



**ODF Wildland-Urban Interface and Statewide Wildfire Risk Mapping  
Rulemaking Advisory Committee (RAC)  
December 16, 2021 Meeting Summary**

**I. Agenda**

Time	Agenda Item																
<b>8:45 – 9:00 a.m.</b> <i>(15 mins)</i>	<i>Pre-Meeting: Project Team Joins Early</i>																
<b>9:00 – 9:15 a.m.</b> <i>(15 mins)</i>	<b>Welcome, Agenda &amp; Materials</b> <ul style="list-style-type: none"> <li>Welcome and Updates from ODF</li> <li>Agenda Review</li> <li>Materials and Meeting Requests</li> </ul>																
<b>9:15 – 9:30 a.m.</b> <i>(15 mins)</i>	<b>Review Updated Workplan</b> <ul style="list-style-type: none"> <li>Poll Questions (Excel)</li> <li>Big Picture RAC Flowchart (PP)</li> </ul>																
<b>9:30 – 9:35 a.m.</b> <i>(5 mins)</i>	<b>Address Rent v. Own Issue: Equity</b>																
<b>9:35 – 10:00 a.m.</b> <i>(25 mins)</i>	<b>Revisit Q #9 &amp; Q#10: Structures and Other Human Development</b>  <b>Poll Question #9 How should “structures” be defined?</b>  <p><b>ODF Recommendation:</b> The department recommends defining “structures” as “a permitted building [greater than 400 SF] on a lot that is used as a place where one or more people sleep.”</p> <p><b>Polling Results from 11-18-21:</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">4</td> <td style="text-align: center;">6</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">Abstain</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> </tr> </table> <p><b>Poll Question #10: How should “other human development” be defined?</b></p> <p><b>ODF Recommendation:</b> The Department recommends defining “other human development” as “essential facilities” (ORS 455.447) [greater than 400 SF] that support community functions, public communication, energy and transportation.”</p> <p><b>Polling Results from 11-18-21:</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">3</td> <td style="text-align: center;">9</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">Abstain</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> </tr> </table>	1	4	6	2	Abstain	1	2	3	1	3	9	0	Abstain	1	2	3
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Abstain	1	2	3														
1	3	9	0														
Abstain	1	2	3														



<b>10:00 – 10:05 a.m.</b> <i>(5 mins)</i>	<i>Mini-Break</i>
<b>10:05 – 10:30 a.m.</b> <i>(25 mins)</i>	<p><b>REVISIT Q #12 In order to protect the homes most at risk from the impacts of wildland fire as it moves into communities, the State must establish and define factors to identify the internal (urban) and external (wildland) boundaries of the WUI. What should they be?</b></p> <ul style="list-style-type: none"> <li>• <b>Recommendation:</b> The Department recommends the following, which are consistent with the regional and federal guidelines:</li> </ul> <p>The WUI is a geographic area with a minimum of one structure or other human development per 40 acres <b>and</b>:</p> <ol style="list-style-type: none"> <li>1. A minimum of 50% wildland or vegetative fuels; <b>or</b></li> <li>2. within 2.4 km <b>(1.5 miles)</b> of an area greater than 5 km<sup>2</sup> <b>(1.9 mi<sup>2</sup>)</b> with a minimum of 75% wildland or vegetative fuels; <b>or</b></li> <li>3. An existing and planned development, within the urban growth boundary or unincorporated communities, that is not identified in (1) or (2) <b>(Question 11)</b>.</li> <li>4. WUI also includes occluded geographic areas with a minimum of one structure or other human development per 40-acres within 2.4 km <b>(1.5 miles)</b> of an area greater than 2.6km<sup>2</sup> <b>(1.0 mi<sup>2</sup>)</b> but less than 5km<sup>2</sup> <b>(1.9 mi<sup>2</sup>)</b> with a minimum of 75% wildland or vegetative <b>[fuels]</b>.</li> </ol>
<b>10:30 – 10:35 p.m.</b> <i>(5 mins)</i>	<i>Stretch-Break</i>
<b>10:35 – 12:45 a.m.</b> <i>(70 mins)</i>	<b>Review Draft Agency Language for Notification, Appeals, public input, and rules.</b>
<b>12:45 – 12:55 p.m.</b> <i>(10 mins)</i>	<b>Public Comment</b>
<b>12:55 – 1:00 p.m.</b> <i>(5 mins)</i>	<b>Process Check-in, if Needed</b>  <b>Next Steps</b> Confirm action items, discuss follow-up, and share topics for next meeting.
<b>1:00 p.m.</b>	<b>Adjourn</b>

