# WILDFIRE









#### Office of the Governor

#### **TINA KOTEK**

PRESS RELEASE February 17, 2025

MEDIA CONTACT Governor Tina Kotek Press Office news@govpress.oregon.gov

#### Governor Kotek Pauses Wildfire Hazard Map Appeals Referrals

Appeals must still be filed by March 10 deadline to stay in process

Salem, OR – Today, Governor Tina Kotek directed the Oregon Department of Forestry (ODF) to continue to accept all appeals of the <u>Oregon Statewide Wildfire Hazard Map</u> up to the March 10 deadline, but to pause on referring these appeals to the Office of Administrative Hearings until after the legislative session concludes. The session must end no later than June 29.

The Governor's decision allows the Legislature to carry out a public process for deliberating changes to the map requirements absent potential conflicts driven by a concurrent appeals process through the Office of Administrative Hearings. In addition, the pause will prevent Oregonians who elect to appeal their wildfire hazard zone designation from incurring potentially unnecessary legal fees between March and June of this year, if the Legislature makes changes to the Oregon Statewide Wildfire Hazard Map.

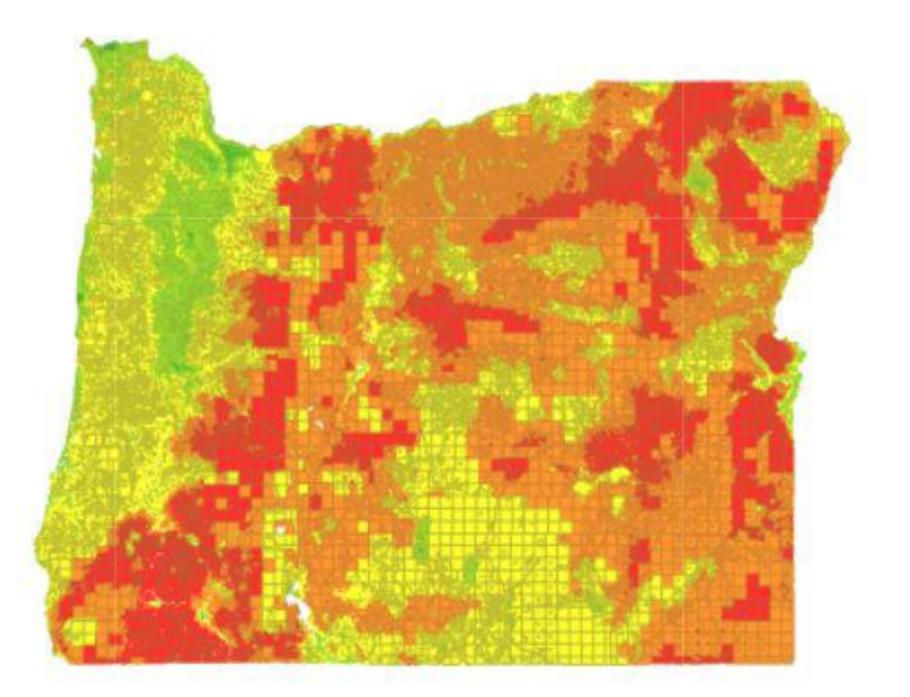
"Oregonians have raised concerns over the current Oregon Statewide Wildfire Hazard Map, and this issue runs parallel to our urgent need for long term, sustainable funding for wildfire response and mitigation," Governor Kotek said. "The Legislature is rising to the occasion on these challenges. This pause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

Those who wish to appeal the assignment of wildfire hazard zones or designation as wildland-urban interface still must <u>submit the appeal to ODF</u> by March 10, 2025. No attorney is required for this first step in the appeal process. This step simply ensures that those who wish to appeal are in the queue.

If the Legislature does not change the map or appeals process this session, ODF will refer the list of received appeals to the Office of Administrative Hearings following the session and continue the appeals process outlined in existing law.

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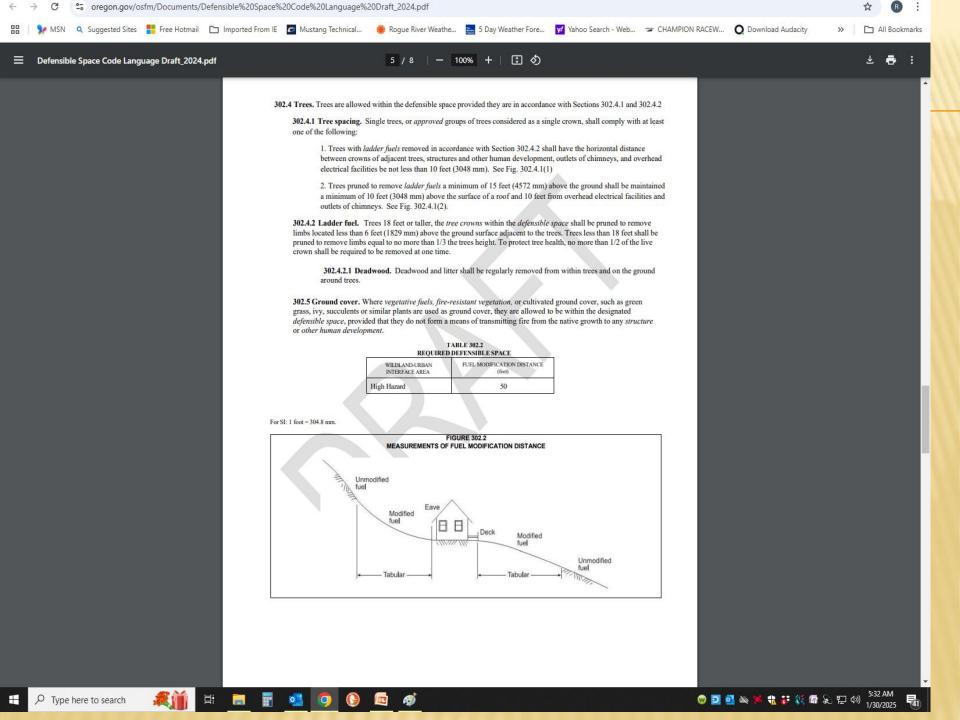
# SB 762 SB 80 SB 82



