



Oregon

Tina Kotek, Governor

Department of Forestry
State Forester's Office
2600 State St
Salem, OR 97310-0340
www.oregon.gov/ODF

<<Maildate>>

Dear <<OWNER1>>,

To support strategic, statewide investments in community wildfire resilience, the Oregon Department of Forestry and Oregon State University have developed statewide maps of wildfire hazard zones and the wildland-urban interface. These maps are tools to help identify which Oregon homes and communities face the highest wildfire hazard and, therefore, are the highest priorities for actions to build community wildfire resilience.

Your property has been identified as being within both a high hazard zone and the wildland-urban interface.

This designation will not impact your homeowner's insurance rate or ability to obtain coverage. It is against state law for insurance companies to use the statewide wildfire hazard map in decisions about rates or coverage.

Use the QR code to the right to visit the Wildfire Risk Explorer, or type <https://tools.oregonexplorer.info/viewer/wildfire> into your browser. You can view a property owner's report with specific details on your property and how hazard is assessed.



If you are unable to view your report online, please call 1-844-996-2259 to request a copy be mailed to you. You'll also find an enclosed flyer from OSU explaining how wildfire hazard is assessed and how the wildland-urban interface is determined.

What this means for you

- You may need to have defensible space around your home to comply with new codes.
- If you are building a new home, or significantly renovating an existing home, you will have new home-hardening codes to follow.

Community wildfire resilience involves actions such as home hardening, like ignition-resistant building materials, and creation of defensible space around your primary residence. The combination of a hardened home and defensible space is proven to significantly increase the survivability of homes in the event of a wildfire.

Included in this packet are information sheets from the Oregon State Fire Marshal and the Building Codes Division of the Department of Consumer and Business Services that explain these new codes and how they may impact you. They also include resources and programs agencies have available to assist you in meeting new code requirements.

The statewide wildfire hazard map is intended to help protect you and all Oregonians from future wildfires. Your property's high hazard zone designation gives you access to information and resources that will help you protect yourself and your neighbors from future wildfire risks. This hazard designation is based on the environment of your broader neighborhood and community, not only on the specific fire precautions you may have already taken on your property. Its purpose is to create awareness in areas where the hazard is greatest and concentrate the state's fire-prevention resources where they are needed most.

The hazard zone designations are based on recent data of the four criteria on which the map must be based: weather, climate, topography and vegetation type. It is not representative of fire-prevention measures you may already have implemented on your property. If you already have defensible space around your home, or belong to a Firewise Community, the map may not require you to do anything further. However, these actions won't change your hazard zone determination. The conditions used to create the map may change over time. The wildfire hazard map will be updated every three to five years to stay as current as possible.

Also included in this packet is a Notice of Proposed Action, Appeal Form and additional information about the appeal process. If you wish to appeal your property's hazard zone assignment or designation in the wildland-urban interface, please review this information carefully. Appeals must be filed within 60 days from the date of the Notice of Proposed Action and publishing of the maps of wildfire hazard zones and wildland-urban interface on the Oregon Wildfire Risk Explorer.

If you have questions or need other assistance, please call 1-844-996-2259. This number is just for the hazard map and staffed Monday through Saturday from 6:30 a.m. until 3 p.m.

**State of Oregon
Department of Forestry
Protection from Fire Division**

In the Matter of Hazard Zone Assignment, ORS 477.490, and Wildland-Urban Interface Designation, ORS 477.027, of <<OWNER1>> Tax Lot <<MapTaxlot>>))))))	Notice of Proposed Action / Final Order: Hazard Zone Assignment and Wildland-Urban Interface Designation
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The Department of Forestry proposes to establish a High Hazard Zone assignment and Wildland-Urban Interface designation to property that you own, tax lot designation <<MapTaxlot>>.

I. Applicable Law

The Oregon Board of Forestry (“Board”) is charged with supervising all matters of forest policy and management under the jurisdiction of the state. ORS 526.016. Under the general supervision of the Board, the State Forester implements the state’s forest policies. ORS 526.008; ORS 526.041. The State Forester serves as the chief executive officer of the Department of Forestry (“Department”). ORS 526.031.

The State Forester and the Department have broad authority to protect forestland in the state from fire. ORS 477.062; ORS 477.066. In 2023, the Oregon legislature directed the Department to oversee the development and maintenance of a comprehensive statewide wildfire hazard map that displays the wildfire hazard zones of “High,” “Moderate,” and “Low.” ORS 477.490. The zones must be consistent with the classification of the wildland-urban interface in ORS 477.027 and OAR 629-044-1011; and must be based on weather, climate, topography and vegetation. ORS 477.490(5). The wildland-urban interface is further discussed in ORS 477.015 and ORS 477.025. *See also* ORS 477.001 for definitions of relevant terms. The wildfire hazard map is available on the Oregon Wildfire Risk Explorer website, which is designated as the official wildfire planning and hazard classification mapping tool for the State of Oregon. ORS 477.490(3).

The Board has adopted rules to further describe the Department’s role in developing and maintaining the Wildfire Hazard Map. OAR 629-044-1000 (purpose) and OAR 629-044-1005 (definitions). The Board’s rules explain the scope of forestlands that would fall within the wildland-urban interface. OAR 629-044-1011 to 1016. The Board’s rules also explain the process for establishing a wildfire hazard zone classification and the wildfire hazard map. OAR 629-044-1021 to 1026. The wildfire hazard zone classification is based on 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 area. OAR 629-044-1005(2)(k). The Forester must provide notice to all property owners whose property falls into the “High” hazard zone. ORS 477.790(7)(b); OAR 629-044-1031. The Forester must provide a contested hearing for any property owner or local government who objects to the classification of their land, regardless of the classification. ORS 477.790(7)(d) (providing a contested hearing for “High”

assignments); and OAR 629-044-1041 (providing a contested hearing for all affected property owners).

