

Oregon Board of Forestry – Virtual Special Public Meeting

Tuesday, August 24, 2021

With the current public gathering restrictions, the Board of Forestry will hold its meeting virtually. Public testimony will be accepted at this meeting, please sign up following the online instructions or submit written comments to BoardofForestry@oregon.gov. The public meeting will be streamed live and accessible through the link below.

Link to view Board of Forestry Meeting available at
<https://www.youtube.com/c/OregonDepartmentofForestry>

Prior meetings' audio and this meeting's written material available on the web at www.oregon.gov/odf/board.

10:00 a.m. **Board Roll Call and Meeting Instructions**

Action and Information

10:05 – 12:00 1. **Senate Bill 762 Wildland Urban Interface Definition**..... Doug Grafe and Tim Holschbach
The Department will present the progress on the development of the Wildland Urban Interface (WUI) definition and rulemaking advisory committee work. The Department will seek approval from the Board to hold public hearings for the rule language and WUI definition. This is a decision item.

GENERAL INFORMATION:

Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of an intermittent break—may change to maintain meeting flow.

If special materials, services, or assistance is required, such as a sign language interpreter, assistive listening device, or large print material, please contact our Public Affairs Office at least three working days prior to the meeting via telephone at 503-945-7200 or by email at forestryinformation@oregon.gov.

Agenda Item No.:	1
Work Plan:	Fire Protection
Topic:	Evolving Topic: Governor’s Council on Wildfire Response
Presentation Title:	Senate Bill 762: Wildland – Urban Interface Definition
Date of Presentation:	August 24, 2021
Contact Information:	Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, Tim.J.Holschbach@Oregon.gov or Doug Grafe, Chief – Fire Protection 503-945-7351, Doug.Grafe@Oregon.gov

SUMMARY

The purpose of this agenda item is to seek approval from the Board of Forestry (Board) to hold public hearings regarding establishment of a definition of “Wildland-Urban Interface” in Oregon Administrative Rule 629-044.

BACKGROUND

Following the 2013-2015 fire seasons, two parallel review processes were initiated, the Secretary of State Audit and the Fire Program Review. Both efforts are aligned to help continue a highly functioning wildfire protection system for Oregon into the future. The Oregon Department of Forestry (Department) has fully embraced the findings and recommendations from both final reports. The 2017-2018 fire seasons experience reinforced the need for the agency to continue efforts on these recommendations. Additionally, the Governor issued Executive Order 19-01 creating the Governor’s Council on Wildfire Response.

The Secretary of State Performance Audit offered a third-party review of the Department’s ability to sustain its multiple missions, as increased demand to support the fire protection effort has been required from the entire agency.

The Fire Protection Response Committee was coordinated with all agency partners through a transparent process including legislators, governor’s office, forest landowners, and cooperators to reach for continuous improvement in Oregon’s complete and coordinated fire protection system.

The Governor’s Council on Wildfire Response offered 37 recommendations to improve Oregon’s wildfire protection system. Many of the recommendations required legislative action to be carried out.

Senate Bill 762 captured many of the recommendations of the Governor’s Council on Wildfire Response, providing legislative direction to the Board of Forestry regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the Department to review and clarify the enforcement of rules pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon.

CONTEXT

For the purpose of this rulemaking, the Department developed a rules advisory committee comprised of 26 representatives from a broad range of interests including industrial, nonindustrial, federal, county, environmental, tribal, and public (Attachment 1). This advisory committee met four times virtually. A short summary of each meeting is below:

July 27, 2021 – Introduction of Rules Advisory Committee (RAC). Provided background of SB762. Reviewed proposed charter and scope.

August 3, 2021 – Confirmed charter. Provided overview of Wildland-Urban Interface definition exercise to gain group perspective.

August 10, 2021 – Presentation of Oregon Department of Forestry staff recommendation of Wildland-Urban Interface definition. Polled Rules Advisory Committee on several definition options. Introduced components of economic impact statement.

August 17, 2021 – Oregon Department of Forestry staff presented draft staff report and fiscal and economic impact statement to committee. ODF presented initial work plan components, solicited feedback of additional components, provided possible data sources that should be considered and next steps toward definitions of terms needed for the development of a full work plan.

The Department gained extensive feedback through the committee process. The rule advisory committee’s work will continue further, to define the terms within the definition, develop the criteria to identify and classify the Wildland-Urban Interface, and estimate fiscal impact through a separate rulemaking process.

ANALYSIS

Department staff reviewed and presented seven definitions of “wildland-urban interface” that were consistent with national standards (Attachment 2). In addition, the Rules Advisory Committee completed an exercise that used the key words and phrases of the presented definition to allow for an analysis of which words were supported by the committee.

Polling was conducted on three potential definitions with associated poll results on August 10th:

1. “Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.”
 - a. International Wildland-Urban Interface Code definition – Department recommendation
 - i. 13 Rules Advisory Committee members - Full support
 - ii. 2 Rules Advisory Committee members - Agrees with proposal but would prefer it modified.
 - iii. 8 Rules Advisory Committee members - Refusal to support.

2. “A geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.”
 - a. Rules Advisory Committee member recommendation based on discussion.
 - i. 1 Rules Advisory Committee members - Full support
 - ii. 12 Rules Advisory Committee members - Agrees with proposal but would prefer it modified.
 - iii. 8 Rules Advisory Committee members - Refusal to support.

3. “Wildland-Urban Interface means the geographical area where human development meets wildland fuels.”
 - a. Definition exercise compilation of preferred terms.
 - i. 1 Rules Advisory Committee members - Full support
 - ii. 8 Rules Advisory Committee members - Agrees with proposal but would prefer it modified.
 - iii. 11 Rules Advisory Committee members - Refusal to support.

The International WUI definition is, “That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.” The second “or” was missing in previous RAC documents and polling.

On August 17th an additional RAC poll was conducted to address the missing word “or,” as a clerical error. The poll asked, “Do you recommend the correctly stated International WUI definition?”

1. “Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”
 - a. International Wildland-Urban Interface Code definition – Department recommendation
 - i. 14 Rules Advisory Committee members - Full support
 - ii. 2 Rules Advisory Committee members - Agrees with proposal but would prefer it modified.
 - iii. 5 Rules Advisory Committee members - Refusal to support.

2. A second poll was also taken upon request, to poll on the additional definition
 - a. “The area where houses meet or intermingle with underdeveloped wildland vegetation.”
 - i. 7 Rules Advisory Committee members - Full support
 - ii. 4 Rules Advisory Committee members - Agrees with proposal but would prefer it modified.
 - iii. 9 Rules Advisory Committee members - Refusal to support.

Under the RAC 1 Charter, a “Consensus” is defined as the members voting “1” (Full Support,) or a “2” (Agrees with proposal but would prefer it to be modified) with no “3” votes (Refusal to support). As a result, a Consensus was not achieved. The Department’s recommendation is the definition that received the largest majority support. The attached meeting summaries, Attachment 6, is a record of the Rules Advisory Committee member statements.

The Rules Advisory Committee also submitted written comment as received by the Department, Attachment 7.

RECOMMENDATION

The Board adopts the following as the definition of wildland-urban interface. “Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”

The Board directs the Department to proceed with the public hearing process and return in October 2021 with draft rule language for Chapter 629, Division 44 wildland urban interface definition.

NEXT STEPS

- Pending the Board of Forestry’s acceptance of these revised rules, the Department will schedule and hold public hearings.
- Following public input, the Department will return to the Board requesting promulgation of the rules.

RULE REVIEW TIMELINE

July 20, 2021 – Oregon Department of Forestry conducted an informational session virtually regarding Senate Bill 762.

July 21, 2021 – Oregon Department of Forestry presented an overview of Senate Bill 762 and requested permission from the Board to initiate the rule making process.

August 23-27, 2021 – Proposed rule presented to the Board of Forestry with request to conduct public hearings.

August 25, 2021 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State. Notify legislators and interested parties.

September 15 – 30, 2021 – Conduct public hearings.

October 18 - 22, 2021 – ODF submits final proposed rule with public comments to Board of Forestry for final consideration and approval.

October 22, 2021 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date October 27, 2021.

ATTACHMENTS

1. Rules Advisory Committee members
2. Department’s proposed rule changes to OAR 629-044, strikethrough.
3. Department’s proposed rule changes
4. Oregon Administrative Draft rule filing
5. Wildland-Urban Interface Rules Advisory Committee Charter
6. Rules Advisory Committee Meeting Summaries
7. Rules Advisory Committee Comments



**Wildland-Urban Interface Rules Advisory Committee (WUI)
Member List**



Organization	RAC Member	RAC Alternate
1000 Friends	Mary Kyle McCurdy	
Associated Oregon Loggers	Amanda Asto	Rex Storm
Association of Oregon Counties	Lauren Smith	
Association of Oregon County Planning Directors	Holly Kerns	Lindsey Eicher
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	
Department of Land Use & Conservation	Jon Jinings	Sadie Carney
Hood River County Planning Commission	Leti Moretti	
Jackson County Fire	Robert (Bob) Horton	
League of Oregon Cities	Jim McCauley	
Office of the State Fire Marshal	Travis Medema	Chad Hawkins
Oregon Farm Bureau	Mary Anne Cooper	
Oregon Fire Chiefs Association	Nicole Hazelbaker	
Oregon Fire Marshall's Association	Shawn Olson	Tanner Fairrington
Oregon Forest Industries Council	Kyle Williams	
Oregon Home Builders	Mark Long	
Oregon Property Owner's Association	Dave Hunnicut	Samantha Bayer
Oregon Small Woodlands Association	Roger Beyer	
Oregon State University - Extension	Erica Fisher	Chris Dunn
Sisters Fire	Roger Johnson	
Special Districts Association	Michele Bradley	Jason Jantzi
Sustainable Northwest	Dylan Kruse	
The Nature Conservancy	Amelia Porterfield	
Tualatin Valley Fire	Les Hallman	
Western Environmental Law Center	Pam Hardy	

Non-Voting Information Sources

ODF	Tim Holschbach,	Jenna Trentadue
USFS	Ian Rickert	
BLM	Richard Parrish	

DIVISION 44

629-044-0200

Wildfire Hazard Zones — Definitions

As used in OAR 629, division 044, unless otherwise required by context:

- (1) “Geographic Area” means the areas which result from the partitioning of all or portions of a jurisdiction into smaller segments, based on the presence of differing hazard values.
- (2) “Hazard” means the potential to burn.
- (3) “Hazard Factor” means the factors which most influence the potential of a geographic area to burn. Hazard factors are fire weather, topography, natural vegetative fuels, and natural vegetative fuel distribution.
- (4) “Hazard Rating” means a cumulative value resulting from the summation of hazard values for all four hazard factors. It reflects the overall potential for a given geographic area to burn.
- (5) “Hazard Value” means a value assigned to a hazard factor within a geographic area.
- (6) “Jurisdiction” means a unit of local government authorized by law to adopt a building code or a fire prevention code.
- (7) “Land Features” means roads, jurisdictional boundaries and other features created by human activity.
- (8) “Natural Geographic Features” means streams, ridge lines and other features naturally occurring.
- (9) “Wildfire Hazard Zone” means a geographic area having a combination of hazard factors that result in a significant hazard of catastrophic fire over relatively long periods of each year.

Statutory/Other Authority: ORS 526.016

Statutes/Other Implemented: ORS 93.270

History:

FB 2-1996, f. 3-13-96, cert. ef. 4-1-96

629-044-0210

Purpose

The purpose of OAR 629, division 044 is to set forth the criteria by which Wildfire Hazard Zones shall be determined by jurisdictions. Such a determination is necessary before the provisions of ORS 93.270(4), portions of the Oregon One and Two Family Dwelling Specialty Code, and portions of the Oregon Structural Specialty Code can become effective. The determination of Wildfire Hazard Zones by jurisdictions is voluntary.

Statutory/Other Authority: ORS 526.016

Statutes/Other Implemented: ORS 93.270

History:

FB 2-1996, f. 3-13-96, cert. ef. 4-1-96

629-044-0220

Wildfire Hazard Zones

- (1) For the convenience of administration, when practical, a jurisdiction may utilize nearby natural geographic features or land features to delineate the boundaries of Wildfire Hazard Zones.
- (2) It is not the intent of OAR 629, division 044 that Wildfire Hazard Zones be determined on a tax lot or an ownership specific basis, but rather that a landscape approach be used.
- (3) To determine the existence of Wildfire Hazard Zones, a jurisdiction shall:
 - (a) Determine, for each hazard factor, the appropriate geographic areas and associated hazard values; then
 - (b) Overlay the geographic areas and associated hazard values determined in subsection (3)(a) above, then determine the resulting composite geographic areas and the associated hazard rating for each composite area.
 - (c) For each composite geographic area determined in subsection (3)(b) above, determine whether a Wildfire Hazard Zone is present from Table 5.

TABLE 5

WILDFIRE HAZARD ZONE

Hazard Rating — Wildfire Hazard Zone.

1, 2, 3, 4, 5, or 6 — NO.

7, 8, 9, 10, 11 or 12 — YES.

Statutory/Other Authority: ORS 526.016

Statutes/Other Implemented: ORS 93.270

History:

FB 2-1996, f. 3-13-96, cert. ef. 4-1-96

629-044-0230

Fire Weather Hazard Factor

- (1) The reference for establishing the fire weather hazard factor shall be data provided by the Oregon Department of Forestry, which was developed following an analysis of daily fire danger rating indices in each regulated use area of the state.
- (2) For geographic areas described in Table 1, select the appropriate hazard value from Table 1.

TABLE 1

FIRE WEATHER HAZARD FACTOR

County — Hazard Value.

Baker — 3.

Benton — 2.

Clackamas — 2.

Clatsop, Area 1 — All of Clatsop County except Area 2. — 1.

Clatsop, Area 2 — That portion of Clatsop County in Township 4 North Range 6 West. — 2.

Columbia — 2.

Coos, Area 1 — All of Coos County except Area 2. — 1.

Coos, Area 2 — That portion of Coos County east of a generally north-south straight line which extends from the boundary with Douglas County, passes through the locales of Allegany and Gaylord, to the boundary with Curry County. — 2.

Crook — 3.

Curry, Area 1 — All of Curry County except Area 2. — 1.

Curry, Area 2 — That portion of Curry County east of the north-south line between Townships 13 West and 14 West. — 2.

Deschutes — 3.

Douglas, Area 1 — That portion of Douglas County west of a generally north-south straight line which extends from the boundary with Lane County, passes through the locale of Sulpher Springs, to the boundary with Coos County. — 1.

Douglas, Area 2 — That portion of Douglas County east of Area 1 and west of the north-south line between Townships 8 West and 9 West. — 2.

Douglas, Area 3 — That portion of Douglas County east of Area 1 and north of a generally east-west straight line which extends from the city of Cottage Grove to the mouth of Winchester Bay. — 2.

Douglas, Area 4 — That portion of Douglas County east of Area 2, south of Area 3 and west of Area 5. — 3.

Douglas, Area 5 — That portion of Douglas County east of a generally north-south line which follows the western boundary of the Umpqua National Forest from the boundary with Jackson County to the boundary with Lane County. — 2.

Gilliam — 3.

Grant — 3.

Harney — 3.

Hood River — 3.

Jackson — 3.

Jefferson — 3.

Josephine, Area 1 — All of Josephine County except Area 2. — 2.

Josephine, Area 2 — That portion of Josephine County east of a generally north-south line which follows Highway 199 from the California border to the locale of Wonder and then extends straight through the locale of Galice to the boundary with Douglas County. — 3.

Klamath — 3.

Lake — 3.

Lane, Area 1 — All of Lane County except Area 2. — 1.

Lane, Area 2 — That portion of Lane County east of generally north-south straight line which extends from the boundary with Benton County through the northeast corner of Township 15 South Range 9 West and the southwest corner of Township 18 South Range 9 West to the boundary with Douglas County. — 2.

Lincoln, Area 1 — All of Lincoln County except Area 2. — 1.

Lincoln, Area 2 — That portion of Lincoln County east of a generally north-south straight line which extends from the boundary with Lane County through the southwest corner of Township 14 South Range 10 West to the northwest corner of Township 12 South Range 10 West then straight to the northeast corner of Township 14 South Range 10 West then straight through the locale of Rose Lodge to the boundary with Tillamook County. — 2.

Linn — 2.

Malheur — 3.

Marion — 2.

Morrow — 3.

Multnomah — 2.

Polk — 2.

Sherman — 3.

Tillamook, Area 1 — All of Tillamook County except Area 2. — 1.

Tillamook, Area 2 — That portion of Tillamook County east of the north-south line between Townships 7 West and 8 West. — 2.

Umatilla — 3.

Union — 3.

Wallowa — 3.

Wasco — 3.

Washington — 2.

Wheeler — 3.

Yamhill — 2.

~~Statutory/Other Authority: ORS 526.016-~~

~~Statutes/Other Implemented: ORS 93.270~~

History:

~~FB 2-1996, f. 3-13-96, cert. ef. 4-1-96~~

629-044-0240

Topography Hazard Factor

(1) The reference for establishing the topography hazard factor shall be:

(a) The General Soil Map Report published by the Oregon Water Resources Board and the Soil Conservation Service, USDA in 1969; or

(b) The appropriate 7.5 minute quadrangle map published by the U.S. Geological Survey, USDI.

(2) For geographic areas determined by use of a reference set forth in subsection (1) above, select the appropriate hazard value from Table 2.

TABLE 2

TOPOGRAPHY HAZARD FACTOR

Map Slope Class — Hazard Value

1 (Slopes 00-03%) — 0.

2 (Slopes 03-07%) — 1.

3 (Slopes 07-12%) — 1.

4 (Slopes 12-20%) — 2.

5 (Slopes 20-35%) — 3.

6 (Slopes 35-60+%) — 3.

~~Statutory/Other Authority: ORS 526.016-~~

~~Statutes/Other Implemented: ORS 93.270~~

History:

~~FB 2-1996, f. 3-13-96, cert. ef. 4-1-96~~

629-044-0250

Natural Vegetative Fuel Hazard Factor

(1) The reference for establishing the natural vegetative fuel hazard factor shall be the “Aids to Determining Fuel Models For Estimating Fire Behavior” published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report INT-122.

(2) Using the natural vegetative fuel models described in the reference set forth in subsection (1), and summarized in Table 3, divide the jurisdiction into geographic areas which best describe the natural vegetation expected to occupy sites for the next 10 to 15 years and then select the appropriate hazard value from Table 3.

TABLE 3

NATURAL VEGETATIVE FUEL HAZARD FACTOR

Natural Vegetative Fuel Description — Hazard Value

Little or no natural vegetative fuels are present. — 0.

Grass. Very little shrub or timber is present, generally less than one-third of the area. Main fuel is generally less than two feet in height. Fires are surface fires that move rapidly through cured grass and associated material. (Fuel model 1) — 3

Grass. Open shrub lands and pine stands or scrub oak stands that cover one-third to two-thirds of the area. Main fuel is generally less than two feet in height. Fires are surface fires that spread primarily through the fine herbaceous fuels, either curing or dead. (Fuel model 2) — 3.

Grass. Beach grasses, prairie grasses, marshland grasses and wild or cultivated grains that have not been harvested. Main fuel is generally less than four feet in height, but considerable variation may occur. Fires are the most intense of the grass group and display high rates of spread under the influence of wind. (Fuel model 3) — 3.

Shrubs. Stands of mature shrubs have foliage known for its flammability, such as gorse, manzanita and snowberry. Main fuel is generally six feet or more tall. Fires burn with high intensity and spread very rapidly. (Fuel model 4) — 3.

Shrubs. Young shrubs with little dead material and having foliage not known for its flammability, such as laurel, vine maple and alders. Main fuel is generally three feet tall or less. Fires are generally carried in the surface fuels and are generally not very intense. (Fuel model 5) — 1.

Shrubs. Older shrubs with foliage having a flammability less than fuel model 4, but more than fuel model 5. Widely spaced juniper and sagebrush are represented by this group. Main fuel is generally less than six feet in height. Fires will drop to the ground at low wind speeds and in stand openings. (Fuel model 6) — 2.

Timber. Areas of timber with little undergrowth and small amounts of litter buildup. Healthy stands of lodgepole pine, spruce, fir and larch are represented by this group. Fires will burn only under severe weather conditions involving high temperatures, low humidities and high winds. (Fuel model 8) — 1.

Timber. Areas of timber with more surface litter than fuel model 8. Closed stands of healthy ponderosa pine and white oak are in this fuel model. Spread of fires will be aided by rolling or blowing leaves. (Fuel model 9) — 2.

Timber. Areas of timber with heavy buildups of ground litter caused by overmaturity or natural events of wind throw or insect infestations. Fires are difficult to control due to large extent of ground fuel. (Fuel model 10) — 3.

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

History:

~~FB 2-1996, f. 3-13-96, cert. ef. 4-1-96~~

~~629-044-0260~~

Natural Vegetative Fuel Distribution Hazard Factor

(1) Divide the jurisdiction into geographic areas which best describe the percentage of the area which is occupied by the foliage of natural vegetative fuels.

(2) For each geographic area determined in section (1) above, select the appropriate hazard value from Table 4.

TABLE 4

NATURAL VEGETATIVE FUEL DISTRIBUTION ~~SET~~ HAZARD FACTOR

Natural Vegetative Fuel Distribution — Hazard Value.

