House Bill 3616

Sponsored by Representatives LEWIS, LEVY B, BOSHART DAVIS; Representatives BOICE, BREESE-IVERSON, CATE, CONRAD, CRAMER, DIEHL, ELMER, EVANS, GOODWIN, HELFRICH, MANNIX, MCINTIRE, MORGAN, OSBORNE, OWENS, RESCHKE, SCHARF, STOUT, WRIGHT, Senators ANDERSON, BONHAM, BOQUIST, GIROD, HANSELL, KNOPP, LINTHICUM, MEEK, SMITH DB, THATCHER, WEBER

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 owner of property outside urban growth boundary to site additional dwelling on property for occupancy by relative of owner.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to family dwelling units; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) Notwithstanding any other limitations on the siting of dwellings under this chapter or under any land use regulation applicable to the lot or parcel, the owner of a lot or parcel outside an urban growth boundary may site a new single-family dwelling or manufactured dwelling, provided that:

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

(b) The owner is an individual;

(c) At least one single-family dwelling currently exists on the lot or parcel;

(d) No existing dwelling on the lot or parcel is subject to an order declaring it a nuisance or any pending action under ORS 105.550 to 105.600;

(e) The new dwelling complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;

(f) If the water supply source for the new dwelling 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;

(g) If the lot or parcel is in an area identified on an adopted statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit complies with any applicable minimum defensible space requirements for wildfire risk reduction established by the Department of the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;

(b) The new dwelling complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as extreme or high wildfire risk on an

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.

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adopted statewide map of wildfire risk described in ORS 477.490; or
(B) A statewide map of wildfire risk has not been adopted; and
   (i) The county has adopted land use regulations that ensure that:
   (A) The new dwelling has adequate setbacks from adjacent lands zoned for resource use;
   (B) The new dwelling has adequate access for firefighting equipment, safe evacuation and
       staged evacuation areas; and
   (C) If the new dwelling is not in an area identified on an adopted statewide map of
       wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory
       dwelling unit complies with the provisions of this section and any applicable local require-
       ments for defensible space established by a local government pursuant to ORS 476.392.

(2) A county may not allow a dwelling established under this section to be used for:
   (a) A vacation occupancy, as defined in ORS 90.100, for any person; or
   (b) Except as provided in subsections (3) and (4) of this section, occupancy by any person
       who is not the owner’s:
       (A) Parent;
       (B) Stepparent or parent’s domestic partner, as described in ORS 106.310;
       (C) Sibling or sibling’s spouse or domestic partner;
       (D) Child or child’s spouse or domestic partner;
       (E) Spouse or domestic partner;
       (F) Spouse’s or domestic partner’s child or that child’s spouse or domestic partner;
       (G) Grandchild; or
       (H) Grandparent.

(3) For a period of 18 months following the date that a family member of the owner as
    described in subsection (2)(b) of this section moves out of a dwelling established under this
    section, the owner may use the dwelling for a residential tenancy for a tenant other than a
    family member of the owner. Following that period, the dwelling must remain vacant until
    occupied by a family member of the owner or as allowed under subsection (4) of this section.

(4) Limitations under subsection (2)(b) of this section do not apply to a purchaser of the
    lot or parcel following the establishment of a dwelling under this section.

(5) For a dwelling established under this section, a county may not approve a subdivision,
    partition or other division of the lot or parcel so that an existing single-family dwelling is
    situated on a different lot or parcel than the established dwelling.

SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023
regular session of the Eighty-second Legislative Assembly adjourns sine die.