

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; amending ORS 215.495, 431A.410, 431A.412, 455.612, 476.392, 476.396,
3 476.690, 477.027, 477.490 and 477.748 and section 12d, chapter 592, Oregon
4 Laws 2021; and declaring an emergency”.

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)] **(5)** of this section and populates the
14 Oregon Wildfire Risk Explorer.

15 **“(2) The purposes of the map are to:**

16 **“(a) Educate Oregon residents and property owners about the**
17 **residents’ and property owners’ wildfire exposure by providing trans-**
18 **parent and science-based information.**

19 **“(b) Assist in prioritizing fire adaptation and mitigation resources**
20 **for the most vulnerable locations.**

21 **“(c) Identify where defensible space standards and home hardening**

1 **codes will apply.**

2 “[2] (3) The Oregon Wildfire Risk Explorer must be the official wildfire
3 planning and [*risk*] **hazard** classification mapping tool for the State of
4 Oregon.

5 “[3] (4) The State Board of Forestry shall establish by rule criteria by
6 which the map must be developed and maintained, including criteria con-
7 cerning the use of the most current wildfire assessments.

8 “[4] (5) In consultation with Oregon State University, the department
9 shall establish [*five*] **four** statewide wildfire [*risk classes of*] **hazard zones**
10 **that are titled** extreme, high, moderate[,] **and** low [*and no risk*] **hazard**
11 **zones**. The [*classes*] **zones** must be:

12 “(a) Consistent with ORS 477.027.

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

14 “[5] (6) The department shall enter into an agreement with the univer-
15 sity that provides that the university will develop and maintain the map and
16 make the map publicly available in electronic form through the Oregon
17 Wildfire Risk Explorer.

18 “[6] (7) The board shall adopt rules that:

19 “(a) Provide opportunities for public input into the assignment of prop-
20 erties to the wildfire [*risk classes*] **hazard zones** described in subsection
21 [(4)] (5) of this section.

22 “(b) Require the department to provide notice and information **to a**
23 **property owner whose property is assigned to an extreme or high**
24 **hazard zone within the wildland-urban interface, as defined pursuant**
25 **to ORS 477.027, about the fact that the property has been assigned to**
26 **an extreme or high hazard zone, the effects of the assignment and**
27 [*about*] how [*a*] **the** property owner may appeal [*an*] **the** assignment of the
28 property owner’s property to the extreme or high [*wildfire risk class*] **hazard**
29 **zone**.

30 “(c) Allow affected property owners and local governments to appeal the

1 assignment of properties to the wildfire [*risk classes*] **hazard zones** after the
2 map is developed, after any updates to the map and within a reasonable time
3 after delivery of the notice and information described in paragraph (b) of this
4 subsection.

5 “[(d) *Establish a specific process for appeals through which a requested*
6 *change in assignment is assessed based on:*]

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

9 “[*(B) Any pertinent facts that may justify a change in the assignment;*
10 *and*]

11 “[*(C) Any error in the data the department used to determine the assign-*
12 *ment, if the error justifies a change in the assignment.*]

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

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

21 “[*(7)*] **(9) The map must:**

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

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

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

27 “(d) Include a layer that geospatially displays the locations of socially
28 and economically vulnerable communities.

29 “**(e) Be completed and released expeditiously, following the collab-**
30 **oration described in subsection (10) of this section.**

1 “[8] **(10)** To develop and maintain the map, **the department and** the
2 university shall collaborate with [*the department,*] the State Fire Marshal,
3 other state agencies, local governments, federally recognized Indian tribes in
4 this state, other public bodies and any other information sources that the
5 university deems appropriate.

6 **“(11) In implementing subsections (7)(a) and (10) of this section, the**
7 **department and the university shall provide for robust community**
8 **engagement through a process that:**

9 **“(a) Ensures, through the use of clear language, graphics, visuals**
10 **and examples, that the underlying criteria for assigning hazard zones**
11 **are publicly available and comprehensible to a public audience.**

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

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

16 **“(12) In addition to the community engagement described in sub-**
17 **section (11) of this section, to ensure that local characteristics in each**
18 **area of this state are considered in the mapping process and before the**
19 **draft map is released, the department shall meet with county com-**
20 **missioners and the county commissioners’ staff in eight in-person**
21 **meetings throughout this state.**

22 **“(13) When the draft map is released but before final publication**
23 **of the map occurs:**

24 **“(a) The department shall accept public comment on the map.**

25 **“(b) After the meetings described in subsection (12) of this section,**
26 **county commissioners, upon request by the county commissioners,**
27 **must have one additional opportunity, arranged and scheduled by the**
28 **Association of Oregon Counties, with either in-person attendance or**
29 **a hybrid of in-person and remote attendance, to discuss concerns**
30 **about the map and potential changes to the map.**

1 “~~[(9)]~~ **(14)** In maintaining the map, the university shall make technical
2 adjustments as needed and update the map consistent with the results of
3 appeals described in subsection ~~[(6)(b)]~~ **(7)(b)** of this section.

