

Requested by SENATE COMMITTEE ON NATURAL RESOURCES

**PROPOSED AMENDMENTS TO  
SENATE BILL 80**

1 In line 2 of the printed bill, after “wildfire” insert “; creating new pro-  
2 visions; and amending ORS 215.495, 431A.410, 431A.412, 455.612, 476.392,  
3 476.396, 476.690, 477.027, 477.490 and 477.748 and section 12d, chapter 592,  
4 Oregon Laws 2021”.

5 Delete lines 4 through 8 and insert:

6

7

**“STATEWIDE WILDFIRE HAZARD MAP**

8

9 **“SECTION 1.** ORS 477.490 is amended to read:

10 “477.490. (1) The State Forestry Department shall oversee the development  
11 and maintenance of a comprehensive [*statewide map of wildfire risk*] **state-**  
12 **wide wildfire hazard map** that displays the wildfire [*risk classes*] **hazard**  
13 **zones** described in subsection (4) of this section and populates the Oregon  
14 Wildfire Risk Explorer.

15 “(2) The Oregon Wildfire Risk Explorer must be the official wildfire  
16 planning and [*risk*] **hazard** classification mapping tool for the State of  
17 Oregon.

18 “(3) The State Board of Forestry shall establish by rule criteria by which  
19 the map must be developed and maintained, including criteria concerning the  
20 use of the most current wildfire assessments.

21 “(4) In consultation with Oregon State University, the department shall

1 establish *[five]* **four** statewide wildfire *[risk classes of]* **hazard zones that**  
2 **are titled** extreme, high, moderate[,] **and** low *[and no risk]* **hazard zones.**

3 The *[classes]* **zones** must be:

4 “(a) Consistent with ORS 477.027.

5 “(b) Based on weather, climate, topography and vegetation.

6 “(5) The department shall enter into an agreement with the university  
7 that provides that the university will develop and maintain the map and  
8 make the map publicly available in electronic form through the Oregon  
9 Wildfire Risk Explorer.

10 “(6) The board shall adopt rules that:

11 “(a) Provide opportunities for public input into the assignment of prop-  
12 erties to the wildfire *[risk classes]* **hazard zones** described in subsection (4)  
13 of this section.

14 “(b) Require the department to provide notice and information **to a**  
15 **property owner whose property is assigned to an extreme or high**  
16 **hazard zone about the fact that the property has been assigned to an**  
17 **extreme or high hazard zone, the effects of the assignment and**  
18 *[about]* how *[a]* **the** property owner may appeal *[an]* **the** assignment of the  
19 property owner’s property to the extreme or high *[wildfire risk class]* **hazard**  
20 **zone.**

21 “(c) Allow affected property owners and local governments to appeal the  
22 assignment of properties to the wildfire *[risk classes]* **hazard zones** after the  
23 map is developed, after any updates to the map and within a reasonable time  
24 after delivery of the notice and information described in paragraph (b) of this  
25 subsection.

26 “[*d*] *Establish a specific process for appeals through which a requested*  
27 *change in assignment is assessed based on:*]

28 “[*A*] *Whether the assignment is consistent with the criteria described in*  
29 *subsection (3) of this section;*]

30 “[*B*] *Any pertinent facts that may justify a change in the assignment;*

1 *and]*

2 “[*C*] *Any error in the data the department used to determine the assign-*  
3 *ment, if the error justifies a change in the assignment.*”]

4 “**(d) Provide that assignments of properties to extreme or high**  
5 **hazard zones may be appealed as a contested case as described in ORS**  
6 **chapter 183.**

7 “**(7) Before sending notices described in subsection (6)(b) of this**  
8 **section, the department shall seek review of the notices by the**  
9 **Wildfire Programs Advisory Council to receive council recommen-**  
10 **dations concerning tone, clarity of language and presentation of in-**  
11 **formation.**

12 “[*(7)*] **(8) The map must:**

13 “**(a) Be based on the wildfire [*risk classes*] hazard zones.**

14 “**(b) Be sufficiently detailed to allow the assessment of wildfire [*risk*]**  
15 **hazard at the property-ownership level.**

16 “**(c) Include the boundaries of the wildland-urban interface, as defined in**  
17 **ORS 477.015, consistent with national standards.**

18 “**(d) Include a layer that geospatially displays the locations of socially**  
19 **and economically vulnerable communities.**

20 “**(e) Be completed and released expeditiously, following the collab-**  
21 **oration described in subsection (9) of this section.**

22 “[*(8)*] **(9) To develop and maintain the map, the department and the**  
23 **university shall collaborate with [*the department,*] the State Fire Marshal,**  
24 **other state agencies, local governments, federally recognized Indian tribes in**  
25 **this state, other public bodies and any other information sources that the**  
26 **university deems appropriate.**

27 “**(10) In implementing subsections (6)(a) and (9) of this section, the**  
28 **department and the university shall provide for robust community**  
29 **engagement through a process that:**

30 “**(a) Ensures, through the use of clear language, graphics, visuals**

1 and examples, that the underlying criteria for assigning hazard zones  
2 are publicly available and comprehensible to a public audience.

