

# Senate Bill 88

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## 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.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units.

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

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

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

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

8 (b) "Area zoned for rural residential use" has the meaning given that term in ORS  
9 215.501.

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

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

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

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

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

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

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

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

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

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

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

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

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 and

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

3 (A) Low risk;

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

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

9 (i) The class 1 ignition-resistant construction material requirements for new con-  
10 struction under section 504 of the International Wildland-Urban Interface Code (2015); or

11 (ii) Any ignition-resistant construction requirements for newly constructed dwellings  
12 adopted in the Oregon residential speciality code after the effective date of this 2019 Act that  
13 relate specifically to construction in areas of high fire risk in the wildland-urban interface.

14 (3) A county may impose conditions on the use of accessory dwelling units for vacation  
15 occupancy. A county may consider the following factors when allowing vacation occupancy:

16 (a) The cumulative impact on the county's implementation of statewide land use planning  
17 goals related to housing and transportation.

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

19 (c) Other factors, including requiring neighbor notification or a visitor and neighbor local  
20 point of contact.

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

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

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

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

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

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