4 “~~[(10)]~~ **(15)** The university shall provide technical assistance to represen-
5 tatives of state and local government, and to landowners, that use the map.

6 “**(16) Agencies of this state shall, as appropriate, use the map layer**
7 **described in subsection (9)(d) of this section to:**

8 “**(a) Direct resources for wildfire hazard reduction and wildfire**
9 **resiliency to those most in need; and**

10 “**(b) Assist with identifying communities for extensive, targeted**
11 **engagement and outreach related to wildfire hazard reduction and**
12 **wildfire resiliency.**

13 “**(17) Agencies that use the map layer described in subsection (9)(d)**
14 **of this section shall conduct outreach:**

15 “**(a) In partnership with community leaders and community-based**
16 **organizations;**

17 “**(b) By using different media;**

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

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

22

23 “**CLASSES OF WILDLAND-URBAN INTERFACE**

24

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

26 “477.027. (1) By rule, considering national best practices, the State Board
27 of Forestry shall establish:

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

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

1 “(2) The criteria:

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

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

6 “(3) Based on the criteria, the board shall establish [*five*] **four** classes of
7 wildland-urban interface.

8 “(4) The classes must be integrated into the comprehensive statewide map
9 described in ORS 477.490.

10

11 **“FINANCIAL ASSISTANCE RELATED TO DEFENSIBLE SPACE**

12

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

14 “476.392. (1) The State Fire Marshal shall establish minimum defensible
15 space requirements for wildfire risk reduction on lands in areas identified
16 on the [*statewide map of wildfire risk*] **statewide wildfire hazard map** de-
17 scribed in ORS 477.490 as within the wildland-urban interface.

18 “(2) The State Fire Marshal:

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

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

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

28 “(d) Shall periodically reexamine the standards set forth in the Interna-
29 tional Wildland-Urban Interface Code and update the requirements to reflect
30 current best practices, in consultation with the Oregon Fire Code Advisory

1 Board.

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

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

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

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

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

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

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

15 “(a) Administer, consult on and enforce the requirements established by
16 the State Fire Marshal, within the jurisdiction of the local government. A
17 local government that administers or enforces the requirements established
18 by the State Fire Marshal shall periodically report to the State Fire Marshal
19 regarding compliance with the requirements, including the extent of compli-
20 ance for each property within the jurisdiction of the local government, any
21 change in the degree of compliance since the last report and any other in-
22 formation required by the State Fire Marshal by rule.

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

29 “(c) Designate local fire districts, fire departments or fire agencies to
30 enforce the requirements established by the State Fire Marshal or the local

1 government pursuant to paragraph (b) of this subsection. A local government
2 that designates enforcement must comply with the reporting requirements in
3 paragraph (a) of this subsection.

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

8 “(6) The State Fire Marshal may provide financial, administrative, tech-
9 nical or other assistance to a local government to facilitate the adminis-
10 tration and enforcement of requirements within the jurisdiction of the local
11 government. A local government shall expend financial assistance provided
12 by the State Fire Marshal under this subsection to give priority to the cre-
13 ation of defensible space:

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

17 “(b) For critical or emergency infrastructure.

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

19

20 **“LANDSCAPE RESILIENCY FUND**

21

22 **“SECTION 4. The Landscape Resiliency Fund is established in the**
23 **State Treasury, separate and distinct from the General Fund. Interest**
24 **earned by the Landscape Resiliency Fund shall be credited to the fund.**
25 **The fund shall consist of all moneys placed in the fund as provided by**
26 **law and any gifts, grants, donations, endowments or bequests from**
27 **any public or private source. Moneys in the fund are continuously**
28 **appropriated to the State Forestry Department for landscape resilience**
29 **projects and implementing ORS 477.503.**

30

1 **“COMMUNITY RISK REDUCTION FUND**

2
3 **“SECTION 5.** ORS 476.396 is amended to read:

4 “476.396. The Community Risk Reduction Fund is established in the State
5 Treasury, separate and distinct from the General Fund. Interest earned by
6 the Community Risk Reduction Fund shall be credited to the fund. **The fund**
7 **shall consist of all moneys placed in the fund as provided by law and**
8 **any gifts, grants, donations, endowments or bequests from any public**
9 **or private source, including individuals and private organizations.**
10 Moneys in the fund are continuously appropriated to the State Fire Marshal
11 for the purpose of carrying out community risk reduction and the local
12 government financial assistance described in ORS 476.392.