0 to 10% of the area — 0.

10 to 25% of the area — 1.

25 to 40% of the area — 2.

40 to 100% of the area — 3.

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

History:

~~FB 2-1996, f. 3-13-96, cert. ef. 4-1-96~~

~~629-044-1000~~

Wildland Urban Interface — Purpose

(1) The purpose of OAR 629-044-1000 to 629-044-1110 is to implement the provisions of ORS 477.015 to 477.061, the Oregon Forestland Urban Interface Fire Protection Act of 1997.

(2) The purpose of OAR 629-044-1010 to 629-044-1045 is to set forth the criteria by which the forestland-urban interface shall be identified and classified pursuant to ORS 477.025 to 477.057.

(3) The purpose of OAR 629-044-1050 to 629-044-1090 is to set forth the standards an owner of land in the forestland-urban interface shall apply pursuant to ORS 477.059(2).

(4) The purpose of OAR 629-044-1095 to 629-044-1105 is to set forth the process for written evaluation and certification pursuant to ORS 477.059(3).

(5) The purpose of OAR 629-044-1110 is to set forth the processes which shall apply to special or additional costs of fire protection within the forestland-urban interface pursuant to ORS 477.060.

Statutory/Other Authority: ~~ORS 477.027, 477.059 & 477.060~~

Statutes/Other Implemented: ~~ORS 477.015 – 477.061~~

History:

~~DOF 9-2002, f. 9-19-02, cert. ef.11-15-02~~^[FT1]

Wildland-Urban Interface

629-044-1000

Purpose

(1) The purpose of OAR 629-044-1000 to 629-044-1110 ~~1005~~ is to ~~identify and map the wildland-urban interface on for all lands and jurisdictions in Oregon~~ **establish a definition of wildland-urban interface**. ~~implement the provisions of ORS 477.015 to 477.061, the Oregon Forestland-Urban Interface Fire Protection Act of 1997.~~^[FT2]

~~(2) The purpose of OAR 629-044-10120 to 629-044-1045 is to set forth the criteria by which the forestland/wildland-urban interface shall be identified and classified pursuant to ORS 477.025 to 477.057027.~~

~~(3) The purpose of OAR 629-044-1050 to 629-044-1090 is to set forth the standards an owner of land in the forestland-urban interface shall apply pursuant to ORS 477.059(2).~~

~~(4) The purpose of OAR 629-044-1095 to 629-044-1105 is to set forth the process for written evaluation and certification pursuant to ORS 477.059(3).~~

~~(5) The purpose of OAR 629-044-1110 is to set forth the processes which shall apply to special or additional costs of fire protection within the forestland-urban interface pursuant to ORS 477.060.~~

Stat. Auth.: ~~ORS 477.027, ORS 477.059, ORS 477.060~~

Stats. Implemented: ~~ORS 477.015 – ORS 477.061~~

Hist.: ~~DOF 9-2002, f. 9-19-02, cert. ef.11-15-02~~

629-044-1005

Definitions

(1) The definitions set forth in ORS 477.001, ~~477.015 and OAR 629-041-0005~~ shall apply to 629-044-1000 to 629-044-1110 ~~1005~~, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1110 ~~1005~~, shall mean the following, unless the context otherwise requires:

(a) ~~"Community Wildfire Protection Plan" means a plan developed pursuant to the federal Healthy Forests Restoration Act of 2003 and which has been approved, within the past five years, by the appropriate city or county, by the appropriate structural fire service provider and by the Oregon Department of Forestry.~~^[FT3]

~~(b) "Concentration of structures" means dwellings in a density of four or more per quarter of a quarter section (an area approximately 40 acres in size), as determined by the Public Land Survey.~~^[FT4]

~~(c) "Classification" means the process set forth in ORS 477.031 to 477.052 and 477.057.~~

~~(d) "Classified by a committee" means the end result of the classification process set forth in ORS 477.031 to 477.052 and 477.057.~~^[FT5]

~~(e) "Current zoning" means zoning which allows the siting of a dwelling as an outright use.~~

~~(f) "Driveway" means the primary, privately owned vehicle access road that serves a dwelling, which is controlled by the owner of the dwelling, and which is longer than 150 feet.~~

~~(g) "Dwelling" means a structure, or a part of a structure, that is used as a home, as a residence, or as a sleeping place by one or more people who maintain a household in the structure.~~

~~(h) "Fire resistant roofing" means roofing material that has been installed and is maintained to the specifications of the manufacturer and which:~~

~~(A) Is rated by Underwriter's Laboratory as Class A, Class B, Class C, or is equivalent thereto; or~~

~~(B) Is metal.~~

~~(i) "Fuel break" means a natural or a human made area immediately adjacent to a structure or to a driveway, where material capable of allowing a wildfire to spread does not exist or has been cleared, modified, or treated to:~~

~~(A) Significantly reduce the rate of spread and the intensity of an advancing wildfire; and~~

~~(B) Create an area in which fire suppression operations may more safely occur.~~^[FT6]

~~(j) "Geographic area" means an area which results from the partitioning of all or portions of a district into smaller segments, based on the presence of differing hazard factors, risks, or dwelling concentrations.~~

~~(k) "Hazard factor" means one of the three factors which most influence the potential of a wildfire to spread. The three hazard factors are topography, natural vegetative fuels, and wildfire weather.~~

~~(l) "Homeowner's association" means a non profit corporation organized under ORS Chapter 65 and which is subject to the provisions of ORS 94.625 to 94.700.~~

~~(m) "Included rural lands" means lands which meet the definition of "rural" but which have been classified by a committee as "suburban."~~^[FT7]

~~(n) "Ladder fuel" means branches, leaves, needles, and other combustible vegetation that may allow a wildfire to spread from lower growing vegetation to higher growing vegetation.~~

~~(o) "Lands" means one or more tax lots.~~

~~(p) "Non fire resistant roofing" means roofing material that is not fire resistant including, but not limited to, cedar shakes.~~

~~(q) "Private fire department" means a private entity which provides structural fire prevention and suppression services and which meets the safety requirements set forth in OAR 437-002-0182.~~

~~(r) "Road" means a road over which the public has a right of use that is a matter of public record. [FT8]~~

~~(s) "Rural" means a geographic area which has not been classified by a committee as suburban or urban and shall include: [FT9]~~

~~(A) Lands zoned primarily for farm or forestry uses;~~

~~(B) Lands which have an average tax lot size of 10 acres or larger;~~

~~(C) Lands not zoned to allow a concentration of structures; and~~

~~(D) Lands which do not contain a concentration of structures.~~

~~(t) "Safety zone" means an adequately sized area, which is substantially free of flammable materials, and which can be used as a refuge to protect human life from an advancing wildfire.~~

~~(u) "Standards" means the actions, efforts, or measures which owners of suburban and urban lands shall take on their property, prior to a wildfire occurrence which originates on the property.~~

~~(v) "Structural fire service provider" means a local government agency or a private fire department which provides structural fire prevention and suppression services.~~

~~(w) "Structure" means a permanently sited building, a manufactured home, or a mobile home that is either a dwelling or an accessory building, which occupies at least 500 square feet of ground space, and which has at least one side that is fully covered. [FT10]~~

~~(x) "Suburban" means a geographic area which includes one or more of the following:~~

~~(A) Lands where a concentration of structures exists;~~

~~(B) Lands on which current zoning allows a concentration of structures; or~~

~~(C) Included rural lands. [FT11]~~

~~(y) "Urban" means a geographic area that includes one or more of the following:~~

~~(A) Lands within a city limit; or~~

~~(B) Lands within an urban growth boundary.~~

~~(z) "Urban growth boundary" is defined by ORS 197.295.~~

~~(aa) "Wildfire" means an uncontrolled fire which is burning on forestland and which is damaging, or is threatening to damage, forest resources or structures. [FT12]~~

(a) "Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or ~~or~~ vegetative fuels." [FT*013]

~~(ab) "Zoning" means a local governmental zoning ordinance, a land division ordinance adopted under ORS 92.044 or 92.046, or a similar general ordinance establishing standards for implementing a comprehensive plan.~~

Stat. Auth.: ORS 477.015, as amended by section 31, chapter 592, Oregon Laws 2021 (SB 762)
Stats. Implemented: ORS 477.015, as amended by section 31, chapter 592, Oregon Laws 2021 (SB 762)

Stat. Auth.: ~~ORS 477.027~~~~015~~, 477.059 & 477.060

Stats. Implemented: ~~ORS 477.015 – 477.061~~

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02; DOF 3-2007, f. 8-23-07, cert. ef. 12-31-07

~~629-044-1010~~

~~(1) ForestlandWildland-Urban Interface ^[FT*014]Lands, as defined in ORS 477.015 (1), means any areas where humans and their development meets or intermix with wildland fuels. Identified By A Committee^[FT*015]~~

~~(1) A committee shall identify for classification only those lands which:~~

~~(a) Are within the county of its jurisdiction;~~

~~(b) Are within a forest protection district;~~

~~(c) Meet the definition of forestland; and~~

~~(d) Meet the definition of suburban or urban.~~

~~(2) The amount of included rural lands identified for classification as suburban shall be kept to a minimum.~~

~~(3) Lands which meet all the criteria set forth in subsections (1) and (2) of this rule shall be considered to be forestland-urban interface ^[FT*016]lands.~~

~~(4) A committee ^[FT17]shall set forth the boundaries of forestland-urban interface lands identified in subsection (3) of this rule. For clarity, natural geographic features, human-made land features, public-land survey lines, and political boundary lines should be used to describe such boundaries.~~

Stat. Auth.: ORS 477.027^[FT18]

Stats. Implemented: ORS 477.025 — ORS 477.057

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1015~~

~~Forestland-Urban Interface Lands Classified By A Committee~~

~~(1) Forestland-urban interface lands shall be classified by a committee as follows:~~

~~(a) Locate the appropriate geographic areas and the associated values from the criteria set forth in OAR 629-044-1035 to 629-044-1045; then~~

~~(b) Overlay the geographic areas and the associated values, located in subsection (1)(a) of this rule, and identify the resulting composite geographic areas and the associated values; then~~

~~(c) Determine the classification for each composite geographic area identified in subsection (1)(b) of this rule, from the criteria set forth in Table 1 of this rule.~~

~~(d) Geographic areas determined in subsection (1)(c) of this rule to be "Extreme" may be classified by a committee as "High Density Extreme" pursuant to OAR 629-044-1020.~~

~~(2) A committee shall set forth the boundaries of the geographic areas classified by a committee pursuant to subsection (1) of this rule. For clarity, natural geographic features, human-made land features, public land survey lines, and political boundary lines should be used to describe such boundaries.~~^[FT19]

~~[ED-NOTE: Tables referenced are available from the agency.]~~

~~Stat. Auth.: ORS 477.027~~

~~Stats. Implemented: ORS 477.025 - ORS 477.057~~

~~Hist.: DOF 9-2002, f. 9-19-02, cert. ef. 11-15-02~~

~~629-044-1020~~

~~High Density Extreme Classification~~^[FT20]

~~(1)(a) The purpose of the High Density Extreme classification is to identify those lands where vegetation modification around structures alone may not be sufficient to help protect lives during a wildfire.~~

~~(b) Owners of lands classified High Density Extreme are required to provide fuel breaks adjacent to:~~

~~(A) Property lines;~~

~~(B) Roads; or~~

~~(C) Both property lines and roads.~~

~~(2) Lands may be classified by a committee as High Density Extreme when a geographic area meets all of the following criteria:~~^[FT21]

~~(a) The lands have been classified by a committee as Extreme based on the hazard factors;~~

~~(b) The lands have a current zoning for residential development;~~

~~(c) The lands contain fuels which, if not modified or treated, will result in a wildfire having a significant rate of spread and intensity;~~

~~(d) The lands have:~~

~~(A) An average tax lot size of less than three acres; or~~

~~(B) A typical tax lot configuration which prevents the establishment of a 30 foot wide fuel break adjacent to structures;~~

~~(e) The lands lack:~~

~~(A) Safety zones; or (B) Effective vehicle egress which may hamper the safe evacuation of dwellings during a wildfire.~~

~~(3) Notwithstanding subsection (2) of this rule, lands may be classified by a committee as High Density Extreme when all of the following apply to a geographic area which has current zoning for residential development:~~

~~(a) The committee receives a written request for such classification from one or more of the following entities in which the lands are located:~~

~~(A) The county;~~

~~(B) The city;~~

~~(C) The structural fire service provider;~~

~~(D) The entity responsible for development of a Community Wildfire Protection Plan; or~~

~~(E) The homeowner's association.~~

~~(b) The written request contains:~~

~~(A) Certification that the request has been approved by the governing body of the entity;~~

~~(B) Justification for the requested classification, based upon:~~

~~(i) The existence of fuels which, if not modified or treated, will result in a wildfire having a significant rate of spread and intensity; or~~

~~(ii) A lack of effective vehicle egress which may hamper the safe evacuation of dwellings during a wildfire.~~

~~(4) When lands are classified by a committee as High Density Extreme, the committee shall also specify which of the following options shall apply to the lands:~~

~~(a) Option 1, where fuel breaks shall be provided adjacent to property lines pursuant to OAR 629-044-1075(1);~~

~~(b) Option 2, where fuel breaks shall be provided adjacent to roads pursuant to ORS 629-044-1075(2); or~~

~~(c) Option 3, where fuel breaks shall be provided adjacent to property lines and to roads pursuant to OAR 629-044-1075(1) and (2).~~

~~(5) Written requests received by a committee under subsection (3) of this rule automatically terminate after a period of five years.~~

~~Stat. Auth.: ORS 477.027~~

~~Stats. Implemented: ORS 477.025 - 477.057~~

~~Hist.: DOF 9-2002, f. 9-19-02, cert. ef. 11-15-02; DOF 3-2007, f. 8-23-07, cert. ef. 12-31-07~~

~~629-044-1025~~

~~Periodic Forestland-Urban Interface Lands Identification And Classification~~

~~The identification and classification of forestland-urban interface lands shall be reviewed by a committee at least once every five years. [FT22]~~

Stat. Auth.: ORS 477.027
Stats. Implemented: ORS 477.025—ORS 477.057
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1030~~

~~Forestland-Urban Interface Lands Identification And Classification By The State Forester~~^[FT23]

~~When the State Forester performs the duties of a committee pursuant to ORS 477.057, the State Forester shall comply with OAR 629-044-1010 to 629-044-1045.~~

Stat. Auth.: ORS 477.027
Stats. Implemented: ORS 477.025—ORS 477.057
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1035~~

~~Wildfire Weather Hazard Factor~~Ratings

~~(1) The reference for establishing the wildfire weather hazard factor ratings shall be determined from the most current wildfire risk assessment data provided by the Oregon Department of Forestry, which was developed following an analysis of daily wildfire danger rating indices in each regulated use area of the state and which is described in Table 1 of OAR 629-044-0230.~~

~~(2) Wildfire hazard ratings are meant to illustrate fire risk to structures and shall be classified as follows:~~

~~(a) Low~~

~~(b) Moderate~~

~~(c) High~~

~~(d) Extreme~~^[FT*024]

~~For the geographic areas described in Table 1 of OAR 629-044-0230, select the appropriate hazard values.~~

~~(3) A committee may increase the hazard value determined in subsection (2) of this rule by one point in any geographic area which it determines to have a history of frequent wildfire occurrence.~~^[FT25]

Stat. Auth.: ORS 477.027
Stats. Implemented: ORS 477.025—ORS 477.057
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1040~~

~~Topography Hazard Factor~~

~~(1) The reference for establishing the topography hazard factor shall be:~~

~~(a) A 30-meter or better Digital Elevation Model (DEM); or~~

~~(b) The appropriate 7.5-minute quadrangle map published by the U.S. Geological Survey, USDI.~~

(2) Using the reference set forth in subsection (1) of this rule, determine the geographic areas which best describe:

(a) Areas having an overall slope of 25% (14 degrees) or less; and

(b) Areas having an overall slope of more than 25% (14 degrees).

(3) Each geographic area determined in subsection (2) of this rule shall be assigned an appropriate hazard value, as follows:

(a) A hazard value of 1, for geographic areas described by subsection (2)(a) of this rule; or

(b) A hazard value of 2, for geographic areas described by subsection (2)(b) of this rule.

Stat. Auth.: ORS 477.027

Stats. Implemented: ORS 477.025—ORS 477.057

Hist.: DOF 9-2002, f. 9-19-02, cert. ef. 11-15-02

629-044-1045

Natural Vegetative Fuel Hazard Factor

(1) The reference for establishing the natural vegetative fuel hazard factor shall be the document "Aids to Determining Fuel Models for Estimating Fire Behavior" published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report Technical INT-122. Information from this reference is summarized in Table 3 of OAR 629-044-0250. [Table not included. See ED. NOTE] (Is this going to change based on new NFDRS?)

(2) Using the fuel models described in the reference set forth in subsection (1) of this rule, determine the geographic areas which best describe the natural vegetative fuels expected to occupy an area for the next five years.

(3) The geographic areas determined in subsection (2) of this rule shall be assigned the appropriate hazard value, as shown in Table 3 of OAR 629-044-0250.

(4) It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (2) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, a committee may make such modifications to the hazard values as it determines is necessary to accurately reflect the following:

(a) A hazard value of 1 shall describe vegetation that typically produces a flame length of up to 5 feet, a wildfire which exhibits very little spotting, torching, or crowning, and which results in a burned area that can normally be entered within 15 minutes.

(b) A hazard value of 2 shall describe vegetation that typically produces a flame length of 5 to 8 feet, a wildfire which exhibits sporadic spotting, torching, or crowning, and which results in a burned area that can normally be entered within one hour.

(c) A hazard value of 3 shall describe vegetation that typically produces a flame length of over 8 feet, a wildfire that exhibits frequent spotting, torching, or crowning, and which results in a burned area that normally cannot be entered for over one hour.

Stat. Auth.: ORS 477.027
Stats. Implemented: ORS 477.025—ORS 477.057
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02
629-044-1050

Purpose And Intent Of Standards

- (1) The standards required by OAR 629-044-1055 are designed to minimize or mitigate a wildfire hazard or risk on an owners property which arises due, singly or in combination, to the presence of structures, to the arrangement or accumulation of vegetative fuels, or to the presence of other wildfire hazards.
- (2) It is recognized that owners have a variety of objectives to achieve while applying the standards, including objectives related to aesthetics, dust barriers, fish and wildlife habitat, gardening, soil stabilization, sound barriers, and visual barriers. It is the intent of the standards to allow owners to meet such objectives, provided there is no compromise of the standards needed to mitigate wildfire hazards or risks.
- (3) The standards are considered to be minimum measures which are intended to improve the survivability of structures during a wildfire, but which will not guarantee survivability. ~~(F126)~~

Stat. Auth.: ORS 477.059
Stats. Implemented: ORS 477.059
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02
629-044-1055

Standards ~~(F127)~~

- (1) Owners of lands **classified by a committee** as Low are not required to comply with the standards, however, they are encouraged to review their individual situation and to apply those standards which may be appropriate.
- (2) Owners of lands classified by a committee as Moderate, High, Extreme, or High Density Extreme shall comply with the standards applicable to their lands. In meeting this requirement, owners shall apply one or more of the following:
 - (a) The default standards set forth in OAR 629-044-1060, which are intended for the majority of owners;
 - (b) The optional standards set forth in OAR 629-044-1065, which are intended for owners who are unable to meet the default standards; or
 - (c) The alternate standards developed pursuant to OAR 629-044-1070, which are intended for owners who wish to address site specific conditions or unique situations.
- (3) Owners are encouraged to exceed the standards and to apply additional wildfire safety measures.

Stat. Auth.: ORS 477.059
Stats. Implemented: ORS 477.059
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

629-044-1060

Default Standards^[FT28]

(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme owners shall:

(a) Provide and maintain primary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are:

(A) Immediately adjacent to structures, for a distance of at least 30 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.

(B) Immediately adjacent to driveways, for a distance of at least ten feet from the centerline of a driveway, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 1/2 feet in height and 12 feet in width or to the property line, whichever is the shortest distance.

(b) Provide and maintain secondary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to primary fuel breaks, for the distance necessary to comply with the total fuel break distance specified in Table 2^[FT29] of this rule, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.^[FT30]

(c) Remove any portion of a tree which extends to within 10 feet of the outlet of a structure chimney or a stove pipe;

(d) Maintain the portion of any tree which overhangs a structure substantially free of dead plant material;

(e) Maintain the area under decks substantially free of firewood, stored flammable building material, leaves, needles, and other flammable material; and

(f) During times of the year when wildfire may be a threat, locate firewood, flammable building material, and other similar flammable material:

(A) At least 20 feet away from a structure; or

(B) In a fully enclosed space.

(2) On all lands classified by a committee as High Density Extreme, owners shall comply with subsection (1) of this rule and with the standards set forth in OAR 629-044-1075.