## II. Relevant Links

1. Oct. 14<sup>th</sup>, 2021 Official Meeting Record: See, <https://www.oregon.gov/odf/board/Pages/rac.aspx>
2. ODF RAC Website: <https://www.oregon.gov/odf/board/Pages/rac.aspx>



3. **Oregon Explorer Natural Resources Digital Library:** <https://oregonexplorer.info/topics/wildfire-risk?topic=62>
4. **Oregon Explorer Statewide Map:**  
[https://tools.oregonexplorer.info/OE\\_HtmlViewer/index.html?viewer=wildfireplanning](https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=wildfireplanning)

### III. RAC Discussion Protocol on ODF Recommendations

**(Modified During 10-14-21 RAC Meeting)**

1. State Question
2. ODF and/or OSU Recommendation(s)
3. Use: a) OAR, b) Implementation, or c) Both
4. Basis for Recommendation (e.g., the reasoning behind it.)
5. What the Recommendation Does NOT Mean
6. RAC Clarifying Questions
7. Member Discussion with Q&A
8. Preliminary and/or Final Polling
9. Document Result:
  - a) Consensus or No Consensus
  - b) Revisit Next Meeting or Later in Process
10. Reminder: Either Way, Opportunity for RAC Member Comments to Accompany ODF Staff Report to Board



#### IV. Participant Attendance List

Organization	RAC Member	Attended	RAC Alternate	Attended
1000 Friends	Mary Kyle McCurdy	X		
Associated Oregon Loggers	Amanda Astor	X	Rex Storm	
Association of Oregon Counties	Mallorie Roberts	X	Drenda Howatt	X
Association of Oregon County Planning Directors	Holly Kerns	X	Lindsey Eicher or Jill Rolfe	
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison		Tim Vrendenburg	
Department of Land Use & Conservation	Jon Jinings	X	Sadie Carney	X
Hood River County Planning Commission	Leti Moretti			
Jackson County Fire	Robert (Bob) Horton	X		
League of Oregon Cities	Jim McCauley	X		
Office of the State Fire Marshal	Travis Medema	X	Chad Hawkins	
Oregon Farm Bureau	Lauren Smith	X	Mary Anne Cooper	
Oregon Fire Chiefs Association	Nicole Palmateer Hazelbaker	X		
Oregon Fire Marshall's Association	Shawn Olson	X	Tanner Fairrington or Ryan Kragero	X
Oregon Forest Industries Council	Kyle Williams	X	Mike Eliason	
Oregon Home Builders	Mark Long	X	Karna Gustafson	
Oregon Property Owner's Association	Dave Hunnicut	X	Samantha Bayer	
Oregon Small Woodlands Association	Roger Beyer	X		
Oregon State University	Chris Dunn	X		
Oregon State University	Erica Fischer			
Sisters Fire	Roger Johnson	X	Garrett Mosher	X
Special Districts Association	Michele Bradley	X	Jason Jantzi	
Sustainable Northwest	Dylan Kruse	X		
Tualatin Valley Fire	Les Hallman			
Western Environmental Law Center	Pam Hardy	X	Marlee Goska	X
The Nature Conservancy	Amelia Porterfield	X	Kerry Metlen	X
Oregon State University – Institute of Natural Resources	Megan Creutzburg	X		



### Non-Voting Information Sources

ODF	Tim Holschbach	Jenna Trentadue
ODF	Derek Gasperini	Adam Meyer
ODF	Tom Fields	
USFS	Ian Rickert	
BLM	Richard Parrish	

### Visitors

Jim Kelly— Chair, Board of Forestry
Andy McEvoy
Chase Browning
Clara Butler
Doug Grafe
Myrica McCune
Peggy Lynch
503-939-8478

### Facilitator

Sam Imperati, ICM resolutions
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## V. Polling

**Poll Question #12:** In order to protect the homes most at risk from the impacts of wildland fire as it moves into communities, the state must establish and define factors to identify the internal (urban) and external (wildland) boundaries of the WUI. What should they be?

