

SB 83 A STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 5/6, 5/20

WHAT THE MEASURE DOES:

The measure repeals the statewide wildfire map and its application: to defensible space requirements, the wildland-urban interface, the Wildfire Programs Advisory Council, agency reporting requirements and administration, seller's property disclosure agreement, comprehensive planning, accessory dwelling units and replacement dwellings, building codes, and the small forestland grant program. It declares an emergency, effective upon passage.

Detailed Summary:

Repeals the following statutes:

- 455.612 Building code standards for wildfire hazard mitigation; rules
- 455.614 Mapping tool for wildfire hazard mitigation
- 476.390 Defensible Space Definition
- 476.394 Limitations on use of minimum defensible space requirements
- 477.027 Establishment of classes of wildland-urban interface; rules
- 477.161 Fire protection for lands outside forest protection districts
- 477.490 Statewide wildfire hazard map; rules

Repeals Sections 12a, 12b, 12d, and 29 of chapter 592 Oregon Laws 2021 relating to the statewide wildfire hazard map and the Department of Consumer and Business Services adoption of building codes and a requirement that counties have a baseline or higher level of wildfire protection on specified lands before January 1, 2026.

DEFENSIBLE SPACE

Defines defensible space as "a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur." Amends Oregon Revised Statute (ORS) 426.392 (minimum defensible space requirements and rules) to remove all references to the statewide wildfire hazard map, including:

- The requirement that the State Fire Marshal (SFM) establish minimum defensible space standards for wildfire risk reduction on lands identified on the map as part of the wildland-urban interface.
- The application of these standards statewide for lands in the high wildfire hazard zone, as identified on the map.
- The ability for local governments to administer, consult on, and enforce defensible space requirements based on the map, including the reporting and compliance procedures tied to the map's designation.

Directs the SFM to include the creation of a model code in the community risk-reduction program. Requires that when establishing or revising the model code, the SFM must:

- Set standards that align with, but do not exceed, the defensible space standards outlined in the International Wildland-Urban Interface Code (Sections 603 and 604).
- Consider Oregon-specific best practices when developing these standards.
- Periodically review and update these standards in consultation with the Oregon Fire Code Advisory Board to ensure they reflect the latest best practices.

Prohibits the SFM from requiring local governments to adopt the model code.

WILDLAND URBAN INTERFACE

Amends ORS 477.015 (urban interface protections and definitions) to:

- Define "wildland" as forestland or "an unimproved area that contains enough unmanaged vegetation, at any time of the year, to constitute a fire hazard in the judgment of the forester, regardless of how the area is zoned or taxed."
- Revise the definition of "wildland-urban interface" to mean a "geographic area in which there is a concentration of dwellings in an urban or suburban setting near wildland."

Specifies that the Oregon Department of Forestry (ODF) wildfire risk-reduction program must give priority to projects that focus on treatments protective of property within the wildland-urban interface, in addition to other criteria. Amends ORS 477.503 (Reduction of wildfire risk) to require ODF to collaborate with the Oregon State University Extension Service on projects targeting lands most likely to transmit wildfire to communities, using data from the Pacific Northwest Quantitative Wildfire Risk Assessment. Requires ODF to focus wildfire risk-reduction treatments on federal lands with approved treatment projects under the National Environmental Policy Act and prioritize treatments surrounding the wildland-urban interface. Directs the Department of Consumer and Business Services (DCBS) to adopt the wildfire hazard mitigation code standards from Section R327 of the 2023 Oregon Residential Specialty Code; prohibits DCBS from requiring local governments to adopt them.

WILDFIRE PROGRAMS ADVISORY COUNCIL

Removes requirement that the Wildfire Programs Advisory Council (Council) assess ways the statewide wildfire hazard map may inform the development of building codes and land use laws, rules, and decisions in a regionally appropriate manner. Increases the Council membership from 19 to 21 members, including a representative with experience in community risk reduction and preventing structural fires in the wildland-urban interface. Added members include one from the structural fire service with experience in managing or preventing wildfires in the interface and one representing the insurance industry. Requires Council to ensure geographic diversity with representation from across Oregon.