[ED.NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

Optional Standards

~~(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to structures for a distance of thirty feet or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.~~

~~(2) Where structures exist on lands classified by a committee as Moderate, owners shall comply with subsection (1) of this rule and with one or more of the options set forth in subsection (6) of this rule.~~

~~(3) Where structures exist on lands classified by a committee as High, owners shall comply with subsection (1) of this rule and with two or more of the options set forth in subsection (6) of this rule.~~

~~(4) Where structures exist on lands classified by a committee as Extreme, owners shall comply with subsection (1) of this rule and with three or more of the options set forth in subsection (6) of this rule.~~

~~(5) Where structures exist on lands classified by a committee as High Density Extreme, owners shall comply with subsection (1) of this rule, with three or more of the options set forth in subsection (6) of this rule, and with subsection (7) of this rule.~~

~~(6) Optional standards are:~~

~~(a) Option 1, fire resistant structures. This option is intended to reduce the likelihood of a structure being ignited by a wildfire. To comply with this option, owners of structures shall:~~

~~(A) Have fire resistant roofing material;~~

~~(B) Have all permanent openings into and under the structure completely covered with noncombustible, corrosion-resistant, mesh screening material, which has openings no greater than 1/4 inch in size;~~

~~(C) Where there are attachments to the structure, such as decks and porches:~~

~~(i) Maintain the area under the attachments substantially free of firewood, flammable building material, leaves, needles, and other flammable material; or~~

~~(ii) Cover openings to the area under the attachments with noncombustible, corrosion-resistant mesh screening material, which has openings no greater than 1/4 inch in size;~~

~~(D) Remove any portion of a tree which extends to within 10 feet of the outlet of a structure chimney or a stove pipe;~~

~~(E) Maintain the portion of any tree which overhangs a structure substantially free of dead plant material; and~~

~~(F) During times of the year when wildfire may be a threat, locate firewood, flammable building material, and other similar flammable material:~~

~~(i) At least 20 feet away from the structure; or~~

(ii) In a fully enclosed space.

(b) Option 2, secondary fuel break. This option is intended to provide additional separation between structures and natural vegetation. To comply with this option, owners of structures shall provide and maintain secondary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to primary fuel breaks, for the distance necessary to create a total fuel break of 100 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.

(c) Option 3, wildfire safe access. This option is intended to provide a more safe vehicle access to and from structures during a wildfire. To comply with this option, owners of a driveway shall provide and maintain a primary fuel break which complies with the requirements of OAR 629-044-1085 and which is immediately adjacent to a driveway for a distance of ten feet from the centerline of the driveway, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 1/2 feet in height and 12 feet in width or to the property line, whichever is the shortest distance.

(d) Option 4, low ignition risk property. This option is intended to reduce the likelihood of a wildfire ignition. To comply with this option, owners shall at all times use the following fire prevention practices:

(A) Open fires shall be:

(i) Built, ignited and maintained in compliance with all applicable permit and fire safety requirements;

(ii) Tended and maintained under the control of a person 16 years of age or older;

(iii) Conducted only when weather conditions permit safe burning;

(iv) Conducted in a location which has had all surrounding material cleared of flammable material sufficient to prevent unintended spread of the fire; and

(v) Conducted only when adequate and appropriate fire tools and/or a water supply are present to assist in preventing unintended spread of the fire.

(B) Grills, incinerators, outdoor fireplaces, permanent barbecues, and similar outdoor devices shall be maintained in good repair, in safe condition, and all openings shall normally be completely covered by a spark arrester, by a screen, or by a device which prevents unintended spread of a fire.

(C) Ashes and coals resulting from the use of grills, incinerators, outdoor fireplaces, permanent barbecues, and similar outdoor devices shall be disposed of in a manner which prevents unintended spread of a fire.

(D) The use of outdoor equipment or devices capable of generating heat, open flame, or sparks shall be conducted in compliance with all applicable permit and fire safety requirements; and

(E) Chimneys and stove pipes shall be used only if their openings are completely covered with a spark arrester which meets or exceeds the following standard: constructed of 12 USA standard gauge wire which has openings no larger than 1/2 inch in size.

~~(7) On all lands classified by a committee as High Density Extreme, owners comply with the standards set forth in OAR 629-044-1075.~~

~~Stat. Auth.: ORS 477.059~~

~~Stats. Implemented: ORS 477.059~~

~~Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02~~

~~629-044-1070~~

~~Alternate Standards~~

~~(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme, owners shall comply with all standards described in a cooperative agreement made pursuant to ORS 477.406.~~

~~(2) Cooperative agreements which describe alternate standards shall be valid only if:~~

~~(a) On forms provided by the State Forester or in a format prescribed by the State Forester;~~

~~(b) Signed by the District Forester and by the owner; and~~

~~(c) The alternate standards provide, in the judgement of the District Forester, for equal or better protection from wildfire than do the standards of OAR 629-044-1060, 629-044-1065, and 629-044-1075 which apply to the classification of the lands for which the cooperative agreement is made.~~

~~Stat. Auth.: ORS 477.059~~

~~Stats. Implemented: ORS 477.059~~

~~Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02~~

~~629-044-1075~~

~~Additional Standards For Lands Classified As High Density Extreme~~

~~(1) On all lands classified by a committee as High Density Extreme with Option 1, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to all property lines, for a distance of twenty feet or to the adjacent property line, whichever is the shortest distance. The distance shall be measured along the slope.~~

~~(2) On all lands classified by a committee as High Density Extreme with Option 2, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to all road centerlines, for a distance of at least thirty feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the center of the driving surface.~~

~~(3) On all lands classified by a committee as High Density Extreme with Option 3, owners shall comply with subsections (1) and (2) of this rule.~~

~~Stat. Auth.: ORS 477.059~~

~~Stats. Implemented: ORS 477.059~~

~~Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02; DOF 3-2007, f. 8-23-07, cert. ef. 12-31-07~~

629-044-1080

Modification Of Standards

The District Forester may, in writing, reduce or waive any standard of OAR ~~629-044-1060, 629-044-1065, 629-044-1075, and 629-044-1085~~ if the forester finds that conditions so warrant. Reductions or waivers made under this rule:

(1) May be made only after a written request from the owner;

(2) Are intended to be few in number;

(3) Must address:

(a) A site specific condition or a unique situation which does not warrant the development of alternate standards under OAR ~~629-044-1070~~; or

(b) A conflict with the requirements of other codes, laws, ordinances, or regulations, as described in ORS 477.023(2), and which does not warrant the development of alternate standards under OAR ~~629-044-1070~~; and

(4) Shall be:

(a) On forms provided by the State Forester or in a format prescribed by the State Forester;

(b) Signed by the District Forester and by the owner.^[FT31]

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1085~~

Fuel Break Requirements^[FT32]

(1) The purpose of a fuel break is to:

(a) Slow the rate of spread and the intensity of an advancing wildfire; and

(b) Create an area in which fire suppression operations may more safely occur.

(2) A fuel break shall be a natural or a human-made area where material capable of allowing a wildfire to spread:

(a) Does not exist; or

(b) Has been cleared, modified, or treated in such a way that the rate of spread and the intensity of an advancing wildfire will be significantly reduced.

(3) A primary fuel break shall be comprised of one or more of the following:

(a) An area of substantially non-flammable ground cover. Examples include asphalt, bare soil, clover, concrete, green grass, ivy, mulches, rock, succulent ground cover, or wildflowers.

- (b) An area of dry grass which is maintained to an average height of less than four inches.
- (c) An area of cut grass, leaves, needles, twigs, and other similar flammable materials, provided such materials do not create a continuous fuel bed and are in compliance with the intent of subsections (1) and (2) of this rule.
- (d) An area of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:
 - (A) Maintained in a green condition;
 - (B) Maintained substantially free of dead plant material;
 - (C) Maintained free of ladder fuel;
 - (D) Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and
 - (E) In compliance with the intent of subsections (1) and (2) of this rule.
- (4) A secondary fuel break shall be comprised of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:
 - (a) Maintained in a green condition;
 - (b) Maintained substantially free of dead plant material;
 - (c) Maintained free of ladder fuel;
 - (d) Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and
 - (e) In compliance with the intent of subsections (1) and (2) of this rule.

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

629-044-1090

Apparent Conflicts With Standards

Pursuant to ORS 477.023:^[FT33]

- (1) The standards set forth in OAR 629-044-1060 to 629-044-1085 do not supercede or replace any federal law or regulation, any other state agency law or regulation, or any more restrictive local government ordinance or code.
- (2) Apparent conflicts with other laws and regulations, for which the forester is responsible and has jurisdiction, shall be resolved within the scope of the forester's authority and documented, as provided in OAR 629-044-1070 or 629-044-1080.

~~(3) Compliance with OAR 629-044-1070 to 629-044-1080 does not relieve the owner of the requirements of any other law or regulation which applies to the lands in question.~~

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.023 & ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef. 11-15-02

629-044-1095

Written Evaluation

~~(1) Pursuant to ORS 477.059^[FT34], the forester shall provide to the owners of lands classified by a committee a copy of OAR 629-044-1000 to 629-044-1110 and an evaluation form^[FT35]:~~

~~(a) Two years before the obligations of ORS 477.059(4) become effective on the lands for the first time;~~

~~(b) Every five years thereafter; and~~

~~(c) When requested by an owner.~~

~~(2) The intent of an evaluation form provided pursuant to subsections (1), (5) or (6) of this rule is to allow owners to self-certify compliance with the standards of OAR 629-044-1060 to 629-044-1085. Completion and return of the evaluation form to the forester is optional.~~

~~(3) In lieu of completing and returning an evaluation form provided pursuant to subsections (1), (5) or (6) of this rule, an owner may have it completed and returned by an accredited assessor.~~

~~(4) Completed and returned evaluation forms shall become void:~~

~~(a) Five years after they are provided by the forester;~~

~~(b) When the ownership of a tax lot changes;~~

~~(c) When a structure is added to a tax lot; or~~

~~(d) Pursuant to a determination made in accordance with the provisions of subsection (3) of OAR 629-044-1100.~~

~~(5) When the ownership of a tax lot changes, the previous owner shall notify the new owner of the voiding of the evaluation form under subsection (4)(b) of this rule. The new owner may, as provided in subsection (1)(c) of this rule, request that the forester provide a current copy of OAR 629-044-1000 to 629-044-1110 and a new evaluation form.~~

~~(6) When a structure is added to a tax lot, the owner may request that the forester provide a current copy of OAR 629-044-1000 to 629-044-1110 and a new evaluation form.~~

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef. 11-15-02

629-044-1100

Certification

~~(1) An owner of lands classified by a committee shall be considered to be certified as meeting the standards set forth in OAR 629-044-1060 to 629-044-1085 if:~~

~~(a) They sign and return to the forester an evaluation form provided ^[FT36] pursuant to OAR 629-044-1095; or~~

~~(b) They use the services of an Accredited Assessor who signs and returns to the forester an evaluation form provided pursuant to OAR 629-044-1095; and~~

~~(c) The evaluation form has not become void pursuant to OAR 629-044-1095(4).~~

~~(2) The forester may make a determination of whether the lands of an owner meet the standards set forth in OAR 629-044-1060 to 629-044-1085 at any time following the completion and return of an evaluation form provided pursuant to 629-044-1095. Such a determination must be made prior to the occurrence of a wildfire on an owners tax lot.~~

~~(3) If the forester determines that an evaluation form provided pursuant to OAR 629-044-1095 was returned by the owner and that it incorrectly or falsely indicated the lands meet the standards set forth in 629-044-1060 to 629-044-1085, the owner shall be notified in writing that both the evaluation form and the certification granted under subsection (1) of this rule will become void on a specified date. In making such a determination, the forester shall:~~

~~(a) Not base the determination on technicalities or omissions which, in the sole judgment of the forester, are minor in nature; and~~

~~(b) First provide the owner a reasonable time to:~~

~~(A) Provide evidence that the property does meet the standards set forth in OAR 629-044-1060 to 629-044-1085; or~~

~~(B) Bring their property into compliance with the standards set forth in OAR 629-044-1060 to 629-044-1085.~~

Stat. Auth.: ORS 477.059

Stats. Implemented: ORS 477.059

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

~~629-044-1105~~

~~Accredited Assessors ^[FT37]~~

~~(1) An Accredited Assessor shall obtain accreditation from the District Forester prior to conducting any activities allowed or required by OAR 629-044-1100 in a district.~~

~~(2) To request accreditation, prospective Accredited Assessors shall make application to the District Forester and sign an accreditation agreement on forms provided by the State Forester or in a format prescribed by the State Forester.~~

~~(3) Accredited Assessors will not be considered to be accredited until the District Forester reviews and approves both their application and their signed accreditation agreement.~~

~~(4) Applications to become an Accredited Assessor shall include, but will not be limited to:~~

~~(a) For a Type 1 Accredited Assessor:~~

~~(A) The person's Oregon Construction Contractors Board or Oregon Landscape Contractors Board license number; and~~

~~(B) Evidence that the person has had at least two years total experience related to:~~

~~(i) Wildland fire prevention or suppression; or~~

~~(ii) Management of properties which contain forestland.~~

~~(b) For a Type 2 Accredited Assessor:~~

~~(A) A statement that the person is acting as an authorized agent of a structural fire service provider;~~

~~(B) The signature of the Fire Chief of the structural fire service provider;~~

~~(C) Evidence that the person is a full time paid employee or a volunteer employee in good standing of the structural fire service provider; and~~

~~(D) Evidence that the person has had at least two years total experience related to wildland fire prevention or suppression.~~

~~(c) For a Type 3 Accredited Assessor:~~

~~(A) A statement that the person is acting as an authorized agent of a homeowner's association;~~

~~(B) The signatures of the persons who constitute the governing body of the homeowner's association;~~

~~(C) Evidence that the person is a full time paid employee or a volunteer employee in good standing of the homeowner's association; and~~

~~(D) Evidence that the person has had at least two years total experience related to:~~

~~(i) Wildland fire prevention or suppression; or~~

~~(ii) Management of properties which contain forestland.~~

~~(5) Accreditation agreements shall include, but will not be limited to:~~

~~(a) For a Type 1 Accredited Assessor, a requirement to perform certification services only while currently registered with the Oregon Construction Contractors Board or the Oregon Landscape Contractors Board;~~

~~(b) For a Type 2 Accredited Assessor:~~

~~(A) A requirement to perform certification services only while acting as an authorized agent of a structural fire service provider; and~~

~~(B) A prohibition on collecting either a fee or any other form of remuneration directly from the owner of the lands, for performing certification services;~~

~~(c) For a Type 3 Accredited Assessor:~~

- ~~(A) A requirement to perform certification services only while acting as an authorized agent of a homeowner's association; and~~
- ~~(B) A prohibition on collecting either a fee or any other form of remuneration directly from the owner of the lands, for performing certification services;~~
- ~~(d) A requirement to make a determination of whether a property meets the standards set forth in OAR 629-044-1060 to 629-044-1085 only in a truthful manner;~~
- ~~(e) A requirement to send any required records to the State Forester within a specified period of time;~~
- ~~(f) A requirement to maintain any required records for a minimum of six years; and~~
- ~~(g) A requirement to not perform certification services if:
 - ~~(A) Notified of a suspension under subsection (6) of this rule; or~~
 - ~~(B) Notified of a revocation under subsections (7), (8) or (9) of this rule.~~~~
- ~~(6) The District Forester may suspend the certification authority of an Accredited Assessor at any time the District Forester determines the Accredited Assessor has failed to comply with all requirements of the accreditation agreement. In taking such action, the District Forester shall:
 - ~~(a) Suspend the certification authority of an Accredited Assessor only after providing fifteen days prior written notice to the Accredited Assessor;~~
 - ~~(b) Not more than fifteen days after suspending the certification authority of an Accredited Assessor, either initiate action for the State Forester to revoke the accreditation of the Accredited Assessor or restore the certification authority of the Accredited Assessor.~~~~
- ~~(7) The State Forester shall revoke the certification authority of an Accredited Assessor if the District Forester provides evidence that such action is warranted due to a failure of the Accredited Assessor to comply with all requirements of the accreditation agreement. In taking such action, the State Forester shall:
 - ~~(a) Take the revocation action not more than sixty days after receiving the evidence from the District Forester; and~~
 - ~~(b) Revoke the certification authority of an Accredited Assessor only after providing thirty days prior written notice to the Accredited Assessor.~~~~
- ~~(8) An Accredited Assessor may, not more than 30 days after receipt of the written notice required in subsection (7)(b) of this rule, request a review of the proposed revocation by the State Forester. If such a request is made, the State Forester shall:
 - ~~(a) Conduct the requested review within 30 days of the receipt of the request; and~~
 - ~~(b) Either affirm or cancel the proposed certification revocation action.~~~~
- ~~(9) An Accredited Assessor who has had their certification authority revoked pursuant to this rule may appeal the decision of the State Forester to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).~~

Stat. Auth.: ORS 477.059
Stats. Implemented: ORS 477.059
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

629-044-1110

Special Assessments

~~(1) When, pursuant to ORS 477.060, the forester assesses the owners of lands classified by a committee, the funds so received shall be:~~

~~(a) Allocated exclusively to the forest protection district wherein the lands are located;~~

~~(b) Used exclusively for activities pertaining to the lands from which the funds have been received;~~

~~(c) Used only in accordance with an annual written plan which may provide for:~~

~~(A) The full or partial funding of targeted fire prevention and suppression resources which are needed to minimize cost and risk while maximizing the effectiveness and efficiency of the protection of values at risk from wildfire;~~

~~(B) The full or partial funding of projects which will assist, encourage or promote owners to minimize and mitigate wildfire hazards and risks. Examples include:~~

~~(i) Providing labor and/or equipment for fuels reduction activities;~~

~~(ii) Assisting owners who are physically or financially unable to complete the work necessary to meet the standards set forth in OAR 629-044-1060 to 629-044-1085; and~~

~~(iii) Providing rebates for owners who have lands which meet the standards set forth in OAR 629-044-1055 to 629-044-1085.~~

~~(C) The full or partial funding of special or unique costs of assessment processing, certification administration, or program administration, so long as such an amount does not exceed \$10 per tax lot or parcel of real property.~~

~~(2) Assessments levied pursuant to ORS 477.060 shall be:~~

~~(a) Levied only after being approved by an advisory and guidance committee, pursuant to ORS 477.240;~~

~~(b) Levied on a per tax lot or parcel of real property basis;~~

~~(c) Levied in an amount which does not exceed \$25 per tax lot or parcel of real property. The determination of lots or parcels of real property shall be made pursuant to ORS 477.295; and~~

~~(d) Based on the classification of the lands classified by a committee.^[FT38]~~

Stat. Auth.: ORS 477.060
Stats. Implemented: ORS 477.060
Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02

Appendix

660-006-0035

Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest or agriculture/forest zone:

(1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

(3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.[FT39]

(4) The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

Stat. Auth.: ORS 197.040, 197.230 & 197.245

Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 2-2011, f. & cert. ef. 2-2-11

660-006-0040

Fire Safety Design Standards for Roads

The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are

constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

DIVISION 44

Wildland-Urban Interface

629-044-1000

Purpose

(1) The purpose of OAR 629-044-1000 to 629-044-1005 is to **establish a definition of wildland-urban interface.**

629-044-1005

Definitions

(1) The definitions set forth in ORS 477.001, shall apply to 629-044-1000 to 629-044-1005, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1005, shall mean the following, unless the context otherwise requires:

(a) "Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels."

Stat. Auth.: ORS 477.015, as amended by section 31, chapter 592, Oregon Laws 2021 (SB 762)

Stats. Implemented: ORS 477.015, as amended by section 31, chapter 592, Oregon Laws 2021 (SB 762)

Hist.: DOF 9-2002, f. 9-19-02, cert. ef.11-15-02; DOF 3-2007, f. 8-23-07, cert. ef. 12-31-07

STATEMENT OF NEED AND FISCAL IMPACT.

Need for Rule(s):

This rule is necessary to meet the statutory obligations of ORS 477.015, amended during the 2021 legislative session, directing the State Board of Forestry to define "wildland-urban interface" within 100 days of passage.

Fiscal and Economic Impact:

This definition is a new administrative rule. The term is not connected to any current statute or rule. In its present state, the impact is indeterminate. Additional fiscal and economic impact analysis will be necessary as the definition is utilized in future rulemaking. Future rulemaking will identify the applicable area that this definition applies to.

Statement of Cost of Compliance:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

This definition is a new administrative rule. The term is not connected to any current statute or rule. In its present state, the impact is indeterminate. Additional analysis regarding the cost of compliance will be necessary as the definition is utilized in future rulemaking. Future rulemaking will identify the applicable area that this definition applies to.

Describe how small businesses were involved in the development of these rule(s)?

Organizations representing small businesses are members of the rules advisory committee.

Documents Relied Upon, and where they are available:

Rules Advisory Committee documents:

<https://www.oregon.gov/odf/board/Pages/rac.aspx>

Board of Forestry documents:

<https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx>

Was an Administrative Rule Advisory Committee consulted? Yes or No?

If not, why not?

Yes.

OREGON DEPARTMENT OF FORESTRY (ODF)
SB 762 RULEMAKING ADVISORY COMMITTEE (RAC)
Charter and Collaboration Principles
Adopted 8-3-2021

For any collaborative process, the participants should establish procedures to govern the committee and its members. Such agreement increases success and decreases meeting time by assuring a good faith process that explores competing needs and leads to balanced recommendations to the sponsor.

I. Background

The Oregon Forestland-Urban Interface Fire Protection Act of 1997 was the first defensible space in Oregon. At that time, the “forestland-urban interface” (WUI) was defined as properties within an ODF forest protection district that lie within a county where a specific concentration of homes exists (10 acres or less, or 4 homes per legal 40 acres).

