



February 3, 2021

TO: The Honorable Representative Julie Fahey, Chair
Members of House Committee on Housing

FROM: Emma Land, Legislative Coordinator
Palmer Mason, Senior Policy Advisor

RE: House Bill 2705



HB 2705 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 or parcels 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 highlight several issues that would improve this legislation.

The allowance of ADUs in rural residential areas would increase development and population density in these areas. This effect conflicts with current land use policy that is intended to protect working farms, ranches, and forestry activities from conflicts with urban development. Increased density could put a strain on current essential services infrastructure, such as roads and sewer lines, which could lead to increased costs for local governments to adapt. Also, DLCD is concerned that HB 2705 would put more people, homes, and businesses at greater risk to wildfires¹.

The department recognizes that HB 2705 addresses some of these effects but does not go far enough. The bill could be improved by requiring that a county amend their comprehensive plan and zoning code to minimize conflicts between ADUs and agricultural operations as well as address any infrastructure concerns before allowing ADUs in rural residential areas. The bill could also be improved by addressing wildfire impacts to minimize risk, requiring statewide wildfire risk maps to be approved before allowing ADUs, and requiring ADUs to comply with the Oregon residential specialty code relating to wildfire hazard mitigation.

Thank you for this opportunity to share this information. The department would like to work with the bill sponsors and committee to address these concerns.

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.