

House Bill 2422

Sponsored by Representative WALLAN (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allow allows denser housing to be considered a rural use. (Flesch Readability Score: 60.7).

Requires that lands zoned to allow density of one or fewer dwellings per acre to be considered a rural use. Allows counties to rezone rural lands accordingly if the land is currently zoned for up to one dwelling per 2.5 acres.

A BILL FOR AN ACT

1
2 Relating to residential rural use of lands; creating new provisions; and amending ORS 197.734,
3 215.495 and 215.501.

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

5 **SECTION 1. ORS 197.734 is added to and made a part of ORS chapter 215.**

6 **SECTION 2.** ORS 197.734 is amended to read:

7 197.734. (1) [*The Land Conservation and Development Commission shall adopt or amend rules re-*
8 *garding the statewide planning goal criteria described in ORS 197.732 (2)(a) and (b). The rules*
9 *adopted or amended pursuant to this subsection must allow a local government to rezone land*] **A**
10 **county may rezone lands for rural uses if the land is** in an area physically developed or com-
11 mitted to residential use, as described in ORS 197.732, without [*requiring the local government*] **being**
12 **required** to take a new exception to statewide planning goals related to agricultural and forest
13 lands. [*The rules must allow for a rezoning that authorizes*] **A county may authorize** the change,
14 continuation or expansion of an industrial use that has been in operation for the five years imme-
15 diately preceding the formal land use planning action that was initiated for the change, continuation
16 or expansion of use.

17 [(2) *The rules adopted pursuant to subsection (1) of this section must provide that:*]

18 [(a) *The rezoned use will maintain the land:*]

19 **(2) Lands rezoned for rural uses under this section:**

20 **(a)(A) Must be maintained:**

21 [(A)] **(i)** As rural land as described by commission rule; and

22 [(B)] **(ii)** In a manner consistent with other statewide planning goal requirements; **and**

23 [(b) *The rural uses, density and public facilities and services permitted by the rezoning will not*
24 *commit adjacent or other nearby resource land to uses that are not permitted by statewide planning*
25 *goals related to agricultural and forest lands;*]

26 [(c)] **(B)** [*The rural uses, density and public facilities and services permitted by the rezoning are*
27 *compatible*] **May not allow rural uses, density and services that are incompatible** with the uses
28 of adjacent and other nearby resource land uses; [*and*] **or**

29 **(b) May be zoned to allow housing at a density of one dwelling per one or more acres.**

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 **(3) A county may rezone rural lands, including areas zoned for rural residential use as**
 2 **defined in ORS 215.501, to a density allowed under subsection (2)(b) of this section, if the**
 3 **existing zoning, on or before the effective date of this 2025 Act, allowed housing at a density**
 4 **of one dwelling per 2.5 or less acres.**

5 **(4) Lands rezoned under this section may not be used to commit adjacent or nearby lands**
 6 **zoned for farm or forest or mixed farm and forest uses to other nonresource uses.**

7 **[(d)] (5) [The land to be rezoned is not in an area] Land within an urban growth boundary**
 8 **or designated as a rural or urban reserve under ORS 197A.235 may not be rezoned under this**
 9 **section.**

10 **SECTION 3. On or before January 1, 2027, the Land Conservation and Development**
 11 **Commission shall adopt rules regarding 197.732 and 197.734 to conform with the amendments**
 12 **to ORS 197.734 by section 2 of this 2025 Act.**

13 **SECTION 4.** ORS 215.495 is amended to read:

14 215.495. (1) As used in this section:

15 (a) “Accessory dwelling unit” has the meaning given that term in ORS 215.501.

16 (b) “Area zoned for rural residential use” has the meaning given that term in ORS 215.501.

17 (c) “Single-family dwelling” has the meaning given that term in ORS 215.501.

18 (2) Consistent with a county’s comprehensive plan, a county may allow an owner of a lot or
 19 parcel within an area zoned for rural residential use to construct one accessory dwelling unit on the
 20 lot or parcel, provided:

21 (a) The lot or parcel is not located within an area designated as an urban reserve as defined in
 22 ORS 197A.230;

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

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

25 (d) The existing single-family dwelling property on the lot or parcel is not subject to an order
 26 declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

27 (e) The accessory dwelling unit will comply with all applicable laws and regulations relating to
 28 sanitation and wastewater disposal and treatment;

29 (f) The accessory dwelling unit will not include more than 900 square feet of usable floor area;

30 (g) The accessory dwelling unit will be located no farther than 100 feet from the existing
 31 single-family dwelling;

32 (h) If the water supply source for the accessory dwelling unit or associated lands or gardens
 33 will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within
 34 an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been re-
 35 stricted by the Water Resources Commission;

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

37 (j) The lot or parcel is served by a fire protection service provider with professionals who have
 38 received training or certification described in ORS 181A.410;

39 (k) If the lot or parcel is in an area identified on the statewide wildfire hazard map described
 40 in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit
 41 comply with any applicable minimum defensible space requirements for wildfire risk reduction es-
 42 tablished by the State Fire Marshal under ORS 476.392 and any applicable local requirements for
 43 defensible space established by a local government pursuant to ORS 476.392;

44 (L) The accessory dwelling unit complies with the construction provisions of section R327 of the
 45 Oregon Residential Specialty Code, if:

1 (A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide
2 wildfire hazard map described in ORS 477.490; or

3 (B) No statewide wildfire hazard map has been adopted; and

4 (m) The county has adopted land use regulations that ensure that:

5 (A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource
6 use;

7 (B) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation
8 and staged evacuation areas; and

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

13 (3) A county may not allow an accessory dwelling unit allowed under this section to be used for
14 vacation occupancy, as defined in ORS 90.100.

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

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

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

20 (5) A county may require that an accessory dwelling unit constructed under this section be
21 served by the same water supply source or water supply system as the existing single-family dwell-
22 ing, provided such use is allowed for the accessory dwelling unit by an existing water right or a use
23 under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the ac-
24 cessory dwelling unit shall maintain all setbacks from the well required by the Water Resources
25 Commission or Water Resources Department.

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

28 (7) Nothing in this section requires a county to allow any accessory dwelling units in areas
29 zoned for rural residential use or prohibits a county from imposing any additional restrictions on
30 accessory dwelling units in areas zoned for rural residential use, including restrictions on the con-
31 struction of garages and outbuildings that support an accessory dwelling unit.

32 **SECTION 5.** ORS 215.501 is amended to read:

33 215.501. (1) As used in this section:

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

36 (b) "Area zoned for rural residential use" means land that is not located inside an urban growth
37 boundary as defined in ORS 197.015 and that is subject to an acknowledged exception to a statewide
38 land use planning goal relating to farmland or forestland and planned and zoned by the county to
39 allow residential use as a primary use.

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

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

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

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

5 (a) The lot or parcel is not located in an area designated as an urban reserve as defined in ORS
6 197A.230;

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

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

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

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

13 (3) An owner that constructs a new single-family dwelling under subsection (2) of this section
14 may not:

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

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

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

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

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

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

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