



Advance Copy

## Wildfire Programs Advisory Council – Meeting

Friday October 14, 2022

The complete Wildfire Programs Advisory Council can be viewed at the following website and serves as the official public meeting record: <https://www.oregon.gov/gov/policies/Pages/wildfire-programs-council.aspx>

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### Welcome

Chair Bennett

Chair Bennett welcomed the council members and commended them, as well as staff, on their hard work so far, and the quality of the council's report. Chair Bennett reviewed the meeting's agenda and objectives, he advised the council that there were written comments that had been submitted for review and that there were stakeholders signed up to provide comment during the public comment period after lunch at 1:00 p.m.

Senator Golden thanked the council for its work, he noted the on-going concerns of some stakeholders about the wildfire risk map and the risk designations and that this necessitated a continued focus on outreach and public engagement. Senator Golden also recognized the work that multiple agencies did during the 2022 fire season.

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### House Keeping

Vice-chair Browning

Vice Chair Browning took attendance for the meeting and reviewed the meeting etiquette.

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### Director's Update

Director Grafe

Director Grafe noted for the council they would have the opportunity to select a new chair and co-chair if the council chose to. The council could continue with the current chair and co-chair for another year, or the council could choose to hold an election for chair and co-chair at the next meeting.

Director Grafe provided an update that detailed how the duties of the director were performed over the first year of the position. He highlighted several groups that he worked with and presented to about the work of the director and the council including both national and state level organizations. The organizations included but were not limited to:

- Wildland Fire Leadership Council
  - Wildland Fire Mitigation & Management Commission
  - Aspen Institute and the Nature Conservancy
  - Rangeland Fire Protection Summit
  - 1000 Friends of Oregon
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- Oregon Home Builders Association
  - Oregon Forest Industries Council
  - Association of Oregon Counties
  - Oregon Fire Service Annual Conference
  - Oregon Conservation Corps Advisory Committee

Director Grafe updated the council on the coordination meetings between the director and the eleven different implementation agencies under Senate Bill 762. Coordination between these agencies and the council is one of the primary purposes of the director position. In addition to the council and the individual agencies the director works with several coordination teams including: The Oregon Wildfire Detection Camera Interoperability Committee, the governor's infrastructure cabinet, as well as several state and federal agencies working on landscape resiliency.

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### **Council Report**

Chair Bennett, All

Director Grafe stated that the feedback that the council got from agencies was helpful and added clarity and accuracy to the report. The director highlighted the few substantive changes that came out of agency feedback for the council to consider. The first change was added language to the report expanding the eligibility of grant programs to include not-for-profit community-based organizations. The second was to conduct an analysis on households that receive ODHS assistance and its wildfire risk. These changes were discussed by the council and approved.

The third substantive change involved the discussion of the criteria for qualifying for the small forestland grant program. The council expressed some concern that the criteria may be screening out potentially eligible properties. The council discussed the topic and received input from the Oregon Department of Forestry (ODF). Ultimately the council was satisfied that the program criteria were not unduly restricting applicants to the small forestland grant program at this time and decided to remove that part of the council's report.

Chair Bennett asked, if council members had any additional concerns about the report. Member O'Keefe requested some language changes to add clarity or accuracy and they were adopted without objection. Throughout the discussion of the council's report the council deliberated on the best way to acknowledge the concerns expressed by members of the public with the wildfire risk map and the impacts of mitigation measures on a property's risk classification.

The chairs of workgroup two updated the council on the status of the addendum to the council's report addressing the report to the legislature from the Department of Land Conservation and Development (DLCD). Member Mary Kyle McCurdy explained that the work group had consensus support for several of DLCD's recommendations including prioritizing high and extreme risk areas, encouraging protection plans for high and extreme risk communities, and focusing on measures that impact on a larger scale than the individual property level. There was some concern expressed on implementing DLCD requirements in jurisdictions with planning departments that have limited resources.

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### **Public Comment**

All

During the public comment period the following comments were received by the council:

Bob Hart of Bob Hart Consulting LLC suggested that a central website be created to communicate to the public on Senate Bill 762 implementation. He stated that the implementation timelines lacked clarity now that the risk map had been delayed. He stated that there should be some way, perhaps insurance, to cover liability created by prescribed burns. He expressed some confusion about how

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the wildland urban interface (WUI) was defined. He said that SB 762 would be better implemented using recommendations and incentives instead of mandates.

