

## **Board of County Commissioners Business Meeting Minutes – DRAFT**

A complete video copy and packet including staff reports of this meeting can be viewed at <https://www.clackamas.us/meetings/bcc/business>.

**Thursday, March 6, 2025 – 10:00 AM**

In person and via virtual technology (Zoom)

**PRESENT: Vice Chair Paul Savas  
Commissioner Martha Schrader  
Commissioner Ben West**

### **CALL TO ORDER**

#### **I. PUBLIC COMMUNICATION**

*In Person:*

**Shirley Morgan** (Welches) – Wildfire Risk Map

**Rick Dodge** (Milwaukie) -- Commissioner Fireside

**Collin Cambridge** (Canby) -- Commissioner Fireside

**Mark Reaksecker** (Oregon City) -- Commissioner Fireside

**Rick Riley** (Damascus) -- Commissioner Fireside

**Renel Muro** (Canby) -- Commissioner Fireside

**Les Poole** (Clackamas) – Portland Water Bureau New Plant Construction

**Stephen Hunter** (Wilsonville) -- Commissioner Fireside

**Erin Fernald** (Oregon City) –Employees’ Association Kaiser Premiums

**Natalie Luttmmer** (Happy Valley) –Employees’ Association Kaiser Premiums

**Lyneil Vandermoken** (Tualatin) – Commissioner Fireside

**Maria Magallon** (Molalla) –Employees’ Association Kaiser Premiums

**Aubrey DeVore** – Children of Incarcerated Parents

**Samantha Ferris** (Canby) – Children of Incarcerated Parents

**Glenda Scherer** (Gladstone) – Commissioner Fireside

**Paul Fruin** (Wilsonville) – Commissioner Fireside

**Rae Gordon** (Oregon City) – Commissioner Fireside

**Asa Hoffman** (Milwaukie) – Commissioner Fireside

**Alex Gonzalez** (Oregon City) -- Employees’ Association Kaiser Premiums

*Virtual:*

**Eileen Aguilar**

**Toni Cannon** –Employees’ Association Kaiser Premiums

**Erica Wegener** –Employees’ Association Kaiser Premiums

**Andreina N** –Employees’ Association Kaiser Premiums

**Shelli Johnson** –Employees’ Association Kaiser Premiums

**Mary Cook** –Employees’ Association Kaiser Premiums

**Commissioner West moved “that the Board of County Commissioners temporarily suspend Commissioner Fireside's pay as of March 2nd, 2025, pending further review by County Counsel regarding Commissioner Fireside's administrative leave announcement.” Commissioner Schrader seconded.**

**The motion passed 3-0-2.**

## **II. PUBLIC HEARINGS**

- A. Approval of Boundary Change Proposal No. 2024-006 to annex territory located on SE Kelso Road, Boring into the Boring Water District. No fiscal impact. No County General Funds are involved.

**Vice Chair Savas opened the meeting for public testimony on the annexation.**

**Tracy Brown (Virtual) offered his expertise as the land use planner assisting the applicants for any questions about the application.**

**Commissioner Schrader moved to approve the annexation and Commissioner West seconded. The motion passed 3-0-2.**

## **III. CONSENT AGENDA**

### **A. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

### **B. County Administration**

1. Approval of an Amendment to the Clackamas County Courthouse Phase II Funding Agreement with the State of Oregon. Amendment Value is \$45,000,000. Total Agreement Value is \$139,500,000. Funding is through State of Oregon Article XI-Q Bonds. No County General Funds are involved.

**C. Technology Services**

1. Approval of a Revenue Grant Agreement with the Oregon Department of Emergency Management for funds to procure cybersecurity software. Agreement Value is \$148,000 for 2 years. Funding is through the US Department of Homeland Security. No County General Funds are involved.

**D. Health, Housing & Human Services**

1. Approval of a Revenue Behavioral Health Services Agreement with Trillium Community Health Plan for behavioral health services, including peer and mobile crisis services. Agreement Value is \$856,139.30 for 2 years. Funding is through the Oregon Health Plan. No County General Funds are involved.
2. Approval of a Personal Services Contract with Eleos Health for the Eleos CareOps automated provider documentation platform. Contract Value is \$322,400 for 3 years. Funding is through CareOregon. No County General Funds are involved.
3. Approval of a Revenue Agreement with CareOregon for the Eleos CareOps automated provider documentation platform. Agreement Value is \$322,400 for 2 years. Funding is through CareOregon. No County General Funds are involved.
4. Approval of a Grant Renewal Application to the US Department of Labor for the Homeless Veterans' Reintegration Program. Grant Value is \$900,000 for 3 years. Funding is through the US Department of Labor. No County General Funds are involved.
5. Approval of a Grant Renewal Application to Oregon State University for parenting education and support programming. Grant Value is \$571,000 for 2 years. Funding is through Oregon State University. No County General Funds are involved.
6. Approval of an Intergovernmental Grant Agreement with the Oregon Health Authority Alcohol and Drug Policy Commission for soliciting youth feedback about substance use prevention programs. Agreement Value is \$10,000 for 6 months. Funding is through the Oregon Health Authority. No County General Funds are involved.
7. Approval of an Amendment to an Intergovernmental Agreement with the Oregon Health Authority for personnel, training and equipment related to the 23-Hour Crisis Stabilization Center. Amendment Value is \$461,902 for 12 months. Total Agreement Value is \$17,469,497 for 18 months. Funding is through the Oregon Health Authority. No County General Funds are involved.

8. Approval of an Amendment to a Revenue Intergovernmental Agreement with the Oregon Health Authority for tobacco prevention and education programs. Amendment Value is \$35,926 for 6 months. Total Agreement Value is \$12,397,424.76 for 2 years. Funding is through the Oregon Health Authority. No County General Funds are involved.
9. Approval of an Intergovernmental Agreement with the Oregon Department of Transportation for the purchase and installation of detachable ski boxes on the Mt Hood Express. Agreement Value is \$32,016 for 2 years. Funding is through the Oregon Department of Transportation and a required match of \$10,000 of Statewide Transportation Improvement Funds. No County General Funds are involved.
10. Approval of a Change Order with ASA Construction for excavation and installation of low point drains and vents at Clackamas Village. Change Order value is \$92,045 for 3 months. Total Contract Value is \$3,792,673 for 13 months. Funding is through Supportive Housing Services Measure funds. No County General Funds are involved.

#### **E. Transportation & Development**

1. Approval of a Lease Renewal with River City Boat Sales for facilities at Boones Ferry Marina. Renewal Value is \$1,205,258 for 5 years. Total Lease Value is \$2,262,332 for 10 years. Funding is through River City Boat Sales. No County General Funds are involved.
2. Approval of Grant Funding Agreements with Zenner's Quality Meat Products, Cranston Machinery Company, Allied Technologies International, and Photo Solutions for business development grant awards. Total Combined Value of all four agreements is \$183,000. Funding is through state lottery dollars. No County General Funds are involved.
3. Approval of an Intergovernmental Agreement with Washington County for the Stafford-65th-Elligsen Roundabout Project. Agreement Value is \$1,750,000 for 6 years. Funding is through Washington County. No County General Funds are involved.

#### **F. Finance**

1. Approval of a Supplemental Budget Resolution for Fiscal Year 2024-25. The fiscal impact is a net increase in appropriations of \$4,582,298; including Beginning Fund Balance, Charges for Services, Federal/State/Local funding, and Other Interfund Transfers. No County General Funds are involved.

**Commissioner Schrader moved to approve the Consent Agenda and Commissioner West seconded. The motion passed 3-0-2.**

#### **IV. WATER ENVIRONMENT SERVICES CONSENT AGENDA**

- A. Approval of an Intergovernmental Agreement with Happy Valley, Gladstone, Milwaukie, Oregon City, West Linn, Wilsonville, Lake Oswego, Johnson City, and Oak Lodge Water Services for Municipal Stormwater Permit compliance support, including mercury monitoring. Agreement Value is \$56,060 for 5 years. Funding is through WES Surface Water Operating Funds and reimbursements by the parties. No County General Funds are involved.

**Director West moved to approve the Water Environment Services Consent Agenda and Director Schrader seconded. The motion passed 3-0-2.**

#### **V. COUNTY ADMINISTRATOR UPDATE**

Administrator Schmidt updated the Board on the one document he signed during the Board's recess.

1. **Disaster Management:** Approval of a Grant Application to Oregon Emergency Management for a Phase II flood mitigation feasibility study on the upper Sandy River. Grant value is \$290,943. Funding is through the Federal Emergency Management Agency and a required 25% match of \$72,735.75 in budgeted County General Funds.

#### **VI. COMMISSIONER COMMUNICATIONS**

Commissioner Schrader made comments on the National Association of Counties Legislative Conference in Washington, D.C., and her ideas on a youth/student internship program.

Commissioner West made comments on the National Association of Counties Legislative Conference in Washington, D.C., and on holding potential evening Business Meetings.

Vice Chair Savas made comments on the County's budget and 30 year outlook as a result of the new courthouse.

**Vice Chair Savas adjourned the meeting at 12:11 PM**





TO: Clackamas Chair Roberts, Commissioners: Savas, Schrader, West, Fireside

**3-6-25-For Public Record**

**Enclosed:**

- Review of SB762-106,000 registered letters sent to property owners page 1
- The Impacts page 2
- SB82 Insurance not allowed to use Oregon Wildfire Map page 2
- Oregon Wildfire Hazard/Risk Map background & re-evaluation of name page 3
- Community Push-back-name change recommendation page 3-5
- Other Issues Common Sense page 6-7
- Reference information and articles page 8-10
- Other important articles **"THE DAMAGE IS ALREADY DONE"** page 11-19
- Letter from my insurance agency page 20
- Wildfire Hazard Map page 21
- Clackamas County CMap shows I live in moderate wildfire risk area page 22



**OREGON DEPARTMENT OF FORESTRY SENT 106,000 REGISTERED LETTERS SB762**

[Senate Bill 762](#) is comprehensive legislation passed with bipartisan support that will provide more than **\$220 million** to help Oregon modernize and improve wildfire preparedness through three key strategies: **creating fire-adapted communities, developing safe and effective response, and increasing the resiliency of Oregon's landscapes**. The bill is the product of years of hard work by the Governor's Wildfire Council, the Legislature, and state agencies.

The legislation provides direction and investment to many state agencies. For the Board of Forestry and the Department of Forestry the bill, **among other things, provides legislative direction regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire**; directed the Department to review and **clarify the enforcement of rules** pertaining to forestland; baseline standards for unprotected and under-protected lands in Oregon; and **establishes grant programs to improve forest restoration and resiliency**.

Below is more detailed information about programs and work related to implementing Senate Bill 762:

- [Wildland-urban interface and wildfire hazard map](#)
- [Prescribed fire](#)
- [20-Year Strategy](#)
- [Landscape Resiliency Program](#)
- [Small Forestland Grant Program](#) <https://www.oregon.gov/odf/Pages/sb762.aspx>

On January 7<sup>th</sup> the Oregon Department of Forestry sent **over 106,000 certified letters** to property owners who ODF designated as a **High Wildfire Hazard**. Included in this letter was information on how to help mitigate wildfires, noting that they could be subject to new building codes and landscape regulations.



## THE IMPACTS

On January 29<sup>th</sup> I filed an appeal which is due March 10<sup>th</sup>, as well as hundreds of other property owners across Oregon and Clackamas County.

- Property owners around the state are receiving price increases, non-renewals, and cancellations from insurance companies, even though insurance companies are touting that they did not use Oregon’s new Wildfire Risk/Hazard map.
  - Is it a **coincidence** that insurance companies are increasing premium rates and sending non-renewals, cancellations, and will not insure those who call, to property owners who have been identified as being located in a Wildfire Hazard/Risk map area? There are no coincidences.
- Rep. McLane-District 30 (Baker, Crook, Grant, Harney, Lake, Malheur, Deschutes, Jefferson Counties) has received an outpouring of feedback related to insurance, land use, and risk classification. [Sen.mikemclane@oregonlegislature.gov](mailto:Sen.mikemclane@oregonlegislature.gov), 503-986-1730



Rep. McLane: My response to new wildfire risk map | The Oregon Catalyst  
<https://search.app/NCYfx3qWVU4H3UQy7>

- My home insurance premium increased 56%, due to **wildfire risk, where** Clackamas Cmap notes it may be at moderate risk. (attached below)
  - My 1176 sq. ft. home is 100’ off of Hwy 26 and 1 mile from the Hoodland Fire Department.
    - In *March of 2024* I purchased a new homeowner’s policy.
    - In *July of 2024* I received a congratulations letter that they had done a site visit and did not find any issues that would impact their continuance of coverage.
    - On *Jan. 15, 2025* they sent me another letter stating that my premium would increase *due to wildfire risk* and that no premium discounts were offered for *wildfire risk mitigation*. (letter attached) Agents also indicated that Oregon gave them approval to increase their rates.
  - The Dorman center property on Salmon River Rd. is now located in the high wildfire risk/hazard area.
- I contacted 15 insurance companies for quotes, they refused to insure, why, “property on high wildfire hazard risk fire line. What fire-line, most of Oregon is a Forest, suggesting that insurance underwriters are using ODF’s wildfire hazard maps to help evaluate rate increases, non-renewals, and cancellations.



## OREGON SENATE BILL SB82

ODF maps accessible on line have become an **influential resource** for underwriters in determining rate increases, non-renewals, or cancellations.

- Yes, SB82 says insurance companies cannot use the ODF maps to increase rates, non-renew, or cancel policies, but SB82 has little clout in providing evidence, enforcement, or defined consequences of whether an insurance company is viewing this map. When asked, companies note they do their own assessments, yet use the same language in their increases & denials and are used in the ODF map.



I'm not an expert in fire safety and I have done what I can to protect my property which is my largest investment, but I am an expert in common sense.



## OREGON WILDFIRE HAZARD/RISK MAP-RE-EVALUATE NAME

Perhaps the Oregon Legislature and the Oregon Department of Forestry could use some common sense to help re-evaluate the language that is used to present the wildfire map, as in both cases they are using language that simply does not match the goal of their original intention of the map.

**GOAL:** The goal of the **Oregon Wildfire Risk/Hazard Map** is to *improve the safety and well-being of communities across Oregon by educating residents about the level of wildfire hazard in their area and prioritizing fire adaptation and mitigation resources for vulnerable locations:*

### Wildfire Risk Map-Definition of Risk

- a situation involving exposure to danger

### Wildfire Hazard Map-Definition of Hazard

- A source of danger, the effect of unpredictable and unanalyzable forces in determined events, chance, risk. *Using another word that means the same thing, does not change the view property owners will have. In fact, the word Hazard is even more alarming.*



### Prevention-Definition of Prevention

- the action of stopping something from happening or arising, therefore helping to minimize the danger

The goal of the fire prevention is to **educate** the public on the precautions that should be taken to prevent potentially harmful fires from occurring. It is a **proactive method of preventing fire-based emergencies** and reducing the damage caused by them.

[https://en.m.wikipedia.org/wiki/Fire\\_prevention#:~:text=Fire%20prevention%20is%20a%20function,the%20damage%20caused%20by%20them](https://en.m.wikipedia.org/wiki/Fire_prevention#:~:text=Fire%20prevention%20is%20a%20function,the%20damage%20caused%20by%20them)



## COMMUNITY PUSHBACK

Most communities will push-back if they feel threatened, targeted, and impacted.

