

# A-Engrossed Senate Bill 80

Ordered by the Senate April 11  
Including Senate Amendments dated April 11

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

## SUMMARY

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

*[Requires State Forestry Department to study wildfire. Directs department to submit findings to interim committees of Legislative Assembly related to natural resources no later than September 15, 2024.]*

- Makes certain changes related to statewide wildfire hazard map.**
- Instructs State Board of Forestry to establish four classes of wildland-urban interface.**
- Establishes certain requirements for financial assistance related to defensible space.**
- Establishes Landscape Resiliency Fund in State Treasury, separate and distinct from General Fund. Continuously appropriates moneys in fund to State Forestry Department for purposes related to landscape resiliency.**
- Specifies permissible sources of moneys in Community Risk Reduction Fund.**
- Makes certain changes related to cleaner air spaces.**
- Makes certain changes related to Wildfire Programs Advisory Council.**
- Directs Department of State Fire Marshal to establish and implement Wildfire Home Preparedness Program.**
- Appropriates moneys to Department of State Fire Marshal for purposes related to Wildfire Home Preparedness Program.**
- Declares emergency, effective July 1, 2023.**

## A BILL FOR AN ACT

Relating to wildfire; creating new provisions; amending ORS 215.495, 431A.410, 431A.412, 455.612, 476.392, 476.396, 476.690, 477.027, 477.490 and 477.748 and section 12d, chapter 592, Oregon Laws 2021; and declaring an emergency.

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

## STATEWIDE WILDFIRE HAZARD MAP

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

477.490. (1) The State Forestry Department shall oversee the development and maintenance of a comprehensive [*statewide map of wildfire risk*] **statewide wildfire hazard map** that displays the wildfire [*risk classes*] **hazard zones** described in subsection [(4)] (5) of this section and populates the Oregon Wildfire Risk Explorer.

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

- (a) Educate Oregon residents and property owners about the residents' and property owners' wildfire exposure by providing transparent and science-based information.**
- (b) Assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations.**

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

1       **(c) Identify where defensible space standards and home hardening codes will apply.**

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

4       [(3)] **(4)** The State Board of Forestry shall establish by rule criteria by which the map must be  
5 developed and maintained, including criteria concerning the use of the most current wildfire as-  
6 sements.

7       [(4)] **(5)** In consultation with Oregon State University, the department shall establish [*five*] **four**  
8 statewide wildfire [*risk classes of*] **hazard zones that are titled** extreme, high, moderate[,] **and** low  
9 [*and no risk*] **hazard zones**. The [*classes*] **zones** must be:

10       (a) Consistent with ORS 477.027.

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

12       [(5)] **(6)** The department shall enter into an agreement with the university that provides that the  
13 university will develop and maintain the map and make the map publicly available in electronic form  
14 through the Oregon Wildfire Risk Explorer.

15       [(6)] **(7)** The board shall adopt rules that:

16       (a) Provide opportunities for public input into the assignment of properties to the wildfire [*risk*]  
17 [*classes*] **hazard zones** described in subsection [(4)] **(5)** of this section.

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

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

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

30       [(A) *Whether the assignment is consistent with the criteria described in subsection (3) of this sec-*  
31 *tion;*]

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

33       [(C) *Any error in the data the department used to determine the assignment, if the error justifies*  
34 *a change in the assignment.*]

35       **(d) Provide that assignments of properties to extreme or high hazard zones may be ap-**  
36 **pealed as a contested case as described in ORS chapter 183.**

37       **(8) Before sending notices described in subsection (7)(b) of this section, the department**  
38 **shall seek review of the notices by the Wildfire Programs Advisory Council to receive council**  
39 **recommendations concerning tone, clarity of language and presentation of information.**

40       [(7)] **(9)** The map must:

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

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

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

1 (d) Include a layer that geospatially displays the locations of socially and economically vulner-  
2 able communities.