Kyle Williams, Director of Forestry Protection for the Oregon Forestry and Industry Council pointed out a specific section of the report he felt could give the impression that ODF was expanding its coverage of fire protection when that wasn't the intent of the law.

Brock Nation of the Oregon Association of Realtors had four recommendations for the council:

1. That the risk mapping incorporates local conditions and mitigation measures,
2. Focus on outreach and education on defensible space,
3. Consider incentives to encourage adoption of improved building codes,
4. Recommend the voluntary implementation path for the recommendations from DLCD.

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### **Council Report**

Chair Bennett, All

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As the council reopened the discussion on the report, the chair and vice-chair suggested the council may want to include a recommendation in the report that additional staff support be provided for the director's office to be able to support the mandate for that role and the council.

The council discussed how to implement and use an additional layer on the wildfire risk map that included information on mitigation measures that have been implemented on individual properties. The council thoroughly examined the larger landscape level exposure to wildfire that cannot be changed by specific individual mitigation measures conducted on individual properties. I was recognized that wildfire mitigation measures such as implementing defensible space and hardening of homes, increases a home/community survivability during wildfire, but it does not change the wildfire exposure on an individual property. There was concern that if property owners' efforts at mitigation are not acknowledged in some way it would reduce buy-in from property owners in high and extreme wildfire risk zones and ultimately undermine the efforts of the council to reduce community risk. There was broad agreement that this was a significant communication, education, and outreach problem and that successful communication will include good explanations of both exposure to wildfire, the individual property level risk due to that exposure, and what Oregonian's can do to increase home/community survivability through implementing these wildfire defense measures.

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### **Wrap Up**

Chair Bennett

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Before closing, the chair and the director reviewed the next steps for the council including the scheduling of the next meeting, workgroup 2's next meeting to work on the council's response to the DLCD report, the next update on the wildfire risk map, and the meeting schedule for 2023. The council also decided by consensus to retain Chair Bennett and Vice Chair Browning in their roles for another year.

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## **Public comments written received**

### **Written Comments**

- Bob Hart, Bob Hart Consulting LLC
- Jean Hart
- Oregon Wine Council

### **Public Comments or written at the meeting**

- Bob Hart, Bob Hart Consulting LLC
- Kyle Williams Oregon Forestry and Industry Council
- Brock Nation, Oregon Association of Realtors



## Bob Hart Consulting LLC

Land Use Planning and Development

October 12, 2022

Wildfire Programs Advisory Council  
c/o Doug Grafe  
2600 State Street  
Salem, OR 97310

Dear Council Members,

I am a Land Use Consultant with 50 years of experience with 20 years as a Planner for Josephine County and 25 years as a private Land Use Consultant. I am writing you with some of my concerns about SB 762.

I am a rural property owner that was shown on the Wildfire Risk Map as in the Extreme Risk category as is most of Southern Oregon. I have concerns about wildfire the same everyone else I know of in my neighborhood.

As you are no doubt aware, there is significant resistance to this bill in its present form. The first problem is that the general public was not involved in the drafting of the bill. It was adopted with little if any information released to the public. With the numerous parts of the bill being finalized at this time, this resistance will continue. There should be a draft of the provisions that would affect property owners and general population meetings that are impacted. Just having selected "stakeholders" does not replace communication with the public.

This program is reminiscent of the conclusions of the Big Look Task Force that was formed in 2006 to evaluate the Oregon Land Use Program. This included regional meetings for input from the citizens. The Big Look Program included 10 regional meetings that were intended to invite public feedback on the Land Use Program. It turned out that the allotted two-hour time was taken up with a carefully scripted video, explanation of the goals and specific questions to be asked of groups that were formed. The public response was that this was window dressing and not an opportunity to express thoughts about the Land Use Program. The Task Force published a report in January 2009 that was critical of the Land Use Program. In the executive summary the following statements are made:

- *Oregon needs a more flexible land use system, one that responds to regional variations rather than providing "one size fits all" standards.*
- *The state should foster greater regional cooperation among cities and counties to resolve land use planning issues collaboratively and efficiently.*
- *The state should coordinate planning for land use, economic development and transportation and clearly articulate what outcomes we are trying to achieve. The state also should develop systems to monitor how we are doing in achieving those outcomes, along with asking for feedback about*

- what is and what is not working.*
- Oregon's land use system needs to be simplified to remove the complexity that has built up after 35 years of regulation so that ordinary citizens can understand the basics of the program.*

This whole program has made the same mistake of adopting a program first and then informing the people that they are being “helped.” There needs to be drafts for review and not rule-making first with an explanation later. Many people are under the illusion that the entire program has been stopped with the withdrawal of the map. They are not aware that much of the work is continuing while the map is being revised.