- The first map was filled with the lack of common sense, calling one home on one street in the moderate zone, then the house across the street in risk/hazard zone, field of irrigated pasture a risk/hazard and the list went on.
- Though the insurance companies say they did not use this map, hundreds of property owners across the State felt the opposite as they received 56% and up increases in their premiums, non-renewal notices and cancellations of their insurance, with others saying they wouldn't insure. SB82 full of loopholes made the map public on line and easily accessed by underwriters and research companies for the homeowner insurance industry.

The first challenge was the use of the name **Wildfire Risk map**, which has influenced insurance companies across the Country to re-evaluate how they insure homes in the identified areas. Then the name was changed to **Wildfire Hazard**, that made it even worse, because over 106,000 property owners were designated as being in the hazard zone.

Based on the goals of the program **the name of the map should be changed** so that it reflects the goals of the program. Finding another way to identify vulnerable areas will fruit better results, than low, moderate, and hazard, which is **not** working.

All of Oregon should take responsibility for wildfires, however some areas are more vulnerable due to the lack of fire suppression availability, therefore needing more resources to help protect the community, yet in many rural areas many homes are located a short distance from the local fire department, yet they and the fire department have been listed as being located in a wildfire hazard area. A recommended proposed name below:



## **Oregon Wildfire Prevention Map**

*Taking a Closer Look at the Dangers of Fire Ignition, Spread, & Containment*  
**Improving the Safety & Well-being of Communities**

**This is a State, County, City, Urban, Rural and Federal challenge.** Everyone, everywhere at all levels should be educated on the powerful message of preventing fires. This is where we should begin! We should be collaborative partners in stopping the devastation of ignition, spread, and quick containment.

- The message that is being sent by sending 106,000 registered letters to property owners identifying them as being in a high wildfire hazard zone (often mis-categorizing that zone), while the rest of the State is in a low to moderate area, is the push-back problem.
- This message, has targeted and devastated the rights and protections of property owners and has made it virtually impossible for many to insure their properties or afford insurance or sell their properties. This strategy is making enemies, not partners. **We should repeal SB762**, and go back to the drawing board. **Fires break out everywhere!**



**Large fire breaks out at old Blue Heron paper mill in Oregon City**

<https://www.kgw.com/article/news/local/fire-old-blue-heron-paper-mill-oregon-city/283-ec191a29-0aac-45a2-be70-c61e14805a7a>

**Fire at old paper mill rains ash and embers on downtown Oregon City**

<https://www.opb.org/article/2025/01/30/oregon-city-fire-paper-mill-highway-99e/>

On behalf of property owners in Clackamas County and Oregon who have now been identified as being located in a **High wildfire Hazard risk zone**, I'm asking our Commissioner's, AOC, and our County Administrator to **urgently** ask ODF and our legislators to **halt** and re-evaluate the impacts that these ratings of low, moderate, and high wildfire hazard risks are having on property owners.

This map was supposed to be a critical tool designed to enhance our preparedness and response to the threat of wildfires throughout the State, instead it has become a hanging noose against only ascertained property owners.

Thank you. I am happy to answer any questions.



Shirley Morgan 71145 E. Faubion Lp Rhododendron, Oregon 97049

cc:

Governor Tina Kotek

OFFICE of the GOVERNOR-900 Court Street, Suite 254 Salem, OR 97301-4047 503-378-4582

Clackamas County Sheriff-Angela Brandenburg

Oregon Dept. of Financial Regulations

Oregon Dept. of Forestry-Kyle Williams

Oregon State Fire Marshall

Sen. Jeff Golden

Sen. Mike McLane

Sen. Mark Meek

Sen. Floyd Prozanski

Rep. Jeff Helfrich

Rep. Christine Drazen

Deschutes County Commissioner Patti Adair

Deschutes County Commissioner Tony DeBone

Deschutes County Administrator Nick LeLack

**Deschutes County Commissioners vote to appeal State wildfire hazard map designations**

[County Commissioners vote 2-1 to appeal State wildfire hazard map designations | Deschutes County Oregon](#)

**Clackamas County Commissioner Meeting Testimony by Shirley Morgan 3-6-25**

**Regarding the Impacts of Oregon's Wildfire Hazard Map-"The Damage is Already Done!"**

At timeframe: 4:18 Shirley Morgan Testimony Clackamas County Commissioners



Board of County Commissioners' Meeting - March 6, 2025

[https://youtu.be/TmzAZlQizwo?si=edqV\\_bIRnaPEv6bJ](https://youtu.be/TmzAZlQizwo?si=edqV_bIRnaPEv6bJ)







3. What thinking has driven up Hwy 26 to Salmon River Road and then up Lolo Pass Road and then drawn a high hazard risk line, noting that any property located on the East side of this line up to Rhododendron and beyond is considered a high hazard risk, yet the topography, weather, and landscape are all the same? (attached map below)



4. I have lived in the Mt. Hood area for 54 years and we have had fires caused by campers, lightening, intentionally set fires, equipment fires, vehicle fires, State controlled fires that have ignited and spread. Could we have predicted the time and locations of these fires? No, Oregon is a wildfire State because of the nature of its lands, which includes private property, State properties and National Forest land properties. We must all play a role in helping keep the spread of a fire from traveling?

*What thinking believes that by targeting and identifying only a number of properties as high hazard/risk properties across Oregon, will aid in helping to contain fires, when no one knows the time, location, or type of fire that will ignite, **all areas in the State should be responsible to help mitigate and prevent as many fires as possible, that's common sense.***

## ★ REFERENCE INFORMATION

**HISTORY NOTE:** In 2021 through SB762 (attached)

- Oregon Dept. of Forestry was required to put together a wildfire risk map for the State of Oregon. There was an angry push back from property owners across Oregon and the map was pulled.

### Oregon Department of Forestry

<https://www.oregon.gov/odf/fire/pages/wildfire-hazard.aspx>

### Department of Forestry new Wildfire Risk Map

<https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d&viewer=wildfire>

### Oregon Department of Forestry link to Wildfire Hazard/Risk Map

<https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d&viewer=wildfire>

### New Oregon wildfire risk maps show which areas most likely to burn, bring damage

<https://www.yahoo.com/news/oregon-wildfire-risk-maps-show-221552084.html>

- It was called the Oregon **Wildfire Risk Map**.

### Feb. 13, 2025 Lawmakers enforce new mandate that could impact thousands of homeowners' properties: 'We can't pretend anymore': The new defense codes will affect around 106,000 tax lots, requiring new construction to incorporate specific features.

<https://www.thecooldown.com/green-business/oregon-wildfire-rules-mandate-homeowners/>

- Oregon has declared new rules for homeowners living in high-risk wildfire areas. AP News reported that any Oregon properties on the newly developed "wildfire hazard maps" will face stricter building codes and mandates to reduce vegetation to make a home more resilient to fire.
- **NOTE: Oregon law states that this will not affect homeowner's insurance rates, which has been a concern with previous versions of the state-mandated rules**, but in reality, property owners were faced with homeowner insurance non-renewal, cancellations, and more than 56% premium increases. Many well-known insurance companies have said that they will no longer insure their properties due to wildfire risk.
- For those insurance companies who indicated that they would insure their property, said, "as long as we can insure your home and your car as a bundle, we will insure your property."
- Some others provided a quote that undervalued your home replacement costs, along with charging 100% more than what was the average homeowner premium costs before, making it so high that property owners cannot afford to buy their policies.

The **legislature also passed SB82** which notes that homeowner insurance companies may not use the ODF map to increase their premium, non-renew a policy, cancel a policy, or not write a policy based on the Wildfire Risk Map.

- **NOTE:** SB82 has proven only to be a useless mouth piece, with no teeth to prove or enforce that an insurance company has used the Oregon Wildfire Maps in their premium policy decisions, nor is there any consequences indicated in SB82, should they find an insurance company who says they used the ODF map.
- Insurance agencies are simply saying they do their own assessments and price increases. While all the time the new ODF maps are online for anyone to see and it is suggested that insurance underwriters or companies they use to gather intelligence for the industry, such as precision.com, who are viewing the ODF maps in their assessment processes. In the meantime, hundreds of property owners are angered, frustrated, and concerned for their rights as property owners.

### **Oregon lawmakers address concerns over wildfire mapping program**

[https://www.nrtoday.com/news/local/oregon-lawmakers-address-concerns-over-wildfire-mapping-program/article\\_2f490568-e65b-11ef-ad33-7b6f5028bf80.html](https://www.nrtoday.com/news/local/oregon-lawmakers-address-concerns-over-wildfire-mapping-program/article_2f490568-e65b-11ef-ad33-7b6f5028bf80.html)

Oregon's revised wildfire risk map continues to generate concerns among homeowners, despite efforts to address the potential impacts on insurance policies and property values. The map, which is a product of legislation passed in 2021 (SB 762), is part of a broader initiative to improve the state's preparedness for wildfires.

The original version of the map, introduced in the summer of 2022, faced significant pushback from residents and lawmakers, leading to its recall and revision. The newly finalized map now designates approximately 106,000 tax lots in Oregon for new wildfire-related provisions, including the requirement for property owners to create "defensible space" by removing flammable materials and using fire-resistant building materials.

**A key concern for homeowners is how the map will affect insurance policies.** In response, the Oregon Legislature passed **Senate Bill 82 in 2023**, which restricts insurance companies from using the map as a reason to cancel or raise rates on policies. However, many residents still have questions about how these changes will apply to their properties.

- Now 2 years later after listening to property owners across the State ODF made small adjustment to the map hoping that it would appease property owners. The Map is now called the **Wildfire Hazard Map**, which was released in July of 2024.
  - **NOTE:** You cannot put perfume on a pig and expect it to smell better, meaning you can't change the word from "risk" to "hazard" and make any significant change with how property owners are being impacted by Oregon's Wildfire Hazard Map.
  - The **Oregon legislature should repeal** and re-evaluate the process that they have used to target various property owners as in a wildfire risk (hazard zone).



**NOTE TO: Senator Jeff Golden** one of the sponsors of SB762, notes that the map has created so many problems, that he feels that maybe the **map should be changed and not target individual property owners but rather target broader areas as wildfire hazards areas** and not define individual properties. **This method would be even worse, why?** The map would identify broad numbers of property owners who will then be targeted by insurance companies and will again conduct premium increases, non-renewals, cancellations and simply refuse to insure any property owners as being located in a “wildfire hazard” area. *Not the best idea Senator Golden.*

### Sen. Golden proposes changing state wildfire map to curb anger and rumors

<https://ashland.news/sen-golden-proposes-changing-state-wildfire-map-to-curb-anger-and-rumors/>

The Ashland lawmaker wants the map to designate the risk level of broad areas rather than naming the risk of individual properties

[https://youtu.be/YySbCuIf\\_G8?si=P896Ug3cTYDWMHBR](https://youtu.be/YySbCuIf_G8?si=P896Ug3cTYDWMHBR)



Hundreds pack into town hall to discuss ODF Wildfire Hazard Map

[https://youtu.be/YySbCuIf\\_G8?si=P896Ug3cTYDWMHBR](https://youtu.be/YySbCuIf_G8?si=P896Ug3cTYDWMHBR)

- On January 7, 2024 by law ODF was required to notify all property owners who might be affected by the potential impacts of this map. To attempt to change the name of the Map from Wildfire Risk Map to the **Wildfire Hazard Map and then identify only 106,000 property owners** across the State whom ODF identified as being located in a wildfire hazard risk zone has angered property owners even more and who have appealed this new map.

### Oregon's new wildfire maps address criticism, clarify hazard zones

<https://search.app/hSxrLbnaZ1uEGTsf9>



## HAZARD MAP WAS CONTROVERSIAL, NOW THE NEW ONE IS TOO

<https://www.corvallisadvocate.com/2025/oregons-old-wildfire-hazard-map-was-controversial-now-the-new-one-is-too/>

- *The point of the Wildfire Risk Map, [first published](#) in 2022, was to inform lawmakers and agencies like the Oregon Department of Forestry and the Oregon State Fire Marshal's Office about where to best deploy limited resources to prevent fires. But the map provoked [backlash](#) from homeowners in some high-risk areas who were worried about **wildfire insurance rates and coverage, and potentially having to comply with new building requirement***



### OTHER IMPORTANT ARTICLE REFERENCES



## Feb. 17, 2025 **THE DAMAGE IS ALREADY DONE**

### Gov. Kotek halts wildfire map appeals, prioritizes legislative action for transparency

<https://katu.com/news/local/gov-kotek-halts-wildfire-map-appeals-prioritizes-legislative-action-for-transparency-oregon-department-of-forestry-tina-governor-wildfire-hazard-map>

SALEM, Ore. (KATU) — Oregon Gov. Tina Kotek has ordered the Oregon Department of Forestry (ODF) **to continue to accept all appeals of the Oregon Wildfire Hazard Map up to the Mar. 10 deadline** but to pause sending the appeals to the Office of Administrative Hearings until after the legislative session, which must end no later than June 29.

“Oregonians have raised concerns over the current Oregon Statewide Wildfire Hazard Map, and this issue runs parallel to our urgent need for long-term, sustainable funding for wildfire response and mitigation,” Kotek said. “The Legislature is rising to the occasion on these challenges. This pause will allow for the transparent, public process required to address both. Lives and lands depend on it.”

