

At the request of the Governor's office Legislative Director and in coordination with legislators, ODF and OSFM answered the following questions related to SB 762:

06/16/2021

1. Do the defensible space requirements in SB 762 apply to areas classified as moderate-risk, or only to high-risk and extreme-risk areas?

*SB 762 limits defensible space to High and Extreme risk areas **AND** those within a Wildland Urban Interface, **both must apply.***

2. Do the defensible space requirements in SB 762 apply beyond the boundaries of your property? E.g., if your property is classified as high-risk area and your neighbor's house is only 15 feet of your property line, would you be required to create an additional 35 feet of defensible space from the edge of your property line?

*SB762 limits defensible space to the parcel level/property line and does not impact land use laws per section -10 amendments, Section 8 (b).*

3. Do defensible space requirements only apply to structures, or could a property owner also be required to create a border of defensible space around the edge of their property in certain situations, such as if they live in a high-risk area adjacent to forestland?

*Defensible space standards are specific to the fuel load adjacent to buildings and structures **only.***

4. For purposes of defensible space, what is considered to be a 'structure'? Could a fence be considered a 'structure'?

*Defensible space standards are specific to the fuel load adjacent to buildings and structures **only.** Defensible space requirements would not apply to fences.*

5. What types of vegetation can and can't be grown inside a defensible space perimeter?

*SB762 limits defensible space standards to the IWUI sections 603 and 604. It provides for vegetation and trees within modification areas under guidelines. The code adoption, rulemaking and stakeholder process could further clarify.*



6. What does OSFM expects defensible space requirements to look like on farmland in high-risk and extreme-risk areas?

*SB 762 limits defensible space to High or Extreme risk areas AND those within a Wildland Urban Interface, **both most apply**. Defensible Space requirements would be implemented based on Sections 603 and 604 of the IWUI code. Further refinements may be made through the code adoption, rulemaking and stakeholder process.*

*Applicability of defensible space standards are all predicated by the definition of the WUI and the map through ODF and their rulemaking/stakeholder process.*

7. **What will the rulemaking process to establish and map the wildland urban interface look like?**

*A rules advisory committee must be created under authority of the secretary of state and the Board of Forestry, to help the agency clarify how we draw the WUI map. ODF will need a wide range of perspectives to represent the state's interests in mapping the WUI and would start with participation from those interested groups who have engaged in the SB 762 drafting. The RAC will need to build out the criteria in which a GIS specialist will draw the lines on the map. We will need to create enough detail in the criteria to remove as much subjectivity as possible, for our GIS specialists to draw the map. The criteria would be approved through a public rule making process with the Board of Forestry.*

8. **How many members of the public and county commissioners will be involved in the process?**

*In previous RAC's ODF have administered, it is reasonable to work with a group of around up to 15 members. County Commissioners could either assign a public member or offer a commissioner. One commissioner from eastern Oregon and one from western Oregon would be reasonable if Commissioner's so choose to participate.*

9. **How does ODF anticipate treating trails and fences in its WUI mapping?**

*ODF does not see the relevance of fences and trails in the WUI? They exist in the WUI and it is not fences or trails that would be "treated" in the WUI.*

10. **Do you anticipate that any action will be required to reduce fire risk adjacent to fences and trails?**

*No relevance that ODF can see, in-fact hiking trails & roads make great fire control lines.*