II. Findings of Fact

From July 2021 through September 2024, the Department worked with Oregon State University to establish the statewide wildfire hazard zones. These zones were consistent with ORS 477.490, and based on weather, climate, topography and vegetation.

The Department also worked with Oregon State University to establish criteria to identify the Wildland-Urban Interface, consistent with ORS 477.027.

On <<Maildate>>, the Wildfire Hazard Map was posted on the Oregon Wildfire Risk Explorer website, depicting the Wildfire Hazard Zones and the Wildland-Urban Interface.

Tax Lot <<MapTaxlot>> was determined to be within the High Hazard Zone and within the Wildland-Urban Interface.

Wildfire Hazard Zone

1. In accordance with ORS 477.490, the Board of Forestry established criteria to create a map of Wildfire Hazard Zones.
2. The Department calculated the Wildfire Hazard Zone in accordance with the Board's criteria in OAR 629-044-1026.
3. The Wildfire Hazard map is sufficiently detailed to allow the assessment of wildfire hazard at the property-ownership level consistent with ORS 477.490(9)(b).
4. Tax lot <<MapTaxlot>> is designated as a High Hazard Zone, since the numerical value is in excess of 0.137872, pursuant to OAR 629-044-1021(1)(c) and (3).

Wildland-Urban Interface

5. In accordance with ORS 477.027, the Board of Forest established criteria to designate property within the Wildland-Urban Interface.
6. The Department designated property within the Wildland-Urban Interface in accordance with the Board's rules in OAR 629-044-1011.
7. Tax lot <<MapTaxlot>> is within the Wildland-Urban Interface in accordance with OAR 629-044-1011.

III. Conclusions of Law

The Department of Forestry has the legal authority and supporting evidence to assign your property, Tax Lot <<MapTaxlot>> to the High Hazard Zone on the Statewide Wildfire Hazard Map, pursuant to ORS 477.490.

The Department of Forestry has the legal authority and supporting evidence to designate your property, Tax Lot <<MapTaxlot>> as Wildland-Urban Interface on the Statewide Wildfire Hazard Map, pursuant to ORS 477.027.

IV. Proposed Order

Tax Lot <<MapTaxlot>> is assigned to the High Hazard Zone on the Statewide Wildfire Hazard Map, pursuant to ORS 477.490, and designated as Wildland-Urban Interface, pursuant to ORS 477.027.

Date: <<Maildate>>

Oregon Department of Forestry

V. Appeal

You are entitled to appeal the Hazard Zone assignment by requesting a contested case hearing, as provided in the Wildfire Hazard Zones statutes and rules (ORS 477.490(7) and OAR 629-044-1041), and the Administrative Procedures Act and rules (ORS 183.411 to ORS 183.497, and OAR 137-003-0501 to 0700). If you want a hearing on this matter, you must file a written request for hearing with the Department within 60 days of the date that the wildfire hazard map or update to the map was posted on Oregon Explorer Map Viewer website, or within 60 days of the date this notice was mailed to you, whichever is sooner.

You may request a hearing by submitting an Appeal Form, either in writing or through the Department's website:

Oregon Dept. of Forestry, Protection Division,
Attn: Hazard map appeals
2600 State St.
Building D, Fire Protection Division
Salem, OR 97310
hazardmap@odf.oregon.gov
www.oregon.gov/odf/fire/Pages/wildfire-hazard.aspx

If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by an attorney at the hearing. If you are an agency, corporation, partnership, limited liability company, trust, government body, or unincorporated association, you must be represented by an attorney. If you have limited resources, legal aid organizations may be able to assist. You will be provided information on the procedures, right of representation and other

rights of parties relating to the conduct of the hearing before commencement of the hearing. Any hearing will be held by an administrative law judge from the Office of Administrative Hearings, assigned as required by ORS 183.635.

If an Appeal Form is not received within this 60-day period, or if you submit an Appeal Form and request a hearing, but then withdraw your request, notify the Department or the administrative law judge that you will not appear, fail to appear at a scheduled hearing, or fail to appear at a scheduled hearing on time, then your right to a hearing shall be considered waived and this Notice of Proposed Action will automatically become a Final Order by Default and effective on that day. In the event of a Final Order by Default, the State Forester designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

VI. NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.

Additional Wildfire Resources

The statewide wildfire hazard map and the wildfire programs that it supports across Oregon are a collaborative effort. Several state agencies are working to reduce wildfire risk and help Oregonians make informed decisions about their property. For questions please contact:



Oregon Department of Forestry for information about:

- » Increasing the resiliency of Oregon's landscapes
- » Statewide wildfire hazard map administrative rules
- » Wildfire hazard assessment appeals



Oregon State University for information about:

- » The science behind the statewide wildfire hazard map
- » Technical details on hazard classification
- » Extension contacts and resources



Oregon State Fire Marshal for information about:

- » Creating defensible space
- » Defensible space code
- » Code adoption process and implementation



Building Codes Division for information about:

- » Home hardening building codes and implementation



Division of Financial Regulation for information about:

- » Home insurance market
- » Requirements of insurers



Wildfire Program Advisory Council for information about:

- » Statewide policy direction
- » Other wildfire programs



LET'S TALK: DEFENSIBLE SPACE



At the Oregon State Fire Marshal, we want to help you protect your property and our communities from wildfire. One of the best ways to do that is with defensible space, an area you create and maintain around your home that reduces the chance of wildfire causing damage and enhances fire service member safety.