3 (e) **Be completed and released expeditiously, following the collaboration described in**  
4 **subsection (10) of this section.**

5 [(8)] (10) To develop and maintain the map, **the department and** the university shall collaborate  
6 with [*the department,*] the State Fire Marshal, other state agencies, local governments, federally re-  
7 cognized Indian tribes in this state, other public bodies and any other information sources that the  
8 university deems appropriate.

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

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

14 (b) **Is interactive and does not consist solely of delivering information in a top-down**  
15 **manner.**

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

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

23 (13) **When the draft map is released but before final publication 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, county commissioners,**  
26 **upon request by the county commissioners, must have one additional opportunity, arranged**  
27 **and scheduled by the Association of Oregon Counties, with either in-person attendance or a**  
28 **hybrid of in-person and remote attendance, to discuss concerns about the map and potential**  
29 **changes to the map.**

30 [(9)] (14) In maintaining the map, the university shall make technical adjustments as needed and  
31 update the map consistent with the results of appeals described in subsection [(6)(b)] (7)(b) of this  
32 section.

33 [(10)] (15) The university shall provide technical assistance to representatives of state and local  
34 government, and to landowners, that use the map.

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

37 (a) **Direct resources for wildfire hazard reduction and wildfire resiliency to those most**  
38 **in need; and**

39 (b) **Assist with identifying communities for extensive, targeted engagement and outreach**  
40 **related to wildfire hazard reduction and wildfire resiliency.**

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

43 (a) **In partnership with community leaders and community-based organizations;**

44 (b) **By using different media;**

45 (c) **By disseminating information through local schools, stores, faith-based organizations**

1 **and medical offices; and**

2 **(d) By offering all information in the languages spoken in the relevant community, as**  
3 **practicable.**

4  
5 **CLASSES OF WILDLAND-URBAN INTERFACE**

6  
7 **SECTION 2.** ORS 477.027 is amended to read:

8 477.027. (1) By rule, considering national best practices, the State Board of Forestry shall es-  
9 tablish:

10 (a) A definition of “wildland-urban interface.”

11 (b) Criteria by which the wildland-urban interface must be identified and classified.

12 (2) The criteria:

13 (a) Must recognize differences across the state in fire hazard, fire risk and structural charac-  
14 teristics within the wildland-urban interface.

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

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

17 (4) The classes must be integrated into the comprehensive statewide map described in ORS  
18 477.490.

19  
20 **FINANCIAL ASSISTANCE RELATED TO DEFENSIBLE SPACE**

21  
22 **SECTION 3.** ORS 476.392 is amended to read:

23 476.392. (1) The State Fire Marshal shall establish minimum defensible space requirements for  
24 wildfire risk reduction on lands in areas identified on the [*statewide map of wildfire risk*] **statewide**  
25 **wildfire hazard map** described in ORS 477.490 as within the wildland-urban interface.

26 (2) The State Fire Marshal:

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

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

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

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

36 (e) Shall enforce the requirements that are applicable to lands within the jurisdiction of a local  
37 government.

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

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

41 (h) Shall consult on implementation of the requirements.

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

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

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

2 (a) Administer, consult on and enforce the requirements established by the State Fire Marshal,  
3 within the jurisdiction of the local government. A local government that administers or enforces the  
4 requirements established by the State Fire Marshal shall periodically report to the State Fire Mar-  
5 shal regarding compliance with the requirements, including the extent of compliance for each prop-  
6 erty within the jurisdiction of the local government, any change in the degree of compliance since  
7 the last report and any other information required by the State Fire Marshal by rule.

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

12 (c) Designate local fire districts, fire departments or fire agencies to enforce the requirements  
13 established by the State Fire Marshal or the local government pursuant to paragraph (b) of this  
14 subsection. A local government that designates enforcement must comply with the reporting re-  
15 quirements in paragraph (a) of this subsection.

16 (5) The State Fire Marshal shall administer a community risk reduction program that empha-  
17 sizes education and methods of prevention with respect to wildfire risk, enforcement of defensible  
18 space requirements, response planning and community preparedness for wildfires.

