

Senate Bill 391

Sponsored by Senator DEMBROW (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**.

Authorizes county to allow owner of lot or parcel within rural residential zone to construct one accessory dwelling unit on lot or parcel, subject to certain restrictions. Specifies that single-family dwelling and accessory dwelling on same lot or parcel are considered single unit for purposes of calculating exemptions from ground water rights requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to accessory dwelling units in rural residential areas; and declaring an emergency.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 215.

SECTION 2. (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.

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

(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 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 useable 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;

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 (j) The lot or parcel is within a rural fire protection district organized under ORS chapter
2 478;

3 (k) The lot or parcel and accessory dwelling unit comply with rules of the State Board
4 of Forestry under ORS 477.015 to 477.061; and

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

8 (3)(a) A county may not permit both the existing single-family dwelling and the accessory
9 dwelling unit allowed under this section to be used simultaneously for vacation occupancy:

10 (A) During more than one week per year; and

11 (B) Unless the county has been notified in advance.

12 (b) If a county allows the use of an accessory dwelling unit for vacation occupancy, the
13 county may impose conditions including:

14 (A) Requiring the owner to use the existing single-family dwelling as a primary residence.

15 (B) Requiring neighbor notification.

16 (C) Requiring a local point of contact for vacation occupants and neighbors.

17 (D) Registration with the county.

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

20 (a) A subdivision, partition or other division of the lot or parcel so that the existing
21 single-family 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
24 be served by the same water supply source or water supply system as the existing single-
25 family dwelling. If the accessory dwelling unit is served by a well, the construction of the
26 accessory dwelling unit shall maintain all setbacks from the well required by the Water Re-
27 sources Commission or Water Resources Department.

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

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

36 **SECTION 3.** This 2021 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
38 on its passage.