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Director Grafe emphasized the complexity of the undertaking and reiterated the benefit of the two primary individualized mitigation measures: defensible space and home hardening standards. Director Grafe clarified that while these measures do not reduce regional wildfire risk, they do make individual buildings and communities more survivable when wildfire does reach our communities.

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1240

**Council Report Discussion**

All

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Chair Bennet stated that because of the time constraints oral public comment would not be accepted at this meeting but that written comment could still be submitted. He also stated that a potential tool to consider would be incentives for folks in high-risk areas to take mitigation measures.

Member Karna Gustafson asked how appeals are being handled now that the process is paused. ODF responded that appeals were considered moot, but that they were still being reviewed to assist in the refining of the risk map. Member Gustafson asked whether there had been any word back from DOJ on the need to allow appeals of the WUI classification. Director Grafe confirmed that the appeals process was explicit in law related to risk classes but silent on the WUI. For our next meeting Director Grafe planned to address this issue fully.

Member Samantha Bayer asked if the map that was produced is required by law to have been produced the way that it was or if there is room to change the map. Director Grafe stated that there is flexibility to adjust the map the wildland urban interface and the risk classifications with it. Member Bayer asked whether it was an opportunity to get ahead of possible future insurance concerns, citing people in California in wildfire risk areas losing homeowners insurance. Director Stolfi stated that they were in communication with the equivalent agency in California to learn from their experience and with insurance companies.

Member Joshua Shaklee stated that it was important to use a more unified communications approach as homeowners are showing up to meetings that the Oregon State Fire Marshall's office is putting on to talk about defensible space and wanting to discuss the maps. He further stated that there needs to be a focus on the credibility and defensibility of the maps.

Member Amelia Porterfield stated that the council could be an asset in helping to communicate with members respective constituencies. Member Porterfield asked if any insurance companies are finding ways to incentivize mitigation measures in risky areas. Director Stolfi replied that they are monitoring this and if it does happen it is likely to be made a part of underwriting decisions, not rate setting decisions.

Member Jim McCauley stated that education is going to be important both on insurance issues and on peoples' expectations particularly expectations related to enforcement.

Member Gustafson asked if people who had not yet got an appeal in could still communicate that information back somehow prior to the map being finalized. Director Grafe agreed that communication channels should remain open to ODF. Member Gustafson asked if there were potential additional consequences from being included in the WUI or in a specific risk class from planning commissions or land use decisions. Director Grafe deferred to the upcoming report and recommendations from the Department of Conservation and Development on those potential impacts. Chair Bennet noted that there had been lawsuits in California about planning departments failing to properly consider wildfire risk.

Member John O'Keefe stated that not losing a home in a fire should be sufficient incentive to use mitigation measures.

Member Ian Yocum stated that as a responder, grants to assist local fire agencies responding to the fires are important.

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Member Mary Kyle McCurdy stated that education is important and that negative incentives were there and if someone cannot afford to mitigate. No amount of negative incentives will get someone to mitigate.

Member Bayer noted that if there could be a conflict created by using the same map for funding decisions and regulatory purposes. The Oregon State Fire Marshal confirmed that they were not using the risk map for fire suppression decisions, but that it was among the factors considered for community risk reduction funding.

Member Dave Hunnicutt stated that some people are frustrated because mitigation actions don't seem to impact risk classification. He stated that it might be helpful if the meaning of each risk class could be clarified similar to how the 100-year and 500-year flood plains are defined. Director Grafe stated that there isn't a specific risk percentile that is associated with high or extreme risk and that extreme risk meant that it was a region of significant risk; it is acknowledged that greater communication is necessary on what it means to be in each risk class.

Member Gustafson stated that the lawsuits in California regarding planning commissions not using wildfire risk could be an attempt to stop development and may not be in good faith.

Member Bayer asked if it would be possible to classify areas based on the need for mitigation as opposed to risk classes, this might be something to consider for future legislation. Chair Bennet acknowledged that this might be a potential recommendation but that he thought that they couldn't disregard talking about risk, since there was actual risk and maybe an additional layer about mitigation efforts conducted would be helpful.

Member Porterfield stated that it would be helpful to know the next steps on the map before coming to a recommendation. Vice Chair Browning agreed that it made sense to hold off on recommendations and that it might make sense to meet more frequently to keep abreast of the process. Council members were open to additional meetings.