Senate Bill 762, passed in the 2021 legislative session and is anticipated to be signed by Gov. Kate Brown, revises Oregon Revised Statutes 477.015 to 477.064. The major changes follow.

Requirement	SB 360	SB 762
Mapping	Limited to within ODF protection districts	Statewide
Display	Paper maps	Oregon Explorer Wildfire Risk Portal
Wildfire risk classes	3 to 5 classes	5 classes
Defensible Space Administration	Oregon Department of Forestry	Oregon Office of the State Fire Marshal

The bill directs the Board of Forestry to establish a definition of Wildland-Urban Interface. These rules must also establish criteria to identify and classify the WUI. The Board of Forestry approved the convening of this RAC at its July 21, 2021, meeting. The WUI definition must be established by rule within 100 days of Governor’s signature of SB 762 on July 19, 2021.

II. Scope & Charge

This Rule Advisory Committee (RAC) is not a decision-making body. It is a recommendation-making group pursuant to ORS Chapter 183 and DOJ Model Rule 137-001-0007 (Public Input Prior to Rulemaking.) The RAC is charged with providing perspective, input, and assistance to ODF so ODF can develop administrative rules surrounding SB 762 sections 31 through 33 for its presentation to the Board of Forestry.

RAC 1: Recommend the OAR WUI definition as described in SB 762 sections 31 through 33, WILDLAND-URBAN INTERFACE FIRE PROTECTION.

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

Considering national best practices, the two major deliverables for RAC 1 are:

- General WUI definition, and
- Criteria to identify and classify WUI.

Additionally, the RAC is charged with providing input for the ODF Statement of Need and Fiscal Impact.

ODF asks the RAC to consider the fiscal impact of its proposed rules (see generally, ORS Chapter 183 and OAR 137-001-0018) including:

- Whether the rules will have a significant adverse fiscal impact, and if so, what the extent of that impact will be; and
- Whether the rules will have a significant adverse fiscal impact on small businesses likely to be affected by the rules, and if so, how ODF can mitigate the cost of compliance.

RAC 1 is not charged with making recommendations on Fire Risk Mapping the Wildfire Risk Map as described in SB 762 section 7, STATEWIDE MAP OF WILDFIRE RISK.

[https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled.](https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled)

Those recommendations, among others, will be discussed in RAC 2.

ODF will consider the recommendations of both RAC 1 when drafting its rules. ODF will then follow the rulemaking procedures identified in ORS Chapter 183 and DOJ Model Rule 137-001-0011 through 137-001-0100. Ultimately, the Board of Forestry will decide on the rules, and subsequently, ODF will issue contract specifications consistent with those rules.

III. Guiding Principles

The RAC should consider the following guiding principles and/or policies, among others, in the development of administrative rules regarding SB 762.

- The use of objective, scientific, quantifiable data is the cornerstone of the recommendation and decision-making.
- Administrative rule development discussions will pertain exclusively to the requirements of Sections 31-33 of Senate Bill 762.
- Recognizing the Oregon Explorer as a viable tool and how it will be impacted by this WUI work is important.
- ORS 477.005 Policy provisions, which follow, are paramount:
 - The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon.
 - In order to accomplish the purposes of the policy stated in this section:
 - The need for a complete and coordinated forest protection system is acknowledged and the primary mission of the State Forestry Department in such a system is protecting forest resources, second only to saving lives. Structural protection, though indirect, shall not inhibit protection of forest resources; and
 - This chapter shall include all persons and activities designated in this chapter, irrespective as to whether or not such person or activity is concerned with the harvesting, cutting, removal or marketing of trees, timber or other forest products.
- WUI definition must consider national standards.
- Relevant policy considerations

IV. Membership

The following members will provide their diverse perspectives on policy proposals, including environmental justice, public health, and fiscal impacts of the program as voting members.

Organization	RAC Member / (Alternate)	Voting
1000 Friends	Mary Kyle McCurdy	X
Associated Oregon Loggers	Amanda Astor / (Rex Storm)	X
Association of Oregon Counties	Lauren Smith	X
Association of Oregon County Planning Directors	Holly Kerns	X
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	X
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)	X
Hood River County Planning Commission	Leti Moretti	X
Jackson County Fire	Robert Horton	X
League of Oregon Cities	Jim McCauley	X
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)	X

Organization	RAC Member / (Alternate)	Voting
Oregon Farm Bureau	Mary Anne Cooper	X
Oregon Fire Chiefs Association	Nicole Hazelbaker	X
Oregon Fire Marshall's Association	Shawn Olson	X
Oregon Forest Industries Council	Kyle Williams	X
Oregon Home Builders	Mark Long	X
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)	X
Oregon Small Woodlands Association	Roger Beyer	X
Oregon State University - Extension	Chris Dunn	X
Sisters Fire	Roger Johnson	X
Special Districts Association	Michele Bradley / (Jason Jantzi)	X
Sustainable Northwest	Dylan Kruse	X
The Nature Conservancy	Amelia Porterfield	X
Tualatin Valley Fire	Les Hallman	X
Western Environmental Law Center	Pam Hardy	X

Each member is allowed to assign an alternate by providing written notice to Tim Holschbach in advance of the meeting the primary member will miss. sb762.rulemaking@oregon.gov.

While not part of the RAC, Board of Forestry Members Kelly, Deumling, and Justice, may be present to listen. Additionally, ODF staff Tim Holschbach, Jenna Trentadue, and others will be present during the meetings as resources, but they are not part of the RAC. This includes Ian Rickert from the United States Forest Service and Richard Parrish from the Bureau of Land Management.

Government to government tribal consultants are ongoing.

V. Non-Committee Member Attendees

The public is welcome to attend all meetings. The facilitator will manage the meetings to accommodate both members and non-members who wish to provide input, but priority will be given to committee members. There will be time on the agenda dedicated to receiving input from the public with time limits for each person.

After RAC 1 concludes, a formal public comment period will open on the proposed rules.

VI. Subcommittees

ODF, with RAC input, will evaluate the need for subcommittees, factoring in resource considerations, but none are planned at this time.

VII. RAC Material and Support

All committee materials will be provided electronically as a sustainability measure.

Meeting notices, agendas, materials, summary, and recordings (<https://www.youtube.com/c/OregonDepartmentofForestry/featured>) will be posted on the following webpage: <https://www.oregon.gov/odf/board/Pages/rac.aspx>. The meeting recordings will be used as the formal meeting minutes, and they control, in the event of a conflict.

Technical input from agencies, organizations, or individuals with specialized expertise will be available to the RAC as issues arise.

VIII. Facilitator

ODF has contracted with an independent and neutral third-party facilitator, Oregon Consensus (<https://oregonconsensus.org/>) who has contracted with Triangle Associates (<https://www.triangleassociates.com/>) and ICMresolutions (<https://www.icmresolutions.com>), together, "Facilitator," whose role is to facilitate meetings, help the RAC develop recommendations, and produce RAC reports. The Facilitator's "client" is the RAC process, but neither RAC membership/sponsorship, nor process participation is a substitute for independent legal or other professional advice. That is the responsibility of the process participants. The Facilitator will also be available as a resource for conflict resolution and RAC process improvement suggestions.

The Facilitator's written contract with ODF is available for review. The Facilitator will not be influenced by payment source. To ensure impartiality, ODF will solicit RAC input on the Facilitator's performance before changing their status, but the ultimate decision is ODF's alone.

The Facilitator will not function as an advocate on any issue, interest group, or RAC member. However, to help move the process forward, the Facilitator may suggest concepts for RAC consideration, but will not make any decisions.

Specific Facilitator responsibilities include:

- a) Design and support meeting process to achieve the outcomes of the process using formal agenda and meeting recordings to track progress;
- b) Ensure culturally competent practices are used to foster inclusion and the equal voice of all participants;
- c) Ensure a welcoming meeting environment where all members can participate;
- d) Ensure a safe environment for alternative opinions to be expressed;
- e) Conduct meetings in a manner to foster collaborative decision-making and consensus building; and
- f) Prevent dialogue from becoming confrontational and apply mediation practices to resolve conflict.

The Facilitator may have non-confidential, informal communications and perform facilitation activities between and during meetings. The Facilitator will address situations where it appears a participant is not acting according to this document.

IX. Work Plan/Schedule

The committee will meet according to its draft work plan outlined below, which is subject to change.

a) Meetings and Draft Workplan for First Four Meetings

There will be weekly two-hour Zoom meetings of RAC 1 for four weeks as noted above, and then RAC 1 will meet every other week through February to establish criteria for WUI.

Meeting 1: July 27, 2021
<ul style="list-style-type: none">● Introductions● Background and Public Contracting at ODF● Review of Charter and Process Overview● Member Comments● Next Steps and Homework● Meeting Evaluation

Meeting 2: August 3, 2021
<ul style="list-style-type: none">● Introduce ODF proposed language and begin RAC discussion● Next Steps and Homework● Meeting Evaluation

Meeting 3: August 10, 2021
<ul style="list-style-type: none">● Create 75% draft of ODF OAR WUI Language Recommendations and Draft Report● Next Steps and Homework● Meeting Evaluation

Meeting 4: August 17, 2021
<ul style="list-style-type: none">● Finalize ODF OAR WUI Language Recommendations and Report● Next Steps● Meeting Evaluation

- b) Additional RAC 1 meetings will be scheduled after the WUI definition work is completed.
- c) **Final RAC Recommendations Report:** WUI general definition - 8/17/21, WUI criteria 2/15/2022
- d) **Secretary of State filing:** WUI definition draft filing August 28, 2021, WUI criteria draft March 20, 2022
- e) **Earliest Public Hearing date:** WUI definition: September 15, 2021, Criteria: April 15, 2022
- f) **Board of Forestry Meeting:** WUI definition: special meetings as needed, Criteria: June 2022 Board approval

X. Collaboration Protocols for RAC Recommendations

The RAC will follow these protocols.

- a) **Quorum:** 51% of RAC Organizations listed above.
- b) **Meetings:** Meetings of the RAC and its subcommittees, if any, are open to the public and will include an opportunity for public comment. Notice of RAC meetings will be posted in advance of meetings on the ODF project website.
- c) **Meeting Agendas and Meeting Materials:** The Facilitator will develop Working Agendas for each meeting. Meeting agendas and meeting materials will be sent electronically to RAC members in advance of the meetings and will be posted on the project website.
- d) **RAC Commitments:** The RAC members, staff, and participants will participate in good faith, which means:
 - 1) Prepare for and set aside time for the meetings and the entire process,
 - 2) Participate fully, honestly, and fairly, commenting constructively and specifically,
 - 3) Speak respectfully, briefly, and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
 - 4) Allow people to say what is true for them without fear of reprisal,
 - 5) Avoid side conversations during meetings,
 - 6) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
 - 7) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other RAC members,
 - 8) Consult regularly with their appointing/nominating bodies and provide their input in a clear and concise manner,
 - 9) Each member agrees to work toward fair, practical, and durable recommendations that reflect the diverse interests of the entire RAC and the public,
 - 10) When communicating with others, accurately summarize the RAC process, discussion, and meetings, presenting a full, fair, and balanced view of the issues and arguments out of respect for the process and other members,
 - 11) Not attempt to affect a different outcome outside of the RAC process once the RAC has reached a “consensus” recommendation,
 - 12) Strive vigorously for consensus and closure on issues, and
 - 13) Self-regulate and help other members abide by these commitments.

XI. Public Comment

There will be public comment opportunities during the RAC 1 process. Comments from the public will be limited in time to allow sufficient opportunity to conduct the other portions of the meeting. Typically, comments will be limited to a maximum of three minutes per person. Participants are encouraged to submit written comments via email addressed to sb762.rulemaking@oregon.gov or ODF, Tim Holschbach, 2600 State Street, Building D, Salem, OR 97310 in advance of the meeting so they can be circulated to the entire RAC for their consideration.

XII. Process for RAC Recommendations

The Facilitator will assist the RAC and its members in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations. Each voting RAC member will have one vote. A vote represents that the member will strongly recommend to their government, organization, or group that they should support or oppose the voted-upon proposal consistent with the member's vote.

The RAC will strive for and use a "consensus" recommendation-making approach to determine their level of agreement on proposals. This allows RAC members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, "*taken as a whole.*" This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner to give it their full support. Consensus is a process of "*give and take,*" of finding common ground and developing creative solutions in a way that everyone can support. Consensus is reached if all voting members support an idea or can say, "*I can live with that.*"

When developing recommendations, the RAC will address each rule component individually, and in various combinations. The RAC will decide on whether it wants to make a package recommendation for the entire rule at the end of the process.

1) "1-2-3" Consensus Polling: The Facilitator will assist the RAC in articulating points of agreement, as well as articulating concerns that require further exploration. The RAC will use a "Consensus Polling" procedure for assessing the group's opinion and adjusting proposals. In "Consensus Polling," the Facilitator will articulate the proposal. Each RAC voting member will then offer "one," "two," or "three," reflecting the following:

- "One" indicates full support for the proposal as stated.
- "Two" indicates that the participant agrees with the proposal as stated but would prefer to have it modified in some manner to give it full support. Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.
- "Three" indicates refusal to support the proposal as stated.

The Facilitator will repeat the consensus voting process as reasonably practical and as time allows to assist the group in achieving consensus regarding a particular recommendation, so that all members are voting “one” or “two.” Either way, the result will be noted in the ODF Staff Report and/or the RAC Report.

- 2) **No Consensus – Majority and Minority Recommendations:** If a consensus on an issue is not likely, as determined by the Facilitator, the votes of those present at the meeting will be taken and recorded as a Majority – Minority recommendation in the meeting summary, which will include the specific majority recommendation, the specific minority recommendation, along with the names supporting each recommendation. Majority is defined as at least 51% of the RAC Organizations (members or alternates) noted above.
- 3) **Summary of RAC Recommendations:** The meeting summaries will serve as the record of RAC recommendations as supplemented by the addition of RAC member statements who elect to submit additional information by the deadline to be established at the last RAC meeting. ODF will package all this information in its staff report to the Board.

XIII. Additional Provisions

The following provisions apply to the RAC process.

- a) **Regular Communication with Affiliated Group:** There is an expectation of regular, two- way communication between RAC members and their appointing jurisdictions / organizations. This is intended to ensure meaningful representation of those interests. Time will be set aside on the RAC agenda for reports from this outreach.
- b) **Transparency and Media:** Members agree that transparency is essential to all deliberations. In that regard:
 - 1) RAC members agree to notify Tim Holschbach at sb762.rulemaking@oregon.gov of written communications with the media.
 - 2) Members agree to direct public testimony about RAC work to Tim Holschbach at sb762.rulemaking@oregon.gov. These communications will be included in the public record and copied to all RAC members.
 - 3) Individual members should not speak on behalf of the entire RAC.
 - 4) Whenever reasonable, RAC members and staff will refer press, citizen, and other inquiries to Tim Holschbach at sb762.rulemaking@oregon.gov.

c) Disclosure of Public Official Conflicts of Interest:

- 1) Some RAC members may be “public officials.” A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
- 2) The announcement needs to be made on each occasion when the public official is met with the conflict of interest, and the public official must disclose the nature of the conflict of interest.
- 3) For example, the public official would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the RAC. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- 4) For guidance, please see <https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>

d) Open Meetings and Records: Meetings of the RAC and subcommittee meetings are open to the public. Notice to the public regarding the dates, times, and locations of all meetings will be provided in advance of a meeting.

RAC members can participate through telephonic conference calls. All records of the Body, including formal documents, discussion drafts, meeting recordings, and exhibits, etc. are public records.

"Communications" refers to all statements and votes made during meetings, memoranda, work products, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence. The personal notes of individual members taken at public meetings might be public record to the extent they relate to the conduct of the public's business.

e) Amendment and Interpretation: The Facilitator shall lead a RAC discussion designed to reach a consensus on any proposed Scope & Charge, Guiding Principles, Collaborative Protocols, and Process for RAC Recommendations amendment(s) to this document. Any remaining amendments can be made informally. The terms of this document, except those required by law, are process guidelines – not binding mandates. Ultimately, ODF will make the final decision on the proposed amendments and interpretation issues.

f) RAC Member Agreement: Participation in this process is agreement to abide by the terms of this document.



RAC 1 Meeting Summary for July 27, 2021



Agenda

1. Introductions

Welcome and a round of introductions for Rulemaking Advisory Committee (RAC) members and participants.

2. Rulemaking Process Overview and RAC Objectives

Briefly review the rulemaking scope and schedule as well as the overall purpose and objectives of the Wildland Urban Interface Rulemaking Advisory Committee.

3. RAC Scope Discussion

Review staff's work group scope and identify proposed additions, deletions, modifications.

4. Work Plan and Meeting Frequency Discussion

Discuss preferences for meeting schedule, meeting platform, and strategy to tackle issues (e.g., order and grouping of issues, facilitation, and discussion methods).

5. Next Steps

Discuss how future meeting announcements, meeting notes, other materials will be made available.

Participants (See list on page two)

Polling Issues (See below for results)

- 1) None

Next Steps/Action Items:

Action Items	Who?	By When?
Topic 1: Charter		
a) Review and revise/improve first bullet on page 3 of Charter (guiding principles)	RAC	Next Meeting
Topic 2: Meeting Activities		
a) Meeting materials posting to website as they become available; new link in Charter & integrate correct members for diversity	ODF	ASAP
Topic 3: Next Steps		
a) Survey Monkey link for meeting eval to be sent	Fac Team	7/28 AM
b) Word version of Collaboration Principles for editing to be emailed	Fac team	7/28 AM

Official Meeting Record: please go to <https://www.oregon.gov/odf/board/Pages/rac.aspx>



RAC 1 Meeting Summary for July 27, 2021



Poll: None

Summary of Major Reasons in Support: N/A

Minority Proposal: N/A

Summary of Major in Reasons in Opposition: N/A

MEETING CHAT:

10:00:47 From jameskelly to Everyone:

I seem to be muted.

10:04:05 From Sam Imperati to Everyone:

Please use your full name and affiliation under your photo ... Thanks, Sam - The RAC1 Facilitator

10:09:40 From Jenna Trentadue-ODF to Everyone:

Jenna TRENTADUE- Oregon Department of Forestry

10:09:47 From Holly Kerns to Everyone:

Holly Kerns, Association of County Planning Directors

10:09:50 From Dylan Kruse - Sustainable Northwest to Everyone:

Dylan Kruse - Sustainable Northwest

10:10:00 From Kyle Williams (OFIC) to Everyone:

Kyle Williams

10:10:03 From Derrick Wheeler to Everyone:

Derrick Wheeler, Senate Republican Office

10:10:03 From Joe Justice to Everyone:

Joe Justice Board of Forestry

10:10:08 From Ed Keith - Deschutes County to Everyone:

Ed Keith - Deschutes County

10:10:10 From Michele Bradley, Special Districts Association to Everyone:

Michele Bradley, Special District Association/Port of Tillamook Bay

10:10:10 From Sarah Miranda - OFB Intern to Everyone:

Sarah Miranda - OFB

10:10:18 From Stacey Garrison to Everyone:



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Stacey Garrison-Oregon Military Department.

10:10:18 From Matt Crall-DLCD to Everyone:

Matt Crall - Oregon Department of Land Conservation and Development

10:10:22 From Ben Deumling to Everyone:

Ben Deumling - Board of Forestry -Here to listen

10:10:25 From Roger Beyer to Everyone:

Roger Beyer -OSWA

10:10:31 From Chad Hawkins, Travis Medema- OSFM to Everyone:

Travis Medema- OSFM

10:10:32 From Jim McCauley-LOC to Everyone:

Jim McCauley

10:10:34 From Amelia Porterfield, TNC to Everyone:

Amelia Porterfield, The Nature Conservancy

10:10:40 From Cindy Robert / HFM to Everyone:

Cindy Robert - HFM - listening

10:10:46 From Peggy Lynch (she/her/hers) to Everyone:

Peggy Lynch, League of Women Voters of Oregon

10:10:50 From Bob Horton, Jackson County Fire Dist 3 to Everyone:

Bob Horton, Jackson County Fire Dist 3: Community focused policy recommendation on the definition of WUI, meet new people :)

10:10:52 From Dave Hunnicutt to Everyone:

Dave Hunnicutt - Oregon Property Owners Association

10:10:52 From Jim McCauley-LOC to Everyone:

Jim McCauley - League of Oregon Cities

10:10:58 From Sarah Miranda - OFB Intern to Everyone:

- Here to listen and learn!

10:11:00 From Lauren Smith, AOC to Everyone:

Lauren Smith, Association of Oregon Counties

10:11:04 From Kerry Metlen - The Nature Conservancy to Everyone:



RAC 1 Meeting Summary for July 27, 2021



Kerry Metlen - The Nature Conservancy - 1) develop a robust and repeatable WUI mapping process supported by best practices; 2) help improve the ability of Oregonians to thrive in a future with fire

10:11:10 From Kyle Williams (OFIC) to Everyone:

Kyle Williams - Oregon Forest & Industries Council, - build a solid foundation for mitigating fire risk statewide without creating unintended consequences.

10:11:13 From Lind to Everyone:

Linda L. Lind, OR State Liaison for the Northwestern Region of the Forest Service.

