

# Senate Bill 644

Sponsored by Senator KNOPP (Presession filed.)

## 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**.

Removes certain requirements relating to wildfire risk maps for development of accessory dwelling units on lands zoned for rural residential use.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to accessory dwelling units on lands zoned for rural residential use; amending ORS 215.495;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 215.495, as amended by section 5, chapter 85, Oregon Laws 2022, is amended  
6 to read:

7 215.495. (1) As used in this section:

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

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

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

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

14 (a) The lot or parcel is not located within an area designated as an urban reserve as defined in  
15 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 is not subject to an order  
19 declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

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

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

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

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

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

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

**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 (k) *[If the lot or parcel is in an area identified on the statewide map of wildfire risk described in*  
 2 *ORS 477.490 as within the wildland-urban interface,]* The lot or parcel and accessory dwelling unit  
 3 comply with any applicable minimum defensible space requirements for wildfire risk reduction es-  
 4 tablished by the State Fire Marshal under ORS 476.392 and any applicable local requirements for  
 5 defensible space established by a local government pursuant to ORS 476.392; **and**

6 *[(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit complies*  
 7 *with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area;*  
 8 *and]*

9 *[(m)]* **(L)** The county has adopted land use regulations that ensure that **the accessory dwelling**  
 10 **unit has adequate:**

11 (A) *[The accessory dwelling unit has adequate]* Setbacks from adjacent lands zoned for resource  
 12 use; **and**

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 map of wildfire risk*  
 16 *described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies*  
 17 *with the provisions of this section and any applicable local requirements for defensible space estab-*  
 18 *lished by a local government pursuant to ORS 476.392.]*

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

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

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

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

26 (5) A county may require that an accessory dwelling unit constructed under this section be  
 27 served by the same water supply source or water supply system as the existing single-family dwell-  
 28 ing, provided such use is allowed for the accessory dwelling unit by an existing water right or a use  
 29 under ORS 537.545. If the accessory dwelling unit is served by a well, the construction of the ac-  
 30 cessory dwelling unit shall maintain all setbacks from the well required by the Water Resources  
 31 Commission or Water Resources Department.

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

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

38 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**  
 39 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
 40 **on its passage.**