19 (6) The State Fire Marshal may provide financial, administrative, technical or other assistance  
20 to a local government to facilitate the administration and enforcement of requirements within the  
21 jurisdiction of the local government. A local government shall expend financial assistance provided  
22 by the State Fire Marshal under this subsection to give priority to the creation of defensible space:

23 (a) On lands [owned by] **on which** members of socially and economically vulnerable communities,  
24 persons with limited proficiency in English and persons of lower income, as defined in ORS  
25 456.055, **reside**.

26 (b) For critical or emergency infrastructure.

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

28  
29 **LANDSCAPE RESILIENCY FUND**

30  
31 **SECTION 4. The Landscape Resiliency Fund is established in the State Treasury, sepa-**  
32 **rate and distinct from the General Fund. Interest earned by the Landscape Resiliency Fund**  
33 **shall be credited to the fund. The fund shall consist of all moneys placed in the fund as**  
34 **provided by law and any gifts, grants, donations, endowments or bequests from any public**  
35 **or private source. Moneys in the fund are continuously appropriated to the State Forestry**  
36 **Department for landscape resilience projects and implementing ORS 477.503.**

37  
38 **COMMUNITY RISK REDUCTION FUND**

39  
40 **SECTION 5. ORS 476.396 is amended to read:**

41 476.396. The Community Risk Reduction Fund is established in the State Treasury, separate and  
42 distinct from the General Fund. Interest earned by the Community Risk Reduction Fund shall be  
43 credited to the fund. **The fund shall consist of all moneys placed in the fund as provided by law**  
44 **and any gifts, grants, donations, endowments or bequests from any public or private source,**  
45 **including individuals and private organizations.** Moneys in the fund are continuously appropri-

1 ated to the State Fire Marshal for the purpose of carrying out community risk reduction and the  
2 local government financial assistance described in ORS 476.392.

3  
4 **CLEANER AIR SPACES**

5  
6 **SECTION 6.** ORS 431A.410, as amended by sections 30 and 30a, chapter 86, Oregon Laws 2022,  
7 is amended to read:

8 431A.410. (1) As used in this section:

9 (a) “Public education provider” has the meaning given that term in ORS 326.545.

10 (b) “Smoke filtration system” means an air filtration system capable of removing particulates  
11 and other harmful components of wildfire smoke in a public building.

12 (2) In consultation and coordination with the Oregon Health Authority, the Department of Hu-  
13 man Services shall establish and implement a grant program that allows local governments, public  
14 education providers, [and] federally recognized Indian tribes in Oregon, **nonprofits and faith-based**  
15 **organizations** to:

16 (a) Establish emergency spaces that provide cleaner air, warming or cooling.

17 (b) Equip [public] buildings with:

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

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

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

23 (4) Warming or cooling spaces or facilities receiving grants under this section shall notify the  
24 2-1-1 system provided for in ORS 403.400 to 403.430, regarding the space’s location and capacity and  
25 shall keep the corporation updated with the space’s hours and dates of operation.

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

28 431A.412. (1) As used in this section[,]:

29 (a) “Public education provider” has the meaning given that term in ORS 326.545.

30 (b) **“Support” includes, but is not limited to, providing technical expertise, equipment,**  
31 **staff assistance, training and general assistance.**

32 (2) The Department of Human Services is the lead state agency for [operating] **supporting op-**  
33 **erations for** spaces that provide cleaner air, warming or cooling. The department shall:

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

36 (b) Coordinate with the authority in setting priorities for awarding grants described in ORS  
37 431A.410.

38 (c) Provide support to the local agencies, public education providers, [and] federally recognized  
39 Indian tribes in Oregon, **nonprofits and faith-based organizations** that take lead roles in operat-  
40 ing and planning spaces that provide cleaner air, warming or cooling.

41  
42 **WILDFIRE PROGRAMS ADVISORY COUNCIL**

43  
44 **SECTION 8.** ORS 476.690 is amended to read:

45 476.690. (1) As used in this section, “defensible space” has the meaning given that term in ORS

1 476.390.