10:11:18 From Joe Justice to Everyone:

Understand the priorities of the participants of this RAC

10:11:22 From Roger Beyer to Everyone:

Goals

10:11:26 From Lind to Everyone:

Linda Lind

10:11:33 From Jenna Trentadue-ODF to Everyone:

Goals-to get lots of different perspectives to create the best WUI and useful risk mapping we can for Oregon

10:11:33 From Roger Johnson to Everyone:

Roger Johnson- Sisters-Camp Sherman Fire District/Oregon Fire Chiefs Association

10:11:38 From Mary Kyle McCurdy (she/her) 1000 Friends to Everyone:

Mary Kyle McCurdy, 1000 Friends of Oregon —a science, best practices based WUI definition

10:11:39 From Peggy Lynch (she/her/hers) to Everyone:

Monitoring the work and assuring process so all voices are heard and you have a successful outcome that Oregonians can endorse.

10:11:39 From Mary Anne Cooper, Oregon Farm Bureau to Everyone:

Mary Anne Cooper, Oregon Farm Bureau. Goals are to have a fair and reasoned WUI definition that really targets the areas where the defensible space and hardening standard requirements actually make sense and don't create a significant cost burden for rural families who are already on the front lines of wildfire response. Also, Sarah Miranda is OFB's legal intern, and she is watching to learn about this process!

10:11:45 From Nick Vora to Everyone:

Nick Vora, Union County Emergency Manager



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-Follow and track process

10:11:53 From Les Hallman to Everyone:

Les Hallman, Tualatin Valley Fire & Rescue / Oregon Fire Chiefs Association. Would like to see us follow national best practices in the definition of Wildland Urban Interface with the primary goal of what is in the best interest to public safety and what works for Oregon. Thank you.

10:12:04 From Erin Doyle (she/her) to Everyone:

Erin Doyle -- Washington County. Solutions that are feasible to implement and work for county staff

10:12:16 From Holly Kerns to Everyone:

-A thoughtful definition and criteria for WUI that is flexible enough to work for the various situations in the state, help build a strong base for wildfire risk mitigation that works for Oregon and doesn't disadvantage groups or individuals

10:12:18 From Amanda Astor - AOL to Everyone:

Amanda Astor, Associated Oregon Loggers. 1) A fair rulemaking that results in a wholistic Fiscal Analysis with changes made if negative impacts are determined 2) A clear definition that results in clear boundaries and scope of work between OSFM (WUI) and ODF (Resilient Landscapes)

10:12:34 From Roger Beyer to Everyone:

*create a working definition * help OSWA members to create defensible space

10:12:40 From Dunn, Christopher J to Everyone:

Dr. Christopher Dunn, Oregon State University's College of Forestry - Determine parameters that will define the WUI map I am tasked with creating - Provide science and technical base for defining WUI - Learn from and listen to diverse stakeholder concerns to help OSU field questions moving forward

10:13:03 From Dylan Kruse - Sustainable Northwest to Everyone:

- Comprehensive and scientifically rigorous WUI definition
- Transparent and efficient final product using best practices and state and national examples and case studies
- Consideration and inclusion of local nuances and circumstances based on expertise and existing successful policies

10:13:04 From Lind to Everyone:

Linda Lind Goals: ensuring federal/public lands engaged in definition consistency of WUI; ensure funding from FS can continue to flow towards WUI treatments etc.; ensure consistency across the western region

10:13:08 From Lauren Smith, AOC to Everyone:



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I second Mary Anne's goals- Additionally I want to make sure we have a definition that will work for Oregon's counties and rural communities

10:13:28 From Margaret Miller to Everyone:

Margaret Miller, Oregon Department of Environmental Quality - representing the smoke management (DEQ AQ) as it relates and interfaces with WUI communities, track changes and understand stakeholder objectives, etc.

10:13:29 From Amelia Porterfield, TNC to Everyone:

**follow nationally recognized best practices and the best available science, **build a strong foundation for the policies that will help keep communities and landscapes safer and more resilient to fire- **ensure there's balance in the discussion

10:13:29 From Sadie Carney to Everyone:

Sadie Carney (she/her) for the Department of Land Conservation and Development. Goals are to help represent issues that have a potential impact on land use at a state and local level and help the group come to the best decision for our state. Results need to be implementable at a local level and useful in meeting the fire mitigation goals set forth in SB 762

10:14:42 From Mary Anne Cooper, Oregon Farm Bureau to Everyone:

Can you provide some clarity on who on the zoom are the RAC members and how participation will work for organizations who seem to have multiple people at the meeting?

10:17:18 From Sam Imperati to Everyone:

RAC members will be introduced shortly. They will be the major participants in the discussion today. Other participants may comment during the public comment period and in writing.

10:17:41 From Peggy Lynch (she/her/hers) to Everyone:

Agree. Looking forward to formal RAC membership. I, for instance, am just monitoring.

10:21:02 From shawn.olson-OFMA to Everyone:

Shawn Olson-Oregon Fire Marshal's Association-Goals: Assist with the creation of public outreach material, clear defined WUI communities throughout the state, and implementation of enforcement procedures "how to" guide.

10:43:06 From Millie W, ICM (she/her) to Everyone:

If RAC members could put "RAC" before their name on Zoom that would also be helpful. Thank you!

[Fun Practice Poll]

11:00:07 From RAC - Dylan Kruse - Sustainable Northwest to Everyone:



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11:00:11 From RAC - Mary Anne Cooper, Oregon Farm Bureau to Everyone:

Abstain

11:00:17 From RAC - Les Hallman to Everyone:

3

11:00:17 From RAC - Kyle Williams (OFIC) to Everyone:

2

11:00:18 From RAC - Amanda Astor - AOL to Everyone:

2

11:00:20 From RAC - Dylan Kruse - Sustainable Northwest to Everyone:

Abstain!!! I love it

11:00:21 From RAC - Jim McCauley-LOC to Everyone:

2

11:00:22 From RAC - Michele Bradley, Special Districts Association to Everyone:

2

11:00:23 From RAC - Sadie Carney (she/her) to Everyone:

2

11:00:24 From RAC - Mary Kyle McCurdy (she/her) 1000 Friends to Everyone:

2

11:00:26 From RAC - Roger Beyer to Everyone:

2

11:00:30 From RAC - Bob Horton, Jackson County Fire Dist 3 to Everyone:

2

11:00:30 From RAC - Roger Johnson to Everyone:

2

11:00:31 From RAC - Amelia Porterfield, TNC to Everyone:

3

11:00:32 From RAC - Lauren Smith, AOC to Everyone:

3

11:00:34 From RAC - Chad Hawkins, Travis Medema- OSFM to Everyone:



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3

11:00:34 From RAC - Christopher Dunn to Everyone:

3

11:00:49 From RAC - Dave Hunnicutt to Everyone:

5

11:09:37 From jameskelly to Everyone:

Please remember to identify yourself when you speak.

11:15:15 From Peggy Lynch (she/her/hers) to Everyone:

DEI membership?> Engaging Racial Justice Council or Environmental Justice Task Force? A legislative direction for ALL rulemaking is to be more inclusive. Peggy

11:15:32 From Peggy Lynch (she/her/hers) to Everyone:

Yes please

11:15:34 From Stacey Garrison to Everyone:

Yes please.

11:18:57 From RAC - shawn.olson-OFMA to Everyone:

Sorry All. Double booked. I appreciate this opportunity. See you all at the next meeting. Take care, Shawn-OFMA

11:22:58 From RAC - Dylan Kruse - Sustainable Northwest to Everyone:

1



RAC 1 Meeting Summary for August 3, 2021



Agenda

- 1) Welcome and Zoom Introductions
- 2) Agenda Review
- 3) Introduction of First-time Members
- 4) Review Charter Survey Summary and Finalize Charter
- 5) Wildland-Urban Interface Definition Exercises
- 6) Public Comment
- 7) Next Steps and Concluding Remarks

Participants (See list on page two)

Polling Issues (See below for results)

- 1) Do you support the Draft Charter?

Next Steps/Action Items:

Action Items	Who?	By When?
Topic 1: Charter		
a) Agree to Charter	RAC	During meeting
Topic 2: Meeting Activities		
a) Agree not to do the "Umbrella Question" exercise	RAC	During Meeting
Topic 3: Next Steps		
a) WUI definition exercise due date	RAC	Friday, 12:00 pm
b) Meeting 2 Evaluation due date	Facilitation team	Friday, 12:00 pm

Official Meeting Record: please go to <https://www.oregon.gov/odf/board/Pages/rac.aspx>



RAC 1 Meeting Summary for August 3, 2021



Poll #: 1

Question: Do you support the Draft Charter?

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy				X	
Associated Oregon Loggers	Amanda Astor / (Rex Storm)				X	
Association of Oregon Counties	Lauren Smith				X	
Association of Oregon County Planning Directors	Holly Kerns / Lindsey Eicher			X		
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison			X		
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)				X	
Hood River County Planning Commission	Leti Moretti				X	
Jackson County Fire	Robert (Bob) Horton			X		
League of Oregon Cities	Jim McCauley		0			
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)				X	
Oregon Farm Bureau	Mary Anne Cooper				X	
Oregon Fire Chiefs Association	Nicole Hazelbaker		0			
Oregon Fire Marshall's Association	Shawn Olson -Tanner Fairrington				X	
Oregon Forest Industries Council	Kyle Williams				X	
Oregon Home Builders	Mark Long				X	
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)				X	
Oregon Small Woodlands Association	Roger Beyer	X				
Oregon State University - Extension	Chris Dunn / (Erica Fisher)	X				
Sisters Fire	Roger Johnson				X	
Special Districts Association	Michele Bradley / (Jason Jantzi)		0			
Sustainable Northwest	Dylan Kruse				X	
The Nature Conservancy	Amelia Porterfield				X	
Tualatin Valley Fire	Les Hallman	X				
Western Environmental Law Center	Pam Hardy				X	
Totals:		3	3	3	15	0
Code:		Not Here	Ab-stain	1	2	3



RAC 1 Meeting Summary for August 3, 2021



RESULT: Consensus

Summary of Major Reasons in Support: See Meeting Recording and Member Submissions, which are in the Meeting Chat, below.

Minority Proposal: See Meeting Recording and Member Submissions, which are in the Meeting Chat, below.

Summary of Major in Reasons in Opposition: See Meeting Recording and Member Submissions, which are in the Meeting Chat, below.

MEETING CHAT:

- 10:04:14 From Carol Trenga : Good morning, Carol Trenga with OR Health Authority
- 10:07:36 From Jason Cox - ODF : RAC members - if you have not already, please rename yourself with "RAC -" in front of your name. Thank you!
- 10:18:10 From N Palmateer Hazelbaker : Nicole Palmateer Hazelbaker is here for the Oregon Fire Chiefs Association. Thank you.
- 10:22:03 From RAC Mary Anne Cooper, Oregon Farm Bureau : Did everyone get the charter feedback opportunity? I never saw it and just checked back through my email and don't see it. I got the meeting evaluation...
- 10:22:18 From RAC Mary Anne Cooper, Oregon Farm Bureau : The low number of responses made me wonder if others didn't get it either...
- 10:25:47 From RAC - Pam Hardy : 2 - It's very good, but some good points were raised such as whether we realistically have the facilities to evaluate fiscal impact.
- 10:26:08 From RAC - Leti Moretti (she/ella) : I got the email yesterday
- 10:26:57 From RAC Roger Johnson : 2- I think the two requirements in the fiscal impact section may be difficult to address within the timeline provided.
- 10:27:05 From RAC Mary Anne Cooper, Oregon Farm Bureau : I voted 2 - I would like to see the discussion of science based modified - this is largely a policy decision, not a scientific exercise.
- 10:27:24 From RAC - Amanda Astor - AOL : 2
- 10:27:25 From RAC, Lauren Smith- AOC : I share the concerns raised by Mary Anne regarding the guiding principles
- 10:27:36 From RAC Kyle Williams (OFIC) : 2 - the guiding principles stating "must" use national standards is a bit confusing. Is there room to modify? does it have to be an existing definition? or is it simply the goal to use them as a foundational starting point.



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10:27:46 From RAC Mary Kyle McCurdy (she/her) : My concerns about how the fiscal impact is evaluated, and the reference to ORS 477.005, and the need to fix out the RAC members, were in my charter survey answers

10:27:46 From RAC - Leti Moretti (she/ella) : I agree with concerns brought up by Mary

10:28:06 From RAC - Amelia Porterfield : 2 - reiterating my comments from the survey around the fiscal and the unrelated inclusion of suppression and forest resource preservation

10:28:18 From RAC - Tanner Fairrington : 2 - (RAC) Tanner Representing OFMA - Comment: there seemed to be concerns over the fiscal impacts. As others mentioned, considering fiscal impacts would seem require considering the connection between defining the WUI, the mapping, and further code and process decisions. Clarification on the scope of addressing fiscal impacts may be helpful.

10:28:28 From RAC - Samantha's Bayer, OPOA : OPOA also shares Mary Anne and Kyle's concerns. It is unclear if the Charter matches the language of SB 762 regarding National Principles.

10:28:53 From RAC Mary Anne Cooper, Oregon Farm Bureau : Would like to change "The use of objective, scientific, quantifiable data is the cornerstone of the recommendation and decision-making" to "The recommendation and decision-making will be made considering all relevant policy considerations and any appropriate objective, scientific, quantifiable data."

10:29:39 From Millie Audio : If you selected 1 please type a 1 in the chat

10:30:00 From RAC-Jim McCauley, LOC : Agreed

10:32:16 From RAC Mary Anne Cooper, Oregon Farm Bureau : All of those things flow from the definition of the WUI - the WUI shouldn't include things we never intend to regulate. And what we should regulate or not is unequivocally a policy choice.

10:32:56 From RAC Mary Anne Cooper, Oregon Farm Bureau : Fiscal impact statements are required by Oregon law...I don't think the agency can choose not to do one.

10:33:21 From RAC- Bob Horton, Fire Dist 3 : 1

10:33:51 From RAC - Jon Jinings, DLCD : That is my understanding as well. We always are required to prepare one for LCDC rulemaking.

10:34:08 From RAC: Dylan Kruse - Sustainable Northwest : Yes, I believe it is required for all rulemaking

10:34:55 From RAC, Lauren Smith- AOC : From the local government perspective- anything in the WUI-regardless of what level per the Risk Mapping- will have some impact on local land use planning which could have a fiscal impact

10:35:14 From RAC - Jon Jinings, DLCD : We typically address the Fiscal Impact towards the end of the process.



RAC 1 Meeting Summary for August 3, 2021



- 10:36:45 From RAC - Pam Hardy - Western Env Law Center : Agree with Mary Kyle - there are *so* many future decisions (building codes, defensible space rules) that will affect fiscal impact that I don't think it's realistic to evaluate fiscal impacts of the mere definition.
- 10:40:37 From RAC Mary Anne Cooper, Oregon Farm Bureau : We have to evaluate the fiscal impact. It's a legal requirement. I'm not totally sure why we are discussing it.
- 10:41:17 From RAC: Dylan Kruse - Sustainable Northwest : Agree that we need to do the fiscal
- 10:41:22 From RAC Mary Anne Cooper, Oregon Farm Bureau : 183.335 (E): A statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected. For an agency specified in ORS 183.530, the statement of fiscal impact shall also include a housing cost impact statement as described in ORS 183.534;
- 10:44:24 From RAC Mary Kyle McCurdy (she/her) : Mt comment on the charter - that was proved to all in advocate and as I stated here - states that a fiscal impact analysis is required. But it must be focused on the WUI definition, not on the various ways it might or might not play out in later actions called out in the bill re: defensible space, etc... When those later rules are considered , that is when those impacts should be evaluated
- 10:44:47 From RAC-Jim McCauley, LOC : having technical issues on my end, mic is cutting in an out.
- 10:45:03 From RAC- Bob Horton, Fire Dist 3 : I read the edit as the four bullets also could not be used...
- 10:46:14 From RAC Mary Anne Cooper, Oregon Farm Bureau : I like Pam's idea!
- 10:47:12 From RAC Mary Anne Cooper, Oregon Farm Bureau : Members will consider policy implications in their recommendation and decision making?
- 10:47:30 From RAC - Samantha's Bayer, OPOA : Yes, I like that language from Mary Anne.
- 10:47:30 From Carol Trenga OR Health Authority : Rather than "could" I suggest language like "will include and are not limited to..."
- 10:48:04 From RAC - Tanner Fairrington : I agree with Pam and Carol's suggestions
- 10:50:00 From RAC - Amelia Porterfield : Mary Kyle's distinction is important on the fiscal - it should remain related to the WUI definition but not extend to all potential subsequent policy decisions. I'd also hope we could consider positive fiscal impacts. There could be financial benefit for living in an area that's better protected from fire. That could definitely be a selling point and enhance value.
- 10:53:08 From RAC - Lindsey Eichner (Alternate) : I support these changes, but with Carol's recommendation to use 'will' rather than 'could'



RAC 1 Meeting Summary for August 3, 2021



- 10:53:45 From Michele Tesdal : Thank you Samantha Bayer. Landowners need to be considered.
- 10:53:55 From Carol Trenga OR Health Authority : Re: the last comment about social vulnerability--there is quantifiable data that is used to identify vulnerable populations, for example, income, access to health insurance. It is an important part of characterizing populations. See, for example, CDC's social vulnerability index, which includes mapping.
- 10:55:29 From RAC Mary Anne Cooper, Oregon Farm Bureau : I believe the bill allows regulation across all risk classes, so the definition is very critical.
- 10:59:14 From RAC Mary Anne Cooper, Oregon Farm Bureau : That's a good question, Tanner, and one that agency direction on would be useful as we all clearly do not have agreement.
- 11:01:04 From RAC - Erica Fischer : I agree with Amelia's comments - thank you! I think I am not clear from a policy standpoint if we strategically decide to not include areas in a WUI definition or in a high risk because of impacts to land owners, what are the implications when wildfires do impact those areas?
Socially vulnerable groups have a long history of not having risk communicated properly to them through mapping with flooding and hurricane risk. I do hope that we learn from these previous disasters to not repeat these mistakes for wildfires.
- 11:03:12 From RAC - Pam Hardy - Western Env Law Center : I like what Sam is saying! This language does not put a thumb on the scale on either side - except the side of a realistic look at facts. Let's move on.
- 11:04:22 From RAC Mary Kyle McCurdy (she/her) : Erica and Tanner make excellent points about the importance of a straightforward definition of the WUI. The many implications are for later decision-making on issues of defensible space, wildfire smoke interventions, communication networks, wildfire risk map, etc...
- 11:08:31 From Carol Trenga OR Health Authority : I agree with Bob that "could" is problematic.
- 11:09:04 From RAC Mary Kyle McCurdy (she/her) : I agree with Bob
- 11:09:07 From RAC - Pam Hardy - Western Env Law Center : I agree with Bob.
- 11:09:53 From RAC: Dylan Kruse - Sustainable Northwest : Agree
- 11:09:57 From RAC - Erica Fischer : That revision sounds great!
- 11:09:58 From RAC - Amelia Porterfield : agreed - this is an improvement
- 11:10:08 From RAC Roger Johnson : I support that change
- 11:10:18 From RAC - Lindsey Eichner (Alternate) : I like the changes here
- 11:10:25 From Carol Trenga OR Health Authority : I support that, thank you.
- 11:10:32 From RAC Mary Kyle McCurdy (she/her) : Better
- 11:10:45 From RAC - Amanda Astor - AOL : Agree



RAC 1 Meeting Summary for August 3, 2021



- 11:15:36 From RAC - Amelia Porterfield : could we remove the word 'adverse'?
- 11:15:44 From Carol Trenga OR Health Authority : I like Tanner's suggestion--doesn't the fiscal impact depend on how the WUI boundary is drawn?
- 11:17:16 From RAC - Pam Hardy - Western Env Law Center : The fiscal impact statement must be included, but it also sounds like we can be quite general - on both the positive & negative sides - and state that the extent to which there is ultimately an impact depends on certain future rulemaking, and (of course) what sorts of wild fires we are (aren't) hit by the future.
- 11:18:05 From Carol Trenga OR Health Authority : Thank you Lauren, that's helpful information.
- 11:18:37 From RAC - Lindsey Eichner (Alternate) : Thanks Lauren.
- 11:31:17 From RAC - Amelia Porterfield : I agree with Mary Anne that this process risks being a diversion from the task of the RAC and bringing in more issues outside the core goals of the charter.
- 11:32:08 From RAC, Lauren Smith- AOC : I agree- I would like to prioritize the short amount of time we have on the discussion of the definition of WUI
- 11:42:08 From RAC Jason Jantzi SDAO : Does anyone on the RAC or ODF know if there are other definitions of things like farms, cultivated lands, etc.?
- 11:43:00 From Richard Gibson : Don't you need to start with an understanding/definition of "wildland"?
- 11:44:40 From RAC - Jon Jinings, DLCD : We use terms similar to "farms or cultivated lands..." in some of our rules
- 11:48:18 From Michele Tesdal : Michele Tesdal
- 11:50:29 From Derrick Wheeler : Derrick Wheeler



RAC 1 Meeting Summary for August 10, 2021



Agenda

Welcome
Agenda Review and RAC Approval
RAC Participant Meeting Instructions
ODF Wildfire Rulemaking Document – New
WUI Definition Discussion: 1) Definition Homework: Questions for clarification only. (The RAC is developing only the definition without defining each word in the definition, and without regard to criteria and applications. Those will be done after the RAC submits its definition recommendation.) 2) ODF WUI definition recommendation Discuss options: a. Where used? b. For what purposes? c. Used by others? d. Results on the Ground: positive and negative? e. Discuss advantages and disadvantages of using an existing definition, and Using RAC-created version 3) RAC Poll(s)
Fiscal Impact Statement Introduction: Introduction of components for discussion at the 8/17 meeting, where an ODF staff recommendation will be presented.
Public Comment
Next Steps: Next Meeting – Staff Report on WUI Definition and Fiscal Impact Statement Homework, Meeting Evaluation, and Closing Comments
Adjourn

Participants (See list on pages three and four)

Polling Issues (See below for results)

- 1) Do you support the ODF proposal (International definition)? “That geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.”
- 2) Do you support the SB 360 definition? “A geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.”
- 3) Do you support the poll’s “top answers combined” definition? “Wildland-Urban Interface means the geographical area where human development meets wildland fuels.”



