

A-Engrossed
Senate Bill 1533

Ordered by the Senate February 9
Including Senate Amendments dated February 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Natural Resources and Wildfire Recovery)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes federally recognized Indian tribes in Oregon eligible for certain grants related to [*clean air shelters*] **cleaner air spaces** and smoke filtration systems.

Increases minimum age for participation in Oregon Conservation Corps Program from 13 years of age to 16 years of age.

Instructs Department of Land Conservation and Development to identify recommended changes to statewide land use planning program and local comprehensive plans and zoning codes related to wildfire risk, and to report to Legislative Assembly, State Wildfire Programs Director and Wildfire Programs Advisory Council on recommended changes on or before October 1, 2022.

Provides that accessory dwelling units must comply with applicable requirements related to defensible space.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to wildfire; amending ORS 215.495, 431A.410 and 476.694 and sections 11 and 14b, chapter
3 592, Oregon Laws 2021; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 431A.410 is amended to read:

6 431A.410. (1) As used in this section, "smoke filtration system" means an air filtration system
7 capable of removing particulates and other harmful components of wildfire smoke in a public build-
8 ing.

9 (2) In consultation and coordination with the Oregon Health Authority, the Department of Hu-
10 man Services shall establish and implement a grant program that allows local governments **and**
11 **federally recognized Indian tribes in Oregon** to:

12 (a) Establish emergency [*clean air shelters*] **cleaner air spaces**.

13 (b) Equip public buildings with smoke filtration systems so the public buildings may serve as
14 cleaner air spaces during wildfire smoke and other poor air quality events.

15 (3) The department shall require grantees to provide access to the [*clean air shelters*] **cleaner**
16 **air spaces** at no charge.

17 **SECTION 2.** Section 14b, chapter 592, Oregon Laws 2021, is amended to read:

18 **Sec. 14b.** No later than June 30, 2023, in consultation with the Oregon Health Authority, the
19 Department of Human Services shall report to an appropriate committee or interim committee of the
20 Legislative Assembly, in the manner described in ORS 192.245, to the State Wildfire Programs Di-
21 rector and to the Wildfire Programs Advisory Council on:

22 (1) The grants administered pursuant to **ORS 431A.410** [*section 14 of this 2021 Act*], including

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 information about which local governments **and federally recognized Indian tribes in Oregon** re-
2 ceived grants.

3 (2) Any barriers to administering the grants.

4 (3) Areas for improving the grant program described in **ORS 431A.410** [section 14 of this 2021
5 Act].

6 (4) Public health impacts from wildfire smoke events.

7 **SECTION 3.** ORS 476.694 is amended to read:

8 476.694. (1) The Oregon Conservation Corps Program is established for the purposes of:

9 (a) Reducing the risk wildfire poses to communities and critical infrastructure.

10 (b) Helping to create fire-adapted communities.

11 (c) Engaging youth and young adults in workforce training.

12 (2) Youth and young adults between [13] **16** years of age and 26 years of age who have been
13 qualified by a youth development organization may participate in projects undertaken by the corps.

14 (3) Notwithstanding any contrary provision of law, participants in projects undertaken by the
15 corps:

16 (a) Are not employees of the corps.

17 (b) Are exempt from prevailing wage laws.

18 (c) Must receive compensation for their participation of at least minimum wage or an allowance
19 or stipend that, when combined with other sources of payment the participant is eligible to receive,
20 including academic credit or an AmeriCorps education award, is equivalent to the value of minimum
21 wage.

22 **SECTION 4.** Section 11, chapter 592, Oregon Laws 2021, is amended to read:

23 **Sec. 11.** (1) As used in this section, “defensible space” has the meaning given that term in **ORS**
24 **476.390** [section 8 of this 2021 Act].

25 (2) The Department of Land Conservation and Development shall identify [updates] **recom-**
26 **mented changes** to the statewide land use planning program and local comprehensive plans and
27 zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk,
28 including the appropriate levels of state and local resources necessary for effective implementation.

29 (3) [Updates] **Recommended changes** may include, but need not be limited to, provisions re-
30 garding sufficient defensible space, building codes, safe evacuation and development considerations
31 in areas of extreme and high wildfire risk, allowing for regional differences.

32 (4) On or before October 1, 2022, the department [of Land Conservation and Development]
33 shall[:]

34 [(a) Complete the updates.]

35 [(b)] report to a committee or interim committee of the Legislative Assembly related to wildfire,
36 in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire
37 Programs Advisory Council on the [updates] **changes recommended by the department.** [The re-
38 port must include recommendations concerning the updates.]

39 (5) As necessary to identify [needed updates and develop the recommendations required by sub-
40 section (4)(b) of this section] **recommended changes**, the department may consult with the State Fire
41 Marshal, the State Forestry Department, the Department of Consumer and Business Services and
42 local governments.

43 **SECTION 5.** ORS 215.495 is amended to read:

44 215.495. (1) As used in this section:

45 (a) “Accessory dwelling unit” has the meaning given that term in ORS 215.501.

1 (b) “Area zoned for rural residential use” has the meaning given that term in ORS 215.501.

2 (c) “Single-family dwelling” has the meaning given that term in ORS 215.501.

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

6 (a) The lot or parcel is not located within an area designated as an urban reserve as defined in
7 ORS 195.137;

8 (b) The lot or parcel is at least two acres in size;

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

10 (d) The existing single-family dwelling property on the lot or parcel is not subject to an order
11 declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

12 (e) The accessory dwelling unit will comply with all applicable laws and regulations relating to
13 sanitation and wastewater disposal and treatment;

14 (f) The accessory dwelling unit will not include more than 900 square feet of useable floor area;

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

17 (h) If the water supply source for the accessory dwelling unit or associated lands or gardens
18 will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within
19 an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been re-
20 stricted by the Water Resources Commission;

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

22 (j) The lot or parcel is served by a fire protection service provider with professionals who have
23 received training or certification described in ORS 181A.410;

24 (k) **If the lot or parcel is in an area identified on the statewide map of wildfire risk de-**
25 **scribed in ORS 477.490 as within the wildland-urban interface**, the lot or parcel and accessory
26 dwelling unit comply with [*rules of the State Board of Forestry under ORS 477.015, 477.025 and*
27 *477.027*] **any applicable minimum defensible space requirements for wildfire risk reduction**
28 **established by the State Fire Marshal under ORS 476.392 and any applicable local require-**
29 **ments for defensible space established by a local government pursuant to ORS 476.392;**

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

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

34 (A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource
35 use;

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

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

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

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

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

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

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

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

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

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

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