

SB 644-4  
(LC 3488)  
3/9/23 (RLM/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES

**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 interface,  
19 the lot or parcel and accessory dwelling unit comply with any applicable  
20 minimum defensible space requirements for wildfire risk reduction estab-  
21 lished by the State Fire Marshal under ORS 476.392 and any applicable local  
22 requirements for defensible space established by a local government pursuant  
23 to ORS 476.392;

24 “(L) [*Statewide wildfire risk maps have been approved and the accessory*  
25 *dwelling unit complies with the Oregon residential specialty code relating to*  
26 *wildfire hazard mitigation for the mapped area; and] **The accessory dwell-**  
27 **ing unit complies with the construction provisions of section R327 of**  
28 **the Oregon Residential Specialty Code, if:***

29 **(A) The lot or parcel is in an area identified as extreme or high**  
30 **wildfire risk on the statewide map of wildfire risk described in ORS**

1 **477.490; or**

2 **(B) No statewide map of wildfire risk has been adopted; and**

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

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

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

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

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

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

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

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

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

30 “(6) An existing single-family dwelling and an accessory dwelling unit

1 allowed under this section are considered a single unit for the purposes of  
2 calculating exemptions under ORS 537.545 (1).

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

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