

# Senate Bill 1133

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

Digest: This Act lets counties allow the reuse of some rural buildings as second homes. (Flesch Readability Score: 77.8).

Allows counties to approve the alteration, restoration or replacement of certain nonresidential structures on rural residential lands for use as an accessory dwelling unit.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units; amending ORS 215.495.

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

4 **SECTION 1.** ORS 215.495 is amended to read:

5 215.495. (1) As used in this section:

6 (a) "Accessory dwelling unit" has the meaning given that term in ORS 215.501.

7 (b) "Area zoned for rural residential use" has the meaning given that term in ORS 215.501.

8 (c) "Single-family dwelling" has the meaning given that term in ORS 215.501.

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

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

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

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

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

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

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

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

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

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

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

30 (k) If the lot or parcel is in an area identified on the statewide wildfire hazard map described

**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 in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit  
 2 comply with any applicable minimum defensible space requirements for wildfire risk reduction es-  
 3 tablished by the State Fire Marshal under ORS 476.392 and any applicable local requirements for  
 4 defensible space established by a local government pursuant to ORS 476.392;

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

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

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

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

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

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

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

19 **(3) A county may allow the alteration, restoration or replacement of a lawfully estab-**  
 20 **lished nonresidential structure within the footprint of the existing structure to be used as**  
 21 **an accessory dwelling unit consistent with this section, except that the converted accessory**  
 22 **dwelling unit is not required to comply with subsection (2)(f) or (g) of this section.**

23 [(3)] (4) A county may not allow an accessory dwelling unit allowed under this section to be  
 24 used for vacation occupancy, as defined in ORS 90.100.

25 [(4)] (5) A county that allows [*construction of*] an accessory dwelling unit under this section may  
 26 not approve:

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

29 (b) [*Construction of*] An additional accessory dwelling unit on the same lot or parcel.

30 [(5)] (6) A county may require that an accessory dwelling unit [*constructed*] **allowed** under this  
 31 section be served by the same water supply source or water supply system as the existing single-  
 32 family dwelling, provided such use is allowed for the accessory dwelling unit by an existing water  
 33 right or a use under ORS 537.545. If the accessory dwelling unit is served by a well, the [*construction*  
 34 *of the*] accessory dwelling unit shall maintain all setbacks from the well required by the Water Re-  
 35 sources Commission or Water Resources Department.

36 [(6)] (7) An existing single-family dwelling and an accessory dwelling unit allowed under this  
 37 section are considered a single unit for the purposes of calculating exemptions under ORS 537.545  
 38 (1).

39 [(7)] (8) Nothing in this section requires a county to allow any accessory dwelling units in areas  
 40 zoned for rural residential use or prohibits a county from imposing any additional restrictions on  
 41 accessory dwelling units in areas zoned for rural residential use, including restrictions on the con-  
 42 struction of garages and outbuildings that support an accessory dwelling unit.