

SB 644 A STAFF MEASURE SUMMARY
House Committee On Climate, Energy, and Environment

Carrier: Rep. Owens

Action Date: 04/19/23

Action: Do Pass the A-Eng bill.

Vote: 9-0-1-0

Yeas: 9 - Andersen, Helm, Kropf, Levy B, Levy E, Marsh, Osborne, Owens, Pham K

Exc: 1 - Wallan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 4/17, 4/19

WHAT THE MEASURE DOES:

Provides that, in order for a county to approve accessory dwelling unit (ADU) development on lands zoned for rural residential use, the ADU must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted, or if the lot or parcel is in an area identified as extreme or high wildfire risk on the statewide wildfire risk map. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of Senate Bill 391 (2021), which gave counties the option to authorize rural residential ADUs
- Section R327 wildfire hazard mitigation building code standards
- Impact of statewide wildfire risk map withdrawal

EFFECT OF AMENDMENT:

No amendment.

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, it was at least two acres in size, and 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 Legislative Assembly 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 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 (R327), 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 is not permissible.

Senate Bill 644 A would authorize a county to approve ADU development on lands zoned for rural residential use if the ADU complies with the construction provisions of section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted, or if the lot or parcel is in an area identified as extreme or high wildfire risk on the statewide wildfire risk map.