**ODF Recommendation:** The Department recommends the following, which are consistent with the regional and federal guidelines: The WUI is a geographic area with a minimum of one structure or other human development per 40 acres and:

1. A minimum of 50% wildland or vegetative fuels; or
2. within 2.4 km of an area greater than 5 km<sup>2</sup> (1.9 mi<sup>2</sup>) with a minimum of 75% wildland or vegetative fuels; or
3. An existing and planned development, within the urban growth boundary or unincorporated communities, that is not identified in (1) or (2) (Question 11).
4. WUI also includes occluded geographic areas with a minimum of one structure or other human development per 40-acres within 2.4 km (1.5 miles) of an area greater than 2.6 km<sup>2</sup> (1.0 mi<sup>2</sup>) but less than 5 km<sup>2</sup> (1.9 mi<sup>2</sup>) with a minimum of 75% wildland or vegetative fuels.

Organization	Contact Person	Not Here	Abstain = 0	1	2	3
1000 Friends	Mary Kyle McCurdy			X		
Associated Oregon Loggers	Amanda Astor/ Rex Storm				X	
Association of Oregon Counties	Mallorie Roberts/ Drenda Howatt					
Association of Oregon County Planning Directors	Holly Kerns / Lindsey Eicher or Jill Rolfe					X
Cow Creek Band of Umpqua Tribe of Indians	Jason Robison/ Tim Vrendenburg	X				
Department of Land Use & Conservation	Jon Jinings / Sadie Carney				X	
Hood River County Planning Commission	Leti Moretti	X				
Jackson County Fire	Robert (Bob) Horton					
League of Oregon Cities	Jim McCauley			X		
Office of the State Fire Marshal	Travis Medema/ Chad Hawkins					
Oregon Farm Bureau	Lauren Smith/Mary Anne Cooper					X
Oregon Fire Chiefs Association	Nicole Palmateer Hazelbaker					
Oregon Fire Marshall's Association	Shawn Olson / Tanner Fairrington or Ryan Kragero			X		



Oregon Forest Industries Council	Kyle Williams/ Mike Eliason				X	
Oregon Home Builders	Mark Long/ Karna Gustafson				X	
Oregon Property Owner's Association	Dave Hunnicut / Samantha Bayer					X
Oregon Small Woodlands Association	Roger Beyer					X
Oregon State University	Chris Dunn					
Oregon State University	Erica Fischer	X				
Sisters Fire	Roger Johnson/Garrett Mosher			X		
Special Districts Association	Michele Bradley / Jason Jantzi			X		
Sustainable Northwest	Dylan Kruse			X		
Tualatin Valley Fire	Les Hallman	X				
Western Environmental Law Center	Pam Hardy/ Marlee Goska			X		
The Nature Conservancy	Amelia Porterfield/ Kerry Metlen			X		
Oregon State University – Institute of Natural Resources	Megan Creutzburg					
	<b>TOTALS:</b>	<b>4</b>		<b>8</b>	<b>4</b>	<b>4</b>
	<b>CODE</b>	<b>Not Here</b>	<b>Abstain</b>	<b>1</b>	<b>2</b>	<b>3</b>

**NOTE:** During the meeting, the results were shown as 9-4-4. The above reflects the removal of one “1” “vote” because a RAC member and their alternate both “voted” “1.”

**RESULT: No consensus**

**Summary of Major Reasons in Support:** See Meeting Recording

**Minority Proposal:** See Meeting Recording

**Summary of Major in Reasons in Opposition:** See Meeting Recording



## VI. Meeting Chat

**09:01:55 From Jon Jinings, DLCD:**

Good Morning, Everyone!!! Jon Jinings, DLCD

**09:14:55 From RAC, Amanda Astor - AOL:**

Thanks OSU for adding in much of our conversation from the last meeting in the flowchart. It is really coming together!

**09:18:53 From Adam Meyer - ODF:**

(7) The map must:

- (a) Be based on the wildfire risk classes.
- (b) Be sufficiently detailed to allow the assessment of wildfire risk at the property ownership level.
- (c) Include the boundaries of the wildland-urban interface, as defined in ORS 477.015, consistent with national standards.
- (d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.

**09:19:09 From Adam Meyer - ODF:**

Section 7: fire risk

**09:20:59 From ALT RAC - Sadie Carney (she/her) DLCD:**

How would that work with the incorporation of local CWPP and NHMP into the map (per ODFs proposed appeal language?) -

**09:25:29 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

Renters make up about t38% of all Oregon households. Not to include them leaves out so many Oregonians.

**09:25:42 From RAC - Pam Hardy, WELC:**

Agree with Amelia: Renters are frequently more economically vulnerable than owners, and need to be included in any notice, and in the community of folks we need to be protecting.

