

# House Bill 2363

Sponsored by Representative SMITH DB (Pre-session 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**.

Redefines "historic home" to include dwellings built before 1974 for purpose of serving as accessory dwelling unit to homes newly constructed on rural residential lands.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units; amending ORS 215.501.

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

4 **SECTION 1.** ORS 215.501 is amended to read:

5 215.501. (1) As used in this section:

6 (a) "Accessory dwelling unit" means a residential structure that is used in connection with or  
7 that is auxiliary to a single-family dwelling.

8 (b) "Area zoned for rural residential use" means land that is not located inside an urban growth  
9 boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide  
10 land use planning goal relating to farmland or forestland and planned and zoned by the county to  
11 allow residential use as a primary use.

12 (c) "Historic home" means a single-family dwelling constructed [*between 1850 and 1945*] **before**  
13 **January 1, 1974**.

14 (d) "New" means that the dwelling being constructed did not previously exist in residential or  
15 nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling  
16 of an existing structure.

17 (e) "Single-family dwelling" means a residential structure designed as a residence for one family  
18 and sharing no common wall with another residence of any type.

19 (2) Notwithstanding any local zoning or local regulation or ordinance pertaining to the siting  
20 of accessory dwelling units in areas zoned for rural residential use, a county may allow an owner  
21 of a lot or parcel within an area zoned for rural residential use to construct a new single-family  
22 dwelling on the lot or parcel, provided:

23 (a) The lot or parcel is not located in an area designated as an urban reserve as defined in ORS  
24 195.137;

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

26 (c) A historic home is sited on the lot or parcel;

27 (d) The owner converts the historic home to an accessory dwelling unit upon completion of the  
28 new single-family dwelling; and

29 (e) The accessory dwelling unit complies with all applicable laws and regulations relating to  
30 sanitation and wastewater disposal and treatment.

31 (3) An owner that constructs a new single-family dwelling under subsection (2) of this section

**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 may not:

2 (a) Subdivide, partition or otherwise divide the lot or parcel so that the new single-family  
3 dwelling is situated on a different lot or parcel from the accessory dwelling unit.

4 (b) Alter, renovate or remodel the accessory dwelling unit so that the square footage of the  
5 accessory dwelling unit is more than 120 percent of the historic home's square footage at the time  
6 construction of the new single-family dwelling commenced.

7 (c) Rebuild the accessory dwelling unit if the structure is lost to fire.

8 (d) Construct an additional accessory dwelling unit on the same lot or parcel.

9 (4) A county may require that a new single-family dwelling constructed under this section be  
10 served by the same water supply source as the accessory dwelling unit.

11 (5) A county may impose additional conditions of approval for construction of a new single-  
12 family dwelling or conversion of a historic home to an accessory dwelling unit under this section.

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