

**Wildfire Programs Advisory Council**

**July 14<sup>th</sup>, 2023**

**Public Comments received as of July 14<sup>th</sup> at 6pm**

**Christian Jekowski**  
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The Private Professional Wildland Firefighter workforce numbers are in the thousands for the State of Oregon. We are experienced, well trained, have excellent apparatus, and available to respond quickly to any emergency situation. If we were integrated into the platform, we can save taxpayers money and reduce the need for conflagration expenditures.

Where in the response plan is this workforce being utilized to protect and serve our communities?

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**Carolyn Mayers**  
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To: Wildfire Programs Advisory Council

From: Carolyn Mayers

Date: July 13, 2023

Re: Thanks and a concern

Greetings Council members,

I have observed with great interest and admiration all the hard work the Council has put into making some real progress on trying to get the Legislature to take meaningful steps to put measures into place that will make a dent in our increasingly destructive wildfire situation in Oregon. Still a long way to go, but you are to be commended on how much you have achieved so far.

By way of introduction, I am a Planning Commissioner in Corvallis; I report on wildfire related legislation for the Natural Resources Committee of the Oregon League of Women Voters; and am a self-appointed wildfire mitigation activist. I am writing today to express my disagreement with your decision to not recommend to the Legislature DLCD's recommendation that municipalities be given land use and, I believe, building code tools, to use to mitigate wildfire risk in their communities, regardless of what hazard level is assigned to them by the Statewide Hazard map. I believe it was recommendation #4. Perhaps it was driven by the atmosphere of "housing at any cost". I do not know. I do know that the long term consequences of not giving cities around Oregon adequate tools to help protect their community members, and help prepare their communities for wildfire events, without running afoul of any land use or other laws, is a handicap that is extremely unlikely to be overcome with only voluntary measures. This is especially the case in the Valley, where not all City officials, even fire officials, embrace the fact of increasing risk.

You know that there is intense pressure to build out, up and everything in between now. Cities like Corvallis, so far, are still largely building out. This means clearly WUI conditions and ZERO meaningful protective measures being taken. No buffers. No larger spacing between structures. Even evacuation routes take a back seat. While almost all the effort seems to be directed at higher risk, more rural areas, and I don't deny that they need the help at all, the magnitude of losses that would be suffered when one of the cities has a catastrophic wildfire event are nearly unimaginable. Most people seem unable to grasp the concept. That will not protect anyone, as you know.

I will close by saying I hope this gap will be addressed in upcoming sessions. Until it is, building will continue unabated, and in a way that increases the risk exponentially, since most fires here are human caused.

Thanks for considering my concerns. For your reference, I have attached meeting notes I provided to Rep. Dan Rayfield last year on this very topic. I hope you have a productive meeting. I will be in attendance.

### **HB2001, Cities and Housing Mandates**

Recently passed legislation (HB2001, et al) was designed to address the severe housing crisis in Oregon and provide much needed relief to Oregonians struggling with burdensome housing costs, by providing more variety of housing types, and increased density. Cities are scrambling to update codes, to be in compliance by the June deadline. Construction of housing units is happening at a breakneck pace. This is a good thing. However, it is not without unintended, potentially catastrophic consequences.

### **SB762 and Wildfire Mitigation**

SB762, our Wildfire Mitigation Bill, was passed in in 2021, partly as a reaction to the catastrophic wildfire season in 2020. It will provide more than \$220 million to help Oregon modernize and improve wildfire preparedness through three key strategies: creating fire-adapted communities, developing safe and effective response, and increasing the resiliency of Oregon's landscapes. Currently, the OARs for SB762 are being refined. This law will yield sorely needed tools and funding to begin to help reduce wildfire risk and loss of life and property in our State. Wildfire risk mapping is nearly finished, and areas and cities found to be at Extreme or High Risk will have multiple tools at their disposal to allow them to legally require meaningful wildfire mitigation measures. This is also a good thing. However, it, too, has some weaknesses that leave some cities at continued, increasing risk of large urban fires.

### **How are Cities at Risk?**

The aforementioned pace of approvals of subdivisions, especially in the desirable Wildland Urban Interface (WUI) areas of the cities (often just inside Urban Growth Boundaries), is accelerating. This WUI zone is widely recognized by the wildfire community, including the Governor's Council on Wildfire Response, as the fastest growing contributor to devastating wildfire losses. The construction of dense subdivisions, adjacent to forested resource lands and other higher risk areas, is a formula for future disaster at an unimaginable scale. Yet, it happens over and over, all across the State.

