



MEMORANDUM

TO: Deschutes County Planning Commission (Commission)

FROM: Kyle Collins, Associate Planner
Will Groves, Planning Manager
Ed Keith, County Forester

DATE: July 7, 2022

SUBJECT: Senate Bill 762 – Wildfire Hazard Risk Mapping and the Wildland Urban Interface

During the 2021 state legislative session, Senate Bill (SB) 762 was passed to help modernize and improve wildfire preparedness across Oregon. The legislation was developed to address wildfire issues through three key strategies: creating fire-adapted communities, developing safe and effective responses, and increasing the resiliency of Oregon’s landscapes. One of the primary pieces of SB 762 is the creation of a comprehensive State Wildfire Risk Map to guide new wildfire regulations for development. The final risk map was made available on June 30, 2022 at the following website: <https://oregonexplorer.info/tools>

I. BACKGROUND, DEFINITIONS, & IMPLEMENTATION

SB 762 required Oregon State University (OSU), the Oregon Department of Forestry (ODF), and the Oregon State Fire Marshal to develop and maintain a comprehensive statewide map of wildfire risk that includes wildland-urban interface (WUI) boundaries and fire risk classifications. The specific boundaries for the WUI were determined based on a definition established by a rule making advisory committee (RAC) composed of 26 members representing a variety of fire protection and forestry professionals, as well as various private property, forestry, and development interests throughout the state. The RAC members met four times between July 27 and August 17, 2021. Those meetings, RAC recommendations, and subsequent public hearings led to the following WUI definition being adopted by the Oregon Board of Forestry:

“Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”

More specifically, the following rules as outlined in Oregon Administrative Rule (OAR) 629-044 delineate WUI areas as part of the State Wildfire Risk Map:

- (1) A tax lot will be included in the Wildland-Urban Interface boundary if it includes either:

- (a) A minimum of one structure or other human development per 40 acres and either:
 - (A) A minimum of 50% coverage of wildland or vegetative fuels; or
 - (B) A 1.5-mile buffer from the edge of an area greater than 1 square mile of wildland or vegetative fuels into a community with a minimum of 75% cover of wildland or vegetative fuels.
 - (b) A planned development, within the urban growth boundary or unincorporated communities, that is not identified in (a) but that is approved for development that meets the criteria in (a); or
 - (c) Is an occluded geographical area with a minimum of one structure or other human development per 40-acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels.
- (2) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.

In addition to the WUI boundaries, OSU is required to assign each tax lot in the state one of five specific wildfire risk classifications: extreme, high, moderate, low, or no risk. Each of these risk classifications is based upon a range of wildfire hazard values such as climate, topography, and vegetation that illustrate likely wildfire behavior on particular parcels.

Finally, locally developed wildfire plans, such as Community Wildfire Protection Plans (CWPPs), may be integrated into the wildfire risk mapping portal if a local jurisdiction chooses. However, information in any locally developed wildfire plans may complement, but cannot remove or supersede the Statewide Wildfire Risk Map.

II. MAPPING IMPLICATIONS

Properties included in **both** a designated WUI boundary and classified as either high or extreme risk will be subject to additional development regulations. Specifically, properties meeting both of these standards will be subject to:

- 1) Home hardening building codes as described in section R327 of the 2021 Oregon Residential Specialty Code
- 2) Defensible space standards as determined by the Oregon State Fire Marshal

At present, the State Fire Marshal has yet to develop final statewide defensible space requirements. However, SB 762 requires these standards to be developed on or before December 31, 2022. The earliest date that the R327 building code standards may become effective is October 1, 2022, and they will become mandatory on April 1, 2023.

In addition to the mandatory standards outlined above, SB 762 directs the Department of Land Conservation and Development (DLCDC) to convene a stakeholder committee to draft recommendations for further land use rules associated with wildfire mitigation. This stakeholder group is composed of professionals working in wildfire management and land use planning, as well as private citizens and development related interest groups. The DLCDC stakeholder group began meeting on May 3, 2022 and will hold its final meeting on August 16, 2022. Ultimately, DLCDC will utilize

these conversations to produce a summary report of recommended land use rules to the larger State Wildfire Programs Advisory Council. Upon consideration of DLCD's recommendations, the Wildfire Programs Advisory Council may advise state Legislative Committees in 2023 on any proposals affecting state land use rules that would require formal legislation.

