

Requested by SENATE COMMITTEE ON HOUSING AND DEVELOPMENT

**PROPOSED AMENDMENTS TO  
SENATE BILL 391**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 35 and insert:

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

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

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

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

10 **“(2) Consistent with a county’s comprehensive plan, a county may**  
11 **allow an owner of a lot or parcel within an area zoned for rural resi-**  
12 **dential use to construct one accessory dwelling unit on the lot or**  
13 **parcel, provided:**

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

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

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

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

21 **“(e) The accessory dwelling unit will comply with all applicable laws**

1 and regulations relating to sanitation and wastewater disposal and  
2 treatment;

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

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

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

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

14 “(j) The lot or parcel is within a rural fire protection district or-  
15 ganized under ORS chapter 478;

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

18 “(L) Statewide wildfire risk maps have been approved and the ac-  
19 cessory dwelling unit complies with the Oregon residential specialty  
20 code relating to wildfire hazard mitigation for the mapped area; and

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

22 “(A) The accessory dwelling unit has adequate setbacks from adja-  
23 cent lands zoned for resource use;

24 “(B) The accessory dwelling unit has adequate access for  
25 firefighting equipment, safe evacuation and staged evacuation areas;  
26 and

27 “(C) If the accessory dwelling unit is not subject to ORS 477.015 to  
28 477.061, the accessory dwelling unit has defensible space and fuel break  
29 standards as developed in consultation with local fire protection ser-  
30 vice providers.

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

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

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

9       **“(b) Construction of an additional accessory dwelling unit on the**  
10 **same lot or parcel.**

11       **“(5) A county may require that an accessory dwelling unit con-**  
12 **structed under this section be served by the same water supply source**  
13 **or water supply system as the existing single-family dwelling, provided**  
14 **such use is allowed for the accessory dwelling unit by an existing wa-**  
15 **ter right or a use under ORS 537.545. If the accessory dwelling unit is**  
16 **served by a well, the construction of the accessory dwelling unit shall**  
17 **maintain all setbacks from the well required by the Water Resources**  
18 **Commission or Water Resources Department.**

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

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

28 \_\_\_\_\_