### Oregon House, Senate Republicans want to do away with statewide wildfire risk map

<https://www.msn.com/en-us/news/us/oregon-house-senate-republicans-want-to-do-away-with-statewide-wildfire-risk-map/ar-AA1zfG8F?ocid=BingNewsSerp>



### Bend Sen. Broadman calls for 'full repeal' of Oregon Wildfire Hazard Map

[https://www.centraloregondaily.com/news/local/oregon-wildfire-hazard-map-repeal-broadman-bend/article\\_8fcc0204-efc1-11ef-8dbf-2fbfecddbeae.html](https://www.centraloregondaily.com/news/local/oregon-wildfire-hazard-map-repeal-broadman-bend/article_8fcc0204-efc1-11ef-8dbf-2fbfecddbeae.html)

### REP. WRIGHT: 5 PROBLEMS BEHIND WILDFIRE MAP FAIL

<https://oregoncatalyst.com/84810-rep-wright-5-problems-wildfire-map-fail.html>

<https://www.statesmanjournal.com/story/news/2025/02/17/oregon-wildfires-lawmakers-seek-to-kill-risk-map/78986105007/>



**RECENT LEGISLATIVE HEARING ON JAN. 28, 2025**

**Oregon Senate Committee on Natural Resources and Wildfire 1/28/25 1pm**

<https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2025011131>



**CLACKAMAS COUNTY CMAP RATING SHOWS MANY OF THE PROPERTIES AS MODERATE RISK FOR WILDFIRES**

**Clackamas County C-map Environmental & Hazards Property Review**

<https://maps.clackamas.us/maps/cmap?address=71145%20E%20Faubion%20Loop,%20Rhododendron,%2097049>

**Rhododendron Homeowners says the map is ridiculous and shows why-FOX 12**

**The latest version of the Oregon Wildfire Hazard Map raises concerns from homeowners**

<https://youtu.be/H5nTzSgorYQ?si=INN0QVlb3wLwxMSA>



**OREGON DEPARTMENT OF FORESTRY REDO MAP CALLED WILDFIRE HAZARD MAP**

**State Finalizes Redo of Wildfire Hazard Maps, Sending Info Packets to Property Owners in High-risk Areas - Oregon Eagle**

<https://oregoneagle.com/state-finalizes-redo-of-wildfire-hazard-maps-prepares-new-rules-for-high-risk-property-owners/>

**Oregon's new wildfire maps address criticism, clarify hazard zones**

<https://nbc16.com/news/local/oregons-new-wildfire-maps-address-criticism-clarify-hazard-zones-salem-oregon-department-of-forestry-firefighters-fire>

**State issues Wildfire Hazard Maps**

[https://theworldlink.com/news/state-issues-wildfire-hazard-maps/article\\_1b3e791a-d2c2-11ef-b23f-bf7b71ac051c.html](https://theworldlink.com/news/state-issues-wildfire-hazard-maps/article_1b3e791a-d2c2-11ef-b23f-bf7b71ac051c.html)

## ★ UMATILLA COUNTY

**Homeowners in Oregon receiving informational Letters on wildfire risk | News | nbcrightnow.com** Homeowners receiving non-renewal letters from insurance companies

[https://www.nbcrightnow.com/news/homeowners-in-oregon-receiving-informational-letters-on-wildfire-risk/article\\_a0d983a0-d932-11ef-8592-8711815d9668.html](https://www.nbcrightnow.com/news/homeowners-in-oregon-receiving-informational-letters-on-wildfire-risk/article_a0d983a0-d932-11ef-8592-8711815d9668.html)

## ★ SOUTHERN OREGON

**County commissioners from across Oregon raise concerns over proposed wildfire hazard map – OPB** <https://search.app/qSfd5hwe9KNg3KCV9>

**I want to get to the bottom of it:" Josephine County residents speak out at wildfire hazard map meeting**

[https://www.kdrv.com/news/top-stories/i-want-to-get-to-the-bottom-of-it-josephine-county-residents-speak-out-at/article\\_b16ecfe2-df84-11ef-bc46-03e4b0832c50.html](https://www.kdrv.com/news/top-stories/i-want-to-get-to-the-bottom-of-it-josephine-county-residents-speak-out-at/article_b16ecfe2-df84-11ef-bc46-03e4b0832c50.html)



Community members were vocal at a town hall meeting Thursday night to talk about the Oregon Department of Forestry's newly-released wildfire hazard maps. The map places all of Oregon into a "low," "moderate" or "high" wildfire hazard zone. If a property is listed as "high," it will be prioritized during the risk mitigation part of fire season. Most of Josephine County is listed under a "high" hazard level marked in orange.

Some residents expressed concern over keeping their home insurance at a manageable cost. [Senate Bill 82](#), which passed in 2023, stops the map from influencing insurance prices — **but some attendees said they heard otherwise.**

**People exploded: Can Oregon's wildfire plans survive the public? Oregon's new plan for dealing with the wildfires is mostly the same as the old plan. But the strategy for handling public reaction is much different.**

<https://www.eenews.net/articles/people-exploded-can-oregons-wildfire-plans-survive-the-public/>

“People exploded,” said state Sen. Jeff Golden, a Democrat from southern Oregon, where the danger of wildfire is among the greatest. “There was almost a massive revolt over this.”

Oregon's new plan for dealing with wildfires is mostly the same as the old plan. But the strategy for handling the public is much different

**Fire risk map ignites controversy**

<https://www.hcn.org/issues/55-1/north-wildfire-fire-risk-map-ignites-controversy/>



## DESCHUTES COUNTY AND CROOK COUNTY

Rep. McLane: My response to new wildfire risk map | The Oregon Catalyst

<https://search.app/NCYfx3qWVU4H3UQy7>

State's fire map catches heat in Deschutes County

[https://www.bendbulletin.com/localstate/states-fire-map-catches-heat-in-deschutes-county/article\\_14062c6a-eb0e-11ef-a8ba-bff6cd1c3230.html](https://www.bendbulletin.com/localstate/states-fire-map-catches-heat-in-deschutes-county/article_14062c6a-eb0e-11ef-a8ba-bff6cd1c3230.html)

Upset Deschutes County citizens voice concerns over state wildfire hazard map as commissioners discuss impacts

<https://ktvz.com/news/government-politics/2025/02/12/upset-deschutes-county-citizens-voice-concerns-over-state-wildfire-hazard-map-commissioners-fail-to-reach-consensus/>

Od\$ lqh#k rp hrz qhu#s odqv#id∞ | #lw#R uhjr q#f ds lwr q#r #iljkw#Z log iluh# K d }dug#P ds#

[https://www.centraloregondaily.com/news/lapine/oregon-wildfire-hazard-map-rally/article\\_8b895d94-efef-11ef-b0c6-bf5fb28fb63e.html](https://www.centraloregondaily.com/news/lapine/oregon-wildfire-hazard-map-rally/article_8b895d94-efef-11ef-b0c6-bf5fb28fb63e.html)

William Minnix lives in a high fire risk area. He says his homeowner insurance rates have more than quadrupled **from \$1,300 to \$6,400 a year.**

Sisters' homeowner blames Oregon wildfire map for home sale falling through -- twice

[https://www.centraloregondaily.com/news/sisters/wildfire-map-insurance-rates-home-sales/article\\_dbd0a902-ed96-11ef-a5d0-ef8b41dbb9f8.html](https://www.centraloregondaily.com/news/sisters/wildfire-map-insurance-rates-home-sales/article_dbd0a902-ed96-11ef-a5d0-ef8b41dbb9f8.html)



Tom Bracken says his home on Deer Ridge Road has been under contract twice the past two years. Both times, buyers backed off when they saw how much insurance would cost. **The homeowner places the blame squarely on the state's wildfire hazard map.**

"We've had our house under contract twice the past two years. This was right after release of the first map. The first buyers couldn't get insurance through their regular company. **A company they did find was going to charge them an outrageous rate, over \$15,000 a year,** and they backed out," said Bracken. **"Second buyer, same thing, they couldn't get insurance through their regular insurance company.** It's a real issue in this area.



## CURRY COUNTY

**Curry County considers using state of emergency to take over federal forests management**  
<https://www.opb.org/article/2025/02/07/curry-county-state-emergency-national-forests/>

Curry County commissioners presented a draft proclamation on Wednesday to declare a state of emergency for the purpose of taking over management of public forests from federal authorities. Those in support of the proposal say it is needed due to federal agencies' failure to manage their forests for wildfire. **The proclamation also claims that the forest mismanagement, along with state regulations for homeowners in high wildfire hazard zones, will impact county housing costs and supply.**



## CALIFORNIA

**Cal Fire's predictions didn't foresee the Altadena inferno. Now it's changing its fire-hazard maps**  
<https://www.latimes.com/environment/story/2025-02-04/cal-fire-maps-did-not-predict-altadena>



## COLORADO

**Colorado wants to force insurance companies to help homeowners understand, mitigate wildfire risk** House Bill 1182 would also require insurers to give customers an opportunity to appeal assessments of a property's wildfire risk, which can lead to increased costs and non-renewals  
<https://coloradosun.com/2025/02/12/colorado-wildfire-insurance-bill-2025/>



## NW INSURANCE COUNCIL OPINIONS

**Guest Post: The Oregon Wildfire Hazard Map Is Back – And It Can't Affect Your Insurance!**

<https://oregonpropertyowners.org/guest-post-the-oregon-wildfire-hazard-map-is-back-and-it-cant-affect-your-insurance/>

**What's new with the Hazard Map?** So, what's new? The name, for starters, changing from "Risk" map to "Hazard" map. But the map has also been subject to more scrutiny and input from more sources, and in a more transparent, public-facing atmosphere. Even as unveiled, the map is still a draft, and is subject to change, based on public input during the comment period (through August 18). Even after the map and new building code-related rules are officially adopted by ODF, property owners will have the opportunity to appeal the map designations for their properties, until November 30, 2024. *You can read more about the Wildfire Hazard Map timelines [here](#). You can read the ODF news release about the Wildfire Hazard Map (draft) release [here](#).*

**Insurers do not – and cannot – use the new map.** Here's something that has not changed: **Insurance companies do not use any map produced by any agency or**

**educational institution of the state of Oregon** to underwrite (write, renew, non-renew or cancel) or rate (set, raise or decrease insurance premiums) insurance policies in the state of Oregon. Insurance companies are highly competitive with each other, and they have long preferred to develop their own proprietary risk assessment tools. Not just because they may be more accurate, but also because they can look at risks in the way that best aligns with their own business model – which properties they are interested in insuring, and how much they need to charge for their policies in order to (1) meet the financial obligations and promises they make to their policyholders, (2) be able to purchase their own “reinsurance” policies, which serve as a “backstop” in case of a large-scale disaster, and (3) make a reasonable profit for shareholders (or members, in the case of mutual insurance companies, which are owned by their policyholders)

### **Momentum Builds for Repealing Wildfire Map as Property Owners Fight Back**

<https://oregonpropertyowners.org/momentum-builds-for-repealing-wildfire-map-as-property-owners-fight-back/>

After weeks of phone calls, emails, letters, and campaigning lawmakers to pull back the wildfire hazard map, rural property owners can officially say their advocacy is paying off.

On Monday, the Oregon House and Senate Republicans held a press conference announcing their plans to repeal the State Wildfire Hazard Map. That same day, Governor Tina Kotek announced that the state would hold processing any appeals until after the Session to allow a possible repeal of the map work its way through the process.

As of today, we can confidently tell you that lawmakers on both sides of the aisle are actively engaged in conversations to put this nightmare to rest.

With that said – we can’t declare victory yet. The fight isn’t over until the wildfire map is officially repealed and the **organized attack on rural Oregon** is over. We must press on.

Now that the tide has shifted in our favor, we want to help folks understand what is realistic in this process, what is not, and advocate effectively. We also want to make sure property owners are protected if the political process fails.

Without further ado, here is what you should know:

- 1. A repeal of wildfire hazard map, defensible space, and home hardening mandates is likely. A repeal of SB 762 entirely is unlikely (and probably ill advised).**

While we know that many are advocating for a complete repeal of SB 762 (2021) in its entirety, that is highly unlikely to occur. Without any doubt, the Wildfire Hazard Map

has been a complete disaster and must be repealed. There is no salvaging it and it has no utility.

However, SB 762 was a very large bill that included many other programs and policies completely unrelated to the wildfire hazard map, home hardening, and defensible space. Those laws have resulted in good outcomes for wildfire suppression and mitigation.

For example, SB 762 required the Public Utility Commission to create rules for utilities to deenergize power lines during high wildfire risk conditions, and required utilities mitigate fires within utility-maintained properties, such as powerline easements. These provisions help keep communities safe by reducing the risk of wildfire starts due to downed power lines.

Additionally, the bill directed agencies to increase prescribed burns. These efforts reduced hazardous fuels on 3,000 acres in Deschutes County alone. The bill also required the development of a 20-year strategy to improve the health of our forests and rangelands, involving state, federal, local partnerships.

Most importantly, the bill included critical funding sources for wildfire suppression, that resulted in the following outcomes:

- Delivered 76 new fire engines statewide.
- Secured a \$6 million annual appropriation, enabling the addition of 1,600 temporary firefighters to 192 fire agencies during fire season.
- Expanded the Oregon Department of Forestry's detection camera system, now with over 90 cameras at 60 sites across Oregon for early detection and fast response to wildfires, helping keep them under 10 acres.
- Awarded \$32 million in community risk reduction grants in the 2021-2023 biennium and \$3 million to 40 communities in the 2023-2025 biennium, supporting structural fire districts, cities, and counties.
- Conducted nearly 3,000 voluntary defensible space assessments and awarded 424 one-time grants of \$250 for defensible space work around at-risk homes.
- Established pre-positioning and immediate response teams, with 27 mobilizations pre-positioned in 2024 to be ready at likely fire locations ahead of conflagrations.

**Most lawmakers don't want to undo all of the good parts of SB 762, which is why a complete repeal of SB 762 in its entirety is highly unlikely to occur. However, a repeal of the wildfire map does have traction.**

2. **We should encourage lawmakers to repeal the wildfire map & adopt common-sense solutions for wildfire mitigation.**



As different bills shape up, we will be strongly advocating for the complete repeal of the state wildfire hazard map and accompanying defensible space and home hardening regulations. Additionally, we will be advocating for the following common-sense solutions for wildfire mitigation and suppression:

- **Land Management:** In wildfire prone areas, we need to increase landscape treatment, thinning, and vegetation removal. We should utilize proven land management practices like prescribed fire to reduce fuels. Private property owners shouldn't bear the burden of mitigation, while the state and federal government allows our forests, grasslands, and public lands to go unmanaged.
  - **Fire Suppression:** We need to double down on fire suppression to keep fires small when they start. More boots on the ground during fire season and investment in early fire detection technologies are essential. Our first responders must have the proper equipment and support to protect our communities. We cannot continue to allow them to put their lives on the line without enough support.
  - **Incentive and Locally Driven Solutions:** Home hardening and defensible space are scientifically backed and proven methods for safety. However, these shouldn't be enforced through prescriptive and heavy-handed approaches like SB 762. The state should incentivize local communities and property owners to take voluntary protective measures and provide assistance to those who can't physically or financially create defensible space or do home-hardening.
3. **We need to keep our insurance market competitive and find ways to keep as many Oregonians insured as possible.**

**Property owners across the state are losing their insurance due to wildfire risk. This is one of the most dangerous and devastating impacts of wildfire hazard in our state.**

**Even if the wildfire map goes away, this issue will persist. We must work diligently to keep our insurance market competitive and guarantee as many property owners as possible remain insured.**

We also need to make sure that we are safeguarding insurance for more than just homes. Many farmers, ranchers, and rural business owners are also losing their insurance because of wildfire. We need to extend existing protections beyond just home insurance, to protect our rural businesses as well.

#### **4. Property Owners Should Continue Appealing Their Hazard Designation**

If anything is for sure, it is that the political process is unpredictable. While there is strong momentum to repeal the map and lawmakers are working together on this issue, there is no guarantee that a bill gets passed this Session.