13
14 **“CLEANER AIR SPACES**

15
16 **“SECTION 6.** ORS 431A.410, as amended by sections 30 and 30a, chapter
17 86, Oregon Laws 2022, is amended to read:

18 “431A.410. (1) As used in this section:

19 “(a) ‘Public education provider’ has the meaning given that term in ORS
20 326.545.

21 “(b) ‘Smoke filtration system’ means an air filtration system capable of
22 removing particulates and other harmful components of wildfire smoke in a
23 public building.

24 “(2) In consultation and coordination with the Oregon Health Authority,
25 the Department of Human Services shall establish and implement a grant
26 program that allows local governments, public education providers, [and]
27 federally recognized Indian tribes in Oregon, **nonprofits and faith-based**
28 **organizations** to:

29 “(a) Establish emergency spaces that provide cleaner air, warming or
30 cooling.

1 “(b) Equip [*public*] buildings with:

2 “(A) Smoke filtration systems so the [*public*] buildings may serve as
3 cleaner air spaces during wildfire smoke and other poor air quality events.

4 “(B) Warming or cooling facilities so the [*public*] buildings may serve as
5 temperate spaces during dangerously hot or cold conditions.

6 “(3) The department shall require grantees to provide access to the spaces
7 at no charge.

8 “(4) Warming or cooling spaces or facilities receiving grants under this
9 section shall notify the 2-1-1 system provided for in ORS 403.400 to 403.430,
10 regarding the space’s location and capacity and shall keep the corporation
11 updated with the space’s hours and dates of operation.

12 “**SECTION 7.** ORS 431A.412, as amended by sections 31 and 31a, chapter
13 86, Oregon Laws 2022, is amended to read:

14 “431A.412. (1) As used in this section[,]:

15 “(a) ‘Public education provider’ has the meaning given that term in ORS
16 326.545.

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

19 “(2) The Department of Human Services is the lead state agency for [*op-*
20 *erating*] **supporting operations for** spaces that provide cleaner air, warming
21 or cooling. The department shall:

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

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

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

30

1 **“WILDFIRE PROGRAMS ADVISORY COUNCIL**

2
3 **“SECTION 8.** ORS 476.690 is amended to read:

4 “476.690. (1) As used in this section, ‘defensible space’ has the meaning
5 given that term in ORS 476.390.

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

8 “(a) Closely monitoring implementation of activities related to wildfire
9 prevention and response, including receiving and evaluating agency reports
10 related to wildfire prevention and response.

11 “(b) Providing advice on potential changes to the activities in order to
12 fulfill the goal of dramatically reducing wildfire risk in this state and en-
13 suring that regional defensible space, building codes and land use applica-
14 tions are appropriate.

15 “(c) Strengthening intergovernmental and multiparty collaboration and
16 enhancing collaboration between governments and stakeholders on an ongo-
17 ing basis.

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

20 “(e) Assessing ways the [*statewide map of wildfire risk*] **statewide**
21 **wildfire hazard map** described in ORS 477.490 may inform development of
22 building codes and land use laws, rules and decisions, in a regionally ap-
23 propriate manner.

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

26 “(g) Reviewing Department of Land Conservation and Development
27 findings and recommendations in the report required by section 11, chapter
28 592, Oregon Laws 2021, and making additional recommendations related to
29 potential updates to the statewide land use planning program, local compre-
30 hensive plans and zoning codes to incorporate wildfire [*risk*] **hazard** maps

1 and minimize wildfire [*risk*] **hazards** to people, public and private property,
2 businesses, infrastructure and natural resources.

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

6 “(4) The President of the Senate and Speaker of the House of Represen-
7 tatives shall jointly appoint 19 members to the council as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(p) One member who represents state or regional land use planning or-

4 organizations.

5 “(q) One member who represents land and housing development interests

6 or real estate industry interests.

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

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

9 “(5) The presiding officers shall provide public notice of an opportunity

10 for interested parties to submit names of interest for appointment to the

11 council.

12 “(6) At least [30] **seven** days before appointing a member, the presiding

13 officers shall consult in good faith with the minority leaders of the Senate

14 and House of Representatives on the appointment.

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

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

17 “(9) The council shall elect a chairperson and vice chairperson to serve

18 for one-year terms.

19 “(10) The members shall serve on the council as volunteers and are not

20 entitled to reimbursement for expenses.

21 “(11) The Department of Consumer and Business Services, Department of

22 Land Conservation and Development, [*office*] **Department** of the State Fire

23 Marshal and State Forestry Department shall each provide 15 percent of the

24 time of a full-time equivalent employee to:

25 “(a) Cooperatively staff the council.

