



Oregon

Kate Brown, Governor

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Date: June 18, 2021

To: Sen. Jeff Golden

From: Oregon Department of Forestry and Office of the State Fire Marshal

Re: Response to questions regarding Senate Bill (SB) 762-A10

Dear Sen. Golden:

Below are responses to your questions regarding the execution of several of the provisions contained in SB 762 from ODF, OSFM, and the Building Codes Division. Please feel free to contact any of our agencies if you have any additional questions or need more information.

How might agricultural crops be affected under the defensible space provisions of SB 762?

SB 762 limits defensible space to high or extreme risk areas AND those within the wildland-urban interface. Both must apply. In speaking with the Oregon Farm Bureau, we have discussed that it is unlikely that the majority of agricultural crops will be in high or extreme risk areas and within the WUI. However, suppose those lands meet the criteria of high and extreme. In that case, the application of defensible space standards will be predicated by the definition of the WUI and the map through ODF and their rulemaking/stakeholder process.

How will interested parties be able to have meaningful input in mapping and defensible space rule-making decisions?

Under the authority of the Secretary of State and the Board of Forestry, a rules advisory committee (RAC) must be created to help the agency clarify how we draw the WUI map. ODF will need a wide range of perspectives to represent the broad scope of interests involved in mapping the WUI. Efforts would start with participation from those who were engaged with the SB 762 drafting. The RAC will need to build out the criteria that a GIS specialist will use to draw the lines on the map. The criteria will need to be detailed enough to remove as much subjectivity as possible when the map is drawn. The criteria would be approved through a public rulemaking process by the Board of Forestry. ODF will be contracting with a vendor for independent facilitation of the mapping process to help ensure multiple perspectives are considered.

Meaningful input is achieved for defensible space through the Oregon Fire Code Advisory Board (OFCAB), which is a seven-member group focused on a balanced membership from fire

professionals and industry representatives. Additionally, the Oregon Fire Code Committee acts as the initial vetting body during the code adoption process, including stakeholders and public input on recommendations provided to the OFCAB. Lastly, input is received and evaluated during the rulemaking process before a fire code is adopted.

How will farm buildings be treated in this bill?

Generally, farm buildings will not be required to harden their structure to fire and ember exposure under SB 762-A10. Any farm building that is considered agriculturally exempt under ORS 455.315 will continue to be exempt. Currently, the only “accessory structures” that would meet the requirements for hardening (when newly constructed after April 2023 and designated as in a high or extreme risk area in the wildland-urban interface) are those that are not agriculturally exempt, greater than 400 square feet, and closer than 50 feet to other structures.

What options are available to a property owner who believes that his or her property is inappropriately regulated by SB 762 provisions?

The -10 amendment to SB 762 requires establishment of an appeals process for changes in assessment and requires ODF to provide notice and information to property owners on that process. The Rules Advisory Committee, which will include representatives from affected parties, will assist in the development of the appeals process.