**For this reason, we are encouraging property owners to continue appealing their hazard designation so that their rights are preserved.**

**The following attorneys have reached out to OPOA offering their assistance to property owners who need to hire an attorney.** Please reach out to their offices promptly if you plan on hiring an attorney:

VF Law | Phone: 503.684.4111 | Email: OREGON@VF-LAW.COM | Address: 6000 Meadows Rd. Ste.500, Lake Oswego, OR 97035 | Website: <https://vf-law.com/>

Schroeder Law Offices, P.C. | Phone: (503) 281-41001915 | Email: [counsel@water-law.com](mailto:counsel@water-law.com) | NE Cesar Chavez Blvd., Portland, OR 97212 | Website: <https://water-law.com/>

Dan McKinney at DC LAW | Phone: 541.673.4451 | Email: [dmckinney@douglascountylaw.com](mailto:dmckinney@douglascountylaw.com) | Address: 435 SE Kane St., Roseburg, Oregon 97470 | Website: [www.douglascountylaw.com](http://www.douglascountylaw.com)

Harker Lepore, LLC | Phone: 503.922.1939 | Email: [info@harkerlepore.com](mailto:info@harkerlepore.com) | Address: 915 NW 19th Ave, Ste H, Portland, OR 97209 | Website: [www.harkerlepore.com](http://www.harkerlepore.com)

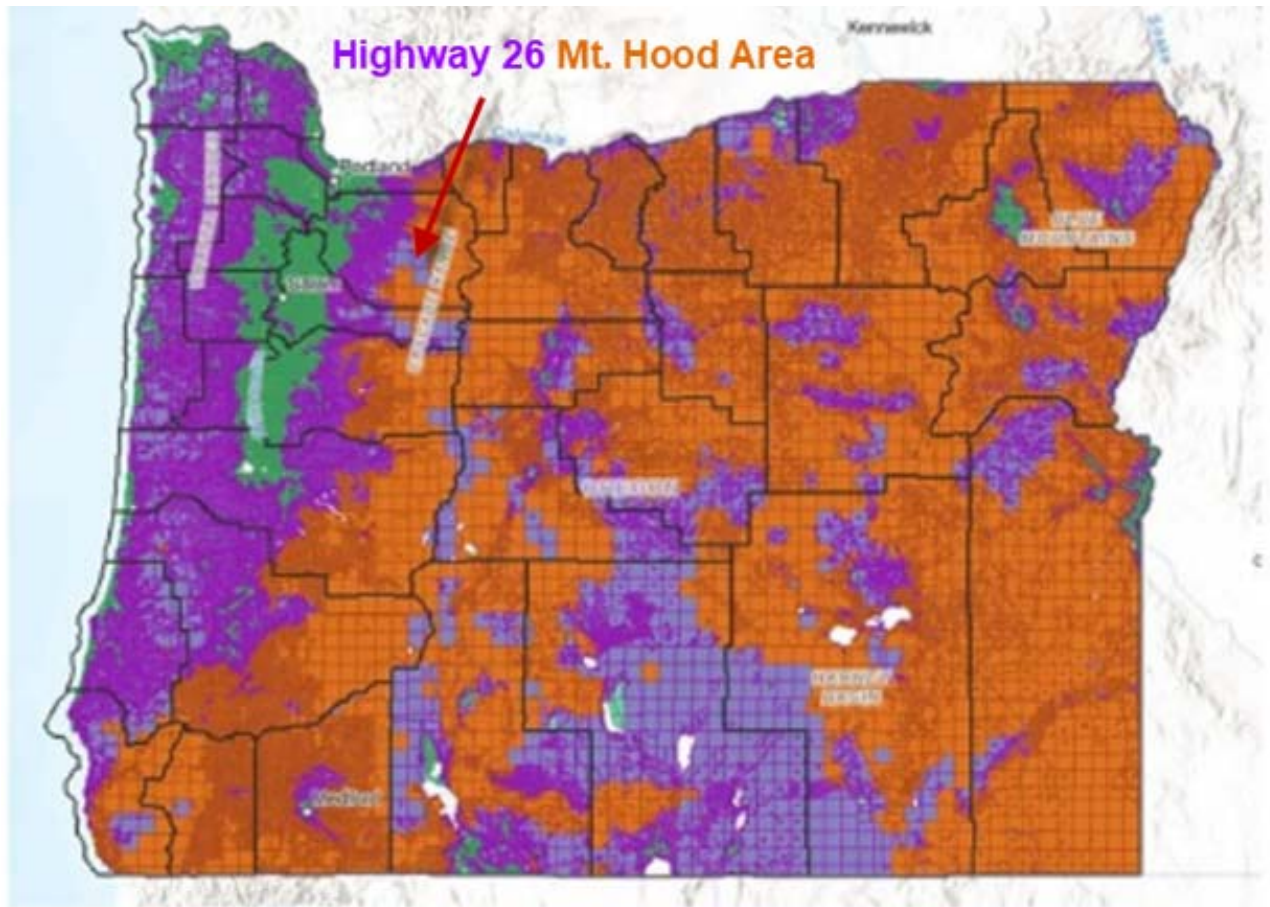
Jordan Ramis | Phone: (503) 598-7070 | Email: [ezra.hammer@jordanramis.com](mailto:ezra.hammer@jordanramis.com) | Address: PACWEST, 27th Floor, 1211 SW Fifth Avenue, Portland, OR 97204 | Website: <https://jordanramis.com/>

Ross Day Attorney at Law | Phone: 503.743.6460 | Email: [ross@daylawpc.com](mailto:ross@daylawpc.com) | Address: 7831 St. Charles Street NE, Keizer, Oregon 97303

Earth Law, LLC | Phone: (541) 632-3946 | Email: [info@earthlawllc.com](mailto:info@earthlawllc.com) | Address: 3439 NE Sandy Blvd, #672, Portland, OR 97232 | Website: <https://www.earthlawllc.com/>

Brisbee & Stockton, LLC | Phone: 503-648-6677 | Email: [jap@brisbeeandstockton.com](mailto:jap@brisbeeandstockton.com) | Address: 139 NE Lincoln Street P.O. Box 567 Hillsboro, OR 97123 | Website: <https://www.brisbeeandstockton.com>

***The opinions expressed in this post are those of the author and do not represent the opinions or positions of any party represented by the OPOA Legal Center on any particular matter.***



**GREEN-LOW**

**PURPLE-MODERATE**

**ORANGE-HAZARD**

## LETTER REFERENCE FROM MY INSURANCE COMPANY

### Your Policy Premium Is Increasing

Thank you for choosing Allstate.

We know that the cost of insurance is important to you and it's one of our goals to help you manage those costs while always keeping you in good hands.\* With that in mind, we want to inform you that your premium is increasing with this renewal due to wildfire risk. We know this isn't good news, so we want to provide you with some additional helpful information about this change.

#### Options for Managing Your Premium

While we know this premium change isn't welcome news, we also want you to know that there are ways you can help manage your insurance costs without sacrificing quality Allstate coverage. For example, some of the ways you may be able to maintain or even reduce your premium include:

- Reviewing your coverages and making sure that they meet your current needs
- Adjusting your deductible and/or limits
- Taking advantage of all available Allstate discounts
- Updating your policy to reflect any changes in your life

Allstate considers your property's location and construction type to classify wildfire risk to your property. No premium discounts are offered for wildfire risk mitigation. However, more information about precautions you can take to help mitigate wildfire risks to a property can be found at the following URL:

<https://www.allstate.com/protecthomefromwildfires>

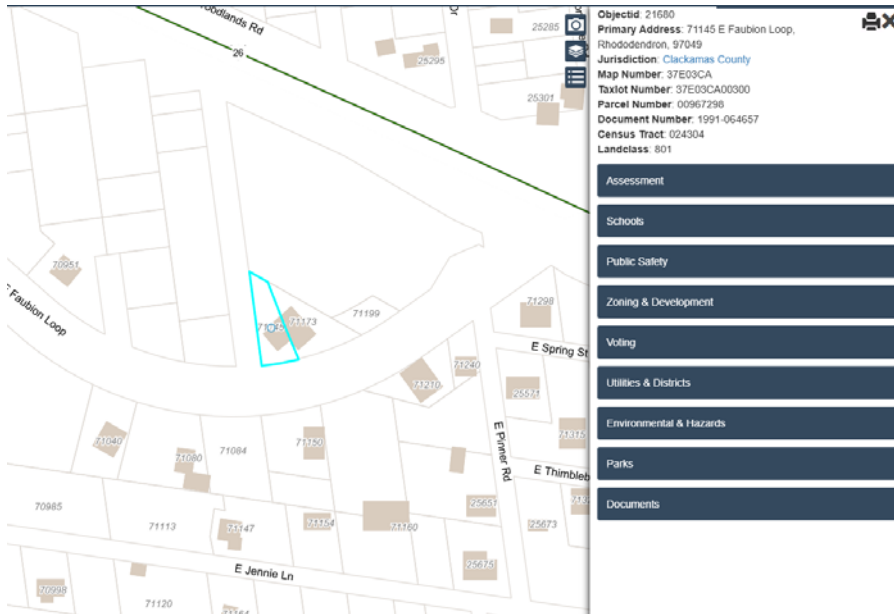
not a valid address

Here is the valid address:

<https://www.allstate.com/resources/home-insurance/protect-home-from-wildfires>

# CLACKAMAS COUNTY CMAP RATING FOR WILDFIRE RISK

<https://maps.clackamas.us/maps/cmap?address=71145%20E%20Faubion%20Loop,%20Rhododendron,%2097049>



### Environmental & Hazards

**Flood**  
Likely not in a flood zone.

**Wildfire** ← ←  
You may be at moderate risk.

**Earthquake Hazard**  
You may be at moderate risk.

**Soils**

**Approximate Elevation**  
1479.00 ft

**North Folk Dam Failure**  
Most likely not at risk of flooding due to dam failure

**River Mill Dam Failure**  
Most likely not at risk of flooding due to dam failure

**Timothy Dam Failure**  
Most likely not at risk of flooding due to dam failure

# Enrolled Senate Bill 82

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Natural Resources and Wildfire Recovery)

CHAPTER .....

AN ACT

Relating to homeowner insurance for wildfire risk; creating new provisions; and amending ORS 737.310 and 742.270.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

**(a) “Homeowner insurance” has the meaning given that term in ORS 746.600.**

**(b) “Wildfire risk mitigation action” means an action that reduces wildfire risk to property, including:**

**(A) A property-level action, such as establishing defensible space, hardening a building or receiving certification from the Insurance Institute for Business and Home Safety for a Wildfire Prepared Home or a similar entity.**

**(B) A community-level action, such as receiving recognition as a Firewise USA Site in Good Standing or recognition from a similar entity or participating in community risk reduction programs established by the State Fire Marshal.**

**(2) An insurer that cancels or decides not to renew a homeowner insurance policy for a property, or that increases a premium for a homeowner insurance policy for a property, for a reason that is not nonpayment of a premium and that is materially related to wildfire risk, shall send a notice of the cancellation, decision not to renew or premium increase to the insured that describes:**

**(a) Any property-specific characteristics related to wildfire risk that resulted in the cancellation, decision not to renew or premium increase.**

**(b) Wildfire risk mitigation actions the insured could undertake to improve the insurability of the property, if there are any.**

**(c) If the insurer used wildfire risk scores or classifications to assess the property, the following information:**

**(A) In plain language, a description of how wildfire risk scores and classifications are determined, including a description of any general variables the insurer considers.**

**(B) The range of wildfire risk scores or classifications that could potentially be assigned to a property.**

**(C) The relative position of the wildfire risk score or classification assigned to the property.**

**(D) Impacts, if there are any, that wildfire risk mitigation actions could have on a wildfire risk score or classification assigned to the property.**

**(d) General information about factors the insurer considers in order to classify, measure or otherwise determine the wildfire risk to a property.**

**(e) Any other information specified by rule by the Department of Consumer and Business Services.**

**(3) In addition to the requirements of subsection (2) of this section, a notice for a premium increase that is materially related to wildfire risk must describe:**

**(a) What wildfire risk mitigation actions the insured could undertake, if any, that would result in a discount, incentive or other premium adjustment.**

**(b) The amount of the potential discount, incentive or other premium adjustment.**

**SECTION 2.** ORS 737.310 is amended to read:

737.310. The following standards shall apply to the making and use of rates:

(1) Rates shall not be excessive, inadequate or unfairly discriminatory.

(2) As to all classes of insurance, other than workers' compensation and title insurance:

(a) No rate shall be held to be excessive unless:

(A) Such rate is unreasonably high for the insurance provided; and

(B) A reasonable degree of competition does not exist in the area with respect to the classification to which such rate is applicable.

(b) No rate shall be held inadequate unless such rate is unreasonably low for the insurance provided and:

(A) Use or continued use of such rate endangers the solvency of the insurer; or

(B) The use of such rate by the insurer has, or if continued will have, the effect of destroying competition or creating a monopoly.

(3) Rates for each classification of coverage shall be based on the claims experience of insurers within Oregon on that classification of coverage unless that experience provides an insufficient base for actuarially sound rates.

(4) Due consideration shall be given to past and prospective loss experience within this state, to the hazards of conflagration and catastrophe, to a reasonable margin for profit and to contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses specially applicable to this state, and to all other relevant factors, including judgment factors deemed relevant, within this state.

(5) In addition to subsection (4) of this section, rates for home protection insurance may include provision for unreimbursed costs of risk inspection and for loss costs under policies which are terminated without premium because the related home sale is not made.

(6) In the case of fire insurance rates, consideration may be given to the experience of the fire insurance business during the most recent five-year period for which such experience is available.

(7) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group of insurers with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expenses are applicable.

(8) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates for casualty, surety or inland marine risks may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(9) Due consideration shall be given, in the making and use of rates for all insurance, to investment income earned by the insurer, to insurer profits and to accumulated reserves for vocational rehabilitation services and for claim costs related to orders or awards made pursuant to ORS 656.278.

(10) The Director of the Department of Consumer and Business Services, by rule, shall prescribe the conditions under which a division of payroll between different manual classifications is permitted for purposes of computing workers' compensation premiums.

(11)(a) The director shall not approve any workers' compensation rating system that does not include a plan for rewarding employers, however small, that have good loss experience or programs likely to improve accident prevention. However, this paragraph is not intended to require that all employers be experience rated.

(b) The director shall not approve any workers' compensation rating system that does not allow the insurer to include potential third party recovery as one of the variables in the claims reserving process.

(12) At the time an insurer issues a workers' compensation insurance policy to an insured for the first time, the insurer shall give written notice to the insured of the rating classifications to which the insured's employees are to be assigned and shall provide an adequate description of work activities in each classification. In the event an insurer recommences coverage following its termination, the notice required under this subsection must be given only if the gap in coverage exceeds six months.

(13) If an insurer determines the workers' compensation insurance policy of an insured needs reclassification, the insurer:

(a) May bill an additional premium for the revised classification after the insurer has provided the insured at least 60 days' written notice of the reclassification.

(b) Shall bill retroactively to policy inception or date of change in insured's operations for any reclassification that results in a net reduction of premium.

(c) May, notwithstanding paragraph (a) of this subsection, retroactively bill an insured for reclassification during the policy year without prior notice of reclassification if the insurer shows by a preponderance of the evidence that:

(A) The insured knew that the employees were misclassified, or the insured was adequately informed by the insurer of the proper classification for the insured's employees;

(B) The insured provided improper or inaccurate information concerning its operations; or

(C) The insured's operations changed after the date information on the employees was obtained from the insured.

(14) In consultation with system participants, the director shall analyze the rating classification system to investigate changes that simplify the system and reduce costs for employers and insurers while preserving rate equity and minimizing the potential for abuse. The director shall give particular emphasis to the method of allocating payroll to rating classifications and to alternatives to methods that require verifiable payroll records. Upon completion of this analysis, the director shall implement appropriate changes to the system.

(15) The director shall adopt rules to carry out the provisions of this section and may by rule specify procedures relating to rating and ratemaking by workers' compensation insurers.

(16) A rate increase based solely upon an insured's attaining or exceeding 65 years of age shall be presumed to be unfairly discriminatory unless the increase is clearly based on sound actuarial principles or is related to actual or reasonably anticipated experience.