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

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

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

29 “(12) The Oregon State University Extension Service shall designate a

30 person to serve as staff for the council.

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

6
7 **“WILDFIRE HOME PREPAREDNESS PROGRAM**

8
9 **“SECTION 9. (1) In collaboration with the Department of Consumer**
10 **and Business Services, the Department of the State Fire Marshal shall**
11 **establish and implement a grant program to facilitate retrofitting of**
12 **existing dwellings and accessory structures, as well as the building of**
13 **new dwellings, and of new accessory structures, following a wildfire**
14 **event, to be resistant and resilient to wildfire.**

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

17 **“(3) To implement the program, the Department of Consumer and**
18 **Business Services shall:**

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

22 **“(b) Determine the relative cost-effectiveness of the retrofits and**
23 **materials.**

24 **“(4) To implement the program, the Department of the State Fire**
25 **Marshal shall determine which entities are eligible to apply for and**
26 **administer funds from the program.**

27 **“(5) The Department of the State Fire Marshal shall award grants**
28 **to eligible applicants, with a preference for awarding grants that:**

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

1 an owner of a lot or parcel within an area zoned for rural residential use to
2 construct one accessory dwelling unit on the lot or parcel, provided:

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

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

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

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

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

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

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

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

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

23 “(j) The lot or parcel is served by a fire protection service provider with
24 professionals who have received training or certification described in ORS
25 181A.410;

26 “(k) If the lot or parcel is in an area identified on the [*statewide map of*
27 *wildfire risk*] **statewide wildfire hazard map** described in ORS 477.490 as
28 within the wildland-urban interface, the lot or parcel and accessory dwelling
29 unit comply with any applicable minimum defensible space requirements for
30 wildfire risk reduction established by the State Fire Marshal under ORS

1 476.392 and any applicable local requirements for defensible space established
2 by a local government pursuant to ORS 476.392;

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

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

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

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

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

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

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

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

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

26 “(5) A county may require that an accessory dwelling unit constructed
27 under this section be served by the same water supply source or water supply
28 system as the existing single-family dwelling, provided such use is allowed
29 for the accessory dwelling unit by an existing water right or a use under
30 ORS 537.545. If the accessory dwelling unit is served by a well, the con-

1 construction of the accessory dwelling unit shall maintain all setbacks from the
2 well required by the Water Resources Commission or Water Resources De-
3 partment.

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

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

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

15 **“Sec. 12d.** (1) The Department of Consumer and Business Services shall
16 develop the interactive mapping tool described in [*section 12c of this 2021*
17 *Act*] **ORS 455.614** not more than 60 days after the [*statewide map of wildfire*
18 *risk*] **statewide wildfire hazard map** described in [*section 7 of this 2021*
19 *Act*] **ORS 477.490** is developed.

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

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

23 “455.612. (1) For extreme and high wildfire [*risk classes*] **hazard zones** in
24 the wildland-urban interface that are identified pursuant to ORS 477.490, the
25 Department of Consumer and Business Services shall adopt wildfire hazard
26 mitigation building code standards that apply to new dwellings and the ac-
27 cessory structures of dwellings, as described in section R327 of the 2021
28 Oregon Residential Specialty Code.

29 “(2) The department shall amend section R327 of the Oregon Residential
30 Specialty Code to include standards for additions to existing dwellings and

1 accessory structures and for replacement of existing exterior elements cov-
2 ered in section R327 of the 2021 Oregon Residential Specialty Code.

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

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

7 “477.748. (1) As used in this section, ‘small forestland owner’ means an
8 individual, group, federally recognized Indian tribe in Oregon or association
9 that owns:

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

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

14 “(2) The State Forestry Department shall establish a small forestland
15 grant program for the purpose of providing grants, on a competitive basis,
16 to support small forestland owners in reducing wildfire risk through the
17 restoration of landscape resiliency and the reduction of hazardous fuels on
18 the owners’ property.

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

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

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

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

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

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

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

3
4 **“APPROPRIATION**

5
6 **“SECTION 14. In addition to and not in lieu of any other appropri-**
7 **ation, there is appropriated to the Department of the State Fire Mar-**
8 **shal, for the biennium beginning July 1, 2023, out of the General Fund,**
9 **the amount of \$10,000,000, which may be expended for purposes de-**
10 **scribed in section 9 of this 2023 Act.**

11
12 **“CAPTIONS**

13
14 **“SECTION 15. The unit captions used in this 2023 Act are provided**
15 **for the convenience of the reader and do not become part of the stat-**
16 **utory law of this state or express any legislative intent in the**
17 **enactment of this 2023 Act.**

18
19 **“EFFECTIVE DATE**

20
21 **“SECTION 16. This 2023 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2023 Act takes effect on July 1, 2023.”.**
24
