

SB 75-2
(LC 1931)
3/26/25 (RLM/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**PROPOSED AMENDMENTS TO
SENATE BILL 75**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete pages
2 2 through 4 and insert:

3 **“SECTION 1.** ORS 215.495 is amended to read:

4 “215.495. (1) As used in this section:

5 “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS
6 215.501.

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

9 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS
10 215.501.

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

14 “(a) The lot or parcel is not located within an area designated as an ur-
15 ban reserve as defined in ORS 197A.230;

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
19 not subject to an order declaring it a nuisance or subject to any pending
20 action under ORS 105.550 to 105.600;

21 “(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 not include more than 900 square
3 feet of usable floor area;

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 served by a fire protection service provider with
14 professionals who have received training or certification described in ORS
15 181A.410; **and**

16 “[*(k) If the lot or parcel is in an area identified on the statewide wildfire*
17 *hazard map described in ORS 477.490 as within the wildland-urban interface,*
18 *the lot or parcel and accessory dwelling unit comply with any applicable*
19 *minimum defensible space requirements for wildfire risk reduction established*
20 *by the State Fire Marshal under ORS 476.392 and any applicable local re-*
21 *quirements for defensible space established by a local government pursuant to*
22 *ORS 476.392;*]

23 “[*(L) The accessory dwelling unit complies with the construction provisions*
24 *of section R327 of the Oregon Residential Specialty Code, if;*]

25 “[*(A) the lot or parcel is in an area identified as a high wildfire hazard*
26 *zone on the statewide wildfire hazard map described in ORS 477.490; or]*

27 “[*(B) No statewide wildfire hazard map has been adopted; and]*

28 “[*(m)*] **(k)** The county has adopted land use regulations that ensure that:

29 “(A) The accessory dwelling unit has adequate setbacks from adjacent
30 lands zoned for resource use; **or**

1 “(B) The accessory dwelling unit has adequate access for firefighting
2 equipment, safe evacuation and staged evacuation areas[; and].

3 “[C] *If the accessory dwelling unit is not in an area identified on the*
4 *statewide wildfire hazard map described in ORS 477.490 as within the*
5 *wildland-urban interface, the accessory dwelling unit complies with the pro-*
6 *visions of this section and any applicable local requirements for defensible*
7 *space established by a local government pursuant to ORS 476.392.]*

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

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

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

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

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

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

28 “(7) Nothing in this section requires a county to allow any accessory
29 dwelling units in areas zoned for rural residential use or prohibits a county
30 from imposing any additional restrictions on accessory dwelling units in

1 areas zoned for rural residential use, including restrictions on the con-
2 struction of garages and outbuildings that support an accessory dwelling
3 unit.

4 **“SECTION 2.** ORS 215.291 is amended to read:

5 “215.291. (1) A lawfully established dwelling may be altered, restored or
6 replaced under ORS 215.213 (1)(q), 215.283 (1)(p) or 215.755 (1) if the county
7 determines that the dwelling to be altered, restored or replaced:

8 “(a) Has, or formerly had:

9 “(A) Intact exterior walls and roof structure;

10 “(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing fa-
11 cilities connected to a sanitary waste disposal system;

12 “(C) Interior wiring for interior lights; and

13 “(D) A heating system; and

14 “(b)(A) Unless the value of the dwelling was eliminated as a result of
15 destruction or demolition, was assessed as a dwelling for purposes of ad
16 valorem taxation since the later of:

17 “(i) Five years before the date of the application; or

18 “(ii) The date that the dwelling was erected upon or fixed to the land and
19 became subject to property tax assessment; or

20 “(B) If the value of the dwelling was eliminated as a result of destruction
21 or demolition, was assessed as a dwelling for purposes of ad valorem taxation
22 prior to the destruction or demolition and since the later of:

23 “(i) Five years before the date of the destruction or demolition; or

24 “(ii) The date that the dwelling was erected upon or fixed to the land and
25 became subject to property tax assessment.

26 “(2) For replacement of a lawfully established dwelling under this section:

27 “(a) The dwelling to be replaced must be removed, demolished or con-
28 verted to an allowable nonresidential use within three months after the date
29 the replacement dwelling is certified for occupancy pursuant to ORS 455.055.

30 “(b) The replacement dwelling:

1 “(A) May be sited on any part of the same lot or parcel.

2 “(B) Must comply with applicable siting standards. However, the stan-
3 dards may not be applied in a manner that prohibits the siting of the re-
4 placement dwelling.

5 “[(C) *Must comply with the construction provisions of section R327 of the*
6 *Oregon Residential Specialty Code, if:*]

7 “[(i) *The dwelling is in an area identified as extreme or high wildfire risk*
8 *on the statewide map of wildfire risk described in ORS 477.490; or]*

9 “[(ii) *No statewide map of wildfire risk has been adopted.*]

10 “(c) As a condition of approval, if the dwelling to be replaced is located
11 on a portion of the lot or parcel that is not zoned for exclusive farm use, the
12 applicant shall execute and cause to be recorded in the deed records of the
13 county in which the property is located a deed restriction prohibiting the
14 siting of another dwelling on that portion of the lot or parcel. The re-
15 striction imposed is irrevocable unless the county planning director, or the
16 director’s designee, places a statement of release in the deed records of the
17 county to the effect that the provisions of this section and either ORS
18 215.213 or 215.283 regarding replacement dwellings have changed to allow the
19 lawful siting of another dwelling.

20 “(3) The county planning director, or the director’s designee, shall main-
21 tain a record of the lots and parcels that do not qualify for the siting of a
22 new dwelling under subsection (2) of this section, including a copy of the
23 deed restrictions filed under subsection (2)(c) of this section.

24 “(4) If an applicant is granted a deferred replacement permit under this
25 section:

26 “(a) The deferred replacement permit:

27 “(A) Does not expire but the permit becomes void unless the dwelling to
28 be replaced is removed or demolished within three months after the deferred
29 replacement permit is issued; and

30 “(B) May not be transferred, by sale or otherwise, except by the applicant

1 to the spouse or a child of the applicant.

2 “(b) The replacement dwelling must comply with applicable building
3 codes, plumbing codes, sanitation codes and other requirements relating to
4 health and safety or to siting at the time of construction.

5 “(5) An application under this section must be filed within three years
6 following the date that the dwelling last possessed all the features listed
7 under subsection (1)(a) of this section.

8 “(6) Construction of a replacement dwelling approved under this section
9 must commence no later than four years after the approval of the application
10 under this section becomes final.”.

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