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Board of Commissioners

Commissioner Don Russell, Chair
Commissioner Jim Doherty
Commissioner Melissa Lindsay

February 19, 2021

Senator Kayse Jama, Chair
Senate Committee on Housing and Development

RE: Senate Bill 391

Chair Jama and Members of the Committee on Housing and Development,

Morrow County supports the concepts put forth in Senate Bill 391 that would allow counties to permit an accessory dwelling unit (ADU) on a single lot or parcel in a rural residential zone. We agree that this new law could alleviate, in part, the housing crisis in the state. We welcome the opportunity to review our local Zoning Ordinance to implement the new provisions in the rural residential zone.

We appreciate the collaborative work among stakeholders that advanced the concepts in Senate Bill 391. We would however, like to clarify our position on a couple of key items.

First, we appreciate the deference to county for implementation because, indeed, the specific standards warrant adaption for each unique county and each rural area. The Bill includes some specific implementation provisions, typically seen as standards in a local zone, which we believe would be standards better defined at the local level in local zoning codes. For example, Senate Bill 391 restricts the ADU size to 900 square feet and a setback and spacing standard of 100 feet from an existing house. Those specific dimensions will not be practical to implement in every situation at the local level. Therefore, we would like to request the Bill allow a county to approve a variance to those standards, where necessary, to implement the spirit and intent of the law.

Second, we note that the Bill addresses carrying capacity of water but is silent on water quality. Many counties have groundwater quality limitations, and given the built-in flexibility for siting in the Bill as drafted, we believe individual counties are equipped to address this development constraint either as part of new zoning regulations or as part of Comprehensive Plan amendment and compliance with statewide planning Goal 6, Air, Land and Water Quality. In Morrow County for example, a large part of the county is within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), a designation imposed by state and federal agencies based on high nitrate contamination. Morrow County is equipped to address that constraint in the context of designing standards to permit ADUs.

Lastly, while the Bill is silent on the topic, we request clarification on whether a county could restrict certain types of manufactured units. Other areas of law prohibit a municipality from restricting manufactured housing.

Thank you for your consideration.

Sincerely,



Don Russell, Chair

Cc:

Senator Bill Hansell

Senator Michael Dembrow

Senator Lynn Findley

Representative Greg Smith

Representative Bobby Levy

AOC Natural Resources Committee

AOC Transportation and Community Development Committee

City of Boardman

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Morrow County Planning Commission

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