**09:27:03 From RAC - Pam Hardy, WELC:**

Question: How is the Microsoft data set modified by DOGAMI?

**09:29:20 From RAC - Chris Dunn, Oregon State University:**

Here's the DOGAMI report: [https://www.oregongeology.org/pubs/dds/sbfo/SBFO\\_1\\_report.pdf](https://www.oregongeology.org/pubs/dds/sbfo/SBFO_1_report.pdf)





**09:31:07 From Jon Jinings, DLCD:**

Can the language be shared on the screen again?

**09:31:19 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

I agree with Jim

**09:31:59 From Alt RAC Tanner Fairrington - OFMA:**

The department recommends defining “structures” as “a permitted building [greater than 400 SF] on a lot that is used as a place where one or more people sleep.”

**09:32:04 From Alt RAC Tanner Fairrington - OFMA:**

The Department recommends defining “other human development” as “essential facilities” (ORS 455.447) [greater than 400 SF] that support community functions, public communication, energy and transportation.”

**09:36:07 From Holly Kerns, AOC PD - RAC:**

ORS 92.010 includes this in the definition section: (3)(a) “Lawfully established unit of land” means:

(A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

(B) Another unit of land created:

(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

(b) “Lawfully established unit of land” does not mean a unit of land created solely to establish a separate tax account.

**09:36:42 From Alt RAC | Kerry Metlen | The Nature Conservancy:**

NWCG glossary <https://www.nwcg.gov/glossary/a-z/sort/s?combine=> Structure: A constructed object, usually a free-standing building above ground.

Structure “that which is built or constructed” from CA building codes

<https://codes.iccsafe.org/content/CBC2019P4/chapter-2-definitions>

**09:37:02 From RAC - Pam Hardy, WELC:**

I’m not clear on why we need to include tax lot, parcel, or unit of land. What structure is anywhere else? Is this meant to exclude structures on public lands?



**09:41:16 From Holly Kerns, AOC PD - RAC:**

I echo Pam's question, and don't see how the sentence would suffer from removing "lot" or any other substituted term

**09:41:33 From Jon Jinings, DLCD:**

Thanks, Pam. Public lands are also included in tax lots. The lot or parcel thing is less clear. I would be interested to know what Holly, Dave H, MKM, others might think about that.

**09:43:59 From ALT RAC - Sadie Carney (she/her) DLCD:**

To Jon's earlier point, and to support this comment: "State law defining the maximum square foot size for a travel trailer is inconsistent. Some states limit a travel trailer to 320 square feet while others set the maximum at 400 square feet. The maximum size of a travel trailer in the National Fire Protection Association's (NFPA) 1192 Standard on Recreational Vehicles is 400 square feet."

<https://www.rvia.org/advocacy/policies/dimensions>

**09:44:36 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

I am evolving with Holly! Why have a term of lot/parcel/unit of land at all? (MKM)

**09:44:52 From RAC - Amelia Porterfield - TNC:**

Essential facility" means:

- (A) Hospitals and other medical facilities having surgery and emergency treatment areas;
- (B) Fire and police stations;
- (C) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- (D) Emergency vehicle shelters and garages;
- (E) Structures and equipment in emergency-preparedness centers;
- (F) Standby power generating equipment for essential facilities; and
- (G) Structures and equipment in government communication centers and other facilities required for emergency response.

**09:45:06 From RAC-Lauren Smith, OFB:**

ORS 455.447

Regulation of certain structures vulnerable to earthquakes and tsunamis

**09:45:19 From RAC - Jim McCauley, LOC:**

ORS 455.447

Regulation of certain structures vulnerable to earthquakes and tsunamis



**09:45:24 From ALT RAC - Sadie Carney (she/her) DLCD:**

Lauren Smith is correct.

**09:45:56 From RAC: Dylan Kruse - SNW:**

Thanks for bringing it up Jim. This is helpful

**09:46:18 From ALT RAC - Sadie Carney (she/her) DLCD:**

A natural hazard defined in DLCD's Goal 7, but one that is intended to support development in communities potentially impacted by a once in a lifetime hazard event. Not an annual/perpetual risk.

**09:46:38 From ALT RAC - Sadie Carney (she/her) DLCD:**

Sorry - Tsunami inundation zone is a nat haz in Goal 7

**09:48:41 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

Definitely NOT tax lot. A single ownership could have multiple tax lots underlying it.