3 “(b) Is interactive and does not consist solely of delivering infor-  
4 mation in a top-down manner.

5 “(c) Is coordinated with local partners, including counties, relevant  
6 state agencies and the Wildfire Programs Advisory Council.

7 “(11) In addition to the community engagement described in sub-  
8 section (10) of this section, to ensure that proper zone mapping occurs  
9 in each area of this state, in the mapping process and before the map  
10 is released, the department shall meet with county commissioners and  
11 the county commissioners’ staff in eight in-person meetings through-  
12 out this state.

13 “(12) When the map is released but before final publication of the  
14 map occurs, the department shall:

15 “(a) Accept public comment on the map.

16 “(b) Meet with county commissioners, upon request by the county  
17 commissioners, to discuss concerns about the map and potential  
18 changes to the map.

19 “[9] (13) In maintaining the map, the university shall make technical  
20 adjustments as needed and update the map consistent with the results of  
21 appeals described in subsection (6)(b) of this section.

22 “[10] (14) The university shall provide technical assistance to represen-  
23 tatives of state and local government, and to landowners, that use the map.

24 “(15) Agencies of this state shall, as appropriate, use the map layer  
25 described in subsection (8)(d) of this section to:

26 “(a) Direct resources for wildfire hazard reduction and wildfire  
27 resiliency to those most in need; and

28 “(b) Assist with identifying communities for extensive, targeted  
29 engagement and outreach related to wildfire hazard reduction and  
30 wildfire resiliency.

1       **“(16) Agencies that use the map layer described in subsection (8)(d)**  
2 **of this section shall conduct outreach:**

3       **“(a) In partnership with community leaders and community-based**  
4 **organizations;**

5       **“(b) By using different media;**

6       **“(c) By disseminating information through local schools, stores,**  
7 **faith-based organizations and medical offices; and**

8       **“(d) By offering all information in the languages spoken in the**  
9 **relevant community, as practicable.**

10  
11                   **“CLASSES OF WILDLAND-URBAN INTERFACE**

12  
13       **“SECTION 2.** ORS 477.027 is amended to read:

14       **“477.027. (1) By rule, considering national best practices, the State Board**  
15 **of Forestry shall establish:**

16       **“(a) A definition of ‘wildland-urban interface.’**

17       **“(b) Criteria by which the wildland-urban interface must be identified and**  
18 **classified.**

19       **“(2) The criteria:**

20       **“(a) Must recognize differences across the state in fire hazard, fire risk**  
21 **and structural characteristics within the wildland-urban interface.**

22       **“(b) May not exclude a category of land from inclusion in the wildland-**  
23 **urban interface.**

24       **“(3) Based on the criteria, the board shall establish [*five*] **three** classes**  
25 **of wildland-urban interface.**

26       **“(4) The classes must be integrated into the comprehensive statewide map**  
27 **described in ORS 477.490.**

28  
29                   **“FINANCIAL ASSISTANCE RELATED TO DEFENSIBLE SPACE**

1       **“SECTION 3.** ORS 476.392 is amended to read:

2       “476.392. (1) The State Fire Marshal shall establish minimum defensible  
3 space requirements for wildfire risk reduction on lands in areas identified  
4 on the [*statewide map of wildfire risk*] **statewide wildfire hazard map** de-  
5 scribed in ORS 477.490 as within the wildland-urban interface.

6       “(2) The State Fire Marshal:

7       “(a) Shall consult with the Oregon Fire Code Advisory Board to establish  
8 the requirements.

9       “(b) Shall establish requirements that are consistent with and do not ex-  
10 ceed the standards pertaining only to defensible space that are set forth in  
11 the International Wildland-Urban Interface Code published by the Interna-  
12 tional Code Council, including the standards pertaining only to defensible  
13 space that are set forth in sections 603 and 604 of the code.

14       “(c) May consider best practices specific to Oregon in order to establish  
15 the requirements.

