

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1533**

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “215.495,”.  
2 In line 3, after “2021” insert “; and prescribing an effective date”.  
3 In line 12, delete “clean air shelters” and insert “cleaner air spaces”.  
4 In line 15, delete “clean air shelters” and insert “cleaner air spaces”.  
5 On page 2, after line 37, insert:  
6 **“SECTION 5.** ORS 215.495 is amended to read:  
7 “215.495. (1) As used in this section:  
8 “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS  
9 215.501.  
10 “(b) ‘Area zoned for rural residential use’ has the meaning given that  
11 term in ORS 215.501.  
12 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS  
13 215.501.  
14 “(2) Consistent with a county’s comprehensive plan, a county may allow  
15 an owner of a lot or parcel within an area zoned for rural residential use to  
16 construct one accessory dwelling unit on the lot or parcel, provided:  
17 “(a) The lot or parcel is not located within an area designated as an ur-  
18 ban reserve as defined in ORS 195.137;  
19 “(b) The lot or parcel is at least two acres in size;  
20 “(c) One single-family dwelling is sited on the lot or parcel;  
21 “(d) The existing single-family dwelling property on the lot or parcel is

1 not subject to an order declaring it a nuisance or subject to any pending  
2 action under 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 served by a fire protection service provider with  
17 professionals who have received training or certification described in ORS  
18 181A.410;

19 “(k) **If the lot or parcel is in an area identified on the statewide map**  
20 **of wildfire risk described in ORS 477.490 as within the wildland-urban**  
21 **interface**, the lot or parcel and accessory dwelling unit comply with [*rules*  
22 *of the State Board of Forestry under ORS 477.015, 477.025 and 477.027*] **any**  
23 **applicable minimum defensible space requirements for wildfire risk**  
24 **reduction established by the State Fire Marshal under ORS 476.392 and**  
25 **any applicable local requirements for defensible space established by**  
26 **a local government pursuant to ORS 476.392;**

27 “(L) Statewide wildfire risk maps have been approved and the accessory  
28 dwelling unit complies with the Oregon residential specialty code relating  
29 to wildfire hazard mitigation for the mapped area; and

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

1 “(A) The accessory dwelling unit has adequate setbacks from adjacent  
2 lands zoned for resource use;

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

5 “(C) If the accessory dwelling unit is not [*subject to ORS 477.015, 477.025*  
6 *and 477.027*] **in an area identified on the statewide map of wildfire risk**  
7 **described in ORS 477.490 as within the wildland-urban interface**, the  
8 accessory dwelling unit [*has defensible space and fuel break standards as*  
9 *developed in consultation with local fire protection service providers*] **complies**  
10 **with the provisions of this section and any applicable local require-**  
11 **ments for defensible space established by a local government pursuant**  
12 **to ORS 476.392.**

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

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

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

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

22 “(5) A county may require that an accessory dwelling unit constructed  
23 under this section be served by the same water supply source or water supply  
24 system as the existing single-family dwelling, provided such use is allowed  
25 for the accessory dwelling unit by an existing water right or a use under  
26 ORS 537.545. If the accessory dwelling unit is served by a well, the con-  
27 struction of the accessory dwelling unit shall maintain all setbacks from the  
28 well required by the Water Resources Commission or Water Resources De-  
29 partment.

30 “(6) An existing single-family dwelling and an accessory dwelling unit

1 allowed under this section are considered a single unit for the purposes of  
2 calculating exemptions under ORS 537.545 (1).

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

9 **“SECTION 6. This 2022 Act takes effect on the 91st day after the  
10 date on which the 2022 regular session of the Eighty-first Legislative  
11 Assembly adjourns sine die.”**

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