**09:49:08 From RAC-OFMA-Shawn.Olson:**

Correction, My recommendation to include for 455.447 (a),(b),(c), and (e). Not (d). Thank you, Shawn

**09:52:17 From Holly Kerns, AOC PD - RAC:**

Hi Shawn, thank you for that. Do you mind clarifying your thoughts about why including a, b, c and e, but not e, f or g? I'm interested in hearing more about that. Thank you

**09:52:46 From Jon Jinings, DLCD:**

@ Holly - Do counties use tax lots as the primary source of identifying the properties and addresses for lands to notice through the customary land use process?

**09:53:31 From Holly Kerns, AOC PD - RAC:**

Hi Jon, for the purposes of notice, yes

**09:55:25 From RAC - Pam Hardy, WELC:**

I would support what Sam just suggested.

**09:55:25 From Tom Fields (ODF):**

Not sure if this is helpful, but SB 360 asked for either tax lot number or parcel number, depending on how counties tracked information.



**10:02:12 From Dave Hunnicutt - OPOA:**

You can include the federal lands in the WUI, but I don't believe that any of the state regulations (OSFM, DCBS, LCDC) will apply to those properties, absent federal authorization.

**10:02:51 From RAC-OFMA-Shawn.Olson:**

Hi Holly, 1 (a), (b), (c) and (e) refer to specific types of buildings as vulnerable to natural hazards and disasters. Section 1(d) defines seismic hazards. Does that answer your question? Thank you Holly.

**10:03:05 From Kyle Williams RAC (OFIC):**

I agree Dave, other than game laws, I can't think of many examples where states are able to dictate management on federal lands.

**10:03:29 From ALT RAC - Sadie Carney (she/her) DLCD:**

[https://oregon.public.law/statutes/ors\\_455.447](https://oregon.public.law/statutes/ors_455.447)

**10:03:38 From Holly Kerns, AOC PD - RAC:**

Thank you Shawn!

**10:05:07 From Jon Jinings, DLCD:**

Thanks, Dave. I think that depends. Many USFS Districts have mou's with local governments to comply with state and local land use regulations. Also, building codes are often applied to buildings constructed on public lands.

**10:07:43 From RAC\_Roger Beyer\_OSWA:**

I agree with Dave, Amanda and Lauren.

**10:11:56 From RAC - Pam Hardy, WELC:**

Suggestion: Keep 400 sq feet in the definition of structure, but remove it from the definition of "other human development."

Proposed language: "structures are buildings requiring a land use permit that are 400 sq feet or larger."

Admittedly, this might require a later distinction: structures greater than 400 sq feet that are used for sleeping or schools, may require different defensible space than barns, utility buildings, large outhouses or such things.

**10:13:25 From Holly Kerns, AOC PD - RAC:**

Does anyone mind posting the WUI definition in the chat? I can't put my hands on it quickly



**10:13:51 From RAC - Chris Dunn, Oregon State University:**

Keep in mind, we have datasets on building footprints, not "where people sleep" footprints. There are some attributed datasets, not from Microsoft, to help narrow this but it's not consistent everywhere in the state and I have not explored it fully yet. I can make a QUI map so long as "other human development" includes other buildings. My comment is about mapping the WUI, not what would be regulated as needing defensible space or hardening standards. If someone has another dataset to look at where people sleep, then I'd be happy to explore its use.

**10:14:29 From ALT RAC - Sadie Carney (she/her) DLCD:**

Here you go, Holly. WUI Definition: "Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels."

**10:14:52 From RAC, Amanda Astor - AOL:**

Thanks for the context Chris.

**10:15:42 From Alt RAC | Kerry Metlen | The Nature Conservancy:**

+1 if it contributes to fire spread it needs to be considered in the evaluation of wildfire risk

**10:16:36 From RAC - Amelia Porterfield - TNC:**

A suggestion: Structure is "a building greater than 400 sq ft intended for supporting or sheltering any occupancy"

**10:16:44 From RAC-OFMA-Shawn.Olson:**

Sorry all. Juggling family stuff. Shawn

**10:17:05 From RAC - Chris Dunn, Oregon State University:**

We all wish we had perfect data about everything. We have good data, but nothing is perfect and the details we desire are sometimes missing.

**10:18:27 From ALT RAC - Sadie Carney (she/her) DLCD:**

Thank you, Tanner. For your work on behalf of Oregon. I think your perspective on these risks to community are so important.