16       “(d) Shall periodically reexamine the standards set forth in the Interna-  
17 tional Wildland-Urban Interface Code and update the requirements to reflect  
18 current best practices, in consultation with the Oregon Fire Code Advisory  
19 Board.

20       “(e) Shall enforce the requirements that are applicable to lands within the  
21 jurisdiction of a local government.

22       “(f) Shall adopt rules governing administration of the requirements.

23       “(g) May develop and apply a graduated fee structure for use in assessing  
24 penalties on property owners for noncompliance with the requirements.

25       “(h) Shall consult on implementation of the requirements.

26       “(i) May adopt rules concerning reports by local governments described  
27 in subsection (4)(a) of this section.

28       “(3) Subject to additional local requirements, the requirements shall apply  
29 statewide for all lands in the wildland-urban interface that are designated  
30 as extreme or high risk, as identified on the map.

1 “(4) Notwithstanding subsection (2) of this section, a local government  
2 may:

3 “(a) Administer, consult on and enforce the requirements established by  
4 the State Fire Marshal, within the jurisdiction of the local government. A  
5 local government that administers or enforces the requirements established  
6 by the State Fire Marshal shall periodically report to the State Fire Marshal  
7 regarding compliance with the requirements, including the extent of compli-  
8 ance for each property within the jurisdiction of the local government, any  
9 change in the degree of compliance since the last report and any other in-  
10 formation required by the State Fire Marshal by rule.

11 “(b) Adopt and enforce local requirements for defensible space that are  
12 greater than the requirements established by the State Fire Marshal. Any  
13 local requirements that a local government adopts for defensible space must  
14 be defensible space standards selected from the framework set forth in the  
15 International Wildland-Urban Interface Code or other best practices specific  
16 to Oregon.

17 “(c) Designate local fire districts, fire departments or fire agencies to  
18 enforce the requirements established by the State Fire Marshal or the local  
19 government pursuant to paragraph (b) of this subsection. A local government  
20 that designates enforcement must comply with the reporting requirements in  
21 paragraph (a) of this subsection.

22 “(5) The State Fire Marshal shall administer a community risk reduction  
23 program that emphasizes education and methods of prevention with respect  
24 to wildfire risk, enforcement of defensible space requirements, response  
25 planning and community preparedness for wildfires.

26 “(6) The State Fire Marshal may provide financial, administrative, tech-  
27 nical or other assistance to a local government to facilitate the adminis-  
28 tration and enforcement of requirements within the jurisdiction of the local  
29 government. A local government shall expend financial assistance provided  
30 by the State Fire Marshal under this subsection to give priority to the cre-

1 ation of defensible space:

2 “(a) On lands [*owned by*] **on which** members of socially and economically  
3 vulnerable communities, persons with limited proficiency in English and  
4 persons of lower income, as defined in ORS 456.055, **reside**.

5 “(b) For critical or emergency infrastructure.

6 “(c) For schools, hospitals and facilities that serve seniors.

7

8 **“LANDSCAPE RESILIENCY FUND**

9

10 **“SECTION 4. The Landscape Resiliency Fund is established in the**  
11 **State Treasury, separate and distinct from the General Fund. Interest**  
12 **earned by the Landscape Resiliency Fund shall be credited to the fund.**  
13 **The fund shall consist of all moneys placed in the fund as provided by**  
14 **law and any gifts, grants, donations, endowments or bequests from**  
15 **any public or private source. Moneys in the fund are continuously**  
16 **appropriated to the State Forestry Department for landscape resilience**  
17 **projects and implementing ORS 477.503.**

18

19 **“COMMUNITY RISK REDUCTION FUND**

20

21 **“SECTION 5. ORS 476.396 is amended to read:**

22 “476.396. The Community Risk Reduction Fund is established in the State  
23 Treasury, separate and distinct from the General Fund. Interest earned by  
24 the Community Risk Reduction Fund shall be credited to the fund. **The fund**  
25 **shall consist of all moneys placed in the fund as provided by law and**  
26 **any gifts, grants, donations, endowments or bequests from any public**  
27 **or private source, including individuals and private organizations.**  
28 Moneys in the fund are continuously appropriated to the State Fire Marshal  
29 for the purpose of carrying out community risk reduction and the local  
30 government financial assistance described in ORS 476.392.





1 “431A.412. (1) As used in this section[, ]:

2 “(a) ‘Public education provider’ has the meaning given that term in ORS  
3 326.545.

