

SB 391 -2, -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/23, 3/25

WHAT THE MEASURE DOES:

Allows counties to authorize owners of lot or parcel in rural residential zones to construct one accessory dwelling unit on lot or parcel if certain requirements are met. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Wildfire map creation and high-risk zones
- Use of ADUs for vacation occupancy
- Local government land use authority
- Setback requirements
- Climate change

EFFECT OF AMENDMENT:

-2 Removes provisions disallowing simultaneous use of ADUs and single-family dwellings for vacation occupancy. Disallows general use of ADUs for vacation occupancy.

-3 Requires counties maintain regulations on adequate setbacks from adjacent land zoned for resource use, adequate access to ADUs for firefighting and evacuation, and defensible space and fuel break standards developed with local fire protection service providers.

-4 Clarifies water rights and uses for ADUs.

BACKGROUND:

Until 2017, Oregon's 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, House Bill 3012 expanded Oregon county planning, zoning and housing laws to allow the construction of a new single-family dwelling unit, subject to certain conditions, in an area zoned for residential use, and convert a historic home on the same lot or parcel to an accessory dwelling unit. 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 391 allows counties to authorize owners of a lot or parcel in rural residential zones to construct one ADU on their lot or parcel. The measure outlines a series of requirements that must be met for county approval, including but not limited to: the construction is consistent with the county's comprehensive plan; the lot or parcel is at least two acres; the lot or parcel contains one single-family dwelling; the ADU complies with sanitation, wastewater disposal and treatment, and State Board of Forestry rules and regulations; the ADU will be no larger than 900 square feet or farther than 100 feet from existing single-family dwelling; the existing single-family dwelling and ADU cannot be used simultaneously for vacation occupancy; the lot or parcel cannot be within specially designated areas. In addition, county authorization of ADU construction in rural residential zones is contingent on the future approval of statewide wildfire risk maps and ADU compliance with associated wildfire hazard mitigation requirements. Senate Bill 391 also clarifies that an existing single-family dwelling and ADU on the same lot or parcel fall under the same exemptions for ground water rights requirements.