

SB 83-5
(LC 3373)
3/24/25 (DJ/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**PROPOSED AMENDMENTS TO
SENATE BILL 83**

On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 through 6 and insert “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.”.

Delete lines 8 through 25 and delete pages 2 through 5 and insert:

“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476.390, 476.394, 477.027, 477.161 and 477.490 and sections 12a, 12b and 29, chapter 592, Oregon Laws 2021, are repealed.

“(2) Section 12d, chapter 592, Oregon Laws 2021, as amended by section 10, chapter 611, Oregon Laws 2023, is repealed.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

1 *the statewide wildfire hazard map described in ORS 477.490 as within the*
2 *wildland-urban interface.]*

3 *“(2) The State Fire Marshal:]*

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

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

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

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

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

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

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

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

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

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

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

30 *“(a) Administer, consult on and enforce the requirements established by the*

1 *State Fire Marshal, within the jurisdiction of the local government. A local*
2 *government that administers or enforces the requirements established by the*
3 *State Fire Marshal shall periodically report to the State Fire Marshal re-*
4 *garding compliance with the requirements, including the extent of compliance*
5 *for each property within the jurisdiction of the local government, any change*
6 *in the degree of compliance since the last report and any other information*
7 *required by the State Fire Marshal by rule.]*

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

14 *“(c) Designate local fire districts, fire departments or fire agencies to en-*
15 *force the requirements established by the State Fire Marshal or the local gov-*
16 *ernment pursuant to paragraph (b) of this subsection. A local government that*
17 *designates enforcement must comply with the reporting requirements in para-*
18 *graph (a) of this subsection.]*

19 *“(5) (1) The State Fire Marshal shall administer a community risk re-*
20 *duction program that emphasizes education and methods of prevention with*
21 *respect to:*

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

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

24 *“(c) Response planning; and*

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

26 *“(2) **The State Fire Marshal, in establishing or revising a model***
27 ***code:***

28 *“(a) **Shall establish standards that are consistent with and do not***
29 ***exceed the standards pertaining only to defensible space that are set***
30 ***forth in the International Wildland-Urban Interface Code published by***

1 the International Code Council, including the standards pertaining
2 only to defensible space that are set forth in sections 603 and 604 of
3 the code.

4 “(b) May consider best practices that are specific to Oregon in order
5 to establish the standards.

6 “(c) May, in consultation with the Oregon Fire Code Advisory
7 Board, periodically reexamine the standards set forth in the Interna-
8 tional Wildland-Urban Interface Code and best practices, and may up-
9 date the standards to reflect current best practices.

10 “(3) The State Fire Marshal may not require a local government to
11 adopt the model code described in subsection (2) of this section.

12 “[6] (4) As part of the program, the State Fire Marshal may provide
13 financial, administrative, technical or other assistance to a local government
14 to facilitate the *[administration and enforcement of requirements within the*
15 *jurisdiction of the local government]* **creation of defensible space.**

16 “(5) A local government shall expend financial assistance provided by the
17 State Fire Marshal under *[this]* subsection (4) **of this section** to give pri-
18 ority to the creation of defensible space:

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

22 “(b) For critical or emergency infrastructure.

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

24 25 “WILDLAND-URBAN INTERFACE

26
27 “**SECTION 3.** ORS 477.015 is amended to read:

28 “477.015. As used in this section and ORS 477.025 *[and 477.027]*,
29 ‘wildland-urban interface’ *[has the meaning given that term in rule by the*
30 *State Board of Forestry]* **means a geographic area in which there is a**

1 **concentration of dwellings in an urban or suburban setting near**
2 **wildland.**

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

4 **“477.503. (1)[(a)] As used in this section, ‘wildland-urban interface’**
5 **has the meaning given that term in ORS 477.015.**

6 **“(2)** The State Forestry Department shall design and implement a pro-
7 gram to reduce wildfire risk through the restoration of landscape resiliency
8 and the reduction of hazardous fuel on public or private forestlands and
9 rangelands and in communities near homes and critical infrastructure.

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

13 **“(c)** When developing program and project selection criteria, the depart-
14 ment shall, to the extent practicable, consult and cooperate with state and
15 federal agencies, counties, cities and other units of local government, feder-
16 ally recognized Indian tribes in this state, public and private forestland and
17 rangeland owners, forest and rangeland collaboratives and other relevant
18 community organizations and ensure consistency with the priorities de-
19 scribed in subsection [(3)] **(4)** of this section.