**(17) An insurer offering homeowner insurance, as defined in ORS 746.600, in this state shall:**

**(a) Make information on whether and how wildfire risk mitigation actions, as defined in section 1 of this 2023 Act, may impact the insurer's underwriting and rates publicly available on the insurer's website.**

**(b) Reflect in the insurer's underwriting guidelines and rate plans how the insurer addresses or considers wildfire risk mitigation actions, as defined in section 1 of this 2023 Act.**

**SECTION 3.** ORS 742.270 is amended to read:

742.270. (1) As used in this section:

(a) "Homeowner insurance" has the meaning given that term in ORS 746.600.

(b) "Property" means structures and dwellings, and the contents of structures and dwellings, that are covered by a policy of homeowner insurance.

(2) If a policy of homeowner insurance requires an insured to repair, rebuild or replace damaged or lost property in order to collect the full replacement cost for the property, the insurer shall, subject to the policy limits:

(a) Allow an insured to repair, rebuild or replace damaged or lost property:

(A) In not fewer than 12 months after the date of the insurer's initial payment toward the cash value of the property that was damaged or lost; or

(B) In not fewer than 24 months after the date of the insurer's initial payment toward the cash value of the primary dwelling of the insured that was damaged or lost, if the damage or loss:

(i) Occurred in a location that was subject to a declaration of a state of emergency under ORS 401.165 and the damage or loss is directly related to the emergency that was the subject of the declaration[.]; or

(ii) **Was directly related to a fire that was the subject of an order under ORS 476.510 to 476.610.**

(b) Provide additional living expenses to an insured, subject to the policy limits for additional living expenses, for a period of 24 months after the date of the damage or loss to the insured's primary dwelling if the damage or loss occurred in a location that was subject to a declaration of a state of emergency under ORS 401.165 and the damage or loss is directly related to the emergency that was the subject of the declaration.

(c) Add time to each of the periods described in paragraphs (a) and (b) of this subsection in increments of six months for a total period of not more than 24 months under paragraph (a)(A) of this subsection and a total period of not more than 36 months under paragraphs (a)(B) and (b) of this subsection if an insured, acting in good faith and with reasonable diligence, encounters unavoidable delays in obtaining a construction permit, lacks necessary construction materials, lacks available contractors to perform necessary work or encounters other circumstances beyond the insured's control.

(3) Subsection (2) of this section does not prohibit an insurer from allowing an insured additional time to collect the full replacement cost for lost or damaged property or for additional living expenses.

(4) A policy of homeowner insurance may not limit or deny a payment of the replacement cost or building code upgrade cost, including a payment of any extended replacement cost available under the policy coverage, for an insured's structure that was a total loss on the basis that the insured decided to rebuild in a new location or to purchase an existing structure in a new location if the policy otherwise covers the replacement cost or building code upgrade cost, except that the measure of indemnity may not exceed the replacement cost, building code upgrade cost or extended replacement cost for repairing, rebuilding or replacing the structure at the original location of the loss.

**SECTION 4. An insurance company may not use a map published by an agency of this state that identifies areas of wildfire risk or exposure as a basis for:**

**(1) Canceling or declining to renew a homeowner insurance policy; or**

**(2) Increasing a premium for a homeowner insurance policy.**



**Passed by Senate March 21, 2023**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Rob Wagner, President of Senate

**Passed by House April 25, 2023**

.....  
Dan Rayfield, Speaker of House

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

.....  
Shemia Fagan, Secretary of State

**A-Engrossed**  
**Senate Bill 762**

Ordered by the Senate April 23  
Including Senate Amendments dated April 23

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY (at the request of Senate Committee on Natural Resources and Wildfire Recovery, Governor Kate Brown)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Legislative Policy and Research Office to study strategies to promote wildfire response and recovery and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.]*

*[Sunsets January 2, 2023.]*

**Directs Public Utility Commission to convene workshops.**

**Requires public utility that provides electricity to have wildfire protection plan. Provides that violation is subject to civil penalty not to exceed \$10,000. Requires consumer-owned utility to have wildfire mitigation plan.**

**Directs State Board of Forestry to establish criteria for developing statewide map of wildfire risk, establish Certified Burn Manager program and report to Legislative Assembly on or before December 1, 2021.**

**Directs State Fire Marshal to establish defensible space requirements, administer community risk reduction program and annually report to Legislative Assembly. Establishes Community Risk Reduction Fund in State Treasury.**

**Directs Department of Land Conservation and Development to identify certain land use updates and report to interim committee of Legislative Assembly on or before October 1, 2022.**

**Directs Department of Consumer and Business Services to adopt certain building code standards.**

**Directs Department of Environmental Quality to undertake programs concerning impacts of wildfire smoke, readiness and mitigation capacity for smoke and ambient air quality.**

**Directs Oregon Health Authority to establish programs related to clean air shelter grants and smoke filtration systems. Directs Department of Human Services to take certain actions concerning clean air shelter operations.**

**Directs Office of Emergency Management to update statewide emergency plan to prepare for or respond to wildfire emergencies.**

**Directs State Forestry Department to implement program to reduce wildfire risk, report to Legislative Assembly and Governor no later than January 15, 2022, and July 15, 2023, establish small woodland grant program, adopt certain rules concerning prescribed fires and assess and improve wildfire response capacity.**

**Establishes Oregon Wildfire Workforce Corps Program and Oregon Wildfire Workforce Advisory Committee. Establishes Oregon Wildfire Workforce Corps Fund in State Treasury.**

**Makes certain changes concerning wildland-urban interface.**

**Directs Governor to appoint State Wildfire Programs Director. Establishes Wildfire Programs Advisory Council. Requires council to annually report to Governor and Legislative Assembly.**

**Appropriates moneys from General Fund to certain entities for specified purposes.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to wildfire; creating new provisions; amending ORS 197.716, 205.130, 401.025, 477.015,  
3 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031,  
4 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

ELECTRIC SYSTEM PLANS

**SECTION 1.** Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 757.

**SECTION 2.** The Public Utility Commission shall periodically convene workshops for the purpose of helping public utilities that provide electricity, municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of electrical transmission and distribution systems to develop and share information for the identification, adoption and carrying out of best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

**SECTION 3. (1)** A public utility that provides electricity must have and operate in compliance with a risk-based wildfire protection plan that is filed with the Public Utility Commission and has been evaluated by the commission. The plan must be based on reasonable and prudent practices identified through workshops conducted by the commission pursuant to section 2 of this 2021 Act and on commission standards adopted by rule. The public utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

(2) A public utility that provides electricity shall regularly update a risk-based wildfire protection plan on a schedule determined by the commission. The plan must, at a minimum:

(a) Identify areas that are subject to a heightened risk of wildfire and are:

(A) Within the service territory of the public utility; and

(B) Outside the service territory of the public utility but within a reasonable distance, as determined by the commission, of the public utility's generation or transmission assets.

(b) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.

(c) Identify preventive actions and programs that the public utility will carry out to minimize the risk of utility facilities causing a wildfire.

(d) After seeking information from regional, state and local entities, including municipalities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.

(e) Describe the procedures, standards and time frames that the public utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (a) of this subsection.

(f) Describe the procedures, standards and time frames that the public utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (a) of this subsection.

(g) Identify the development, implementation and administration costs for the plan.

(h) Identify the community outreach and public awareness efforts that the public utility will use before, during and after a wildfire season.

(3) To develop a plan described in subsection (2) of this section, a public utility may consult with and consider information from regional, state and local entities, including municipalities.

(4) The commission, in consultation with the State Forestry Department and local

1 emergency services agencies, shall evaluate a public utility’s wildfire protection plan and plan  
2 updates through a public process.

3 (5) Not more than 180 days after receiving a wildfire protection plan or plan update from  
4 a public utility, the commission shall approve or approve with conditions the plan or update  
5 if the commission finds that the plan or update is based on reasonable and prudent practices  
6 identified through workshops pursuant to section 2 of this 2021 Act and designed to meet all  
7 applicable rules and standards adopted by the commission.

8 (6) The commission’s approval of a wildfire protection plan does not establish a defense  
9 to any enforcement action for violation of a commission decision, order or rule or relieve a  
10 public utility from proactively managing wildfire risk, including by monitoring emerging  
11 practices and technologies.

12 (7) The commission shall adopt rules for the implementation of this section. The rules  
13 may include, but need not be limited to, procedures and standards regarding vegetation  
14 management, public power safety shutoffs and restorations, pole materials, circuitry and  
15 monitoring systems.

16 (8) All reasonable operating costs incurred by, and prudent investments made by, a public  
17 utility to develop, implement or operate a wildfire protection plan under this section are re-  
18 coverable in the rates of the public utility from all customers through a filing under ORS  
19 757.210 to 757.220. The commission shall establish an automatic adjustment clause, as defined  
20 in ORS 757.210, or another method to allow timely recovery of the costs.

21 **SECTION 3a.** (1) In addition to all other penalties provided by law, violation of section 3  
22 of this 2021 Act or a rule adopted pursuant to section 3 of this 2021 Act is subject to a civil  
23 penalty not to exceed \$10,000.

24 (2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to 756.610, civil penalties  
25 under this section must be imposed by the Public Utility Commission as provided in ORS  
26 183.745.

27 (3) Civil penalties collected under this section must be paid into the General Fund and  
28 credited to the Public Utility Commission Account as described in ORS 756.990 (7).

29 **SECTION 4.** (1) As used in this section, “consumer-owned utility” and “governing body”  
30 have the meanings given those terms in ORS 757.600.

31 (2) A consumer-owned utility must have and operate in compliance with a risk-based  
32 wildfire mitigation plan approved by the governing body of the utility. The plan must be de-  
33 signed to protect public safety, reduce risk to utility customers and promote electrical sys-  
34 tem resilience to wildfire damage.

35 (3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation  
36 plan on a schedule the governing body deems consistent with prudent utility practices.

37 (4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities.  
38 The utility shall review and revise the assessment on a schedule the governing body deems  
39 consistent with prudent utility practices.

40 (5) A consumer-owned utility shall submit a copy of the risk-based wildfire mitigation  
41 plan approved by the utility governing body to the Public Utility Commission to facilitate  
42 commission functions regarding statewide wildfire mitigation planning and wildfire  
43 preparedness.

44 **SECTION 5.** A public utility that provides electricity shall submit the first risk-based  
45 wildfire protection plan required of the public utility under section 3a of this 2021 Act for

1 Public Utility Commission evaluation no later than December 31, 2021.

2 **SECTION 6.** A consumer-owned utility shall submit the first risk-based wildfire miti-  
3 gation plan required under section 4 of this 2021 Act to the utility governing body no later  
4 than June 30, 2022.

5 **SECTION 6a.** (1) As used in this section, “electric utility” has the meaning given that  
6 term in ORS 757.600.

7 (2) Sections 3 and 4 of this 2021 Act do not affect the terms or conditions of easement  
8 held by an electric utility over private land as of the effective date of this 2021 Act.

9 **SECTION 6b.** Sections 3 and 3a of this 2021 Act do not apply to municipally owned utili-  
10 ties organized under ORS chapter 225.

11  
12 **STATEWIDE MAP OF WILDFIRE RISK**  
13

14 **SECTION 7.** (1) The State Board of Forestry shall establish by rule criteria by which the  
15 State Forestry Department must develop and maintain the map described in subsection (2)  
16 of this section using the most current wildfire assessments.

17 (2) The department shall oversee the development and maintenance of a comprehensive  
18 statewide map of wildfire risk. The map must:

19 (a) Be based on wildfire risk classes identified pursuant to subsection (3) of this section.

20 (b) Be sufficiently detailed to allow the assessment of wildfire risk at the property-  
21 ownership level.

22 (c) Include the boundaries of the wildland-urban interface, as defined in ORS 477.015,  
23 consistent with national standards.

24 (d) Be used to populate an Oregon Explorer Wildfire Risk Portal. The portal must be the  
25 official wildfire planning and risk classification mapping tool for the State of Oregon.

26 (e) Include a layer that geospatially displays the locations of socially and economically  
27 vulnerable communities.

28 (3) To inform the map, the department shall identify statewide wildfire risk classes,  
29 consistent with ORS 477.027, based on weather, climate, topography and vegetation.

30 (4) To develop and maintain the map, the department shall collaborate with Oregon State  
31 University, other state agencies, the State Fire Marshal, local governments, federally re-  
32 cognized Indian tribes in this state, other public bodies and any other information sources  
33 that the department deems appropriate.

34 (5) In maintaining the map, the department shall make technical and other adjustments  
35 as needed over time.

36 (6) The department shall make the map accessible to the public in electronic form.

37 (7) The department shall provide technical assistance to representatives of state and lo-  
38 cal government that use the map.

39 **SECTION 7a.** (1) On or before December 31, 2021, the State Forestry Department shall  
40 report to an interim committee of the Legislative Assembly related to wildfire, in the manner  
41 provided in ORS 192.245, on the department’s progress in complying with the requirements  
42 of section 7 of this 2021 Act.

43 (2) On or before June 30, 2022, the department must finish all actions required of the  
44 department by section 7 of this 2021 Act.

45

## DEFENSIBLE SPACE

1  
2  
3     **SECTION 8.** (1) The State Fire Marshal shall establish minimum defensible space re-  
4     quirements for wildfire risk reduction on lands in areas identified on the map described in  
5     section 7 of this 2021 Act as within the wildland-urban interface. In establishing the re-  
6     quirements, the State Fire Marshal shall consult with the Oregon Fire Code Advisory Board  
7     and select standards from the framework set forth in the International Wildland-Urban  
8     Interface Code (2020 ed.) published by the International Code Council. Subject to additional  
9     local requirements, the requirements shall apply statewide for all lands of the type identified  
10    in the map. In consultation with the Oregon Fire Code Advisory Board, the State Fire Mar-  
11    shal shall periodically reexamine the standards set forth in the International Wildland-Urban  
12    Interface Code (2020 ed.) and update the State Fire Marshal's standards to reflect current  
13    best practices.

14     (2) Except as otherwise provided in this subsection or subsection (3) of this section, the  
15     State Fire Marshal may administer and enforce the minimum defensible space requirements  
16     established under subsection (1) of this section that are applicable to the lands within the  
17     jurisdiction of a local government. A local government may administer and enforce the  
18     minimum defensible space requirements established by the State Fire Marshal within the  
19     jurisdiction of the local government.

20     (3) A local government may adopt and enforce local requirements for defensible space  
21     on lands that are greater than the minimum defensible space requirements established by  
22     the State Fire Marshal. Any local requirements that a local government adopts for defensible  
23     space must be defensible space standards selected from the framework set forth in the  
24     International Wildland-Urban Interface Code (2020 ed.). If a local government adopts local  
25     requirements under this subsection, within the jurisdiction of the local government the State  
26     Fire Marshal may administer and enforce the minimum defensible space requirements es-  
27     tablished by the State Fire Marshal under subsection (1) of this section and the local gov-  
28     ernment may enforce requirements adopted under this subsection that are greater than the  
29     minimum defensible space requirements established by the State Fire Marshal. The State  
30     Fire Marshal and the local government shall coordinate any inspection and enforcement ef-  
31     forts described in this subsection.

32     (4) If a local government administers and enforces minimum defensible space require-  
33     ments established by the State Fire Marshal within the jurisdiction of the local government,  
34     the local government shall periodically report to the State Fire Marshal regarding whether  
35     lands within the jurisdiction of the local government are in compliance with the applicable  
36     minimum defensible space requirements. The reports shall state the extent of compliance for  
37     each property, the change in degree of compliance since the previous report and any other  
38     information required by the State Fire Marshal by rule. In addition to requiring periodic re-  
39     ports, the State Fire Marshal may at any time require a local government to report the  
40     defensible space conditions for any lands on which minimum defensible space requirements  
41     are enforced by the local government.

