House Bill 3367

Sponsored by Representative SMITH DB

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.**

Prohibits counties from establishing minimum lot size of more than one acre for residential zoned land.

1 **A BILL FOR AN ACT**

2 Relating to minimum residential lot sizes; creating new provisions; and amending ORS 215.501.

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

4   **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.**

5   **SECTION 2. A county may not require that the minimum size of a lot or parcel that is**

6 **in an area zoned for rural residential use, as defined in ORS 215.501, be more than one acre.**

7   **SECTION 3.** ORS 215.501 is amended to read:

8   215.501. (1) As used in this section:

9   (a) "Accessory dwelling unit" means a residential structure that is used in connection with or

10 that is auxiliary to a single-family dwelling.

11   (b) "Area zoned for rural residential use" means land that is not located inside an urban growth

12 boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide

13 land use planning goal relating to farmland or forestland and planned and zoned by the county to

14 allow residential use as a primary use.

15   (c) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

16   (d) "New" means that the dwelling being constructed did not previously exist in residential or

17 nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling

18 of an existing structure.

19   (e) "Single-family dwelling" means a residential structure designed as a residence for one family

20 and sharing no common wall with another residence of any type.

21   (2) Notwithstanding any local zoning or local regulation or ordinance pertaining to the siting

22 of accessory dwelling units in areas zoned for rural residential use, a county may allow an owner

23 of a lot or parcel within an area zoned for rural residential use to construct a new single-family

24 dwelling on the lot or parcel, provided:

25   (a) The lot or parcel is not located in an area designated as an urban reserve as defined in ORS

26 195.137;

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

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

29   (d) The owner converts the historic home to an accessory dwelling unit upon completion of the

30 new single-family dwelling; and

31   (e) The accessory dwelling unit complies with all applicable laws and regulations relating to

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 sanitation and wastewater disposal and treatment.

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

3 may not:

4 (a) Subdivide, partition or otherwise divide the lot or parcel so that the new single-family

5 dwelling is situated on a different lot or parcel from the accessory dwelling unit.

6 (b) Alter, renovate or remodel the accessory dwelling unit so that the square footage of the

7 accessory dwelling unit is more than 120 percent of the historic home's square footage at the time

8 construction of the new single-family dwelling commenced.

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

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

11 (4) A county may require that a new single-family dwelling constructed under this section be

12 served by the same water supply source as the accessory dwelling unit.

13 (5) A county may impose additional conditions of approval for construction of a new single-

14 family dwelling or conversion of a historic home to an accessory dwelling unit under this section.

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