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

25 **“[(3)] (4)** In selecting and administering projects, the department shall:

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

29 **“(A)** On lands in the four highest eNVC risk classes identified in the
30 United States Forest Service report titled ‘Pacific Northwest Quantitative

Wildfire Risk Assessment: Methods and Results’ and dated April 9, 2018;

“(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[,] **and** property **within 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

1 stakeholders holding a wide variety of perspectives regarding forest and
2 rangeland management and opportunities for significant involvement by
3 communities in proximity to project sites.

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

6 “[4)] (5) A project under this section may not include commercial
7 thinning on:

8 “(a) Inventoried roadless areas;

9 “(b) Riparian reserves identified in the Northwest Forest Plan or in fed-
10 eral Bureau of Land Management resource management plans;

11 “(c) Late successional reserves, except to the extent consistent with the
12 2011 United States Fish and Wildlife Service Revised Recovery Plan for the
13 Northern Spotted Owl (*Strix occidentalis caurina*);

14 “(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L.
15 90-542), national recreation areas, national monuments or areas protected
16 under ORS 390.805 to 390.925;

17 “(e) Designated critical habitat for species listed as threatened or endan-
18 gered under the Endangered Species Act of 1973 (P.L. 93-205) or by the State
19 Fish and Wildlife Commission under ORS 496.172, unless commercial
20 thinning is already allowed under an existing environmental review or re-
21 cognized habitat recovery plan; or

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

24 “[5)] (6) The department shall give public notice, and allow reasonable
25 opportunity for public input, when identifying and selecting landscapes under
26 this section.

27
28 **“WILDFIRE PROGRAMS ADVISORY COUNCIL**

29
30 **“SECTION 5.** ORS 476.690 is amended to read:

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

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

7 “(b) ‘Wildland-urban interface’ has the meaning given that term in
8 **ORS 477.015.**

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

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

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

18 “(c) Strengthening intergovernmental and multiparty collaboration and
19 enhancing collaboration between governments and stakeholders on an ongo-
20 ing basis.

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

23 “[e] *Assessing ways the statewide wildfire hazard map described in ORS*
24 *477.490 may inform development of building codes and land use laws, rules*
25 *and decisions, in a regionally appropriate manner.]*

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

28 “[g] (e) Reviewing Department of Land Conservation and Development
29 findings and recommendations in the report required by section 11, chapter
30 592, Oregon Laws 2021, and making additional recommendations related to

1 potential updates to the statewide land use planning program, local compre-
2 hensive plans and zoning codes to incorporate wildfire hazard maps and
3 minimize wildfire hazards to people, public and private property, businesses,
4 infrastructure and natural resources.

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

8 “(4) The President of the Senate and Speaker of the House of Represen-
9 tatives shall jointly appoint [19] **21** members to the council as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(5) **The council shall be geographically diverse, with represen-**
17 **tatives from across this state.**

18 “[5] (6) The presiding officers shall provide public notice of an oppor-
19 tunity for interested parties to submit names of interest for appointment to
20 the council.

21 “[6] (7) At least seven days before appointing a member, the presiding
22 officers shall consult in good faith with the minority leaders of the Senate
23 and House of Representatives on the appointment.

24 “[7] (8) The term of service for each member is four years.

25 “[8] (9) The members are eligible for reappointment.

26 “[9] (10) The council shall elect a chairperson and vice chairperson to
27 serve for one-year terms.

28 “[10] (11) The members shall serve on the council as volunteers and are
29 not entitled to reimbursement for expenses.

30 “[11] (12) The Department of Consumer and Business Services, Depart-

ment 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 and shall make the code standards available for optional local adoption.

“(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

1 of new buildings.

2
3 **“VOIDING ASSIGNMENTS OF PROPERTY TO WILDFIRE HAZARD**
4 **ZONES**

5
6 **“SECTION 8. (1) As used in this section, ‘order’ has the meaning**
7 **given that term in ORS 183.310.**

8 **“(2) An order issued by the State Forestry Department under ORS**
9 **477.490 (2023 Edition) that assigns property to a wildfire hazard zone**
10 **is null and void.**

11
12 **“REPORTING AND ADMINISTRATION**

13
14 **“SECTION 9. ORS 476.687 is amended to read:**

15 **“476.687. (1) The Governor shall appoint a State Wildfire Programs Di-**
16 **rector to serve at the pleasure of the Governor.**

