ODF Wildland-Urban Interface and Statewide Wildfire Risk Mapping Rulemaking Advisory Committee (RAC)

February 3, 2022 Meeting Summary

I. Agenda

Time	Agenda Item
8:45 – 9:00 a.m.	*Pre-Meeting: Project Team Joins Early*
9:00 – 9:15 a.m.	**Welcome and Agenda** • Welcome and Updates from ODF • Agenda Review
9:15 – 10:15 a.m.	**Social Vulnerability (Informational Presentation)** • Background • OAR Topics • Mapping Considerations
10:15 – 10:25 a.m.	**Break**
10:25 – Noon (5 Minute Stretch Break)	**Review Draft OAR Agency Response and RAC Discussion** • Overview of feedback received and ODF responses • Review language section by section
Noon – 12:45	**Fiscal Impact Discussion**
12:45 – 12:55 p.m.	**Public Comment**
12:55 – 1:00 p.m.	***Process Next Steps*** *Confirm action items, discuss follow-up, and share topics for next meeting.*
1:00 p.m.	***Adjourn***

II. Relevant Links

1. **Oct. 14th, 2021 Official Meeting Record:** See, https://www.oregon.gov/odf/board/Pages/rac.aspx
2. **ODF RAC Website:** https://www.oregon.gov/odf/board/Pages/rac.aspx
3. **Oregon Explorer Natural Resources Digital Library:** https://oregonexplorer.info/topics/wildfire-risk?ptopic=62
4. **Oregon Explorer Statewide Map:** https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=wildfireplanning

III. RAC Discussion Protocol on ODF Recommendations

(Modified During 10-14-21 RAC Meeting)

1. State Question
2. ODF and/or OSU Recommendation(s)
3. Use: a) OAR, b) Implementation, or c) Both
4. Basis for Recommendation (e.g., the reasoning behind it.)
5. What the Recommendation Does NOT Mean
6. RAC Clarifying Questions
7. Member Discussion with Q&A
8. Preliminary and/or Final Polling
9. Document Result:
    a) Consensus or No Consensus
    b) Revisit Next Meeting or Later in Process
10. Reminder: Either Way, Opportunity for RAC Member Comments to Accompany ODF Staff Report to Board

IV. Participant Attendance List

Organization	RAC Member	Attended	RAC Alternate	Attended
1000 Friends	Mary Kyle McCurdy	X		
Associated Oregon Loggers	Amanda Astor	X	Rex Storm	
Association of Oregon Counties	Mallorie Roberts		Drenda Howatt	
Association of Oregon County Planning Directors	Holly Kerns	X	Lindsey Eicher or Jill Rolfe	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison		Tim Vrendenburg	
Department of Land Use & Conservation	Jon Jinings	X	Sadie Carney	X
Hood River County Planning Commission	Leti Moretti			
Jackson County Fire	Robert (Bob) Horton			
League of Oregon Cities	Jim McCauley	X		
Office of the State Fire Marshal	Travis Medema	X	Chad Hawkins	X
Oregon Farm Bureau	Lauren Smith	X	Mary Anne Cooper	
Oregon Fire Chiefs Association	Nicole Palmateer Hazelbaker			
Oregon Fire Marshall's Association	Shawn Olson	X	Tanner Fairrington or Ryan Kragero	X

Oregon Forest Industries Council	Kyle Williams	X	Mike Eliason	
Oregon Home Builders	Mark Long	X	Karna Gustafson	
Oregon Property Owner's Association	Dave Hunnicut	X	Samantha Bayer	
Oregon Small Woodlands Association	Roger Beyer	X		
Oregon State University	Chris Dunn	X		
Oregon State University	Erica Fischer	X		
Sisters Fire	Roger Johnson	X	Garrett Mosher	
Special Districts Association	Michele Bradley	X	Jason Jantzi	
Sustainable Northwest	Dylan Kruse	X		
Tualatin Valley Fire	Les Hallman	X		
Western Environmental Law Center	Pam Hardy	X	Marlee Goska	
The Nature Conservancy	Amelia Porterfield	X	Kerry Metlen	X
Oregon State University – Institute of Natural Resources	Megan Creutzburg			