#### BACKGROUND

- SB 762
  - ADOPTED 2021
  - REQUIRED "WILDFIRE RISK" MAP FIVE ZONES
  - WILDLAND URBAN INTERFACE (WUI)
  - MAP PREPARED BY OREGON STATE UNIVERSITY AND OREGON DEPTARTMENT OF FORESTRY
  - MANDATORY REQUIREMENT FOR
    - DEFENSIBLE SPACE





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  - MANDATORY REQUIREMENT FOR
    - DEFENSIBLE SPACE
    - BUILDING CODES PER INTERNATIONAL WILDFIRE CODE REQUIREMENTS

- **×** ROOFING
- **× GUTTERS**
- **\* EXTERIOR SIDING**
- **\* SOFFITS**
- \* DECKS
- \* APPLIES TO NEW BUILDINGS AND REMODEL OR ADDITIONS

# SB 762 ACTIONS

- LETTER TO PROPERTY OWNERS IN HIGH OR EXTREME RISK AREA 2022
- MEETINGS CANCELLED FROM THREATS
- ZOOM MEETINGS HELD
- OBJECTIONS/APPEALS SUBMITTED
- INSURANCE RATES AND CANCELLATIONS
- MAP WITHDRAWN

## NEW LEGISLATION

- × SB 80 REVISE MAP
  - + CHANGE RISK TO HAZARD
  - + REDUCE ZONES TO THREE
  - + REVISE APPEAL PROCESS
    CONTESTED CASE
  - + REQUIRE AMENDED OAR'S TO ADDRESS
    - × DEFENSIBLE SPACE
    - **× HOME HARDENING**
    - × WILDLAND URBAN INTERFACE (WUI)

#### SB 82 PROPERTY INSURANCE

- PROHIBITS INSURANCE COMPANIES FROM USING WILDFIRE MAP
- REQUIRES COMPANIES TO NOTIFY YOU OF SIGNIFICANT RATE HIKES OR
- CANCELLATIONS
- REQUIRES THE COMPANY TO INFORM YOU WHY INCREASE OR CANCELLATION
- REQUIRES COMPANY ADVISE YOU OF WHAT EFFORTS CAN BE MADE TO REDUCE INCREASE OR CANCELLATION
- COMPLAINTS CAN BE SUBMITTED TO STATE

## STATE ACTIONS

- \* REGIONAL OPEN HOUSES
- **\* DRAFT REVISION OF MAP**
- \* CONSIDER AGRICULTURAL IRRIGATION AS MITIGATION
- **\* ADJUST ISOLATED HAZARD AREAS**

