC. Specifies that single-family dwelling and ADU are one unit for purposes of calculating exempt water use. States that nothing in measure requires a county to allow an ADU in a rural residential zone 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 (College) to do so. Requires DCBS to update the state building code to require appropriate fire protection for ADU based on fire risk identified on maps. Requires DCBS and College to report to interim legislative committee on the maps and updates to building code no later than September 15, 2020. Operative 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.

ISSUES DISCUSSED:

- Measure is the product of an interim work group
- How to assess fire risk; preparation of fire risk maps
- County decision whether to adopt ordinance authorizing accessory dwelling units
- State sideboards

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EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Until 2017, Oregon county planning, zoning, and housing laws allowed the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use only if the ADU would be used for farmworkers. In 2017, the legislature authorized counties to allow a property owner in an area zoned for rural residential use, to construct a new single-family dwelling, subject to certain conditions, and to convert a historic home on the same lot or parcel to an ADU (House Bill 3012). The measure prohibited the subdivision of the lot or parcel, limited modifications to the ADU, prohibited rebuilding of the structure in the case of fire, and did not allow the construction of an additional ADU on the same lot or parcel. The measure also authorized counties to require that the new dwelling be served by the same water supply source as the ADU and allowed counties to impose additional conditions for approval.

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