



**Testimony Before the Senate Committee on Natural Resources and Wildfire Recovery
Relating to SB 762**

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Chair Golden, Vice Chair Heard, members of the Committee I wanted to provide written comments regarding SB 762 and the mix of amendments the committee is currently evaluating. At the League, our membership base runs the full array of cities from the smallest communities to the largest city in Oregon. 2/3 of our membership are cities less than 5,000 in population.

I don't need to go through the details of the generational losses that several cities and landowners experienced during the 2020 Labor Day fires. I do think its important to point out that there was a wide range of wildland fires experienced across the state. Echo Mountain fire near Lincoln City had a very different set of conditions and ignition sources compared to the Alameda Fire in Southern Oregon, the Santiam Canyon Fires as well as those along near Blue River. The complexity alone of these fires is driving the difficulty of how to prepare risk strategies that lead to reduced wildland fire risk.

Under SB 762 and all other wildland fire policy options it will take time to implement, which means the \$130 million funding identified by Chair Golden during the Thursday informational hearing will need to be followed by a funding commitment from the legislature for the long term. If the funding commitment drops off, elements of this legislation will also see a drop-off, and the effectiveness of risk reduction will fade.

I want to compliment the structure of SB 762 and its comprehensive structure. In many respects the substance of SB 762 is comparable to other legislation in the House. These should be part of any wildland fire policy that moves forward. I want to also thank Chair Golden and others for their willingness to maintain a dialogue with the League and other interests as this legislation has been developed. It will be important to maintain this communication for the remainder of the session because there needs to be additional work.

We support moving SB 762 to the Ways and Means Committee for additional development and process. Under a normal session a bill addressing wildland fire policy would have been developed under a structured work group setting to bring all impacted and interested communities together. Due to the pandemic and complications presenting by meeting restrictions there has not been the ability to bring everyone to the same table.

Instead, there are multiple legislative efforts taking place with one-off conversations to build a policy. As a result, all proposed wildland fire proposals are not quite complete currently. LOC is confident however with additional discussion the legislature can reach maturity. LOC is recommending that the Governor's office convene the primary state agencies responsible for key areas of implementation and commit to process for the agencies to build on the wildland fire

policies that will be in the Ways and Means process. This effort should include Oregon State Fire Marshal, Oregon Department of Forestry, Department of Land Conservation and Development, and Oregon Building Codes.

The areas that I will concentrate the remainder of my comments include sections related to defensible space and home-hardening and issues related to reducing risk in communities. These comments are intended to add clarity and improve SB 762 and not detract or slow down any effort to have standards in place in advance of the 2022 fire season.

Section 8 – Defensible Space

We are requesting that the Committee consider an amendment to this process that provides for a step that includes a level of local involvement from interested parties who have on-the-ground knowledge and expertise at the region-level. This could take the form of a county-level process or larger regional process based on similarities of the environmental conditions present. This does not suggest the structure would have include a voting structure within local governments. Instead, I'm suggesting an effort or process to include expertise from the local area and local governments that is independent from a political process. The purpose is to review the defensible space standards set by the state. Any recommended changes would require approval from the State Fire Marshal. During the informational hearing on 4-8-21 the State Fire Marshal testified to a local involvement process for verification of standards matching on-the-ground conditions. The reference used by the State Fire Marshal was an "Oregon-izing" process. This makes total sense, and it would be appropriate to see this commitment in statute.

We believe this process would not add time, because if the local involvement is rolled out with a structure, we are confident the process would be completed well within the 12-31-2022 completion date for defensible space and mapping. In the end, we believe you would have a set of standards that had local support and ownership, which would improve the implementation of the standards.

Section 9. Community Risk Reduction Fund

LOC appreciates the recognition to establish a community risk fund. We are hopeful additional content can be added to this section that would specify the allowed use of funds to include funding incentive programs like project fire-safe, community wildfire protection plans, and funding homeowners with risk reduction activities as part of the wildland fire risk reduction strategies. We believe the addition of incentive programs will assist in increasing the scope of fire risk efforts across the wildland urban interface.

Section 11. Land Use

We are recommending the formation or use of a committee process or local government involvement in local planning to help guide the necessary steps and possible changes to updated Oregon's land use system. The combination of the mapping process and standards associated to reduce wildland fire risk will need expertise of land use planners at the local level so the process for updating local plans can transition in the most expeditious manner.

LOC has experience of legislatively directed land use adjustments creating many challenges for local governments. These changes created significant impacts to communities and unintended consequences for local land use decisions.

Section 12. Building Codes

We are requesting greater detail in the proposed legislation for building codes. Section R327 of the 2019 amendments to the 2017 Oregon Residential Specialty Code is referenced as the

code for new construction. This section would apply the code across all risk areas identified and does not distinguish different risk reduction measures by classification, which is part of how other states apply risk reduction. This should be clarified, or at least address the integration with the with classification system that may have 5 levels of risk described in the mapping process in section 7.

We need to better understand how this code fits with Section 8 and the reference to the International Wildland-Urban Interface (WUI) code. Section 8 (1) provides the State Fire Marshal with discretion to select elements of the WUI-code but does not say which elements will be selected. The linkage between the International WUI-code and the R327-code should be explained to avoid any overlap or conflict with new construction. It will also be important to explain when the R327-code is triggered for home remodeling, general maintenance or other building activity that would typically be during the life of existing buildings.

Section 18. Reduction of Wildfire Risk

LO is requesting that additional language be added to this section that places a priority on the wildland urban interface for treatment. The immediate risk for communities comes from lands that have overlap within the built environment and for this reason projects and priorities should consider this region as a starting point. We do not discount the wildland fire risk associated with poor forest health conditions present across millions of acres of federal lands, but the priority should be within the built environment.

Section 36. Wildfire Programs Advisory Council

LOC is recommending a more balanced approach to forming the advisory council described in Section 36. For example, we don't understand why only three city representatives are part of the council when counties make up 5. There should be equal numbers of both local government entities. While the Governor has discretion for appointing an additional five council members there are no positions dedicated to non-industrial or industrial private forestland owners and agricultural interests. At a minimum, these groups should be provided designated seats given the impacts of Labor Day fires and the substantial risk associated wildland fire.