

# Senate Bill 930

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows counties to authorize construction of accessory dwelling units on lands zoned for rural residential use. Establishes conditions of approval for accessory dwelling units. Updates requirements to comply with wildfire risk categories identified by Department of Consumer and Business Services maps upon completion of maps by department.

Requires Department of Consumer and Business Services to develop maps of statewide wildfire risk in consultation with Oregon State University College of Forestry. Requires department to establish within Oregon residential specialty code relating to wildfire hazard mitigation fire protection standards for accessory dwelling units based on risk.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.**

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

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

7 (b) "Area zoned for rural residential use" has the meaning given that term in ORS  
8 215.501.

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

10 (d) "Vacation occupancy" has the meaning given that term in ORS 90.100.

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

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

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

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

18 (d) The existing single-family dwelling or the lot or parcel is not subject to an order de-  
19 claring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

20 (e) The accessory dwelling unit will comply with all applicable laws and regulations re-  
21 lating to sanitation and wastewater disposal and treatment;

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

23 (g) The accessory dwelling unit will be located no farther than 100 feet from the existing  
24 single-family dwelling;

25 (h) If the water supply source for the accessory dwelling unit or associated lands or  
26 gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or  
27 parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b)

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or (d) have been restricted by the Water Resources Commission;

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

3 (j) The lot or parcel is within a rural fire protection district organized under ORS chapter  
4 478;

5 (k) The lot or parcel and accessory dwelling unit comply with rules of the State Board  
6 of Forestry under ORS 477.015 to 477.061; and

7 (L) The accessory dwelling unit complies with the Oregon residential specialty code re-  
8 lating to wildfire hazard mitigation.

9 (3) A county may not permit both the existing single-family dwelling and the accessory  
10 dwelling unit to be used for vacation occupancy during more than one week per year. A  
11 county may prohibit outright or impose conditions on the use of an accessory dwelling unit  
12 for vacation occupancy. A county may condition the use of an accessory dwelling unit for  
13 vacation occupancy on conditions including:

14 (a) Whether the owner uses the existing single-family dwelling as a primary residence.

15 (b) Requiring neighbor notification.

16 (c) Requiring a local point of contact for vacation occupants and neighbors.

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

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

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

22 (5) A county may require that an accessory dwelling unit constructed under this section  
23 be served by the same water supply source or water supply system as the existing single-  
24 family dwelling. If the accessory dwelling unit is served by a well, the construction of the  
25 accessory dwelling unit shall maintain all setbacks from the well required by the Water Re-  
26 sources Commission or Water Resources Department.

27 (6) An existing single-family dwelling and an accessory dwelling unit allowed under sub-  
28 section (2) of this section are considered a single unit for the purposes of calculating ex-  
29 emptions under ORS 537.545 (1).

30 (7) Nothing in this section requires a county to allow any accessory dwelling units in  
31 areas zoned for rural residential use or prohibits a county from imposing any additional re-  
32 strictions on accessory dwelling units in areas zoned for rural residential use.

33 **SECTION 3.** Section 4 of this 2019 Act is added to and made a part of ORS chapter 455.

34 **SECTION 4.** (1) The Department of Consumer and Business Services shall develop and  
35 maintain statewide maps identifying categories of wildfire risk.

36 (2) In developing and maintaining the maps required under this section, the department  
37 shall engage the Oregon State University College of Forestry.

38 (3) The department shall update the state building code to require appropriate fire pro-  
39 tection standards for accessory dwelling units based on the fire risk identified by the maps  
40 developed and maintained under this section.