17 **“(2) The duties of the director shall include:**

18 **“(a) Overseeing implementation of requirements and authorization pro-**
19 **vided by chapter 592, Oregon Laws 2021.**

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

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

25 **“(d) Monitoring and assessing any financial impacts of the activities on**
26 **local jurisdictions and the equity of those financial impacts among the ju-**
27 **risdictions.**

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

29 **“(f) Reporting at least every [60] 90 days to the Governor, the President**
30 **of the Senate, the Speaker of the House of Representatives and the chairs**

1 of relevant committees and interim committees of the Legislative Assembly
2 to summarize progress on implementing the activities, note obstacles and
3 opportunities and catalog possibilities for future improvements to further
4 reduce wildfire risk in this state.

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

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

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

13 “(C) Congressional delegations and federal agencies to expand opportu-
14 nities for cost-share partnerships for wildfire mitigation and develop strate-
15 gies for improvements to federal fire management policies.

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

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

19 “476.696. (1) As used in this section:

20 “(a) ‘Eligible organization’ includes Oregon-based nonprofit youth devel-
21 opment organizations, federally recognized Indian tribes in this state,
22 nonprofit associations engaged in workforce development and public entities
23 that provide programs of job training, skill development and forest-related
24 or rangeland-related career path training.

25 “(b) ‘Tribe’ means a federally recognized Indian tribe in Oregon.

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

30 “(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

1 for carrying out ORS 476.392 to a committee or interim committee of the
2 Legislative Assembly related to wildfire, in the manner provided in ORS
3 192.245, to the State Wildfire Programs Director and to the Wildfire Pro-
4 grams Advisory Council[:].

5 “[(a) *On or before the date of convening of the regular session of the Leg-*
6 *islative Assembly as specified in ORS 171.010.*]

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

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

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

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

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

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

22 “**SECTION 12. (1) The State Forestry Department shall annually**
23 **report regarding the wildfire risk reduction program and the imple-**
24 **mentation of a 20-year landscape resiliency plan to a committee or**
25 **interim committee of the Legislative Assembly related to wildfire is-**
26 **sues, in the manner provided in ORS 192.245, to the State Wildfire**
27 **Programs Director and to the Wildfire Programs Advisory Council.**

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

29 “(a) A status report on the implementation of the 20-year landscape
30 resiliency plan and wildfire risk reduction efforts, including prescribed

1 fire activities;

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

5 “(c) Any department recommendations for legislative action, in-
6 cluding but not limited to current or future resource and funding
7 needs for the wildfire risk reduction program.

8 “(3) As used in this section:

9 “(a) ‘20-year landscape resiliency plan’ means the strategic plan
10 described in ORS 477.503 (2).

11 “(b) ‘Wildfire risk reduction program’ means the program the de-
12 partment designed and is implementing under ORS 477.503.

13 **“SECTION 13. (1) The Department of Environmental Quality shall**
14 **annually report regarding community smoke response plans and the**
15 **wildfire smoke monitoring program to a committee or interim com-**
16 **mittee of the Legislative Assembly related to wildfire issues, in the**
17 **manner provided in ORS 192.245, to the State Wildfire Programs Di-**
18 **rector and to the Wildfire Programs Advisory Council.**

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

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

25 “(b) The amount of moneys expended during the prior 12 months
26 for wildfire and prescribed fire smoke monitoring, along with amounts
27 expended for community smoke response plan development and im-
28 plementation; and

29 “(c) Any recommendations of the Department of Environmental
30 Quality for legislative action, including but not limited to current or

1 future resource or funding needs for the wildfire smoke monitoring
2 program.

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

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

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

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

18 “(b) A summary of the best practice workshops for wildfire miti-
19 gation practices described in ORS 757.960 that the commission con-
20 vened in the prior 12 months;

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

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

27 “(e) Any commission recommendations for legislative action, in-
28 cluding but not limited to current or future resource and funding
29 needs for reducing wildfire risk in order to ensure safe and reliable
30 power.

1 **“CONFORMING AMENDMENTS**

2
3 **“SECTION 15.** ORS 105.464 is amended to read:

4 “105.464. A seller’s property disclosure statement must be in substantially
5 the following form:

6 “ _____

7
8 If required under ORS 105.465, a seller shall deliver in substantially the fol-
9 lowing form the seller’s property disclosure statement to each buyer who
10 makes a written offer to purchase real property in this state:

11 _____

12 **INSTRUCTIONS TO THE SELLER**

13
14 Please complete the following form. Do not leave any spaces blank. Please
15 refer to the line number(s) of the question(s) when you provide your
16 explanation(s). If you are not claiming an exclusion or refusing to provide
17 the form under ORS 105.475 (4), you should date and sign each page of this
18 disclosure statement and each attachment.