Many Oregonians may already have defensible space that meets future code standards, but if not, we're here to help.

What is defensible space?

Defensible space is the protective area you create around a home or building by maintaining the grass, trees, shrubs, and vegetation that surrounds it. Proper defensible space can slow or stop wildfire spread and increase your home's chance of survival in the event of a wildfire.

Who can I talk to about defensible space recommendations?

The Oregon State Fire Marshal, in partnership with many local fire agencies, created a free educational program to support people living in Oregon to make their homes and properties safer. You can request a free, education-only assessment with a fire service member to get tailored recommendations for your property, allowing you to create the best wildfire protection solutions. Request an assessment by calling 503-934-0874 or at oregondefensiblespace.org.

My property was identified in the high-hazard zone and wildland-urban interface (WUI). What does this mean?

In the future, your property may be subject to the standards in the Oregon Defensible Space Code. The Oregon State Fire Marshal was directed to develop the code through Senate Bill 762 (2021) and Senate Bill 80 (2023). The code is under development.

If you are looking to improve the defensible space around your home or property, a checklist is included in this letter to get you started.

The Oregon State Fire Marshal has resources to help Oregonians navigate the process. Scan the QR codes below to request a free assessment, read the draft code, and download a defensible space checklist. If you have any questions, email osfm.defensiblespace@osfm.oregon.gov or call 503-934-0874.



**REQUEST A FREE
ASSESSMENT**



**READ THE DRAFT DEFENSIBLE
SPACE CODE**



**DEFENSIBLE SPACE
CHECKLIST**

OREGON STATE FIRE MARSHAL

3991 Fairview Industrial Drive Southeast • Salem, Oregon • 97302

CHECKLIST

DEFENSIBLE SPACE & BEST PRACTICES

DEFINITIONS

DEFENSIBLE SPACE: Any area where combustible materials are treated, cleared, or modified to slow and reduce intensity of wildfire and allow space for fire suppression operations to occur.

FIRE-RESISTIVE PLANTS: Plants that can be used to reduce the likelihood of fire spread. See OSU's guide on page 1 for characteristics of fire-resistive plants.

LADDER FUEL: Low-hanging branches, leaves, needles, and other combustible plant matter that may allow wildfire to spread from low-growing plants to high-growing plants.

STRUCTURE

- Roofs and gutters are clean from leaves, conifer needles, and other debris.
- Flammable vegetation is removed from growing directly under the eaves. A minimum of five feet from the structure is recommended.
- Exterior attic vents, soffit vents, and areas below decks and patios are covered with 1/8" metal wire mesh.
- Siding and skirting are in good condition.
- Leaves, conifer needles, wood, bark mulch, and other debris removed from the surface of, around, and below decks and fences.
- Fence attachments to the structure have a noncombustible alternative such as a metal gate or fence.

DEFENSIBLE SPACE *(within 100 ft of structures OR to property line, whichever is closer)*

- Trees are spaced and pruned following the example of the figure on page 2.
- Leaves, conifer needles, wood, bark mulch, and other debris removed from within 100 feet of the structure or to the property line.
- Fire-resistive plants are spaced within the designated defensible space area. Grass is mowed to less than four inches.
- Debris is taken to a recycling center or chipped, composted. Local regulations are followed if burning yard debris.
- Firewood piles and lumber at least 30 feet from any structure.
- Combustible vegetation 10 feet away from permanent propane tanks.
- Small BBQ tanks, not in use, are stored at least 30 feet away or in an outbuilding.

CHECKLIST

DEFENSIBLE SPACE & BEST PRACTICES

OTHER CONSIDERATIONS

- The driveway is accessible to first responders (e.g., clear of debris and obstructions; meets local height and width requirements; has clearly marked road signs, bridges, & culverts).
- The home has an address sign at the entrance to the property.
- Roof:** Install a fire-resistant or noncombustible roof made of materials such as asphalt, metal, clay tile, slate, or concrete products.
- Siding:** Install noncombustible or ignition-resistant siding such as brick, stone, fiber cement, plaster, or metal.
- Fencing:** Install a 5-foot fire-resistant buffer such as metal fencing or other non-flammable material when replacing fencing within five feet of a home or structure.



CREATED IN PARTNERSHIP WITH: OREGON STATE FIRE MARSHAL, OREGON FIRE MARSHALS ASSOCIATION, OREGON FIRE CHIEFS ASSOCIATION, OREGON STATE FIRE FIGHTERS COUNCIL, DEPARTMENT OF CONSUMER AND BUSINESS SERVICES, OREGON VOLUNTEER FIREFIGHTERS ASSOCIATION, & OREGON DEPARTMENT OF FORESTRY.



Home hardening

Senate Bill 762 (2021) and SB 80 (2023) created a statewide approach to a wide range of wildfire mitigation measures. The Building Codes Division has developed home hardening building code standards that will be applied to properties in Oregon mapped as high hazard and within the wildland urban interface.

