

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO  
SENATE BILL 88**

1 On page 1 of the printed bill, line 2, before the period insert “; and de-  
2 claring an emergency”.

3 Delete lines 4 through 30 and delete page 2 and insert:

4 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**  
5 **of ORS chapter 215.**

6 **“SECTION 2. (1) As used in this section:**

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

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

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

13 **“(d) ‘Vacation occupancy’ has the meaning given that term in ORS**  
14 **90.100.**

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

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

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

- 1       **“(c) One single-family dwelling is sited on the lot or parcel;**
- 2       **“(d) The existing single-family dwelling or the lot or parcel is not**  
3 **subject to an order declaring it a nuisance or subject to any pending**  
4 **action under ORS 105.550 to 105.600;**
- 5       **“(e) The accessory dwelling unit will comply with all applicable laws**  
6 **and regulations relating to sanitation and wastewater disposal and**  
7 **treatment;**
- 8       **“(f) The accessory dwelling unit will have a floor area of no greater**  
9 **than 900 square feet;**
- 10       **“(g) The accessory dwelling unit will be located no farther than 100**  
11 **feet from the existing single-family dwelling;**
- 12       **“(h) If the water supply source for the accessory dwelling unit or**  
13 **associated lands or gardens will be a well using water under ORS**  
14 **537.545 (1)(b) or (d), no portion of the lot or parcel is within an area**  
15 **in which new or existing ground water uses under ORS 537.545 (1)(b)**  
16 **or (d) have been restricted by the Water Resources Commission;**
- 17       **“(i) No portion of the lot or parcel is within a designated area of**  
18 **critical state concern;**
- 19       **“(j) The lot or parcel is within a rural fire protection district or-**  
20 **ganized under ORS chapter 478;**
- 21       **“(k) The lot or parcel and accessory dwelling unit comply with rules**  
22 **of the State Board of Forestry under ORS 477.015 to 477.061; and**
- 23       **“(L) The accessory dwelling unit complies with the Oregon resi-**  
24 **dential specialty code relating to wildfire hazard mitigation.**
- 25       **“(3) A county may not permit both the existing single-family**  
26 **dwelling and the accessory dwelling unit to be used for vacation oc-**  
27 **cupancy during more than one week per year. A county may prohibit**  
28 **outright or impose conditions on the use of an accessory dwelling unit**  
29 **for vacation occupancy. A county may condition the use of an acces-**  
30 **sory dwelling unit for vacation occupancy on conditions including:**

1       “(a) Whether the owner uses the existing single-family dwelling as  
2 a primary residence.

3       “(b) Requiring neighbor notification.

4       “(c) Requiring a local point of contact for vacation occupants and  
5 neighbors.

6       “(4) A county that allows construction of an accessory dwelling unit  
7 under subsection (2) of this section may not approve:

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

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

13       “(5) A county may require that an accessory dwelling unit con-  
14 structed under this section be served by the same water supply source  
15 or water supply system as the existing single-family dwelling. If the  
16 accessory dwelling unit is served by a well, the construction of the  
17 accessory dwelling unit shall maintain all setbacks from the well re-  
18 quired by the Water Resources Commission or Water Resources De-  
19 partment.

20       “(6) An existing single-family dwelling and an accessory dwelling  
21 unit allowed under subsection (2) of this section are considered a sin-  
22 gle unit for the purposes of calculating exemptions under ORS 537.545  
23 (1).

24       “(7) Nothing in this section requires a county to allow any acces-  
25 sory dwelling units in areas zoned for rural residential use or prohibits  
26 a county from imposing any additional restrictions on accessory  
27 dwelling units in areas zoned for rural residential use.

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

30       “SECTION 4. (1) The Department of Consumer and Business Ser-

1 **vices shall develop and maintain statewide maps identifying categories**  
2 **of wildfire risk.**

3 **“(2) In developing and maintaining the maps required under this**  
4 **section, the department shall engage the Oregon State University**  
5 **College of Forestry. Engagement under this subsection is not subject**  
6 **to ORS 291.047.**

7 **“(3) The department shall update the state building code to require**  
8 **appropriate fire protection standards for accessory dwelling units**  
9 **based on the fire risk identified by the maps developed and maintained**  
10 **under this section.**

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

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

13 **“(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS**  
14 **215.501.**

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

17 **“(c) ‘Single-family dwelling’ has the meaning given that term in ORS**  
18 **215.501.**

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

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

23 **“(a) The lot or parcel is not located within an area designated as an ur-**  
24 **ban reserve as defined in ORS 195.137;**

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

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

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

30 **“(e) The accessory dwelling unit will comply with all applicable laws and**

1 regulations relating to sanitation and wastewater disposal and treatment;

2 “(f) The accessory dwelling unit will have a floor area of no greater than  
3 900 square feet;

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

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

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

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

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

17 “(L) The accessory dwelling unit complies with the [*Oregon residential*  
18 *specialty code relating to wildfire hazard mitigation*] **state building code for**  
19 **fire protection standards based on the fire risk identified by maps**  
20 **produced by the Department of Consumer and Business Services under**  
21 **section 4 of this 2019 Act.**

22 “(3) A county may not permit both the existing single-family dwelling and  
23 the accessory dwelling unit to be used for vacation occupancy during more  
24 than one week per year. A county may prohibit outright or impose conditions  
25 on the use of an accessory dwelling unit for vacation occupancy. A county  
26 may condition the use of an accessory dwelling unit for vacation occupancy  
27 on conditions including:

28 “(a) Whether the owner uses the existing single-family dwelling as a pri-  
29 mary residence.

30 “(b) Requiring neighbor notification.

1 “(c) Requiring a local point of contact for vacation occupants and neigh-  
2 bors.

3 “(4) A county that allows construction of an accessory dwelling unit un-  
4 der subsection (2) of this section may not approve:

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

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

10 “(5) A county may require that an accessory dwelling unit constructed  
11 under this section be served by the same water supply source or water supply  
12 system as the existing single-family dwelling. If the accessory dwelling unit  
13 is served by a well, the construction of the accessory dwelling unit shall  
14 maintain all setbacks from the well required by the Water Resources Com-  
15 mission or Water Resources Department.

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

19 “(7) Nothing in this section requires a county to allow any accessory  
20 dwelling units in areas zoned for rural residential use or prohibits a county  
21 from imposing any additional restrictions on accessory dwelling units in  
22 areas zoned for rural residential use.

23 **“SECTION 6. No later than September 15, 2020, the Department of**  
24 **Consumer and Business Services and the Oregon State University**  
25 **College of Forestry shall report to an appropriate interim committee**  
26 **of the Legislative Assembly in the manner provided under ORS 192.245**  
27 **on the maps and updates to the state building code required under**  
28 **section 4 of this 2019 Act.**

29 **“SECTION 7. The amendments to section 2 of this 2019 Act by sec-**  
30 **tion 5 of this 2019 Act become operative on January 1, 2021.**

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

4

---