SENATE AMENDMENTS TO
SENATE BILL 391
By COMMITTEE ON HOUSING AND DEVELOPMENT
April 12

On page 1 of the printed bill, delete lines 5 through 30.
On page 2, delete lines 1 through 35 and insert:

“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.
(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;
(j) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;
(k) The lot or parcel and accessory dwelling unit comply with rules of the State Board of Forestry under ORS 477.015 to 477.061;
(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area; and
(m) The county has adopted land use regulations that ensure that:
“(A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for
resource use;
“(B) The accessory dwelling unit has adequate access for firefighting equipment, safe
evacuation and staged evacuation areas; and
“(C) If the accessory dwelling unit is not subject to ORS 477.015 to 477.061, the accessory
dwelling unit has defensible space and fuel break standards as developed in consultation with
local fire protection service providers.
“(3) A county may not allow an accessory dwelling unit allowed under this section to be
used for vacation occupancy, as defined in ORS 90.100.
“(4) A county that allows construction of an accessory dwelling unit under this section
may not approve:
“(a) A subdivision, partition or other division of the lot or parcel so that the existing
single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.
“(b) Construction of an additional accessory dwelling unit on the same lot or parcel.
“(5) A county may require that an accessory dwelling unit constructed under this section
be served by the same water supply source or water supply system as the existing single-
family dwelling, provided such use is allowed for the accessory dwelling unit by an existing
water right or a use under ORS 537.545. If the accessory dwelling unit is served by a well,
the construction of the accessory dwelling unit shall maintain all setbacks from the well
required by the Water Resources Commission or Water Resources Department.
“(6) An existing single-family dwelling and an accessory dwelling unit allowed under this
section are considered a single unit for the purposes of calculating exemptions under ORS
537.545 (1).
“(7) Nothing in this section requires a county to allow any accessory dwelling units in
areas zoned for rural residential use or prohibits a county from imposing any additional re-
strictions on accessory dwelling units in areas zoned for rural residential use, including re-
lictions on the construction of garages and outbuildings that support an accessory dwelling
unit.”.