

SB 835 A STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

Action Date: 03/20/23

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 5-0-0-0

Yeas: 5 - Girod, Golden, Prozanski, Smith DB, Taylor

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/20, 3/20

WHAT THE MEASURE DOES:

Defines "accessory dwelling unit" (ADU) by statutory reference. Directs the Environmental Quality Commission to adopt rules setting forth the conditions for approving a proposal to permanently connect an ADU and single-family dwelling to the same subsurface sewage disposal system or alternative sewage disposal system.

ISSUES DISCUSSED:

- Department of Environmental Quality process for reviewing applications to connect an ADU to an existing dwelling's septic system
- Lack of clarity in current rules regarding waste load capacity and pressure associated with ADUs
- Inconsistency in permitting outcomes for ADUs
- Recent legislative history on expansion of housing in rural communities

EFFECT OF AMENDMENT:

Replaces "accessory dwelling unit" (ADU) definition with an existing statutory definition. Requires the Environmental Quality Commission to adopt rules setting forth the conditions for approving a proposal to permanently connect an ADU and single-family dwelling to the same sewage disposal system, rather than to adopt rules authorizing that connection.

BACKGROUND:

In 2021, the Legislative Assembly enacted Senate Bill 391, which authorized counties to allow the construction of accessory dwelling units (ADU) in rural residential areas. The provision of the law that relates to sewage requirements states that all ADUs must "comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment."

Applicable laws and administrative rules include ORS 454.605 to 454.755 and OAR 340-071-0100 to 340-071-0800, which provide for the regulation of subsurface sewage disposal and onsite wastewater treatment systems. When the Environmental Quality Commission (Commission) considers permitting, limiting, or prohibiting construction of subsurface sewage disposal systems or alternative sewage disposal systems, the Commission must currently take into account the capacity of existing systems along with other specified factors.

Senate Bill 835 A would direct the Environmental Quality Commission to adopt rules setting forth conditions for approving a proposal to permanently connect an ADU to a single-family dwelling's sewage disposal system.