

# Enrolled Senate Bill 83

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)

CHAPTER .....

AN ACT

Relating to wildfire; creating new provisions; amending ORS 105.464, 197.716, 215.291, 215.495, 476.392, 476.398, 476.687, 476.690, 476.696, 477.015, 477.503, 477.748 and 526.272; repealing ORS 455.612, 455.614, 476.390, 476.394, 477.027, 477.161 and 477.490 and sections 12a, 12b, 12d and 29, chapter 592, Oregon Laws 2021; and declaring an emergency.

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

## REPEALS

**SECTION 1.** (1) ORS 455.612, 455.614, 476.390, 476.394, 477.027, 477.161 and 477.490 and sections 12a, 12b and 29, chapter 592, Oregon Laws 2021, are repealed.

(2) Section 12d, chapter 592, Oregon Laws 2021, as amended by section 10, chapter 611, Oregon Laws 2023, is repealed.

## DEFENSIBLE SPACE

**SECTION 2.** ORS 476.392 is amended to read:

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

[(2) *The State Fire Marshal:*]

[(a) *Shall consult with the Oregon Fire Code Advisory Board to establish the requirements.*]

[(b) *Shall establish requirements that are consistent with and do not exceed the standards pertaining only to defensible space that are set forth in the International Wildland-Urban Interface Code published by the International Code Council, including the standards pertaining only to defensible space that are set forth in sections 603 and 604 of the code.*]

[(c) *May consider best practices specific to Oregon in order to establish the requirements.*]

[(d) *Shall periodically reexamine the standards set forth in the International Wildland-Urban Interface Code and update the requirements to reflect current best practices, in consultation with the Oregon Fire Code Advisory Board.*]

[(e) *Shall enforce the requirements that are applicable to lands within the jurisdiction of a local government.*]

[(f) *Shall adopt rules governing administration of the requirements.*]

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

*[(h) Shall consult on implementation of the requirements.]*

*[(i) May adopt rules concerning reports by local governments described in subsection (4)(a) of this section.]*

*[(3) Subject to additional local requirements, the requirements shall apply statewide for all lands in the wildland-urban interface that are designated as being in the high wildfire hazard zone, as identified on the map.]*

*[(4) Notwithstanding subsection (2) of this section, a local government may:]*

*[(a) Administer, consult on and enforce the requirements established by the State Fire Marshal, within the jurisdiction of the local government. A local government that administers or enforces the requirements established by the State Fire Marshal shall periodically report to the State Fire Marshal regarding compliance with the requirements, including the extent of compliance for each property within the jurisdiction of the local government, any change in the degree of compliance since the last report and any other information required by the State Fire Marshal by rule.]*

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

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

**(1) As used in this section, “defensible space” means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.**

**[(5)] (2) The State Fire Marshal shall administer a community risk reduction program that emphasizes education and methods of prevention with respect to:**

**(a) Wildfire risk***[, enforcement of];*

**(b) The creation of a model code for defensible space** *[requirements,];*

**(c) Response planning; and**

**(d) Community preparedness for wildfires.**

**(3) As part of the program, in consultation with the Oregon Fire Code Advisory Board, the State Fire Marshal shall create and make available to local governments a model code for defensible space that:**

**(a) Includes standards that are consistent with, and do not exceed, the standards in the 2024 International Wildland-Urban Interface Code (October 2024), published by the International Code Council, that pertain to defensible space, including the standards in sections 603 and 604 of the code; and**

**(b) To the extent consistent with the standards in the code described in paragraph (a) of this subsection, results from a consideration of best practices specific to this state.**

**(4) The State Fire Marshal may not require a local government to adopt the model code described in subsection (3) of this section.**

**[(6)] (5) As part of the program, the State Fire Marshal may provide financial, administrative, technical or other assistance to a local government to facilitate the *[administration and enforcement of requirements within the jurisdiction of the local government]* creation of defensible space.**

**(6) A local government shall expend financial assistance provided by the State Fire Marshal under *[this]* subsection (5) of this section to give priority to the creation of defensible space:**

**(a) On lands on which members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income, as defined in ORS 456.055, reside.**

**(b) For critical or emergency infrastructure.**

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

## WILDLAND-URBAN INTERFACE

**SECTION 3.** ORS 477.015 is amended to read:

477.015. As used in this section and ORS 477.025 [and 477.027,]:

(1) **“Wildland” means:**

(a) **Forestland, as defined in ORS 477.001; or**

(b) **An unimproved area that contains enough unmanaged vegetation, at any time of the year, to constitute a fire hazard, in the judgment of the forester, regardless of how the area is zoned or taxed.**

(2) **“Wildland-urban interface” [has the meaning given that term in rule by the State Board of Forestry] means a geographic area in which there is a concentration of dwellings in an urban or suburban setting near wildland.**

**SECTION 4.** ORS 477.503 is amended to read:

477.503. (1) **As used in this section, “wildland-urban interface” has the meaning given that term in ORS 477.015.**

[(1)(a)] (2)(a) The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

(b) The department shall ensure that the program is consistent with the objectives described in this section and biennially select, administer and evaluate projects consistent with the objectives described in this subsection.