Non-Voting Information Sources

ODF	Tim Holschbach	Jenna Trentadue
ODF	Derek Gasperini	Adam Meyer
ODF	Tom Fields	Levi Hopkins
USFS	Ian Rickert	
BLM	Richard Parrish	

Visitors

Jim Kelly—Chair, Board of Forestry
Guest presenters:
Caitlyn Reilley, OSU
Mindy Crandall, OSU
Al De Vos, ODF
Bob Holstrom
Carine Arendes, Washington County LUT
Christine Shirley, DLCD
Doug Grafe, Wildfire Programs Director
Ed Keith
Emily Jane Davis, OSU

Kody Johannsen, ODF
Marian Lahav
Melanie
Mike Eliason
Myrica McCune
Phil
Randy Thorpe, Tillamook County
Susan Millhauser, DLCD
TCMOSS
503-428-6228

Facilitator

Sam Imperati, ICMResolutions

VI. Meeting Chat

09:05:47 From RAC-OFMA-Shawn.Olson :

Typical Thursday, I will be jumping off for a short period, then return. Shawn

09:06:18 From RAC - Pam Hardy, WELC :

Apologies for keeping my camera off - my internet connection does not seem to be strong today, and having the video on appears to cause the audio to break up.

09:06:47 From RAC - Jon Jinings, DLCD :

Same here.

09:09:12 From RAC - Jim McCauley - LOC :

no face from me for an hour, I'm double booked and in the final section of a conference I'm attending in DC. I'll drop comments into chat.

09:10:41 From RAC - Jon Jinings, DLCD :

Welcome, Dr. Crandall and Ms. Reilly!

09:29:25 From Sam Imperati :

I suggest we use this formula: MOE x SE / SI + CV x Pi / Average Shoe Size!

09:49:38 From RAC - Chris Dunn, Oregon State University :

Always happy to think about green eggs and ham

09:50:57 From RAC - Michele Bradley, POTB :

Apologies (again) for having to hop to another meeting. I will be back in a while.

09:55:53 From Alt RAC - Sadie Carney (she/her) DLCD :

Thank you, Dr. Crandall!! GREAT presentation.

09:57:59 From Mindy Crandall (she/her) :

Thanks again. I have to bow out to get ready to teach.

09:58:13 From Reilley, Caitlyn :

Yes, thanks you all!

10:09:06 From RAC - Jon Jinings, DLCD :

We had also wanted to try and exclude ag exempt buildings.

10:09:38 From RAC - Pam Hardy, WELC :

So if someone had a 600 sq ft pole barn that just covers their hay, but has no walls, floor, or other utilities, and they get included in the WUI based on the existence of that structure, but would have been excluded otherwise … then, it would up to that landowner to appeal if they don't like being included in the WUI. Is that right?

10:10:22 From RAC - Kyle Williams (OFIC) :

Agree with Jon, the words might be hard to find but the intent was to try and provide an exemption for the ag buildings not requiring a permit. Pam's example is a good one as well.

10:16:15 From RAC, Amanda Astor - AOL :

Dave, wouldn't that be taken care of by 629-044-1010 (3)"If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development."

10:18:01 From RAC - Amelia Porterfield - TNC :

Is it possible to add an occupancy requirement to this definition as a way to avoid pole barn overreach etc? We have previously suggested adding "intended for supporting or sheltering any human occupancy" here

10:19:51 From RAC, Amanda Astor - AOL :

Amelia, wouldn't that turn it back into dwelling? i am good with that, but I thought that was a nonstarter for others.

10:21:29 From RAC - Amelia Porterfield - TNC :

I believe dwelling refers to where people sleep - we were suggesting occupancy to additionally pick up buildings that hold people while they're awake. and "human" occupancy so that it is clear we're not suggesting cows etc

10:25:17 From RAC - Pam Hardy, WELC :

It seems to me that there simply is not a data set that will result in an error-free map. This definition allows for a straight forward appeal by a landowner. It's a burden on a landowner, but landownership has some level of responsibility. If a landowner really wants to be excluded from the WUI, this does not strike me as a high hurdle.

10:25:25 From RAC - Jon Jinings, DLCD :

Jon Jinings has his hand up also.