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

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

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

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

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

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

16 (f) Assessing the application of defensible space requirements to vineyards, crops and other  
17 cultivated vegetation.

18 (g) Reviewing Department of Land Conservation and Development findings and recommendations  
19 in the report required by section 11, chapter 592, Oregon Laws 2021, and making additional recom-  
20 mendations related to potential updates to the statewide land use planning program, local compre-  
21 hensive plans and zoning codes to incorporate wildfire [*risk*] **hazard** maps and minimize wildfire  
22 [*risk*] **hazards** to people, public and private property, businesses, infrastructure and natural re-  
23 sources.

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

26 (4) The President of the Senate and Speaker of the House of Representatives shall jointly ap-  
27 point 19 members to the council as follows:

28 (a) One member who represents county government.

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

31 (c) One member who represents city government.

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

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

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

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

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

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

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

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

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

5 (m) One member who represents a utility company.

6 (n) One member who represents environmental interests.

7 (o) One member who represents forest resiliency interests.

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

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

11 (r) One member who represents public health professionals.

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

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

15 (6) At least [30] **seven** days before appointing a member, the presiding officers shall consult in  
16 good faith with the minority leaders of the Senate and House of Representatives on the appointment.

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

18 (8) The members are eligible for reappointment.

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

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

22 (11) The Department of Consumer and Business Services, Department of Land Conservation and  
23 Development, [office] **Department** of the State Fire Marshal and State Forestry Department shall  
24 each provide 15 percent of the 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 person to serve as staff  
30 for the council.

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

35  
36 **WILDFIRE HOME PREPAREDNESS PROGRAM**

37  
38 **SECTION 9. (1) In collaboration with the Department of Consumer and Business Ser-**  
39 **vices, the Department of the State Fire Marshal shall establish and implement a grant pro-**  
40 **gram to facilitate retrofitting of existing dwellings and accessory structures, as well as the**  
41 **building of new dwellings, and of new accessory structures, following a wildfire event, to be**  
42 **resistant and resilient to wildfire.**

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

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

45 **(a) Publish a list of eligible retrofits and materials that reduce the vulnerability of**



1 structures to wildfire and flying embers, as identified in section R327 of the Oregon Resi-  
2 dential Specialty Code.

3 (b) Determine the relative cost-effectiveness of the retrofits and materials.

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

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

8 (a) Benefit persons who live in extreme or high wildfire hazard zones, as identified pur-  
9 suant to ORS 477.490.

10 (b) Benefit persons in socially and economically vulnerable communities, as identified  
11 pursuant to ORS 477.490 (9)(d).

12 (c) Benefit low-income persons who have demonstrated financial need.

13 (d) Benefit persons whose homes have been destroyed or significantly damaged by a de-  
14 clared wildfire event.

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

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

17 (6) The Department of the State Fire Marshal may adopt rules, in consultation with the  
18 Department of Consumer and Business Services, other relevant state agencies, local gov-  
19 ernments, nonprofits and the Wildfire Programs Advisory Council, as needed to implement  
20 this section.

21 (7) Entities or persons receiving or administering grants awarded under this section shall  
22 report on the use of the grant moneys to the office.

23  
24 **CONFORMING AMENDMENTS**

25  
26 **SECTION 10.** ORS 215.495, as amended by section 5, chapter 85, Oregon Laws 2022, is amended  
27 to read:

28 215.495. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 **described in section 9 of this 2023 Act.**

2

3

**CAPTIONS**

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5 **SECTION 15. The unit captions used in this 2023 Act are provided for the convenience**  
6 **of the reader and do not become part of the statutory law of this state or express any leg-**  
7 **islative intent in the enactment of this 2023 Act.**

8

9

**EFFECTIVE DATE**

10

11 **SECTION 16. This 2023 Act being necessary for the immediate preservation of the public**  
12 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
13 **on July 1, 2023.**

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