

April 11, 2023

Chair Marsh, Vice-Chairs Levy and Levy. For the record my name is Branden Pursinger, and I am the Legislative Affairs Manager for Natural Resource related issues with the Association of Oregon Counties.

In 2021 the Legislature passed Senate Bill 391 (further modified by Senate Bill 1533 in 2022), these bills allowed counties to authorize rural residential zones to construct an ADU (Auxiliary Dwelling Unit) if the lot was at least two acres in size and was served by a fire protection provider. The bill enacted in 2022 put further limitations on the dwellings by requiring them to be no more than 900 square feet of usable floor area, was located no farther than 100 feet from the single-family dwelling and complied with sanitation and wastewater laws. Counties were in support of both bills, however no rural residential ADUs have been permitted thus far.

This is because the statute also required that if the lot was located in the WUI or the Wildland-Urban Interface, as identified in the statewide map on wildfire risk created in SB 762, then additional requirements had to be met.

Essentially the issue was that Senate Bill 391 required the statewide wildfire risk map to be operational for a county to approve a rural residential ADU application permit.

When the State Forester pulled back the Wildfire Map from publication in the late summer of 2022, counties were told they needed to wait to permit based on the statutory requirements of SB 391 – an operational wildfire risk map.

Senate Bill 644 provides a much-needed fix to this issue. We did not know that the Risk Map was going to be nonoperational in 2022. We do not know when the Department is going to approve the Wildfire Map 2.0, we have heard they anticipate this happening in Fall of 2024.

This bill, as written, states that a county can approve a permit application for an ADU on rural residential lands if it is compliant with the construction provisions of R327 Building Codes if the map has not yet been approved at the time of application approval. It also states that when the map is adopted and operational, the lots must follow those R327 provisions if they are in extreme or high wildfire risk.

The Association of Oregon Counties is in full support of SB 644A, and we encourage the passage of this piece of legislation.

Branden Pursinger
Legislative Affairs Manager - Natural Resources
Association of Oregon Counties