(c) When developing program and project selection criteria, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forest and rangeland collaboratives and other relevant community organizations and ensure consistency with the priorities described in subsection [(3)] (4) of this section.

[(2)] (3) The department shall develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction. The plan must be able to be used to direct federal, state and private investments in a tangible way.

[(3)] (4) In selecting and administering projects, the department shall:

(a) In collaboration with the Oregon State University Extension Service and other entities, identify strategic landscapes that are ready for treatment, giving priority to projects within the landscapes that are:

(A) On lands in the four [highest] eNVC [risk] classes **with greatest risk or on lands with a relatively high probability of transmitting wildfire into communities as identified [in the United States Forest Service report titled “Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results” and dated April 9, 2018] with data from the Pacific Northwest Quantitative Wildfire Risk Assessment;**

(B) Inclusive of federal lands with treatment projects currently approved under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(C) Focusing on treatments protective of human life, property **surrounding the wildland-urban interface**, critical infrastructure, watershed health and forest or rangeland habitat restoration; and

(D) Part of a collaborative partnership with agreements across diverse forestland or rangeland stakeholders that use an expansive, landscape-scale approach to address underlying causes of poor wildfire resilience and elevated risk of wildfire or that establish innovative approaches to addressing the underlying causes that could be implemented on a larger scale.

(b) To the extent practicable, identify and support projects that are designed to:

(A) Evaluate varying types of fuel treatment methods;

(B) Leverage the collective power of public-private partnerships and federal and state funding, including leverage of the coordination of funding to support collaborative initiatives that address the underlying causes of elevated forestland and rangeland wildfire risk across ownerships; and

(C) Optimize the receipt of federal government investments that equal or exceed department investments.

(c) Design the projects to involve existing forest-based and range-based contracting entities.

(d) Design the projects to complement programs and projects of the Oregon Watershed Enhancement Board or other state agencies as needed.

(e) Design the projects to involve the Oregon Conservation Corps Program established by ORS 476.694, to the maximum extent possible, for community protection projects located in the wildland-urban interface, subject to funding available in the Oregon Conservation Corps Fund established by ORS 476.698.

(f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders holding a wide variety of perspectives regarding forest and rangeland management and opportunities for significant involvement by communities in proximity to project sites.

(g) Engage in monitoring of the projects to produce useful information on which to base recommendations to the Legislative Assembly.

[4] (5) A project under this section may not include commercial thinning on:

(a) Inventoried roadless areas;

(b) Riparian reserves identified in the Northwest Forest Plan or in federal Bureau of Land Management resource management plans;

(c) Late successional reserves, except to the extent consistent with the 2011 United States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*);

(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

(e) Designated critical habitat for species listed as threatened or endangered under the Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission under ORS 496.172, unless commercial thinning is already allowed under an existing environmental review or recognized habitat recovery plan; or

(f) Federally designated areas of critical environmental concern or federally designated wilderness study areas.

[5] (6) The department shall give public notice, and allow reasonable opportunity for public input, when identifying and selecting landscapes under this section.

## WILDFIRE PROGRAMS ADVISORY COUNCIL

**SECTION 5.** ORS 476.690 is amended to read:

476.690. (1) As used in this section,]:

(a) “Defensible space” [*has the meaning given that term in ORS 476.390.*] **means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.**

(b) **“Wildland-urban interface” has the meaning given that term in ORS 477.015.**

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

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

(b) Providing advice on potential changes to the activities in order to fulfill the goal of dramatically reducing wildfire risk in this state and ensuring that regional defensible space, building codes and land use applications are appropriate.

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

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

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

*[(f) Assessing the application of defensible space requirements to vineyards, crops and other cultivated vegetation.]*

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

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

(4) The President of the Senate and Speaker of the House of Representatives shall jointly appoint *[19]* **21** members to the council as follows:

(a) One member who represents county government.

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

(c) One member who represents city government.

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

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

(f) One member who represents fire marshals and has experience with *[managing, fighting or preventing]* **community risk reduction and prevention of structural** fire within the wildland-urban interface.

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

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

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

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

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

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

(m) One member who represents a utility company.

(n) One member who represents environmental interests.

(o) One member who represents forest resiliency interests.

(p) One member who represents state or regional land use planning organizations.

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

(r) One member who represents public health professionals.

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

**(t) One member who represents the structural fire service and who has experience with managing, fighting or preventing wildfire within the wildland-urban interface.**

**(u) One member who represents the insurance industry.**

**(5) The council shall be geographically diverse, with representatives from across this state.**

~~[(5)]~~ **(6)** The presiding officers shall provide public notice of an opportunity for interested parties to submit names of interest for appointment to the council.

