



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Kyle Collins, Associate Planner
Will Groves, Planning Manager

DATE: August 30, 2022

SUBJECT: Senate Bill (SB) 762 – Wildfire Adapted Communities Recommendations Report

In response to Senate Bill (SB) 762, the Department of Land Conservation and Development (DLCD) has undertaken a series of public outreach initiatives and prepared recommendations for changes to state and local land use planning programs to reduce risk from wildfire in Oregon communities. DLCD compiled these recommendations in a draft report along with background on recent wildfire impacts, an overview of SB 762, the responsibilities of DLCD and other agencies, and a summary of feedback received from a community and stakeholder engagement process¹.

This draft report was made available to the public on August 19, 2022 to solicit feedback from interested parties before a final version is presented to the Oregon Legislature and the state Wildfire Programs Advisory Council (WPAC). Written feedback and recommendations can be provided using DLCD's online comment form² through **September 16, 2022 at 11:59 p.m.**

I. BACKGROUND

SB 762 directed 11 state agencies to coordinate efforts to reduce wildfire risks and impacts to Oregonians and the built and natural environment. As one of the state agencies tasked by SB 762, DLCD was directed to prepare recommendations for consideration by the Oregon Legislature and the state WPAC. DLCD's objectives through this process are broadly summarized as follows:

- Identifying recommended changes to the statewide land use planning program and local comprehensive plans and zoning codes that are needed to incorporate wildfire risk maps and minimize wildfire risk, including appropriate levels of state and local resources necessary for effective implementation.

¹ https://www.oregon.gov/lcd/NH/Documents/20220819_DLCD-Wildfire-Draft-Recommendations-Report-Public-Review.pdf

² <https://www.oregon.gov/lcd/NH/Pages/WAC-Public-Comment-Form.aspx>

- Recommended changes may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation, and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.

DLCD's recommendations were crafted based on feedback from professionals working in fire protection and other states agencies such as the Oregon Department of Forestry (ODF). Additionally, starting in April 2022, DLCD staff reached out to community members and stakeholders from across Oregon in an engagement and consultation process. DLCD's engagement process included virtual community listening sessions, an online open house and survey, five meetings with a Wildfire Adapted Communities Stakeholder Group, one-on-one interviews with additional stakeholders, direct outreach to community based organizations, and several meetings with representatives from two federally recognized Tribes.

Deschutes County was represented by Community Development Department staff as part of the Wildfire Adapted Communities Stakeholder Group. All Wildfire Adapted Communities Stakeholder Group meetings were livestreamed to the public and recordings of these meetings can be viewed on the DLCD wildfire project website³. The DLCD community survey will remain open through September 12, 2022 for any parties wishing to participate⁴.

Final DLCD recommendations are due to the WPAC and Oregon Legislature by **October 1, 2022**.

II. RECOMMENDATION DEVELOPMENT

Oregon's comprehensive land use planning program provides a policy framework that supports local implementation of strategies that reduce the risks to people and property. Specifically, Statewide Land Use Planning Goal 7: Areas Subject to Natural Hazards, is the predominant foundation to this framework. Goal 7 requires cities and counties to include planning for natural hazards in their adopted comprehensive land use plans.

Based on the state-wide planning framework, DLCD developed seven principles to guide all recommendations included in the report. Those principles are as follows:

1. Protect human life from the growing risks of wildfires.
2. Increase the ability of Oregon communities to withstand and recover from wildfires.
3. Focus on achieving equitable outcomes and increasing community capacity, with greater attention given to historically and currently underserved and under-resourced communities.
4. Protect and increase the resilience of important infrastructure and community assets, particularly those that are critical to survival and recovery.
5. Protect the natural environment on which we all depend and the places where people live, work, and gather.
6. Work with communities to identify regional and local differences for consideration within the context of Statewide Land Use Planning Goals to mitigate wildfire risk.
7. Consider local capacity and state support in the implementation of wildfire mitigation measures.

³ <https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx>

⁴ <https://www.surveymonkey.com/r/Wildfireadaptedoregon>

DLCD has attempted to produce recommendations that both align with the guiding principles and have the highest potential for reducing wildfire risk. The recommendations fall broadly into the following categories:

- Community Information and Engagement
- Safe Evacuation and Firefighting Response
- Wildfire Risk Mitigation Requirements for Areas of New Development
- Recovery Planning
- Areas Subject to Natural Hazards

Within each of these categories, DLCD has generally provided two possible options:

1. A regulatory approach based on formal rulemaking.
2. A voluntary compliance approach based on local implementation efforts.

DLCD acknowledges the controversy and challenges inherent in wildfire mitigation programs and states any regulatory approach would need to be based on significant public outreach and community engagement following specific policy direction from the Legislature. All recommendations also include specific strategies that DLCD believes would be necessary or helpful to achieve the stated outcomes.

