



November 18, 2019

Chair Representative Brian Clem
House Interim Committee On Agriculture and Land Use
State Capitol
900 Court Street NE
Salem, OR 97301

Re: Governor's Council on Wildfire Response: Land Use as the Life-Saving and Cost-Effective Recommended Action

Dear Chair Rep. Clem and Committee Members:

Thank you for the opportunity to submit testimony in response to the *Governor's Council on Wildfire Response November 2019: Report and Recommendations* ("Council Recommendations.") The Council Recommendations point to land use as the cost-effective tool to achieve immediate reductions of risk that our communities face due to wildfire hazards. 1000 Friends urges this committee to take action to implement land use tools as one of the most effective solutions to reduce wildfire hazards. Our primary recommendations are:

- **The State must map wildfire risk across Oregon.**
- **The State map, with local implementation, is the most cost-effective tool to achieve safe communities.**
- **For existing and new appropriate development, the most protective defensible space standards and uniform building codes must be required.**
- **Timely implementation, enforcement and funding is key.**

1000 Friends of Oregon is a nonprofit membership organization that has worked with Oregonians for more than 40 years to support livable urban and rural communities; protect family farms and forests; and conserve natural areas. Our work includes ensuring livable communities through the use of our Statewide Land Use Planning Goals, including Goal 7, which is "to protect people and property from natural hazards." The Council Recommendations point to the tools of our land use system as a very high priority.¹

¹ Council Recommendations at 22, https://www.oregon.gov/gov/policy/Documents/FullWFCReport_2019.pdf

In 2018, state and federal agencies spent \$533 million fighting wildfires in Oregon.² If we use the full potential of our land use system, we can bend the escalating cost curve, save lives, defend our built and natural environments, and protect our most vulnerable populations. As explained below, our internationally lauded land use system allows for meaningful and timely action in response to natural hazards: a mapping program already exists for wildfire data, and we need to perform rulemaking and implementation at the local level to plan for wildfire hazards based on the state-wide map. This is the cost-effective solution to limit the impact of wildfire to our communities and save firefighter lives.

A. The State must map wildfire risk across Oregon and use the data in state and local decision-making to achieve safe communities.

The Institute of Natural Resources, through its existing Oregon Explorer mapping program, should be empowered with resources to provide regularly-updated hazard map data to our state and local land use planners. The Wildfire Council identified this as a very high priority.³ With this data, planners can work together and guide community development outside of hazard zones. Statewide Land Use Planning Goal 7, with supportive rule making, provides the process and pathway for vital data and technical support resources to be distributed to our local governments, and can empower those governments to implement meaningful planning solutions that reduce wildfire risk and prevent loss of property and life.

By engaging in Goal 7 rulemaking and implementation, the State and local governments can collaboratively achieve sound hazard planning. The State should provide resources to DLCD and local governments so local planning can be based on up-to-date hazard data. Through these planning actions, Oregon can ensure that new development does not occur in high-risk areas within our forests, rangelands, farmlands, and the wildland urban interface (“WUI.”) By directing development to our urban growth areas and out of hazard areas, we can lessen wildfire risk, ensure that manageable development can be safely serviced by our firefighters, and prevent additional human presence in hazard areas that leads to fire.

In 2017, 73 percent of all wildfires on lands protected by the Oregon Department of Forestry were human-caused.⁴ Given that humans ignite most wildfires, residential development in high-risk fire areas has severe consequences. And a significant amount of existing structural

² *Id.* at 6.

³ *Id.* at 22.

⁴ *A New Vision for Wildfire Planning: A Report on Land Use and Wildfires* at 13 (1000 Friends of Oregon, 2018) citing *2017 Wildfire Report* (Oregon Department of Forestry, 2017), <https://friends.org/sites/default/files/2019-04/A%20New%20Vision%20for%20Wildfire%20Planning%202018.pdf>.

development located within hazard areas does not even provide primary housing. Rather, Oregon has one of the highest in the nation proportions of seasonal vacation homes in the WUI: 80.4 percent of Oregon's vacation homes exist there.⁵ When development occurs in the hazard zone, humans are not only exposed to greater wildfire danger, but they are also more likely to ignite fires there. If development sprawls outside of urban areas, including onto forest and farmlands, more wildfires occur and pose greater risks because more property and more lives are at stake. This threat to public health and safety is unacceptable.

