

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

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

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

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

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

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

10 (b) **The owner is an individual;**

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

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

14 (e) **The new dwelling complies with all applicable laws and regulations relating to sani-**
15 **tation and wastewater disposal and treatment;**

16 (f) **If the water supply source for the new dwelling or associated lands or gardens will**
17 **be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within**
18 **an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been**
19 **restricted by the Water Resources Commission;**

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

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

28 (A) **The lot or parcel is in an area identified as extreme or high wildfire risk on an**
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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 adopted statewide map of wildfire risk described in ORS 477.490; or

2 (B) A statewide map of wildfire risk has not been adopted; and

3 (i) The county has adopted land use regulations that ensure that:

4 (A) The new dwelling has adequate setbacks from adjacent lands zoned for resource use;

5 (B) The new dwelling has adequate access for firefighting equipment, safe evacuation and
6 staged evacuation areas; and

7 (C) If the new dwelling is not in an area identified on an adopted statewide map of
8 wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory
9 dwelling unit complies with the provisions of this section and any applicable local require-
10 ments for defensible space established by a local government pursuant to ORS 476.392.

11 (2) A county may not allow a dwelling established under this section to be used for:

12 (a) A vacation occupancy, as defined in ORS 90.100, for any person; or

13 (b) Except as provided in subsections (3) and (4) of this section, occupancy by any person
14 who is not the owner's:

15 (A) Parent;

16 (B) Stepparent or parent's domestic partner, as described in ORS 106.310;

17 (C) Sibling or sibling's spouse or domestic partner;

18 (D) Child or child's spouse or domestic partner;

19 (E) Spouse or domestic partner;

20 (F) Spouse's or domestic partner's child or that child's spouse or domestic partner;

21 (G) Grandchild; or

22 (H) Grandparent.

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

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

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

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

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