

SB 644-1
(LC 3488)
2/10/23 (RLM/ps)

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO
SENATE BILL 644**

- 1 On page 1 of the printed bill, delete lines 5 through 31.
- 2 On page 2, delete lines 1 through 37 and insert:
- 3 **“SECTION 1.** ORS 215.495, as amended by section 5, chapter 85, Oregon
- 4 Laws 2022, is amended to read:
 - 5 “215.495. (1) As used in this section:
 - 6 “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS
 - 7 215.501.
 - 8 “(b) ‘Area zoned for rural residential use’ has the meaning given that
 - 9 term in ORS 215.501.
 - 10 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS
 - 11 215.501.
 - 12 “(2) Consistent with a county’s comprehensive plan, a county may allow
 - 13 an owner of a lot or parcel within an area zoned for rural residential use to
 - 14 construct one accessory dwelling unit on the lot or parcel, provided:
 - 15 “(a) The lot or parcel is not located within an area designated as an ur-
 - 16 ban reserve as defined in ORS 195.137;
 - 17 “(b) The lot or parcel is at least two acres in size;
 - 18 “(c) One single-family dwelling is sited on the lot or parcel;
 - 19 “(d) The existing single-family dwelling property on the lot or parcel is
 - 20 not subject to an order declaring it a nuisance or subject to any pending
 - 21 action under ORS 105.550 to 105.600;

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

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

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

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

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

14 “(j) The lot or parcel is served by a fire protection service provider with
15 professionals who have received training or certification described in ORS
16 181A.410;

17 “(k) [*If the lot or parcel is in an area identified on the statewide map of*
18 *wildfire risk described in ORS 477.490 as within the wildland-urban*
19 *interface,*] The lot or parcel and accessory dwelling unit comply with:

20 “**(A)** Any applicable minimum defensible space requirements for wildfire
21 risk reduction established by the State Fire Marshal under ORS 476.392;
22 [and]

23 “**(B)** Any applicable local requirements for defensible space established
24 by a local government pursuant to ORS 476.392; **and**

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

28 “**(C) Wildfire hazard mitigation building code standards described**
29 **in ORS 455.612, notwithstanding the risk class for the lot or parcel**
30 **identified under ORS 477.490; and**

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

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

5 “(B) [*The accessory dwelling unit has adequate*] Access for firefighting
6 equipment, safe evacuation and staged evacuation areas[; *and*].

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

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

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

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

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

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

29 “(6) An existing single-family dwelling and an accessory dwelling unit
30 allowed under this section are considered a single unit for the purposes of

1 calculating exemptions under ORS 537.545 (1).

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

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