RAC 1 Meeting Summary for August 10, 2021



Next Steps/Action Items:

Action Items	Who?	By When?
No consensus on ODF proposed definition	RAC	At meeting
No consensus on SB 360 definition	RAC	At meeting
No consensus on Poll “top answers combined” definition	RAC	At Meeting
RAC Member Homework: Concise explanation of your organization’s position on the WUI definition	RAC	8/13/21 at Noon
RAC Member Homework: Concise explanation of your organization’s position on the Fiscal Impact Statement issues	RAC	8/13/21 at Noon
ODF Staff Report on WUI Definition	ODF	8/16/21
ODF Fiscal Impact Statement materials	ODF	8/16/21
RAC 1 Meeting 4 Agenda: 1) ODF Staff Report on WUI Definition 2) Fiscal Impact Statement 3) RAC 1 Workplan for September through February	RAC	8/17/21 10:00 AM to Noon

Official Meeting Record: please go to <https://www.oregon.gov/odf/board/Pages/rac.aspx>



RAC 1 Meeting Summary for August 10, 2021



Poll #: 1

Question: Do you support the ODF proposal (International definition)?

“That geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.”

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy			X		
Associated Oregon Loggers	Amanda Astor / (Rex Storm)					X
Association of Oregon Counties	Lauren Smith					X
Association of Oregon County Planning Directors	Holly Kerns / Lindsey Eicher					X
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	X				
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)			X		
Hood River County Planning Commission	Leti Moretti			X		
Jackson County Fire	Robert (Bob) Horton			X		
League of Oregon Cities	Jim McCauley				X	
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)				X	
Oregon Farm Bureau	Mary Anne Cooper					X
Oregon Fire Chiefs Association	Nicole Hazelbaker / (Garrett Mosher)			X		
Oregon Fire Marshall's Association	Shawn Olson / Tanner Fairrington			X		
Oregon Forest Industries Council	Kyle Williams					X
Oregon Home Builders	Mark Long					X
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)					X



RAC 1 Meeting Summary for August 10, 2021



Oregon Small Woodlands Association	Roger Beyer					X
Oregon State University - Extension	Chris Dunn / (Erica Fisher)				X	
Sisters Fire	Roger Johnson				X	
Special Districts Association	Michele Bradley / (Jason Jantzi)				X	
Sustainable Northwest	Dylan Kruse				X	
The Nature Conservancy	Amelia Porterfield				X	
Tualatin Valley Fire	Les Hallman				X	
Western Environmental Law Center	Pam Hardy				X	
Totals:		1	0	13	2	8
Code:		Not Here	Ab-stain	1	2	3

RESULT: Consensus / No Consensus

Summary of Major Reasons in Support: See Meeting Recording, below Chat, and Member Submissions to follow.

Minority Proposal: See Meeting Recording, below Chat, and Member Submissions to follow.

Summary of Major in Reasons in Opposition: See Meeting Recording, below Chat, and Member Submissions to follow.



RAC 1 Meeting Summary for August 10, 2021



Poll #: 2

Question: Do you support the SB 360 definition?

“A geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.”

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy				X	
Associated Oregon Loggers	Amanda Astor / (Rex Storm)				X	
Association of Oregon Counties	Lauren Smith				X	
Association of Oregon County Planning Directors	Holly Kerns / (Lindsey Eicher)				X	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	X				
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)				X	
Hood River County Planning Commission	Leti Moretti		O			
Jackson County Fire	Robert (Bob) Horton					X
League of Oregon Cities	Jim McCauley				X	
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)					X
Oregon Farm Bureau	Mary Anne Cooper				X	
Oregon Fire Chiefs Association	Nicole Hazelbaker/ (Garrett Mosher)		O			
Oregon Fire Marshall's Association	Shawn Olson / (Tanner Fairrington)		O			
Oregon Forest Industries Council	Kyle Williams				X	
Oregon Home Builders	Mark Long				X	
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)				X	



RAC 1 Meeting Summary for August 10, 2021



Oregon Small Woodlands Association	Roger Beyer				X	
Oregon State University - Extension	Chris Dunn / (Erica Fisher)					X
Sisters Fire	Roger Johnson					X
Special Districts Association	Michele Bradley / (Jason Jantzi)				X	
Sustainable Northwest	Dylan Kruse					X
The Nature Conservancy	Amelia Porterfield					X
Tualatin Valley Fire	Les Hallman					X
Western Environmental Law Center	Pam Hardy					X
Totals:		1	3	1	12	8
Code:		Not Here	Ab-stain	1	2	3

RESULT: Consensus / No Consensus

Summary of Major Reasons in Support: See Meeting Recording, below Chat, and Member Submissions to follow.

Minority Proposal: See Meeting Recording, below Chat, and Member Submissions to follow.

Summary of Major in Reasons in Opposition: See Meeting Recording, below Chat, and Member Submissions to follow.



RAC 1 Meeting Summary for August 10, 2021



Poll #: 3

Question: Do you support the poll's "top answers combined" definition?

"Wildland-Urban Interface means the geographical area where human development meets wildland fuels."

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy			X		
Associated Oregon Loggers	Amanda Astor / (Rex Storm)					X
Association of Oregon Counties	Lauren Smith					X
Association of Oregon County Planning Directors	Holly Kerns / (Lindsey Eicher)					X
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	X				
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)				X	
Hood River County Planning Commission	Leti Moretti				X	
Jackson County Fire	Robert (Bob) Horton				X	
League of Oregon Cities	Jim McCauley				X	
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)		O			
Oregon Farm Bureau	Mary Anne Cooper					X
Oregon Fire Chiefs Association	Nicole Hazelbaker / (Garrett Mosher)					X
Oregon Fire Marshall's Association	Shawn Olson / (Tanner Fairrington)					X
Oregon Forest Industries Council	Kyle Williams		O			
Oregon Home Builders	Mark Long					X
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)					X



RAC 1 Meeting Summary for August 10, 2021



Oregon Small Woodlands Association	Roger Beyer		0			
Oregon State University - Extension	Chris Dunn / (Erica Fisher)				X	
Sisters Fire	Roger Johnson				X	
Special Districts Association	Michele Bradley / (Jason Jantzi)				X	
Sustainable Northwest	Dylan Kruse					X
The Nature Conservancy	Amelia Porterfield					X
Tualatin Valley Fire	Les Hallman				X	
Western Environmental Law Center	Pam Hardy					X
Totals:		1	3	1	8	11
Code:		Not Here	Ab-stain	1	2	3

RESULT: Consensus / No Consensus

Summary of Major Reasons in Support: See Meeting Recording, below Chat, and Member Submissions to follow.

Minority Proposal: See Meeting Recording, below Chat, and Member Submissions to follow.

Summary of Major in Reasons in Opposition: See Meeting Recording, below Chat, and Member Submissions to follow.



RAC 1 Meeting Summary for August 10, 2021



MEETING CHAT:

From RAC - Jon Jinings, DLCD to Everyone: 10:23 AM

"Geographical Area" is defined in ODF Rule. Would it be possible go over this at some point? Forgive me if this has already occurred.

From RAC - Jon Jinings, DLCD to Everyone: 10:35 AM

Of course I prefer the DLCD recommendation. However, I think using an established definition makes sense, especially when there is the opportunity to develop more Oregoncentric criteria in the coming months.

From Garrett Mosher to Everyone: 11:19 AM

This is Garrett Mosher, Nicole Palmateer-Hazelbaker had to jump off for a moment so I am filling in for her. We support the International WUI definition.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:20 AM

I cannot support this definition. The definition of structures under the WUI code is significantly broader than anyone here has indicated they intend and significantly broader than the legislature intended, and must be narrowed in the definition.

From RAC, Lauren Smith- AOC to Everyone: 11:20 AM

I would support: .."that geographical area where a concentration of structures in an urban or suburban setting meets or intermingles with wildland vegetative fuels."

From RAC - Jim McCauley (LOC) to Everyone: 11:20 AM

I think the definition needs some additional detail. the 360 definition helps, but without the urban or suburban addition it falls short.

From RAC- Bob Horton, Fire Dist 3 to Everyone: 11:20 AM

1) Meets the intent of the RAC and still gives us the opportunity to provide the criteria that supports the definition (i.e. defining a structure)

From RAC, Amanda Astor - AOL to Everyone: 11:20 AM

3 – Too ambiguous and will need to change in the future to add legal clarity because the definition will be used as a regulatory tool.

From RAC Holly Kerns, AOC PD to Everyone: 11:21 AM

3. I can't support the definition as proposed, it's too ambiguous to explain or understand. It needs a finer point. I could support a modification, and I would propose, "That geographical area where a concentration of structures in an urban or suburban setting intermingles with wildland vegetative fuels."

From RAC Dave Hunnicutt - OPOA to Everyone: 11:22 AM



RAC 1 Meeting Summary for August 10, 2021



3 - I realize we are under a tight timeline, but we need to flesh out definitions of the key terms before we should incorporate a broad definition that could potentially result in most of rural Oregon being defined as "urban".

From RAC - Amelia Porterfield - TNC to Everyone: 11:25 AM

1) I support the Intl WUI code for the same reasons shared by Bob Horton - this meets the legislative direction for the RAC and we still have space in this committee to refine terms.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:27 AM

Mary Kyle, it sounds like 1000 friends does intend the WUI to pull in much of rural Oregon...and not be limited to urban areas (as is in the plain language of the bill). Is that correct?

From RAC - Kyle Williams (OFIC) to Everyone: 11:29 AM

Not in it's entirety, it would have to be amended to allow for broadening the scope as described by Tim.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:29 AM

2 - it needs modifications to be statewide, but would support it with pulling out the forestland protection district language.

From RAC, Roger Beyer, OSWA to Everyone: 11:30 AM

would need to amend out the language restricting it to only inside the protection districts.

From RAC - Jim McCauley (LOC) to Everyone: 11:30 AM

360 + expansion beyond FPD and reference to urban and suburban areas

From RAC Dave Hunnicutt - OPOA to Everyone: 11:31 AM

I would support a broadening of the existing statutory definition to extend beyond forestland as we've discussed.

From RAC Holly Kerns, AOC PD to Everyone: 11:31 AM

If the "forestland" and "forest protection district" language were amended to incorporate wildland vegetation more broadly, I could support this definition

From RAC, Amanda Astor - AOL to Everyone: 11:32 AM

2 - I would prefer something like this... "A geographic area of uncultivated vegetative fuels where there exists a concentration of dwellings in an urban or suburban setting."

From RAC - Amelia Porterfield - TNC to Everyone: 11:32 AM

3) The legislation specifically stripped out the 360 definition from statute, nor does it meet the national best standards direction even with modification

From RAC - Chris Dunn, OSU to Everyone: 11:32 AM



RAC 1 Meeting Summary for August 10, 2021



3 - I cannot support as written. These definitions are currently short and therefore any modification, beyond a single word, leads to an entirely new definition in my opinion. I do not believe a "2" is feasible. We would need to define "concentration", as well as "suburban setting".

From RAC Mary Kyle McCurdy 1000 Friends (she/her) to Everyone: 11:33 AM

We vote No on using the SB 360 definition

From RAC - Mary Anne Cooper, OFB to Everyone: 11:33 AM

3- human development is an incredibly broad term, so oppose for the same reason as the international WUI code definition.

From RAC, Lauren Smith- AOC to Everyone: 11:34 AM

I agree with Mary Anne- human development is far too broad

From RAC - Jon Jinings, DLCD to Everyone: 11:34 AM

I fully support changing the SB 360 and top polling responses Definitions to read "That geographic area where structures and other human development meets or intermingles with wildland vegetative fuels."

From Garrett Mosher to Everyone: 11:34 AM

3 - on behalf of Nicole Hazelbaker. We do not support the 360 definition.

From RAC - Jim McCauley (LOC) to Everyone: 11:34 AM

replace human develop with some reference to urban and suburban settings

From RAC, Amanda Astor - AOL to Everyone: 11:35 AM

I believe human development needs to be stripped out. I prefer something like this "the geographical area where a concentration of dwellings meets wildland fuels."

From RAC Holly Kerns, AOCPD to Everyone: 11:35 AM

Human development and "urban" in the term WUI don't have the same meaning, that modification doesn't make sense to me

From RAC Mary Kyle McCurdy 1000 Friends (she/her) to Everyone: 11:35 AM

We will continue to support the IWUI code.

From RAC Les Hallman, TVF&R to Everyone: 11:36 AM

Prefer the ODF staff recommendation, but would be willing to compromise and work on the definition made up of the member comments. Poll #4

From RAC Mary Kyle McCurdy 1000 Friends (she/her) to Everyone: 11:39 AM

Mary Anne - That is not what I said. We need to determine these applications at the criteria stage



RAC 1 Meeting Summary for August 10, 2021



From RAC-OFMA-Shawn Olson to Everyone: 11:40 AM

I agree with Les. OFMA is there to support and collaborate a definition.

From RAC- Bob Horton, Fire Dist 3 to Everyone: 11:40 AM

My understanding is that the definition is going to continue to guide the rulemaking but is not the rule in and of itself.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:40 AM

We would appreciate collaboration on a definition as well, but this RAC does not seem designed for collaboration.

From RAC - Jim McCauley (LOC) to Everyone: 11:41 AM

we are in the same place as AOC, not sure how there is no fiscal when you go from the existing 360 overlay for WUI in FPD and expanding to urban, suburban and potentially significant rural lands.

From RAC, Lauren Smith- AOC to Everyone: 11:43 AM

Either way- I would say, there is a big difference between "no fiscal" and "indeterminate"

From RAC - Amelia Porterfield - TNC to Everyone: 11:44 AM

I agree with Pam. The words in the definition themselves don't inspire changes in practice.

From RAC Mary Kyle McCurdy 1000 Friends (she/her) to Everyone: 11:45 AM

To be clear - I did not say that, Mary Anne.

From RAC - Jon Jinings, DLCD to Everyone: 11:48 AM

I didn't hear that either.

There should be a FIS anytime an agency engages in rulemaking

k.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:48 AM

There was a specific example provided of farmworker housing and places where workers congregate, both of which will be very impactful on our members and are broader than a concentration of dwellings.

From RAC Mary Kyle McCurdy 1000 Friends (she/her) to Everyone: 11:50 AM

I gave examples of things that should be discussed when we get to criteria because they are concentrations of human development that do not seem to fit into "urban" and "suburban."



RAC 1 Meeting 4 Summary for August 17, 2021



Agenda

Welcome and Participant Meeting Instructions
Agenda Review and RAC Approval
<p>ODF's Draft WUI Definition Staff Report (30 Minutes)</p> <ul style="list-style-type: none"> • Review Report (15 Minutes) <ul style="list-style-type: none"> ○ NOTE: The International WUI definition is, "That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels." The second "or" was missing in previous RAC documents. ○ Poll: Do you recommend the correct International WUI definition stated above? • RAC Comments (20 Minutes) <ul style="list-style-type: none"> ○ What Staff Report observations do you have for ODF's consideration? • Last Call for written RAC comments to be submitted with the staff report • Please send to Tim.J.HOLSCHBACH@oregon.gov and Jenna.A.Trentadue@oregon.gov by 4:00 PM today with a copy to SamImperati@ICMresolutions.com
Additional Input Reminder
<p>Fiscal Impact Statement Introduction:</p> <ul style="list-style-type: none"> • ODF Staff Draft Recommendation (10 Minutes) <ul style="list-style-type: none"> ○ Staff Presentation ○ Reminder: Additional FIS on the Criteria • RAC Feedback (20 Minutes) <p>What FIS observations do you have for ODF consideration?</p>
<p>Phase Two: Conceptual Workplan Overview</p> <ul style="list-style-type: none"> • Criteria Concepts and Workplan (10 Minutes) <ul style="list-style-type: none"> ○ Criteria Topics ○ Timeline/Meeting Schedule • RAC Discussion (15 Minutes) <ul style="list-style-type: none"> ○ Are these all the words that will need to be defined? ○ What existing tools may help with these definitions that we haven't taken into account? <p>What are some specific concerns or suggestions that you feel need to be included in future meetings to address WUI boundary Criteria?</p>
Public Comment
<p>Next Steps</p> <ul style="list-style-type: none"> • Next Meeting: September 7, 2021 <ul style="list-style-type: none"> ○ Topics: <ul style="list-style-type: none"> ▪ Comprehensive Criteria Workplan ▪ Defining Key Terms in WUI Definition • Homework: <ul style="list-style-type: none"> ○ WUI and FIS Comments due Today at 4:00 PM



RAC 1 Meeting 4 Summary for August 17, 2021



<ul style="list-style-type: none"> ○ Criteria Concepts Homework: Please send to Tim.J.HOLSCHBACH@oregon.gov and Jenna.A.Trentadue@oregon.gov by 8/25/21 by 4:00 PM with a copy to SamImperati@ICMresolutions.com ● Meeting Evaluation ● Closing Comments
Adjourn

Participants

Organization	Primary Contact Person	Aug 17 Attendance	Name	Aug 17 Attendance
Members (alphabetical by first name)			Alternates	
Associated Oregon Loggers	Amanda Astor	X	Rex Storm	
Jackson County Fire	Bob Horton	X		
Oregon State University - Extension	Erica Fischer	X	Chris Dunn	X
Oregon Property Owner's Association	Dave Hunnicut		Samantha Bayer	
Sustainable Northwest	Dylan Kruse	X		
Association of Oregon County Planning Directors	Holly Kerns	X	Lindsey Eichner	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison	X	Tim Vrendenburg	
League of Oregon Cities	Jim McCauley	X		
Department of Land Use & Conservation	Jon Jinings	X	Sadie Carney	X
The Nature Conservancy	Kerry Metlen	X	Amelia Porterfield	X
Oregon Forest Industries Council	Kyle Williams	X		
Association of Oregon Counties	Lauren Smith	X		
Tualatin Valley Fire	Les Hallman	X		
Hood River County Planning Commission	Leti Moretti	X		
Oregon Home Builders	Mark Long	X		
Oregon Farm Bureau	Mary Anne Cooper	X		
1000 Friends	Mary Kyle McCurdy	X		
Oregon State University - Institute Natural Resources	Megan Creutzburg			



RAC 1 Meeting 4 Summary for August 17, 2021



Special Districts Association	Michele Bradley, President	X	Jason Jantzi	
Oregon Fire Chiefs Association	Nicole PalmHazelbaker		Garrett Mosher	X
Western Enviromental Law Center	Pam Hardy	X		
Oregon Small Woodlands Association	Roger Beyer			
Sisters Fire	Roger Johnson	X		
Oregon Fire Marshall's Association	Shawn Olson		Tanner Farrington	
Office of the State Fire Marshal	Travis Medema	X	Chad Hawkins	X
Advisory (alphabetical by first name)				
United States Forest Service	Ian Rickert	X		
Bureau of Land Management	Richard Parrish	X		
ODF & Facilitation Project Team				
Oregon Department of Forestry (ODF)	Tim Holschbach			
ODF	Jenna Trentadue	X		
ODF	Jason Cox	X		
ODF	Julie Waters			
ODF	Derek Gasperini	X		
Triangle, RAC No. 2 Facilitation Team	Annie Kilburg Smith			
Triangle, RAC No. 2 Facilitation Team	Anna Shepherd			
ICM Resolutions, RAC No. 1 Facilitation Team	Sam Imperati	X		
ICM Resolutions, RAC No. 1 Facilitation Team	Millie Webb	X		
Oregon Consensus	Robin Harkless	X		
Oregon Consensus	Kristen Wright			



RAC 1 Meeting 4 Summary for August 17, 2021



Polling Issues (See below for results)

- 1) Do you recommend the correct International WUI definition stated above?
- 2) Do you recommend the Communities at Risk report definition? WUI: “The area where houses meet or intermingle with underdeveloped wildland vegetation.”

Next Steps/Action Items:

Action Items	Who?	By When?
No Consensus on using the “correct” International WUI definition.	RAC	At meeting
No consensus on using the Communities at Risk WUI definition.	RAC	At meeting
RAC 1 – Phase One completed	RAC	8/17/21 at 4:00 PM
RAC 1 – Phase Two begins	RAC	9/7/21 at 10:00 AM
Major Topics for the next meeting include: <ul style="list-style-type: none"> ▪ Comprehensive Criteria Workplan ▪ Defining Key Terms in WUI Definition 	ALL	9/7/21 at 10:00 AM
Phase Two Homework	RAC	8/25/21 by 4:00 PM

Official Meeting Record: please go to <https://www.oregon.gov/odf/board/Pages/rac.aspx>



RAC 1 Meeting 4 Summary for August 17, 2021



Poll # 1: Do you recommend the correct International WUI definition stated above?