III. PROPERTY OWNER APPEALS & OUTREACH

By July 15, 2022, ODF will provide notice to all property owners within the high and extreme risk classifications that may be subject to additional regulations. Those notifications must include the following information:

- The wildfire risk class assignment
- Where a map of the property can be found in the publicly accessible mapping portal, including the average wildfire hazard value of the property
- Resources available to address wildfire risk
- Information regarding what the wildfire risk assignment means for the property owner
- Information about how a property owner may appeal the assignment of wildfire risk class, including the specific elements that may be appealed

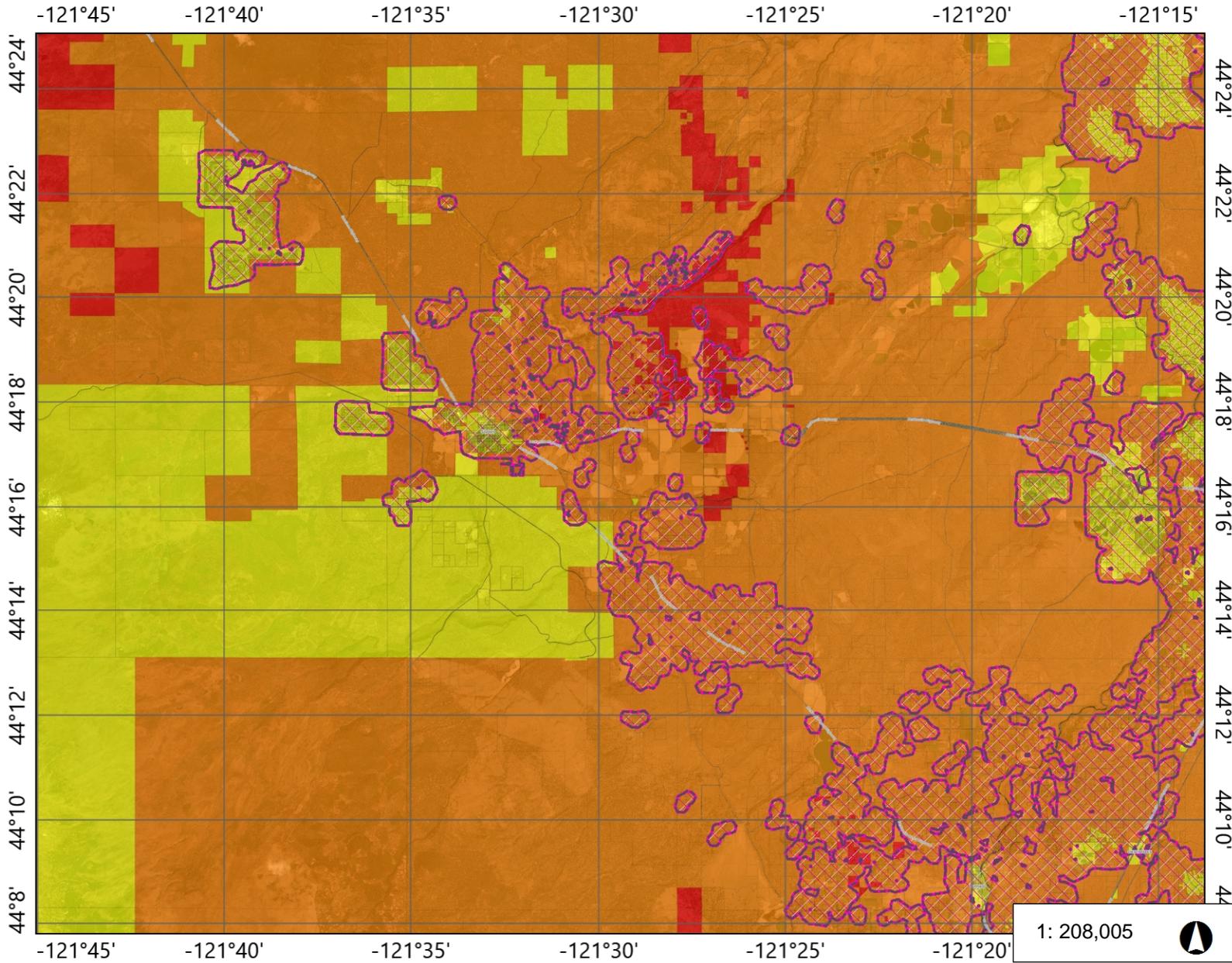
If a property owner elects to appeal their assigned risk classification, they must file an appeal with the State Forester in writing within 60 days after:

- Completion or update of the wildfire risk classification map; or
- Delivery of the notice of classification to property owners whose property is in the extreme or high wildfire risk classes

To be considered, all written appeals must specifically state objections to the wildfire risk class assignment, the specific change in wildfire risk assignment sought, and any pertinent facts that may justify a change in the wildfire risk class assignment, in accordance with ORS 477.490. The State Forester will review all appeals to determine whether appellants have standing and whether any relevant facts have been provided to consider review of the proposed classification change. Ultimately, the State Forester must provide a report describing the relevant issues and a final decision on the specific property classification in question.