What you need to know

If you are in a high hazard area and in the wildland urban interface:

- **You do not have to do anything related to home hardening.** Building code standards are not retroactive. They apply only if you replace a covered item (for example, roof or siding) or add to your home.
- If you replace a covered item, or if you are adding on to your home, you need to use home hardening materials once the code is adopted.
- You do not have to change materials for partial repairs that do not replace the entire item.

How home hardening works

Home hardening building materials and practices can reduce the risk of a home's ignition by wildfires. It addresses the most vulnerable parts of your home with building materials and installation methods that increase resistance to heat, flames, and embers, but it does not make a home fireproof.

You can take steps to make a home more resistant to damage from a wildfire, including:

- Using materials for siding and roofing that resist ignition during a wildfire
- Installing fire-resistant windows to protect openings
- Using attic ventilation devices that help reduce ember intrusion

Embers can travel great distances from fire and ignite structures. They can collect on your home, deck, or porch and ignite combustible materials. Embers can also be forced into attic vents or windows and burn the home from the inside out.

Home hardening is most effective when paired with defensible space. Together, they make the community more resistant to the spread of wildfire. Slowing down a fire may give emergency responders more time and opportunity to protect life and property from a fire.

Home hardening tips

Roofing: Make a roof more fire-resistant by installing Class A or Class B roof covering.

Exterior wall covering: Install noncombustible or ignition-resistant siding and trim.

Ventilation: Install ember- and flame-resistant vents or 1/8-inch maximum wire mesh.

Soffits and eaves: Enclose soffits and eaves with noncombustible or ignition-resistant materials.

Windows and skylights: Install tempered, multi-layered, or fire-resistant rated glass.

Walking surfaces: Enclose the underside of decks, porches, and balconies and construct them with noncombustible, ignition-resistant, or fire-retardant-treated materials.

Gutters: Install noncombustible gutters and guards or covers to prevent leaf and debris build-up.

Manufactured home skirting: Install noncombustible or ignition-resistant skirting to enclose the space under the home.

For more information about home hardening, contact the **Oregon Building Codes Division** at bcd.firehardening@dcbs.oregon.gov. You can also go to oregon.gov/bcd and click on "Wildfire hazard mitigation" under "Current topics."

Homeowners insurance

How will the Oregon wildfire hazard map affect my insurance?

Senate Bill 82 explicitly prohibits insurers from using any wildfire risk map published by the State of Oregon to increase homeowner insurance premiums or cancel or nonrenew coverage. This does not mean insurers cannot use wildfire risk maps that they create using their own proprietary data. For years, they have used their own proprietary risk models and maps to underwrite and price wildfire and other risks, but the law prohibits them from using the Oregon wildfire hazard map.

What is the Division of Financial Regulation's (DFR) role?

The division is the state insurance regulator in Oregon. Insurers must file their policies and rating plans with the division before they are offered to consumers. The division also examines insurers to make sure they are financially solvent, pay claims according to the terms of their contract, and comply with the Oregon Insurance Code (ORS 731.004).

DFR offers free help to consumers by investigating complaints against insurers. This includes that an insurer using the Oregon wildfire hazard map is violating the law. We can also answer questions and provide shopping tips to find coverage. DFR conducts outreach and education events statewide on multiple topics, including disaster preparation and insurance. We inform consumers about making plans, storing key documents, reviewing insurance coverages, and creating defensible space before wildfire season. Go to dfr.oregon.gov/preporenw.

Can an insurance company refuse to cover wildfires in its policy?

The Oregon Insurance Code requires every standard homeowners' insurer – where nearly every homeowner gets coverage – to include wildfire

coverage. All policies offered by the FAIR Plan also cover wildfire damage. However, in the small “surplus lines” market that covers fewer than 2,000 properties statewide, insurers can exclude wildfire coverage.

What do I do if my rates are going up or my insurer will not renew me?

As the threat of wildfires continues to increase, insurers are responding by adjusting rates and determining what properties to continue to insure. Fortunately, Oregon has a robust market with more than 100 companies actively writing homeowners business in the state. If you lose coverage or it becomes unaffordable, you can shop around, or work with an agent or broker, to find the right coverage. If you cannot find coverage in the standard market, you can apply for coverage through the Oregon FAIR Plan. You can also go to the surplus lines market as an alternative. A list of all the companies offering coverage in the standard market is at dfr.oregon.gov/insure/home.

What is the Oregon FAIR Plan?

The FAIR plan serves as the insurer of last resort if a property owner cannot find coverage in the standard market. The FAIR plan offers a basic policy that has property coverage at actual cash value. The plan has a partnership with another insurance company to provide “wrap around” coverage equivalent to the full policy you have now. Go to <https://orfairplan.com/>.

What is the surplus lines market?

The surplus lines market may also be an option if you cannot find coverage. It is generally geared toward covering risks that are harder to insure. Contact the Oregon Surplus Line Association at 503-718-6700 or info@oregonsla.org or an agent.

How can I get help?

DFR offers free help to Oregonians with insurance questions. Call 888-877-4894 (toll-free) or visit our website: dfr.oregon.gov.