4 “(b) ‘Support’ includes, but is not limited to, providing technical  
5 expertise, equipment, staff assistance, training and general assistance.

6 “(2) The Department of Human Services is the lead state agency for op-  
7 erating spaces that provide cleaner air, warming or cooling. The department  
8 shall:

9 “(a) Consult and collaborate with the Oregon Health Authority to align  
10 practices for voluntary evacuations and emergency sheltering operations.

11 “(b) Coordinate with the authority in setting priorities for awarding  
12 grants described in ORS 431A.410.

13 “(c) Provide support to the local agencies, public education providers,  
14 [and] federally recognized Indian tribes in Oregon, **nonprofits and faith-**  
15 **based organizations** that take lead roles in operating and planning spaces  
16 that provide cleaner air, warming or cooling.

17

18 “**WILDFIRE PROGRAMS ADVISORY COUNCIL**

19

20 “**SECTION 8.** ORS 476.690 is amended to read:

21 “476.690. (1) As used in this section, ‘defensible space’ has the meaning  
22 given that term in ORS 476.390.

23 “(2) There is established a Wildfire Programs Advisory Council to advise  
24 and assist the State Wildfire Programs Director by:

25 “(a) Closely monitoring implementation of activities related to wildfire  
26 prevention and response, including receiving and evaluating agency reports  
27 related to wildfire prevention and response.

28 “(b) Providing advice on potential changes to the activities in order to  
29 fulfill the goal of dramatically reducing wildfire risk in this state and en-  
30 suring that regional defensible space, building codes and land use applica-

1 tions are appropriate.

2 “(c) Strengthening intergovernmental and multiparty collaboration and  
3 enhancing collaboration between governments and stakeholders on an ongoing  
4 basis.

5 “(d) Developing strategies to enhance collaboration among governmental  
6 bodies and the general public.

7 “(e) Assessing ways the [*statewide map of wildfire risk*] **statewide**  
8 **wildfire hazard map** described in ORS 477.490 may inform development of  
9 building codes and land use laws, rules and decisions, in a regionally appropriate  
10 manner.

11 “(f) Assessing the application of defensible space requirements to  
12 vineyards, crops and other cultivated vegetation.

13 “(g) Reviewing Department of Land Conservation and Development  
14 findings and recommendations in the report required by section 11, chapter  
15 592, Oregon Laws 2021, and making additional recommendations related to  
16 potential updates to the statewide land use planning program, local comprehensive  
17 plans and zoning codes to incorporate wildfire [*risk*] **hazard** maps  
18 and minimize wildfire [*risk*] **hazards** to people, public and private property,  
19 businesses, infrastructure and natural resources.

20 “(3) The council is not a decision-making body but instead is established  
21 to provide advice, assistance, perspective, ideas and recommendations to the  
22 State Wildfire Programs Director.

23 “(4) The President of the Senate and Speaker of the House of Representatives  
24 shall jointly appoint 19 members to the council as follows:

25 “(a) One member who represents county government.

26 “(b) One member who is a land use planning director of a county that is  
27 wholly or partially within the wildland-urban interface.

28 “(c) One member who represents city government.

29 “(d) One member who is a land use planning director of a city that is  
30 wholly or partially within the wildland-urban interface.

1 “(e) One member who represents fire chiefs and has experience with  
2 managing, fighting or preventing fire within the wildland-urban interface.

3 “(f) One member who represents fire marshals and has experience with  
4 managing, fighting or preventing fire within the wildland-urban interface.

5 “(g) One member who represents firefighters and has experience with  
6 managing, fighting or preventing fire within the wildland-urban interface.

7 “(h) One member who represents rural residential property owners whose  
8 property is wholly or partially within the wildland-urban interface.

9 “(i) One member who represents farming property owners whose property  
10 is wholly or partially within the wildland-urban interface.

11 “(j) One member who represents ranching property owners whose property  
12 is wholly or partially within the wildland-urban interface.

13 “(k) One member who represents forestland owners whose property is  
14 wholly or partially within the wildland-urban interface.

15 “(L) One member who represents federally recognized Indian tribes with  
16 land wholly or partially within the wildland-urban interface.

17 “(m) One member who represents a utility company.

18 “(n) One member who represents environmental interests.

19 “(o) One member who represents forest resiliency interests.

20 “(p) One member who represents state or regional land use planning or-  
21 ganizations.

22 “(q) One member who represents land and housing development interests  
23 or real estate industry interests.

24 “(r) One member who represents public health professionals.

25 “(s) One member who represents the environmental justice community.