### **Won't SB762 Help?**

Of course it will help! But almost all of the meaningful measures will be available mainly to those Cities rated at Extreme or High Risk for wildfire. This likely means that Cities in the Valley, such as Corvallis, which have few or no wildfire mitigation regulations in their City Codes, will not be able to legally temper the push for "needed housing" with necessary public safety-related mitigation measures. Decisions are largely made in an environment where wildfire risk is barely considered, if it is considered at all, perceiving CURRENT wildfire risk to be LOW. When building IN a Forest Conservation Zone, there are a multitude of regulations to mitigate risk. But, build in the Urban Growth Boundary, directly ABUTTING the same forest, and there are virtually no regulations. City Fire Departments do a great job at fire prevention and suppression IN THE URBAN ENVIRONMENT, while at the same time largely applying the exact same regulations to both inner city subdivisions, and those in the WUI, the higher risk zone in the fringes, farther from fire stations. This threatens not only forests, but the adjacent neighborhoods and beyond.

### **What Can Be Done?**

Adding a minimum mandatory buffer/firebreak for subdivisions in the WUI of cities at ANY risk level, when they are proximate to forested, steeply sloped or other naturally higher risk zones in the WUI, to the final SB762 OARs, would be a good start. In addition, giving the cities tools to legally require wildfire mitigation measures in higher risk zones, even when their current risk is found to be lower than some proposed threshold. These could take the form of increased distance between homes to lower the risk of uncontrolled structure to structure spread, and the many other recognized tools and techniques available. In the current environment, with developers holding most of the cards, cities are forced to approve projects, even when they pose a clear risk to public safety. We all know that areas across the State are facing a future filled with wildfires due to the increasing negative effects of climate change, increasing populations, and accumulating wildfire fuel levels. This will NOT be limited to the areas

currently deemed at the highest risk, but the entire State, including the formerly moist valleys and forests. The time to take proactive steps to protect ALL of Oregon is now, and not after disaster strikes again. Respectfully submitted by Carolyn Mayers - 04/06/2022

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## **Bob Hart**

Mr. Mark Bennett, Chair  
Members of the Wildfire Advisory Council,  
Mr. Doug Grafe, Wildfire Programs Director

Thank you for the opportunity to address the Council this morning July 14, regarding the Wildfire program created under SB 762 and revised by SB 80. You asked me to provide written comments to cover the issues that I addressed at the meeting.

The specific parts of SB 80 that I covered that are directly assigned to the Council include:

Section 8: Directs the Council to review the required letters to be provided by ODF that notifies property owners of the designation that applies to properties located in the High Hazard zones. The charge to the Council is to review the tone, clarity of language and presentation of information. *The letters that were originally sent as a part of SB762 were in a very authoritative tone and to many felt threatening. This letter set the program onto a direction that it could not recover and the map was recalled. The newly required letter needs a very different tack to avoid a similar response.*

Section 11: This Section provides for the implementation of the new map, assignment of zones and notification letters. The direction in the legislation is that the implementation “does not solely consist of delivering information in a top down manner.” Additionally the implementation is to be robust community engagement through clear language, graphics, visuals and underlying criteria for assigning hazard zones that are publically available and comprehensive to the public audience. *A frustration of the public is that no background information of what data was used to determine zones was presented. Information that was presented was not clear to the public and was considered “government speak.” Additionally the public meetings that were held did not include all departments at the same meeting so questions about the mapping that were asked at the Fire Marshal meeting were not answered. This is an integrated program and the people deserve answers that addresses all of their questions in a manner that can readily be understood. When I asked specific follow up questions via email to the university and ODF, the response was from a student intern saying he couldn’t answer my questions. I was then directed to visit a website for wildfire mapping with no direct answer to my questions.*

When public hearings are held, they need to be in a location that people can hear the presentation, be able to ask questions where all can understand what is being asked and in an environment that is at least comfortable. A meeting in Grants Pass was moved to the high school gym that had the air turned off and no sound system. People finally left disgusted with the conditions and inability to hear what was being presented. I’m sure the high heat added to peoples frustration. The legislation does not specifically require regional public hearings but I am pleased to see that ODF in a news release said that they will conduct public meetings throughout the state. I recommend that additional staff be included to address the requirements for map creation, data sources, field verification, defensible space, home hardening codes, administrative rules, inspections and violation programs, future fines and what is being done regarding home owners insurance.

The following does not directly affect the role of the Council.

Section 6 provides that appeals to zone assignments are to be reviewed as a Contested Case in accordance with ORS Chapter 183. *The provisions in the ORS 183.411 make this a very legalistic and cumbersome process that can be very expensive and complex. This is especially true if experts are required to substantiate applicable facts and lawyers to represent property owners. The burden of proof is on the property owner not on the state. Many will be overwhelmed to the point that appeals will not be filed. Some will likely conclude that this is by design. Please review this statute to see the system to appeal and it's technical requirement for evidence, testimony, representation, and subpoena provisions through the eyes of an elderly widow on fixed income with a concern that the hazard category will raise her living costs. There has to be a better process.*

Regarding Home Hardening, I understand that Building Codes for new construction cannot be made optional. For all new construction the added fire codes makes sense like new codes are added to increase earthquake resistance. Similar to other code provisions, remodels or additions should only be required to add structure hardening when a significant change occurs such as an increase of 50% of the base value. Small changes should not trigger complete upgrades. Onerous requirements usually result in people refusing to get any permit and things being done with no oversight.

