

Requested by Representative LEVY B

**PROPOSED AMENDMENTS TO
HOUSE BILL 2400**

1 On page 1 of the printed bill, delete lines 5 through 28.

2 On page 2, delete lines 1 through 27 and insert:

3 **“SECTION 2. (1) Notwithstanding limitations on the siting of**
4 **dwelling under this chapter or under any land use regulation appli-**
5 **cable to the lot or parcel, the owner of a lot or parcel outside an urban**
6 **growth boundary may site a new single-family dwelling or manufac-**
7 **ture dwelling, subject to the following requirements:**

8 **“(a) The lot or parcel may not be:**

9 **“(A) Within an area designated as an urban reserve as defined in**
10 **ORS 197A.230;**

11 **“(B) Zoned for exclusive farm use; or**

12 **“(C) Smaller than 2.5 acres.**

13 **“(b) The owner must be an individual.**

14 **“(c) At least one single-family dwelling must currently exist on the**
15 **lot or parcel and it may not be subject to an order declaring it a nui-**
16 **sance or to any pending action under ORS 105.550 to 105.600.**

17 **“(d) The new dwelling must comply with all applicable laws and**
18 **regulations relating to sanitation and wastewater disposal and treat-**
19 **ment.**

20 **“(e) If the water supply source for the new dwelling or associated**
21 **lands or gardens will be a well using water under ORS 537.545 (1)(b)**

1 or (d), no portion of the lot or parcel may be within an area in which
2 the Water Resources Commission has restricted new or existing
3 ground water uses under ORS 537.545 (1)(b) or (d). If a new well is
4 constructed on the property to provide water for either dwelling under
5 this section, the well is not exempt as described in ORS 537.545 (1)(b)
6 or (d).

7 “(f) If the new dwelling will make use of a new or existing subsur-
8 face or alternative sewage disposal system, the owner shall first obtain
9 a suitability report from the Department of Environmental Quality
10 under ORS 454.755 and shall follow any department requirements or
11 guidance related to siting, design, repair, replacement or alteration.

12 “(g) If, on the statewide wildfire hazard map adopted under ORS
13 477.490, the new dwelling will be sited:

14 “(A) Within the wildland-urban interface, the lot or parcel and the
15 new dwelling must comply with any applicable minimum defensible
16 space requirements for wildfire risk reduction established by the State
17 Fire Marshal under ORS 476.392 and any applicable local requirements
18 for defensible space established by a local government pursuant to
19 ORS 476.392;

20 “(B) Within a high hazard zone, the new dwelling must comply with
21 the construction provisions of section R327 of the Oregon Residential
22 Specialty Code; or

23 “(C) Not within an area described in subparagraph (A) or (B) of this
24 paragraph, the new dwelling and the lot or parcel must comply with
25 any applicable local requirements for defensible space established by
26 a local government pursuant to ORS 476.392.

27 “(2) A county may not allow a dwelling established under this sec-
28 tion to be used for:

29 “(a) A vacation occupancy, as defined in ORS 90.100, for any person;
30 or

1 **“(b) Except as provided in subsections (3) and (4) of this section,**
2 **occupancy by any person who is not the owner’s:**

3 **“(A) Parent;**

4 **“(B) Stepparent or parent’s domestic partner, as described in ORS**
5 **106.310;**

6 **“(C) Sibling or sibling’s spouse or domestic partner;**

7 **“(D) Child or child’s spouse or domestic partner;**

8 **“(E) Spouse or domestic partner;**

9 **“(F) Spouse’s or domestic partner’s child or that child’s spouse or**
10 **domestic partner;**

11 **“(G) Grandchild; or**

12 **“(H) Grandparent.**

13 **“(3) For a period of 18 months following the date that a family**
14 **member of the owner as described in subsection (2)(b) of this section**
15 **moves out of a dwelling established under this section, the owner may**
16 **use the new dwelling for a residential tenancy for a tenant other than**
17 **a family member of the owner. Following that period, the dwelling**
18 **must remain vacant until occupied by a family member of the owner**
19 **or as allowed under subsection (4) of this section.**

20 **“(4) Limitations under subsections (2)(b) and (3) of this section do**
21 **not apply to a purchaser of a lot or parcel with a new dwelling that**
22 **was established under this section before the property was listed, of-**
23 **fered or sold.**

24 **“(5) For a dwelling established under this section, a county may not**
25 **approve a subdivision, partition or other division of the lot or parcel**
26 **so that an existing single-family dwelling is situated on a different lot**
27 **or parcel than the established dwelling.”.**

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