

Wildfire Hazard Map Contested Case Appeals FAQ

If you want to appeal your property's hazard zone assignment, this document explains the appeals process, which includes participation in a contested case hearing.

What is a contested case?

A contested case is like a trial but is less formal. It allows a party to challenge the Department of Forestry's (Department) assignment of Wildfire Hazard Zones or designation as wildland-urban interface..

What are the basic steps of the process if I want to appeal?

- The property owner must submit a completed appeal form to the Department. The property owner must include:
 - the property owner's contact information;
 - the criteria of the hazard map being contested;
 - the issues seeking to be addressed; and
 - the remedy sought.
- The Department will process the appeals in the order received, coordinated by geographic region. The Department will ensure that the appeal is complete, with contact information. The Department may contact the property owner to discuss issues raised in the appeal.
- After the required contact information is gathered, the Department will refer the appeal to the Office of Administrative Hearings (OAH). The OAH will contact the property owner to coordinate the contested case hearing schedule and logistics. There is no required timeline for holding hearings or issuing orders after the hearing.

What can I appeal?

Property owners can appeal the criteria of the hazard map, the wildland-urban interface designation, and whether the Department followed the required process.

What is the hazard designation composed of? What factors determine it?

"Wildfire Hazard" is a numerical value describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation, as modeled for a given pixel (100' x 100' square).

When can I appeal? How long is the appeal window open?

The appeal window is open for 60 days from when the map is posted on the Oregon Explorer (estimated October 1, 2024), or 60 days from when the letter is mailed to property owners with tax lots determined to be in a high-hazard zone, and inside the wildland-urban interface (estimated October 1, 2024).

What is the cost to appeal?

There is no cost for a property owner to appeal. If a property owner chooses to hire an attorney, the property owner would bear that expense.

Will the hearings be conducted locally, or do I need to travel? Do I need to appear in person?

The Office of Administrative Hearings ("OAH") has flexibility in the location and logistics of the hearing. Often, parties are not required to travel. The OAH can hold hearings in-person at various locations across the



state, by video conference, or over the phone. The OAH routinely uses all of these methods for holding contested case hearings. The property owner who submits an appeal must appear for the hearing, in the method agreed upon by the OAH.

Where can I find the appeal form?

If your property is determined to be in a high-hazard zone, and in the wildland-urban interface, you will be mailed a letter that will contain information regarding what it means, other wildfire programs, and an appeal form. The form will also be available on ODF's website, <https://www.oregon.gov/odf/fire/Pages/wildfire-hazard.aspx>.

Can I appeal the Final Order that results from my contested case hearing?

Yes. After a contested case hearing, the State Forester will issue a Final Order. That Final Order can be appealed in accordance with ORS 183.482, with the Oregon Court of Appeals.

Do I need an attorney?

A property owner who is an individual can conduct a contested case hearing without being represented by an attorney. However, a property owner who is an agency, corporation, partnership, limited liability company, trust, government body, or unincorporated association must be represented by an attorney.

Will the state have an attorney present?

In general, no. ODF staff will represent the Department. There are certain situations where it is required that the Department of Justice represent the State.

Will someone review my property?

Regarding the appeals process, there will not be any site visits in the determination of your appeal.

Does having Defensible Space or Hardened Home materials affect my Hazard Zone assignment?

No. Neither of these actions impact the criteria used to determine the Wildfire Hazard Zone classification. However, both actions are considered as mitigating the risk to which your property is exposed from the environmental hazard present. Please see the handouts regarding defensible space (OSFM) and home hardening (DCBS).

Can I appeal again at the next map update?

Yes. Any time the map is updated, and hazard assessments are updated, a property owner may appeal.

Does the hazard designation affect my insurance?

No. However your insurance may respond to market conditions. Included in this packet is information regarding insurance markets from the Department of Financial Regulations.

Can I recommend a remedy?

Yes. A recommended remedy is a requirement on the appeal form.

How often are notifications about Wildfire Hazard Zones made?

Notifications are made when the Wildfire Hazard Map is updated.