Organization	Contact Person	Not Here	Ab-stain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy			X		
Associated Oregon Loggers	Amanda Astor / (Rex Storm)					X
Association of Oregon Counties	Lauren Smith					X
Association of Oregon County Planning Directors	Holly Kerns / Lindsey Eicher				X	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison			X		
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)			X		
Hood River County Planning Commission	Leti Moretti			X		
Jackson County Fire	Robert (Bob) Horton			X		
League of Oregon Cities	Jim McCauley				X	
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)			X		
Oregon Farm Bureau	Mary Anne Cooper					X
Oregon Fire Chiefs Association	Nicole Hazelbaker / (Garrett Mosher)			X		
Oregon Fire Marshall's Association	Shawn Olson / Tanner Farrington	X				
Oregon Forest Industries Council	Kyle Williams					X
Oregon Home Builders	Mark Long					X
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)	X				
Oregon Small Woodlands Association	Roger Beyer	X				
Oregon State University - Extension	Erica Fisher / (Chris Dunn)			X		
Sisters Fire	Roger Johnson			X		



RAC 1 Meeting 4 Summary for August 17, 2021



Special Districts Association	Michele Bradley / (Jason Jantzi)			X		
Sustainable Northwest	Dylan Kruse			X		
The Nature Conservancy	Amelia Porterfield/ Kerry Metlen			X		
Tualatin Valley Fire	Les Hallman			X		
Western Environmental Law Center	Pam Hardy			X		
Totals:		3	0	14	2	5
Code:		Not Here	Ab-stain	1	2	3

Note: 23 people voted, but we did not count the two members of the public – only RAC members.

RESULT: Consensus / **No Consensus**

Summary of Major Reasons in Support: See Meeting Recording, below Chat, and Member Submissions to follow.

Minority Proposal: See Meeting Recording, below Chat, and Member Submissions to follow.

Summary of Major in Reasons in Opposition: See Meeting Recording, below Chat, and Member Submissions to follow.



RAC 1 Meeting 4 Summary for August 17, 2021



Poll: # 2: Do you recommend the Communities at Risk report definition? WUI: The area where houses meet or intermingle with underdeveloped wildland vegetation.

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy					X
Associated Oregon Loggers	Amanda Astor / (Rex Storm)			X		
Association of Oregon Counties	Lauren Smith			X		
Association of Oregon County Planning Directors	Holly Kerns / Lindsey Eicher				X	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison				X	
Department of Land Use & Conservation	Jon Jinings / (Sadie Carney)					X
Hood River County Planning Commission	Leti Moretti					X
Jackson County Fire	Robert (Bob) Horton					X
League of Oregon Cities	Jim McCauley			X		
Office of the State Fire Marshal	Travis Medema / (Chad Hawkins)		X			
Oregon Farm Bureau	Mary Anne Cooper			X		
Oregon Fire Chiefs Association	Nicole Hazelbaker / (Garrett Mosher)			X		
Oregon Fire Marshall's Association	Shawn Olson / Tanner Fairrington	X				
Oregon Forest Industries Council	Kyle Williams			X		
Oregon Home Builders	Mark Long			X		
Oregon Property Owner's Association	Dave Hunnicut / (Samantha Bayer)	X				
Oregon Small Woodlands Association	Roger Beyer	X				



RAC 1 Meeting 4 Summary for August 17, 2021



Oregon State University - Extension	Erica Fisher / (Chris Dunn)					X
Sisters Fire	Roger Johnson					X
Special Districts Association	Michele Bradley / (Jason Jantzi)				X	
Sustainable Northwest	Dylan Kruse					X
The Nature Conservancy	Amelia Porterfield/ Kerry Metlen					X
Tualatin Valley Fire	Les Hallman				X	
Western Environmental Law Center	Pam Hardy					X
Totals:		3	1	7	4	9
Code:		Not Here	Ab-stain	1	2	3

Note: 22 people voted, but we did not count the two members of the public – only RAC members.

RESULT: Consensus / No Consensus

Summary of Major Reasons in Support: See Meeting Recording, below Chat, and Member Submissions to follow.

Minority Proposal: See Meeting Recording, below Chat, and Member Submissions to follow.

Summary of Major in Reasons in Opposition: See Meeting Recording, below Chat, and Member Submissions to follow.



RAC 1 Meeting 4 Summary for August 17, 2021



MEETING CHAT:

From RAC - Mary Anne Cooper, OFB to Everyone: 10:23 AM

Here is the communities at risk report definition: The Wildland Urban Interface (WUI): the area where houses meet or intermingle with undeveloped wildland vegetation. (Federal Register 66:751, 2001)
<https://www.oregon.gov/odf/Documents/Fire/Communities-at-risk-report.pdf>

From Public - Dan Nunez to Everyone: 10:33 AM

Will the state be providing GIS boundaries with this definition as a data set and publicly available to everyone? Apologies if this is not the right forum for that inquiry. Playing catchup.

From RAC Alt - Sadie Carney (she/her), DLCD to Dan(& Everyone): 10:35 AM

@ Dan - Yes, but the GIS boundary comes later. The first exercise is establishing a definition. Per legislative directive in SB 762.

From RAC - Jim McCauley (LOC) to Everyone: 10:35 AM

still prefer a definition closer to the community risk report, but recognize the details of our concerns over a broad definition may well be dealt with on the second phase of the WUI process.

From Public - Dan Nunez to Everyone: 10:35 AM

Much appreciated thank you Sadie.

From RAC - Jason Robison CCBUTI to Everyone: 10:38 AM

Is there a way to better align the two? My preference is international def.

From RAC - Erica Fischer, Oregon State University to Everyone: 10:38 AM

Does this definition mean that only residential areas of communities are considered WUI and therefore commercial structures, schools, and hospitals cannot be located in a WUI?

From RAC - Holly Kerns, AOC PD to Everyone: 10:38 AM

Swapping out the word houses for something a little more inclusive of commercial buildings, etc. could make this definition stronger, but generally I think it gets to the point.

From RAC - Pam Hardy, WELC (she/they/ella) to Everyone: 10:38 AM

Is it technologically possible to draft poll questions on the fly so the actual question is in the poll?

From RAC - Michele Bradley, Special Districts to Everyone: 10:40 AM

I agree with Holly. Homes feels too narrow, there are other structures that should be considered, such as water, Stormwater, and wastewater infrastructure, or power lines.

From RAC - Derek Gasperini (ODF) to Everyone: 10:40 AM

Unfortunately, polls must be drafted prior to the launch of a Zoom meeting. That's why we have blank polls set if they become necessary, but text cannot be added after the start of the meeting.



RAC 1 Meeting 4 Summary for August 17, 2021



From RAC - Jim McCauley (LOC) to Everyone: 10:41 AM

All polls on the WUI definition should be part of the BOF report. Actual numerical reference and not simply a majority vote to describe the outcome.

From RAC - Jason Robison CCBUTI to Everyone: 10:47 AM

Is there a process to limit impacts on Tribal specific businesses and/or governments?

From RAC - Jon Jinings, DLCD to Everyone: 10:55 AM

That is a great question, Amanda.

From RAC - Leti Moretti (she/ella) to Everyone: 10:56 AM

Thank you all for the rich discussion. I need to leave this meeting at 10am and look forward to reviewing the meeting materials. Gracias.

From RAC - Jon Jinings, DLCD to Everyone: 10:56 AM

Thanks, Leti!

From RAC - Leti Moretti (she/ella) to Everyone: 11:00 AM

11am*

From RAC - Mary Kyle McCurdy, 1000 Friends (she/her) to Everyone: 11:01 AM

Thanks, Leti!

From RAC - Jon Jinings, DLCD to Everyone: 11:03 AM

If it isn't in rule it doesn't have the effect of law.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:07 AM

John that's not quite right. The agencies will generally be given deference on their policies and they can absolutely interpret rule through policy guidance or just practice that has the effect of law. The bill doesn't specify that the criteria will be in rule, but glad that's the intent and plan - it should be done via rule so we get the benefit of a full public process.

From RAC - Lauren Smith, AOC to Everyone: 11:08 AM

Thank you Mary Anne. That was the point I was trying to get it.

From RAC - Amanda Astor, AOL to Everyone: 11:10 AM

We need to have the BOF do public hearings first...

From RAC - Amelia Porterfield, TNC to Everyone: 11:10 AM

SB 762 does specify that the criteria be put into rule: SECTION 33. ORS 477.027 is amended to read: 477.027. (1) By [administrative] rule, considering national best practices, the State Board of Forestry shall establish:



RAC 1 Meeting 4 Summary for August 17, 2021



(a) A definition of “wildland-urban interface.”

(b) Criteria by which the [forestland-urban] wildland-urban interface [shall] must be identified and classified.

From RAC - Erica Fischer, Oregon State University to Everyone: 11:11 AM

Yes, this reflects what I understand to be what ODF is saying. Thank you all for the great discussions today, I have to sign off unfortunately. As always, thank you Sam also for your facilitating.

From RAC - Amanda Astor, AOL to Everyone: 11:11 AM

Thanks Amelia!

From RAC - Lauren Smith, AOC: 11:12 AM

My concern is that Section 33 has to happen within the 100 days, so how would this timeline fit for the 2nd part of the RAC?

From RAC - Lauren Smith, AOC to Everyone: 11:13 AM

I guess- that is only (a) so we are fine- Nervermind

From RAC - Holly Kerns, AOC PD to Everyone: 11:13 AM

Great point about the other uses of this definition, Amelia. Thanks.

From RAC - Jim McCauley (LOC) to Everyone: 11:36 AM

Have to jet to another meeting. see everyone next week or later this week on RAC 2..

From RAC - Amanda Astor, AOL to Everyone: 11:36 AM

Jenna, I am more concerned with lessons learned from states like WA, CA and CO... not other state agencies in Oregon.

From RAC - Pam Hardy, WELC (she/they/ella) to Everyone: 11:39 AM

I agree with Amanda - it would be helpful to hear from other states (or other entities) who have examined this, and why they made the decision they did. However, I am interested in other Oregon agencies, and the definitions we already have locally. I could see a problem arising if we define the same word differently in different contexts.

From Public - Ryan Kragero, OFMA, Clackamas Fire Dist #1 to Everyone: 11:40 AM

I believe that most of these words have been defined as it relates to the WUI in the IWUIC. These existing definitions may give us a starting point / foundation for some of the foundational words for this process.

From RAC - Kyle Williams (OFIC) to Everyone: 11:40 AM

Here ya go Ryan - <https://codes.iccsafe.org/content/IWUIC2018/chapter-2-definitions>

From RAC - Holly Kerns, AOC PD to Everyone: 11:40 AM



RAC 1 Meeting 4 Summary for August 17, 2021



I think it's important to note that we knew all along this would be a short turn around for the definition. Correct me if I'm wrong, but I think Mary Anne's concern is not the amount of time but how the time was utilized. That is a concern I have as well. We can't undo it, but we can be more focused going forward. Is that fair?

From Public - Peggy Lynch (she/her/hers) LWVOR to Everyone: 11:46 AM

Great most substantive mtg. Thank you.

From RAC - Mary Anne Cooper, OFB to Everyone: 11:46 AM

That's exactly it Holly. I would love for us to be more focused and more substantive going forward. This felt too much like a check the box exercise with a predetermined outcome.

From Public - Peggy Lynch (she/her/hers) LWVOR to Everyone: 11:49 AM

Announce time of Aug. 24th Sp BOF mtg. please

From ODF - Jason Cox to Everyone: 11:50 AM

Special Board Meeting is 10 a.m. August 24.

From ODF - Jenna Trentadue to Everyone: 11:50 AM

BOF meeting on the 24th is at 10am Link to view Board of Forestry Meeting available at <https://www.youtube.com/c/OregonDepartmentofForestry>

From RAC - Holly Kerns, AOCPD to Everyone: 11:53 AM

Thank you Jenna

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August 12, 2021

To: Tim Holschbach, ODF and Sam Imperati, ICM Resolutions

From: Mary Kyle McCurdy, 1000 Friends of Oregon

Re: SB 762 Rules Advisory Committee #1: WUI

Homework following RAC 3rd meeting – WUI definition

1000 Friends of Oregon supports use of the International Wildland-Urban Interface definition (IWUI), without change: *“That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”*

We support this definition for the following reasons:

- SB 762, Section 33, requires that in defining the WUI, the Board of Forestry “consider[] national best practices.” Use of the International WUI definition meets that criterion. As noted in the presentations by the ODF and in examples we provided in our follow-up to the second RAC meeting, this definition is used by most western states, at the state or local level, as the basis for an array of voluntary programs, regulatory structures, preventative actions, public health interventions, incentives, and/or other actions.
- Oregon’s WUI definition should be consistent with the definition broadly relied upon, including by fire professionals, federal agencies, other western states, the Council of Western State Foresters, and scientists. Among other things, a nationally recognized definition both allows better coordination across various jurisdictional boundaries and better positions Oregon for federal funding and funding from other sources.
- The IWUI is scientifically-sound, in that it includes intermingled areas and both dwellings and structures.
- It is appropriate at this stage – which is simply defining the WUI - to use an inclusive definition. Among other things, later stages of implementing SB 762 will include policy and investment decisions about how to ensure our communities are more wildfire resilient and all Oregonians are safer from wildfire. Interventions will not be only regulatory, as some seem to fear, but they will also include investments, subsidies, determinations about where to place life-saving equipment and fire-fighting resources, actions by the Oregon Conservation Corps, placement of wildfire smoke shelters, and more. We should not artificially exclude areas now, an action that could result in actually harming Oregonians. The SB 762 implementation process allows for taking specific characteristics into account later.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

August 13, 2021

TO: Sam Imperati, ICM Resolutions
Tim Holschbach, Oregon Department of
Forestry **FROM:** Jon Jinings, Community Services Specialist
Sadie Carney, Policy Analyst & Communications Manager
SUBJECT: DLCDC Recommendations for RAC 1 Goal Statement and Wildland-Urban
Interface definition

Greetings,

Please see below for the department's position on the Wildland-Urban Interface Definition and Fiscal Impact Statement Issues.

Feel free to contact me with any questions. The department looks forward to discussing these items at the next RAC meeting scheduled for August 17, 2021.

Concise explanation of your organization's position on the WUI definition issue; and/or

DLCD supports using the International Wild-Land Urban Interface as proposed by the Oregon Department of Forestry.

August 17, 2021

TO: ODF
FROM: Jon Jinings, Community Services Specialist
Sadie Carney, Policy Analyst & Communications Manager
SUBJECT: DLCDC Comments on Wildland-Urban Interface definition

Greetings,

We would like to thank the Oregon Department of Forestry staff, members of the Rules Advisory Committee, and all interested parties for their hard work on this matter. The department eagerly anticipates the next step in this process, which will necessarily require much more hard work: discussing the subsequent rulemaking regarding how this definition should apply. We look forward to seeing everyone again soon.

Attachments

DLCD Comments on the proposed Wildland-Urban Interface Definition.

As identified in our earlier correspondence and comments at the RAC meetings, DLCDC supports using the International Wild-Land Urban Interface proposed by the Oregon Department of Forestry (ODF) in its entirety.

DLCD supports this definition because it includes the components necessary to adequately protect human life, private property, and public investment.

ODF SB 762 RAC 1 Meeting Three

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Participant: Leti Moretti

Representing: Latinx, Rural Health Center, Hood River County Planning Commission

Alternate: Jay Lyman, Hood River County Planning Commissioner

Meeting 3 Homework

Concise explanation of your organization's position on the WUI definition issue.

I support the ODF proposal (International definition):

“That geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.”

I support this definition because it aligns with international and Western state definitions and consistency helps with understanding.

Also, without first establishing definitions this definition it seems the most inclusive and I feel that will allow to consider farmworker housing.

Hood River County is mostly rural and our orchards and where our farmworkers live is surrounded by forest and vegetation fuels. Words like urban and suburban, to me, don't include farmworker housing.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Lauren Smith, Association of Oregon Counties
Holly Kerns, Association of Oregon County Planning Directors
Jim McCauley, League of Oregon Cities

Feedback on WUI Definition and Fiscal Impact Analysis

Association of Oregon Counties, the Association of Oregon County Planning Directors and League of Oregon Cities would like to thank you for the opportunity to be a part of the rules advisory committee (RAC) and provide feedback on the definition of Wildland Urban Interface (WUI) under SB 762 and the fiscal impact of the proposed WUI definition in rule.

Wildland Urban Interface Definition Feedback

Local governments recognize the need to protect our communities from wildfire and are committed to collaborating with state partners to build a better way. We are writing to raise our concerns that the definition being proposed by Oregon Department of Forestry (ODF) is overly broad and will have serious unintended consequences for our communities and needs to be amended before being put into rule.

Rather than utilize the RAC to further flush out a definition of WUI, the agency has indicated an intent at our last rules advisory committee meeting to move forward with the definition that was previously rejected by the Oregon legislature, defining the WUI as "the geographic area in which structures or other human development meets or intermingles with wildland or vegetative fuels." This definition is unnecessarily vague, and potentially includes all kinds of rural development that are clearly outside of any plain language understanding of what the terms "Wildland Urban Interface" mean. For example: utility cabinets, mountain top communications towers, irrigation infrastructure, and roads are clearly captured within the proposed definition of WUI as written, not to mention sparse rural development. We do not believe this is the intent at all, which underscores the reason that definition needs to start strong and be clear. If the definition is left unclear, we really have not defined anything at all.

As written, the ODF proposed definition of WUI is descriptive, but not definitive, which is inconsistent with the how the wildfire legislation has set up the term to be used. A vague definition that does not provide clarity for the reader as to what is or is not included in the WUI does not advance wildfire policy in Oregon; on the contrary, it sets an unstable foundation from which to build. As a basis for establishing defensible space application (Section 8 of SB 762), building code standards (Section 12 of SB 762), prioritization of funding for Oregon Conservation Corps Projects (Section 18 and 22 of SB 762), mutual aid decision making (Section 30a of SB 762), the basis for building criteria for classifying risk categories (Section 33 of SB 762), and qualifying membership on the State Wildfire Programs Advisory Council (Section 36 of SB 762), we see exceptional value in being clear as to what a WUI is.

Local governments would like to suggest a definition that provides more clarity as to what a WUI is. We would like to propose defining WUI as: ***"A wildland urban interface is that geographical area where a concentration of structures in an urban or suburban setting meets or intermingles with wildland vegetative fuels."***

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Mary Anne Cooper, Oregon Farm Bureau
Dave Hunnicut, Oregon Property Owners Association
Roger Beyer, Oregon Small Woodlands Association
Mark Long, Oregon Homebuilders Association
Amanda Astor, Association of Oregon Loggers

Feedback on WUI Definition and Fiscal Impact Analysis

Thank you for the opportunity to provide feedback on the definition of Wildland Urban Interface (WUI) under SB 762 and the fiscal impact of the proposed rule. We appreciate the challenges in the conversation and agree that the WUI definition is critical to achieving the goals of SB 762. We all have a shared goal of increasing Oregon's fire resiliency and ensuring that we can protect our communities and our citizens from Oregon's growing wildfire risk. While we may differ in how to best achieve this goal, we want to reiterate that we are approaching these conversations with the goal of best facilitating the shared desire of everyone who supported SB 762 to protect our communities and our citizens. With that in mind, we encourage the Department to continue to work on refining the definition of the WUI to better tie it to the goals of the bill to and keep in mind the citizens that will need to understand these rules.

Wildland Urban Interface Definition Feedback:

We are disappointed that the Oregon Department of Forestry has indicated an intent to move forward with a definition of WUI that is overly broad and creates a risk of confusion and overregulation in our rural communities. As you are aware, the definition of the WUI was the final subject of contention in SB 762. The legislature didn't have the votes to pass the bill with the broad definition of WUI that you are proposing, so a compromise was reached to push the issue to rulemaking. This compromise was essential to the bill's passage and to obtaining bipartisan support, including support from several of our groups.

Instead of undertaking this analysis, the agency indicated an intent at our last rules advisory committee meeting to move forward with the exact same overly broad definition the legislature rejected that would define the WUI as *"the geographic area in which structures or other human development meets or intermingles with wildland or vegetative fuels."* Given that the plain meaning of structures and other human development could include features outside of occupied buildings such as fences, trails, county roads, irrigation, and drainage infrastructure, and potentially even cropland, and would definitely include single homes on hundreds of acres, this definition would effectively include nearly all of rural Oregon and is contrary to the stated intent of legislators, who assured our organizations that the WUI would not be applied so broadly. It would also be contrary to the plain language of the term "wildland urban interface"—which plainly means the area where wildland areas interface (i.e., meet) urban areas.

While we understand that the definition comes from the International WUI Code, that body is made up solely of governmental entities, and the definition was not made with statewide regulatory systems in mind. Given that Oregon has a statewide regulatory system, it is essential that it is narrowly crafted and thoughtfully developed to align with existing Oregon law and policy. It is also worth noting that during the RAC meeting on this issue, all the members representing landowners and three local government representatives voted against this definition and the positive votes were from NGO's, enforcement agencies, and other government representatives who would not be negatively affected by a broad definition. However, some government entities, such as the fire service, expressed an interest in working toward consensus. A broad definition would only have overly negative impacts on property

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

owners, it also fails to focus investments and other work mandated by SB 762, A broad definition simply is not in the best interest of the Department or Oregonians.