Oregon can reduce human-caused fires by planning growth outside of hazard areas through the development of a statewide map, standardized risk designations, and implementation of hazard planning at the local level. In high risk areas, structures should be limited to those necessary for forest or agricultural use. Development of new non-farm and non-forest uses in resource zones where these uses will increase wildfire risk or hazard should be avoided. DLCD and the counties can achieve these goals by updating plans based on statewide hazard data.

B. Use of the Statewide Map and Local Implementation is the Cost-effective Tool to Achieve Safe Communities.

Land use tools are the most cost-effective method the state can use to address wildfire. Compared to the ambitious \$200 million per year price tag for the Council Recommendation on important forestland treatments, land use solutions are available at a hundredth of that cost.⁶ For statewide mapping, the Council estimated \$150,000 per biennium to maintain and update statewide hazard mapping data.⁷ For Goal 7 efforts, DLCD initially determined it needed 2 FTE at \$500,000 per biennium to staff rulemaking and provide technical assistance to local jurisdictions.⁸ DLCD estimated local community support to update wildfire plans would cost approximately \$1 to \$2 million (over 3 biennia, roughly \$15,000 - \$30,000 per jurisdiction out of approximately 60 total).⁹ Additional technical assistance was estimated to be approximately \$65,000 per plan, depending on size of the community, level of impact, and complexity of the plan.¹⁰

Costs of using land use to reduce wildfire risk could be further decreased by initially requiring only the highest risk counties to implement the program, followed by lower-risk counties. This

⁵ *Id.* at 28 citing *The 2010 Wildland-Urban Interface of the Conterminous United States* at 15-17 (Martinuzzi, Stewart, Helmers, Mockrin, Hammer, and Radeloff, 2010).

⁶ Council Recommendation at 64.

⁷ *Id.* at 43.

⁸ DLCD Communication to Council Sub-Committee Chair on Land Use, August 26, 2019 at 1.

⁹ *Id.* at 2-3.

¹⁰ *Id.* at 3.

would reduce demand for DLCD staff and costs for required notices, spread over a three-biennium role out. Based on the State’s Natural Hazards Mitigation Plan, the counties that are the most vulnerable to wildfire, and therefore should be prioritized, are Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Umatilla, Union, Wallowa, and Wasco counties.¹¹

Cost sharing can be achieved through an increase to the tax on fire insurance premiums under ORS 731.820, and to assessed fees against improved lots located within hazard zones.¹² By requiring the true long-term cost burden of wildfire suppression to be shared among the state, local jurisdictions, and property owners, Oregon can achieve meaningful wildfire hazard planning and management.

C. For existing development and new appropriate development, the most protective defensible space standards and uniform building codes must be required.

Where development is appropriate, the most protective fire siting standards and building codes requiring fire-resistant materials should be consistently implemented across jurisdictions, and contain suitable enforcement mechanisms. There must be an even playing field.

However, fire siting standards and fuel treatment cannot be used to justify allowing development in high hazard zones, because the adverse consequences impact all Oregonians. Fuel treatments are ineffective defense mechanisms against embers, which are the source of most wildfire-related disasters to homes in the WUI.¹³ Embers can travel several miles and ignite everything in their path. A structure that is never built in a hazard zone will never catch fire from an ember.

D. For all of these land use recommendations, timely implementation, enforcement and funding is key.

Our land use system is an effective and affordable tool to reduce risk of wildfire, and must be used now to save lives and property. We continue to experience tragic fires across the West. Oregon must take courageous leadership and use its land use system to minimize the risk and impacts of wildfire. We must avoid development in high risk areas. New development should be

¹¹ Oregon Natural Hazards Mitigation Plan at 20 (2015).

¹² ODF charges a \$50 improved lot surcharge for its Wildfire Protection Fund, <https://www.oregon.gov/ODF/Documents/Fire/SurchargeBrochure.pdf>

¹³ *A New Vision for Wildfire Planning: A Report on Land Use and Wildfires* at 22, citing *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* at 1 (Syphard, Bar-Massada, Butsic, and Keeley, 2013) and *The Wildland-Urban Interface: The Problem, Trends, & Solutions* at 31 (Rasker, 2018). <https://friends.org/sites/default/files/2019-04/A%20New%20Vision%20for%20Wildfire%20Planning%202018.pdf>.



kept out of high hazard areas in our forests, rangelands, farmlands, and the WUI. It is time for the land use system to be put to work to keep Oregonians safe from wildfire.

Thank you,

Scott Hilgenberg
Rural Lands Legislative Attorney
1000 Friends of Oregon