

# DRAFT

## SUMMARY

Reduces lot size of rural residential lots on which accessory dwelling units may be sited.

### A BILL FOR AN ACT

Relating to accessory dwelling units; amending ORS 215.495.

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

**SECTION 1.** ORS 215.495, as amended by section 5, chapter 85, Oregon Laws 2022, is amended to read:

215.495. (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.

(2) Consistent with a county’s 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 an area designated as an urban reserve as defined in ORS 195.137;

(b) The lot or parcel is at least [*two acres*] **one acre** in size;

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

(d) The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action

1 under ORS 105.550 to 105.600;

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

4 (f) The accessory dwelling unit will not include more than 900 square feet  
5 of useable floor area;

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

8 (h) If the water supply source for the accessory dwelling unit or associ-  
9 ated lands or gardens will be a well using water under ORS 537.545 (1)(b)  
10 or (d), no portion of the lot or parcel is within an area in which new or ex-  
11 isting ground water uses under ORS 537.545 (1)(b) or (d) have been restricted  
12 by the Water Resources Commission;

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

15 (j) The lot or parcel is served by a fire protection service provider with  
16 professionals who have received training or certification described in ORS  
17 181A.410;

18 (k) If the lot or parcel is in an area identified on the statewide map of  
19 wildfire risk described in ORS 477.490 as within the wildland-urban interface,  
20 the lot or parcel and accessory dwelling unit comply with any applicable  
21 minimum defensible space requirements for wildfire risk reduction estab-  
22 lished by the State Fire Marshal under ORS 476.392 and any applicable local  
23 requirements for defensible space established by a local government pursuant  
24 to ORS 476.392;

25 (L) Statewide wildfire risk maps have been approved and the accessory  
26 dwelling unit complies with the Oregon residential specialty code relating  
27 to wildfire hazard mitigation for the mapped area; and

28 (m) The county has adopted land use regulations that ensure that:

29 (A) The accessory dwelling unit has adequate setbacks from adjacent  
30 lands zoned for resource use;

31 (B) The accessory dwelling unit has adequate access for firefighting

1 equipment, safe evacuation and staged evacuation areas; and

2 (C) If the accessory dwelling unit is not in an area identified on the  
3 statewide map of wildfire risk described in ORS 477.490 as within the  
4 wildland-urban interface, the accessory dwelling unit complies with the pro-  
5 visions of this section and any applicable local requirements for defensible  
6 space established by a local government pursuant to ORS 476.392.

7 (3) A county may not allow an accessory dwelling unit allowed under this  
8 section to be used for vacation occupancy, as defined in ORS 90.100.

9 (4) A county that allows construction of an accessory dwelling unit under  
10 this section may not approve:

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

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

16 (5) A county may require that an accessory dwelling unit constructed  
17 under this section be served by the same water supply source or water supply  
18 system as the existing single-family dwelling, provided such use is allowed  
19 for the accessory dwelling unit by an existing water right or a use under  
20 ORS 537.545. If the accessory dwelling unit is served by a well, the con-  
21 struction of the accessory dwelling unit shall maintain all setbacks from the  
22 well required by the Water Resources Commission or Water Resources De-  
23 partment.

24 (6) An existing single-family dwelling and an accessory dwelling unit al-  
25 lowed under this section are considered a single unit for the purposes of  
26 calculating exemptions under ORS 537.545 (1).

27 (7) Nothing in this section requires a county to allow any accessory  
28 dwelling units in areas zoned for rural residential use or prohibits a county  
29 from imposing any additional restrictions on accessory dwelling units in  
30 areas zoned for rural residential use, including restrictions on the con-  
31 struction of garages and outbuildings that support an accessory dwelling

1 unit.

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