42     (5) The State Fire Marshal shall administer a community risk reduction program that  
43     emphasizes education and methods of prevention with respect to wildfire risk, defensible  
44     space enforcement, response planning and community preparedness for wildfires. The State  
45     Fire Marshal may provide financial, administrative, technical or other assistance to a local

1 government to facilitate the administration and enforcement of minimum defensible space  
2 requirements within the jurisdiction of the local government. A local government shall ex-  
3 pend financial assistance provided by the State Fire Marshal under this subsection to give  
4 priority to the creation of defensible space:

5 (a) On lands owned by members of socially and economically vulnerable communities,  
6 persons with limited proficiency in English and persons of lower income as defined in ORS  
7 456.055.

8 (b) For critical or emergency infrastructure.

9 (c) For schools, hospitals and facilities that serve seniors.

10 **SECTION 8a.** The State Fire Marshal shall establish minimum defensible space require-  
11 ments for wildfire risk reduction on lands in areas identified on the map described in section  
12 7 of this section on or before December 31, 2022.

13 **SECTION 9.** The Community Risk Reduction Fund is established in the State Treasury,  
14 separate and distinct from the General Fund. Interest earned by the Community Risk Re-  
15 duction Fund shall be credited to the fund. Moneys in the fund are continuously appropriated  
16 to the State Fire Marshal for the purpose of carrying out community risk reduction and the  
17 local government financial assistance described in section 8 of this 2021 Act.

18 **SECTION 10.** (1) The State Fire Marshal shall annually report regarding the status of  
19 State Fire Marshal and local government activities for carrying out section 8 of this 2021  
20 Act to the Legislative Assembly in the manner provided in ORS 192.245 on or before the date  
21 of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.

22 (2) The report shall include, but need not be limited to:

23 (a) A status report regarding community risk reduction and the establishment, adminis-  
24 tration and enforcement of defensible space requirements;

25 (b) The amount of moneys expended during the year for community risk reduction and  
26 the establishment, administration or enforcement of defensible space requirements;

27 (c) The amount of moneys expended during the year for the suppression of fires on  
28 wildland-urban interface lands; and

29 (d) Any recommendations of the State Fire Marshal for legislative action, including, but  
30 not limited to, current or future resource and funding needs for community risk reduction  
31 and establishing, administering or enforcing defensible space requirements.

32  
33 **LAND USE**  
34

35 **SECTION 11.** (1) The Department of Land Conservation and Development shall identify  
36 updates to the statewide land use planning program and local comprehensive plans and zon-  
37 ing codes that are needed in order to incorporate wildfire risk maps and minimize wildfire  
38 risk, including the appropriate levels of state and local resources necessary for effective  
39 implementation.

40 (2) Updates may include, but need not be limited to, provisions regarding sufficient  
41 defensible space, building codes, safe evacuation and development considerations in areas of  
42 high wildfire risk, allowing for regional differences.

43 (3) As necessary to identify needed updates and develop the recommendations required  
44 by subsection (5) of this section, the department may consult with the State Fire Marshal,  
45 the State Forestry Department, the Department of Consumer and Business Services and lo-

1 cal governments.

2 (4) The Department of Land Conservation and Development shall complete the actions  
3 required by this section on or before October 1, 2022.

4 (5) The Department of Land Conservation and Development shall report to an interim  
5 committee of the Legislative Assembly related to wildfire, in the manner provided in ORS  
6 192.245, on or before October 1, 2022. The report must include recommendations concerning  
7 the updates.

8  
9 **BUILDING CODES**

10  
11 **SECTION 12.** (1) For high wildfire risk classes identified pursuant to section 7 of this 2021  
12 Act, the Department of Consumer and Business Services shall adopt wildfire hazard miti-  
13 gation building code standards for new construction, as described in section R327 of the 2019  
14 amendments to the 2017 Oregon Residential Specialty Code.

15 (2) The department shall incorporate the standards described in subsection (1) of this  
16 section into any updates to the Oregon residential specialty code.

17 **SECTION 12a.** Section 12 of this 2021 Act becomes operative on December 31, 2022.

18 **SECTION 12b.** On or before December 31, 2022, the Department of Consumer and Busi-  
19 ness Services shall submit a report to an appropriate committee or interim committee of the  
20 Legislative Assembly, in the manner described in ORS 192.245, that provides information on  
21 the number and general location of dwellings that have been built to the R327 standards since  
22 the standards were implemented in 2019, along with any other relevant information.

23  
24 **HEALTH SYSTEMS FOR SMOKE**

25  
26 **SECTION 13.** The Department of Environmental Quality shall develop and implement a  
27 program for supporting local communities, in detecting, preparing for, communicating or  
28 mitigating the environmental and public health impacts of wildfire smoke.

29 **SECTION 13a.** The Department of Environmental Quality shall establish a program for  
30 supporting local communities through intergovernmental agreements, grants, contracts or  
31 cooperative agreements to develop and implement community response plans to enhance the  
32 communities' readiness and mitigation capacity for smoke.

33 **SECTION 13b.** (1) The Department of Environmental Quality shall establish and imple-  
34 ment a program to support communities across this state in monitoring, interpreting and  
35 communicating data related to ambient air quality conditions.

36 (2) As part of the program, the department shall:

37 (a) Conduct community outreach in areas of this state that are prone to poor air quality  
38 attributable to elevated levels of particulate matter.

39 (b) Deploy air quality monitoring equipment in a manner sufficient to evaluate an in-  
40 creased prevalence of poor air quality attributable to elevated levels of particulate matter.

41 (c) Monitor meteorological conditions in a manner sufficient to forecast occurrences of  
42 poor air quality.

43 **SECTION 14.** In consultation and coordination with the Department of Human Services,  
44 the Oregon Business Development Department and local governments, the Oregon Health  
45 Authority shall establish and implement a clean air shelter grant program. The authority



1 shall require grant recipients to provide access to clean air shelters at no charge.

2 **SECTION 14a.** The Department of Human Services is the lead state agency for clean air  
3 shelter operations. The department shall:

4 (1) Consult and collaborate with the Oregon Health Authority to align practices for vol-  
5 untary evacuations and emergency sheltering operations.

6 (2) Coordinate with the authority in setting priorities for awarding grants described in  
7 subsection (1) of this section.

8 (3) Provide support to local agencies that take lead roles in operating and planning clean  
9 air shelters in the local agencies' jurisdictions.

10 **SECTION 15.** (1) As used in this section, "smoke filtration system" means an air  
11 filtration system capable of removing particulates and other harmful components of wildfire  
12 smoke.

13 (2) The Oregon Health Authority shall establish a program to increase the availability  
14 of smoke filtration systems among persons vulnerable to the health effects of wildfire smoke  
15 who reside in areas susceptible to wildfire smoke.

16 (3) The authority may issue grants for the installation of smoke filtration systems, the  
17 installation of replacement filters and housing interventions that facilitate effective smoke  
18 filtration systems, such as weather proofing, in residential buildings, commercial buildings  
19 or buildings open to the public in areas susceptible to wildfire smoke. The authority shall  
20 give grant priority to installations in residential buildings occupied by persons who qualify  
21 for the Oregon Health Plan or Medicaid and are vulnerable to the health effects of wildfire  
22 smoke.

23 (4) The authority may adopt rules establishing standards for smoke filtration systems  
24 obtained with grant moneys received under this section, including, but not limited to, mini-  
25 mum acceptable efficiency for the removal of particulates and other harmful substances  
26 generated by wildfires.

27 **SECTION 15a.** The Oregon Health Authority shall periodically report to an appropriate  
28 committee or interim committee of the Legislative Assembly, as described in ORS 192.245,  
29 on:

30 (1) The use of clean air shelters funded under section 14 of this 2021 Act, including use  
31 of the clean air shelters by vulnerable and underserved communities.

32 (2) The use of smoke filtration systems funded under section 15 of this 2021 Act, including  
33 use of the smoke filtration systems by vulnerable and underserved communities.

34 (3) The effectiveness of the programs described in sections 14 and 15 of this 2021 Act.

35 (4) Areas for improvement.

36 (5) Public health impacts during smoke events.

37 (6) Whether funding described in sections 14 and 15 of this 2021 Act has provided a public  
38 health return on investment.

39  
40 **EMERGENCY RESPONSE AND DISASTER RECOVERY**

41  
42 **SECTION 16.** ORS 401.025 is amended to read:

43 401.025. As used in this chapter:

44 (1) "Emergency" means a human created or natural event or circumstance that causes or  
45 threatens widespread loss of life, injury to person or property, human suffering or financial loss,

1 including but not limited to:

2 (a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud slides, drought, earth-  
3 quake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous  
4 material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease,  
5 blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

6 (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from  
7 one part of this state to another or a rapid displacement of individuals if the influx, migration or  
8 displacement results from the type of event or circumstance described in paragraph (a) of this sub-  
9 section.

10 (2) “Emergency service agency” means an organization within a local government that performs  
11 essential services for the public’s benefit before, during or after an emergency, such as law  
12 enforcement, fire control, health, medical and sanitation services, public works and engineering,  
13 public information and communications.

14 (3) “Emergency services” means activities engaged in by state and local government agencies  
15 to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency,  
16 including but not limited to coordination, preparedness planning, training, interagency liaison, fire  
17 fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforce-  
18 ment, medical, health and sanitation services, engineering and public works, search and rescue ac-  
19 tivities, warning and public information, damage assessment, administration and fiscal management,  
20 and those measures defined as “civil defense” in 50 U.S.C. app. 2252.

21 (4) “Local government” has the meaning given that term in ORS 174.116.

22 (5) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C. 5122(2).

23 **SECTION 17. (1) The Office of Emergency Management shall update its statewide emer-**  
24 **gency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide**  
25 **or statewide basis. The plan developed by the office to prepare for or respond to wildfire**  
26 **emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and**  
27 **evacuation planning.**

28 **(2) The office shall coordinate with cities, counties, adult foster homes, health care fa-**  
29 **ilities and residential facilities and the Oregon Health Authority to establish local or private**  
30 **procedures to prepare for emergencies related to wildfire and ensure that local efforts to**  
31 **prevent, respond to or recover from an emergency caused by wildfire are conducted in a**  
32 **manner consistent with the plan developed by the office to prepare for or respond to wildfire**  
33 **emergencies. The coordinated activities may include, but need not be limited to, providing**  
34 **training, carrying out exercises and promoting community education.**

35 **SECTION 17a. The Office of Emergency Management shall conduct the update required**  
36 **by section 17 (1) of this 2021 Act on or before December 31, 2021.**

37  
38 **REDUCTION OF WILDFIRE RISK**  
39

40 **SECTION 18. (1)(a) The State Forestry Department shall design and implement a pro-**  
41 **gram to reduce wildfire risk through the restoration of landscape resiliency and the re-**  
42 **duction of hazardous fuel on public or private forestlands and rangelands and in communities**  
43 **near homes and critical infrastructure.**

44 **(b) The department shall select, administer and evaluate projects consistent with the**  
45 **objectives described in this subsection.**

1 (c) When developing project selection criteria, the department shall, to the extent prac-  
2 ticable, consult and cooperate with state and federal agencies, counties, cities and other  
3 units of local government, federally recognized Indian tribes in this state, public and private  
4 forestland and rangeland owners, forest collaboratives and other relevant community or-  
5 ganizations and ensure consistency with the priorities described in subsection (2) of this  
6 section.

7 (2) The department shall:

8 (a) In collaboration with the Oregon State University Extension Service and other enti-  
9 ties, identify strategic landscapes that are ready for treatment, giving priority to projects  
10 within the landscapes that are:

11 (A) On all lands in the four highest eNVC risk classes identified in the United States  
12 Forest Service report titled "Pacific Northwest Quantitative Wildfire Risk Assessment:  
13 Methods and Results" and dated April 9, 2018;

14 (B) On federal lands currently approved for treatment projects under the National Envi-  
15 ronmental Policy Act (42 U.S.C. 4321 et seq.); and

16 (C) Focusing on treatments protective of human life, property, critical infrastructure,  
17 watershed health and forest and rangeland habitat restoration;

18 (b) To the extent practicable, design the projects to:

19 (A) Evaluate varying types of fuel treatment methods;

20 (B) Leverage the collective power of public-private partnerships, federal funding and  
21 state funding; and

22 (C) Optimize the receipt of federal government investments that equal or exceed depart-  
23 ment investments;

24 (c) Design the projects to involve existing forest-based and range-based contracting en-  
25 tities;

26 (d) Design the projects to complement programs and projects of the Oregon Watershed  
27 Enhancement Board or other state agencies as needed;

28 (e) Design the projects to involve the Oregon Wildfire Workforce Corps Program estab-  
29 lished by section 21 of this 2021 Act, to the maximum extent possible, for community pro-  
30 tection projects located in the wildland-urban interface, subject to funding available in the  
31 Oregon Wildfire Workforce Corps Fund established by section 23 of this 2021 Act;

32 (f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders  
33 holding a wide variety of perspectives regarding forest and rangeland management and op-  
34 portunities for significant involvement by communities in proximity to project sites; and

35 (g) Engage in monitoring of the project to produce useful information on which to base  
36 recommendations to the Legislative Assembly.

37 (3) A project under this section may not include commercial thinning on:

38 (a) Inventoried roadless areas;

39 (b) Riparian reserves identified in the Northwest Forest Plan or in federal Bureau of  
40 Land Management resource management plans;

41 (c) Late successional reserves, except to the extent consistent with the 2011 United  
42 States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix*  
43 *occidentalis caurina*);

44 (d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national  
45 recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

1 (e) Designated critical habitat for species listed as threatened or endangered under the  
2 Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission  
3 under ORS 496.172, unless commercial thinning is already allowed under an existing envi-  
4 ronmental review or recognized habitat recovery plan; or

5 (f) Federally designated areas of critical environmental concern or federally designated  
6 wilderness study areas.

7 (4) The department shall give public notice, and allow reasonable opportunity for public  
8 input, when identifying and selecting landscapes under this section.

9 **SECTION 19.** Section 18 of this 2021 Act does not expand, diminish or otherwise affect a  
10 right, privilege, duty or function established under federal, state or local laws or rules that  
11 pertain to the management of private lands in this state.

12 **SECTION 20.** (1) The State Forestry Department shall complete the operation of projects  
13 under section 18 of this 2021 Act no later than June 30, 2023.

14 (2) The department shall report regarding progress in carrying out projects under section  
15 18 of this 2021 Act to an interim committee of the Legislative Assembly related to natural  
16 resources, in the manner provided by ORS 192.245, and to the Governor no later than Janu-  
17 ary 15, 2022. The report shall include, but need not be limited to:

18 (a) An explanation of how landscapes were selected, a summary of the selected projects,  
19 a description of initial outcomes from projects selected under the requirements established  
20 by section 18 of this 2021 Act, anticipated time frames for completion of the projects and any  
21 initial recommendations concerning landscape identification and projects selected under the  
22 requirements established by section 18 of this 2021 Act;

23 (b) A description of the funding source types and amounts secured by the department  
24 as matching funds to implement projects; and

25 (c) A summary of outreach and coordination with relevant federal and state agencies,  
26 counties, cities and other units of local government, federally recognized Indian tribes in this  
27 state, public and private forestland and rangeland owners, forest collaboratives and other  
28 relevant community organizations to identify and select landscapes for treatment and de-  
29 velop selection criteria for projects.

