

# CROOK COUNTY WORK SESSION



**Administration Conference Room  
203 NE Court Street, Prineville, OR**


**Tuesday September 13, 2022 at 9 a.m.**

**Members of the public and media are welcome to attend in person with social distancing or via WebEx 1-408-418-9388; Access Code: 2557 624 5694**

**Meeting Password: 37qgD2rbpy2**

Public comment will take place at the beginning of the Work Session

	<b>Requester</b>	<b>Discussion Matter</b>	<b>Packet Docs</b>
1	Will VanVactor	Community Development Update	
2	Will VanVactor	Wildfire Adapted Communities Recommendations Report - Draft	
3			

	<b>Requester</b>	<b>Executive Discussion Matter</b>	<b>Packet Docs</b>
Exec #1		ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed	
Exec #2			

*Items placed on the Work Session agenda are intended for discussion only, without making decisions or finalizing documents unless an emergency exists.*

*\*The Court may add additional items arising too late to be part of this Agenda. Agenda items may be rearranged to make the best use of time.*

*\*The meeting location is accessible to persons with disabilities. If additional accommodations are required, please submit your request 48 hours prior to the meeting by contacting County Administration at 541-447-6555.*

*Requests to be placed on the Work Session agenda are due by 5 p.m. the Thursday before the Work Session*

**September 13, 2022 Work Session Agenda**

# Community Development Department

Mailing: 300 NE Third St. RM 12, Prineville, OR 97754 ☐ Phone: 541-447-3211



## MEMO

TO: Crook County Court

FROM: Will Van Vactor, Director  
Randy Davis, Building Official

DATE: September 8, 2022

SUBJECT: Community Development Activity Update

Below is a summary of building, planning and onsite activity for the last month.

### Building:

#### Permits issued summary (August):

Permit Type	Number of Permits
New Residential Dwellings (Site Built or Manufactured)	25
Commercial (plumbing, electrical, structural, etc.)	75
Residential Permits (plumbing, electrical, mechanical etc.)	125
Residential Structural (shops, etc.)	34
Other (e.g. demo)	2
<b>TOTAL</b>	<b>261</b>

#### Current year compared to prior year:

Time Frame	Permits
August 2022	261
August 2021	279
YTD 2022	1,776
YTD Comparison 2021	1,886

#### Active Permits:

Permit Type	Amount Still Active as of end of August
Dwellings (Site Built or Manufactured)	335
Residential Structural	250
Commercial Structural	113

#### Daily Inspections:

Inspection Type	Amount this month
Residential	1,271
Commercial	366
All	1,637

Currently Under Construction:

CCO3 Data Center
CCO5&6 Data Center
Apple Data Center
Shell Occupancy of Portions of Prineville Campus
Extraction Facility at Prineville Campus
3 Commercial Structures at Tom McCall Industrial Park
PRN1 Retro Fit
Apple Data Center Phase 2 (other half of the building)
Wilco Building at Ochoco Lumber Site
Mid Oregon Credit Union Tenant Improvement
Pioneer School

Currently Under Review or Incoming:

Justice Center
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**Planning:**

Applications received (August):

<b>Application Type</b>	<b># of Applications (August 2022)</b>	<b>YTD</b>
Appeals	0	4
Variance	1	6
Site Plan Review	27	206
Land Partition	0	17
Combine/Un-Combine Lots	0	1
Road Approach	3	46
Boundary Line Adjustment	0	4
Destination Resort	0	1
Conditional Use	3	19
Miscellaneous	3	25
Road Name/Rename	0	2
Extension	0	2
Amendment	0	2
<b>TOTAL</b>	<b>37</b>	<b>334</b>

Current year compared to prior year:

<b>Time Frame</b>	<b>Permits</b>
August 2022	37
August 2021	60
YTD 2022	334
YTD Comparison 2021	484

**Notable Land Use Applications:**

<b>Request</b>	<b>Status</b>
Solar (Powell East, 320 Acres)	PC Hearing held August 13 <sup>th</sup> , continued to September 14 <sup>th</sup> .
Solar (TSR North)	Appeal scheduled for August 2022.
Solar Modification (Empire)	PC Hearing held August 10 <sup>th</sup> , continued to September 21 <sup>st</sup> .
Pulguero Rock and Stone CO LLC Conditional Use and Comp Plan Amendment	Received May 18 <sup>th</sup> . Deemed Complete as of August 27 <sup>th</sup> , hearing schedule for September 28 <sup>th</sup> .

**Notable City Applications:**

<b>Request</b>	<b>Status</b>
Industrial Development near airport (1051 SW Layton Court, Prineville)	Proposing to construct three new light industrial buildings and all associated improvements on the site including utilities, landscaping, parking and internal vehicle circulation areas. The development encompasses two separate lots but is designed to function together.
Spot Zone Change	Empire Construction & Development applying for single property zone change from M1 to C4 (Convenience Commercial). Hearing tentatively scheduled for September 20 <sup>th</sup> . Property Located on SW Empire off of SW Tom McCall

**Compliance:**

<b>Time Frame</b>	<b>Permits</b>
August 2022 Cases Closed	8
YTD 2022 Cases Closed	111
2015	45
2016	94
2017	88
2018	70
2019	88
2020	52
2021	90
2022 End of Year Estimate	150+

**On-Site:**

**Applications (August 2022):**

<b>Application Type</b>	<b>Number of Applications</b>
Residential Authorization	3
Construction Permit (Residential)	11
Construction Permit (Commercial)	1
Repair (Major) - Residential	2
Repair (Minor) - Residential	0
Repair (Major) - Commercial	0
Residential Site Evaluation	4
Commercial Site Evaluation	0
Alteration (Minor) – Residential	1
Alteration (Major) – Residential	0
<b>TOTAL</b>	<b>22</b>

**Current year compared to prior year:**

<b>Time Frame</b>	<b>Permits</b>
August 2022	22
August 2021	37
YTD 2022	211
YTD Comparison 2021	324



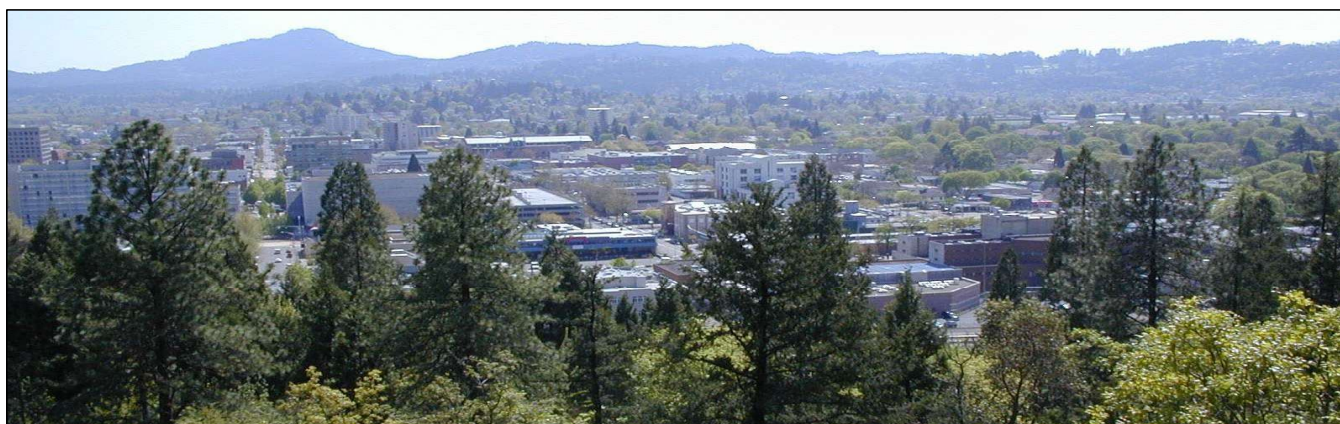
**OREGON**  
Department of  
Land Conservation  
& Development