~~[(6)]~~ **(7)** At least seven days before appointing a member, the presiding officers shall consult in good faith with the minority leaders of the Senate and House of Representatives on the appointment.

~~[(7)]~~ **(8)** The term of service for each member is four years.

~~[(8)]~~ **(9)** The members are eligible for reappointment.

~~[(9)]~~ **(10)** The council shall elect a chairperson and vice chairperson to serve for one-year terms.

~~[(10)]~~ **(11)** The members shall serve on the council as volunteers and are not entitled to reimbursement for expenses.

~~[(11)]~~ **(12)** The Department of Consumer and Business Services, Department of Land Conservation and Development, Department of the State Fire Marshal and State Forestry Department shall each provide 15 percent of the time of a full-time equivalent employee to:

(a) Cooperatively staff the council.

(b) Attend council meetings as informational resources.

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

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

~~[(12)]~~ **(13)** The Oregon State University Extension Service shall designate a person to serve as staff for the council.

~~[(13)]~~ **(14)** Each October the council shall submit a report to the Governor and appropriate committees or interim committees of the Legislative Assembly that describes progress on implementing program activities related to defensible space, building codes, land use and community emergency preparedness and that recommends improvements.

## **BUILDING CODE STANDARDS**

**SECTION 6.** Section 7 of this 2025 Act is added to and made a part of ORS chapter 455.

**SECTION 7.** (1) The Department of Consumer and Business Services shall adopt the wildfire hazard mitigation code standards of section R327 of the 2023 Oregon Residential Specialty Code.

(2) The department shall by rule create a process for municipalities to adopt the wildfire hazard mitigation code standards referenced in subsection (1) of this section. The process must include a requirement that a municipality notify the department when the municipality has adopted these standards.

(3) The wildfire hazard mitigation code standards referenced in subsection (1) of this section may only be applied to new construction of new buildings.

(4) The department may not require a local government to adopt code standards that are described in this section.

## **VOIDING ASSIGNMENTS OF PROPERTY TO WILDFIRE HAZARD ZONES**

**SECTION 8.** (1) As used in this section, “order” has the meaning given that term in ORS 183.310.

(2) An order issued by the State Forestry Department under ORS 477.490 (2023 Edition) that assigns property to a wildfire hazard zone is null and void.

## **REPORTING AND ADMINISTRATION**

**SECTION 9.** ORS 476.687 is amended to read:

476.687. (1) The Governor shall appoint a State Wildfire Programs Director to serve at the pleasure of the Governor.

(2) The duties of the director shall include:

(a) Overseeing implementation of requirements and authorization provided by chapter 592, Oregon Laws 2021.

(b) Coordinating and integrating activities of state agencies and other entities that are required or authorized by chapter 592, Oregon Laws 2021, in order to optimize the efficiency and effectiveness of the activities.

(c) Ensuring compliance with deadlines set out in chapter 592, Oregon Laws 2021.

(d) Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among the jurisdictions.

(e) Supervising staffing of the Wildfire Programs Advisory Council.

(f) Reporting at least every [60] **90** days to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of relevant committees and interim committees of the Legislative Assembly to summarize progress on implementing the activities, note obstacles and opportunities and catalog possibilities for future improvements to further reduce wildfire risk in this state.

(g) Exploring additional opportunities to reduce wildfire risk, including but not limited to engaging with:

(A) Insurance companies regarding insurance policy coverage provisions, underwriting standards, insurance rates and any other topics relevant to enhancing the protection of property from wildfire at a reasonable cost.

(B) Electric utilities regarding further actions to protect public safety, reduce risk to electric company customers and promote electrical system resilience to wildfire damage.

(C) Congressional delegations and federal agencies to expand opportunities for cost-share partnerships for wildfire mitigation and develop strategies for improvements to federal fire management policies.

(h) Collaborating with the State Resilience Officer and participating in any relevant emergency preparedness advisory councils.

**SECTION 10.** ORS 476.696 is amended to read:

476.696. (1) As used in this section:

(a) "Eligible organization" includes Oregon-based nonprofit youth development organizations, federally recognized Indian tribes in this state, nonprofit associations engaged in workforce development and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training.

(b) "Tribe" means a federally recognized Indian tribe in Oregon.

(2) The Oregon Youth Works Advisory Board created under ORS 660.320 shall, in collaboration with a qualified nonprofit foundation, actively seek and source private donations to support the Oregon Conservation Corps Program.

(3) The advisory board may direct the expenditure of moneys from the Oregon Conservation Corps Fund for a promotional website and materials to solicit private funds.

(4) The advisory board shall advise the Higher Education Coordinating Commission on the implementation of a grant process that:

(a) Provides funding to support the work conducted by the Oregon Conservation Corps Program.

(b) Defines and uses an equity lens in awarding grants by identifying and supporting populations with greater vulnerability, including communities of color, indigenous communities, communities with members who have limited proficiency in English and communities with lower-income members.

(c) Awards grants to eligible organizations.