30 (3)(a) The department shall report its findings and recommendations regarding wildfire  
31 risk reduction on forestland and rangeland and in communities, based on information ob-  
32 tained from the projects described in section 18 of this 2021 Act, to an interim committee  
33 of the Legislative Assembly related to natural resources, in the manner provided by ORS  
34 192.245, and to the Governor no later than July 15, 2023. The report shall include, but need  
35 not be limited to:

36 (A) A qualitative and quantitative summary of the project outcomes that, at a minimum,  
37 states the number of acres treated, the treatment actions carried out and any resulting or  
38 anticipated changes in landscape conditions related to enhanced resiliency or the mitigation  
39 of wildfire risk to public values;

40 (B) The identification of barriers to more efficient implementation and achievement of  
41 goals in future wildfire risk reduction projects;

42 (C) A qualitative and quantitative summary of the use of prescribed fire activities and  
43 invasive annual grass treatments for wildfire risk reduction that, at a minimum, states the  
44 number of acres burned and any resulting or anticipated changes in landscape conditions  
45 related to enhanced resiliency or the mitigation of wildfire risk to public values;

1 (D) The identification of existing disincentives to, and recommendation for reducing  
2 barriers to, the use of prescribed fire;

3 (E) Recommendations for creating optimal working relationships with forest  
4 collaboratives and other relevant community organizations regarding future wildfire risk  
5 reduction projects;

6 (F) A description of the funding source types and amounts secured by the department  
7 as matching funds to carry out projects; and

8 (G) Recommendations for investment in future wildfire risk reduction projects to be  
9 carried out in the 2023-2025 biennium.

10 (b) In developing the report required under this subsection, the department shall work  
11 in coordination with federal land management agencies, institutions of higher education and  
12 third parties to develop consistent performance measurements and condition-based metrics  
13 for monitoring and communicating the effectiveness of state investments and project actions  
14 in reducing wildfire risk on public or private forestlands and rangelands and in communities.

15  
16 **OREGON WILDFIRE WORKFORCE CORPS**

17  
18 **SECTION 21.** (1) The Oregon Wildfire Workforce Corps Program is established for the  
19 purposes of:

20 (a) Reducing the risk wildfire poses to communities and critical infrastructure.

21 (b) Helping to create fire-adapted communities.

22 (c) Engaging youth and young adults in workforce training.

23 (2) Youth and young adults between 13 years of age and 26 years of age who have been  
24 qualified by a youth development organization may participate in projects undertaken by the  
25 corps.

26 (3) Notwithstanding an contrary provision of law, participants in projects undertaken by  
27 the corps:

28 (a) Are not employees of the corps.

29 (b) Are exempt from prevailing wage laws.

30 (c) Must receive compensation for their participation of at least minimum wage or an  
31 allowance or stipend that, when combined with other sources of payment the participant is  
32 eligible to receive, including academic credit or an AmeriCorps education award, is equiv-  
33 alent to the value of minimum wage.

34 **SECTION 22.** (1) As used in this section, “eligible organization” includes Oregon-based  
35 nonprofit youth development organizations and public entities that provide programs of job  
36 training, skill development and forest-related career path training.

37 (2) The Oregon Wildfire Workforce Advisory Committee is established within the Higher  
38 Education Coordinating Commission for the purpose of managing the Oregon Wildfire  
39 Workforce Corps Program.

40 (3) The Governor shall determine the number of members on the committee and appoint  
41 the members.

42 (4) The committee shall, in collaboration with a nonprofit foundation, actively seek and  
43 source private donations to increase donations to the Oregon Community Foundation.

44 (5) The committee may direct the expenditure of moneys from the Oregon Wildfire  
45 Workforce Corps Fund for a promotional website and materials to solicit private funds.

1 (6) Members may not receive compensation for service on the committee, but, subject  
2 to any applicable laws regulating travel and other expenses of state officers and employees,  
3 may be reimbursed for actual and necessary travel and other expenses incurred in the per-  
4 formance of committee duties with moneys available to the commission for the purpose of  
5 reimbursing the members.

6 (7) The committee shall administer a grant process that:

7 (a) Provides funding to support the work conducted by the Oregon Wildfire Workforce  
8 Corps Program.

9 (b) Defines and uses an equity lens in awarding grants by identifying and supporting  
10 populations with greater vulnerability including communities of color, indigenous communi-  
11 ties, communities with members who have limited proficiency in English and communities  
12 with lower-income members.

13 (c) Awards grants to eligible organizations.

14 (d) Ensures that grant awards support activities described in subsection (6) of this sec-  
15 tion.

16 (e) Establishes guidelines for prioritizing grant-supported projects to reduce community  
17 fire risks, promote youth and young adult workforce development and educational experi-  
18 ences and reduce hazardous fuels.

19 (8) The committee shall consult with the State Forestry Department to ensure that the  
20 grant process awards funds to proposals that:

21 (a) Protect at-risk communities and infrastructure within the wildland-urban interface,  
22 as described in section 18 of this 2021 Act.

23 (b) Meet standards for fuel treatment established by the department.

24 (9) The committee shall biennially submit a report, on the timeline described in ORS  
25 293.640, to an appropriate committee or interim committee of the Legislative Assembly, as  
26 described in ORS 192.245, regarding the expenditure of moneys deposited in the Oregon  
27 Wildfire Workforce Corps Fund.

28 **SECTION 23.** (1) The Oregon Wildfire Workforce Corps Fund is established in the State  
29 Treasury, separate and distinct from the General Fund. Interest earned by the Oregon  
30 Wildfire Workforce Corps Fund shall be credited to the fund.

31 (2) The fund may receive contributions from individuals and private organizations.

32 (3) Moneys in the fund are continuously appropriated to the Higher Education Coordi-  
33 nating Commission to be used as directed by the Oregon Wildfire Workforce Advisory Com-  
34 mittee and for related administrative expenses of the commission.

35 (4) The commission shall keep records of all moneys credited to and deposited in the fund  
36 and the activity or program against which each withdrawal from the fund is charged.

37  
38 **SMALL WOODLAND GRANT PROGRAM**  
39

40 **SECTION 24.** (1) As used in this section, “small woodland owner” means an individual,  
41 group, federally recognized Indian tribe in Oregon or association that owns between one and  
42 160 acres of forestland, as defined in ORS 526.005.

43 (2) The State Forestry Department shall establish a small woodland grant program for  
44 the purpose of providing grants, on a competitive basis, to support small woodland owners  
45 in reducing wildfire risk through the restoration of landscape resiliency and the reduction

1 of hazardous fuels on the owners' small woodlands.

2 (3) The department shall set criteria for assessing grant applications and awarding  
3 grants.

4  
5 **PRESCRIBED FIRE**

6  
7 **SECTION 25.** The State Forestry Department shall adopt rules to clarify that a person  
8 may:

9 (1) Conduct a prescribed fire that burns across land ownership boundaries if the person  
10 obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the  
11 conditions of the permit.

12 (2) Obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns  
13 across land ownership boundaries if the person demonstrates to the department that the  
14 person has obtained consent to conduct the fire from all persons on whose lands the fire is  
15 planned to burn.

16 **SECTION 25a.** The State Forestry Department shall initiate the rulemaking described in  
17 section 25 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on  
18 or before November 30, 2022.

19 **SECTION 26.** ORS 526.360 is amended to read:

20 526.360. (1) The State Board of Forestry, [*and the forester*] **the State Forester and forest**  
21 **protective associations** may assist to the extent [*possible*] **practical** in developing, for forestry,  
22 grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such  
23 uses, including the burning of brush or other flammable material for the purpose of:

24 (a) Removing a fire hazard to any property;

25 (b) Preparing seed beds;

26 (c) Removing obstructions to or interference with the proper seeding or agricultural or grazing  
27 development or use of that land;

28 (d) Promoting the establishment of new forest crops on cutover, denuded or underproductive  
29 lands;

30 (e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to  
31 527.370; or

32 (f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.

33 (2) Upon request of the owner or the agent of the owner of any forestland classified pursuant  
34 to ORS 526.328 or 526.340, the forester **or a forest protective association** may perform or super-  
35 vise burning operations thereon for any of the purposes stated in subsection (1) of this section. The  
36 owner or the agent of the owner shall supply such personnel and equipment and shall perform such  
37 fire control actions and activities as the forester **or forest protective association** may require  
38 while there is danger of the fire spreading. The forester **or forest protective association** may re-  
39 fuse to perform or supervise burning or to issue any burning permit when, in the judgment of the  
40 forester **or forest protective association**, conditions so warrant.

41 (3) To accomplish the purposes set forth in subsection (1) of this section, the [*State Board of*  
42 *Forestry may*] **board shall** establish by rule a Certified Burn Manager program.

43 (4) The rules shall include:

44 (a) Certification standards, requirements and procedures;

45 (b) Standards, requirements and procedures to revoke certification;

- 1 (c) Actions and activities that a Certified Burn Manager must perform;
- 2 (d) Actions and activities that a Certified Burn Manager may not allow or perform;
- 3 (e) Limitations on the use of a Certified Burn Manager; and
- 4 (f) Any other standard, requirement or procedure that the board considers necessary for the safe
- 5 and effective administration of the program.

6 **(5) The rules may establish and impose fees for participation in the program.**

7 [(4)] **(6)** When [any] a burning for any of the purposes stated in subsection (1) of this section on  
8 forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and  
9 supervised by the forester, a forest protective association or a Certified Burn Manager, [no] a  
10 person [shall] **may not** be held liable for property damage resulting from that burning unless the  
11 damage is caused by the negligence of the person.

12 **SECTION 27. By December 1, 2021, the State Board of Forestry shall:**

13 **(1) Consult with the Oregon Prescribed Fire Council concerning best practices for con-**  
14 **ducting the Certified Burn Manager program described in ORS 526.360;**

15 **(2) Initiate rulemaking to establish the program; and**

16 **(3) Report in the manner provided in ORS 192.245 to an appropriate committee or interim**  
17 **committee of the Legislative Assembly on progress the board has made in establishing and**  
18 **implementing the program and when the board expects to launch the program.**

19  
20 **PROTECTED AREAS**

21  
22 **SECTION 28. (1) The State Forester, in collaboration with the State Fire Marshal, state**  
23 **agencies and local governments as defined in ORS 174.116, shall adopt rules establishing**  
24 **baseline levels of wildfire protection for lands that are outside of forest protection districts**  
25 **and susceptible to wildfire. When establishing the baseline levels for lands, the State**  
26 **Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in**  
27 **collaboration with the State Forester and the State Fire Marshal, may work to ensure that**  
28 **all lands within the county that are outside of forest protection districts and susceptible to**  
29 **wildfire are provided with wildfire protection services at the applicable baseline level or a**  
30 **higher level. As used in this subsection, "forest protection districts" means lands designated**  
31 **in State Forester rules as provided under ORS 477.225.**

32 **(2) A county, in collaboration with the State Forester and the State Fire Marshal, may**  
33 **assist:**

34 **(a) Landowners, individuals and businesses with forming jurisdictions to provide wildfire**  
35 **protection;**

36 **(b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or**  
37 **other changes to boundaries or facility locations of jurisdictions that provide wildfire pro-**  
38 **tection;**

39 **(c) Jurisdictions to expand or adjust jurisdiction service boundaries to ensure adequate**  
40 **wildfire protection for lands; and**

41 **(d) Jurisdictions in developing wildfire protection facilities, equipment, training and other**  
42 **resources adequate to ensure that the jurisdiction provides timely and effective wildfire**  
43 **protection at the baseline level or higher on lands described in subsection (1) of this section**  
44 **throughout the jurisdiction.**

45 **(3) The State Forester may provide financial assistance to counties for carrying out**



1 county duties under subsection (2) of this section from any funds made available to the State  
2 Forester and designated for that purpose.

3 **SECTION 29.** A county shall ensure no later than January 1, 2026, that all lands described  
4 in section 28 (1) of this 2021 Act within the county have baseline level or higher wildfire  
5 protection as described in section 28 of this 2021 Act.

6  
7 **WILDFIRE RESPONSE CAPACITY**

8  
9 **SECTION 30.** (1) The State Forestry Department shall consult and coordinate with fed-  
10 eral agencies, private stakeholders and other state agencies to determine the adequacy of  
11 state, federal and private wildfire response capacity. The department shall act to facilitate  
12 wildfire prevention and wildfire response communication and coordination between federal,  
13 state, local and private entities.

14 (2) The department shall, to the extent practicable, seek to leverage state moneys to  
15 obtain an increase in federal wildfire resources available to Oregon for effective initial re-  
16 sponse purposes.

17 (3) The department shall consult with the office of the State Fire Marshal and with local  
18 fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire  
19 response on wildland-urban interface lands and to identify means for providing additional  
20 resources from the state or other entities to enhance wildfire response capacity on  
21 wildland-urban interface lands.

22 (4) The department shall continually identify workforce development needs associated  
23 with wildfire risk mitigation and wildfire response and develop funding proposals for meeting  
24 those needs on a sustained basis. The identified workforce development needs must align  
25 with wildfire risk to provide an adequate level of wildfire protection, as described in ORS  
26 477.062.

27 (5) The department may enter into cooperative agreements or contracts with a local or  
28 private entity for the purpose of assisting the entity to organize for purposes of wildfire risk  
29 mitigation or wildfire response, including, but not limited to, facilitating wildfire training and  
30 the acquisition of firefighting equipment for the entity and assisting with payment for li-  
31 ability insurance and other administrative expenses of the entity associated with wildfire risk  
32 mitigation or wildfire response.

33 **SECTION 30a.** The State Fire Marshal may enter into contracts with other states for fire  
34 suppression, coordination and response.

35  
36 **WILDLAND-URBAN INTERFACE FIRE PROTECTION**

37  
38 **SECTION 31.** ORS 477.015 is amended to read:

39 477.015. [(1)] As used in **this section** and ORS [477.015 to 477.061] **477.025 and 477.027**, unless  
40 the context otherwise requires, “[forestland] **wildland-urban interface**” means **an area in which**  
41 **humans or human development meets or intermixes with wildland fuels.** [a geographic area of  
42 forestland inside a forest protection district where there exists a concentration of structures in an urban  
43 or suburban setting.]

44 [(2) As used in ORS 477.015 to 477.057, unless the context requires otherwise:]

45 [(a) “Committee” means a county forestland-urban interface classification committee.]



