



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner
Will Groves, Planning Manager
Kevin Moriarty, County Forester

DATE: July 24, 2024

SUBJECT: Senate Bill 80 – Draft Statewide Wildfire Hazard Mapping and Rules Discussion

I. BACKGROUND

Certain properties in rural Deschutes County will likely be subject to new wildfire mitigation measures as approved under Senate Bill (SB) 762¹. One of the primary pieces of SB 762 is the creation of a comprehensive Statewide Wildfire Hazard Map to guide new wildfire regulations for development. The initial hazard map was made available on June 30, 2022. However, based on significant concern from citizens and interest groups throughout the state, the Oregon Department of Forestry (ODF) withdrew the initial map to provide more time for additional public outreach and refinement of hazard classification methodologies.

SB 80², passed in the 2023 Oregon Legislative Session, amended sections of SB 762 and outlined changes that ODF is required to make to the map before future public release. The bill changed the name of the map from "Wildfire Risk Map" to "Wildfire Hazard Map." It also reduced the hazard categories from the original five to three: low, medium, and high hazard. SB 80 also forbid insurance companies from using the map to set insurance rates for homeowners.

Based on comments from Oregon State University (OSU) and ODF staff, one of the primary alterations to the map is a more thorough consideration of irrigated agriculture in the hazard analysis. ODF and OSU stated that lands irrigated in one of the past five years would receive different weighting considerations in the overall hazard classification formula.

A copy of the updated map was provided to county planning departments throughout Oregon in April 2024. The preview was limited in scope and was intended to provide planning departments an opportunity to identify what OSU and ODF described as "anomalies" within the draft map results.

¹ <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

² <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

“Anomalies” were not categorically or statutorily defined, and thus it was left up to planning departments to scrutinize the map results based on local knowledge to identify hazard classification anomalies. ODF and OSU also requested spatial data for any development which has occurred since approximately 2018 to help further refine the Wildland Urban Interface (WUI) boundary. The request from ODF and OSU stated that any proposed revisions to the draft hazard classifications must be based on property specific information and evidence such as aerial imagery, property photographs, or other relevant materials. Staff’s June 28, 2024 response to this request is included as Attachment 1 to this memorandum.

ODF and OSU staff are reviewing proposed revisions and comments from county planning departments, as well as public comments, before releasing a final version of the hazard map to the public on October 1, 2024.

Under SB 80, once the Statewide Wildfire Hazard Map is finalized, properties included in **both** a designated WUI boundary and classified as high hazard will be subject to additional development regulations. SB 80 requires that, at a minimum, local governments ensure that properties meeting both of these classifications will be subject to:

- 1) Home hardening building codes as described in section R327 of the 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 adopt final statewide defensible space requirements. The current draft code is included as Attachment 2.

II. PUBLIC COMMENT OPPORTUNITIES

Wildfire Hazard Map Implications for Deschutes County

Attachment 3 spatially depicts the wildfire areas in Deschutes County. Attachment 4 disaggregates the high hazard areas statistically by Urban Growth Boundaries, county zoning, and ownership.

Wildfire Hazard Map Public Comment Period

The updated wildfire hazard map was released to the public on July 18, 2024³. This map release will initiate a month-long public comment period for the general public to review and provide comments to ODF on the map.

Wildfire Hazard Rulemaking Public Comment Period

The [Board of Forestry](#) approved a public hearing process for a proposed rule package to implement the wildfire hazard maps during their June 5, 2024 meeting. See the [notice of proposed rulemaking](#)

³ <https://oregonexplorer.info/topics/wildfire-risk?ptopic=62>

for draft rule language. The department consulted a [Rulemaking Advisory Committee](#) representing a wide variety of stakeholder interests while drafting the proposed rules.

These rules will be used by Oregon State University to address irrigated agriculture as a mitigating factor to assess wildfire hazard in the Statewide Wildfire Hazard Map, which includes assigning one of three hazard zones to individual properties. The rules also update definitions, notice requirements, appeal options, and make other technical edits. Under the draft rules, any appeals of the wildfire hazard maps must be filed with ODF within 60 days of the release of the final maps.

Comment can be made at any of the virtual public meetings below:

- July 31, 10 a.m., [Zoom meeting](#)
- July 31, 2 p.m., [Zoom meeting](#)
- Aug. 1, 6 p.m., [Zoom meeting](#)

Comments can also be sent to maprules@odf.oregon.gov until 5 p.m. on August 15, 2024.

III. BOARD CONSIDERATION

There are no specific decisions for the Board to make regarding the Statewide Wildfire Hazard Map at this time. Members of the public may provide comments and ask questions concerning the draft map by contacting ODF staff through their wildfire hazard map website⁴. Questions or comments concerning the forthcoming defensible space and home hardening building standards can be directed to the Oregon Office of State Fire Marshal⁵ and the Oregon Building Codes Division⁶ (within the Department of Consumer and Business Services), respectively.

SB 80 states that county commissioners will have one additional meeting with ODF, arranged and scheduled by the Association of Oregon Counties (AOC), to review the latest map iteration and discuss any outstanding concerns. A date for this meeting has not been finalized by AOC and ODF at this time.

Attachments:

1. Memo: Review of the Draft Wildfire Hazard Map for Anomalies and Spatial Data Updates
2. Oregon State Fire Marshal provided Draft Defensible Space Code.
3. Draft Deschutes County Wildfire Hazard Maps
4. Property Statistics Summary from Draft Wildfire Hazard Map

⁴ <https://www.oregon.gov/odf/fire/pages/wildfire-hazard.aspx>

⁵ <https://oregondefensiblespace.org/>

⁶ <https://www.oregon.gov/bcd/codes-stand/Pages/wildfire-hazard-mitigation.aspx>