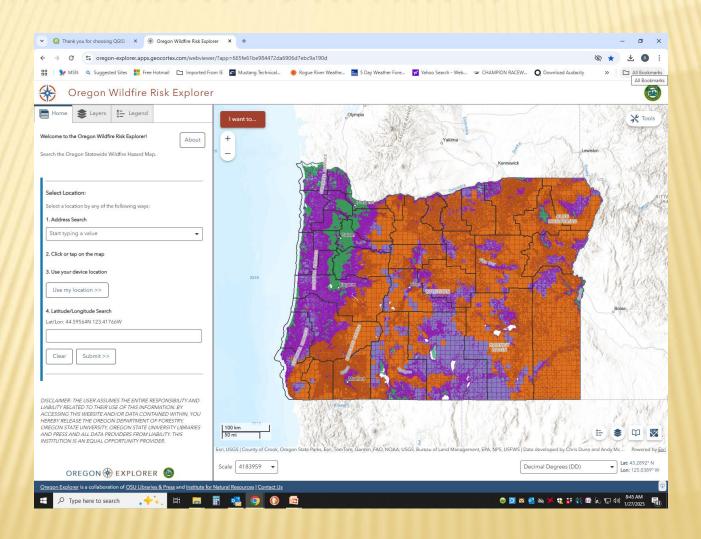
#### **CURRENT STATUS**

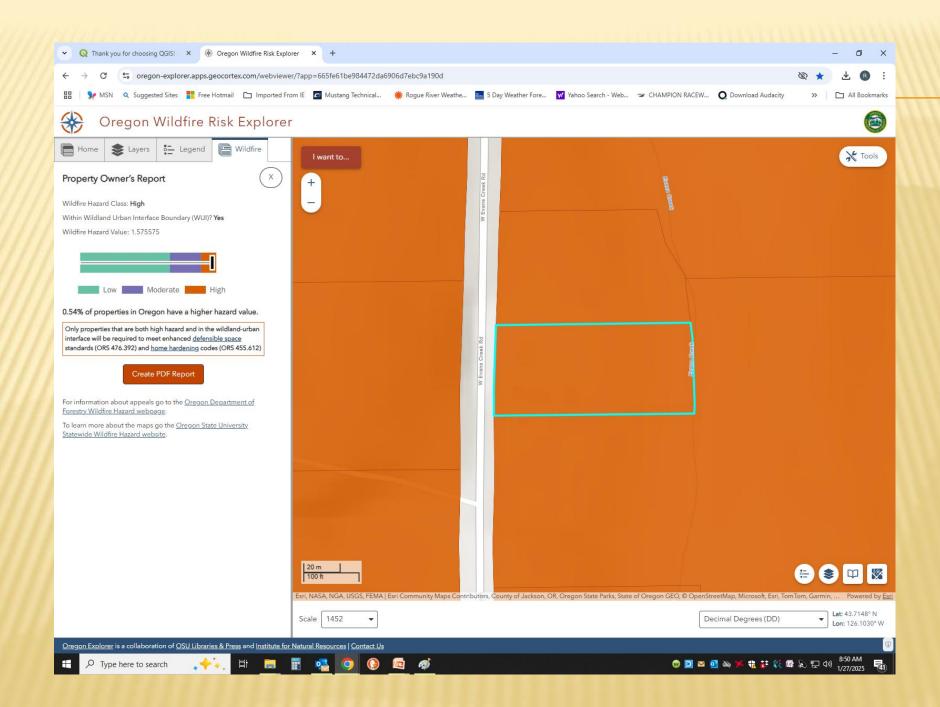
- FINAL MAP PUBLISHED Jan 7, 2025
- APPEAL PERIOD OF 60 DAYS
- APPEALS TO BE CONTESTED CASE HEARING
- LETTER TO PROPERTY OWNERS IN HIGH HAZARD AND WUI
- WILDFIRE EXPLORER SHOWS MAP
- https://www.oregon.gov/odf/fire/Pages/wildfirehazard.aspx
- PROPERTY OWNERS REPORT PROVIDES DETAILS