19
20 Each seller of residential property described in ORS 105.465 must deliver this
21 form to each buyer who makes a written offer to purchase. Under ORS
22 105.475 (4), refusal to provide this form gives the buyer the right to revoke
23 their offer at any time prior to closing the transaction. Use only the
24 section(s) of the form that apply to the transaction for which the form is
25 used. If you are claiming an exclusion under ORS 105.470, fill out only Sec-
26 tion 1.

27
28 An exclusion may be claimed only if the seller qualifies for the exclusion
29 under the law. If not excluded, the seller must disclose the condition of the
30 property or the buyer may revoke their offer to purchase anytime prior to

1 closing the transaction. Questions regarding the legal consequences of the
2 seller's choice should be directed to a qualified attorney.

3 _____
4 (DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN
5 EXCLUSION UNDER ORS 105.470)

6
7 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

8
9 You may claim an exclusion under ORS 105.470 only if you qualify under the
10 statute. If you are not claiming an exclusion, you must fill out Section 2 of
11 this form completely.

12
13 Initial only the exclusion you wish to claim.

14
15 _____ This is the first sale of a dwelling never occupied. The dwelling is
16 constructed or installed under building or installation permit(s) #_____, is-
17 sued by _____.

18
19 _____ This sale is by a financial institution that acquired the property as
20 custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

21
22 _____ The seller is a court appointed receiver, personal representative,
23 trustee, conservator or guardian.

24
25 _____ This sale or transfer is by a governmental agency.

26
27 _____
28 Signature(s) of Seller claiming exclusion

29 Date _____
30

1 _____
2 Buyer(s) to acknowledge Seller's claim

3 Date _____
4 _____

5
6 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST
7 FILL OUT THIS SECTION.)

8
9 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

10
11 (NOT A WARRANTY)

12 (ORS 105.464)

13
14 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE
15 MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE
16 PROPERTY LOCATED AT _____ ("THE PROPERTY").

17
18 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE
19 SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE
20 PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS
21 FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE
22 STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S
23 SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE
24 SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT,
25 UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING
26 INTO A SALE AGREEMENT.

27
28 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC
29 CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND
30 PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT

1 THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE,
2 ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS,
3 PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPEC-
4 TORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR
5 PEST AND DRY ROT INSPECTORS.

6
7 Seller _____ is/ _____ is not occupying the property.

8
9 I. SELLER'S REPRESENTATIONS:

10
11 The following are representations made by the seller and are not the re-
12 presentations of any financial institution that may have made or may make
13 a loan pertaining to the property, or that may have or take a security in-
14 terest in the property, or any real estate licensee engaged by the seller or
15 the buyer.

16
17 *If you mark yes on items with *, attach a copy or explain on an attached
18 sheet.

19
20 1. TITLE

21 A. Do you have legal authority to sell the property? []Yes []No []Unknown

22 *B. Is title to the property subject to any of the

23 following: []Yes []No []Unknown

24 (1) First right of refusal

25 (2) Option

26 (3) Lease or rental agreement

27 (4) Other listing

28 (5) Life estate?

29 *C. Is the property being transferred an

30 unlawfully established unit of land? []Yes []No []Unknown

1 *D. Are there any encroachments, boundary
2 agreements, boundary disputes or recent
3 boundary changes? []Yes []No []Unknown

4 *E. Are there any rights of way, easements,
5 licenses, access limitations or claims that
6 may affect your interest in the property? []Yes []No []Unknown

7 *F. Are there any agreements for joint
8 maintenance of an easement or right of way? []Yes []No []Unknown

9 *G. Are there any governmental studies, designations,
10 zoning overlays, surveys or notices that would
11 affect the property? []Yes []No []Unknown

12 *H. Are there any pending or existing governmental
13 assessments against the property? []Yes []No []Unknown

14 *I. Are there any zoning violations or
15 nonconforming uses? []Yes []No []Unknown