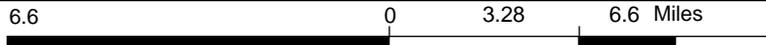
IV. NEXT STEPS

Staff summarized the State Wildfire Risk Map results and risk classifications for the Deschutes County Board of Commissioners (Board) on July 6. As the State Wildfire Risk Map is ultimately the basis for additional regulatory requirements, the Board can consider providing comments to the State Fire Marshal regarding future defensible space standards. Additionally, the Board can consider providing comments to the DLCD stakeholder committee considering additional recommendations for further land use rules associated with wildfire mitigation. As stated above, DLCD's recommendations will be taken under further consideration by the larger State Wildfire Advisory Council to determine if any new rules or actions are warranted.



Legend

-  Wildland Urban Interface
- Wildfire Risk Classification
 -  No Risk
 -  Low
 -  Moderate
 -  High
 -  Extreme

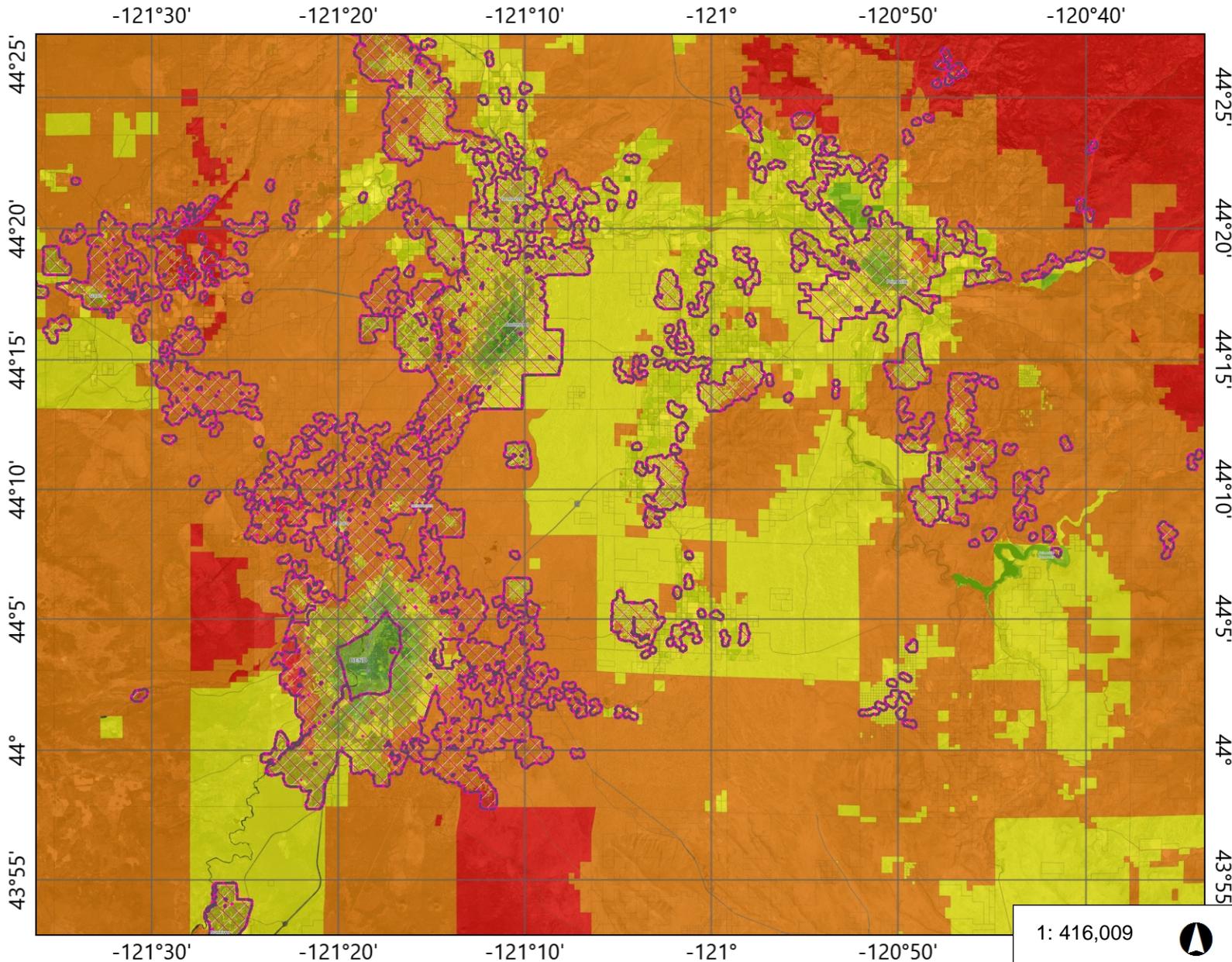
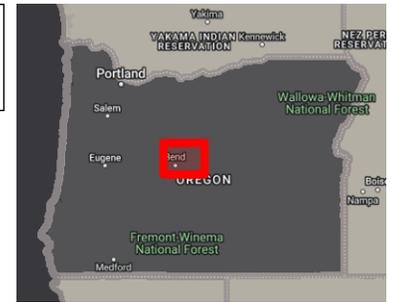