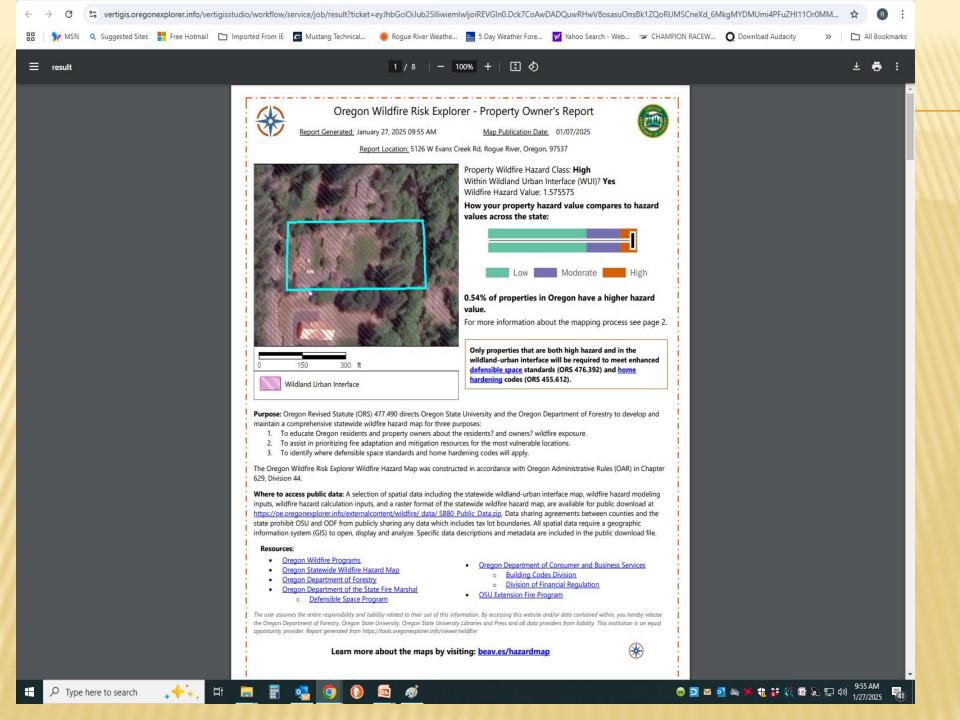
### WILDFIRE EXPLORER

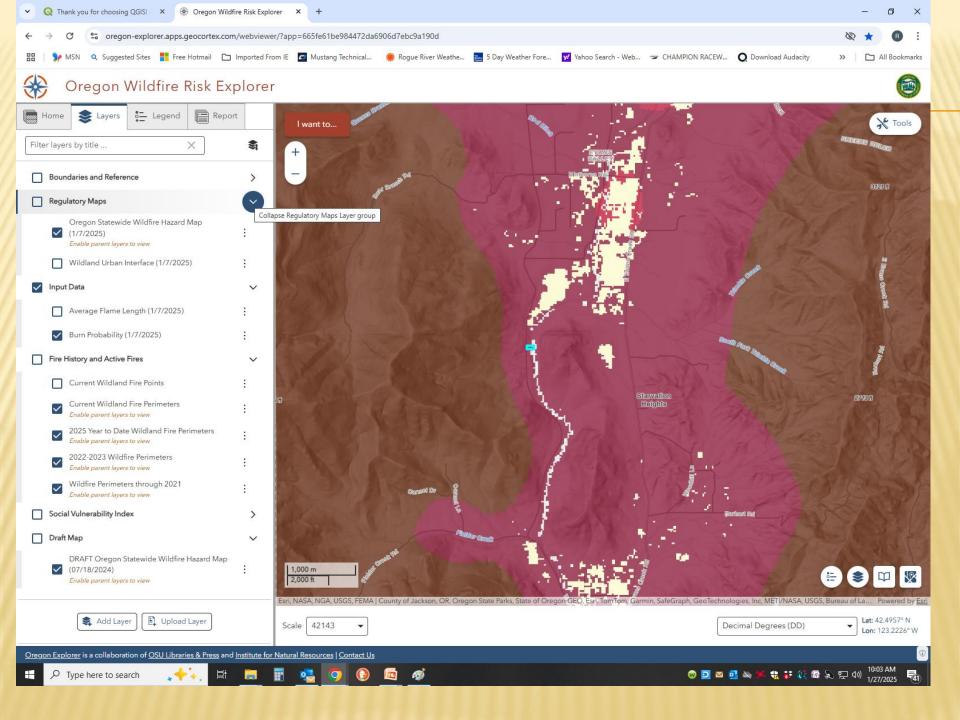
- **\* MAP REQUIRED BY STATE LAWS**
- **\* ENTER ADDRESS TO SEE YOUR LAND**
- **\* CREATE YOUR PDF REPORT**
- \* PAGE ON YOUR PROPERTY PLUS LINKS AND TEXT ABOUT THE PROGRAM