41 **SECTION 5.** Section 2 of this 2019 Act is amended to read:

42 **Sec. 2.** (1) As used in this section:

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

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

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

- 1 (d) "Vacation occupancy" has the meaning given that term in ORS 90.100.
- 2 (2) Consistent with its comprehensive plan, a county may allow an owner of a lot or parcel  
 3 within an area zoned for rural residential use to construct one accessory dwelling unit on the lot  
 4 or parcel, provided:
- 5 (a) The lot or parcel is not located within in an area designated as an urban reserve as defined  
 6 in ORS 195.137;
- 7 (b) The lot or parcel is at least two acres in size;
- 8 (c) One single-family dwelling is sited on the lot or parcel;
- 9 (d) The existing single-family dwelling or the lot or parcel is not subject to an order declaring  
 10 it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
- 11 (e) The accessory dwelling unit will comply with all applicable laws and regulations relating to  
 12 sanitation and wastewater disposal and treatment;
- 13 (f) The accessory dwelling unit will have a floor area of no greater than 900 square feet;
- 14 (g) The accessory dwelling unit will be located no farther than 100 feet from the existing  
 15 single-family dwelling;
- 16 (h) If the water supply source for the accessory dwelling unit or associated lands or gardens  
 17 will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within  
 18 an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been re-  
 19 stricted by the Water Resources Commission;
- 20 (i) No portion of the lot or parcel is within a designated area of critical state concern; and
- 21 (j) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;
- 22 (k) The lot or parcel and accessory dwelling unit comply with rules of the State Board of  
 23 Forestry under ORS 477.015 to 477.061; and
- 24 (L) The accessory dwelling unit complies with the [*Oregon residential specialty code relating to*  
 25 *wildfire hazard mitigation*] **state building code for fire protection standards based on the fire**  
 26 **risk identified by maps produced by the Department of Consumer and Business Services un-**  
 27 **der section 4 of this 2019 Act.**
- 28 (3) A county may not permit both the existing single-family dwelling and the accessory dwelling  
 29 unit to be used for a vacation occupancy. A county may prohibit outright or impose conditions on  
 30 the use of an accessory dwelling unit for vacation occupancy. A county may condition the use of  
 31 an accessory dwelling unit for a vacation occupancy on conditions including:
- 32 (a) Whether the owner uses the existing single-family dwelling as a primary residence.
- 33 (b) Requiring neighbor notification; or
- 34 (c) Requiring a occupant and neighbor local point of contact.
- 35 (4) A county that allows construction of an accessory dwelling unit under subsection (2) of this  
 36 section may not approve:
- 37 (a) A subdivision, partition or other division of the lot or parcel so that the existing single-family  
 38 dwelling is situated on a different lot or parcel than the accessory dwelling unit.
- 39 (b) Construction of an additional accessory dwelling unit on the same lot or parcel.
- 40 (5) A county may require that an accessory dwelling unit constructed under this section be  
 41 served by the same water supply source or water supply system as the existing single-family dwell-  
 42 ing. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling  
 43 unit shall maintain all setbacks from the well required by the Water Resources Commission or Wa-  
 44 ter Resources Department.
- 45 (6) An existing single-family dwelling and an accessory dwelling unit allowed under subsection

1 (2) of this section are considered a single unit for the purposes of calculating exemptions under ORS  
2 537.545 (1).

3 (7) Nothing in this section requires a county to allow any accessory dwelling units in areas  
4 zoned for rural residential use or prohibits a county from imposing any additional restrictions on  
5 accessory dwelling units in areas zoned for rural residential use.

6 **SECTION 6. No later than September 15, 2020, the Department of Consumer and Business**  
7 **Services and the Oregon State University College of Forestry shall report to an appropriate**  
8 **interim committee of the Legislative Assembly in the manner provided under ORS 192.245**  
9 **on the maps and updates to the state building code required under section 4 of this 2019 Act.**

10 **SECTION 7. (1) Section 4 of this 2019 Act and the amendments to section 2 of this 2019**  
11 **Act by section 5 of this 2019 Act become operative on January 1, 2021.**

12 (2) The Department of Consumer and Business Services may take any actions before the  
13 operative date specified in subsection (1) of this section necessary to enable the department  
14 to exercise, on and after the operative date specified in subsection (1) of this section, the  
15 duties, functions and powers required under section 4 of this 2019 Act and the amendments  
16 to section 2 of this 2019 Act by section 5 of this 2019 Act.

17 **SECTION 8. This 2019 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
19 **on its passage.**

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