

SB 644 -2 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Removes the requirements that the statewide wildfire risk map be approved and that an accessory dwelling unit (ADU) complies with Oregon residential specialty code relating to wildfire hazard mitigation for the relevant mapped area, in order for a county to approve ADU development on lands zoned for rural residential use. Removes additional references to the statewide wildfire risk map. Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Adds temporary provisions stating that prior to the adoption of the statewide wildfire risk map, if a county elects to allow the development of ADUs, those ADUs must comply with section R327 of the Oregon Residential Specialty Code. Provides that after the adoption of the statewide wildfire risk map, relevant ADUs must comply with applicable wildfire hazard mitigation building code standards adopted by the Department of Consumer and Business Services.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

BACKGROUND:

Until 2017, construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use was only allowed if the ADU would be used by farmworkers. House Bill 3012, enacted during the 2017 legislative session, allowed the construction of a new single-family dwelling in an area zoned for rural residential use, provided that the lot or parcel was not located in an urban reserve, that it was at least two acres in size, and that a historic home was sited on the lot or parcel and the owner converted that historic home into an ADU that complied with all sanitation and wastewater laws.

In 2021, the legislature enacted Senate Bill 391, further modified by Senate Bill 1533 in 2022, which allowed counties to authorize owners of a lot or parcel in a rural residential zone to construct one ADU, provided that: the lot or parcel was not located in an urban reserve, was at least two acres in size, and was served by a fire protection provider; one single-family dwelling was sited on the lot or parcel that was not subject to a nuisance order or pending action; the ADU was limited to 900 square feet of usable floor area, was located no farther than 100 feet from the single-family dwelling, and complied with sanitation and wastewater laws; and no portion of the lot or parcel was within a restricted groundwater area or designated area of critical state concern. The measure also required that if the lot or parcel was located in the wildland-urban interface as identified on the statewide map of wildfire risk, the lot, parcel, and/or ADU had to: comply with applicable minimum defensible space requirements established by the State Fire Marshal and local government, the Oregon residential specialty code relating to wildfire hazard mitigation, and adopted county land use regulations regarding setbacks and adequate access for firefighting equipment, safe evacuation, and staged evacuation areas. Senate Bill 391 also required that the statewide wildfire risk map be approved in order for a county to approve rural residential ADU

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development.

The statewide map of wildfire risk has not yet been approved; thus, ADU development on lands zoned for rural residential use are not permissible.

Senate Bill 644 would remove the requirements that the statewide wildfire risk map be approved and that an ADU complies with Oregon residential specialty code relating to wildfire hazard mitigation for the relevant mapped area, in order for a county to approve ADU development on lands zoned for rural residential use.