

# House Bill 2758

Sponsored by Representatives HIEB, MORGAN; Representatives GAMBA, LEVY B (Presession filed.)

## 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**.

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-half 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 under ORS 105.550 to 105.600;

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

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

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

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

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

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

(k) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit

**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 comply with any applicable minimum defensible space requirements for wildfire risk reduction es-  
2 tablished by the State Fire Marshal under ORS 476.392 and any applicable local requirements for  
3 defensible space established by a local government pursuant to ORS 476.392;

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

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

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

10 (B) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation  
11 and staged evacuation areas; and

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

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

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

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

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

23 (5) A county may require that an accessory dwelling unit constructed under this section be  
24 served by the same water supply source or water supply system as the existing single-family dwell-  
25 ing, provided such use is allowed for the accessory dwelling unit by an existing water right or a use  
26 under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the ac-  
27 cessory dwelling unit shall maintain all setbacks from the well required by the Water Resources  
28 Commission or Water Resources Department.

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

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

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