

Requested by SENATE COMMITTEE ON NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 80
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, line 3, delete “section” and
2 insert “sections 11 and”.

3 On page 2, line 7, delete “four” and insert “three”.

4 In line 8, delete “extreme,”.

5 In line 19, delete “an extreme or” and insert “the”.

6 In line 21, delete “an extreme or” and insert “the”.

7 In line 22, delete “extreme or”.

8 In line 35, delete “extreme or” and insert “the” and delete “zones” and
9 insert “zone”.

10 On page 4, line 5, delete “CLASSES OF” and after “INTERFACE” insert
11 “CRITERIA”.

12 Delete lines 7 through 18 and insert:

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

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

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

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

19 “(2) The criteria:

20 “(a) Must recognize differences across the state in fire hazard, fire risk

1 and structural characteristics within the wildland-urban interface.

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

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

6 “[*(4) The classes*] must be integrated into the comprehensive statewide
7 map described in ORS 477.490.”.

8 In line 45, delete “extreme or high risk” and insert “being in the high
9 wildfire hazard zone”.

10 On page 9, line 8, delete “extreme or” and insert “the” and delete
11 “zones” and insert “zone”.

12 Delete lines 26 through 45.

13 On page 10, delete lines 1 through 44 and insert:

14 “**SECTION 10.** ORS 215.495, as amended by section 5, chapter 85, Oregon
15 Laws 2022, and section 1, chapter 76, Oregon Laws 2023 (Enrolled Senate Bill
16 644), is amended to read:

17 “215.495. (1) As used in this section:

18 “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS
19 215.501.

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

22 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS
23 215.501.

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

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

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

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

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

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

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

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

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

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

17 “(j) The lot or parcel is served by a fire protection service provider with
18 professionals who have received training or certification described in ORS
19 181A.410;

20 “(k) If the lot or parcel is in an area identified on the [*statewide map of*
21 *wildfire risk*] **statewide wildfire hazard map** described in ORS 477.490 as
22 within the wildland-urban interface, the lot or parcel and accessory dwelling
23 unit comply with any applicable minimum defensible space requirements for
24 wildfire risk reduction established by the State Fire Marshal under ORS
25 476.392 and any applicable local requirements for defensible space established
26 by a local government pursuant to ORS 476.392;

27 “(L) The accessory dwelling unit complies with the construction pro-
28 visions of section R327 of the Oregon Residential Specialty Code, if:

29 “(A) The lot or parcel is in an area identified as [*extreme or high wildfire*
30 *risk*] **a high wildfire hazard zone** on the [*statewide map of wildfire risk*]

1 **statewide wildfire hazard map** described in ORS 477.490; or

2 “(B) No [*statewide map of wildfire risk*] **statewide wildfire hazard map**
3 has been adopted; and

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

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

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

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

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

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

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

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

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

1 partment.

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

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

11 On page 11, line 7, delete “extreme and” and insert “the” and delete
12 “zones” and insert “zone”.

13 In line 8, delete “are” and insert “is”.

14 In line 30, delete “extreme or” and insert “the”.

15 In line 31, delete “zones” and insert “zone”.

16 After line 39, insert:

17 **“SECTION 14.** Section 11, chapter 592, Oregon Laws 2021, as amended
18 by section 4, chapter 85, Oregon Laws 2022, is amended to read:

19 **“Sec. 11.** (1) As used in this section, ‘defensible space’ has the meaning
20 given that term in ORS 476.390.

21 “(2) The Department of Land Conservation and Development shall identify
22 recommended changes to the statewide land use planning program and local
23 comprehensive plans and zoning codes that are needed in order to incorpo-
24 rate wildfire [*risk*] **hazard** maps and minimize wildfire risk, including the
25 appropriate levels of state and local resources necessary for effective imple-
26 mentation.

27 “(3) Recommended changes may include, but need not be limited to, pro-
28 visions regarding sufficient defensible space, building codes, safe evacuation
29 and development considerations in areas of [*extreme and*] high wildfire risk,
30 allowing for regional differences.

1 “(4) On or before October 1, 2022, the department shall report to a com-
2 mittee or interim committee of the Legislative Assembly related to wildfire,
3 in the manner provided in ORS 192.245, to the State Wildfire Programs Di-
4 rector and to the Wildfire Programs Advisory Council on the changes re-
5 commended by the department.

6 “(5) As necessary to identify recommended changes, the department may
7 consult with the State Fire Marshal, the State Forestry Department, the
8 Department of Consumer and Business Services and local governments.”.

9 In line 41, delete “APPROPRIATION” and insert “APPROPRIATIONS”.

10 In line 43, delete “14” and insert “15”.

11 In line 45, after “\$10,000,000,” insert “for deposit in the Community Risk
12 Reduction Fund established by ORS 476.396,”.

13 On page 12, after line 1, insert:

14 **“SECTION 16. In addition to and not in lieu of any other appropri-
15 ation, there is appropriated to the State Forestry Department, for the
16 biennium beginning July 1, 2023, out of the General Fund, the amount
17 of \$15,000,000, which may be expended for the purpose of offsetting
18 potential increases in landowner forest patrol assessments under ORS
19 477.270 due to implementation of the provisions of section 30a, chapter
20 592, Oregon Laws 2021.”.**

21 On page 13, line 5, delete “15” and insert “17”.

22 In line 11, delete “16” and insert “18”.

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