

SENATE AMENDMENTS TO SENATE BILL 1533

By COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY

February 9

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “215.495,”.
2 In line 3, after “2021” insert “; and prescribing an effective date”.
3 In line 12, delete “clean air shelters” and insert “cleaner air spaces”.
4 In line 15, delete “clean air shelters” and insert “cleaner air spaces”.
5 On page 2, after line 37, insert:
6 **“SECTION 5.** ORS 215.495 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 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
15 in 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
21 to sanitation and wastewater disposal and treatment;
22 “(f) The accessory dwelling unit will not include more than 900 square feet of useable 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;
32 “(k) **If the lot or parcel is in an area identified on the statewide map of wildfire risk de-**
33 **scribed in ORS 477.490 as within the wildland-urban interface,** the lot or parcel and accessory
34 dwelling unit comply with [*rules of the State Board of Forestry under ORS 477.015, 477.025 and*
35 *477.027*] **any applicable minimum defensible space requirements for wildfire risk reduction**

1 **established by the State Fire Marshal under ORS 476.392 and any applicable local require-**
2 **ments for defensible space established by a local government pursuant to ORS 476.392;**

3 “(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit complies
4 with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped
5 area; and

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

7 “(A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource
8 use;

9 “(B) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation
10 and staged evacuation areas; and

11 “(C) If the accessory dwelling unit is not [*subject to ORS 477.015, 477.025 and 477.027*] **in an**
12 **area identified on the statewide map of wildfire risk described in ORS 477.490 as within the**
13 **wildland-urban interface**, the accessory dwelling unit [*has defensible space and fuel break standards*
14 *as developed in consultation with local fire protection service providers*] **complies with the pro-**
15 **visions of this section and any applicable local requirements for defensible space established**
16 **by a local government pursuant to ORS 476.392.**

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

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

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

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

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

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

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

36 “**SECTION 6. This 2022 Act takes effect on the 91st day after the date on which the 2022**
37 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**”