(d) Ensures that grant awards support activities described in ORS 476.694 (1) and subsection (5) of this section.

(e) Establishes guidelines for prioritizing grant-supported projects to reduce community fire risks, promote youth and young adult workforce development and educational experiences and reduce hazardous fuels.

(5) The commission shall consult with the State Forestry Department to ensure that the grant process awards funds to proposals that:

(a) Protect at-risk communities and infrastructure within the wildland-urban interface, as described in ORS 477.503.

(b) Meet standards for fuel treatment established by the department.

(6) The advisory board shall [*biennially*] **annually** submit a report[, *on the timeline described in ORS 293.640,*] to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, and to the State Wildfire Programs Director and Wildfire Programs Advisory Council, regarding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

**SECTION 11.** ORS 476.398 is amended to read:

476.398. (1) The State Fire Marshal shall [*biannually*] **annually** report regarding the status of State Fire Marshal and local government activities for carrying out ORS 476.392 to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council[.].

[*(a) On or before the date of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.*]

[*(b) Approximately six months after the date described in paragraph (a) of this subsection.*]

(2) The report shall include, but need not be limited to:

(a) A status report regarding **the** community risk reduction **program** [*and the establishment, administration and enforcement of defensible space requirements*];

(b) The amount of moneys expended during the year for **the** community risk reduction **program** [*and the establishment, administration or enforcement of defensible space requirements*];

(c) The amount of moneys expended during the year for the suppression of fires on wildland-urban interface lands; and

(d) Any recommendations of the State Fire Marshal for legislative action, including, but not limited to, current or future resource and funding needs for **the** community risk reduction **program** [*and establishing, administering or enforcing defensible space requirements*].

**SECTION 12.** (1) **The State Forestry Department shall annually report regarding the wildfire risk reduction program and the implementation of a 20-year landscape resiliency plan to a committee or interim committee of the Legislative Assembly related to wildfire issues, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council.**

(2) **The report shall include, but need not be limited to:**

(a) **A status report on the implementation of the 20-year landscape resiliency plan and wildfire risk reduction efforts, including prescribed fire activities;**

(b) **The amount of moneys expended during the prior 12 months for implementation of the 20-year landscape resiliency plan and the department's wildfire risk reduction efforts; and**

(c) **Any department recommendations for legislative action, including but not limited to current or future resource and funding needs for the wildfire risk reduction program.**

(3) **As used in this section:**

(a) **"20-year landscape resiliency plan" means the strategic plan described in ORS 477.503 (2).**

(b) **"Wildfire risk reduction program" means the program the department designed and is implementing under ORS 477.503.**

**SECTION 13.** (1) **The Department of Environmental Quality shall annually report regarding community smoke response plans and the wildfire smoke monitoring program to a committee or interim committee of the Legislative Assembly related to wildfire issues, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council.**

(2) **The report shall include, but need not be limited to:**



(a) A status report on the implementation of community smoke response plans, a status report regarding communities with a one-hour smoke intrusion exemption and a report on wildfire smoke monitoring, including prescribed fire activities as tracked and reported by the State Forestry Department;

(b) The amount of moneys expended during the prior 12 months for wildfire and prescribed fire smoke monitoring, along with amounts expended for community smoke response plan development and implementation; and

(c) Any recommendations of the Department of Environmental Quality for legislative action, including but not limited to current or future resource or funding needs for the wildfire smoke monitoring program.

(3) As used in this section “community smoke response plans,” “one-hour smoke intrusion exemption” and “wildfire smoke monitoring” refer to components of programs the department develops and implements under ORS 468A.830, 468A.833 and 468A.836.

**SECTION 14.** (1) The Public Utility Commission shall annually report on actions taken to reduce the risk of wildfire from utility infrastructure to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council.

(2) The report shall include, but need not be limited to:

(a) A status report regarding the review of wildfire protection plans described in ORS 757.963 that have been filed by public utilities and the receipt of wildfire mitigation plans described in ORS 757.966 that have been filed by consumer-owned utilities;

(b) A summary of the best practice workshops for wildfire mitigation practices described in ORS 757.960 that the commission convened in the prior 12 months;

(c) A summary of public safety power shutoffs initiated by utilities during the prior 12 months to mitigate wildfire ignitions;

(d) The amount of moneys budgeted or expended by public utilities during the prior 12 months on utility wildfire mitigation plans and wildfire protection plans and that were subject to commission review and oversight; and

(e) Any commission recommendations for legislative action, including but not limited to current or future resource and funding needs for reducing wildfire risk in order to ensure safe and reliable power.

#### CONFORMING AMENDMENTS

**SECTION 15.** ORS 105.464 is amended to read:

105.464. A seller’s property disclosure statement must be in substantially the following form:

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If required under ORS 105.465, a seller shall deliver in substantially the following form the seller’s property disclosure statement to each buyer who makes a written offer to purchase real property in this state:

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#### INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. Please refer to the line number(s) of the question(s) when you provide your explanation(s). If you are not claiming an exclusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page of this disclosure statement and each attachment.

