

SENATE AMENDMENTS TO SENATE BILL 88

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 4

- 1 On page 1 of the printed bill, line 2, before the period insert “; and declaring an emergency”.
- 2 Delete lines 4 through 30 and delete page 2 and insert:
- 3 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.**
- 4 **“SECTION 2. (1) As used in this section:**
- 5 **“(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS 215.501.**
- 6 **“(b) ‘Area zoned for rural residential use’ has the meaning given that term in ORS**
- 7 **215.501.**
- 8 **“(c) ‘Single-family dwelling’ has the meaning given that term in ORS 215.501.**
- 9 **“(d) ‘Vacation occupancy’ has the meaning given that term in ORS 90.100.**
- 10 **“(2) Consistent with its comprehensive plan, a county may allow an owner of a lot or**
- 11 **parcel within an area zoned for rural residential use to construct one accessory dwelling unit**
- 12 **on the lot or parcel, provided:**
- 13 **“(a) The lot or parcel is not located within an area designated as an urban reserve as**
- 14 **defined in ORS 195.137;**
- 15 **“(b) The lot or parcel is at least two acres in size;**
- 16 **“(c) One single-family dwelling is sited on the lot or parcel;**
- 17 **“(d) The existing single-family dwelling or the lot or parcel is not subject to an order**
- 18 **declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;**
- 19 **“(e) The accessory dwelling unit will comply with all applicable laws and regulations re-**
- 20 **lating to sanitation and wastewater disposal and treatment;**
- 21 **“(f) The accessory dwelling unit will not include more than 900 square feet of useable**
- 22 **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**
- 26 **gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or**
- 27 **parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b)**
- 28 **or (d) have been restricted 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 within a rural fire protection district organized under ORS**
- 31 **chapter 478;**
- 32 **“(k) The lot or parcel and accessory dwelling unit comply with rules of the State Board**
- 33 **of Forestry under ORS 477.015 to 477.061; and**
- 34 **“(L) The accessory dwelling unit complies with the Oregon residential specialty code re-**
- 35 **lating to wildfire hazard mitigation.**

1 “(3)(a) A county may not permit both the existing single-family dwelling and the acces-
2 sory dwelling unit allowed under this section to be used simultaneously for vacation occu-
3 pancy:

4 “(A) During more than one week per year; and

5 “(B) Unless the county has been notified in advance.

6 “(b) If a county allows the use of an accessory dwelling unit for vacation occupancy, the
7 county may impose conditions including:

8 “(A) Requiring the owner to use the existing single-family dwelling as a primary resi-
9 dence.

10 “(B) Requiring neighbor notification.

11 “(C) Requiring a local point of contact for vacation occupants and neighbors.

12 “(D) Registration with the county.

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

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

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

18 “(5) A county may require that an accessory dwelling unit constructed under this section
19 be served by the same water supply source or water supply system as the existing single-
20 family dwelling. If the accessory dwelling unit is served by a well, the construction of the
21 accessory dwelling unit shall maintain all setbacks from the well required by the Water Re-
22 sources Commission or Water Resources Department.

23 “(6) An existing single-family dwelling and an accessory dwelling unit allowed under this
24 section are considered a single unit for the purposes of calculating exemptions under ORS
25 537.545 (1).

26 “(7) Nothing in this section requires a county to allow any accessory dwelling units in
27 areas zoned for rural residential use or prohibits a county from imposing any additional re-
28 strictions on accessory dwelling units in areas zoned for rural residential use, including re-
29 strictions on the construction of garages and outbuildings that support an accessory dwelling
30 unit.

31 “SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 455.

32 “SECTION 4. (1) The Department of Consumer and Business Services shall develop and
33 maintain statewide maps identifying categories of wildfire risk.

34 “(2) In developing and maintaining the maps required under this section, the department
35 shall engage the Oregon State University College of Forestry. Engagement under this sub-
36 section is not subject to ORS 291.047.

37 “(3) The department shall update the state building code to require appropriate fire pro-
38 tection standards for accessory dwelling units based on the fire risk identified by the maps
39 developed and maintained under this section.

40 “SECTION 5. Section 2 of this 2019 Act is amended to read:

41 “Sec. 2. (1) As used in this section:

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

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

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

45 “(d) ‘Vacation occupancy’ has the meaning given that term in ORS 90.100.

1 “(2) Consistent with its comprehensive plan, a county may allow an owner of a lot or parcel
2 within an area zoned for rural residential use to construct one accessory dwelling unit on the lot
3 or parcel, provided:

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

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

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

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

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

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

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

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

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

20 “(j) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;

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

23 “(L) The accessory dwelling unit complies with the [*Oregon residential specialty code relating to*
24 *wildfire hazard mitigation*] **state building code for fire protection standards based on the fire**
25 **risk identified by maps produced by the Department of Consumer and Business Services un-**
26 **der section 4 of this 2019 Act.**

27 “(3)(a) A county may not permit both the existing single-family dwelling and the accessory
28 dwelling unit allowed under this section to be used simultaneously for vacation occupancy:

29 “(A) During more than one week per year; and

30 “(B) Unless the county has been notified in advance.

31 “(b) If a county allows the use of an accessory dwelling unit for vacation occupancy, the county
32 may impose conditions including:

33 “(A) Requiring the owner to use the existing single-family dwelling as a primary residence.

34 “(B) Requiring neighbor notification.

35 “(C) Requiring a local point of contact for vacation occupants and neighbors.

36 “(D) Registration with the county.

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

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

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

42 “(5) A county may require that an accessory dwelling unit constructed under this section be
43 served by the same water supply source or water supply system as the existing single-family dwell-
44 ing. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling
45 unit shall maintain all setbacks from the well required by the Water Resources Commission or Wa-

1 ter Resources Department.

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

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

8 “**SECTION 6. No later than September 15, 2020, the Department of Consumer and Busi-
9 ness Services and the Oregon State University College of Forestry shall report to an appro-
10 priate interim committee of the Legislative Assembly in the manner provided under ORS
11 192.245 on the maps and updates to the state building code required under section 4 of this
12 2019 Act.**

13 “**SECTION 7. The amendments to section 2 of this 2019 Act by section 5 of this 2019 Act
14 become operative on January 1, 2021.**

15 “**SECTION 8. This 2019 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
17 on its passage.”.**

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