10:26:23 From RAC - Mary Kyle McCurdy (she/her) :

Certificate of occupancy

10:26:56 From RAC - Amelia Porterfield - TNC :

Thanks Mary Kyle! I knew there was a real word for that

10:37:38 From RAC - Pam Hardy, WELC :

Thanks for that clarification. I had not remembered the purpose of appeals correctly. Pursuant to the explicit language of SB 762, appeals are only for the purpose of changing risk category - not for inclusion or not in the WUI.

10:39:09 From Alt RAC Tanner Fairrington - OFMA :

Also, there may be buildings with a certificate of occupancy that are not normally occupied. If some sort of occupancy reference is included, I would suggest not referencing "certificate of occupancy".

10:40:48 From RAC - Pam Hardy, WELC :

Can someone explain which buildings require a Certificate of Occupancy?

10:43:52 From RAC - Kyle Williams (OFIC) :

The 762 wildfire council is intended to coordinate across the agencies correct? Maybe some direction from Doug Grafe and that council?

10:45:17 From RAC - Erica Fischer, Oregon State University :

Pam - a certificate of occupancy typically means that a building is equipped with all of the civic amenities and was built per the building plans. If you didn't need to apply for a building permit, you won't get a certificate of occupancy. Amenities that are critical are sanitation, water, electricity.

10:50:04 From RAC, Amanda Astor - AOL :

I want to ditto Kyle. We should get some perspective from the Wildfire Programs Advisory Council and Doug to ensure cross agency and administration coordination.

10:58:37 From RAC - Amelia Porterfield - TNC :

As a member of the Wildfire Programs Advisory Council, I believe engaging in rulemaking is outside that group's purview. It's a space for members to be informed about 762 implementation and make future recommendations, but not step into ongoing processes

11:01:14 From Dylan Kruse, SNW :

I second that comment

11:05:08 From RAC - Pam Hardy, WELC :

Thanks, Erica.

11:10:33 From RAC - Jon Jinings, DLCD :

Dr. Dunn's comments make a lot of sense.

11:15:10 From RAC - Kyle Williams (OFIC) :

Agree with Chris and Jon, we know what the data limitations are and we know that will create and imperfect regulatory tool. But it's important we can have confidence the next steps and agency rule making processes have the ability to refine what gets regulated. I think I heard OSFM say they need THIS process to be the refinement but ODF/We don't have that authority.

11:18:00 From RAC - Dave Hunnicutt - OPOA :

Agree Kyle and as I understand it, OSFM is not including any organization representing property owners impacted by any proposed defensible space regulations in their RAC, so our ability to provide input on how the DS regs are refined is going to be significantly limited

11:18:27 From RAC - Jon Jinings, DLCD :

Tim is going through the draft and then we will come back and discuss the comments, correct?

11:21:36 From RAC - Pam Hardy, WELC :

Jon Jinings makes a really good point. Lands within the UGB should be considered within the WUI so that when they're developed, it's clear that fire hardening & defensible space are a part of the original design.

11:22:07 From RAC - Jon Jinings, DLCD :

We are also continue to be a bit unclear on the methodology that will be used to identify the geographical areas.

11:24:08 From ALT RAC- Chad Hawkins- OSFM :

For clarity, OSFM will be including any/all stakeholders who would like to participate in the Oregon Defensible Space Code development process. Participation from these associations and groups is very much encouraged. Feel free to reach out to me if you have any questions.

11:28:46 From RAC - Jon Jinings, DLCD :

Tax lots are for taxation purposes and do not, necessarily, constitute discreet lots or parcels. However, the data does exist for tax lots and are commonly used for property ownership identification. County Assessors do commonly assign an acre for the building footprint on resource parcels but it is unusual, in my experience, that they would segregate them into different tax lots.

11:31:16 From RAC - Dave Hunnicutt - OPOA :

I agree with most of what you say Jon, but I think it is common for farms to contain multiple tax lots, with various structures on different TL's. It's all one operation, but would be treated differently under this rule, which I don't think is the policy objective we're seeking.

11:32:22 From RAC - Jon Jinings, DLCD :

Perhaps, but if they that big they won't be in the WUI because the density will be well below 1 per 40.