# WILDFIRE ADAPTED COMMUNITIES RECOMMENDATIONS REPORT

August 19, 2022  
Public Review Draft



Source: Patrick Wingard, DLCD;  
Blue River recovery



Source: DLCD image library, no copyright; forest over city

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## Executive Summary

The Department of Land Conservation and Development's (DLCD) *Wildfire Adapted Communities Recommendations Report*, prepared in response to Senate Bill 762 (2021), identifies recommendations for changes to state and local land use planning programs to reduce risk from wildfire to protect Oregon communities. In addition to the recommendations, the report includes background on wildfire impacts, an overview of SB 762 and the responsibilities of DLCD and other closely aligned agencies, and a summary of feedback received from the community and stakeholder engagement process that has informed the recommendations. The recommendations cover the following topics:

- Community Information and Engagement
- Safe Evacuation and Firefighting Response
- Wildfire Risk Mitigation Requirements for Areas of New Development
- Recovery Planning
- Areas Subject to Natural Hazards

Feedback received during the public review process will inform the final Recommendations Report due to the Wildfire Programs Advisory Council and Oregon Legislature by October 1, 2022.



## I. Purpose

As directed by [Senate Bill \(SB\) 762](#)<sup>1</sup> Section 11: Land Use (as amended by [SB 1533 \(2022\)](#)<sup>2</sup>), the Department of Land Conservation and Development (DLCD) has prepared recommendations for consideration by the Oregon Legislature and the state [Wildfire Programs Advisory Council](#)<sup>3</sup> (WPAC). These recommendations focus on potential changes to the statewide land use planning program and local comprehensive plans and zoning codes needed to incorporate wildfire risk maps and minimize wildfire risk. The state's objective is to help make communities safer, including identifying appropriate levels of state and local resources necessary for effective implementation. According to SB 762, recommended changes may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation, and development considerations in areas of extreme and high wildfire risk, allowing for regional differences. DLCD's recommendations do not currently address incorporating risk maps. DLCD is awaiting future iterations of the Statewide Map of Wildfire Risk before making those recommendations. Staff have prepared this public review draft recommendations report to seek feedback to further refine the agency's recommendations. The recommendations are due to the WPAC and Legislature by October 1, 2022.

## II. Background

SB 762, Oregon's wildfire omnibus legislation that was passed into law in 2021, was the product of years of hard work by the Governor's Council on Wildfire Response, the Legislature, state agencies, and Oregonians across the state. It represents Oregon's comprehensive response to readying the state for increasing frequency, intensity, and impacts of wildfires due to climate change. Taking this proactive approach, the Oregon Legislature has invested more than 195 million dollars to help improve wildfire preparedness and resiliency, with a particular focus on investing in underserved communities. The three key strategies include:

- Creating fire adapted communities,
- Increasing wildfire response safety and effectiveness, and
- Strengthening the health and resilience of Oregon's landscapes.

Increasing wildfire protection in Oregon requires action from eleven implementing state agencies under SB 762. This body of work is coordinated by the State Wildfire Programs Director, advised by WPAC, to:

- Minimize loss of life and property,
- Protect the lives of firefighters,
- Protect and manage Oregon's forest assets, and
- Reduce wildfire risk for communities and development.

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<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1533>

<sup>3</sup> <https://www.oregon.gov/gov/policies/Pages/wildfire-programs-council.aspx>

More than 2,000 wildfires in 2020 burned more than 1.2 million acres in Oregon, causing unprecedented deaths and damage to homes, livelihoods, and the natural environment. The 2020 Labor Day fires had the following impacts:<sup>4 5 6 7</sup>

- Nine lives lost
- More than 5,000 homes and commercial structures burned, including at least 1,500 manufactured homes
- Thousands of Oregonians displaced
- 420,800 Oregonians were in Level 1 Evacuation status on September 14, 2020
- Interstate I-5, Highway 22, and Highway 101 were among the transportation routes closed for multiple miles due to fire hazards in the area
- Hazardous air quality throughout most of Oregon, with Portland metro area air quality worse than any major city in the world at the time
- 2020 cost of suppressing fire: over 1 million dollars
- Cost of physical damages related to 2020 fires: over 1 billion dollars based on initial assessments from local and state agencies conducted in October, 2020, considering response and emergency protective measures and costs to repair and or replace damaged public infrastructure to pre-disaster condition (likely to be eligible for partial reimbursement through the Federal Emergency Management Agency (FEMA) Public Assistance grant program)
- To date, FEMA has obligated \$332,841,123 to the State from the Public Assistance Program to reimburse local, Tribal, and state government agencies and non-profits for disaster response and recovery, including debris removal, emergency protective measures, and permanent restoration of facilities

Over the past several decades, wildfires and the acreage burned in Oregon has increased dramatically. The numbers reveal in how much the damage caused by the state's wildfires has grown in just 30 years<sup>8</sup>:

- 1992-2001: 199,000 acres burned annually
- 2002-2011: 314,000 acres burned annually
- 2012-2021: 720,000 acres burned annually

In a June 2022 poll, 93 percent of Oregonians report seeing wildfires as a threat to people living in Oregon. Just one year prior, in May 2021, 68 percent of Oregonians saw wildfires as a threat to their local community<sup>9</sup>. Looking into the future, wildfire risk is projected to increase across the state, as summers become hotter, drier, and longer due to climate change. Increasingly negative and persistent impacts of wildfire are expected to affect personal safety, mental and physical health, Oregon communities, the economy, recreation, working lands, and the natural environment<sup>10</sup>.