26 “(5) The presiding officers shall provide public notice of an opportunity  
27 for interested parties to submit names of interest for appointment to the  
28 council.

29 “(6) At least [30] **seven** days before appointing a member, the presiding  
30 officers shall consult in good faith with the minority leaders of the Senate

1 and House of Representatives on the appointment.

2 “(7) The term of service for each member is four years.

3 “(8) The members are eligible for reappointment.

4 “(9) The council shall elect a chairperson and vice chairperson to serve  
5 for one-year terms.

6 “(10) The members shall serve on the council as volunteers and are not  
7 entitled to reimbursement for expenses.

8 “(11) The Department of Consumer and Business Services, Department of  
9 Land Conservation and Development, office of the State Fire Marshal and  
10 State Forestry Department shall each provide 15 percent of the time of a  
11 full-time equivalent employee to:

12 “(a) Cooperatively staff the council.

13 “(b) Attend council meetings as informational resources.

14 “(c) Assist with drafting reports at the request of the council.

15 “(d) Support the work of the State Wildfire Programs Director.

16 “(12) The Oregon State University Extension Service shall designate a  
17 person to serve as staff for the council.

18 “(13) Each October the council shall submit a report to the Governor and  
19 appropriate committees or interim committees of the Legislative Assembly  
20 that describes progress on implementing program activities related to  
21 defensible space, building codes, land use and community emergency  
22 preparedness and that recommends improvements.

23

24 **“WILDFIRE HOME PREPAREDNESS PROGRAM**

25

26 **“SECTION 9. (1) In collaboration with the Department of Consumer**  
27 **and Business Services, the office of the State Fire Marshal shall es-**  
28 **tablish and implement a grant program to facilitate retrofitting of**  
29 **existing dwellings and accessory structures, as well as the building of**  
30 **new dwellings, and of new accessory structures, following a wildfire**

1 event, to be resistant and resilient to wildfire.

2 “(2) The program shall be known as the Wildfire Home  
3 Preparedness Program.

4 “(3) To implement the program, the department shall:

5 “(a) Publish a list of eligible retrofits and materials that reduce the  
6 vulnerability of structures to wildfire and flying embers, as identified  
7 in section R327 of the Oregon Residential Specialty Code.

8 “(b) Determine the relative cost-effectiveness of the retrofits and  
9 materials.

10 “(4) To implement the program, the office shall determine which  
11 entities are eligible to apply for and administer funds from the pro-  
12 gram.

13 “(5) The office shall award grants to eligible applicants, with a  
14 preference for awarding grants that:

15 “(a) Benefit persons who live in extreme or high wildfire hazard  
16 zones, as identified pursuant to ORS 477.490.

17 “(b) Benefit persons in socially and economically vulnerable com-  
18 munities, as identified pursuant to ORS 477.490 (8)(d).

19 “(c) Benefit low-income persons who have demonstrated financial  
20 need.

21 “(d) Benefit persons whose homes have been destroyed or signif-  
22 icantly damaged by a declared wildfire event.

23 “(e) Are relatively cost-effective, as identified under subsection  
24 (3)(b) of this section.

25 “(f) Have the potential to leverage federal or private funds.

26 “(6) The State Fire Marshal may adopt rules, in consultation with  
27 state agencies, local governments, nonprofits and the Wildfire Pro-  
28 grams Advisory Council, as needed to implement this section.

29 “(7) Entities or persons receiving or administering grants awarded  
30 under this section shall report on the use of the grant moneys to the

1 office.

2  
3 **“CONFORMING AMENDMENTS**

4  
5 **“SECTION 10.** ORS 215.495, as amended by section 5, chapter 85, Oregon  
6 Laws 2022, 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  
9 215.501.

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

12 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS  
13 215.501.

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

17 “(a) The lot or parcel is not located within an area designated as an ur-  
18 ban reserve as defined in ORS 195.137;

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

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

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

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

26 “(f) The accessory dwelling unit will not include more than 900 square  
27 feet of usable floor area;

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

30 “(h) If the water supply source for the accessory dwelling unit or associ-

1 ated lands or gardens will be a well using water under ORS 537.545 (1)(b)  
2 or (d), no portion of the lot or parcel is within an area in which new or ex-  
3 isting ground water uses under ORS 537.545 (1)(b) or (d) have been restricted  
4 by the Water Resources Commission;

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

7 “(j) The lot or parcel is served by a fire protection service provider with  
8 professionals who have received training or certification described in ORS  
9 181A.410;