The definition proposed by ODF is not only contrary to their previous statutory charge, but it is also contrary to the definition used as recently as 2020 in the “Communities at Risk” report by ODF to the legislature, which focused on clustered or concentrated development at the urban interface.

The two primary reasons the agency has proposed appear to be an allegiance to the International WUI Code, and a false understanding that other states approach their regulation in this manner. As noted above, the International WUI Code was not developed with a diversity of stakeholders – as is the requirement for ODF rulemaking – and was developed for use and modification at the local level.

Similarly, other states have not adopted the international WUI code for purposes of their regulatory program. The states that adopt the international WUI code definition into state regulations generally do not have a statewide regulatory system flowing from that definition, and the states who have a statewide wildfire program do not base their regulation solely on the International WUI definition.

If Oregon adopts this approach, we would be unique in having a statewide regulatory program flowing from this very broad WUI definition designed for local implementation and modification. This approach is contrary to the legislative directive to “consider” a definition based on national standards. Simply put, there is no state (or federal) program which would declare nearly the entirety of the state’s rural areas as “urban” or within the “interface” between urban and wildland.

We appreciate the assurances from the agency that this broad definition would be narrowed through the future adoption of criteria, and that the intent is that regulatory programs would only attach to high and extreme risk hazard designations (though the statute allows broader application). However, we cannot support an overly broad definition of WUI that is unworkable under Oregon’s system, with the promise that it *may* be narrowed in the future through the application of criteria. This is particularly true given that there does not appear to be consensus within the agency and the committee about what is intended to fall under the WUI definition and how much the definition will be modified through the application of criteria to make it workable.

We strongly urge you to reconsider the overly broad WUI definition and instead adopt a definition that focuses on the areas where a concentration of dwellings meet undeveloped wildland vegetation. This is the “donut hole” approach which staff has supported in the past, and best meets the goals of the legislation to regulate those areas at highest risk We have proposed several definitions based on current Oregon law, the 2020 report, and federal standards. We encourage you to consider these approaches and the previous work of the department.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

OFIC (Kyle Williams) WUI definition position:

We are challenged with adoption of the international code definition at this point in the discussion because of the undetermined and potentially broad meaning behind the words. My understanding based on the discussion in the workgroup is that timelines necessitate a reverse process wherein we adopt the statement “That geographical area where structures and other human development meets or intermingles with wildland vegetative fuels” and then define what each of the words mean in the next step. Please understand this is akin to a “trust me, it will all work itself out”. That is not a position we feel comfortable being in. I do however understand and would like to believe that is the intent. The primary concern is that downstream rule making/enforcement could utilize the very broad statement without adhering to the underlying and yet to be determined criteria. Not knowing exactly how the mechanics of the downstream processes will work creates a situation where we need to see something closer to the result in the upfront definition. IF adoption of the full international definition becomes the will of the board, rather than many of the more narrowed options that have been offered and discussed, it is critical to have an affirmative statement such as “as defined by criteria” or something to that effect attached to the definition.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Sustainable Northwest WUI Definition Preference

Sustainable Northwest's preferred WUI definition is the International WUI Code definition, with no changes: "That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels."

IMPORTANT NOTE: In the definition that has been presented to the RAC, an 'or' has been omitted between 'wildland' and 'vegetative fuels'. The actual International WUI Code definition includes this 'or' which is a critical component of the definition and its meaning.

Reasons to select this definition as written:

- ☐ Scientifically sound and comprehensive (includes both interface and intermix).
- ☐ Include structures, rather than just dwellings.
- ☐ International WUI Code is nationally recognized and used in application. Nearly every western state, and many more, have already adopted it.
- ☐ Recognized by the Council of Western State Foresters, federal agencies, and other government and professional bodies.
- ☐ Having a nationally recognized definition is important to ensure Oregon is eligible to secure federal funds for programs related to the WUI.
- ☐ We need consistency and clarity in the definition, not an Oregon specific definition that is not recognized broadly by scientists, fire managers, and government bodies. Customized issues can and should be addressed in the criteria process to account for unique circumstances and features.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

The Nature Conservancy's WUI Definition Position

The Nature Conservancy supports the adoption of the International WUI Code definition of the Wildland Urban Interface as written: *"The geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels."*

The following comments summarize several reasons for the state to adopt this definition in its entirety:

- ☐ The International WUI Code definition meets the charge of SB 762 to consider "national best practices", as this definition is widely utilized by varying types of jurisdictions across the American West, is recognized by scientists, land managers and the fire professionals who keep communities safe.
- ☐ Adopting a nationally recognized definition in its entirety avoids unintended consequences that could arise by creating a 'combo' model that merges other definitions or writing a new definition from scratch.
- ☐ The Intl. WUI Code definition provides sufficient direction and clarity while preserving space for the RAC to refine terms and classify the WUI in a way that authentically incorporates the nuances of Oregon's unique landscapes and communities.
- ☐ We appreciate that the application of the International WUI Code includes focus "to safeguard life and property from the intrusion of wildland fire and to prevent structure fires from spreading to wildland fuels". We find it meaningful that this model is grounded in creating resilient landscapes and communities to better ensure that those who live in impacted areas, and those who work to keep our communities safe from fire, remain front of mind in subsequent discussions.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

August 13, 2021

From: WELC

To: Oregon Department of Forestry

Wildland Urban Interface Rulemaking Advisory Committee

Re: WUI Definition Fiscal Impact Statement Perspectives

Re: WUI Definition Recommendation

Western Environmental Law Center proposes that ODF adopt the International WUI definition:
“That geographical area where structures and other human development meets or intermingles with wildland ***or*** vegetative fuels.”

** It has come to our attention that the WUI definition originally displayed by ODF was missing a word. I have added it back in above, and recommend for the reasons described below, we adopt the actual international definition. [Link to original](#)¹.*

Mitigation of wildfire is an increasingly international effort. Best practices are not just shared between US states, but between countries around the world. Fire fighters are increasingly working across state, and even international boundaries as they come to the assistance of regions in the midst of extreme fire. Consistency allows these fire-fighters to be more effective in their work when they know what to expect.

Additionally, the international definition has been forged in the context of long-considered research in the light of extensive trial and error. It has been adopted by nearly every western state in the US. Because Oregon is among the regions facing some of the worst fires globally, we may soon find real opportunities for innovation and improvement upon this baseline effort. But until we have a reasoned foundation on which to propose improvements, we should stand on the shoulders of others, not re-invent the wheel. Adopting the international definition will improve our ability to participate robustly in, and benefit from, the international effort to learn to better live with fire in the era of climate change.

Thank you for the opportunity to comment. Please feel free to contact me if you have any further questions or clarifications.

Best Regards,
- Pam Hardy

¹ <https://codes.iccsafe.org/content/IWUIC2018/chapter-2-definitions>

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

OSU

Oregon State University's position on the definition of the WUI would be using the International WUI code definition. The reasoning behind this is the wording of "structures and other human development meets or intermingles with wildland vegetative fuels" the phrasing of "intermingles" is missing from the poll top answers combined and therefore can eliminate certain types of landscapes.

August 17, 2021

To: ODF and Sam, Imperati, ICM Resolutions

From: Les Hallman

RE: WUI Definition

Tualatin Valley Fire & Rescue (TVF&R) is the largest Rural Fire Protection District in Oregon. We provide services within four counties and eleven cities, protecting over 530,000 residents. Our 390-square-mile service area includes urban, suburban, and rural communities with a large area of wildland urban interface (WUI).

As the RAC member representing TVF&R, I support the ODF staff's recommendation to the Oregon Board of Forestry to adopt the International WUI Definition: "That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels". It follows well established best practices in our nation by many state and federal agencies that are charged with defining and protecting WUI areas similar to those found in Oregon. I believe it also meets the Legislative intent of SB 762.

Thank you for allowing our input in this important process.

Les Hallman
Assistant Chief, TVF&R

August 17, 2021

From: Roger Johnson

To: ODF

Re: Support for the International WUI Code definition of WUI

Fire Chief

Sisters-Camp Sherman Rural Fire Protection District

As the Fire Chief of the Sisters-Camp Sherman Fire District and the Deschutes County Fire Defense Board Chief I am in full support of the International WUI Code definition of the Wildland Urban Interface. While the definition is broad, and will require further clarification, it is the "gold standard" within the United States. The majority of western states use the International WUI Code in their regulatory standards. Oregon also has a long history of utilizing the International Code Council family of codes for other important life safety issues including; the International Building Code and International Fire Code.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

I recognize that some stakeholders have concerns about the broad nature of the International WUI Code definition. It is my understanding that there will be ample opportunity in the coming months to clarify the meaning of some of these terms to ensure it is appropriate for Oregon. I am confident that given the diverse stakeholder group convened to perform this important work, we will end up with clarity on these important issues.

Roger Johnson
Fire Chief
Sisters-Camp Sherman Rural Fire Protection District

August 17, 2021
To: ODF
From Michele Bradley
Special Districts (SDAO)

FIS –

Special Districts signed on to the feedback sent from Oregon Farm Bureau, OPHA, OSWA, OHBA, and Association of Oregon Loggers, but we weren't noted on the input letter.

We would like to ensure that the Fiscal Impact from structures (as to be defined, but we would like to have included, such as underground infrastructure [water, wastewater, stormwater piping], pump stations, electric poles, trails, and fencing. SDAO is working on what the impact might be regarding any changes to the WUI and how it would impact our member rates for insurance.

Date: August 17, 2021
TO: ODF
From: Nicole Hazelbaker

Re: WUI Definition. SB 762 Rule Advisory Committee 1

Oregon Fire Chiefs Association supports the recommendations of Oregon Department of Forestry staff:

- Use of the International Wildland-Urban Interface definition (IWUI)
- “That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”
- This definition meets the intent of SB 762 following a national best practice and is used in other wildfire risk regions of the United States.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

August 17, 2021

To: ODF

**From: Robert Horton, Fire Chief
Jackson County Fire District 3**

Re: SB 762 Rules Advisory Committee #1: WUI

Jackson County Fire District 3 supports use of the International Wildland-Urban Interface definition (IWUI)

“That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”

This definition meets the intent of SB 762 following a national best practice and is used on other wildfire prone regions of the United States.

We support that this definition is a solid foundation by which the criteria can be developed.

Section Two: Fiscal Impact Statement Comments

August 12, 2021

To: Tim Holschbach, ODF and Sam Imperati, ICM Resolutions

From: Mary Kyle McCurdy, 1000 Friends of Oregon

Re: SB 762 Rules Advisory Committee #1: WUI

Homework following RAC 3rd meeting – Fiscal Impact Statement

After the RAC discussion, particularly in our third meeting, 1000 Friends of Oregon recommends finding that there will be no fiscal impact associated with defining the wildland urban interface (WUI). At this stage, only the WUI definition is being adopted. It carries with it no regulatory or investment impacts. Those actions and their positive and/or negative fiscal impact on a variety of interests will flow from later definitions and other decisions whose outcome we do not know and therefore that we should not speculate about.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

August 13, 2021

TO: Sam Imperati, ICM Resolutions
Tim Holschbach, Oregon Department of Forestry
FROM: Jon Jinings, Community Services Specialist
Sadie Carney, Policy Analyst & Communications Manager
SUBJECT: DLCD Recommendations for RAC 1 Goal Statement and Wildland-Urban Interface definition

Greetings,

Please see below for the department's position on the Wildland-Urban Interface Definition and Fiscal Impact Statement issues.

Feel free to contact me with any questions. The department looks forward to discussing these items at the next RAC meeting scheduled for August 17, 2021.

Concise explanation of your organization's position on the Fiscal Impact Statement issues.

DLCD understands that a Fiscal Impact Statement is a legal requirement of the administrative rule making process. However, we do not believe it is necessary to spend an excess amount of the RAC's time on this issue because the definition, in of itself, does not establish or propose any regulatory arrangement.

August 17, 2021

TO: ODF
FROM: Jon Jinings, Community Services Specialist
Sadie Carney, Policy Analyst & Communications Manager
SUBJECT: DLCD Comments on Wildland-Urban Interface definition

Greetings,

We would like to thank the Oregon Department of Forestry staff, members of the Rules Advisory Committee, and all interested parties for their hard work on this matter. The department eagerly anticipates the next step in this process, which will necessarily require much more hard work: discussing the subsequent rulemaking regarding how this definition should apply. We look forward to seeing everyone again soon.

DLCD Comments on the proposed Fiscal Impact Statement (FIS)

DLCD supports the Oregon Department of Forestry (ODF) position that a Fiscal Impact is indeterminable in this instance.

DLCD supports this position because the proposed WUI definition has no direct impact and therefore cannot create any identifiable fiscal impact. Furthermore, ODF acknowledges the rule establishing the criteria for application of this definition could create such impacts, which will necessarily be reviewed and considered at that stage in the rulemaking.

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ODF SB 762 RAC 1 Meeting Three

Participant: Leti Moretti

Representing: Latinx, Rural Health Center, Hood River County Planning Commission

Alternate: Jay Lyman, Hood River County Planning Commissioner

Meeting 3 Homework

Concise explanation of your organization's position on the Fiscal Impact Statement issues.

I'm new to this work and I'm commenting as I'm learning more information on these subjects.

My concerns around fiscal impact come up when I think about:

- ☐ Easements and road dimensions for our firetrucks and other help to access and to evacuate people when there is a fire.
- ☐ Materials to build homes
- ☐ Density for housing (we have a terrible housing shortage and need to build homes that are affordable to the people who work in Hood River)

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Lauren Smith, Association of Oregon Counties
Holly Kerns, Association of Oregon County Planning Directors
Jim McCauley, League of Oregon Cities
Feedback on WUI Definition and Fiscal Impact Analysis

Association of Oregon Counties, the Association of Oregon County Planning Directors and League of Oregon Cities would like to thank you for the opportunity to be a part of the rules advisory committee (RAC) and provide feedback on the definition of Wildland Urban Interface (WUI) under SB 762 and the fiscal impact of the proposed WUI definition in rule.

Fiscal Impact Statement Feedback

The agency has indicated that in their assessment, the rule as drafted does not have a fiscal impact. Local governments disagree and have not been provided the opportunity provided by the Oregon Administrative Procedures Act to analyze the potential fiscal impact this definition could have at the local level and provide that information to ODF. We believe that there is a likely fiscal impact of this definition, due to the vagueness of the definition as written that fiscal would most likely be indeterminate; however, it has the potential to be significant.

Thank you for the opportunity to provide feedback, and we look forward to continuing to engage around the implementation of SB 762.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Mry Anne Cooper, Oregon Farm Bureau
Dave Hunnicut, Oregon Property Owners Association
Roger Beyer, Oregon Small Woodlands Association
Mark Long, Oregon Homebuilders Association
Amanda Astor, Association of Oregon Loggers

Feedback on WUI Definition and Fiscal Impact Analysis

Thank you for the opportunity to provide feedback on the definition of Wildland Urban Interface (WUI) under SB 762 and the fiscal impact of the proposed rule. We appreciate the challenges in the conversation and agree that the WUI definition is critical to achieving the goals of SB 762. We all have a shared goal of increasing Oregon's fire resiliency and ensuring that we can protect our communities and our citizens from Oregon's growing wildfire risk. While we may differ in how to best achieve this goal, we want to reiterate that we are approaching these conversations with the goal of best facilitating the shared desire of everyone who supported SB 762 to protect our communities and our citizens. With that in mind, we encourage the Department to continue to work on refining the definition of the WUI to better tie it to the goals of the bill to and keep in mind the citizens that will need to understand these rules.

Fiscal Impact Statement Feedback:

The agency stated an intent in the prior rulemaking to indicate that the rule does not have a fiscal impact. We believe that there is a likely fiscal impact of this definition, though we agree that the extent of the impacts will vary tremendously depending on whether and how the definition is refined through the application of criteria.

ORS 183.335(2)(b)(E) requires that agencies prepare a "statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public." The statute states that in "considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected." If the agency finds that the rule will have an adverse effect on small businesses, it must also establish less costly or intrusive alternatives for small businesses. ORS 183.540.

In this case, an overly broad definition of the WUI runs the risk of having substantial consequences on small businesses, particularly farmers, ranchers, small woodland owners, and other rural businesses who could be subjected to requirements for roads, fences, on farm housing, food processing facilities, and other structures due to an overly broad application of the WUI. We also agree that the rule could have a positive impact on businesses if it is refined appropriately to focus on reduction of wildfire risk at the urban/wildland nexus. The fiscal impact statement must acknowledge both potential outcomes, and the consequences of each. The fiscal impact statement must also evaluate whether ODF can adopt a narrower definition of WUI that would avoid the negative impacts of an unrestricted overly broad definition to small businesses while still achieving the goals of the legislation.

We understand this is work for programs and want to continue to help craft a definition that aligns with Oregon law and policy, and reflects Oregon's unique statewide regulatory system and will help all citizens understand that best to mitigate the impacts of wildfire

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

At the very least, we ask that you incorporate language into the definition that aligns with your 2020 report. Thank you for the opportunity to provide feedback, and we look forward to continuing to engage around the implementation of SB 762.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

OFIC (Kyle Williams) FIS Statement

Given that we are working off the understanding that the definition is hollow until filled in later with criteria I understand the logic leading to a finding of “no fiscal impact”. However, clearly the intent of the definition is to create future workload and regulation. Given this iron clad outcome of the work, it appears that a finding of “indeterminate” at the very least would be more appropriate than “none”.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Sustainable Northwest WUI Fiscal Position

Sustainable Northwest believes that there should be no fiscal impact associated with the definition of the WUI. The definition in and of itself establishes no practice changes, regulatory/compliance impacts, or other requirements or changes in behavior. There should therefore be no financial impacts.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

The Nature Conservancy's WUI Definition Fiscal Position

We found helpful the clarification offered in the third meeting of RAC 1 that the committee's charge is to discuss the fiscal impact resulting from the selection of a definition only, with future discussion to come on potential fiscal impacts of subsequent refinement of terms and classification of the WUI. With that important detail in mind, we do not believe the definition itself creates any fiscal impact. The words themselves do not require subsequent action.

Therefore, The Nature Conservancy's position is that there is no fiscal impact from choosing a definition for the term "Wildland Urban Interface".

We continue to believe that further fiscal discussion is better suited for later rulemaking related to SB 762, when policy decisions will be made regarding the application of the WUI may create financial impacts - positive or negative. This RAC cannot, and should not, evaluate the potential impacts of those later decisions because we do not know how they will play out, and we should not presume the outcomes of future committee discussions.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

August 13, 2021

From: WELC

To: Oregon Department of Forestry

Wildland Urban Interface Rulemaking Advisory Committee

Re: WUI Definition Fiscal Impact Statement Perspectives

The Western Environmental Law Center proposes the following perspective when drafting the fiscal impact statement for the definition of the Wildland Urban Interface.

The fiscal impact statement should emphasize that the fiscal impact of the definition is indeterminate. Short term effects depend upon the criteria for inclusion which have yet to be determined. Long term effects are likely to be very positive, but mostly in costs avoided. In other words, if done correctly, a good WUI definition will facilitate an implementation of effective policies that will reduce the number of lives lost and homes, businesses, and whole towns, burned in future wildfires. Additionally, good WUI practices will aid wildland fire fighters in their ability to fight *wildland* fire, and spend less time concerned about isolated, poorly protected homes and other structures. This will improve the health and longevity of the extensive forests that are dear to the hearts of Oregonians.

Both long- and short-term, positive, and negative, impacts should be addressed in the fiscal impact statement.

Thank you for the opportunity to comment. Please feel free to contact me if you have any further questions or clarifications.

Best Regards,

- Pam Hardy

August 17, 2021

To: ODF

From Michele Bradley

Special Districts (SDAO)

FIS –

Special Districts signed on to the feedback sent from Oregon Farm Bureau, OPHA, OSWA, OHBA, and Association of Oregon Loggers, but we weren't noted on the input letter.

We would like to ensure that the Fiscal Impact from structures (as to be defined, but we would like to have included, such as underground infrastructure [water, wastewater, stormwater piping], pump stations, electric poles, trails, and fencing. SDAO is working on what the impact might be regarding any changes to the WUI and how it would impact our member rates for insurance.

RAC 1 Member Feedback on WUI Definition and FIS Received Through 8-17-21

Date: August 17, 2021
TO: ODF
From: Nicole Hazelbaker

Re: Fiscal Impact Statement. SB 762 Rule Advisory Committee 1

Oregon Fire Chiefs Association supports the recommendations of Oregon Department of Forestry staff:

- The boundaries and criteria of the WUI are not yet defined.
- Since the boundaries and criteria are not yet defined, the fiscal impacts are indeterminate.
- Additional fiscal and economic impact analysis will be needed as the definition is used in future rulemaking.

Re: Fiscal Impact Statement. SB 762 Rule Advisory Committee 1

Oregon Fire Chiefs Association supports the recommendations of Oregon Department of Forestry staff:

- Additional fiscal and economic impact analysis will be needed as the definition is used in future rulemaking.

August 17, 2021
To: Oregon Department of Forestry
From: Roger Johnson
Re: Fiscal Impact Statement

- Additional fiscal and economic impact analysis will be needed as the definition is used in future rulemaking.

Roger Johnson
Fire Chief
Sisters-Camp Sherman Rural Fire Protection District