



February 5, 2020

Sen. Jeff Golden, Chair
Senate Committee on Wildfire Reduction and Recovery
900 Court St. NE
Salem, OR 97301

RE: SB 1536

Dear Chair Golden and Members of the Committee:

Thank you for the opportunity to provide comments on SB 1536, a comprehensive bill to mitigate wildfire hazards.

Deschutes County is a national leader in wildfire hazard preparedness.

Please consider the following comments on SB 1536:

- We understand significant amendments to the bill have been or will be proposed. The bill is a moving target. At the time of this letter, this uncertainty prevents Deschutes County from providing meaningful comments on the amendments or revised bill. We respectfully request a second or continued public hearing to provide an opportunity to submit informed testimony.
- The short session and recent release of LC 83 and SB 1536 do not provide adequate time to develop and adopt meaningful comprehensive wildfire mitigation law. We respectfully request any legislation to provide a framework for one or more interim committees with broad representation, including Deschutes County or Eastern Oregon representatives, to develop legislative proposals for a special session or the 2021 Legislative Session.
- As introduced, the SB 1536 authorizes state agencies to develop and establish land use, defensible space, and building code standards, and requires local governments to implement/administer, monitor, report, and enforce the standards. We respectfully request local governments to have the opportunity to participate in the development of the standards with the state agencies and other organizations/stakeholders.
- Similarly, we respectfully request local governments participate in the process to develop the risk assessment maps.
- As introduced, SB 1536 imposes significant mandates on local governments to implement/administer, monitor, report, and enforce the law. Any state mandate must include full funding to local governments to carry out the required responsibilities.



- Please consider transferring some of the mandates to local governments, such as inspecting properties to determine compliance with the defensible space requirements, to the State Fire Marshal or Fire Districts, including full funding to pay for the resources necessary to perform the inspections and the preparation of the corresponding reports.
- Please consider creating pilot projects and/or sunset clauses to implement all or portions of the wildfire mitigation requirements to determine the effectiveness of the law prior to expanding the requirements to all applicable local governments.
- We seek clarity in this legislative process or through a subsequent interim committee or administrative rulemaking process on many complex and unknown issues identified in the bill. For example, the bill is unclear about whether the Section 9 land use standards require land use decisions by local governments; whether the standards apply to all properties or new parcels, developed or vacant properties, timelines for compliance or implementation and enforcement, etc.
- Similarly, please clarify if the defensible space standards are land use standards, standards of general applicability, etc.
- Please clarify the reason the Department of Land Conservation and Development and not State Building Codes Division is establishing a program to address local building code provisions.

Please know Deschutes County remains committed to mitigating wildfire hazards as most recently demonstrated by the Board of Commissioners (Board) creating a 12-member Wildfire Hazard Advisory Committee (WMAC), comprised of citizens and stakeholders, to provide recommendations on:

- Updated Deschutes County Wildfire Hazard Zone / Map based on the Oregon Department of Forestry's (ODF) criteria in Oregon Administrative Rules (OAR) 629-044-0200 (weather, slope, fuel hazard, fuel distribution);
- Whether and how to apply the Oregon Building Codes Division's (BCD) new Oregon Residential Specialty Code (ORSC) Wildfire Hazard Mitigation Standards (R.327.4); and
- Whether and where to propose new land use regulations to mitigate wildfire hazards in the rural county.

Deschutes County is the only Oregon county to initiate a process to consider implementing R.327.4. The WMAC just completed its recommendations last week. All committee information is available online at www.deschutes.org/wildfirecommittee.

Again, thank you for the opportunity to provide comments. We look forward to continuing to participate in this legislative process and subsequent efforts to mitigate wildfire hazards in Deschutes County and across the State of Oregon. Please let me know if we can provide additional information or answer questions.

Sincerely,



Nick Lelack, AICP
Director