

SB 438 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/26

WHAT THE MEASURE DOES:

The measure allows a property-owner outside of an urban growth boundary to build an additional dwelling on the property, for use by a relative of the owner.

Detailed summary:

Allows a property-owner of a lot or parcel outside of an urban growth boundary (UBG) to site an additional single-family dwelling or manufactured home, for occupancy by a family-member, on the lot or parcel, subject to the following regulations:

- the lot or parcel may not be within an urban reserve;
- the owner must be an individual;
- at least one single-family dwelling must exist on the lot or parcel, and it may not be subject to, or pending action on, any order declaring it a nuisance;
- if using groundwater for the dwelling or any other use, not sited within an area in which the Water Resources Commission has restricted new or existing ground water uses.

Requires that the lot or parcel and the new dwelling must comply with any applicable minimum defensive space requirements for wildfire risk reduction as established by the State Fire Marshal if the new dwelling is cited within the wildland-urban interface. Requires that the new dwelling complies with the construction provisions of section R327 of the Oregon Residential Specialty Code if it is within a high-hazard zone. Must comply with all other applicable local requirement for defensible space.

Requires that the new dwelling be occupied by the owners':

- Parent(s);
- Stepparent or parent's domestic partner;
- Sibling or sibling's spouse or domestic partner;
- Spouse or domestic partner;
- Spouse's or domestic partner's child or that child's spouse or domestic partner;
- Grandchild; or
- Grandparent.

Disallows the new dwelling to used as a vacation rental. Allows, for a period of 18 months following the departure of the family member from the new dwelling, for the owner of the lot or parcel to use the new dwelling for a residential tenancy of a non-family member. Limits the above restrictions to the property-owner who adds the dwelling, not to subsequent purchasers of the lot or parcel. Forbids a county from approving a partition or a subdivision of the lot or parcel such that the existing dwelling will be on a different lot or parcel from the established dwelling.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

This summary has not been adopted or officially endorsed by action of the committee.

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon has a unique [system of state-wide land-use planning](#) that directs the types of use for various lands across the state. Beginning in 1961, Oregon Revised Statute (ORS) has defined specific uses for any area zoned for [exclusive farm use \(EFU\)](#), creating special tax assessments for this land and limited use. Regulation of EFU-zoned land is part of Oregon's system of land use goals, overseen by the Land Conservation and Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD), which were created by legislation in 1973 to assist local governments with the implementation of these goals. Urban Growth Boundaries (UGBs) were implemented at the same time. These are zoning lines drawn around cities to accommodate and plan residential and industrial growth over a 20-year period. Areas outside of UGBs are not allowed to be developed at "urban levels." Development on EFU-zoned land is further restricted: Non-farm dwellings may be sited only on soils that are generally unsuitable for agriculture. To allow a "farm dwelling," local governments must determine that the parcel is at least 160 acres or that it has been producing at least \$40,000 in gross revenues from agriculture (\$80,000 on high-value farmland). A "lot or parcel" refers to any legally-created unit of land. There may be multiple lots or parcels spread over a tract of land under single-ownership. Oregon Residential Specialty Code R327 was created as part of a statewide approach to wildfire mitigation, and defines fire-hardening measures that must be incorporated into new development inside high-risk or hazardous building areas in the wildland-urban interface.