Staff notes that many of these recommendations are general in nature and typically do not contain specific standards that may be implemented at a local level. Additional details on specific standards or regulations would likely be developed at a later stage through community engagement and rulemaking through the Land Conservation and Development Commission (LCDC). At this point, DLCD has not advocated for any specific policy or approach, but has suggested additional feedback and community conversations are crucial before policy decisions are made. However, DLCD does highlight that any approach based on voluntary compliance would likely limit the overall effectiveness as some jurisdictions may not chose to participate.

III. DLCD DRAFT RECOMMENDATIONS

Staff has organized DLCD's draft recommendations in the table below. Each recommendation includes staff's broad assessment of possible impacts within Deschutes County should a particular recommendation be followed by the Legislature and state WPAC. The Board should be aware that specific effects on County residents cannot be substantially predicted at this time as no formal directives have been produced by DLCD or other agencies.

Table 1: DLCDC Wildfire Adapted Communities Recommendations

| Recommendation | Possible County Impacts & Specific Strategies (*May be Regulatory or Voluntary) |
|--|--|
| <p>1. Cities and counties assess and improve transportation networks for safe evacuation and firefighting response</p> | <p>High: LCDC would undertake rulemaking that directs cities and counties to assess existing transportation networks and amend, as needed, plans, policies, and programs to accomplish the following:</p> <ul style="list-style-type: none"> • Analyze identified and potential evacuation routes and temporary safe zones for existing conditions, needed improvements, and ongoing maintenance. • Identify areas of the community with limited road access for evacuation and emergency response and identify potential alternative routes. • Develop strategies to provide, where possible, secondary access during an emergency for existing development that was developed with a single access. • Identify locations where buses may be needed to evacuate those without private vehicle access, in consultation with transit agencies and school districts. • Provide visible, durable signage for evacuation zones and temporary safe zones. • Identify potential funding sources for improvements, maintenance, developing secondary access routes, and for addressing needs of people without private vehicles. |
| <p>2. Cities and counties review and amend local land use codes for new development to ensure safe evacuation and efficient access for firefighting response</p> | <p>High: LCDC would undertake rulemaking that directs cities and counties to review and amend their comprehensive plans and zoning and land division codes to accomplish the following:</p> <ul style="list-style-type: none"> • Prioritize street connectivity, or a grid system, for streets and roadways for new neighborhood, subdivision, manufactured and mobile home parks, destination resort development, and commercial centers, where practicable, to provide multiple evacuation route options. • Review existing requirements to ensure consistency of site access and driveway standards for new development, such as minimum road width, hydrant placement, maximum grade, and turnarounds, with the 2019 Oregon Fire Code: <ul style="list-style-type: none"> ○ Cities and counties use a variety of approaches to address these standards in land use codes, providing flexibility in some cases and enforcement concerns in others. ○ A new single-family dwelling or structure would not be required to have more than one access or driveway. • For temporary uses such as special events or outdoor mass gatherings, review and update, as needed, fire protection and ingress and egress standards in consultation with fire protection districts or the State Fire Marshal. • Establish a waiver process where geography, property configuration, lack of legal access, and other factors may prevent certain locations from complying. |

| Recommendation | Possible County Impacts & Specific Strategies (*May be Regulatory or Voluntary) |
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| <p>3. Cities and counties review and amend comprehensive plan policies and implement land use codes to incorporate wildfire risk mitigation requirements for new development</p> | <p>High: LCDC would undertake rulemaking that directs cities and counties to review and amend their comprehensive plans, capital improvement plans, public facility plans, and zoning and land division codes, as appropriate, to address new areas of development in the following ways:</p> <ul style="list-style-type: none"> • Site and Design Standards: <ul style="list-style-type: none"> ○ Design and Approval Standards. Site design and land division approval standards that require clustering of structures in areas of lowest risk, structure spacing standards, density modification, and other types of flexibility for new subdivisions, Planned Unit Developments, manufactured home parks, and commercial development of certain size or scale, such as shopping centers, campuses, destination resorts, and large hotels. ○ Fire Breaks and Buffers. Requirements for landscape-scale community protection fire breaks and buffers on the perimeter of a development using open space, natural, and built features, where practicable, for subdivision, planned unit development, manufactured home park developments, and commercial development of certain size or scale. This is in addition to any defensible space requirements on individual lots. ○ Setbacks and Siting. Setback and home siting standards in forested areas that account for slope steepness, buffers between structures to reduce ignition risk, and setbacks from adjacent forest lands. This is an existing requirement for home siting in forest zones and would also apply to new homes in other zones in areas of greatest wildfire risk. ○ Defensible Space. Review and update defensible space standards or references to standards included in land use codes, if applicable, to ensure alignment with the statewide minimum defensible space code being developed by the Oregon Office of State Fire Marshall or locally adopted defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code as allowed under SB 762. • Public Facilities: <ul style="list-style-type: none"> ○ Parks and Open Space. Review and amend open space and parks master plans to incorporate policies that address fire breaks, fire mitigation, and long-term maintenance to reduce risk in parks, open spaces, and trail areas. ○ Provision of Services. At the community planning level, when considering areas for new development, evaluate and plan for the provision of water supply capacity at sufficient pressure and additional provision of fire services needed to protect people and property from wildfires. Consider and address wildfire risk when planning, developing, improving, or replacing public facilities and services. For example, evaluate opportunities to increase the resilience of water, wastewater, and other critical infrastructure, and locate future water, sewer, transportation, and communication facilities outside of areas of greatest wildfire risk whenever possible, especially infrastructure important to recovery. |