**10:18:52 From Dave Hunnicutt - OPOA:**

To Chris' point, how are ODF/OSU going to determine where people congregate?

**10:20:14 From Dave Hunnicutt - OPOA:**

And what does it mean to congregate, particularly if we take out "permitted"? If you keep "permitted" at least the agency could rely on county land use data.



**10:28:32 From RAC - Pam Hardy, WELC:**

Dave makes some good points. Including the use in the definition of structure is tough to regulate, and it's not in the Microsoft data set. Hence my recommendation above.

**10:30:08 From Alt RAC Tanner Fairrington - OFMA:**

Thank you, Sadie!

**10:34:09 From Jon Jinings, DLCD:**

Thanks, Sam. If things are going to be included either way we would encourage language that is in keeping with the plain understanding of particular terms, as well as existing law (local ordinances, state statutes and administrative rules).

**10:38:27 From RAC - Megan Creutzburg, Inst for Natural Resources:**

Totally agree with Chris that the WUI mapping and defensible space regulations are very different conversations

**10:38:56 From Alt RAC | Kerry Metlen | The Nature Conservancy:**

+1 we need to make a map. Individual buildings that codes apply to seem to fall under implementation by the Fire Marshal

**10:40:19 From Dave Hunnicutt - OPOA:**

If we don't have a sq footage limitation, wouldn't we get a Home Depot shed? It's a building. And as Chris said, including a Home Depot shed would change the density calculations. If we're going to change these definitions, we definitely need to go back and rethink the 1/40 density requirements.

**10:41:07 From RAC - Pam Hardy, WELC:**

Home Depot sheds are going to be inside the UGB anyway.

**10:41:44 From Dave Hunnicutt - OPOA:**

Not if they're sited on parcels outside the UGB

**10:41:55 From Jon Jinings, DLCD:**

Thanks, Dave. Only if we accept a definition of "structure" that means just dwellings.

**10:42:41 From RAC - Pam Hardy, WELC:**

In my experience, that's pretty rare.



**10:43:13 From RAC, Amanda Astor - AOL:**

At what point can we start getting visual representations on how these definitions will change what the WUI boundary and what will be regulated?

**10:43:33 From RAC, Amanda Astor - AOL:**

\*WUI boundary will look

**10:43:45 From Jon Jinings, DLCD:**

That, Amanda, is a great question.

**10:43:50 From Dave Hunnicutt - OPOA:**

I'll take you on a tour of my rural residential neighborhood Pam 😊

**10:44:14 From RAC - Pam Hardy, WELC:**

Fair enough.

**10:45:41 From Jon Jinings, DLCD:**

Home Depot Stores are in UGB's. Sheds that Home Depot Stores sell are all over the place. They also seem to be popping up as pseudo Accessory Dwelling Units.

**10:48:07 From RAC-OFMA-Shawn.Olson:**

Tanner will be in place for the remainder of this meeting. Take care everyone, Shawn

**10:48:32 From Jon Jinings, DLCD:**

Thanks, Shawn. You take care as well.

**10:50:36 From RAC - Megan Creutzburg, Inst for Natural Resources:**

Wasn't there a proposal at one point to just list out what is excluded from the definitions? If we're essentially circling around the question of how do you make sure a fence post or an unoccupied outbuilding or shed doesn't require defensible space, can we state several things that are excluded from the definition rather than coming up with a definition that includes everything else?

**10:58:53 From RAC - Megan Creutzburg, Inst for Natural Resources:**

I would like to express my support for a cocktail party as suggested by Sam :)

**10:59:41 From Jon Jinings, DLCD:**

Me too!!!



**11:04:35 From RAC - Megan Creutzburg, Inst for Natural Resources:**

Jon's voice is breaking up on my audio, is that happening for anyone else?

**11:05:20 From RAC - Megan Creutzburg, Inst for Natural Resources:**

Never mind, must be me

**11:06:09 From Jon Jinings, DLCD:**

Megan - You are probably the envy of everyone right now.

**11:06:53 From Tim Holschbach:**

Recommendation: The Department recommends the following, which are consistent with the regional and federal guidelines:

The WUI is a geographic area with a minimum of one structure or other human development per 40 acres and:

1. A minimum of 50% wildland or vegetative fuels; or
2. within 2.4 km (1.5 miles) of an area greater than 5 km<sup>2</sup> (1.9 mi<sup>2</sup>) with a minimum of 75% wildland or vegetative fuels; or
3. An existing and planned development, within the urban growth boundary or unincorporated communities, that is not identified in (1) or (2) (Question 11).
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**11:08:21 From Dave Hunnicutt - OPOA:**

3 - without defining "structures" or "other human development" this definition is really void of meaning. Since it will be used for regulatory purposes, I can't support it.