Each seller of residential property described in ORS 105.465 must deliver this form to each buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only the section(s) of the form that apply to the transaction for which the form is used. If you are claiming an exclusion under ORS 105.470, fill out only Section 1.

An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If not excluded, the seller must disclose the condition of the property or the buyer may revoke their offer to purchase anytime prior to closing the transaction. Questions regarding the legal consequences of the seller's choice should be directed to a qualified attorney.

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**(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION UNDER ORS 105.470)**

**Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:**

You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not claiming an exclusion, you must fill out Section 2 of this form completely.

Initial only the exclusion you wish to claim.

\_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is constructed or installed under building or installation permit(s) #\_\_\_\_\_, issued by \_\_\_\_\_.

\_\_\_\_\_ This sale is by a financial institution that acquired the property as custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

\_\_\_\_\_ The seller is a court appointed receiver, personal representative, trustee, conservator or guardian.

\_\_\_\_\_ This sale or transfer is by a governmental agency.

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Signature(s) of Seller claiming exclusion  
Date \_\_\_\_\_

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Buyer(s) to acknowledge Seller's claim  
Date \_\_\_\_\_

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**(IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SECTION.)**

**Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT**

**(NOT A WARRANTY)  
(ORS 105.464)**

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT \_\_\_\_\_ ("THE PROPERTY").

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller \_\_\_\_\_ is/ \_\_\_\_\_ is not occupying the property.

I. SELLER'S REPRESENTATIONS:

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

\*If you mark yes on items with \*, attach a copy or explain on an attached sheet.

- 1. TITLE
- A. Do you have legal authority to sell the property? [ ]Yes [ ]No [ ]Unknown
- \*B. Is title to the property subject to any of the following: [ ]Yes [ ]No [ ]Unknown
  - (1) First right of refusal
  - (2) Option
  - (3) Lease or rental agreement
  - (4) Other listing
  - (5) Life estate?
- \*C. Is the property being transferred an unlawfully established unit of land? [ ]Yes [ ]No [ ]Unknown
- \*D. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes? [ ]Yes [ ]No [ ]Unknown
- \*E. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property? [ ]Yes [ ]No [ ]Unknown
- \*F. Are there any agreements for joint maintenance of an easement or right of way? [ ]Yes [ ]No [ ]Unknown
- \*G. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property? [ ]Yes [ ]No [ ]Unknown

- \*H. Are there any pending or existing governmental assessments against the property? [ ]Yes [ ]No [ ]Unknown
- \*I. Are there any zoning violations or nonconforming uses? [ ]Yes [ ]No [ ]Unknown
- \*J. Is there a boundary survey for the property? [ ]Yes [ ]No [ ]Unknown
- \*K. Are there any covenants, conditions, restrictions or private assessments that affect the property? [ ]Yes [ ]No [ ]Unknown
- \*L. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold? [ ]Yes [ ]No [ ]Unknown

2. WATER

A. Household water

(1) The source of the water is (check ALL that apply):

- [ ]Public [ ]Community [ ]Private
- [ ]Other \_\_\_\_\_

(2) Water source information:

- \*a. Does the water source require a water permit? [ ]Yes [ ]No [ ]Unknown  
If yes, do you have a permit? [ ]Yes [ ]No
- b. Is the water source located on the property? [ ]Yes [ ]No [ ]Unknown  
\*If not, are there any written agreements for a shared water source? [ ]Yes [ ]No [ ]Unknown [ ]NA
- \*c. Is there an easement (recorded or unrecorded) for your access to or maintenance of the water source? [ ]Yes [ ]No [ ]Unknown
- d. If the source of water is from a well or spring, have you had any of the following in the past 12 months? [ ]Flow test [ ]Bacteria test [ ]Chemical contents test [ ]Yes [ ]No [ ]Unknown [ ]NA
- \*e. Are there any water source plumbing problems or needed repairs? [ ]Yes [ ]No [ ]Unknown
- (3) Are there any water treatment systems for the property? [ ]Yes [ ]No [ ]Unknown  
[ ]Leased [ ]Owned

B. Irrigation

- (1) Are there any [ ] water rights or [ ] other irrigation rights for the property? [ ]Yes [ ]No [ ]Unknown
- \* (2) If any exist, has the irrigation water been used during the last five-year period? [ ]Yes [ ]No [ ]Unknown [ ]NA
- \* (3) Is there a water rights certificate or other written evidence available? [ ]Yes [ ]No [ ]Unknown [ ]NA

C. Outdoor sprinkler system

- (1) Is there an outdoor sprinkler system for the property? [ ]Yes [ ]No [ ]Unknown
- (2) Has a back flow valve been installed? [ ]Yes [ ]No [ ]Unknown [ ]NA
- (3) Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA

