

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO  
SENATE BILL 88**

1 On page 1 of the printed bill, line 2, before the period insert “; and de-  
2 claring an emergency”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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

6 **“SECTION 2. (1) As used in this section:**

7 **“(a) ‘Accessory dwelling unit’ has the meaning given that term in  
8 ORS 215.501.**

9 **“(b) ‘Area zoned for rural residential use’ has the meaning given  
10 that term in ORS 215.501.**

11 **“(c) ‘Single-family dwelling’ has the meaning given that term in  
12 ORS 215.501.**

13 **“(d) ‘Vacation occupancy’ has the meaning given that term in ORS  
14 90.100.**

15 **“(2) Consistent with its comprehensive plan, a county may allow  
16 an owner of a lot or parcel within an area zoned for rural residential  
17 use to construct one accessory dwelling unit on the lot or parcel,  
18 provided:**

19 **“(a) The lot or parcel is not located within an area designated as  
20 an urban reserve as defined in ORS 195.137;**

21 **“(b) The lot or parcel is at least two acres in size;**

- 1       **“(c) One single-family dwelling is sited on the lot or parcel;**
- 2       **“(d) The existing single-family dwelling or the lot or parcel is not**  
3 **subject to an order declaring it a nuisance or subject to any pending**  
4 **action under ORS 105.550 to 105.600;**
- 5       **“(e) The accessory dwelling unit will comply with all applicable laws**  
6 **and regulations relating to sanitation and wastewater disposal and**  
7 **treatment;**
- 8       **“(f) The accessory dwelling unit will not include more than 900**  
9 **square feet of useable floor area;**
- 10       **“(g) The accessory dwelling unit will be located no farther than 100**  
11 **feet from the existing single-family dwelling;**
- 12       **“(h) If the water supply source for the accessory dwelling unit or**  
13 **associated lands or gardens will be a well using water under ORS**  
14 **537.545 (1)(b) or (d), no portion of the lot or parcel is within an area**  
15 **in which new or existing ground water uses under ORS 537.545 (1)(b)**  
16 **or (d) have been restricted by the Water Resources Commission;**
- 17       **“(i) No portion of the lot or parcel is within a designated area of**  
18 **critical state concern;**
- 19       **“(j) The lot or parcel is within a rural fire protection district or-**  
20 **ganized under ORS chapter 478;**
- 21       **“(k) The lot or parcel and accessory dwelling unit comply with rules**  
22 **of the State Board of Forestry under ORS 477.015 to 477.061; and**
- 23       **“(L) The accessory dwelling unit complies with the Oregon resi-**  
24 **dential specialty code relating to wildfire hazard mitigation.**
- 25       **“(3)(a) A county may not permit both the existing single-family**  
26 **dwelling and the accessory dwelling unit allowed under this section to**  
27 **be used simultaneously for vacation occupancy:**
- 28       **“(A) During more than one week per year; and**
- 29       **“(B) Unless the county has been notified in advance.**
- 30       **“(b) If a county allows the use of an accessory dwelling unit for**

1 vacation occupancy, the county may impose conditions including:

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

4 “(B) Requiring neighbor notification.

5 “(C) Requiring a local point of contact for vacation occupants and  
6 neighbors.

7 “(D) Registration with the county.

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

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

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

15 “(5) A county may require that an accessory dwelling unit con-  
16 structed under this section be served by the same water supply source  
17 or water supply system as the existing single-family dwelling. If the  
18 accessory dwelling unit is served by a well, the construction of the  
19 accessory dwelling unit shall maintain all setbacks from the well re-  
20 quired by the Water Resources Commission or Water Resources De-  
21 partment.

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

25 “(7) Nothing in this section requires a county to allow any acces-  
26 sory dwelling units in areas zoned for rural residential use or prohibits  
27 a county from imposing any additional restrictions on accessory  
28 dwelling units in areas zoned for rural residential use, including re-  
29 strictions on the construction of garages and outbuildings that support  
30 an accessory dwelling unit.