Developing Oregon's Statewide Wildfire Hazard Map

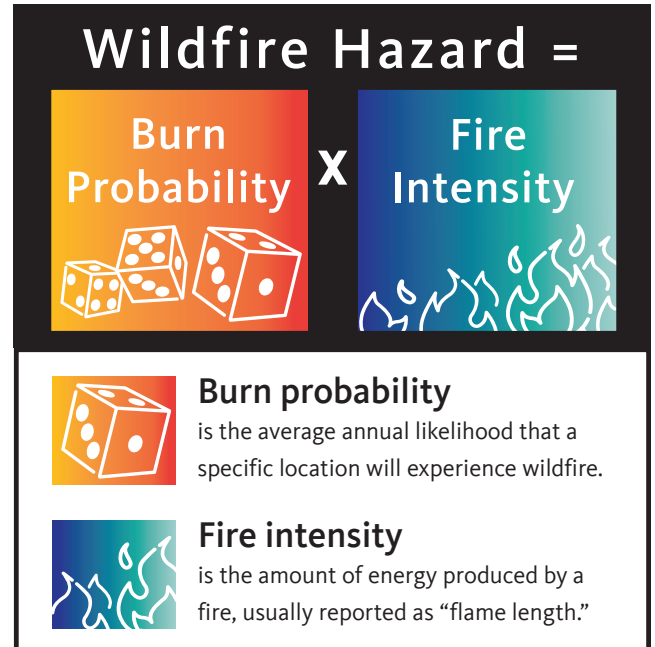
Oregon State University researchers are working with the nation's leading fire modeling and local subject matter experts to develop the Oregon Statewide Wildfire Hazard Map. The purpose of the map is to identify where wildfires pose the most hazard to structures and other human developments. Similar methods are being used across the nation to support strategic wildfire risk reduction programs. As a science-based tool, the wildfire hazard map and related data will help state agencies and individuals objectively prioritize risk mitigation actions in Oregon communities.

Modeling Wildfire Hazard

To create the wildfire hazard map, OSU researchers combined two primary datasets – burn probability and fire intensity. Both were modeled across Oregon using the best available data and with the help of state and local fire professionals. Burn probability and fire intensity are based on four criteria:



Data regarding these criteria were combined with data from historical fires and simulations of 10,000+ plausible fire seasons, accounting for fire likelihood and intensity under everything from mild to severe fire weather.



Hazard Classifications

Scientists will use data from the wildfire hazard models to assign a hazard classification to every property in Oregon. Data values are calculated at very fine scales, and then averaged across each tax lot. Each lot will then be assigned to one of three hazard zones: low, moderate or high.

Many factors contribute to a property's hazard zone classification. Some of those factors are visible just by looking at a property – for instance, the amount and type of vegetation which primarily affect fire intensity. Other factors can't be determined by looks alone. For instance, it is impossible to see the likelihood of experiencing a fire, or the effect that regional climate patterns may have on a location's burn probability.



These two properties illustrate different characteristics which might lead to high hazard designation. The property on the left is surrounded by dense timber which will create high fire intensity when it burns. By contrast, the properties on the right are not surrounded by dense timber, but regional climate and local landscape features (i.e., river corridors and ridgelines) may cause these properties to have high burn probability.

What Is the Wildland-Urban Interface (WUI)?

The wildland-urban interface (WUI) is the geographic area where structures and other human development meet or intermingle with forests, rangelands and other vegetation.

In some communities, the WUI is a transition zone between the more urban core and the wildlands. In these cases, structures in the WUI are threatened by fires spreading into communities, often via ember showers. In other areas, the WUI includes development intermixed with wildland vegetation such that communities are more directly exposed to flames when fires occur. In both cases, the WUI captures areas where there is enough wildland vegetation to support a wildfire AND enough development to result in significant damage to homes, critical infrastructure and human lives.



How Was the Wildland-Urban Interface (WUI) Mapped?

Researchers at OSU mapped the WUI by applying best available science and data to a set of definitions and rules developed by a diverse committee of stakeholders. First, in order to be in the WUI, there must be at least one structure per forty acres. Importantly, the rules also make some accommodations. For example, a collection of buildings (e.g., barns and garages) on a single property cannot constitute their own WUI just because there are enough buildings. Second, for areas that do have one structure per forty acres to be included in the WUI, they must also be surrounded by flammable vegetation or located within 1.5 miles of a large patch of flammable vegetation.

How Will the Wildfire Hazard and WUI Maps Be Used?

In accordance with Oregon law, the statewide hazard map and the WUI map are designed to be used together to help state agencies prioritize the communities with the highest need for hazard mitigation. To do that, agencies will use both maps to identify properties that are in the WUI *and* classified as high hazard. This will allow them to allocate state and federal funds to the areas with most need and determine where defensible space and/or fire hardening codes might apply.

Only properties meeting both criteria are potentially subject to defensible space and fire hardening rules required by state law. Fire hardening rules will not apply to existing structures unless significant home updates occur.

The map **WILL** be used to:

- ✓ Improve the safety and well-being of communities across Oregon.
- ✓ Help Oregonians understand the wildfire hazard in their community.
- ✓ Help public agencies objectively prioritize wildfire hazard reduction efforts.
- ✓ Implement a statewide strategy to improve wildfire resilience.
- ✓ Inform where statewide defensible space codes may apply in high hazard areas in the WUI.

The map **will NOT** be used to:

- ✗ Adjust insurance rates (by insurers).
- ✗ Make landowners modify the components of the building they live or work in unless significant updates are planned for structures within high hazard areas in the WUI.

The maps will also help agencies, communities and individuals across Oregon better understand their hazard and prepare for future wildfires. The data and maps will be shared publicly on the Oregon Explorer at <https://oregonexplorer.info/>.

Learn more about the maps developed by OSU:

- Visit beav.es/hazardmap.
- Email osuwildfirerisk@oregonstate.edu.

