



# Oregon

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TO: Land Conservation and Development Commission

FROM: Jim Rue, Director  
Katherine Daniels, Farm and Forest Lands Specialist

SUBJECT: **Agenda Item 3 May 19-20, 2016, LCDC Meeting**

**BRIEFING ON WILDFIRE HAZARD,  
COMMUNITY WILDFIRE PROTECTION PLANS, AND  
COORDINATED ODF AND DLCD SITING STANDARDS**

**I. AGENDA ITEM SUMMARY**

The siting standards for dwellings and structures contained in the Land Conservation and Development (commission) rules for forest zones play an important role, together with the complementary programs administered the by Oregon Department of Forestry (ODF) Fire Protection Division, in minimizing the threat of wildfire and firefighting costs on forest land. The 2015 fire season was worse than any on record. For every degree increase in average summer temperature, ODF expects to see an additional 420 wildfires. A recent [guest editorial](#) summarizes the threat and the role of land use planning in minimizing that threat. ODF will brief the commission on expectations for the 2016 fire season.

Reducing wildfire threat is especially relevant in view of the Southern Oregon Regional Pilot Program and possible future rulemaking to guide development on nonresource lands (*see* agenda items 5 and 6, respectively). Both of these proposals involve the potential to increase development on lands currently designated for forest use. Any such increase would be accompanied by an increased likelihood of wildfire in these areas as well as increased costs in fighting such wildfires. The risk of increasing wildfire threat and costs should be carefully weighed in evaluating such potential future programs. The purpose of this briefing is to inform the commission of the risks of allowing additional development on forest land, and to identify areas in which the Department of Land Conservation and Development (DLCD) and ODF may be able to more closely coordinate siting standards and other review criteria for development.

For additional information about this report, please contact Katherine Daniels, Farm and Forest Lands Specialist at 503-934-0069 or [katherine.daniels@state.or.us](mailto:katherine.daniels@state.or.us).

## **II. COMMUNITY WILDFIRE PROTECTION PLANS**

The federal Healthy Forests Restoration Act (HFRA) of 2003 authorizes federal agencies to provide incentives to local communities to develop and implement wildfire hazard mitigation projects. To become eligible for priority consideration under HFRA, a community must first prepare a [Community Wildfire Protection Plan](#) (CWPP). Most Oregon counties and many Oregon communities have completed CWPPs.

In 1997, the Oregon Legislature adopted [ORS 477.015 to 477.061](#), known as the Oregon Forestland-Urban Interface Fire Protection Act, which was updated in 2002. Its stated purpose is to provide a forestland-urban interface fire protection system in Oregon and to encourage property owner efforts to minimize and mitigate wildfire hazards. This was followed by ODF's adoption of implementing rules at [OAR chapter 629, division 44](#), which authorize local governments to designate wildland-urban interface areas. These areas are bound by ODF's protection district boundaries, which offer wildland (not residential) fire protection, funded by tax assessments. (Separate structural fire protection districts exist in some but not all areas). Within ODF's protection district boundaries, landowners are encouraged to periodically self-certify compliance with a menu of siting and other standards designed to reduce wildfire risk. Statute and implementing administrative rules state that these standards are intended to be integrated with and not replace other agency laws and regulations.

## **III. SITING STANDARDS IN FOREST ZONES**

Siting standards for dwellings and structures in commission rules at [OAR 660-006-0035](#) require counties to use of ODF's 1991 "Recommended Fire Siting Standards for Dwellings and Structures..." as conditions of approval for new construction in forest zones. In other words, although ODF *recommends* the use of these standards, commission rules *require* it.

The standards require, in addition to other measures, a primary safety zone (fire break) around dwellings and structures of at least 30 feet in all directions, with strict limits on vegetation, and a secondary fuel break of at least 100 feet in all directions around the primary safety zone, with additional vegetation limitations. The presence of slopes require up to an additional 150 feet of protection. These fuel breaks must be established and maintained over time. In addition, rule requirements call for either: (1) inclusion in a (structural) fire protection district, (2) a request to be included in such a district, (3) enrollment in a residential fire protection contract, or (4) an alternative means of fire protection, described further in rule.

**IV. AREAS OF POTENTIALLY ENHANCED COORDINATION**

Siting and review criteria for development in forest zones administered by DLCD and ODF overlap and support each other in some areas, but are inconsistent or contradictory in other areas. This is understandable, given that the respective review criteria were developed independently. In general, DLCD standards are more specific and exacting, while ODF standards offer a greater variety of choice and are somewhat less exacting. A related concern is that ODF contact during periodic certifications could give landowners the false impression that DLCD fuel break standards don't continue to apply. DLCD and ODF staff are meeting on May 5, 2016, to look into potential ways to better coordinate respective standards, so as to give landowners a consistent message on fuel break and other requirements, and thus most effectively reduce wildfire threat.