WGS_1984_Web_Mercator_Auxiliary_Sphere
© Oregon Explorer (<https://oregonexplorer.info>)

This map is a user generated static output for reference only from:
[Advanced Oregon Wildfire Risk Explorer](#)
Data layers that appear on this map may or may not be accurate, current, or reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes

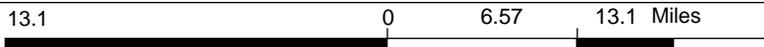
Map Notes



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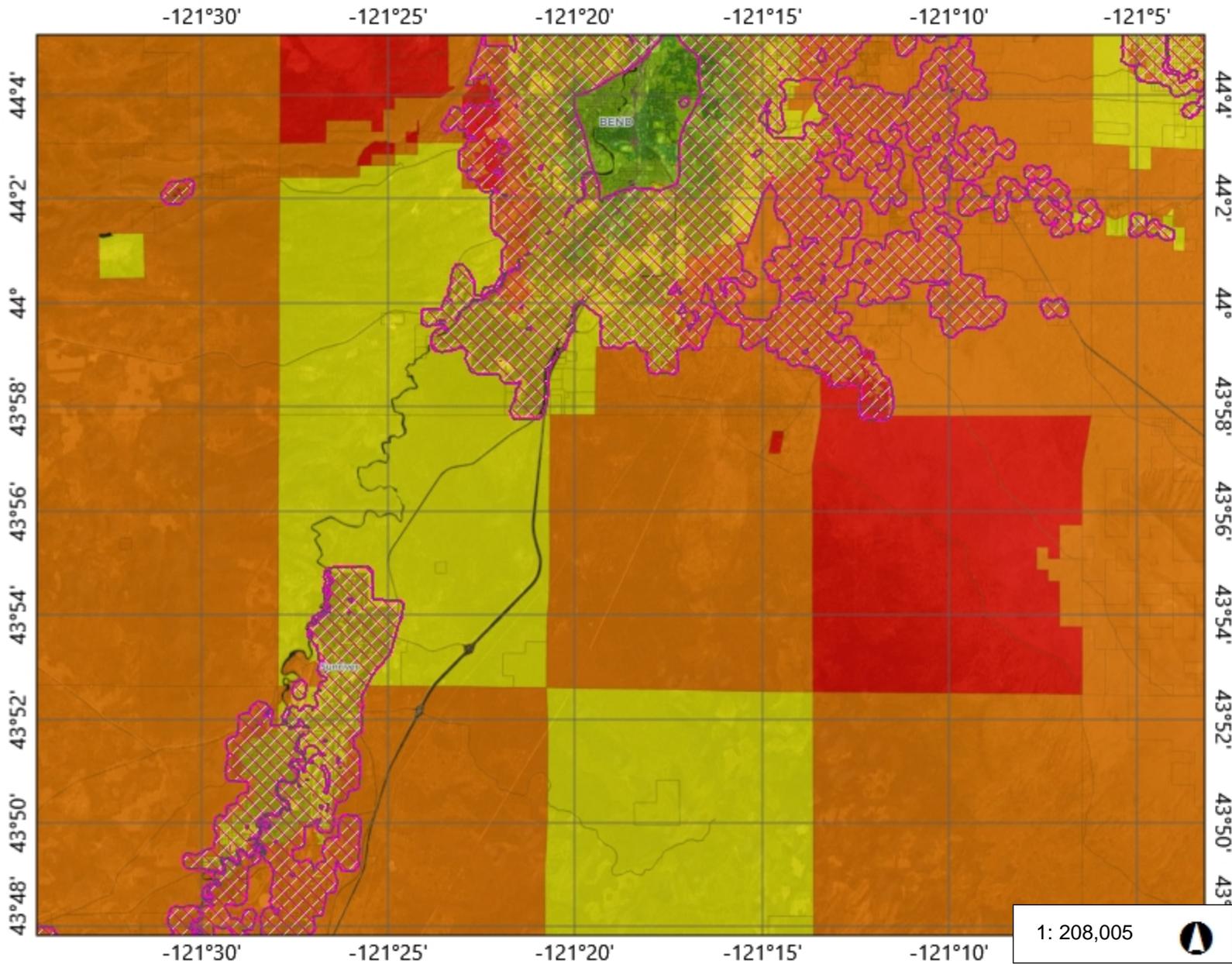
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1: 416,009