OREGON DEPARTMENT OF FORESTRY'S
NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES
WILDFIRE HAZARD ZONE

If a landowner appeals the Wildfire Hazard Zone assignment of their property, the matter will be set for a contested case hearing. A contested case hearing is like a trial but is less formal. It allows the landowner to appeal the Hazard Zone and wildland-urban interface assignments made by the Department of Forestry (Department) involving land that you own.

Oregon Revised Statute (ORS) 183.413 requires that you are provided with this statement of rights and procedures that describes the contested case process. This statement explains some of the procedures by which the Department conducts contested case hearings, the rights that you have at a contested case hearing, and the import and effect of a contested case hearing. This is information that you should read to prepare for the hearing.

1. **Authority and Jurisdiction.** The hearing will be conducted as provided in the Oregon Administrative Procedures Act (APA), ORS chapter 183, and the Model Rules of Procedure for Contested Cases, Oregon Administrative Rules (OAR) Chapter 137, and Division 3. *See* OAR 629-001-0005 (adopting the model rules). In addition, OAR 629-001-0010 through OAR 629-001-0055, and OAR 629-044-1000 through OAR 629-044-1041 may affect the contested case process. Other relevant statutes and rules that serve as authority for the hearing and affect the conduct and substance of your contested case hearing are cited in the notice that you received from the Department and include ORS Chapter 477.490, and OAR 629-044-1000 through 1041.
2. **Right to an attorney.** You have the right to be represented by an attorney throughout the contested case process, including at the hearing or at any prehearing conferences. *See* ORS 183.417; OAR 137-003-0550. Parties in contested cases are ordinarily and customarily represented by attorneys. Legal aid organizations may be able to assist you if you cannot afford an attorney. However, you are not required to be represented by counsel **unless** you are an agency, corporation, partnership, limited liability company, trust, government body, or unincorporated association, in which case you are required to obtain an attorney. *See* OAR 137-003-0550. If you are not represented by an attorney at the hearing but decide that you want an attorney to represent you, you may request a recess for an opportunity to get an attorney. The ALJ will decide whether to grant such a request.

The Department is authorized to be represented by a lay representative in certain contested cases. *See* ORS 183.452; OAR 629-001-0010; OAR 137-003-0545. As a default, the Department is represented by a lay representative in its contested cases when it is authorized to do so. The Department may obtain legal assistance from the Oregon Department of Justice if the Department needs to make legal arguments or otherwise determines that having an attorney advise or represent it is required or in the Department's best interests in a particular case. *See* ORS 183.452; OAR 629-001-0010. If the

Department determines that representation by a lay attorney is not in its interests, it will notify you that it will be represented by an attorney from the Department of Justice.

- 3. Translation; assistance for persons with disabilities.** An interpreter will be provided at proceedings for non-English speaking parties or witnesses. Appropriate auxiliary aids and services will be provided at no cost to persons with disabilities who are parties or witnesses to a contested case. If you or one of your witnesses need translation assistance or assistance with a disability, please contact the Department and the Office of Administrative Hearings (OAH) ahead of any proceedings so that your needs may be accommodated. *See* OAR 137-003-0590.
- 4. Notice to active duty servicemembers.** Active duty servicemembers have a right to stay contested case proceedings under the federal Servicemembers Civil Relief Act. *See generally* 50 USC 3901 *et seq.* For more information, contact the Oregon State Bar (800-452-8260), the Oregon Military Department (503-584-3571), or the nearest United States Armed Forces Legal Assistance Office (<http://legalassistance.law.af.mil>). The Oregon Military Department does not have a toll-free telephone number.
- 5. Time and place of the hearing.** A hearing date has not yet been set. The Department will refer this case to the OAH, and the OAH will schedule a hearing. *See* OAR 137-003-0515; OAR 137-003-0525. Once the hearing is scheduled, the OAH will notify you of the time, date, and place of the hearing. *See* OAR 137-003-0525. Prior to the hearing, there may be a prehearing conference. *See* OAR 137-003-0575. If a prehearing conference is set, you will be informed of the date, place, and time of the prehearing conference. *See* OAR 137-003-0575. Prehearing conferences are a flexible procedure devised designed to facilitate the conduct of the hearing and the resolution of the case. *See* OAR 137-003-0575. The purpose of a prehearing conference could include any of the following: to facilitate discovery and to resolve disagreements about discovery; to identify, simplify and clarify issues; to eliminate irrelevant or immaterial issues; to obtain stipulations of fact and to admit documents into evidence; to provide to the ALJ, agency and parties, in advance of the hearing, copies of all documents intended to be offered as evidence at the hearing and the names of all witnesses expected to testify; to authenticate documents; to decide the order of proof and other procedural matters pertaining to the conduct of the hearing; to assist in identifying whether the case might be appropriate for settlement or for a collaborative dispute resolution process and, if the agency agrees that the case is appropriate, to refer the case to the agency for settlement discussions or for exploration or initiation of a collaborative dispute resolution process; to schedule the date, time and location of the hearing or for any other matters connected with the hearing, including dates for pre-filed testimony and exhibits; and to consider any other matters that may expedite the orderly conduct of the proceeding.
- 6. Administrative Law Judge.** The person who will preside at a hearing is known as an administrative law judge (ALJ). *See* ORS 477.490 (Statewide map of wildfire hazard); OAR 629-001-0025(1); OAR 137-003-0600(1). The ALJ is an independent decision maker, not employed by the Department, who will rule on all matters that arise at the hearing, subject to Department consideration of matters transmitted for Department decision under OAR 137-003-0635 and OAR 629-001-0030, matters subject to Department review under OAR 137-003-0640(7) and OAR 629-001-0035 or OAR 137-003-0568, or matters subject to review by

the chief ALJ under OAR 137-003-0640. The ALJ will be assigned by the Chief ALJ from the OAH. The OAH consists of employees of, and independent contractors with, the Chief ALJ.

