

SB 644-2
(LC 3488)
2/27/23 (RLM/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 644**

1 On page 1 of the printed bill, line 2, after “use;” insert “creating new
2 provisions;”.

3 Delete lines 5 through 31.

4 On page 2, delete lines 1 through 37 and insert:

5 **“SECTION 1.** ORS 215.495, as amended by section 5, chapter 85, Oregon
6 Laws 2022, 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 usable 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 of
20 wildfire risk described in ORS 477.490 as within the wildland-urban interface,
21 the lot or parcel and accessory dwelling unit comply with any applicable
22 minimum defensible space requirements for wildfire risk reduction estab-
23 lished by the State Fire Marshal under ORS 476.392 and any applicable local
24 requirements for defensible space established by a local government pursuant
25 to ORS 476.392;

26 “(L) [*Statewide wildfire risk maps have been approved and the accessory*
27 *dwelling unit complies with the Oregon residential specialty code relating to*
28 *wildfire hazard mitigation for the mapped area*] **If the lot or parcel is in**
29 **an area identified on the statewide map of wildfire risk described in**
30 **ORS 477.490 as within the wildland-urban interface, the accessory**

1 **dwelling unit will comply with any applicable wildfire hazard miti-**
2 **gation building code standards adopted by the Department of Con-**
3 **sumer and Business Services under ORS 455.612; and**

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

5 “(A) The accessory dwelling unit has adequate Setbacks from adjacent
6 lands zoned for resource use;

7 “(B) The accessory dwelling unit has adequate Access for firefighting
8 equipment, safe evacuation and staged evacuation areas; and

9 “(C) If the accessory dwelling unit is not in an area identified on the
10 statewide map of wildfire risk described in ORS 477.490 as within the
11 wildland-urban interface, the accessory dwelling unit complies with the pro-
12 visions of this section and any applicable local requirements for defensible
13 space established by a local government pursuant to ORS 476.392.

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

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

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

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

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

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

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

10 **“SECTION 2. Prior to the adoption of the statewide map of wildfire**
11 **risk under ORS 477.490, if a county elects to allow the development of**
12 **accessory dwelling units under ORS 215.495:**

13 **“(1) ORS 215.495 (2)(L) does not apply; and**

14 **“(2) The accessory dwelling units must comply with section R327**
15 **of the Oregon Residential Specialty Code.**

16 **“SECTION 3. Section 2 of this 2023 Act is repealed on January 2,**
17 **2026.”.**

18 In line 38, delete “2” and insert “4”.

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