3. SEWAGE SYSTEM

A. Is the property connected to a public or

- community sewage system? [ ]Yes [ ]No [ ]Unknown
- B. Are there any new public or community sewage systems proposed for the property? [ ]Yes [ ]No [ ]Unknown
- C. Is the property connected to an on-site septic system? [ ]Yes [ ]No [ ]Unknown
- (1) If yes, when was the system installed? \_\_\_\_\_ [ ]Unknown [ ]NA
- (2) \*If yes, was the system installed by permit? [ ]Yes [ ]No [ ]Unknown [ ]NA
- (3) \*Has the system been repaired or altered? [ ]Yes [ ]No [ ]Unknown
- (4) \*Has the condition of the system been evaluated and a report issued? [ ]Yes [ ]No [ ]Unknown
- (5) Has the septic tank ever been pumped? [ ]Yes [ ]No [ ]Unknown  
If yes, when? \_\_\_\_\_ [ ]NA
- (6) Does the system have a pump? [ ]Yes [ ]No [ ]Unknown
- (7) Does the system have a treatment unit such as a sand filter or an aerobic unit? [ ]Yes [ ]No [ ]Unknown
- (8) \*Is a service contract for routine maintenance required for the system? [ ]Yes [ ]No [ ]Unknown
- (9) Are all components of the system located on the property? [ ]Yes [ ]No [ ]Unknown
- D. \*Are there any sewage system problems or needed repairs? [ ]Yes [ ]No [ ]Unknown
- E. Does your sewage system require on-site pumping to another level? [ ]Yes [ ]No [ ]Unknown
4. DWELLING INSULATION
- A. Is there insulation in the:
- (1) Ceiling? [ ]Yes [ ]No [ ]Unknown
- (2) Exterior walls? [ ]Yes [ ]No [ ]Unknown
- (3) Floors? [ ]Yes [ ]No [ ]Unknown
- B. Are there any defective insulated doors or windows? [ ]Yes [ ]No [ ]Unknown
5. DWELLING STRUCTURE
- \*A. Has the roof leaked? [ ]Yes [ ]No [ ]Unknown  
If yes, has it been repaired? [ ]Yes [ ]No [ ]Unknown [ ]NA
- B. Are there any additions, conversions or remodeling? [ ]Yes [ ]No [ ]Unknown  
If yes, was a building permit required? [ ]Yes [ ]No [ ]Unknown [ ]NA  
If yes, was a building permit obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA  
If yes, was final inspection obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA
- C. Are there smoke alarms or detectors? [ ]Yes [ ]No [ ]Unknown
- D. Are there carbon monoxide alarms? [ ]Yes [ ]No [ ]Unknown
- E. Is there a woodstove or fireplace insert included in the sale? [ ]Yes [ ]No [ ]Unknown  
\*If yes, what is the make? \_\_\_\_\_  
\*If yes, was it installed with a permit? [ ]Yes [ ]No [ ]Unknown  
\*If yes, is a certification label issued by the United States Environmental Protection Agency (EPA) or the Department of Environmental Quality (DEQ) affixed to it? [ ]Yes [ ]No [ ]Unknown
- \*F. Has pest and dry rot, structural or "whole house" inspection been done

- within the last three years?  ]Yes  ]No  ]Unknown
- \*G. Are there any moisture problems, areas of water penetration, mildew odors or other moisture conditions (especially in the basement)?  ]Yes  ]No  ]Unknown  
 \*If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done.
- H. Is there a sump pump on the property?  ]Yes  ]No  ]Unknown
- I. Are there any materials used in the construction of the structure that are or have been the subject of a recall, class action suit, settlement or litigation?  ]Yes  ]No  ]Unknown  
 If yes, what are the materials? \_\_\_\_\_
- (1) Are there problems with the materials?  ]Yes  ]No  ]Unknown  ]NA
- (2) Are the materials covered by a warranty?  ]Yes  ]No  ]Unknown  ]NA
- (3) Have the materials been inspected?  ]Yes  ]No  ]Unknown  ]NA
- (4) Have there ever been claims filed for these materials by you or by previous owners?  ]Yes  ]No  ]Unknown  ]NA  
 If yes, when? \_\_\_\_\_
- (5) Was money received?  ]Yes  ]No  ]Unknown  ]NA
- (6) Were any of the materials repaired or replaced?  ]Yes  ]No  ]Unknown  ]NA
6. DWELLING SYSTEMS AND FIXTURES  
 If the following systems or fixtures are included in the purchase price, are they in good working order on the date this form is signed?
- A. Electrical system, including wiring, switches, outlets and service  ]Yes  ]No  ]Unknown
- B. Plumbing system, including pipes, faucets, fixtures and toilets  ]Yes  ]No  ]Unknown
- C. Water heater tank  ]Yes  ]No  ]Unknown
- D. Garbage disposal  ]Yes  ]No  ]Unknown  ]NA
- E. Built-in range and oven  ]Yes  ]No  ]Unknown  ]NA
- F. Built-in dishwasher  ]Yes  ]No  ]Unknown  ]NA
- G. Sump pump  ]Yes  ]No  ]Unknown  ]NA
- H. Heating and cooling systems  ]Yes  ]No  ]Unknown  ]NA
- I. Security system  ]Owned  ]Leased  ]Yes  ]No  ]Unknown  ]NA
- J. Are there any materials or products used in the systems and fixtures that are or have been the subject of a recall, class action suit settlement or litigation?  ]Yes  ]No  ]Unknown  
 If yes, what product? \_\_\_\_\_
- (1) Are there problems with the product?  ]Yes  ]No  ]Unknown
- (2) Is the product covered by a warranty?  ]Yes  ]No  ]Unknown
- (3) Has the product been inspected?  ]Yes  ]No  ]Unknown
- (4) Have claims been filed for this product by you or by previous owners?  ]Yes  ]No  ]Unknown  
 If yes, when? \_\_\_\_\_
- (5) Was money received?  ]Yes  ]No  ]Unknown
- (6) Were any of the materials or products repaired or replaced?  ]Yes  ]No  ]Unknown