REPORTING REQUIREMENTS AND ADMINISTRATION

- Revises reporting requirements of the State Wildfire Programs director to the Governor and legislators and legislative committees from every 60 to 90 days.
- Requires Oregon Youth Works Advisory Board to submit a report annually instead of biennially on the expenditure of moneys in the Oregon Conservation Corps Fund.
- Revises the timing and content of SFM annual report on the status of the community risk-reduction program.
- Requires the following annual reports to an interim legislative committee related to wildfire, the State Wildfire Programs Director, and the Wildfire Programs Advisory Council:
 - By ODF on the wildfire risk-reduction program and the 20-year landscape resiliency plan, including updates on plan implementation, wildfire risk-reduction efforts expenditures, and any recommendations for legislative action, including future resource and funding needs.
 - By the Department of Environmental Quality on community smoke response plans and the wildfire smoke monitoring program including updates on the implementation of smoke response plans, smoke monitoring efforts, expenditures for smoke monitoring and plan development, recommendations for legislative action, and future resource or funding needs.
 - By the Public Utility Commission on actions taken to reduce wildfire risk from utility infrastructure, including updates on the review of wildfire protection and mitigation plans filed by public utilities, summaries of wildfire mitigation best practice workshops, public safety power shutoffs, expenditures on wildfire mitigation efforts, and any recommendations for legislative action, including future resource and funding needs.

SELLER'S PROPERTY DISCLOSURE STATEMENT

Removes the following question from the seller's property disclosure statement: "Has the property been classified as wildland-urban interface?"

COMPREHENSIVE PLANNING

Amends ORS 197.716 (authorizes certain counties to designate up to 10 sites outside an urban growth boundary for industrial or employment uses under specific circumstances) to remove reference to statute that requires ODF to adopt a definition of the "wildland urban interface."

ACCESSORY DWELLING UNITS AND REPLACEMENT DWELLINGS

Revises ORS 215.495 to remove references to the statewide wildfire hazard map and map-related provisions in statutes authorizing a county to approve accessory dwelling units (ADUs) and replacement dwellings in high wildfire hazard zones:

- Removes requirement for ADUs to comply with any applicable state or local defensible space standards if identified on the statewide wildfire hazard map as located in a wildland-urban interface area.
- Removes requirement for ADUs or replacement dwellings to be altered, restored, or replaced to comply with the construction provisions in section R327 of the Oregon Residential Specialty Code in area identified as a high wildfire hazard zones on the statewide wildfire hazard map, or if no map has been adopted.

BUILDING CODE STANDARDS

Requires DCBS to adopt the wildfire hazard mitigation code standards from Section R327 of the 2023 Oregon Residential Specialty Code and make them available for optional adoption by local governments. DCBS must establish a process for municipalities to adopt these standards, which includes notifying the department once they are adopted. Applies standards only to the construction of new buildings.

SMALL FORESTLAND GRANT PROGRAM

Removes requirement for the small forestland grant program to prioritize projects in high wildfire hazard zones as described by the statewide wildfire map.

WILDFIRE HAZARD ZONES

Declares any orders issued by ODF that assigns property to a wildfire hazard zone as null and void.

Declares an emergency, effective upon passage.

Has minimal fiscal impact

No revenue impact

SENATE VOTE: Ayes, 29

ISSUES DISCUSSED:

- Legislative history related to the measure
- Reasons for repealing wildfire hazard map
- Differences in forest management across the state
- Building codes that allow for home hardening

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2021, the Oregon Legislative Assembly passed Senate Bill 762, a comprehensive wildfire law aimed at creating fire-adapted communities, improving landscape resiliency, and enhancing wildfire response. SB 762 directed the Department of Forestry, in partnership with Oregon State University, to create a statewide wildfire risk map that included wildland-urban interface (WUI) boundaries, categorizing properties into wildfire risk classes (extreme, high, moderate, low, and no risk). It also required the State Fire Marshal to establish defensible space standards based on the map and the International Wildland-Urban Interface Code, and for the Department of Consumer and Business Services to adopt building code standards (R327) for new construction in high-risk areas.

In 2023, the Oregon Legislative Assembly passed Senate Bill 80 to update the state's approach to wildfire hazard assessment and mitigation. The bill revised the statewide wildfire map by reducing the classification system from five tiers to three categories. It also clarified building standards for structures in wildfire hazard zones and introduced programs focused on improving the resilience of homes in vulnerable communities.