**11:08:36 From Kyle Williams RAC (OFIC):**

I still prefer something with a lower density threshold, 1 per 10 for example. It's also challenging to vote a 1 on this without knowing what a structure will be defined as.

**11:09:30 From RAC\_Roger Beyer\_OSWA:**

same reasons I gave last meeting and agree with Dave and Kyle

**11:09:32 From RAC, Amanda Astor - AOL:**

2 - I would like to see how the actual polygon/geographic area would change with the lower interface distance.

**11:09:37 From RAC-Lauren Smith, OFB:**

I agree with Kyle and Dave





**11:10:31 From Jon Jinings, DLCD:**

DLCD was a 2. I think it might be useful to use acres rather than square miles (about 1,220?). We are fine with #3, as written. If the intention is to administer that differently we should talk more about it. Dave also has a good point about settling on the previous definitions.

**11:14:36 From Holly Kerns, AOC PD - RAC:**

I continue to have concerns that we are using a density that defies the plain language of the term "urban" in WUI, and would like to see future conversation around this. I share similar concerns as those expressed above- while I understand the methodology explanation, I don't understand what a structure or other human development is at this point, which means I can't reason through the methodology in a way I can understand or explain to others. I would like to further explore the geographic area conversation, that is critical to this concept. I do think we're on the right track for how we're looking at wildland and vegetative fuels. Thank you for all the work on this, I look forward to more refining discussions.

**11:15:39 From RAC - Chris Dunn, Oregon State University:**

I will do my best to generate examples for the RAC like we did with the wildfire risk. However, I need to know which variables to adjust. If it's simply structure density, that could be quick. If it's structure density with variable vegetation cover then we are going from 2 examples to 4 examples if we only compare two cover classes. If it's structure density (2) plus vegetation cover classes (2) plus different distances from large vegetation blocks (2) also, then we'll have 8 examples, although in reality we'll be walking through 2, 4, and 8 examples (14) to really see the implications of each decision. This grows if each decision point has 3 different examples, or more. And it grows if we add more questions of interest (e.g., < 400 sq ft buildings) or add overlays of wildfire risk (from existing fire behavior estimates). As you can see, this blows up fast and that's why it's hard to determine an exact time to completion. And we don't even have scenarios on the table, except the suggestions put forth.

**11:18:03 From Jon Jinings, DLCD:**

Regarding notice, it might be useful to include an explanation of why the state is doing this and what it is intended to accomplish. As I understand it, only property owners are eligible to appeal, which makes sense. Counties may be able to identify when a property owner mailing address is different than the property's physical address, which would indicate when a property is not owner occupied. However, sending renters notice of an ability to appeal could be confusing.

**11:21:16 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

The wording of the notice is important, but I don't think we are trying to draft that here. I hope that the ODF public engagement folks can figure out how to explain the context.



**11:24:27 From ALT RAC - Sadie Carney (she/her) DLCD:**

If this is an opportunity to circle back to the question about how the CWPPs and NHMPs would be used vis a vis the appeals process at this point, I think it's an important point for local planning efforts and fire adapted outcomes.

**11:24:51 From ALT RAC - Sadie Carney (she/her) DLCD:**

(and may have impacts on the flowchart, if I'm imagining the outcome correctly.)

**11:26:08 From Jon Jinings, DLCD:**

I agree that Public Input is important. See Statewide Planning Goal 1. I'm wondering, however, if the appeals section of the rule is the best place to consider existing local programs.

**11:26:17 From Sam Imperati:**

I'll pick that up after he finishes the section.

**11:27:16 From ALT RAC - Sadie Carney (she/her) DLCD:**

For the folks who are not land use nerds: <https://www.oregon.gov/lcd/OP/Pages/Goal-1.aspx>

**11:27:33 From ALT RAC - Sadie Carney (she/her) DLCD:**

Goal 1 addresses community engagement in land use decision making.