1 **property from wildfire at a reasonable cost.**

2 **(B) Electric utilities regarding further actions to protect public safety, reduce risk to**  
3 **electric company customers and promote electrical system resilience to wildfire damage.**

4 **(C) Congressional delegations and federal agencies to expand opportunities for cost-share**  
5 **partnerships for wildfire mitigation and develop strategies for improvements to federal fire**  
6 **management policies.**

7  
8 **WILDFIRE PROGRAMS ADVISORY COUNCIL**  
9

10 **SECTION 36. (1) There is established a Wildfire Programs Advisory Council to advise and**  
11 **assist the State Wildfire Programs Director by:**

12 **(a) Closely monitoring implementation of activities undertaken pursuant to this 2021 Act,**  
13 **including implementation of aspects of activities that include defensible space, building codes**  
14 **and land use applications of any comprehensive map of statewide wildfire risk.**

15 **(b) Providing advice on needed changes to the activities in order to fulfill the goal of**  
16 **dramatically reducing wildfire risk in this state and ensuring that regional defensible space,**  
17 **building codes and land use applications are appropriate.**

18 **(c) Developing strategies to ensure promotion of the activities and buy-in from regions**  
19 **and communities.**

20 **(d) Reviewing Department of Land Conservation and Development findings and recom-**  
21 **mendations in the report required by section 11 of this 2021 Act, identifying the recommen-**  
22 **dations that the council believes should be advanced to the Legislative Assembly for**  
23 **consideration in a future legislative session and making additional recommendations related**  
24 **to needed updates to the statewide land use planning program and local comprehensive plans**  
25 **and zoning codes to incorporate wildfire risk maps and minimize wildfire risk to people,**  
26 **public and private property, businesses, infrastructure and natural resources.**

27 **(2) The council shall consist of 18 members appointed as follows:**

28 **(a) Five members appointed by the Governor with diverse geographic representation.**

29 **(b) Five members appointed by the Association of Oregon Counties.**

30 **(c) Three members appointed by the League of Oregon Cities.**

31 **(d) Two members appointed by the Special Districts Association of Oregon.**

32 **(e) Two members appointed by the Oregon Fire Chiefs Association.**

33 **(f) One member appointed by the Oregon Fire District Directors Association.**

34 **(3) The term of service for each member is three years.**

35 **(4) The members are eligible for reappointment.**

36 **(5) The council shall elect a chair and vice-chair to serve for one-year terms.**

37 **(6) The members shall serve on the council as volunteers and are not entitled to re-**  
38 **imbursement for expenses.**

39 **(7) The Department of Consumer and Business Services, Department of Land Conserva-**  
40 **tion and Development, Office of the State Fire Marshal and State Forestry Department shall**  
41 **each provide 0.15 of the time of a full-time equivalent employee to:**

42 **(a) Cooperatively staff the council.**

43 **(b) Attend council meetings as informational resources.**

44 **(c) Assist with drafting reports at the request of the council.**

45 **(d) Support the work of the State Wildfire Programs Director.**

1 (8) Each December the council shall submit a report to the Governor and appropriate  
2 committees or interim committees of the Legislative Assembly that describes progress on  
3 implementing program activities related to defensible space, building codes, land use and  
4 community emergency preparedness and that recommends improvements.

5 **SECTION 37.** (1) On or before September 1, 2021, members of the Wildfire Programs  
6 Advisory Council must be appointed as described in section 36 (2) of this 2021 Act.

7 (2) After September 1, 2021, any appointments not made as described in section 36 (2) of  
8 this 2021 Act must be made by the Governor.

9 **SECTION 38.** The Wildfire Programs Advisory Council must make the first report de-  
10 scribed in section 36 (8) of this 2021 Act in December 2022.

11 **SECTION 39.** (1) The Wildfire Programs Advisory Council shall submit a report on the  
12 recommendations described in section 36 (1)(d) of this 2021 Act to an appropriate committee  
13 or interim committee of the Legislative Assembly, as described in ORS 192.245, on or before  
14 January 15, 2023.

15 (2) The report shall be in addition to any other report required by section 36 of this 2021  
16 Act.

17  
18 **CONFORMING AMENDMENTS**  
19

20 **SECTION 40.** For purposes of the sellers' property disclosure statements described in  
21 ORS 105.464, "forestland-urban interface" has the same meaning as "wildland-urban inter-  
22 face," as defined in ORS 477.015.

23 **SECTION 41.** ORS 197.716 is amended to read:

24 197.716. (1) As used in this section:

25 (a) "Economic opportunity analysis" means an analysis performed by a county that:

26 (A) Identifies the major categories of industrial uses or other employment uses that could rea-  
27 sonably be expected to expand or locate in the county based on a review of trends on a national,  
28 state, regional or county level;

29 (B) Identifies the number of sites by type reasonably expected to be needed to accommodate the  
30 expected employment growth based on the site characteristics typical of expected uses;

31 (C) Estimates the types and amounts of industrial uses and other employment uses likely to oc-  
32 cur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county's  
33 economic advantages and disadvantages, including:

34 (i) Location, size and buying power of markets;

35 (ii) Availability of transportation facilities for access and freight mobility;

36 (iii) Public facilities and public services;

37 (iv) Labor market factors;

38 (v) Access to suppliers and utilities;

39 (vi) Necessary support services;

40 (vii) Limits on development due to federal and state environmental protection laws; and

41 (viii) Educational and technical training programs;

42 (D) Assesses community economic development potential through a public process in conjunction  
43 with state agencies and consistent with any categories or particular types of industrial uses and  
44 other employment uses desired by the community as identified in an existing comprehensive plan;

45 (E) Examines existing firms in the county to identify the types of sites that may require expan-

1 sion;

2 (F) Includes an inventory of vacant and developed lands within the county designated for in-  
3 dustrial use or other employment use, including:

4 (i) The description, including site characteristics, of vacant or developed sites within each plan  
5 or zoning district; and

6 (ii) A description of any development constraints or infrastructure needs that affect the  
7 buildable area of sites in the inventory; and

8 (G) Identifies additional potential sites for designation and rezoning that could reasonably ac-  
9 commodate expected industrial uses and other employment uses that cannot be met by existing in-  
10 ventories.

11 (b) "Industrial use" means industrial employment activities, including manufacturing, assembly,  
12 fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment  
13 and research and development.

14 (c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union,  
15 Wallowa or Wheeler County.

16 (d) "Other employment use" means all nonindustrial employment activities, including small scale  
17 commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental  
18 or employment activities that serve the medical, educational, social service, recreational or security  
19 industries and that occupy retail, office or flexible building types of any size or multibuilding cam-  
20 puses.

21 (e) "Reasonably be expected to expand or locate in the county" means that the county possesses  
22 the appropriate locational factors for the use or category of use.

23 (f)(A) "Small scale commercial use" means the low-impact use of land primarily for the retail  
24 sale of products or services, including offices.

25 (B) "Small scale commercial use" does not include use of land for factories, warehouses, freight  
26 terminals or wholesale distribution centers.

27 (2) A listed county that has adopted an economic opportunity analysis as part of its compre-  
28 hensive plan may amend its comprehensive plan, land use regulations and zoning map to designate  
29 not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50  
30 acres of land if the sites were identified in any economic opportunity analysis as additional potential  
31 sites for industrial uses or other employment uses in order to allow for industrial uses and other  
32 employment uses without requiring an exception under ORS 197.732 to any statewide land use  
33 planning goals related to:

34 (a) Agriculture;

35 (b) Forest use; or

36 (c) Urbanization.

37 (3) A county may not designate a site under subsection (2) of this section:

38 (a) On any lands designated as high-value farmland as defined in ORS 195.300;

39 (b) Unless the county complies with ORS 197.714; and

40 (c) If any portion of the proposed site is for lands designated for forest use, unless the county:

41 (A) Notifies the State Forester in writing not less than 21 days before designating the site; and

42 (B) Cooperates with the State Forester in:

43 (i) Updating and classifying [*forestland*] **wildland**-urban interface lands in and around the site;

44 (ii) Taking necessary steps to implement or update the [*forestland*] **wildland**-urban interface fire  
45 protection system in and around the site as described in ORS [477.015 to 477.061] **477.027**; and

1 (iii) Implementing other fire protection measures authorized by the State Forester.

2 (4) A county may not amend its comprehensive plan, land use regulations or zoning map under  
3 this section to allow a use that would conflict with an administrative rule adopted for the purpose  
4 of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

5 **SECTION 42.** ORS 205.130 is amended to read:

6 205.130. The county clerk shall:

7 (1) Have the custody of, and safely keep and preserve, all files and records of deeds and mort-  
8 gages of real property and a record of all maps, plats, contracts, powers of attorney and other in-  
9 terests affecting the title to real property required or permitted by law to be recorded.

10 (2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office  
11 of the county clerk, all:

12 (a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title  
13 to real property, authorized by law to be recorded, assignments thereof and of any interest therein  
14 when properly acknowledged or proved and other interests affecting the title to real property re-  
15 quired or permitted by law to be recorded;

16 (b) Certificates of sale of real property under execution or order of court, or assignments of  
17 previously recorded certificates or of any interest in real property, when properly acknowledged or  
18 proved;

19 (c) Certified copies of death records of any person appearing in the county records as owning  
20 or having a claim or interest in land in the county. A certified copy of a death record recorded in  
21 the deed records of a county under this subsection is a public record and is not subject to the dis-  
22 closure limitations under ORS 432.350;

23 (d) Instruments presented for recording by the United States or the State of Oregon, or a poli-  
24 tical subdivision of either, that affect title to or an interest in real property or that lawfully concern  
25 real property; **and**

26 (e) Instruments recognized under state law or rule or federal law or regulation as affecting title  
27 to or an interest in real property if the instrument is properly acknowledged or proved[; *and*].

28 *[(f) Orders from a county forestland-urban interface classification committee filed under ORS*  
29 *477.052.]*

30 (3) Keep and maintain:

31 (a) Deed and mortgage records;

32 (b) Statutory lien records;

33 (c) A record called the County Clerk Lien Record in which the following shall be recorded:

34 (A) The warrants and orders of officers and agencies that are required or permitted by law to  
35 be recorded; and

36 (B) All instruments presented for recordation when required or permitted by law to be recorded  
37 that affect the title to or an interest in real property, other than instruments recorded in the deed  
38 and mortgage records or the statutory lien records;

39 (d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments;  
40 and

41 (e) Other instruments required or permitted by law to be recorded not affecting interests in real  
42 property.

43 (4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real  
44 property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other in-  
45 terests when required or permitted by law to be recorded that affect the title of real property, and

1 in regard to the entry of satisfaction and discharge of the same, together with other documents re-  
2 quired or permitted by law to be recorded.

3 (5) Incur no civil or criminal liability, either personally or in an official capacity, for recording  
4 an instrument that does not comply with the provisions of law that require or allow the recording  
5 of the instrument.

6 **SECTION 43.** ORS 477.281 is amended to read:

7 477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments  
8 and taxes for fire protection of forestland is limited to:

9 (a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295, 477.760 (4) and 477.880  
10 to maintain the Oregon Forest Land Protection Fund; and

11 (b) The payment of forest protection district assessments pursuant to ORS [477.060 and] 477.205  
12 to 477.281.

13 (2) As used in this section, “obligation of an owner of timberland or grazing land for payment  
14 of assessments and taxes for fire protection of forestland” does not include the duties or obligations  
15 of the owner under ORS 477.066, 477.068 or 477.120 or the obligations of an owner of land included  
16 in a rural fire protection district pursuant to ORS 478.010.

17  
18 **APPROPRIATIONS**

19  
20 **SECTION 44.** In addition to and not in lieu of any other appropriation, there is appro-  
21 priated \$150,000,000, for the biennium beginning July 1, 2021, out of the General Fund, the  
22 following amounts to the following entities for the following purposes:  
23

- 
- 24
- 25 (1) The Public Utility Commission for  
26 purposes described in sections  
27 2 and 3 of this 2021 Act ..... \$ -----
  - 28 (2) The State Board of Forestry for  
29 purposes of developing and  
30 maintaining the map described  
31 in section 7 of this 2021 Act ..... \$ -----
  - 32 (3) Oregon State University for the  
33 purpose of collaborating on the  
34 map described in section 7 of  
35 this 2021 Act ..... \$ -----
  - 36 (4) The State Fire Marshal for the  
37 purpose of activities related  
38 to the community risk reduction  
39 program described in section 9  
40 of this 2021 Act ..... \$ -----
  - 41 (5) The State Fire Marshal for  
42 deposit in the Community Risk  
43 Reduction Fund established by  
44 section 9 of this 2021 Act ..... \$ -----
  - 45 (6) The Department of Land

- 1           **Conservation and Development**
- 2           **for purposes described in**
- 3           **section 11 of this 2021 Act..... \$       -----**
- 4       **(7) The Department of Consumer and**
- 5           **Business Services for**
- 6           **purposes described in**
- 7           **section 12 of this 2021 Act..... \$       -----**
- 8       **(8) The Department of Environmental**
- 9           **Quality for purposes**
- 10           **described in section 13 of**
- 11           **this 2021 Act ..... \$       -----**
- 12       **(9) The Department of Environmental**
- 13           **Quality for purposes**
- 14           **described in section 13a of**
- 15           **this 2021 Act ..... \$       -----**
- 16       **(10) The Department of Environmental**
- 17           **Quality for purposes**
- 18           **described in section 13b of**
- 19           **this 2021 Act ..... \$       -----**
- 20       **(11) The Oregon Health Authority**
- 21           **for purposes described in**
- 22           **section 14 of this 2021 Act..... \$       -----**
- 23       **(12) The Oregon Health Authority**
- 24           **Quality for purposes**
- 25           **for purposes described in**
- 26           **sections 15 and 15a of this**
- 27           **2021 Act..... \$       -----**
- 28       **(13) The Office of Emergency**
- 29           **Management for purposes**
- 30           **described in section 17 of**
- 31           **this 2021 Act ..... \$       -----**
- 32       **(14) The State Forestry Department**
- 33           **for purposes described in**
- 34           **sections 18 and 20 of this**
- 35           **2021 Act..... \$       -----**
- 36       **(15) The State Forestry Department**
- 37           **for the wildfire aviation**
- 38           **program, staffing for fire**
- 39           **protection, department**
- 40           **administration and expansion**
- 41           **of partnership and planning**
- 42           **programs, including the**
- 43           **forest health programs for**
- 44           **activities described in**
- 45           **sections 18, 20, 25**



1	and 30 of this 2021 Act.....	\$	-----
2	(16) The Higher Education		
3	Coordinating Commission for		
4	purposes described in section		
5	22 of this 2021 Act .....	\$	-----
6	(17) The Higher Education		
7	Coordinating Commission for		
8	deposit in the Oregon Wildfire		
9	Workforce Corps Fund		
10	established by section 23 of		
11	this 2021 Act .....	\$	1,000,000
12	(18) The Higher Education		
13	Coordinating Commission to		
14	match private donations that		
15	are donated for the purpose		
16	of funding grant-supported		
17	projects related to the		
18	Oregon Wildfire Workforce		
19	Corps Program, up to the		
20	donated amount of \$10,000,000 ..	\$	-----
21	(19) The State Forestry Department		
22	for purposes described in		
23	section 25 of this 2021 Act.....	\$	-----
24	(20) The State Board of Forestry		
25	for the purpose of establishing		
26	and implementing the Certified		
27	Burn Manager program described		
28	in ORS 526.360.....	\$	-----
29	(21) The State Forestry Department		
30	for purposes described in		
31	section 28 of this 2021 Act.....	\$	-----
32	(22) The State Forestry Department		
33	for purposes of workforce		
34	development needs associated		
35	with wildfire risk mitigation		
36	and response required by		
37	section 30 of this 2021 Act.....	\$	-----

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CAPTIONS

**SECTION 45.** The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

**EMERGENCY CLAUSE**

1  
2  
3  
4  
5  
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**SECTION 46. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

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