11:33:00 From RAC - Dave Hunnicutt - OPOA :

But they would be if one structure is on one tax lot and the other structure is on the other tax lot

11:33:51 From RAC ALT - Kerry Metlen | The Nature Conservancy :

If other analysis (WA WUI) simply use the structure layer for mapping WUI and they also use the same density threshold, then adding this extra step of effectively erasing structures seems like a major and potentially unneeded step.

11:40:31 From Holly Kerns, AOCPD - RAC :

Tim, can you zoom in on your screen more? I can't read the comments, and I don't see the text of the comment on the document we were emailed. Thanks

11:41:39 From RAC - Pam Hardy, WELC :

There might be a lot of policy advantages to encouraging property owners to build on the part of their property that isn't in as much danger.

11:50:00 From Holly Kerns, AOCPD - RAC :

#1 to Mary Kyle's comments

11:55:24 From RAC - Jon Jinings, DLCD :

Thanks, Tim. We think that's a good idea.

11:59:34 From RAC, Amanda Astor - AOL :

I have to drop off. Thanks guys!

12:09:25 From RAC - Mary Kyle McCurdy (she/her) :

Agree with Jon.

12:09:57 From RAC - Pam Hardy, WELC :

Can someone provide a link to the study that determined that every $1000 of price increase excluded 1,578 people from the market?

12:10:31 From RAC - Amelia Porterfield - TNC :

Jon makes a good point. Do THESE rules cause those impacts? It seems the impacts described are due to subsequent steps

12:13:29 From Holly Kerns, AOCPD - RAC :

This is an interesting discussion. In my work, I see that properties within the floodplain are avoided by buyers with resources to choose, implying there is a value impact there. It's reasonable to think this hazard identification could have a similar impact. The only possible way I can think of the quantify that would be to look to other states who have implemented regulation around fire risk areas. Sorry this comment is so broad, I don't have enough info to provide more refined input.

12:15:14 From RAC - Erica Fischer, Oregon State University :

Here is a cost benefit analysis performed nationally on how much money can be saved by mitigating for different hazards. It compares pre-disaster money to post-disaster recovery money: https://www.nibs.org/projects/natural-hazard-mitigation-saves-2019-report

12:15:19 From RAC - Mary Kyle McCurdy (she/her) :

Chris - then can you add a qualitative (not quantitative) description of the risk reduction to humans and structures?

12:15:35 From RAC - Mary Kyle McCurdy (she/her) :

I meant to Tim, not Chris

12:15:56 From Jim Kelly, Chair, Board of Forestry :

I am behind on my cow feeding schedule, so will drop off now. I continue to be impressed by the dedication you all have to getting this complex work done right. So off to my exempt hay barn to load up some hay. (While it is appropriate to exclude hay barns, I do find it ironic that a hay barn full of hay is probably the most vulnerable structure to wildfire in a rural environment. Luckily most of us understand that vulnerability, and keep the area around them clear of fuel. Cows gotta get fed!)

12:16:34 From RAC-Lauren Smith, OFB :

I would say insurance could go either way- we could see increased insurance premiums on properties in high and extreme risk WUI designations, regardless of defensible space requirements.

12:33:58 From RAC - Jon Jinings, DLCD :

We suggest removing both (4) and (5).

12:34:16 From Dylan Kruse, SNW :

We suggest removing them, consistent with Jon's recommendation

12:44:07 From RAC - Kyle Williams (OFIC) :

Good clarification Amelia, I had the same question.

12:52:40 From RAC ALT - Kerry Metlen | The Nature Conservancy :

+1 Roger!

12:52:46 From RAC - Jon Jinings, DLCD :

I was just going to say that including a map with the notice would show people where the boundary is. Counties do this all the time.

12:53:54 From RAC - Erica Fischer, Oregon State University :

Call me whatever you would like Sam!

12:57:09 From RAC - Chris Dunn, Oregon State University :

I think there are 3 options, with different outcomes. 1) if the wui boundary line touches a property the WUI boundary includes the entire property, 2) if the wui boundary bisects a property and includes 50+% it's included, or 3) the line lies where it lies across a property. #1 includes more homes than 2 and more area than 2 or 3. #3 sort of splits the difference. Equal number of homes but less area.

13:00:03 From RAC-Lauren Smith, OFB :

I have a hearing- I have to go.