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<sup>4</sup> Advancing Wildfire Protection, March 2022, Report 2; [https://www.oregon.gov/gov/policies/Wildfire\\_Programs\\_Council/Documents/Wildfire-Prog-Dir-Rpt\\_March-2022.pdf](https://www.oregon.gov/gov/policies/Wildfire_Programs_Council/Documents/Wildfire-Prog-Dir-Rpt_March-2022.pdf)

<sup>5</sup> <https://www.corvallisadvocate.com/2022/wildfire-recovery-programs-focus-on-manufactured-homes-lost-in-2020-wildfires/>

<sup>6</sup> Oregon Department of Emergency Management, <https://storymaps.arcgis.com/stories/6e1e42989d1b4beb809223d5430a3750>

<sup>7</sup> Oregon Department of Emergency Management, <https://wildfire-auth.oregon.gov/Updates/Wildfire-Recovery-Update-2-15-22-EN.pdf>

<sup>8</sup> Doug Grafe, Wildfires Program Director, Office of Governor Brown, presentation to the Senate Interim Committee on Natural Resources and Wildfire Recovery, June 2, 2022

<sup>9</sup> Oregon Values and Beliefs Center, June 29, 2022: Wildfire Opinion Poll. <https://oregonvbc.org/wildfire/>

<sup>10</sup> Oregon Natural Hazards Mitigation Plan, 2020; p. 13, p. 22;

[https://www.oregon.gov/lcd/NH/Documents/Approved\\_2020ORNHMP\\_00\\_Complete.pdf](https://www.oregon.gov/lcd/NH/Documents/Approved_2020ORNHMP_00_Complete.pdf)

## How serious is the threat of wildfire? 2021-2022

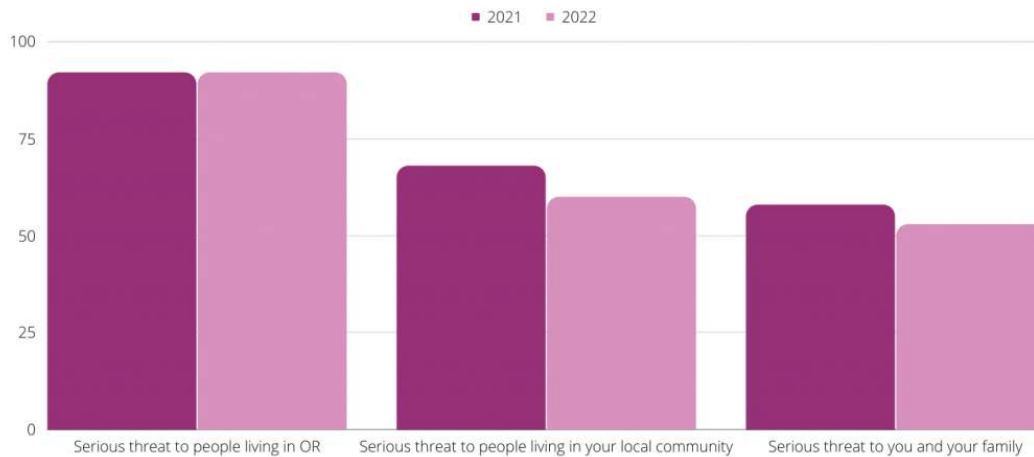


Figure 1. Oregon Values and Beliefs Center, June 2022 Wildfire Opinion Poll

### SB 762 State Agency Coordination

As directed by SB 762, 11 state agencies are working together to reduce wildfire risks and impacts to Oregonians and the built and natural environment. As one of the implementing agencies, DLCD has been consulting and coordinating with partner agencies working on land use and related implementation elements required under SB 762 throughout the process of developing this recommendations report. A brief overview of these agencies' charge under SB 762 follows.

#### The Department of Land Conservation and Development

DLCD's work is focused on making recommendations on changes to statewide land use planning, local land use plans, and zoning codes to help reduce risk from wildfires and make communities safer. DLCD's charge under SB 762 includes:

- Identifying recommended changes to the statewide land use planning program and local comprehensive plans and zoning codes that are needed to incorporate wildfire risk maps and minimize wildfire risk, including appropriate levels of state and local resources necessary for effective implementation.
- Recommended changes may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation, and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.
- On or before October 1, 2022, the department shall report to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on the changes recommended by the department.
- As necessary to identify recommended changes, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services, and local governments.

## Oregon Department of Forestry

SB 762 Section 7 required the Oregon Department of Forestry (ODF) in collaboration with Oregon State University (OSU) to map Oregon’s wildland-urban interface (WUI) and designate every tax lot in Oregon with one of five classes of wildfire risk. A statewide map of wildfire risk, based on Board of Forestry-approved rules defining the WUI and criteria for wildfire risk mapping and to identify and classify the WUI, was required to be effective June 30, 2022. Readers may view the final adopted Forestry rules [here](#)<sup>11</sup>. SB 762 directed ODF to display the WUI boundary and fire risk classes and include spatial data displaying the location of socially and economically vulnerable communities. As of the writing of this report, the initial risk map has been suspended for a period while ODF works to further engage communities to refine the risk mapping and the appeals process for wildfire risk designations. Once finalized, the risk map will be accessible using the [Oregon Wildfire Risk Explorer](#)<sup>12</sup>.

## Department of Consumer and Business Services

The Building Codes Division of the Department of Consumer and Business Services (BCD/DCBS) is updating building codes standards that will help make new homes more fire-resistant. BCD is currently developing building code rules, as specified under SB 762, Section 12, that will:

- Amend the current [Oregon Residential Specialty Code \(ORSC\)](#)<sup>13</sup> Section R327 (Wildfire Hazard Mitigation) to apply to all new dwellings and the accessory structures of dwellings in extreme and high wildfire risk classes in the WUI.
- Amend the current ORSC Section R327 to extend wildfire hazard mitigation building code standards to apply to existing dwellings that are having exterior elements replaced.
- These changes will be adopted October 1, 2022 and become mandatory April 1, 2023.
- Additionally, BCD is working on an interactive tool to work in conjunction with the Oregon Wildfire Risk Explorer that will display wildfire hazard mitigation standards covered in Section R327 of the ORSC.

It is important to note that ORSC only applies to one-and-two family homes. Many dwellings and other buildings and structures are not covered by the ORSC, such as multifamily dwellings, commercial buildings, agricultural buildings on farms, manufactured housing, and certain temporary structures such as recreational vehicles or RVs. Building codes for structures that are not covered in the ORSC are not required to be updated under SB 762. Additionally, ORSC is a “minimum/maximum” code. This means that a builder must construct at least to the minimum code standard but is free to voluntarily exceed code (minimum) while local building departments cannot require more than what is in the code (maximum). As directed in SB 762, Section R327 will apply only in the high and extreme wildfire risk areas that are also in the WUI, as shown on the risk map. Local governments are not allowed to require application of the code, or any part of the code, outside that area, although homeowners and developers may voluntarily comply with those standards.

Oregon has a uniform statewide building code that is intended to provide consistent and predictable building standards and equal protection across the state. However, in January 2019, BCD amended ORSC R327 to make it available for local adoption. Through this voluntary program, several jurisdictions in Oregon adopted the [2019 ORSC: R327.4 Wildfire Hazard Mitigation](#)<sup>14</sup> with modifications. These jurisdictions will need to rescind their codes and related land use regulations to comply with updated Section R327 for areas that are not mapped as

<sup>11</sup> <https://www.oregon.gov/odf/aboutodf/pages/proposedlawsrules.aspx>

<sup>12</sup> <https://oregonexplorer.info/topics/wildfire-risk>

<sup>13</sup> <https://codes.iccsafe.org/content/ORRSC2021P1/copyright>

<sup>14</sup> <https://www.oregon.gov/bcd/laws-rules/Documents/rules/20190124-wildfirehazard-pr.pdf>

extreme or high risk and in the WUI. Local authority to apply ORSC R327 more broadly will no longer be available once the updates are completed.

As of the writing of this report, BCD is currently in the process of amending ORSC Section R327 to align with the scope and application of the statewide wildfire risk map created under SB 762. These changes were originally anticipated to be adopted by October 1, 2022, with a six-month phase in period. Due to the rescinding of the wildfire risk map, the effective date of the new code requirements will be based on when the wildfire risk map is available. More information regarding the timeline and adoption process is available on [BCD's wildfire hazard mitigation webpage](#)<sup>15</sup>.