Now to the heart of the matter. The primary change of SB762 under SB 80 is to change the map from Wildfire Risk to Wildfire Hazard. This is a distinction without a difference. I listened to the explanation from Director Grafe that this would be similar to a Tsunami Zone map. It is for identification of areas subject to specific concerns. In this case, Wildfire. The scale of application is decidedly different. A Tsunami Zone applies to a limited area along the coast. The three Hazard Zones of Low, Moderate or High, will apply to the entire state covering millions of acres. How can this new map provide the details needed to focus fire mitigation needs on the most critical areas with only three categories? There are still no details about the methods or data used for any of the designations. The bill requires the same four factors to a designated area to include climate, weather, topography and vegetation. It sounds like the reason for the designations will be

explained to us later. I don't anticipate that there will be any significant changes to the map. I expect that we will be told to follow the science. How is this to be presented in a clear language with graphics and visuals to be comprehensible to a public audience? The old map has been taken down so there is no way to compare the new map with what was originally published. As many have already said, this change is only a facelift or a new paint job over the original map. It seems like the agencies or individuals that try to explain the differences is that people just don't understand what we are trying to do. The public is not uninformed as we are aware of the concern

of fire. No where is there more awareness of fire than Southern Oregon after the Almeda Fire of 2020. Losing 2500 homes to a fire where the new regulations would do nothing to prevent the Almeda fire from being repeated will take more than just a half hour lecture from an agency head. Also, people are asking why is the burden falling on property owners when the biggest threat is the surrounding federal forests that have been mismanaged to the point that it is overgrown providing excessive fire fuel. Roadways into these public lands have also been removed that prevents access to these areas when fires occur. The explanation is we are protecting the land by limiting public access. I understand that there are some new programs on the federal level but it is too little too late for the property owner to not feel that they are carrying the biggest burden of this program.

As you are all aware, the initial roll out of the Risk Map from SB 762 did not go well. You must understand that we are not working from a clean sheet of paper and trust of state government must be reestablished as there is an inherent distrust at this point. I am glad to see on the ODF News page that they intend to have in person meetings with the public to restart a dialog. Only with an in person meeting will the agencies get an accurate understanding of the acceptance or rejection of the Wildfire Program. As mentioned above I would recommend that a complete team of the primary departments of Forestry, Fire Marshal, Building Codes, University Mapping, and Insurance be in attendance at all public meetings to answer all questions and not be told that “some other department handles that, I can’t help you.”

The ability of the public to easily access all components of Wildfire effort would be very helpful. I am happy to hear that the state agencies have heard the need for this as put forth in SB 509. I worked with Senator Golden to highlight the need for this central access point so people can find the various parts of the programs that are administered by various agencies. It would be great to have access to a listing of all the different grant programs and calendar of filing dates in one spot.

Many times it appears that we find out about the opportunities after the submission period is closed. It would also be helpful to find the standards for Defensible Space and Home Hardening in one location. With the way things are spread out in the online system it sometime appears that we are in a funhouse maze trying to find the right door to get access to the needed information. There are a few improvements for Landscape Resiliency and Community Risk Reduction in the new legislation. However the core of the Wildfire Program remains the same with mandatory inspections of property, requirements for modification to create Defensible Space, revised building codes for home hardening with future fines for violations. No credit for any improvements done to property to reduce the fire danger is given to people.

SB 82 was adopted to address concerns about insurance costs and cancellations. People know that Allstate and State Farm have stopped insuring property in California and fear that the same will happen in Oregon coupled with rates rising for companies that stay. Many people I have talked to said that their homeowners (fire) insurance has gone up with the company saying that the Oregon Map had nothing to do with it. The people need more than just a statement that “Insurance concerns have been addressed.”

My final thoughts on this program are some things that I spoke with Senator Golden about at length. The single issue that we completely disagree about is the mandates. People that have no options are usually frustrated when faced with mandates. I proposed to Senator Golden that the program be incentive based to encourage homeowners to take steps to reduce Wildfire threats to their homes. Mandated inspections and requirements make many think this is an attack on property rights to be secure in ones own possessions without government interference. I suggested tax credits for home hardening and creation of defensible space. I’m glad to see there are some limited grant programs to address this concern. But this is not a statewide provision available to everyone. I also suggested that there be time for property owners to make improvements before any mandates are written into the legislation. I understand that no details regarding non-compliance and fines being assessed are in the legislation at this time. But the mere presence of these provisions are threatening to many. The Wildfire Program should have been initiated as a cooperative program between the property owner and the state, not a mandatory demand no matter how well intentioned. I am not trying to say that there is not a wildfire problem in Oregon. What I am saying is that I was told that there is no way that the mandates of SB 762 and SB 80 would be removed by the legislature. I took that to mean “The

people can't be trusted to do what is in their own best interest." This is no longer an educational program under the current rules. It is not rocket science to understand why there is resistance to this program.

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