16 *J. Is there a boundary survey for the
17 property? []Yes []No []Unknown

18 *K. Are there any covenants, conditions,
19 restrictions or private assessments that
20 affect the property? []Yes []No []Unknown

21 *L. Is the property subject to any special tax
22 assessment or tax treatment that may result
23 in levy of additional taxes if the property
24 is sold? []Yes []No []Unknown

25

26 2. WATER

27 A. Household water

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

29 []Public []Community []Private

30 []Other _____

1 (2) Water source information:

2 *a. Does the water source require a water permit? []Yes []No []Unknown

3 If yes, do you have a permit? []Yes []No

4 b. Is the water source located on the property? []Yes []No []Unknown

5 *If not, are there any written agreements for

6 a shared water source? []Yes []No []Unknown []NA

7 *c. Is there an easement (recorded or unrecorded)

8 for your access to or maintenance of the water

9 source? []Yes []No []Unknown

10 d. If the source of water is from a well or spring,

11 have you had any of the following in the past

12 12 months? []Flow test []Bacteria test

13 []Chemical contents test []Yes []No []Unknown []NA

14 *e. Are there any water source plumbing problems

15 or needed repairs? []Yes []No []Unknown

16 (3) Are there any water treatment systems for

17 the property? []Yes []No []Unknown

18 []Leased []Owned

19 B. Irrigation

20 (1) Are there any [] water rights or [] other

21 irrigation rights for the property? []Yes []No []Unknown

22 *(2) If any exist, has the irrigation water been

23 used during the last five-year period? []Yes []No []Unknown []NA

24 *(3) Is there a water rights certificate or other

25 written evidence available? []Yes []No []Unknown []NA

26 C. Outdoor sprinkler system

27 (1) Is there an outdoor sprinkler system for the

28 property? []Yes []No []Unknown

29 (2) Has a back flow valve been installed? []Yes []No []Unknown []NA

30 (3) Is the outdoor sprinkler system operable? []Yes []No []Unknown []NA

1 3. SEWAGE SYSTEM

2 A. Is the property connected to a public or

3 community sewage system? []Yes []No []Unknown

4 B. Are there any new public or community sewage

5 systems proposed for the property? []Yes []No []Unknown

6 C. Is the property connected to an on-site septic

7 system? []Yes []No []Unknown

8 (1) If yes, when was the system installed? _____ []Unknown []NA

9 (2) *If yes, was the system installed by permit? []Yes []No []Unknown []NA

10 (3) *Has the system been repaired or altered? []Yes []No []Unknown

11 (4) *Has the condition of the system been

12 evaluated and a report issued? []Yes []No []Unknown

13 (5) Has the septic tank ever been pumped? []Yes []No []Unknown

14 If yes, when? _____ []NA

15 (6) Does the system have a pump? []Yes []No []Unknown

16 (7) Does the system have a treatment unit such

17 as a sand filter or an aerobic unit? []Yes []No []Unknown

18 (8) *Is a service contract for routine

19 maintenance required for the system? []Yes []No []Unknown

20 (9) Are all components of the system located on

21 the property? []Yes []No []Unknown

22 D. *Are there any sewage system problems or

23 needed repairs? []Yes []No []Unknown

24 E. Does your sewage system require on-site

25 pumping to another level? []Yes []No []Unknown

26

27 4. DWELLING INSULATION

28 A. Is there insulation in the:

29 (1) Ceiling? []Yes []No []Unknown

30 (2) Exterior walls? []Yes []No []Unknown

1 (3) Floors? []Yes []No []Unknown

2 B. Are there any defective insulated doors or

3 windows? []Yes []No []Unknown

4

5 5. DWELLING STRUCTURE

6 *A. Has the roof leaked? []Yes []No []Unknown

7 If yes, has it been repaired? []Yes []No []Unknown []NA

8 B. Are there any additions, conversions or

9 remodeling? []Yes []No []Unknown

10 If yes, was a building permit required? []Yes []No []Unknown []NA

11 If yes, was a building permit obtained? []Yes []No []Unknown []NA

12 If yes, was final inspection obtained? []Yes []No []Unknown []NA

13 C. Are there smoke alarms or detectors? []Yes []No []Unknown

14 D. Are there carbon monoxide alarms? []Yes []No []Unknown

15 E. Is there a woodstove or fireplace

16 insert included in the sale? []Yes []No []Unknown

17 *If yes, what is the make? _____

18 *If yes, was it installed with a permit? []Yes []No []Unknown

19 *If yes, is a certification label issued by the

20 United States Environmental Protection

21 Agency (EPA) or the Department of

22 Environmental Quality (DEQ) affixed to it? []Yes []No []Unknown

23 *F. Has pest and dry rot, structural or

24 “whole house” inspection been done

25 within the last three years? []Yes []No []Unknown

26 *G. Are there any moisture problems, areas of water

27 penetration, mildew odors or other moisture

28 conditions (especially in the basement)? []Yes []No []Unknown

29 *If yes, explain on attached sheet the frequency

30 and extent of problem and any insurance claims,

1 repairs or remediation done.