### Oregon Office of State Fire Marshal

The Oregon Office of State Fire Marshal (OSFM) is working to make homes and communities safer through defensible space actions that will help firefighters better protect homes and other buildings in the high and extreme risk classes in the WUI. Under Section 8 of SB 762, statewide minimum defensible space code provisions are currently being developed by OSFM. The [Oregon Defensible Space Code](#)<sup>16</sup> must be adopted by December 31, 2022. SB 762 allows local governments to adopt and enforce local requirements for defensible space that are greater than the minimum statewide requirements established by the State Fire Marshal; the locally adopted standards must be selected from the framework set forth in the International Wildland-Urban Interface Code.

Related to defensible space and land use, SB 762 also states that the minimum defensible space requirements established by the State Fire Marshal may not be used as criteria to approve or deny an amendment to a local government's acknowledged comprehensive plan or land use regulations; a permit, as defined in ORS 215.402 or 227.160; a limited land use decision, as defined in ORS 197.015; or an expedited land division, as defined in ORS 197.360. However, a local government may:

- Amend the acknowledged comprehensive plan or land use regulations of the local government to include the defensible space requirements; and
- Use the requirements that are included in the amended acknowledged comprehensive plan or land use regulations as a criterion for a land use decision.

Additionally, OSFM will be providing grant funds through its Community Risk Reduction program and Response Ready Oregon program using a variety of criteria to determine eligibility. The Response Ready program is focused on increasing fire service capacity. These criteria include vulnerable communities as identified on the risk map. These OSFM assistance programs must give priority to the creation of defensible space, per SB 762 Section 8a:

- On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055;
- For critical or emergency infrastructure; and
- For schools, hospitals and facilities that serve seniors.

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<sup>15</sup> <https://www.oregon.gov/bcd/codes-stand/Pages/wildfire-hazard-mitigation.aspx>

<sup>16</sup> <https://www.oregon.gov/osp/programs/sfm/pages/oregon-defensible-space-code.aspx>

### III. Community and Stakeholder Engagement: What We Heard

Starting in April 2022, DLCD staff engaged community members and stakeholders from across Oregon in a robust engagement and consultation process to develop the draft recommendations for reducing wildfire risks to communities. This engagement has included virtual community listening sessions, an online open house and survey, five meetings with a diverse [Wildfire Adapted Communities Stakeholder Group](https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx)<sup>17</sup>, and one to one interviews with additional stakeholders; direct outreach to community based organizations, and several meetings with representatives and leadership from two federally recognized Tribes. A Spanish language focus group and two online community listening sessions are being planned over the next month to gather additional feedback to refine the draft recommendations. In addition to community members broadly, staff is seeking input and guidance from:

- The [Land Conservation and Development Commission](https://www.oregon.gov/lcd/Commission/Pages/index.aspx)<sup>18</sup> (LCDC or the commission),
- State agencies
- Tribal governments
- Local governments
- Wildfire mitigation experts
- Local fire service providers
- Interested parties

In April 2022, DLCD staff and consultants held four regionally focused virtual community listening sessions that provided an opportunity for participants to discuss specific regional concerns and wildfire concerns generally. More than 150 (157) people representing 117 organizations joined the sessions from across Oregon. A detailed summary of the listening sessions is included in Appendix A: Community and Stakeholder Engagement Summary.

The Wildfire Adapted Communities Stakeholder Group (Stakeholder Group) met five times between May and August 2022. Members from across Oregon represented a broad spectrum of perspectives, interests, and organizations, including individuals from fire affected communities and historically underrepresented populations. The Stakeholder Group member list is included in Appendix A: Community and Stakeholder Engagement Summary. Members of the Stakeholder Group's role was to share their unique experience and views with DLCD project staff on wildfire mitigation efforts to increase the safety and health of all Oregonians. Stakeholder Group members sometimes stated conflicting points of view. Representing such diverse perspectives, members were not expected to reach agreement on direction or specific recommendations. Their guidance was critical in developing these recommendations. Stakeholder Group meetings were streamed live for remote viewers. Meeting materials, a public comment form, presentations, recordings, and meeting summaries are available on the [DLCD wildfire project website](https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx)<sup>19</sup>. An overview of Stakeholder Group feedback received is included in Appendix A: Community and Stakeholder Engagement Summary.

Additionally, DLCD staff and consultants prepared an [online open house](https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx)<sup>20</sup> and survey (available in [English](#)<sup>21</sup> and [Spanish](#)<sup>22</sup>) to further engage Oregonians. The survey will remain open through September 12. As of July 7, 2022, 383 people had taken the survey. The following table shows the top five responses to the survey question "What principles should guide DLCD's recommendations for making Oregon communities more resilient to wildfires?",

<sup>17</sup> <https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx>

<sup>18</sup> <https://www.oregon.gov/lcd/Commission/Pages/index.aspx>

<sup>19</sup> <https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx>

<sup>20</sup> <http://wildfireadaptedoregon.com/>

<sup>21</sup> <https://www.surveymonkey.com/r/Wildfireadaptedoregon>

<sup>22</sup> <https://www.surveymonkey.com/r/IncendiosForestalesAdaptadosdeOregon>

which informed the guiding principles used by DLCD staff in the development of the recommendations. A summary of the preliminary survey results is included in Appendix A: Community and Stakeholder Engagement Summary.

Participants indicate the number one priority should be protecting human life (77%) Other top priorities include:

77%	Protect human life
57%	Protect homes of people
52%	Protect important infrastructure
51%	Protect community assets that are critical to recovery
50%	Protect environmental resources

*Response to survey question: What principles should guide DLCD's recommendations for making Oregon communities more resilient to wildfires?*

## Overarching Themes

Several overarching themes have emerged from the community and stakeholder engagement process:

- Oregonians are generally concerned about wildfire and eager for the state to take action to protect communities.
- Oregonians are motivated to take action to protect their homes, families, and communities from wildfire.
- Equity must be considered throughout (before, during, and after a wildfire).
- Better interagency and intergovernmental, including Tribal governments, coordination, communication, and collaboration are required to mitigate, prepare, respond, and recover from wildfire disasters.
- People want and need accessible, reliable education and communications before, during, and after a wildfire to protect lives and property and support recovery. Language accessibility is a challenge at all stages. Access to broadband in some parts of the state is a challenge to receiving information, compounded in some cases by lack access to technology and digital literacy.
- A one-size fits all approach will not work.
- Consistency in application has benefits.
- Evacuation planning should consider the characteristics of the community and allow for location specific differences.
- Multiple transportation routes, street connectivity, and sufficient site access are critical for efficient evacuation of residents and access for emergency response vehicles.
- There may be conflicting development and land use considerations.
- There is tension between development and private property interests and extending protections broadly across a community to ensure the protection of people and property.
- Statewide planning efforts need to be flexible for local communities and should balance the needs of individuals and the community.
- Concerns about not having requirements, such as defensible space and wildfire resilience building codes, and resources to implement in areas not identified as extreme or high risk.
- Infrastructure and provision of utilities like water, sewer, septic, and electricity should accommodate heightened wildfire risk.
- Watersheds and community water supplies need to be protected and managed to reduce impacts from wildfires.