7. **Issues to be considered at the hearing.** The issues that will be considered at the hearing are set forth in the notice or proposed order that you received from the Department, in other pre-hearing filings, or in the request for a hearing. *See* OAR 629-001-0025(4). You have the right to respond to all issues properly before the ALJ and present evidence and witnesses on those issues. *See* OAR 629-001-0025(4) (limiting the issues that may be considered at the hearing).
8. **Discovery.** Discovery is the process by which parties obtain information from each other that helps them prepare for the hearing. The rules governing discovery in this case are OAR 137-003-0566 through OAR 137-003-0572. If you want information from the Department, you must first ask the Department for that information. *See* OAR 137-003-0568. If you are not satisfied with the Department's response, you may ask the ALJ to order the Department to produce the information. *See* OAR 137-003-0568.
9. **Witnesses.** At the hearing, witnesses must testify under oath or affirmation to tell the truth. ORS 183.417(6). All witnesses are subject to cross-examination and to questioning by the ALJ. *See* ORS 183.450; OAR 137-003-0610. The Department or the ALJ can issue subpoenas on your behalf requiring witnesses to appear at the hearing upon a showing that their testimony is relevant to the case and is reasonably necessary to establish your position. *See* ORS 183.440; OAR 137-003-0585. If you are represented by an attorney, your attorney may issue subpoenas for attendance of witnesses at the hearing. ORS 183.445; OAR 137-003-0585. You are responsible for paying witness fees and mileage to any person whom you subpoena. *See* OAR 137-003-0585.
10. **Evidence.** The general purpose of a contested case hearing is to determine the facts and to apply the law to the facts. The Department will present evidence in support of its position. You will also have the right to present evidence in support of your position. The order of presentation of evidence is normally as follows:
 - a. Opening Statements by the Department and by you;
 - b. The Department's presentation of evidence;
 - c. Your presentation of evidence;
 - d. Rebuttal evidence by the Department and by you, as allowed by the ALJ;
and
 - e. Closing Statements by the Department and by you.

See ORS 183.450; OAR 137-003-0610.

11. **Burden of presenting evidence.** The burden of presenting evidence to support an allegation or position rests upon the proponent of the allegation or position. Normally, each fact must be proven by a preponderance of evidence—meaning that each fact must be

shown to be more likely than not. If you have the burden of proof on an issue, or if you intend to present evidence on an issue for which the Department has the burden of proof, you should be prepared to present relevant evidence, as described below.

12. Admissible evidence. To be admitted at the hearing, evidence must be relevant and be of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs. *See* OAR 137-003-0050. The ALJ may exclude evidence that is irrelevant, immaterial, or unduly repetitious. *See* OAR 137-003-0050. The ALJ will often admit hearsay evidence. The fact that evidence is hearsay generally affects how much reliance the Department or ALJ will place on it in reaching a decision. There are generally four kinds of evidence:

- a. Testimony. Witnesses, including you, who have knowledge of the facts may provide testimony to be received in evidence.
- b. Writings. Written documents including letters, maps, diagrams and other written material may be received in evidence.
- c. Experiments. The results of experiments, demonstrations and similar means used to prove a fact may be received in evidence.
- d. Judicial Notice. The Department or the ALJ may take “judicial notice” of facts that are not subject to reasonable dispute and are generally known or capable of accurate and ready determination. You will be informed if any facts received as “judicial notice” and will be given an opportunity to contest any facts so noticed.

See ORS 183.450; OAR 137-003-0610.

Unaccepted proposals of settlement are privileged and are not admissible at the hearing. OAR 629-001-0025(2).

13. Objections to evidence. Objections to evidence must be made at the time the evidence is offered. *See* ORS 183.450. Objections are generally made on one or more of the following grounds:

- a. The evidence is inadmissible;
- b. The evidence is unreliable;
- c. The evidence is irrelevant or immaterial and has no tendency to prove or disprove any issue involved in the case; or
- d. The evidence is unduly repetitious and duplicates evidence already received.

14. Continuances or adjournments. There are normally no continuances or adjournments granted at the end of the hearing for presentation of additional testimony or evidence.

However, if you can show that the record should remain open for additional evidence, the ALJ may grant additional time for submission of such evidence.

15. Record. A record will be made of the entire proceeding to preserve and perpetuate the testimony and other evidence for appeal. *See* ORS 183.417(8)– (10). A record of live testimony will be created using a tape or digital recorder. The recording is generally not transcribed, unless there is an appeal to the Court of Appeals. However, you may obtain a copy of the recording from the OAH (the OAH may charge a fee for the copy).

16. Proposed order. After the hearing, the ALJ will issue a proposed order in the form of findings of fact, conclusions of law, and recommended agency action. You will be provided with a copy. *See* ORS 183.464; OAR 137-003-0645.

Exceptions. You will also be given an opportunity to make written objections, called "exceptions," to the ALJ's proposed order. Exceptions shall be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding and shall be based only on the grounds that either a necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence on the record, a necessary legal conclusion is omitted or is contrary to law or the Board or Department policy, or prejudicial procedural error occurred. Exceptions must be numbered and must specify the disputed finding, opinions, or conclusions. The nature of the suggested error shall be specified, and the alternative or corrective language provided. You will be notified of how and when exceptions to the proposed order must be filed. *See generally* OAR 137-003-0650 and OAR 629-001-0040.