2 H. Is there a sump pump on the property? []Yes []No []Unknown

3 I. Are there any materials used in the

4 construction of the structure that are or

5 have been the subject of a recall, class

6 action suit, settlement or litigation? []Yes []No []Unknown

7 If yes, what are the materials? _____

8 (1) Are there problems with the materials? []Yes []No []Unknown []NA

9 (2) Are the materials covered by a warranty? []Yes []No []Unknown []NA

10 (3) Have the materials been inspected? []Yes []No []Unknown []NA

11 (4) Have there ever been claims filed for these

12 materials by you or by previous owners? []Yes []No []Unknown []NA

13 If yes, when? _____

14 (5) Was money received? []Yes []No []Unknown []NA

15 (6) Were any of the materials repaired or

16 replaced? []Yes []No []Unknown []NA

17

18 6. DWELLING SYSTEMS AND FIXTURES

19 If the following systems or fixtures are included

20 in the purchase price, are they in good working

21 order on the date this form is signed?

22 A. Electrical system, including wiring, switches,

23 outlets and service []Yes []No []Unknown

24 B. Plumbing system, including pipes, faucets,

25 fixtures and toilets []Yes []No []Unknown

26 C. Water heater tank []Yes []No []Unknown

27 D. Garbage disposal []Yes []No []Unknown []NA

28 E. Built-in range and oven []Yes []No []Unknown []NA

29 F. Built-in dishwasher []Yes []No []Unknown []NA

30 G. Sump pump []Yes []No []Unknown []NA

1 H. Heating and cooling systems []Yes []No []Unknown []NA
2 I. Security system []Owned []Leased []Yes []No []Unknown []NA
3 J. Are there any materials or products used in
4 the systems and fixtures that are or have
5 been the subject of a recall, class action
6 suit settlement or litigation? []Yes []No []Unknown
7 If yes, what product? _____
8 (1) Are there problems with the product? []Yes []No []Unknown
9 (2) Is the product covered by a warranty? []Yes []No []Unknown
10 (3) Has the product been inspected? []Yes []No []Unknown
11 (4) Have claims been filed for this product
12 by you or by previous owners? []Yes []No []Unknown
13 If yes, when? _____
14 (5) Was money received? []Yes []No []Unknown
15 (6) Were any of the materials or products repaired
16 or replaced? []Yes []No []Unknown
17
18 7. COMMON INTEREST
19 A. Is there a Home Owners' Association
20 or other governing entity? []Yes []No []Unknown
21 Name of Association or Other Governing
22 Entity _____
23 Contact Person _____
24 Address _____
25 Phone Number _____
26 B. Regular periodic assessments: \$_____ per []Month []Year []Other _____
27
28 *C. Are there any pending or proposed special
29 assessments? []Yes []No []Unknown
30 D. Are there shared "common areas" or joint

1 maintenance agreements for facilities like
2 walls, fences, pools, tennis courts, walkways
3 or other areas co-owned in undivided interest
4 with others? []Yes []No []Unknown

5 E. Is the Home Owners' Association or other
6 governing entity a party to pending litigation
7 or subject to an unsatisfied judgment? []Yes []No []Unknown []NA

8 F. Is the property in violation of recorded
9 covenants, conditions and restrictions or in
10 violation of other bylaws or governing rules,
11 whether recorded or not? []Yes []No []Unknown []NA

12

13 8. SEISMIC

14 Was the house constructed before 1974? []Yes []No []Unknown

15 If yes, has the house been bolted to its
16 foundation? []Yes []No []Unknown

17

18 9. GENERAL

19 A. Are there problems with settling, soil,
20 standing water or drainage on the property
21 or in the immediate area? []Yes []No []Unknown

22 B. Does the property contain fill? []Yes []No []Unknown

23 C. Is there any material damage to the property or
24 any of the structure(s) from fire, wind, floods,
25 beach movements, earthquake, expansive soils
26 or landslides? []Yes []No []Unknown