- Funding and resources should be made available to local governments and private community members for planning, implementation, and education for any land use programs designed to reduce wildfire risks.

Through the community engagement process, several topics were raised that are not within DLCD's purview to address through land use recommendations or that have been deferred for possible future research by the department. A summary of these topics is included in Appendix B: Potential Topics for Future Consideration.

### Tribal Government Consultation

Coordination and consultation with Oregon's nine federally recognized Tribes involved formal letters to Tribes' leadership and staff inviting consultation. Staff followed the letter by meetings with representatives who were interested in engaging at a staff-to-staff level. These included the Coquille Indian Tribe and the Cow Creek Band of the Umpqua Tribe of Indians. Issues raised by Tribal representatives in these discussions include:

- The importance of protecting and managing cultural resource site not only on Tribal lands but throughout ancestral land, especially in emergency situations and in planning processes. There is currently a lack of coordination and notification by emergency managers with the Tribes.
- Tribal members that live in the WUI lost homes in 2019-2020 and were displaced or impacted by smoke and air quality hazards.
- Access to resources and information to encourage people to do clearing for defensible space.
- Safe evacuation concerns in areas of limited transportation access.
- Interest in long-term planning and impacts to land that the Tribes may want to use down the road.
- Any change in land use that might occur on land adjacent to Tribal land that might impact Tribal land, especially land held in trust.
- Ensuring that lands that come into development are being planned to reduce wildfire risk.
- Interest in access to and integration of Geographic Information System (GIS) data into Tribal GIS system. Additionally, access to simplified risk maps and data equity are important.

DLCD staff are keeping Tribal government representatives abreast of major milestones. DLCD staff are inviting representatives' review and comments on the draft land use recommendations prior to submission to the WPAC and Legislature.

## IV. Recovery Lessons Learned

DLCD carries the lead responsibility for State Recovery Function #1: Community Planning and Capacity Building. Barriers to recovery and opportunities to increase community resilience identified during the recovery and rebuilding process from past wildfires, including the 2020 wildfires, provided additional context for the development of these recommendations. Key themes related to recovery and rebuilding identified by Governor's Wildfire Economic Recovery Council<sup>23</sup> include:

- The importance of helping people remain in their communities.
- The need for clear and coordinated information sharing about recovery resources that are available from local, state, and federal sources, and for preparedness and evacuation planning.
- Building communities back better by:

<sup>23</sup> *Recovering & Rebuilding from Oregon's 2020 Wildfires: Key Findings & Recommendations, Governor's Wildfire Economic Recovery Council, January 4, 2021, pp. 18-19;*

<https://digital.osl.state.or.us/islandora/object/osl%3A987568/datastream/OBJ/view>



- Asking communities—especially rural communities—what opportunities are needed to lift them up in a way that hasn’t been available before.
- Rebuilding homes and structures that are both cost effective and more energy efficient.
- Rebuilding in an equitable way that ensures communities have better access to affordable housing and other programs.
- Considering how and where we build: rebuilding more fire-resistant communities with risk reduction and mitigation in mind to avoid other hazards and threats, like floods and landslides.
- Shoring up important utility services such as power lines, sewer and septic systems, and broadband services.
- Updating and strengthening WUI strategies and codes.
- Updating natural hazard mitigation plans in partnership with local governments and Tribes, including reviewing risk assessments and priorities for public safety and infrastructure mitigation actions and recovery strategies, and developing risk assessments and prioritizing mitigation actions and recovery strategies for natural resources and cultural resources.

## V. Recommendations

### Background

Land use and comprehensive planning play an important role in helping communities mitigate wildfire and other natural hazard risks. Oregon’s comprehensive land use planning program provides a policy framework that supports local implementation of strategies that reduce the risks to people and property<sup>24</sup>. Statewide Land Use Planning Goal 7: Areas Subject to Natural Hazards, is central to this framework. Goal 7 requires cities and counties to include planning for natural hazards in their adopted comprehensive land use plans. As with all land use planning processes, both state and local implementation of these recommendations should be equity-informed. DLCDC recommends inclusive community engagement strategies consistent with the state’s [Diversity, Equity, and Inclusion Action Plan](#)<sup>25</sup>, and evaluation of impacts to socially and economically vulnerable<sup>26</sup> communities. Understanding the locations of vulnerable populations can help communities mitigate impacts before a wildfire or can help distribute needed recovery dollars after an event, leading to more equitable and effective outcomes.

DLCDC’s recommendations are based on extensive community and stakeholder engagement described in Section III of this report, 2020 wildfire recovery lessons described in Section IV of this report, research into best practices, including policies currently used by Oregon jurisdictions, and feedback from Land Conservation and Development Commissioners. The recommendations are guided by the following principles that were clear themes that emerged from the engagement process:

1. Protect human life from the growing risks of wildfires
2. Increase the ability of Oregon communities to withstand and recover from wildfires

<sup>24</sup> <https://www.oregon.gov/osp/Docs/GovWildfireCouncilRpt-FinalRecs.pdf>

<sup>25</sup> [https://www.oregon.gov/das/Docs/DEI\\_Action\\_Plan\\_2021.pdf](https://www.oregon.gov/das/Docs/DEI_Action_Plan_2021.pdf)

<sup>26</sup> Social vulnerability refers to the social, economic, and cultural attributes that can limit access to resources, making some communities more vulnerable and exacerbating the impacts of wildfire, as defined by Oregon State University in relation to the development of the social vulnerability map required under SB 762; <https://osuwildfireriskmap.forestry.oregonstate.edu/social-vulnerability>. SB 762 also includes provisions to support socially and economically vulnerable communities, persons with limited proficiency in English, and persons of lower income.

3. Focus on achieving equitable outcomes and increasing community capacity, with greater attention given to historically and currently underserved and under-resourced communities
4. Protect and increase the resilience of important infrastructure<sup>27</sup> and community assets, particularly those that are critical to survival and recovery
5. Protect the natural environment on which we all depend and the places where people live, work, and gather.
6. Work with communities to identify regional and local differences for consideration within the context of Statewide Land Use Planning Goals to mitigate wildfire risk
7. Consider local capacity and state support in the implementation of wildfire mitigation measures

DLCD evaluated many possible recommendations raised during the community and stakeholder engagement process. After careful consideration, agency staff have included the following recommendations that both align with the guiding principles and have the highest potential for reducing wildfire risk. The recommendations range from implementing robust community engagement strategies, to providing technical assistance to cities and counties that increase local capacity, conducting policy research, and to establishing regulations through rulemaking by LCDC. The recommendations include preliminary identification of the state and local resources necessary to support implementation. DLCDC staff are engaging with local governments and other partners to further identify and refine needed resources. Additionally, staff have developed glossary of terms included in Appendix C: Glossary. The recommendations cover the following topics:

- Community Information and Engagement
- Safe Evacuation and Firefighting Response
- Wildfire Risk Mitigation Requirements for Areas of New Development
- Recovery Planning
- Areas Subject to Natural Hazards

As directed by SB 762 and consistent with the goal of minimizing wildfire risk in updating state and local land use planning programs, DLCDC presents the following recommendations for the Legislature’s consideration. While the growing threat of wildfires is an urgent issue and action must be taken to protect Oregon, DLCDC recognizes that policies integrating land use and wildfire risk can raise complex and controversial questions. For these reasons, this report focuses on those recommendations that most effectively protect people and property and are within the authority and capacity of the state and cities and counties to implement. This report intentionally identifies multiple implementation options for several of the recommendations, providing the Legislature with flexibility and a range of choices to achieve the recommendations.