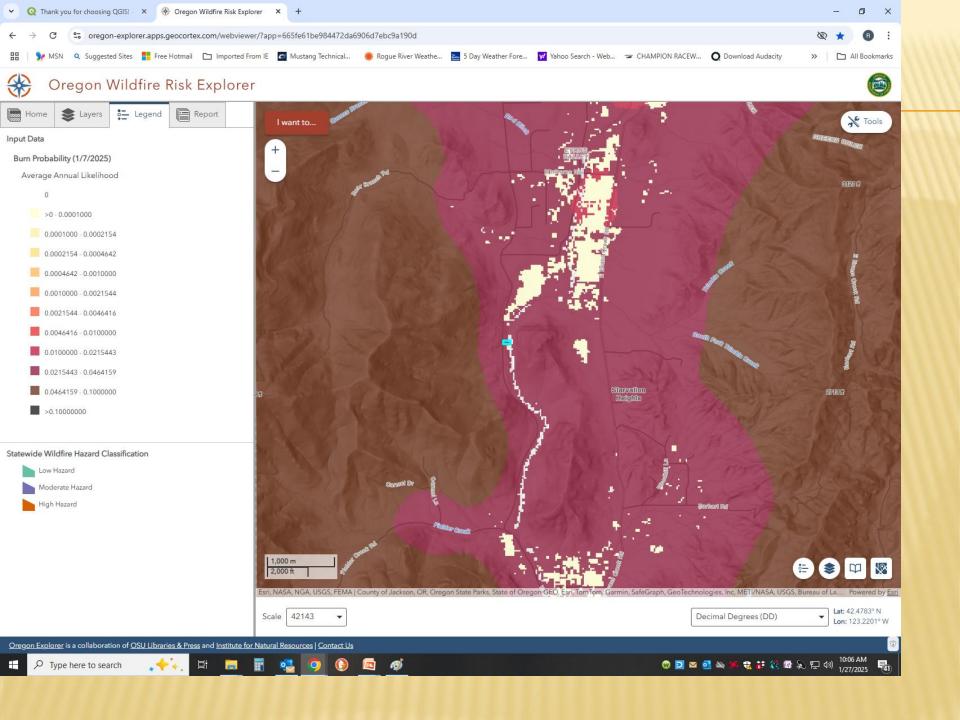
#### REVISED MAP EXPLORER

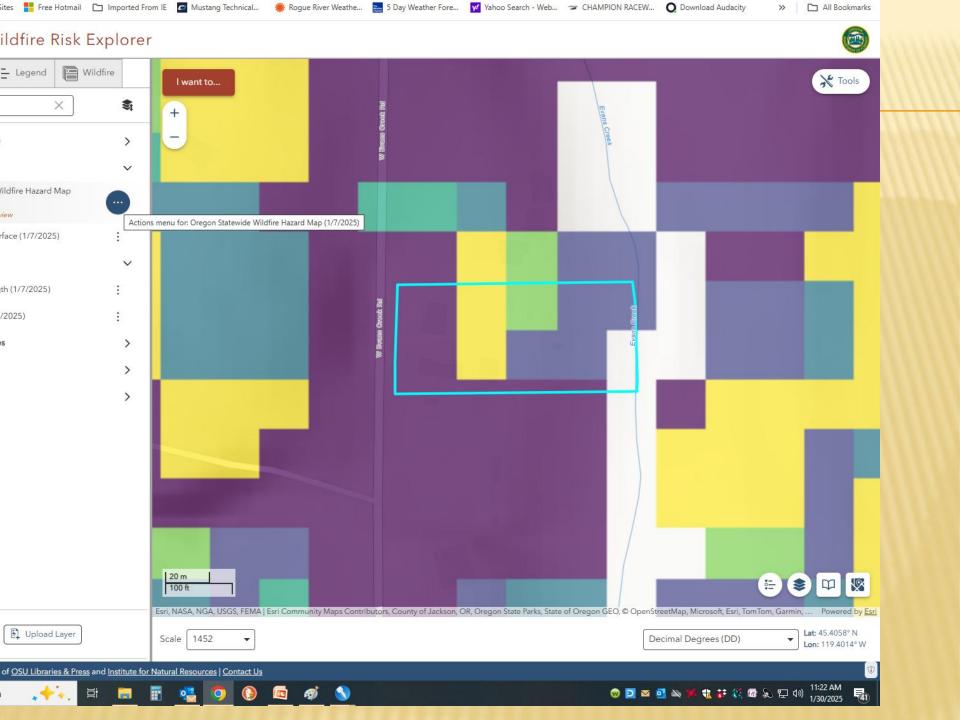


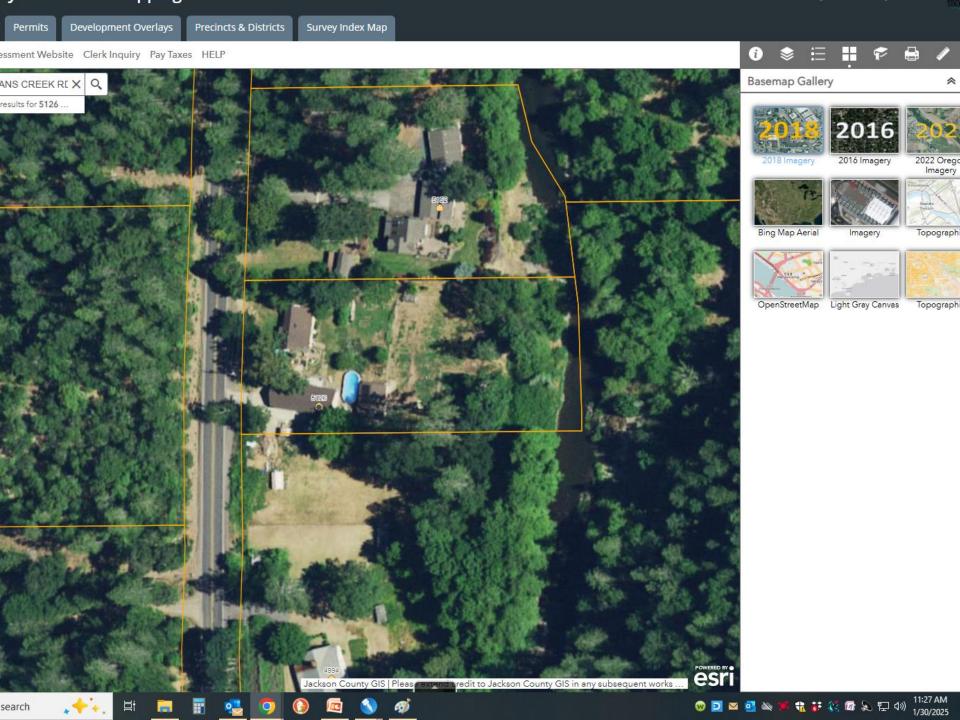


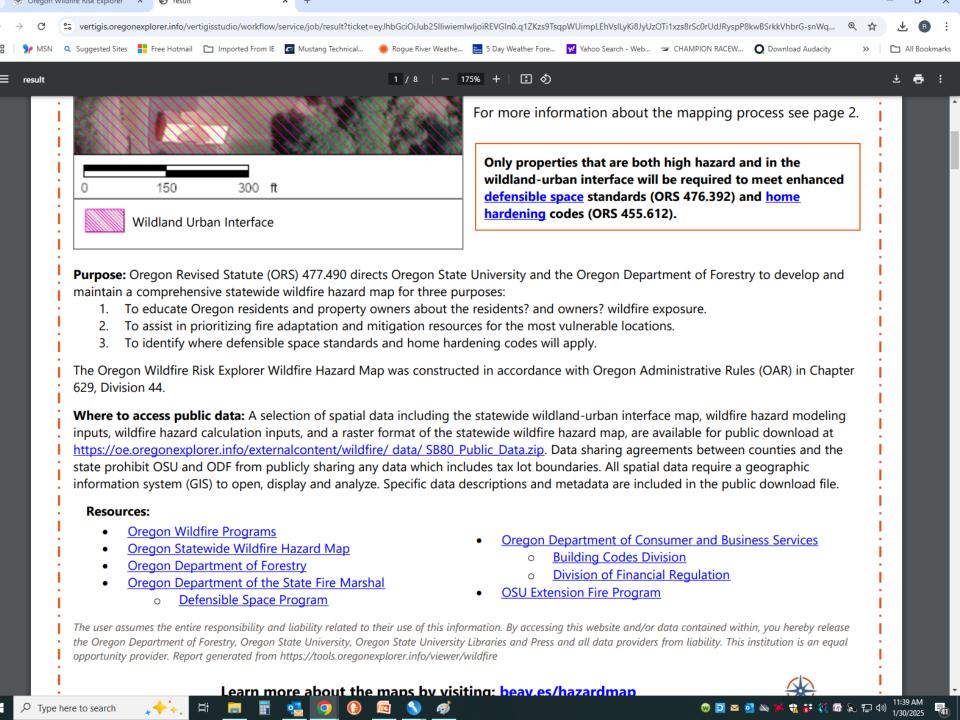


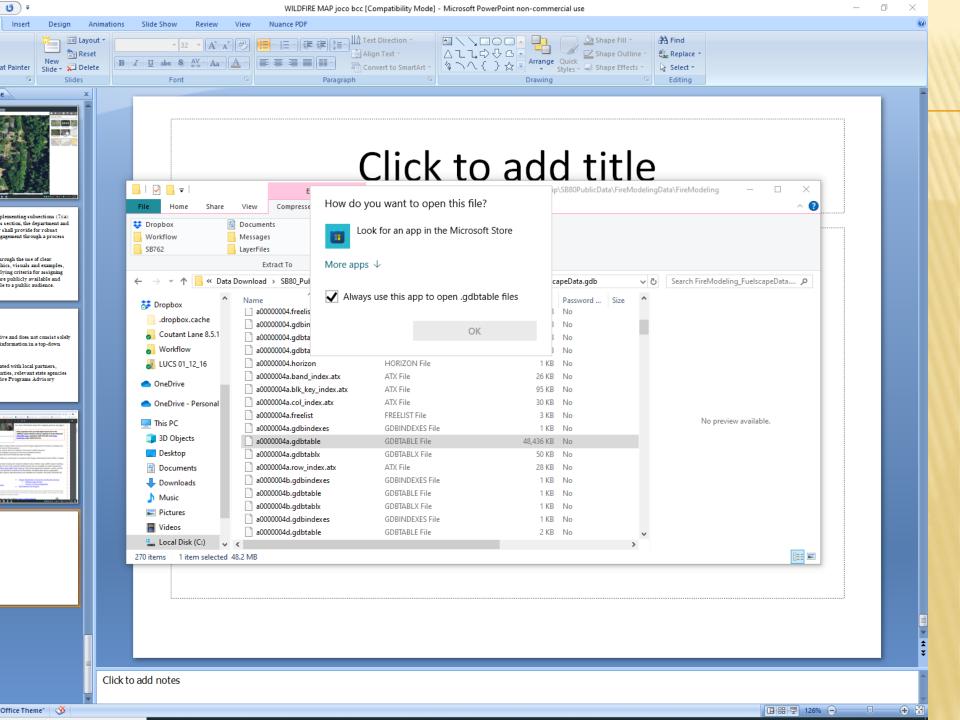


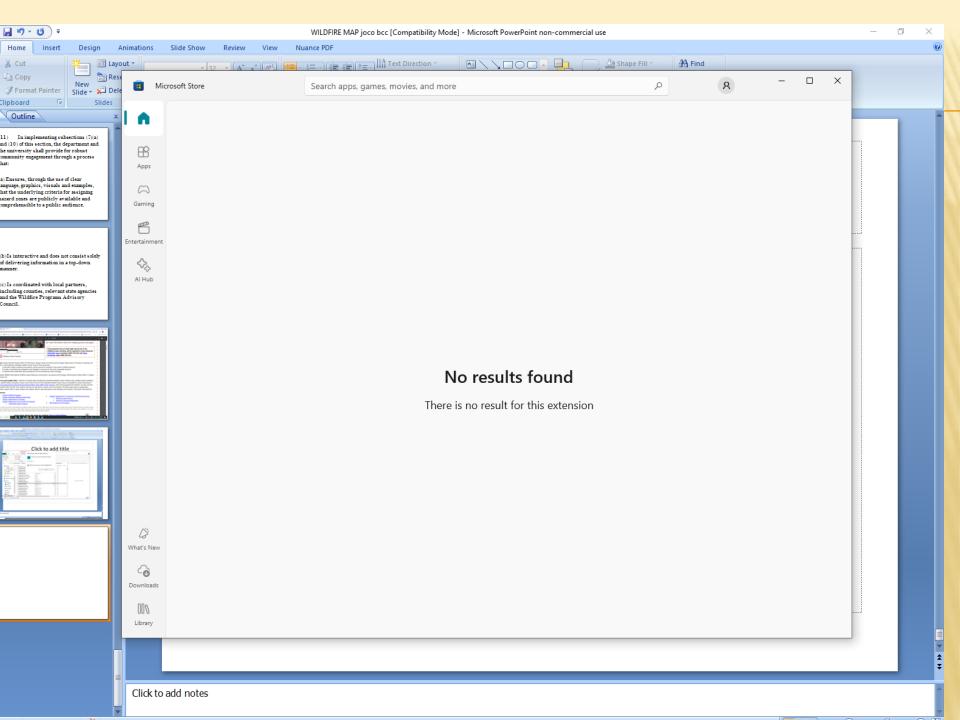


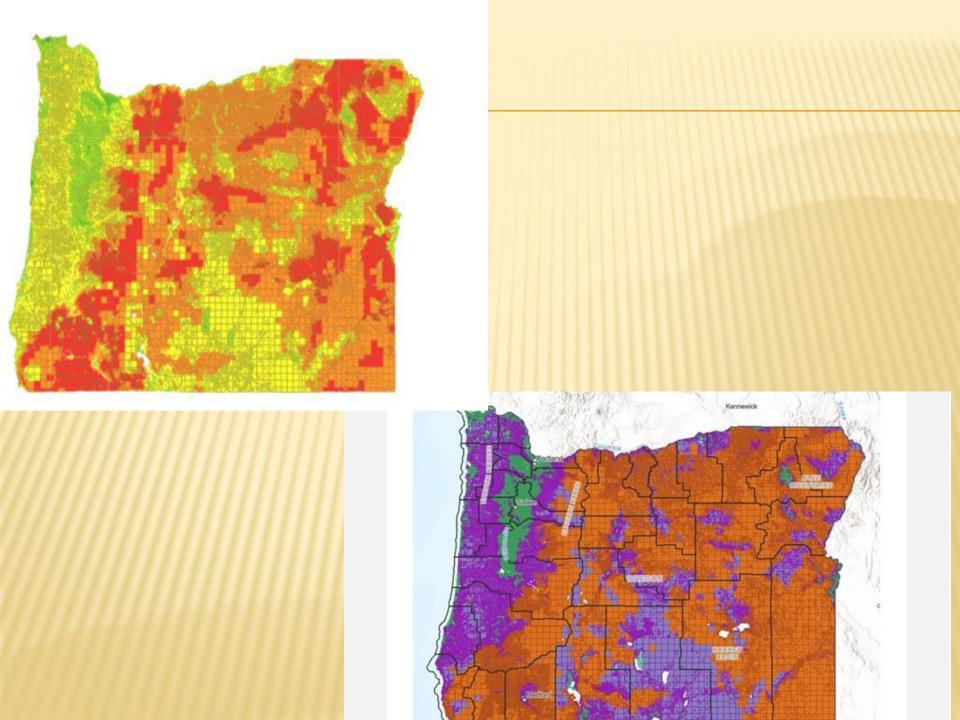












#### **APPEALS**

- \* APPEALS ARE REQUIRED TO BE CONDUCTED AS A "CONTESTED CASE"
- \* ORS 183.411 TO 183.471 AND OAR 137-003
- \* APPEAL PERIOD IS 60 DAYS FROM JANUARY 7, 2025-MARCH 7, 2025
- \* APPLICABLE LAWS ARE ORS 477.411, 477.490
- **\* APPLICABLE OAR 629-044-1041, 137-003**

#### 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:	
<ul> <li>□ The hazard value or wildland-urban interface assignment is not consistent with the adopted rules.</li> <li>□ The criteria of the hazard map (climate, weather, topography, vegetation) were not applied correctly.</li> <li>□ Additional issues as specified below:</li> </ul>	
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 an	d select "attach file" 🚱 🕶 Place
When your cursor becomes a pushpin icon, place it in	the box to the right and click attachments
<ul> <li>Select file to attach, then open</li> </ul>	