7. COMMON INTEREST

- A. Is there a Home Owners' Association or other governing entity?  ]Yes  ]No  ]Unknown  
Name of Association or Other Governing Entity \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_
- B. Regular periodic assessments: \$\_\_\_\_\_ per  ]Month  ]Year  ]Other \_\_\_\_\_
- \*C. Are there any pending or proposed special assessments?  ]Yes  ]No  ]Unknown
- D. Are there shared "common areas" or joint maintenance agreements for facilities like walls, fences, pools, tennis courts, walkways or other areas co-owned in undivided interest with others?  ]Yes  ]No  ]Unknown
- E. Is the Home Owners' Association or other governing entity a party to pending litigation or subject to an unsatisfied judgment?  ]Yes  ]No  ]Unknown  ]NA
- F. Is the property in violation of recorded covenants, conditions and restrictions or in violation of other bylaws or governing rules, whether recorded or not?  ]Yes  ]No  ]Unknown  ]NA

8. SEISMIC

- Was the house constructed before 1974?  ]Yes  ]No  ]Unknown  
If yes, has the house been bolted to its foundation?  ]Yes  ]No  ]Unknown

9. GENERAL

- A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area?  ]Yes  ]No  ]Unknown
- B. Does the property contain fill?  ]Yes  ]No  ]Unknown
- C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides?  ]Yes  ]No  ]Unknown
- D. Is the property in a designated floodplain?  ]Yes  ]No  ]Unknown  
Note: Flood insurance may be required for homes in a floodplain.
- E. Is the property in a designated slide or other geologic hazard zone?  ]Yes  ]No  ]Unknown
- \*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?  ]Yes  ]No  ]Unknown
- G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?  ]Yes  ]No  ]Unknown
- H. Has the property ever been used as an illegal

drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown  
 \*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown  
 [\*I. *Has the property been classified as*  
*wildland-urban interface?* [ ]Yes [ ]No [ ]Unknown]

10. FULL DISCLOSURE BY SELLERS

\*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about? [ ]Yes [ ]No

\*If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation.

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

Seller(s) signature:

SELLER \_\_\_\_\_ DATE \_\_\_\_\_

SELLER \_\_\_\_\_ DATE \_\_\_\_\_

II. BUYER'S ACKNOWLEDGMENT

A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are known to me/us or can be known by me/us by utilizing diligent attention and observation.

B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or of any real estate licensee engaged by the seller or buyer. A financial institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another party's disclosure statement required by this section or any amendment to the disclosure statement.

C. Buyer (which term includes all persons signing the "buyer's acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.



BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

Agent receiving disclosure statement on buyer's behalf to sign and date:

\_\_\_\_\_ Real Estate Licensee

\_\_\_\_\_ Real Estate Firm

Date received by agent \_\_\_\_\_

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**SECTION 16.** ORS 197.716 is amended to read:

197.716. (1) As used in this section:

(a) "Economic opportunity analysis" means an analysis performed by a county that:

(A) Identifies the major categories of industrial uses or other employment uses that could reasonably be expected to expand or locate in the county based on a review of trends on a national, state, regional or county level;

(B) Identifies the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses;

(C) Estimates the types and amounts of industrial uses and other employment uses likely to occur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county's economic advantages and disadvantages, including:

(i) Location, size and buying power of markets;

(ii) Availability of transportation facilities for access and freight mobility;

(iii) Public facilities and public services;

(iv) Labor market factors;

(v) Access to suppliers and utilities;

(vi) Necessary support services;

(vii) Limits on development due to federal and state environmental protection laws; and

(viii) Educational and technical training programs;

(D) Assesses community economic development potential through a public process in conjunction with state agencies and consistent with any categories or particular types of industrial uses and other employment uses desired by the community as identified in an existing comprehensive plan;

(E) Examines existing firms in the county to identify the types of sites that may require expansion;

(F) Includes an inventory of vacant and developed lands within the county designated for industrial use or other employment use, including:

(i) The description, including site characteristics, of vacant or developed sites within each plan or zoning district; and

(ii) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(G) Identifies additional potential sites for designation and rezoning that could reasonably accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.