1       **“SECTION 3. Section 4 of this 2019 Act is added to and made a part**  
2 **of ORS chapter 455.**

3       **“SECTION 4. (1) The Department of Consumer and Business Ser-**  
4 **vices shall develop and maintain statewide maps identifying categories**  
5 **of wildfire risk.**

6       **“(2) In developing and maintaining the maps required under this**  
7 **section, the department shall engage the Oregon State University**  
8 **College of Forestry. Engagement under this subsection is not subject**  
9 **to ORS 291.047.**

10       **“(3) The department shall update the state building code to require**  
11 **appropriate fire protection standards for accessory dwelling units**  
12 **based on the fire risk identified by the maps developed and maintained**  
13 **under this section.**

14       **“SECTION 5. Section 2 of this 2019 Act is amended to read:**

15       **“Sec. 2. (1) As used in this section:**

16       “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS  
17 215.501.

18       “(b) ‘Area zoned for rural residential use’ has the meaning given that  
19 term in ORS 215.501.

20       “(c) ‘Single-family dwelling’ has the meaning given that term in ORS  
21 215.501.

22       “(d) ‘Vacation occupancy’ has the meaning given that term in ORS 90.100.

23       **“(2) Consistent with its comprehensive plan, a county may allow an owner**  
24 **of a lot or parcel within an area zoned for rural residential use to construct**  
25 **one accessory dwelling unit on the lot or parcel, provided:**

26       “(a) The lot or parcel is not located within an area designated as an ur-  
27 ban reserve as defined in ORS 195.137;

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

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

30       “(d) The existing single-family dwelling or the lot or parcel is not subject

1 to an order declaring it a nuisance or subject to any pending action under  
2 ORS 105.550 to 105.600;

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

5 “(f) The accessory dwelling unit will not include more than 900 square  
6 feet of useable floor area;

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

9 “(h) If the water supply source for the accessory dwelling unit or associ-  
10 ated lands or gardens will be a well using water under ORS 537.545 (1)(b)  
11 or (d), no portion of the lot or parcel is within an area in which new or ex-  
12 isting ground water uses under ORS 537.545 (1)(b) or (d) have been restricted  
13 by the Water Resources Commission;

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

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

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

20 “(L) The accessory dwelling unit complies with the [*Oregon residential*  
21 *specialty code relating to wildfire hazard mitigation*] **state building code for**  
22 **fire protection standards based on the fire risk identified by maps**  
23 **produced by the Department of Consumer and Business Services under**  
24 **section 4 of this 2019 Act.**

25 “(3)(a) A county may not permit both the existing single-family dwelling  
26 and the accessory dwelling unit allowed under this section to be used si-  
27 multaneously for vacation occupancy:

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

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

30 “(b) If a county allows the use of an accessory dwelling unit for vacation

1 occupancy, the county may impose conditions including:

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

4 “(B) Requiring neighbor notification.

5 “(C) Requiring a local point of contact for vacation occupants and  
6 neighbors.

7 “(D) Registration with the county.

8 “(4) A county that allows construction of an accessory dwelling unit un-  
9 der this section may not approve:

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

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

15 “(5) A county may require that an accessory dwelling unit constructed  
16 under this section be served by the same water supply source or water supply  
17 system as the existing single-family dwelling. If the accessory dwelling unit  
18 is served by a well, the construction of the accessory dwelling unit shall  
19 maintain all setbacks from the well required by the Water Resources Com-  
20 mission or Water Resources Department.

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

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

30 **SECTION 6. No later than September 15, 2020, the Department of**

1 **Consumer and Business Services and the Oregon State University**  
2 **College of Forestry shall report to an appropriate interim committee**  
3 **of the Legislative Assembly in the manner provided under ORS 192.245**  
4 **on the maps and updates to the state building code required under**  
5 **section 4 of this 2019 Act.**

6 **“SECTION 7. The amendments to section 2 of this 2019 Act by sec-**  
7 **tion 5 of this 2019 Act become operative on January 1, 2021.**

8 **“SECTION 8. This 2019 Act being necessary for the immediate**  
9 **preservation of the public peace, health and safety, an emergency is**  
10 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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