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1600

**Wrap Up**

Chair Bennett

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**Public Comments received:**

August 11, 2022  
From Amy Moore

Greetings,

I feel an urgent need to summarize some key points which I feel must be highlighted in our conversations about establishing a more accurate and acceptable Wildfire Risk Map under SB 762. We know that ODF is aware of and working on addressing the unacceptable degree of inconsistencies stemming from computer modeling and lack of ground-truthing. However, the conversation needs to double down on identifying other important flaws so that we aren't served up a "revised" map with the same problems as the first. We only have a limited amount of time before ODF moves forward. Together we can work to identify what needs to be addressed. To my eye, this will include redrawing WUI lines and putting more emphasis on road accessibility, availability of local fire responders, and local wind patterns, as I will describe in this letter. I believe these items must be adequately addressed by rulemakers, or else new legislation will be needed to restore or update the law.

Under the proposed map model, we have seen that entire neighborhoods and watersheds with excellent road access and good fire response ISO ratings could be mislabeled as extreme risk. This is in stark contrast to our actual observations and experience during past fire seasons. Highest risk has

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historically been observed along the interface between public/private forestlands and residential areas, especially in the more remote reaches. In order to arrive at a more accurate determination of high risk areas, local access and fire response must be considered. I would propose that there should be no “extreme” ratings within easily-accessible populated areas, except along recognized wind corridors to address the rare but troubling threat of runaway urban fires such as the Alameda Fire. Why not look at the number of fire incidents in each neighborhood which hop to adjacent properties before being extinguished? That would provide some true evidence-based data. Broad spread assignment of high and extreme risk across entire local populations acts to obscure the ability to discern where the elevated risk actually exists. If every property is labeled extreme risk, then how do we know which properties are at a greater risk? Under the SB 762 model, we have already seen the potential for pushing most homeowners into higher categories than warranted by actual conditions and insurance claims indicate. To make matters worse, the appeals process only provides for moving one step down the scale even if the property in question was previously considered to be a far lower rating.

In addition to more accurate mapping of risk, the re-drawing of the WUI outline is critically important. It must be revised so that it serves its intended purpose of delineating the “edge” or overlap where yearly fires in unpopulated public forestland can occasionally spill over to rural residential properties. This should be a single line following the edge of forestlands, leaving any expansive developed areas outside its reaches- only small residential inlets would need to be included. Illogical WUI islands within the larger residential areas should be removed from the risk map, considering that local fire responders have complete access to these areas from all sides through developed areas. Furthermore, to accomplish the purpose of distinguishing a zone of elevated risk, the WUI width must be decreased from 1.5 miles to a figure more representative of typical spread of fire across residential properties. In many cases, nearby adjacent roadways could be used as an appropriate border since they are commonly utilized as fire lines. Any excess in the width of the WUI will obscure the actual areas of higher risk and unfairly penalize landowners, so the line must be drawn with care. The Obenchain Fire of 2020 represents the most severe recent wildfire in our two local counties, with 33 homes lost. A WUI line drawn per my suggestions would encompass the entire footprint of this and other severe wildfires in our area.

Accordingly, the definition of WUI criteria in 629-044-1011 must be completely revised so that it can be mapped in a logical way. Any part of its criteria which duplicates the calculation of the fire risk ratings is a redundancy which needs to be removed so that the two separate components of the model (WUI and risk ratings) can function as separate layers. Reduction of the WUI criteria to reflect a single line demarking the transition to unpopulated wildlands is the best way to make the process understandable and fair to landowners, and put to rest much of the need for the expensive appeals process.

I would ask everyone to merely consult their own common sense- neighborhoods with active fire departments within easy reach should not be given a blanket extreme risk category. I would go a step further in suggesting that extreme risk does not exist in most residential settings with good fire response, and this category should be used sparingly. Fires within most populated areas are extinguished promptly due to simple visibility- This is why the largest fires start in remote areas- these fire starts are not detected until they are large or cannot be controlled promptly due to accessibility. In Josephine and Jackson Counties, our wildland fire response is outstanding, and despite decades of yearly fire events our structural losses adjacent to wildfires continue to be low.

Amy More, GRI, ABR, SRS

John L Scott Medford