



February 15, 2021



DLCD Recommended Changes to SB 391

SB 391 would allow counties, at their discretion, to authorize the construction of accessory dwelling units (ADUs) on lands zoned for rural residential use. Current statute allows for only one permanent single-family dwelling on lots zoned rural residential except in a narrow circumstance for a second unit accessory to a pre-1945 home. The department is not taking a position on this bill but would like to provide several recommendations that would improve this legislation.

ADUs in rural residential areas would increase development and population density in these areas. This effect conflicts with current land use policy intended to separate working farms, ranches, and forestry activities from urban development. Increased density could put a strain on current essential services infrastructure, such as roads and sewer lines, leading to increased costs for local governments. More importantly, without the changes suggested below, DLCD is concerned that SB 391 would put more people, homes, and businesses at greater risk to wildfires¹.

The department recommends the following changes to SB 391 to address these concerns:

1. Require a setback from adjacent lands planned and zoned for resource use. Counties can establish the appropriate amount of the setback based on local circumstances.
2. Require that ADUs must meet the default defensible space standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry². This change would lead to better enforcement of these existing standards by shifting more responsibility to the local level.
3. Require that prior to ADU approval, a county must ensure adequate access for firefighting equipment, safe evacuation, and staged evacuation areas.

To note, the department has spoken with the bill sponsor, Senator Dembrow, and he is open to these changes. DLCD also shared these changes with Association of Oregon Counties, and they expressed a willingness to work together. Thank you for the opportunity to share this information.

¹ Most wildfires in Oregon start from human activity. According to NW Interagency Coordination Center 2019 Annual Report, 60% of fires in Oregon and Washington were human caused. Also, according to Oregon Department of Forestry (ODF) 2017 Wildfire Report, 73% of all wildfires on lands protected by ODF were human caused.

² [OAR 629-044-1060](http://www.oregon.gov/ODF/2017-Wildfire-Report)