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March 1, 2023

To: Senator Jeff Golden, Chair, and Members
Senate Committee on Natural Resources and Wildfire

From: Mary Kyle McCurdy, Deputy Director

Re: SB 644 – Rural residential ADUs and Wildfire Map

Thank you for the opportunity to testify today on SB 644. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

1000 Friends participated in both bills from the 2021 legislative session that are at play in SB 644. Senate Bill 391 allowed counties to authorize construction of accessory dwelling units (ADUs) on rural residential lands under certain conditions. Those conditions include that the ADUs will be allowed once the state adopts the map of wildfire risk, and if the lot or parcel is in the wildland urban interface (WUI), then the ADU must comply with, among other things, the “Oregon specialty code relating to wildfire hazard mitigation for the mapped area.”

Senate Bill 762, the comprehensive wildfire preparedness bill, established the requirement that the state adopt a wildfire risk map, including delineating the WUI and mapping the state into five wildfire risk categories. The Oregon Department of Forestry and Oregon State University produced that map in July 2022, but it has been withdrawn for further refinement.

Senate Bill 644 removes the reference to the state wildfire risk map from the rural residential ADU statute, so that counties would now be allowed to authorize these ADUs, pursuant to the other conditions in the statute but without waiting for the production of the wildfire map. SB 644 also removes the requirement that ADUs be built using the Oregon specialty building code relating to wildfire hazard mitigation, or the R327 code.

We understand why the bill detaches the ability of counties to authorize rural residential ADUs from the existence of the wildfire risk map, given the map’s delayed status. However, we do not support also removing the requirement that the ADUs be built to the wildfire building code, R327. It is at best unclear whether there would be any additional cost to the homeowner; rural residential areas are more remote and generally in higher wildfire risk areas; and this is where future best practices in home building in much of Oregon seems to be heading.

Therefore, we would hope that SB 644 would be amended to require that rural residential ADUs be built to the R327 code, regardless of wildfire risk exposure. When a state wildfire risk map is published, the R327 requirement could be scaled back to apply to just the highest risk areas, though we think it would still be prudent to keep the requirement for all rural residential areas.

Thank you for consideration of our comments.