

D R A F T

SUMMARY

Allows counties to authorize construction of accessory dwelling units on lands zoned for rural residential use. Establishes conditions of approval for accessory dwelling units.

A BILL FOR AN ACT

Relating to accessory dwelling units.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) “Accessory dwelling unit” has the meaning given that term in ORS 215.501.

(b) “Area zoned for rural residential use” has the meaning given that term in ORS 215.501.

(c) “Single-family dwelling” has the meaning given that term in ORS 215.501.

(d) “Vacation occupancy” has the meaning given that term in ORS 90.100.

(2) Consistent with its comprehensive plan, a county may allow an owner of a lot or parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the lot or parcel, provided:

(a) The lot or parcel is not located within in an area designated as an urban reserve as defined in ORS 195.137;

(b) The lot or parcel is at least two acres in size;

1 (c) One single-family dwelling is sited on the lot or parcel;

2 (d) The existing single-family dwelling or the lot or parcel is not
3 subject to an order declaring it a nuisance or subject to any pending
4 action under ORS 105.550 to 105.600;

5 (e) The accessory dwelling unit will comply with all applicable laws
6 and regulations relating to sanitation and wastewater disposal and
7 treatment;

8 (f) The accessory dwelling unit will have a floor area of no greater
9 than 900 square feet;

10 (g) The accessory dwelling unit will be located no further than 100
11 feet from the existing single-family dwelling;

12 (h) If the water supply source for the accessory dwelling unit or
13 associated lands or gardens will be a well, no portion of the lot or
14 parcel is within a critical ground water area as designated under ORS
15 537.730 to 537.740 or within any area in which ground water with-
16 drawals have been restricted by the Water Resources Commission;

17 (i) No portion of the lot or parcel is within a designated area of
18 critical state concern; and

19 (j) The department identifies the lot or parcel under section 3 of
20 this 2019 Act as:

21 (A) Low risk;

22 (B) Moderate risk, and the accessory dwelling unit and the existing
23 single-family dwelling each comply with rules of the State Board of
24 Forestry under ORS 477.015 to 477.061; or

25 (C) High or very high risk, and the accessory dwelling unit and the
26 existing single-family dwelling each comply with rules of the State
27 Board of Forestry under ORS 477.015 to 477.061 and with:

28 (i) The class 1 ignition-resistant construction material requirements
29 for new construction under section 504 of the International Wildland-
30 Urban Interface Code (2015); or

31 (ii) Any ignition-resistant construction requirements for newly

1 **constructed dwellings adopted in the Oregon residential speciality code**
2 **after the effective date of this 2019 Act that relate specifically to con-**
3 **struction in areas of high fire risk in the wildland-urban interface.**

4 **(3) A county may impose conditions on the use of accessory dwell-**
5 **ing units for vacation occupancy. A county may consider the following**
6 **factors when allowing vacation occupancy:**

7 **(a) The cumulative impact on the county's implementation of**
8 **statewide land use planning goals related to housing and transporta-**
9 **tion.**

10 **(b) Whether the owner uses the existing single-family dwelling as**
11 **a primary residence.**

12 **(c) Other factors, including requiring neighbor notification or a**
13 **visitor and neighbor local point of contact.**

14 **(4) A county that allows construction of an accessory dwelling unit**
15 **under subsection (2) of this section may not approve:**

16 **(a) A subdivision, partition or other division of the lot or parcel so**
17 **that the existing single-family dwelling is situated on a different lot**
18 **or parcel than the accessory dwelling unit.**

19 **(b) Construction of an additional accessory dwelling unit on the**
20 **same lot or parcel.**

21 **(5) A county may require that an accessory dwelling unit con-**
22 **structed under this section be served by the same water supply source**
23 **or water supply system as the existing single-family dwelling. If the**
24 **accessory dwelling unit is served by a well, the construction of the**
25 **accessory dwelling unit shall maintain all setbacks from the well re-**
26 **quired by the Water Resources Commission or Water Resources De-**
27 **partment.**

28 **(6) An existing single-family dwelling and an accessory dwelling**
29 **unit allowed under subsection (2) of this section are considered a sin-**
30 **gle unit for the purposes of calculating exemptions under ORS 537.545**
31 **(1).**

1 **SECTION 3. The Land Conservation and Development Commission**
2 **shall adopt rules by which counties may classify lands that are within**
3 **a fire protection district as described in ORS chapter 478 as low,**
4 **moderate, high or very high fire risk. In determining the level of risk,**
5 **the department shall require consideration of whether a community**
6 **wildfire protection plan, as defined in 16 U.S.C. 6511, has been created**
7 **or updated in the past five years.**

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