| Recommendation | Possible County Impacts & Specific Strategies (*May be Regulatory or Voluntary) |
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| | <ul style="list-style-type: none"> • Types of Uses: <ul style="list-style-type: none"> ○ Limit siting of facilities with concentrated, vulnerable populations, such as schools, hospitals, assisted living facilities, clean air shelters, and prisons, and critical facilities, infrastructure, and community lifelines. Where limiting such facilities is not practical, require additional fire risk mitigation and evacuation measures. ○ Limit or prohibit new facilities that use or store hazardous combustible materials. Where limiting or prohibiting such facilities is not practical, require adequate fire risk mitigation measures consistent with state and federal requirements. • Density. In areas where increased residential densities or more intensive uses are allowed, consider requiring additional wildfire mitigation. • Waivers. Establish a waiver process, including requirements for additional wildfire mitigation requirements to reduce risk, where geography, property configuration, legal access and other factors may prevent certain locations from complying. A waiver process for cities and counties from state regulation could also be developed in rulemaking. |
| <p>4. DLCD provides support to cities and counties for post-disaster recovery in local communities through recovery planning services</p> | <p>Medium: DLCD would develop a programmatic approach to support cities and counties after wildfire or other disasters. Funding would directly support the delivery of professional services post-disaster by planning consultants and would provide DLCD capacity to assist with pre-disaster recovery planning.</p> |
| <p>5. DLCD provides support to cities, counties, special districts, and Tribes to increase the effectiveness of natural hazards planning through coordination of Community Wildfire Protection Plan and Natural Hazard Mitigation Plan processes and adoption of policies and actions into comprehensive plans and codes</p> | <p>Medium: DLCD would provide additional natural hazard mitigation planning technical assistance to cities, counties, Tribes, and special districts to accomplish the following:</p> <ul style="list-style-type: none"> • Streamlined community wildfire protection and natural hazards mitigation planning processes that could save financial and staff (local, state, university) resources. • Ensuring that wildfire and natural hazard mitigation action items related to land use are implemented through actionable Comprehensive Plan policies and implementing codes. • Better coordination between planning efforts and development of codes and policies. <ul style="list-style-type: none"> ○ For example, model comprehensive plan polices, code, and guidance regarding process could also address overlapping hazards and risk reduction opportunities, such as floodplains and post fire debris flows. |

| Recommendation | Possible County Impacts & Specific Strategies (*May be Regulatory or Voluntary) |
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| 6. Cities and counties prioritize robust and inclusive community information and engagement in planning efforts to create wildfire adapted communities | <p>Low: LCDC would undertake rulemaking to develop comprehensive community engagement strategies for cities and counties to use as they plan processes for wildfire preparedness, evacuation, adaptation, mitigation, and recovery planning.</p> |

IV. PENDING ISSUES

As relayed to the Board in previous work sessions, 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. This risk map will ultimately guide new wildfire regulations for residential development statewide. The final risk map was initially made available to the public on June 30, 2022.

However, based on significant concern from citizens and interest groups through the state, ODF withdrew the initial risk maps to provide more time for additional public outreach and refinement of risk classification methodologies. It is unclear at this time when a new Statewide Map of Wildfire Risk will be finalized and released by ODF. As noted by DLCD within the draft report, DLCD’s recommendations do not currently address incorporating risk maps, as the agency is awaiting future iterations of the Statewide Map of Wildfire Risk before making those recommendations. The classification of individual properties within the risk map is likely to have significant impacts on where and how any land use recommendations associated with wildfire risk mitigation might be implemented if these proposals are pursued by the Oregon Legislature and the state WPAC.

V. BOARD CONSIDERATIONS & TIMING

As stated above, DLCD has requested feedback on these draft recommendations from any interested members of the public. Staff is presenting these items to the Board to provide Commissioners an opportunity to provide specific responses and direction from Deschutes County. Commissioners are welcome to submit individual responses in addition to any organizational perspectives shared through this process. As stated previously, all written comments must be submitted to DLCD by **September 16, 2022 at 11:59 p.m.**