For recommendations that have more than one option, Options A describe a regulatory approach. The Legislature would provide policy direction and “sidebars” for LCDC to undertake rulemaking. A robust community engagement process would inform an effort to define terms and establish minimum land use requirements. City and county implementation would be supported with grant funding and technical assistance from DLCDC. Options B describe a voluntary pathway where cities and counties that elect to meet minimum actions or outcomes established by LCDC through a robust community engagement process. This assumes local governments can access grant funding and technical assistance from the Legislature through DLCDC to support their implementation efforts. Each recommendation also comes with a suggested “toolbox” of specific strategies that can support implementation and a list of needed resources.

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<sup>27</sup> Important infrastructure includes “Community Lifelines” as identified by the Federal Emergency Management Agency, <https://www.fema.gov/emergency-managers/practitioners/lifelines>

DLCD recognizes that many cities and counties are already doing the important work of mitigating wildfire risks in their communities. DLCDC recognizes the variety of approaches and capacity at the local government level. Agency staff plan to further engage local government officials to learn from their work to inform the development of baseline requirements or minimum actions or outcomes for Oregon communities. Additionally, some of following recommendations intentionally lack specifics regarding application of certain standards. This level of detail is more appropriately addressed through a robust rulemaking or community and stakeholder engagement process.

## Community Information and Engagement

Recommendation 1: Cities and counties prioritize robust and inclusive community information and engagement in planning efforts to create wildfire adapted communities

DLCD recommends that cities and counties use best practices and a meaningful participatory process to engage community members, particularly those from traditionally under-served and under-represented populations, in planning wildfire adapted communities, which includes preparedness, evacuation, adaptation, mitigation, and recovery planning. Planning for wildfire is most likely to be successful when the entire community participates in the effort. Plans to mitigate wildfire must recognize the many ways that people interact with and depend on the built and natural environment. Understanding Oregonians' lived experiences and needs, especially socially and economically vulnerable community members, and prioritizing such needs in planning outcomes can increase overall community resilience and the ability to recover.

Efforts to achieve robust and inclusive community information and engagement include:

- a. Providing information to public officials about community vulnerabilities, and the capabilities of community members to contribute to mitigation efforts, anticipate a wildfire event, and recover from natural hazards and disasters. For example, design collaborative planning activities that also serve as educational opportunities to generate consensus and understanding of mitigation actions. This will increase the likelihood that community members will engage in recommended behaviors.
- b. Intentionally including community groups that have been traditionally under-served, under-represented, and excluded, empowering and building resilience in the community as a whole. Be sure to include elderly, those with mobility challenges or disabilities, those with limited transportation options, and those with limited English proficiency.
- c. Ground truthing, using local expertise to increase ownership and legitimacy for wildfire mitigation planning efforts.
- d. Developing community education materials and events to effectively communicate with all community members.

This recommendation applies to all cities and counties that undertake wildfire preparedness, evacuation, adaptation, mitigation, and recovery planning regardless of wildfire risk levels. Both Options A and B can potentially achieve this recommendation, although the voluntary nature of Option B would likely limit the overall effectiveness as some jurisdictions may not chose to participate.

### *Option A (Rulemaking)*

In coordination with cities and counties, LCDC undertakes rulemaking to develop comprehensive community engagement strategies for cities and counties to use as they plan processes for wildfire preparedness, evacuation, adaptation, mitigation, and recovery planning. DLCDC provides grant funding and technical assistance

for local implementation. This rulemaking would establish requirements under Goal 1: Citizen Involvement or Goal 7: Hazards.

#### *Option B (Voluntary)*

Cities and counties that elect to develop comprehensive community engagement strategies for use with planning processes for wildfire evacuation, mitigation, and recovery and who meet minimum requirements can access grant funding and technical assistance from DLCDC to support their efforts.

#### *Toolbox*

A range of specific strategies would be developed by DLCDC to support either of the implementation options. These strategies include, but are not limited to, the following:

- Model policies and guidance for establishing appropriate standards
- Guidelines for developing community engagement best practices, including “[Putting the People in Planning](#)”<sup>28</sup>
- Funding for consultants, temporary local staff, technical expertise, and community engagement.

#### *Needed Resources:*

##### Option A

- Local resources: TBD [Technical Assistance grants via DLCDC to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCDC resources: TBD Additional staff capacity to support rulemaking and local implementation

##### Option B

- Local resources: TBD [Technical Assistance grants via DLCDC to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCDC resources: TBD Additional staff capacity to support local implementation

## Safe Evacuation and Firefighting Response

Recommendation 2: Cities and counties assess and improve transportation networks for safe evacuation and firefighting response

DLCDC recommends that cities and counties, in coordination with emergency management, transportation, and fire protection professionals, work across jurisdictional boundaries with regional, state, and federal partners and Tribal governments to assess the existing transportation network, identifying gaps or deficiencies that may hinder safe evacuation of residents and visitors and efficient access for firefighting response. The need for safe evacuation is present in all areas of wildfire risk.

To address identified gaps or deficiencies in transportation infrastructure needed to support local evacuation plans, cities and counties should amend transportation plans, policies, and programs. These may include Transportation System Plans (TSPs); transportation management, operations, and maintenance plans; Capital Improvement Plans (CIPs); and Natural Hazards Mitigation Plans and appropriate portions of Comprehensive Plans, and zoning codes. The amendments would ensure the community’s network of transportation facilities is

<sup>28</sup> [https://www.oregon.gov/lcd/CPU/Documents/Putting\\_the\\_People\\_in\\_Planning.pdf](https://www.oregon.gov/lcd/CPU/Documents/Putting_the_People_in_Planning.pdf)

planned, managed, and maintained to support effective responses to wildfires. DLCD recognizes that cities and counties may already be engaged in evacuation planning; this recommendation is intended to support those efforts through land use and transportation planning.

Efforts to assess and improve transportation networks for safe evacuation and firefighting response should:

- a. Analyze identified and potential evacuation routes<sup>29</sup> and temporary safe zones for existing conditions, needed improvements, and ongoing maintenance.
- b. Identify areas of the community with limited road access for evacuation and emergency response and identify potential alternative routes.
  - For example, cities and counties could facilitate agreements between private and public landowners to allow evacuation through locked gates or otherwise publicly inaccessible routes and for the maintenance of rural routes.
- c. Develop strategies to provide, where possible, secondary access during an emergency for existing development that was developed with a single access.
- d. Identify locations where buses may be needed to evacuate those without private vehicle access, in consultation with transit agencies and school districts.
- e. Provide visible, durable signage for evacuation zones and temporary safe zones.
- f. Identify potential funding sources for improvements, maintenance, developing secondary access routes, and for addressing needs of people without private vehicles.
  - For example, identifying needed transportation improvements in a Natural Hazard Mitigation Plan can improve eligibility for funding for identified projects from the Federal Emergency Management Agency (FEMA).

