

HB 4014 B STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Environment and Natural Resources**Action Date:** 02/21/20**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-2-0-0**Yeas:** 3 - Dembrow, Prozanski, Roblan**Nays:** 2 - Baertschiger Jr, Findley**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Beth Patrino, LPRO Analyst**Meeting Dates:** 2/20, 2/21**WHAT THE MEASURE DOES:**

Exempts **dog training facilities** from state structural specialty codes. Defines "dog training facility" as a farm building used for dog training classes or testing trials in which no more than 10 persons are present at any one time. Authorizes incorporated cities to regulate dog training facilities within their boundaries. Establishes that a lawfully created unit of land remains a lawfully established unit of land following circuit court judgment that relocates the **property line** if the judgment: 1) resolves a boundary line dispute; 2) adjudicates a party's rights to title and possession of property; 3) includes legal description of relocated property line; 4) is not subject to further appeal; and 5) is recorded in office of the county clerk. Establishes that a lawfully created unit of land remains a lawfully established unit of land following circuit court judgment that relocates the property line without regard to whether: 1) the relocated property line could have been established through procedures authorized by city or county; 2) either party subsequently relocates property line; or 3) any unit of land complies with minimum lot or parcel size. Requires applications for land use and zoning permits be decided based on relocated property lines. Prohibits requiring additional validating procedures or denying permits because of judicial boundary changes. Stipulates Act applies to relocation of property lines by judgment of a circuit court that was entered on or after effective date of Act. Declares emergency, effective on passage.

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. Prohibits county from allowing both single-family dwelling and ADU to be used simultaneously for vacation rental for 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 Department or Commission. 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 Oregon Department of Energy (ODOE) to report to Legislative Assembly on **disposal of radioactive waste** by specified company. Specifies contents of report. Modifies definition of "radioactive waste." Directs Energy Facility Siting Council (EFSC) to adopt rules necessary to prevent the disposal of radioactive waste in Oregon. Authorizes ODOE director or EFSC to obtain records or information to carry out and enforce specified laws. Authorizes ODOE director or EFSC to require person to take corrective action to correct past violation of specified statutes. Directs ODOE director or EFSC to coordinate with Department of Environmental Quality on any corrective actions. Authorizes ODOE employee or representative to, at reasonable time, enter upon, inspect, and

HB 4014 B STAFF MEASURE SUMMARY

obtain samples from any public or private property, premises, or place for purpose of determining compliance with specified laws.

ISSUES DISCUSSED:

- Previous legislation related to dog training facilities
- Consistency with horse training facility requirements
- Noise and safety issues at dog training facilities
- Result of 2008 adverse possession case; landowner unable to complete sale of property until property line issue resolved
- 2019 rural accessory dwelling unit legislation
- Radioactive waste disposal at Arlington, Oregon facility

EFFECT OF AMENDMENT:

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. Prohibits county from allowing both single-family dwelling and ADU to be used simultaneously for vacation rental for 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 Department or Commission. 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 Oregon Department of Energy (ODOE) to report to Legislative Assembly in September 2020 on disposal of radioactive waste in Arlington, Oregon by specified company. Specifies contents of report. Modifies definition of "radioactive waste." Directs Energy Facility Siting Council (EFSC) to adopt rules necessary to prevent the disposal of radioactive waste in Oregon. Authorizes ODOE director or EFSC to obtain records or information to carry out and enforce specified laws. Authorizes ODOE director or EFSC to require person to take corrective action to correct past violation of specified statutes. Directs ODOE director or EFSC to coordinate with Department of Environmental Quality on any corrective actions. Authorizes ODOE employee or representative to, at reasonable time, enter upon, inspect, and obtain samples from any public or private property, premises, or place for purpose of determining compliance with specified laws.

BACKGROUND:

Oregon's Statewide Land Use Planning Goal 3, 'Agricultural Lands,' requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Certain nonfarm uses are also allowed on EFU-zoned lands. In 2019, the legislature passed House Bill 2106 allowing dog training classes or testing trials to be conducted outdoors or in farm buildings in existence on or before January 1, 2019 rather than January 1, 2013.

ORS 92.017 establishes when a lawfully created lot or parcel remains a discrete lot or parcel and was last amended in 1993.

House Bill 4014-B exempts dog training facilities from state structural specialty codes and establishes that lawfully created units of land remain lawfully established units of land following a judgment that relocates a property line, prohibiting the requirement of additional procedures for denying permits based on judicial boundary changes.

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

HB 4014 B STAFF MEASURE SUMMARY

home on the same lot or parcel to an ADU (House Bill 3012). HB 4014-B would authorize a county to allow a property owner in a rural residential zone to construct one accessory dwelling unit under specified conditions.

In 1979, Oregon prohibited the establishment, operation, or licensing of a waste disposal facility in the state for radioactive waste (ORS 469.525). The disposal of radioactive waste at a facility at Arlington, Oregon has recently been reported. HB 4014-B would direct the Oregon Department of Energy (ODOE) to submit a report to the legislature later this year describing this event and actions taken by the agency to prevent a reoccurrence; funding options to support an enhanced enforcement program; and recommendations for potential legislative changes regarding enforcement, consultation, and enforcement. The measure would also amend the definition of radioactive waste and provide additional enforcement authority to ODOE and the Energy Facility Siting Council.