I would venture to say that the general public has no idea that the Wildfire Programs Advisory Council even exists or what they do. The only reason I know is from my experience as a planner to dig deeper to determine what all is in the bill and what is being done.

As a very simplistic question to the Council, why is this program not developed with incentives to make the fire danger areas more safe. I have seen a lot of properties being cleaned up just with the awareness of the fires that happened in 2020. The threat of more laws and enforcement has not been well received. Additionally, I do not see in this legislation anything that would have prevented the Alameda fire that destroyed over 2000 homes. The area was shown on the Risk map as being moderate.

An observation from the arson caused Alameda fire is that the Bear Creek Greenway that runs through the area is designated as a riparian area and thus cannot have vegetation removed but the overgrown vegetation acted like a fuse to move fire quickly through the area. Also the Greenway has been the location of numerous fires from homeless people starting cooking and warming fires in this dense vegetation. There must be some compromise with ODFW on vegetation management in riparian areas,

I am of the opinion that the WUI is a problem for complete fire protection. I live in an area that is zoned for forest resource use but is an old developed area with a mixture of large lots, small lots and BLM owned parcels. The vegetation is similar on all the parcels but because of the varying density the WUI does not apply to all parcels even though they are all “extreme” risk. Some lots would require Defensive Space and structure hardening and some will not. This just seems to be a bureaucratic administrative nightmare. There is no practical logic to the designation of the WUI when the area is Extreme Risk with the goal to be better fire protection.

Lastly, I have a concern about the roll of DLCD in the process. It appears from the draft recommendations, the Department is to be expanded regardless of chosen programs. This appears to be empire building if the option chosen is regulatory or voluntary. The cost of expansion is not provided and looks to be considerable. Because of the overlap from other agencies that have primary jurisdiction for fire matters and building codes and siting standards, the expansion of the Department is excessive and redundant.

Sincerely,

Bob Hart, Planning Consultant  
Bob Hart Consulting LLC  
5126 W. Evans Creek Rd  
Rogue River, OR 97537  
541 582-8890

October 13, 2022

Jean M. Hart  
5126 W. Evans Creek Road  
Rogue River, OR 97537

Wildfire Programs Advisory Council  
c/o Doug Grafe  
2600 State Street  
Salem, OR 97310

Dear Council Members,

I am writing in response to the implementation of SB 762. I became aware of it after we received a letter saying we were being classified as EXTREME and in the WUI. I immediately began researching what the impacts of that would be to us. I was shocked at what I found.

I had many discussions with my husband regarding why I was so upset about it. During those discussions I discovered that there was no way I would be satisfied with any part of the bill and its implementation unless all mandatory enforcement and threats were completely removed and replaced with simple commonsense "enticements" to make changes, being requested rather than required.

This bill crosses all demographics and has everyone who is impacted very upset. I think over the last couple of years we have all had enough of mandatory governmental impositions to last us for a long time. Democrats as well as Republicans and Independents have all been negatively affected by this legislation and all are upset that no one knew about it until they got "the letter" as it has become known.

No one asked me for my opinion, but I am going to give it anyway. I think the entire bill needs to be repealed. I think there should be NO MAP which encourages discrimination by insurance companies. I think it could possibly be replaced with general education meetings IN NEIGHBORHOODS regarding levels of fire hazards accompanied with suggestions on how to protect one's property, along with incentives to accomplish that. An idea would be a Certificate of Accomplishment that could be presented from the local Fire District to one's insurance company for possible homeowner insurance discounts. Grants to help people do the work would be very nice as well, as tree removal is often about \$1,000 per tree.