10 “(k) If the lot or parcel is in an area identified on the [*statewide map of*  
11 *wildfire risk*] **statewide wildfire hazard map** described in ORS 477.490 as  
12 within the wildland-urban interface, the lot or parcel and accessory dwelling  
13 unit comply with any applicable minimum defensible space requirements for  
14 wildfire risk reduction established by the State Fire Marshal under ORS  
15 476.392 and any applicable local requirements for defensible space established  
16 by a local government pursuant to ORS 476.392;

17 “(L) Statewide wildfire [*risk*] **hazard** maps have been approved and the  
18 accessory dwelling unit complies with the Oregon residential specialty code  
19 relating to wildfire hazard mitigation for the mapped area; and

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

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

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

25 “(C) If the accessory dwelling unit is not in an area identified on the  
26 [*statewide map of wildfire risk*] **statewide wildfire hazard map** described  
27 in ORS 477.490 as within the wildland-urban interface, the accessory dwelling  
28 unit complies with the provisions of this section and any applicable local  
29 requirements for defensible space established by a local government pursuant  
30 to ORS 476.392.



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

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

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

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

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

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

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

27 “**SECTION 11.** Section 12d, chapter 592, Oregon Laws 2021, is amended  
28 to read:

29 “**Sec. 12d.** (1) The Department of Consumer and Business Services shall  
30 develop the interactive mapping tool described in [*section 12c of this 2021*

1 Act] **ORS 455.614** not more than 60 days after the [*statewide map of wildfire*  
2 *risk*] **statewide wildfire hazard map** described in [*section 7 of this 2021*  
3 Act] **ORS 477.490** is developed.

4 “(2) Any delay in developing the tool may not affect a deadline concerning  
5 the map.

6 **“SECTION 12.** ORS 455.612 is amended to read:

7 “455.612. (1) For extreme and high wildfire [*risk classes*] **hazard zones** in  
8 the wildland-urban interface that are identified pursuant to ORS 477.490, the  
9 Department of Consumer and Business Services shall adopt wildfire hazard  
10 mitigation building code standards that apply to new dwellings and the ac-  
11 cessory structures of dwellings, as described in section R327 of the 2021  
12 Oregon Residential Specialty Code.

13 “(2) The department shall amend section R327 of the Oregon Residential  
14 Specialty Code to include standards for additions to existing dwellings and  
15 accessory structures and for replacement of existing exterior elements cov-  
16 ered in section R327 of the 2021 Oregon Residential Specialty Code.

17 “(3) The department shall incorporate the standards described in sub-  
18 sections (1) and (2) of this section into any updates to the Oregon Residential  
19 Specialty Code.

20 **“SECTION 13.** ORS 477.748 is amended to read:

21 “477.748. (1) As used in this section, ‘small forestland owner’ means an  
22 individual, group, federally recognized Indian tribe in Oregon or association  
23 that owns:

24 “(a) Up to 160 acres of nonindustrial private forestland west of the crest  
25 of the Cascade Mountains; or

26 “(b) Up to 640 acres of nonindustrial private forestland east of the crest  
27 of the Cascade Mountains.

28 “(2) The State Forestry Department shall establish a small forestland  
29 grant program for the purpose of providing grants, on a competitive basis,  
30 to support small forestland owners in reducing wildfire risk through the

1 restoration of landscape resiliency and the reduction of hazardous fuels on  
2 the owners' property.

3 “(3) In consultation with partners and stakeholders, the department shall  
4 set criteria for assessing grant applications and awarding grants. The crite-  
5 ria may include, but need not be limited to:

6 “(a) Prioritization of projects on forestland in extreme or high wildfire  
7 [*risk classes*] **hazard zones** described in ORS 477.490.

8 “(b) Owner commitment to maintaining fuel reduction treatments.

9 “(c) Owner possession of a forest management plan.

10 “(d) Project proximity to current or past fuel mitigation efforts, supported  
11 by any owner or funding source, that would contribute to cross-boundary,  
12 landscape-scale forest resiliency.

13 “(e) Whether the project addresses additional resource concerns, such as  
14 insect and disease management.

15 “(f) Whether critical facilities and infrastructure may receive enhanced  
16 protection due to project outcomes.

17

18

### “CAPTIONS

19

20 “**SECTION 14. The unit captions used in this 2023 Act are provided**  
21 **for the convenience of the reader and do not become part of the stat-**  
22 **utory law of this state or express any legislative intent in the**  
23 **enactment of this 2023 Act.”.**

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