17. Final order. The State Forester will issue the Final Order in this case. *See* OAR 629-044-1041; OAR 137-003-0665.

The State Forester has some ability to modify the proposed order issued by the ALJ. If the proposed order is modified in any substantial manner, the modification will be identified and explained. A proposed finding of "historical" fact will be modified only if the State Forester determines that there is clear and convincing evidence in the record that the ALJ's finding was incorrect. *See* OAR 137-003-0665. Generally, a historical fact is a fact related to the events that transpired, as opposed to a finding of ultimate fact or a conclusion of law.

18. Final Order by Default. The Department's Notice of Proposed Action will automatically become a Final Order by Default if a party does not request a hearing, or if a party requests a hearing and then withdraws the request, notifies the Department or the ALJ that the party will not appear at the hearing, or otherwise fails to appear at the hearing. The Department will not issue a separate Final Order. The Department designates its file, including all materials submitted by a party, as the record, which constitutes a prima facie case to support the Final Order. *See* ORS 183.417(4); OAR 629-001-0055(3)(b); OAR 137-003-0672.

19. Reconsideration and Rehearing; Appeal. As a condition of judicial review, you must file for reconsideration or rehearing with the person or body which rendered the final order in the proceeding. *See* OAR 629-001-0050; OAR 137-003-0675. The petition must state

with specificity the grounds for objection to the order and the remedy sought and must be filed within 60 calendar days of the date the final order is served. *See* OAR 629-001-0050; OAR 137-003-0675.

If you wish to appeal the final order, you must file a petition for judicial review with the Oregon Court of Appeals within 60 days only following the date the order denying the petition for reconsideration or rehearing is served. *See* ORS 183.482. If the Department does not otherwise act, a petition for rehearing or reconsideration shall be deemed denied the 60th day following the date the petition was filed, and in such cases, petition for judicial review shall be filed within 60 days only following such date. *See* ORS 183.482. Date of service shall be the date on which the Department delivered or mailed its order in accordance with ORS 183.470. *See* ORS 183.482.

20. Relevant Statutes and Rules. In addition to the statutes and rules cited in the Notice or Orders, the following statutes and rules are relevant to this matter:

ORS 477.001: Definitions

ORS 477.015: Definition of wildland-urban interface

ORS 477.025: Variability of wildland-urban interface fire protection problems

ORS 477.027: Establishment of classes of wildland-urban interface

ORS 477.490: Statewide wildfire hazard map

OAR 629-044-1000: Wildland-Urban Interface and Wildfire Hazard Mapping rule purpose

OAR 629-044-1005: Definitions

OAR 629-044-1011: Wildland-Urban Interface Identification Criteria

OAR 629-044-1016: Periodic Wildland-Urban Interface Lands Identification

OAR 629-044-1021: Wildfire Hazard Rating

OAR 629-044-1026: Wildfire Hazard Map

OAR 629-044-1031: Notification

OAR 629-044-1036: Locally Developed Wildfire Plans

OAR 629-044-1041: Appeal of Wildfire Hazard Assignment

Wildfire Hazard Classification and WUI Appeal Form

Please download this form, fill in, and submit using the contact at the bottom.



To appeal a property's hazard classification or designation as wildland-urban interface, in accordance with OAR 629-044-1041, please fully complete the form, providing your full contact information, and the detailed reason for your appeal in the boxes below. Additionally, please see the Contested Case Rights & Procedures.

If you wish to provide additional information to support your appeal, you may attach files to this PDF and submit it electronically or print the form and mail it with your additional information to the address at the bottom of the page.

Owner Name*:

Phone number*:

Mailing address*:

Property address and tax lot number(s)*: (fillable text box below)

If you would prefer to receive service electronically, please list your email: _____

*Required information

- Do you intend to retain an attorney?
- Are you an agency, corporation, partnership, limited liability company, trust, government body or an unincorporated association? If yes, then you must be represented by an attorney in the contested case process, unless exempt under statute.



Indicate why you are appealing the wildfire hazard classification or wildland-urban interface designation:

- The hazard value or wildland-urban interface assignment is not consistent with the adopted rules.
- The criteria of the hazard map (climate, weather, topography, vegetation) were not applied correctly.
- Additional issues as specified below:

Specify the issues to be addressed and relief sought, elaborate on checked boxes above*: (fillable text box below)

ORS 477.490 establish that the criteria used in development of the wildfire hazard map are limited to only four factors: climate, weather, topography, and vegetation. Other criteria, such as completion of defensible space, proximity to a fire station, home hardening, and non-agricultural related irrigation cannot be considered in calculating the hazard value.

Follow these instructions to attach documents:

- Select comment box from the right toolbar 
- Select attachment paperclip icon from top toolbar and select "attach file" 
- When your cursor becomes a pushpin icon, place it in the box to the right and click
- Select file to attach, then open
- Once all supporting documents are uploaded, click SUBMIT button

Place
attachments
here

Note: The form does not work from iOS platforms (iPhones/iPads). If you use Mac OS, download the form with Adobe Acrobat Reader.

Email: Use the submit button or send to hazardmap@odf.oregon.gov

Mail to: Oregon Dept. of Forestry, Protection Division, Attn: Hazard map appeals; 2600 State St., Salem, OR 97310