As long as the State and Federal governments are not required to thin and manage their part of this problem, it is DEAD WRONG for you to put the burden on the back of private landowners. It does not matter what I do to my own property if I am close to BLM land which is unmanaged and gets hit by lightening. Upgrading my property will do nothing to change my designation as EXTREME on your "Risk Map" EVER. Never mind that 2/3 of my property has a "flame length" of zero feet, and the rest (which is irrigated pasture) has a "flame length" of 2-6 feet. How they got that number, I will never know.

This entire exercise has been a waste of taxpayer money and is seen by the taxpayers as government overreach and an effort to make rural living unaffordable and/or impossible, forcing us to lose our homes and be forced into moving to cities. If I wanted to live in the city, I would already live there.

What if DLCD decides to create rules that prevent us from replacing our homes if they are lost in a fire? You have no idea how angry this thought makes people. I have been in a number of meetings regarding this and I know I am not alone.

You have ignited a fire under rural Oregon landowners by this unwanted legislation. I hope you don't get burned by it.

Sincerely,

Jean M. Hart





August 12, 2022

To: Oregon Department of Forestry  
Submitted via: [sb762.rulemaking@odf.oregon.gov](mailto:sb762.rulemaking@odf.oregon.gov)  
From: Oregon Wine Council  
Re: Wildfire Risk Map

Thank you for the opportunity to provide comments on the wildfire risk map. The Oregon Wine Council (OWC) is a statewide association representing growers, producers and businesses supporting Oregon's thriving wine industry. Today, the OWC represents over fifty percent of wine and grape production in Oregon. The OWC's mission is to protect, strengthen, unify, and represent the entire Oregon wine and grape industry through strong leadership for the benefit of current and future Oregon winegrowers. On behalf of the many wineries and wine producers we represent – and the many Oregonians they employ in their production facilities, vineyards, tasting rooms, administrative offices, and distribution facilities – we respectfully submit the following comments on ODF's wildfire risk maps.

OWC would like to express our significant concern for the designation of many of our vineyards as high or extreme risk areas. As drafted, the wildfire risk map designates many irrigated and managed agricultural lands in these higher risk categories, the same as neighboring unmanaged lands. There is no consideration in the map for on-the-ground reality of what our member's properties are being used for or how they are being managed. Oregon winegrowers have historically managed their lands in a safe and effective way, helping to keep communities safe from wildfires. Because of this, we ask that ODF give special consideration to managed agriculture lands, particularly vineyards, in their second iteration of the map rather than prescribing a one-size-fits-all approach.

Additionally, OWC has serious concerns about any concepts that may limit commercial activities in farm zones. Weddings, concerts, and other events are critical to the success of our operations. The limitation of these activities will not only significantly impact our members operations, but it will also harm the economic success of many rural Oregon communities. We ask that no prohibitions on commercial activities be enacted in Oregon farm zones.

OWC appreciates that the maps have been temporarily withdrawn for further refinement and ask that the Oregon Department of Forestry consider our comments and recommendations.

Thank you,

**Oregon Wine Council Board**

**Elin Miller**, *President, Umpqua Vineyards*

**Laurent Montalieu**, *NW Wine Co & Hyland Vineyard*

**Dennis O'Donoghue**, *Celtic Moon Vineyard*

**Sean Naumes**, *Naumes Family Vineyards*

**Dyson DeMara**, *Hillcrest Vineyard*

**Ryan Harms**, *Union Wine Company*

**Sam Tannahill**, *Vice President, A to Z Wineworks*

**Scott Kelley**, *Paul O'Brien Winery*

**Kevin Jones**, *12<sup>th</sup> & Maple*

**Alisa Jacobson**, *Wines by Alisa Jacobson*

**Samantha Bayer**, *Bayer Family Estates*

**Zack Gomer**, *Foley Family Wines*



**Bob Hart**  
**Consulting LLC**

Land Use Planning and Development

October 14, 2022

Wildfire Programs Advisory Council  
c/o Doug Grafe  
2600 State Street  
Salem, OR 97310

Dear Council Members,

The general comments that I have for you during your public comment period include the following:

1. I suggest that there be a single website that people can access to keep abreast of the current status of SB 762. Trying to go to all the different agency websites and find what that are doing is too complex.
2. I know this is too late to say but SB 762 is an Omnibus Wildfire Bill and has too much in it to review as a single project. It is too far reaching and too complex to be addressed in one bill. There is no real ability to address the whole program and to make all the linkage between parts of this program.
3. The current time line for all the parts of the program are not clear. With the delay of the map, there is no clear dates for completion of Defensive Space and Structure Hardening. This could be addressed in the creation of the single central SB 762 Website. It is confusing to know if comments and testimony are still being accepted by the State Fire Marshal and Building Codes Division.
4. In the Prescribed Burn section 26(6), negligence must be shown to find a burn manager liable for property damage. I am of the opinion that liability insurance must be required. We have liability insurance to drive a car. The impacts of a prescribed burn that “escapes” should not be a property owners responsibility.
5. I understand that equity is a part of this legislation but I am of the opinion that the emphasis of this legislation should be on the most vulnerable to fire damage and recovery.
6. I would like to reinforce my comments in the comment letter that I already submitted that the riparian areas protected by ODFW create high fire danger situations and there should be some ability to reduce fire danger while protecting fishery habitat. This is very obvious from the Almeda Fire when fire quickly moved into areas along the Bear Creek Greenway that were shown as moderate in the original fire risk map.
7. And finally the WUI does not have any real connection between rural and urban areas. My

property is over five mile from an urban area that is the City of Rogue River. There is no real proximity between properties to label this as a Wildland - Urban Interface. Additionally, requiring that property be located within the WUI for the wildfire standards to apply leaves out many hundreds to thousands of lots that are shown as high or extreme risk but outside the WUI.

Thank you for the time to address the Council

Sincerely,

Bob Hart, Planning Consultant  
Bob Hart Consulting LLC  
5126 W. Evans Creek Rd  
Rogue River, OR 97537  
541 582-8890



**TO** – Wildfire Programs Advisory Council

**FROM** – Oregon REALTORS®

**SUBJECT** – Comments Regarding WPAC’s Report on the Implementation of Oregon’s SB 762

Good afternoon, Director Grafe, Chair Bennett, Vice-Chair Browning, and members of the Wildfire Programs Advisory Council. My name is Brock Nation, and I am the Policy Director at Oregon REALTORS®. Thank you for the opportunity to provide comment today on the Council’s SB 762 Implementation Draft Report.

Since I only have a few minutes, I will limit my comments to the recommendations related to Wildfire Risk Mapping, Defensible Space, and Building Codes, and I will briefly comment on the DLCD Wildfire Adapted Communities Recommendations Report.

Regarding ODF’s Wildfire Risk Mapping efforts, we appreciate the Council’s recommendations to increase outreach efforts with the public, local governments, and sister agencies, to increase public education and understanding about the risk classifications assigned to their properties, to investigate potential inaccuracies in risk classifications, to consider local fire service coverage when determining a property’s risk classification, and to document the risk mitigation efforts completed by property owners and direct the insurance industry to recognize these actions.

Regarding OSFM’s Defensible Space efforts, we appreciate the Council’s recommendations to expand public education about the goals and benefits of defensible space requirements and to create an online dashboard containing educational materials, WUI and risk classifications on a lot by lot basis, associated defensible space and R327 requirements, and programs, resources, and grants available to property owners.

Regarding DCBS’s Building Code efforts, we appreciate the Council’s recommendations to subsidize R327 requirements for those making up to 120% AMI and to provide broad public education, especially through partnerships with local businesses, CBO’s, Tribes, and other key community partners.

Because the Council was unable to include recommendations regarding DLCD’s Wildfire Adapted Communities Recommendations Report due to time constraints, we would like to ask that the Council recommend voluntary implementation for the recommendations included in the report, especially for Recommendation 4: Wildfire Risk Mitigation Requirements for Areas of New Development, as the scope of this recommendation is broad and community resources are limited, as noted by several LCDC Commissioners during their September 22, 2022 meeting.

We would like to thank the Council for their work to incorporate critical public feedback received by the Council and the various involved state agencies into the List of Council Recommendations. With so much on the line, we are grateful to see much of this important feedback reflected in the report.

Thank you again for your time and the opportunity to provide comment today.

**2110 Mission St. SE, #230 Salem, OR 97302 | P.O. Box 351 Salem, OR 97308**

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**[oregonrealtors.org](http://oregonrealtors.org)**