A Transportation System Plan describes the local jurisdiction's transportation system and outlines projects, programs, and policies to meet current and future transportation needs. These plans play a critical role in local land use planning and the provision of transportation infrastructure. A Capital Improvement Plan forecasts a city's or county's capital needs over a certain period, based on various adopted long-range plans, goals, and policies. Capital projects are generally large-scale efforts in terms of cost, size, and benefit to the community.

This recommendation applies to all cities and counties regardless of wildfire risk levels. Both Options A and B can potentially achieve this recommendation, although the voluntary nature of Option B would likely limit the overall effectiveness as some jurisdictions may not chose to participate.

#### *Option A (Rulemaking)*

In coordination with cities, counties, and local and state emergency management, transportation, and fire protection professionals, LCDC undertakes rulemaking that directs cities and counties to assess existing transportation networks and amend, as needed, plans, policies, and programs. DLCD provides grant funding and technical assistance for local implementation. This rulemaking would establish requirements under Goal 11: Public Facilities and Services and Goal 12: Transportation, as needed.

#### *Option B (Voluntary)*

Cities and counties, in coordination with local and state emergency management, transportation, and fire protection professionals, elect to assess existing transportation networks and amend, as needed, plans, policies,

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<sup>29</sup> An evacuation, or escape, route is typically focused on private vehicle access, however use of multi-modal transportation networks for evacuation can allow people to use other means to travel to an assembly location for transport by bus or otherwise.

and programs. Local efforts that meet minimum requirements can access grant funding and technical assistance from DLCD.

#### *Toolbox*

A range of specific strategies would be developed by DLCD to support either of the implementation options. These strategies include, but are not limited to, the following:

- Model code, polices, and guidance for establishing standards and minimum requirements, as appropriate
- Guidelines for developing community engagement best practices, including “[Putting the People in Planning](#)”<sup>30</sup>
- Funding for consultants, temporary local staff, and technical expertise
- Funding to support real-time wildfire and transportation modeling and zonal evacuation planning and management<sup>31</sup>.

#### *Needed Resources:*

##### Option A

- Local resources: TBD [Technical Assistance grants via DLCD to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCD resources: TBD Additional staff capacity to support rulemaking and local implementation

##### Option B

- Local resources: TBD [Technical Assistance grants via DLCD to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCD resources: TBD Additional staff capacity to support local implementation

**Recommendation 3:** Cities and counties review and amend local land use codes for new development to ensure safe evacuation and efficient access for firefighting response

DLCD recommends cities and counties, in coordination with state and local emergency management and fire protection professionals, review and amend zoning and land division codes to increase street connectivity and site access for new development to allow for safe evacuation of residents and visitors and efficient access for firefighting and other emergency response vehicles. Because of constant change in the landscape and wildfire conditions, it is vital that communities ensure that subdivisions, manufactured home parks, retail centers, and other areas with multiple structures are planned and built to have more than one access road in and out with sufficient grade and widths for firefighting equipment and personnel. Geography and other factors may prevent certain locations from complying with this recommendation and, for this reason, DLCD acknowledges that a waiver process should be provided.

Zoning and code review and amendment should address the following:

- a. Prioritize street connectivity, or a grid system, for streets and roadways for new neighborhood, subdivision, manufactured and mobile home park, destination resort development, and commercial centers, where practicable, to provide multiple evacuation route options.

<sup>30</sup> [https://www.oregon.gov/lcd/CPU/Documents/Putting\\_the\\_People\\_in\\_Planning.pdf](https://www.oregon.gov/lcd/CPU/Documents/Putting_the_People_in_Planning.pdf)

<sup>31</sup> Zonal evacuation planning and management organizes a community into zones with identified escape routes. The City of Ashland employs this type of system: <https://www.ashland.or.us/Page.asp?NavID=18126>.

- b. Review existing requirements to ensure consistency of site access and driveway standards for new development, such as minimum road width, hydrant placement, maximum grade, and turnarounds, with the 2019 Oregon Fire Code, Appendix D<sup>32</sup>. Cities and counties use a variety of approaches to address these standards in land use codes, providing flexibility in some cases and enforcement concerns in others. A new single-family dwelling or structure would not be required to have more than one access or driveway.
- c. For temporary uses such as special events or outdoor mass gatherings, review and update, as needed, fire protection and ingress and egress standards in consultation with fire protection districts or the State Fire Marshal.
- d. Establish a waiver process where geography, property configuration, lack of legal access, and other factors may prevent certain locations from complying.

This recommendation applies to all cities and counties except in areas of no or low risk. Both Options A and B can potentially achieve this recommendation, although the voluntary nature of Option B would likely limit the overall effectiveness as some jurisdictions may not chose to participate.

#### *Option A (Regulatory)*

In coordination with cities, counties, and local and state emergency management and fire protection professionals, LCDC undertakes rulemaking that directs cities and counties to review and amend their comprehensive plans and zoning and land division codes, with grant funding and technical assistance from DLCD to support local efforts. This rulemaking would establish requirements under Goal 12: Transportation.

#### *Option B (Voluntary)*

Cities and counties that elect to review and amend their comprehensive plans zoning and land division codes in a manner that meets minimum requirements can access grant funding and technical assistance from DLCD to support their efforts.

#### *Toolbox*

A range of specific strategies would be developed by DLCD to support either of the implementation options. These strategies include, but are not limited to, the following:

- Model comprehensive plan policies, code, and guidance that establish standards and minimum requirements, as appropriate
- Guidelines for developing community engagement best practices, including “[Putting the People in Planning](#)”<sup>33</sup>
- Funding for consultants, temporary local staff, and technical expertise.

#### *Needed Resources:*

##### Option A

- Local resources: TBD [Technical Assistance grants via DLCD to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCD resources: TBD Additional staff capacity to support rulemaking and local implementation

<sup>32</sup> APPENDIX D FIRE APPARATUS ACCESS ROADS, 2019 Oregon Fire Code | ICC Digital Codes

<https://codes.iccsafe.org/content/OFC2019P1/appendix-d-fire-apparatus-access-roads>

<sup>33</sup> [https://www.oregon.gov/lcd/CPU/Documents/Putting\\_the\\_People\\_in\\_Planning.pdf](https://www.oregon.gov/lcd/CPU/Documents/Putting_the_People_in_Planning.pdf)

### Option B

- Local resources: TBD [Technical Assistance grants via DLCDC to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCDC resources: TBD Additional staff capacity to support local implementation

## Wildfire Risk Mitigation Requirements for Areas of New Development

Recommendation 4: Cities and counties review and amend comprehensive plan policies and implement land use codes to incorporate wildfire risk mitigation requirements for new development

DLCDC recommends that in areas of greatest wildfire risk<sup>34</sup> cities and counties review and amend comprehensive plan policies and implement zoning, development, and land division codes for new development to: (1) incorporate requirements and standards to reduce wildfire risk, (2) ensure the provision of services, such as adequate water supply and pressure to fight fires, and (3) limit siting of facilities with concentrated, vulnerable populations, such as schools, hospitals, assisted living facilities, clean air shelters, and prisons; critical facilities, infrastructure, and lifelines; and hazardous facilities and materials. DLCDC recognizes that geography and other factors may prevent certain locations from complying with this recommendation and, for this reason, acknowledges that state and local waiver processes should be provided. Standards and requirements may differ depending on the scale of development, as suggested below, and would be vetted and refined through a robust rulemaking or similar process to establish baseline requirements or minimum actions or outcomes.