27 D. Is the property in a designated floodplain? []Yes []No []Unknown

28 Note: Flood insurance may be required for
29 homes in a floodplain.

30 E. Is the property in a designated slide or

1 other geologic hazard zone? []Yes []No []Unknown

2 *F. Has any portion of the property been tested

3 or treated for asbestos, formaldehyde, radon

4 gas, lead-based paint, mold, fuel or chemical

5 storage tanks or contaminated soil or water? []Yes []No []Unknown

6 G. Are there any tanks or underground storage

7 tanks (e.g., septic, chemical, fuel, etc.)

8 on the property? []Yes []No []Unknown

9 H. Has the property ever been used as an illegal

10 drug manufacturing or distribution site? []Yes []No []Unknown

11 *If yes, was a Certificate of Fitness issued? []Yes []No []Unknown

12 [*I. *Has the property been classified as]*

13 [*wildland-urban interface?*] []Yes []No []Unknown

14

15 10. FULL DISCLOSURE BY SELLERS

16 *A. Are there any other material defects affecting

17 this property or its value that a prospective

18 buyer should know about? []Yes []No

19 *If yes, describe the defect on attached sheet and

20 explain the frequency and extent of the problem

21 and any insurance claims, repairs or remediation.

22 B. Verification:

23 The foregoing answers and attached explanations (if any) are complete and correct to

24 the best of my/our knowledge and I/we have received a copy of this disclosure statement.

25 I/we authorize my/our agents to deliver a copy of this disclosure statement to all

26 prospective buyers of the property or their agents.

27

28 Seller(s) signature:

29

30 SELLER _____ DATE _____

1 SELLER _____ DATE _____

2 _____

3

4 II. BUYER'S ACKNOWLEDGMENT

5

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

9

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

20

21 C. Buyer (which term includes all persons signing the "buyer's acknowledg-
22 ment" portion of this disclosure statement below) hereby acknowledges re-
23 ceipt of a copy of this disclosure statement (including attachments, if any)
24 bearing seller's signature(s).

25

26 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED
27 BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE
28 OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER
29 HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE
30 FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE

1 STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEP-
2 ARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE
3 SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU
4 WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE
5 AGREEMENT.

6
7 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS
8 SELLER'S PROPERTY DISCLOSURE STATEMENT.

9
10 BUYER _____ DATE _____

11
12 BUYER _____ DATE _____

13
14 Agent receiving disclosure statement on buyer's behalf to sign and date:

15
16 _____ Real Estate Licensee

17
18 _____ Real Estate Firm

19
20 Date received by agent _____

21 “ _____

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

23 “197.716. (1) As used in this section:

24 “(a) ‘Economic opportunity analysis’ means an analysis performed by a
25 county that:

26 “(A) Identifies the major categories of industrial uses or other employ-
27 ment uses that could reasonably be expected to expand or locate in the
28 county based on a review of trends on a national, state, regional or county
29 level;

30 “(B) Identifies the number of sites by type reasonably expected to be

1 needed to accommodate the expected employment growth based on the site
2 characteristics typical of expected uses;

3 “(C) Estimates the types and amounts of industrial uses and other em-
4 ployment uses likely to occur in the county based on subparagraphs (A) and
5 (B) of this paragraph and considering the county’s economic advantages and
6 disadvantages, including:

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

8 “(ii) Availability of transportation facilities for access and freight mobil-
9 ity;

10 “(iii) Public facilities and public services;

11 “(iv) Labor market factors;

12 “(v) Access to suppliers and utilities;

13 “(vi) Necessary support services;

14 “(vii) Limits on development due to federal and state environmental pro-
15 tection laws; and

16 “(viii) Educational and technical training programs;

17 “(D) Assesses community economic development potential through a pub-
18 lic process in conjunction with state agencies and consistent with any cate-
19 gories or particular types of industrial uses and other employment uses
20 desired by the community as identified in an existing comprehensive plan;

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

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

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

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

29 “(G) Identifies additional potential sites for designation and rezoning that
30 could reasonably accommodate expected industrial uses and other employ-

1 ment uses that cannot be met by existing inventories.

2 “(b) ‘Industrial use’ means industrial employment activities, including
3 manufacturing, assembly, fabrication, processing, storage, logistics, ware-
4 housing, importation, distribution and transshipment and research and de-
5 velopment.