Notes

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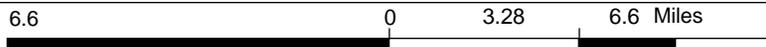


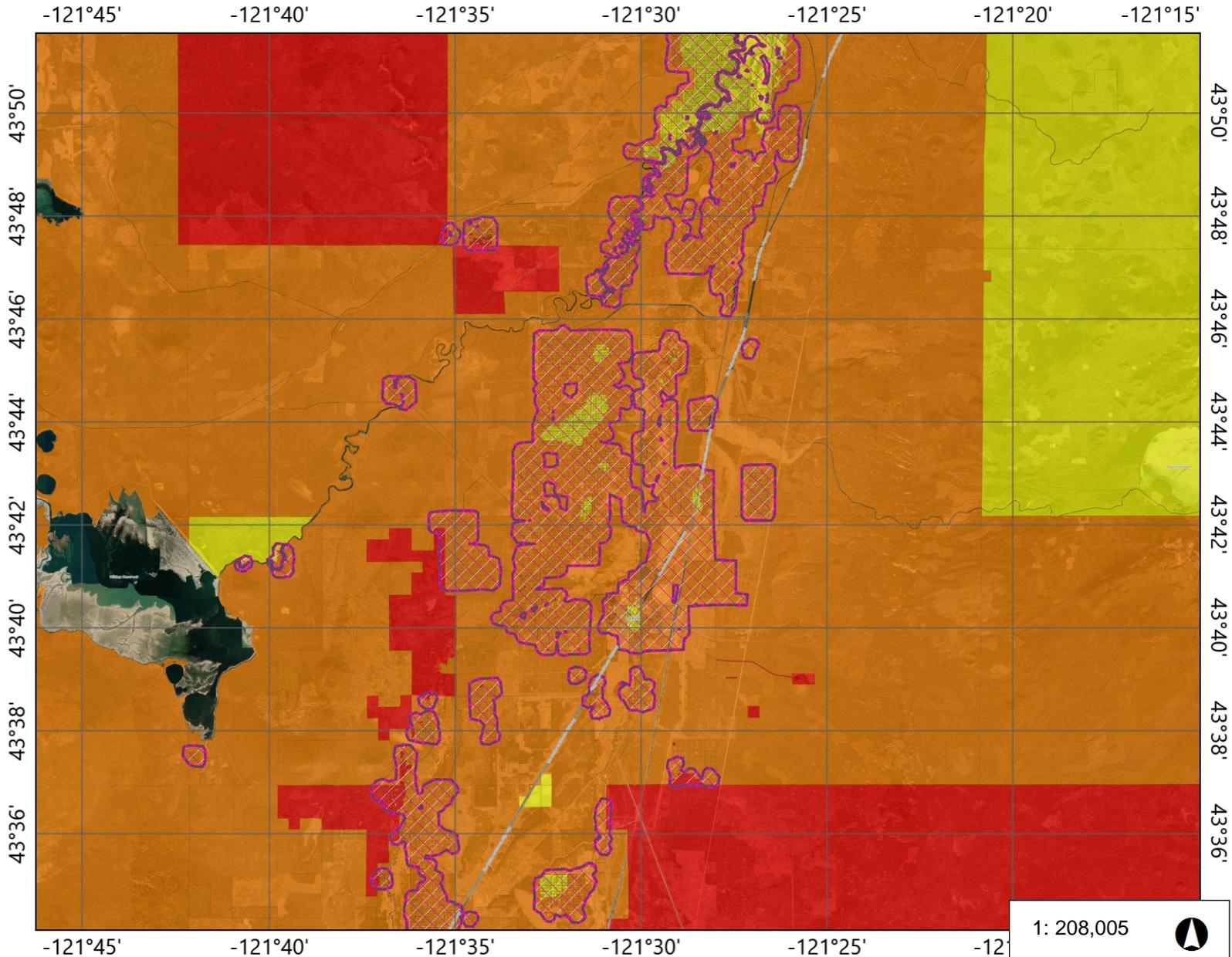
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1: 208,005

