

SB 878 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/26

WHAT THE MEASURE DOES:

The measure allows an occupying homeowner 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 the property-owner of a tract of land outside of an urban growth boundary (UGB) to site an additional single-family dwelling-unit, for occupancy by a family-member, on the tract, subject to the following regulations:

- The new dwelling may not be sited within an urban reserve;
- The owner of the tract must reside in the existing single-family dwelling on the tract;
- No dwelling on the tract 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.
- The addition dwelling-unit must be a newly-constructed dwelling or a newly-sited manufactured dwelling;

Requires that the lot or parcel on which the new dwelling is sited and the new dwelling comply with any applicable minimum defensive space requirements for wildfire risk reduction as established by the State Fire Marshal, if the new dwelling is sited 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. Requires that the dwelling has adequate access to firefighting equipment, safe evacuation and staged evacuation areas. 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 be 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 may 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 purchaser(s) of the tract. Allows a county to approve the conversion of a family dwelling unit on the tract into a permissible non-residential use. Prohibits a county from approving a subdivision, partition or other division of the tract so that an existing single-family dwelling is situated on a different tract than the established dwelling.

Takes effect on 91st day following adjournment sine die.

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

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

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

ISSUES DISCUSSED:

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. Oregon law defines 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 see "urban levels" of development. 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.