Review and amendment of comprehensive plans, zoning, and land division codes should require land use wildfire mitigation standards for new development or substantially improved buildings<sup>35</sup>, including rebuilding after natural disasters, that address:

- a. Site and Design Standards.
  - i. Design and Approval Standards. Site design and land division approval standards that require clustering of structures in areas of lowest risk, structure spacing standards, density modification, and other types of flexibility for new subdivisions, Planned Unit Developments, manufactured home parks, and commercial development of certain size or scale, such as shopping centers, campuses, destination resorts, and large hotels.
  - ii. Fire Breaks and Buffers. Requirements for landscape-scale community protection fire breaks and buffers on the perimeter of a development using open space, natural, and built features, where practicable, for subdivision, planned unit development, manufactured home park developments, and commercial development of certain size or scale. This is in addition to any defensible space requirements on individual lots.
  - iii. Setbacks and Siting. Setback and home siting standards in forested areas that account for slope steepness, buffers between structures to reduce ignition risk, and setbacks from adjacent forest lands. This is an existing requirement for home siting in forest zones and would also apply to new homes in other zones in areas of greatest wildfire risk.
  - iv. Defensible Space. Review and update defensible space standards or references to standards included in land use codes, if applicable, to ensure alignment with the statewide minimum

<sup>34</sup> Areas of greatest wildfire risk does not refer to a specific wildfire risk classification on the Statewide Map of Wildfire Risk; DLCDC is awaiting future iterations of the Statewide Map of Wildfire Risk before addressing these classifications.

<sup>35</sup> Substantially improved building as defined by FEMA is included here as an example; <https://www.fema.gov/node/405414#>. Cities and counties may have similar definitions that rulemaking would clarify.



defensible space code being developed by the Oregon Office of State Fire Marshall or locally adopted defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code as allowed under SB 762.

- b. Public Facilities.
  - i. Parks and Open Space. Review and amend open space and parks master plans to incorporate policies that address fire breaks, fire mitigation, and long-term maintenance to reduce risk in parks, open spaces, and trail areas.
  - ii. Provision of Services. At the community planning level, when considering areas for new development, evaluate and plan for the provision of water supply capacity at sufficient pressure and additional provision of fire services needed to protect people and property from wildfires. Consider and address wildfire risk when planning, developing, improving, or replacing public facilities and services. For example, evaluate opportunities to increase the resilience of water, wastewater, and other critical infrastructure, and locate future water, sewer, transportation, and communication facilities outside of areas of greatest wildfire risk whenever possible, especially infrastructure important to recovery.
- c. Types of Uses.
  - i. Limit siting of facilities with concentrated, vulnerable populations, such as schools, hospitals, assisted living facilities, clean air shelters, and prisons, and critical facilities, infrastructure, and community lifelines. Where limiting such facilities is not practical, require additional fire risk mitigation and evacuation measures.
  - ii. Limit or prohibit new facilities that use or store hazardous combustible materials. Where limiting or prohibiting such facilities is not practical, require adequate fire risk mitigation measures consistent with state and federal requirements.
- d. Density. In areas where increased residential densities or more intensive uses are allowed, consider requiring additional wildfire mitigation.
- e. Waivers. Establish a waiver process, including requirements for additional wildfire mitigation requirements to reduce risk, where geography, property configuration, legal access and other factors may prevent certain locations from complying. A waiver process for cities and counties from state regulation could also be developed in rulemaking.

This recommendation applies to all cities and counties in areas of greatest wildfire risk. Both Options A and B can potentially achieve this recommendation, although the voluntary nature of Option B would likely limit the overall effectiveness as some jurisdictions may not chose to participate.

#### *Option A (Regulatory)*

In coordination with cities and counties, and in consultation with special districts, LCDC undertakes rulemaking that directs cities and counties to review and amend their comprehensive plans, capital improvement plans, public facility plans, and zoning and land division codes, as appropriate to address new areas of development. DLCD provides grant funding and technical assistance for local implementation. This rulemaking would establish requirements under Goal 7: Areas Subject to Natural Hazards, Goal 11: Public Facilities and Services, and possibly Goal 3: Agricultural Lands, Goal 4: Forest Land, and Goal 5: Natural Resources.

#### *Option B (Voluntary)*

In consultation with applicable special districts, cities and counties that elect to review and amend their comprehensive plans, capital improvement plans, public facility plans, and zoning and land division codes, as appropriate, in a manner that meets minimum requirements can access grant funding and technical assistance from DLCD to support their efforts.

### Toolbox

A range of specific strategies would be developed by DLCD to support either of the implementation options. These strategies include, but are not limited to, the following:

- Model comprehensive plan policies, code, and guidance for establishing standards and minimum requirements, and optimize access to federal mitigation and disaster recovery funding
- Guidelines for developing community engagement best practices, including “[Putting the People in Planning](#)”<sup>36</sup>
- Funding for consultants, temporary local staff and technical expertise
- State financial assistance to cities, counties, Tribes, and special districts to conduct the following studies:
  - Analysis of current and planned water capacity of cities and counties, including supply and pressure, and identification of needed improvements to better protect people and property from wildfires.
  - Feasibility of developing transferrable development credits programs as authorized by ORS 94.531-94.538 to facilitate development outside of areas of greatest wildfire risk.

### Needed Resources:

#### Option A

- Local resources: TBD [Technical Assistance grants via DLCD to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCD resources: TBD Additional staff capacity to support rulemaking and local implementation

#### Option B

- Local resources: TBD [Technical Assistance grants via DLCD to assist cities and counties with the public planning process, adoption, and implementation, \$ amount to be determined in partnership with cities and counties]
- DLCD resources: TBD Additional staff capacity to support local implementation

### Recovery Planning

Recommendation 5: DLCD provides support to cities and counties for post-disaster recovery in local communities through recovery planning services

After a wildfire disaster, cities and counties often need additional capacity to process land use and related permit applications and engage in broader community recovery efforts to support rebuilding and the return of people to their communities in timely manner. For example, the 2020 post-wildfire recovery effort required several local governments to undertake significant and urgent flood hazard work, with help from DLCD’s National Flood Insurance Program Coordinator. DLCD grants aided several local government planning offices, which were overwhelmed with permit applications, by funding contract planners. Recovery planning in advance of a hazard ensures that policies, regulations, systems, and documents are in place to facilitate recovery. Pre-planning reduces barriers and can help impacted communities recover more quickly.

While DLCD’s recommendations primarily focus on wildfire mitigation, recovery professionals and those with lived experience recognize that hazards overlap; that Oregon is vulnerable to a wide range of hazards; hazard

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<sup>36</sup> [https://www.oregon.gov/lcd/CPU/Documents/Putting\\_the\\_People\\_in\\_Planning.pdf](https://www.oregon.gov/lcd/CPU/Documents/Putting_the_People_in_Planning.pdf)