6 “(c) ‘Listed county’ means Baker, Gilliam, Grant, Harney, Lake, Malheur,
7 Sherman, Union, Wallowa or Wheeler County.

8 “(d) ‘Other employment use’ means all nonindustrial employment activ-
9 ities, including small scale commercial use, wholesale, service, nonprofit,
10 business headquarters, administrative, governmental or employment activ-
11 ities that serve the medical, educational, social service, recreational or se-
12 curity industries and that occupy retail, office or flexible building types of
13 any size or multibuilding campuses.

14 “(e) ‘Reasonably be expected to expand or locate in the county’ means
15 that the county possesses the appropriate locational factors for the use or
16 category of use.

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

19 “(B) ‘Small scale commercial use’ does not include use of land for facto-
20 ries, warehouses, freight terminals or wholesale distribution centers.

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

30 “(a) Agriculture;

1 “(b) Forest use; or

2 “(c) Urbanization.

3 “(3) A county may not designate a site under subsection (2) of this sec-
4 tion:

5 “(a) On any lands designated as high-value farmland as defined in ORS
6 195.300;

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

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

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

12 “(B) Cooperates with the State Forester in:

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

15 “(ii) Taking necessary steps to implement or update the wildland-urban
16 interface fire protection system in and around the site [*as described in ORS*
17 *477.027*]; and

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

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

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

25 “215.291. (1) A lawfully established dwelling may be altered, restored or
26 replaced under ORS 215.213 (1)(q), 215.283 (1)(p) or 215.755 (1) if the county
27 determines that the dwelling to be altered, restored or replaced:

28 “(a) Has, or formerly had:

29 “(A) Intact exterior walls and roof structure;

30 “(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing fa-

1 cilities connected to a sanitary waste disposal system;

2 “(C) Interior wiring for interior lights; and

3 “(D) A heating system; and

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

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

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

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

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

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

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

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

20 “(b) The replacement dwelling:

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

22 “(B) Must comply with applicable siting standards. However, the stan-
23 dards may not be applied in a manner that prohibits the siting of the re-
24 placement dwelling.

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

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

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

30 “(c) As a condition of approval, if the dwelling to be replaced is located

1 on a portion of the lot or parcel that is not zoned for exclusive farm use, the
2 applicant shall execute and cause to be recorded in the deed records of the
3 county in which the property is located a deed restriction prohibiting the
4 siting of another dwelling on that portion of the lot or parcel. The re-
5 striction imposed is irrevocable unless the county planning director, or the
6 director's designee, places a statement of release in the deed records of the
7 county to the effect that the provisions of this section and either ORS
8 215.213 or 215.283 regarding replacement dwellings have changed to allow the
9 lawful siting of another dwelling.

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

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

16 “(a) The deferred replacement permit:

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

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

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

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

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

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

2 “215.495. (1) As used in this section:

3 “(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS
4 215.501.

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

7 “(c) ‘Single-family dwelling’ has the meaning given that term in ORS
8 215.501.

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

12 “(a) The lot or parcel is not located within an area designated as an ur-
13 ban reserve as defined in ORS 197A.230;

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

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

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

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

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

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

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

30 “(i) No portion of the lot or parcel is within a designated area of critical

1 state concern;

2 “(j) The lot or parcel is served by a fire protection service provider with
3 professionals who have received training or certification described in ORS
4 181A.410; **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “477.748. (1) As used in this section, ‘small forestland owner’ means an
25 individual, group, federally recognized Indian tribe in Oregon or association
26 that owns:

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

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

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

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

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

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

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

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

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

18 “[*(f)*] (e) Whether critical facilities and infrastructure may receive en-
19 hanced protection due to project outcomes.

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

21 “526.272. (1) The State Forestry Department shall:

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

1 federal forests through:

2 “(A) Increasing forest thinning.

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

4 “(C) Restoring meadowland.

5 “(D) Increasing biomass utilization.

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

7 “(b) Request that the federal agencies fund portions of the activities de-
8 scribed in paragraph (a) of this subsection.

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

13
14 **“CAPTIONS**

15
16 **“SECTION 21. The unit captions used in this 2025 Act are provided**
17 **only for the convenience of the reader and do not become part of the**
18 **statutory law of this state or express any legislative intent in the**
19 **enactment of this 2025 Act.**

20
21 **“EFFECTIVE DATE**

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