**11:33:45 From RAC - Jim McCauley, LOC:**

I'm in the same place. May be might be better than Shall be

**11:34:23 From ALT RAC - Sadie Carney (she/her) DLCD:**

Agree with Jim, at the very least an optional inclusion should be described as "may"

**11:35:35 From RAC - Amelia Porterfield - TNC:**

Great points Pam

**11:35:59 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

I agree with Pam on including broader public engagement opportunities.

**11:36:28 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

And agree with what Sam said about opportunity for public input

**11:37:01 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

Good point, Amelia



**11:48:25 From RAC - Pam Hardy, WELC:**

Mary Kyle makes good points: A hearings officer would be more consistent, transparent, and cost effective.

**11:48:30 From ALT RAC - Sadie Carney (she/her) DLCD:**

Can someone remind me what time of year the Risk Assessment Maps have traditionally been updated?

**11:54:07 From RAC - Megan Creutzburg, Inst for Natural Resources:**

Sadie, the risk map is updated every 5 years or so. I'm not sure there's a specific time of year that would happen each time, it is a time-consuming process. Chris can correct me if I'm wrong

**11:56:24 From Dave Hunnicutt - OPOA:**

The only concern I have with using a hearings officer is that 1) it's expensive to the agency and 2) it seems an awful lot like a contested case proceeding, not an order in other than a contested case. If we're going down that road, there are provisions in the OAPA that address contested case proceedings already, so you can likely just reference those proceedings. We would prefer orders in other than contested cases, however.

**11:58:48 From ALT RAC - Sadie Carney (she/her) DLCD:**

Hi, Mary Anne!

**11:59:22 From RAC-Lauren Smith, OFB:**

OFB is having our staff holiday party just outside my office door :)

**12:01:01 From Sam Imperati:**

Why wasn't the RAC invited?

**12:01:11 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

That's helpful Tim. I think it highlights the need for a consistent Hearings Officer approach. Property owners can and should have informal conversations with ODF staff to understand why their property is designated in one category or another. That might decrease appeals, but as Tim said, there might likely be quite a few appeals, at least in the beginning. Using a hearings officer to handle these will, it seems, be more efficient and therefore more cost effective than ODF staff taking time from their regular job to handle these. And as I said, that can lead to inconsistencies.

**12:03:34 From Dave Hunnicutt - OPOA:**

Not sure why we're reinventing the wheel. There's an appeal process for agency decisions now in the OAPA. The agency's decision is either a contested case order or an order in other than a contested case.



There are processes for each, and I'm not sure that the agency can adopt rules that are inconsistent with those processes.

**12:04:39 From Dave Hunnicutt - OPOA:**

Seems like what we should be debating is whether the decision by ODF on an appeal is going to result in a contested case proceeding or an order in other than a contested case.

**12:08:15 From Jon Jinings, DLCD:**

Dave - Are both approaches (contested case or something other) subject to judicial review? This is different from the land use process so I'm not as familiar with it.

**12:09:34 From RAC - Michele Bradley, SDAO:**

Apologies - I have to hop off for a doctor appointment. Hope you all have a great end of 2021.

**12:09:52 From Dave Hunnicutt - OPOA:**

Yes. A contested case order is reviewed at the agency level by an ALJ, and then appealed to the Court of Appeals. An agency order in other than a contested case is appealed de novo to the local circuit court, with the possibility of a subsequent appeal to the Court of Appeals. Contested case orders are formal. Other than contested case procedures are not.

**12:10:34 From Dave Hunnicutt - OPOA:**

I agree with Tim - orders in other than contested cases are more appropriate, IMO.

**12:10:39 From Jon Jinings, DLCD:**

Thanks for the explanation!

**12:11:55 From Jon Jinings, DLCD:**

I also agree with Mary Kyle.

**12:15:42 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

That's not what I am suggesting, and it is not what LCDC uses, when they use a HO

**12:15:59 From RAC Mary Kyle McCurdy 1000 Friends (she/her):**

"That is not..."

**12:16:59 From RAC - Jim McCauley, LOC:**

Not an attorney, planner, etc. Not sure I could even offer a vote or perspective.



**12:17:47 From Dave Hunnicutt - OPOA:**

I give my proxy to McCauley

**12:18:31 From Jon Jinings, DLCD:**

Why not Jinings!?!?!?

**12:19:26 From Peggy Lynch (she/her) LWVOR:**

Great conversations again today. Thanks for your expertise and moving to helping Oregon be a safer place for all!

**12:26:54 From ALT RAC - Sadie Carney (she/her):**

Timeline would be very helpful!