<ul> <li>Once all supporting documents are uploaded, click St</li> </ul>	JBMIT button
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 <a href="mailto:hazardmap@odf.oregon.gov">hazardmap@odf.oregon.gov</a> Submit	
Mail to: Oregon Dept. of Forestry, Protection Division, Attn: Hazard map appeals; 2600 State St., Salem, OR 97310	































## **BASIS FOR APPEAL**

- \* DESIGNED SO THAT APPEAL CANNOT BE BASED ON WHAT YOU HAVE DONE TO YOUR PROPERTY
- \* THE LIMITED ITEMS ARE TO THE CREATION OF THE MAP

# ORS 477.490

× (7) The board shall adopt rules that:

\* (a) Provide opportunities for public input into the assignment of properties to the wildfire hazard zones described in subsection (5) of this section. (b) Require the department to provide notice and information to a property owner whose property is assigned to the high hazard zone within the wildland-urban interface, as defined pursuant to ORS 477.027, about the fact that the property has been assigned to the high hazard zone, the effects of the assignment and how the property owner may appeal the assignment of the property owner's property to the high hazard zone.

(c) Allow affected property owners and local governments to appeal the assignment of properties to the wildfire hazard zones after the map is developed, after any updates to the map and within a reasonable time after delivery of the notice and information described in paragraph (b) of this subsection.

# ORS 477.490

× (9) The map must:

\* (b) Be sufficiently detailed to allow the assessment of wildfire hazard at the propertyownership level.

- \* (11) In implementing subsections (7)(a) and (10) of this section, the department and the university shall provide for robust community engagement through a process that:
- \* (a) Ensures, through the use of clear language, graphics, visuals and examples, that the underlying criteria for assigning hazard zones are publicly available and comprehensible to a public audience.

# APPEALS

- **× CONTESTED CASE PER ORS 183.411-471**
- \* APPEAL REQUIREMENTS OAR 629-044-1041
- \* ADDITIONAL DETAILS IN OAR 137-003-0550
- \* FORM IN DOCUMENTS MAILED TO OWNERS

## OAR629-044-1041

- **\*** (5) The written hearing request must specifically state:
- **x** (a) the issues to be addressed;
- \* (b) The criteria of the hazard map being contested; and
- × (c) the relief sought.