(b) "Industrial use" means industrial employment activities, including manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union, Wallowa or Wheeler County.

(d) "Other employment use" means all nonindustrial employment activities, including small scale commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental or employment activities that serve the medical, educational, social service, recreational or security industries and that occupy retail, office or flexible building types of any size or multibuilding campuses.

(e) "Reasonably be expected to expand or locate in the county" means that the county possesses the appropriate locational factors for the use or category of use.

(f)(A) "Small scale commercial use" means the low-impact use of land primarily for the retail sale of products or services, including offices.

(B) "Small scale commercial use" does not include use of land for factories, warehouses, freight terminals or wholesale distribution centers.

(2) A listed county that has adopted an economic opportunity analysis as part of its comprehensive plan may amend its comprehensive plan, land use regulations and zoning map to designate not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50 acres of land if the sites were identified in any economic opportunity analysis as additional potential sites for industrial uses or other employment uses in order to allow for industrial uses and other employment uses without requiring an exception under ORS 197.732 to any statewide land use planning goals related to:

- (a) Agriculture;
- (b) Forest use; or
- (c) Urbanization.

(3) A county may not designate a site under subsection (2) of this section:

(a) On any lands designated as high-value farmland as defined in ORS 195.300;

(b) Unless the county complies with ORS 197.714; and

(c) If any portion of the proposed site is for lands designated for forest use, unless the county:

(A) Notifies the State Forester in writing not less than 21 days before designating the site; and

(B) Cooperates with the State Forester in:

(i) Updating and classifying wildland-urban interface lands in and around the site;

(ii) Taking necessary steps to implement or update the wildland-urban interface fire protection system in and around the site [*as described in ORS 477.027*]; and

(iii) Implementing other fire protection measures authorized by the State Forester.

(4) A county may not amend its comprehensive plan, land use regulations or zoning map under this section to allow a use that would conflict with an administrative rule adopted for the purpose of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

**SECTION 17.** ORS 215.291 is amended to read:

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

(a) Has, or formerly had:

(A) Intact exterior walls and roof structure;

(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Interior wiring for interior lights; and

(D) A heating system; and

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

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

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

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

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

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

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

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

(b) The replacement dwelling:

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

(B) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

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

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

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

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

(3) The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.

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

(a) The deferred replacement permit:

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

(B) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

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

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

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

**SECTION 18.** ORS 215.495 is amended to read:

215.495. (1) As used in this section:

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

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

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

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

(a) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 197A.230;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 19.** ORS 477.748 is amended to read:

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

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

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

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

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

[(a) *Prioritization of projects on forestland in the high wildfire hazard zone described in ORS 477.490.*]

[(b)] (a) Owner commitment to maintaining fuel reduction treatments.

[(c)] (b) Owner possession of a forest management plan.

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

[(e)] (d) Whether the project addresses additional resource concerns, such as insect and disease management.

[(f)] (e) Whether critical facilities and infrastructure may receive enhanced protection due to project outcomes.

**SECTION 20.** ORS 526.272 is amended to read:

526.272. (1) The State Forestry Department shall:

(a) In collaboration with any forest protective association or agency that is under contract or agreement with the State Board of Forestry for the protection of forestland against fire, and whose protection area is or may be affected by a fire on nearby federal lands, and with a focus on protecting lands and rural communities within the wildland-urban interface, as defined [pursuant to ORS 477.027] in ORS 477.015, from fire on federal lands, endeavor to further shared stewardship to decrease wildfire risk across Oregon through increased partnership with federal agencies to expand activities under the Good Neighbor Authority Agreement described in ORS 526.275 in federal forests through:

(A) Increasing forest thinning.

(B) Reducing ladder fuels and other hazardous fuel loading.

(C) Restoring meadowland.

(D) Increasing biomass utilization.

(E) Increasing post-disturbance recovery and restoration activities.

(b) Request that the federal agencies fund portions of the activities described in paragraph (a) of this subsection.

(2) Activities undertaken pursuant to subsection (1) of this section must be executed in a manner that protects and enhances the long-term ecological health of a landscape, in conformance with the most broadly accepted scientific principles of forestry.

## CAPTIONS

**SECTION 21.** The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

**EFFECTIVE DATE**

**SECTION 22.** This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

**Passed by Senate April 22, 2025**

.....  
Obadiah Rutledge, Secretary of Senate

.....  
Rob Wagner, President of Senate

**Passed by House June 24, 2025**

.....  
Julie Fahey, Speaker of House

**Received by Governor:**

.....M,....., 2025

**Approved:**

.....M,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2025

.....  
Tobias Read, Secretary of State