## OAR 137-003-0550

- \* (1) Natural persons who are parties in a contested case may represent themselves or may be represented by an attorney or other representative as authorized by federal or state law, including ORS 183.458.
- \* (2) Corporations, partnerships, limited liability companies, unincorporated associations, <u>trusts</u> and government bodies <u>must</u> be represented by an attorney except as provided in OAR 137-003-0555 or as otherwise authorized by law.

- \* (d) Additionally, the appeal must include the following contact information for referral:
- × (A) Property owner name;
- × (B) Mailing address;
- × (C) Property address and tax lot number; and
- × (D) Phone number

- \* (6) This specific response is required based on the agency's determination that, due to the complexity of the program and category of cases involved, a more specific response is warranted. The requester may amend their response, except when doing so would be unduly prejudicial. Failure to raise an issue as provided in this rule shall constitute a waiver of the opportunity to raise the issue in a contested hearing.
- \* (7) Upon receipt of a written request for hearing under this section, the Department may contact the property owner or local government to seek additional information and attempt to informally resolve the appeal.

## APPEAL POINTS

\* NOT CLEAR LANGUAGE,
GRAPHICS, VISUALS EXAMPLES,
UNDERLYING CRITERIA FOR ASSIGNING
HAZARD ZONES ARE PUBLICALLY
AVAILABLE AND COMPREHENSIBLE TO A
PUBLIC AUDIENCE

- \* DATA IS NOT EASILY AVAILABLE TO THE PUBLIC FOR INSPECTION TO VERIFY ACCURACY-COMPUTER PROGRAM IS NOT PUBLIC DOMAIN
- \* DATA IS ALL THEORETICAL AND NOT VERIFIED WITH ACTUAL CONDITIONS
- × VALUES ARE INFLATED

- \* DATA IS NOT SHOWN AT A TAXLOT LEVEL
- \* IS NOT COORDINATED WITH LOCAL PARTNERS INCLUDING COUNTIES
- \* THE INFORMATION USED IS NOT ACCURATE
- \* THE WILDFIRE HAZARD VALUE CANNOT BE VERIFIED

## WHAT DO YOU WANT

- \* REPEAL THE MAP AS IT IS NOT ACCURATE BASED ON TAXLOTS,
- \* MAKE THE PROGRAM INCENTIVE BASED, NOT MANDATED
- \* MAKE THE INFORMATION BASED ON REAL WORLD FACTS THAT ARE VERIFIABLE
- **\*** ? ADDITIONAL IDEAS

## INFORMATION

- **×** OREGON STATE FORESTRY
- \* https://www.oregon.gov/odf/Pages/index.aspx
- **\* WILDFIRE TAB**
- **\*** APPEAL FORM
- × APPEAL FAQ
- × PHONE 1-844-996-2259
- **\* EMAIL HAZARDMAP@ODF.OREGON.GOV**

## NEW LEGISLATION

**× SB 79 REQUIRES THAT COUNTIES** CANNOT APPROVE DWELLINGS ON EXCLUSIVE FARM USE ZONE, FOREST **ZONES AND MIXED FARM FOREST** ZONE IF THE LAND IS IDENTIFIED AS HIGH WILDFIRE HAZARD AND WITHIN THE WILDLAND URBAN INTERFACE (WUI) OR A GROUNDWATER RESTRICTED AREA OR WILDLIFE HABITAT OR WILDLIFE MOVEMENT/CONNECTIVITY OR HIGH VALUE FARM LAND.

\* SB 78 LIMITS THE SIZE OF A
REPLACEMENT DWELLING TO NO MORE
THAN 10% LARGER THAN THE
STRUCTURE BEING REPLACED OR
HAVING A FLOOR AREA OF MORE THAN
2500 SQUARE FEET.

\* SB 77 ADDS ADDITIONAL RESTRICTIONS ON HOME OCCUPATIONS OR BUSINESSES. IF YOU RENT THE PROPERTY, YOU CANNOT CONDUCT A HOME BUSINESS OR OCCUPATION. IT ALSO LIMITS BED AND BREAKFAST USE TO NO MORE THAN 5 UNRELATED PERSONS.

\* SB 73 PROHIBITS A COUNTY FROM REZONING LAND FROM FARM, FOREST OR MIXED FARM/FOREST ZONINGTO ANY NON RESOURCE USE. EVEN IF THE PROPETY CANNOT BE FARMED OR GROW TREES, YOU CAN'T CHANGE THE ZONING.

### **×** SB85

\* REQUIRES FIRE MARSHAL TO CREATE A NEIGHBORHOOD PROTECTION GRANT PROGRAM FOR LOCAL GOVERNMENT, FIRE DISTRICT AND NGO'S TO DEVELOP PLANS FOR NEIGHBORHOODS TO PROMOTE FIRE RESILIENCE ANDAWARD GRANTS TO PERFORM WORK TO MEET THE PLAN REQUIREMENTS

# **\* SENATE COMMITTEE ON RESOURCES AND WILDFIRE**

- Chair Senator Jeff Golden (D)
- Vice-Chair Senator Todd Nash (R)
- Member Senator Fred Girod (R)
- Member Senator Floyd Prozanski (D)
- Member Senator Kathleen Taylor (D)

#### **\* SENATE LEADERSHIP**

- President Rob Wagner
- President Pro Tempore James I. Manning Jr.
- Democratic Leader Kayse Jama
- \* Republican Leader Daniel Bonham

## QUESTIONS?

