

Public Noticing Appeals Draft OAR Language for RAC Consideration on 12-16-21

629-044-1030

Notification

1. The State Forester shall provide written notice to property owners within areas identified as high or extreme wildfire risk. The notice shall include:
 - a. The wildfire risk class designation;
 - b. Information about how a property owner may appeal the designation of wildfire risk classification.

629-044-1035

Public Input

- (1) The following locally developed plans shall be integrated into the wildfire risk map if the local jurisdiction chooses:
 - a. Community Wildfire Protection plans developed under the Healthy Forests Restoration Act;
 - b. Natural Hazard Mitigation Plans developed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- (2) In addition to section (1) of this rule, prior to the effective date of updates to the Statewide Wildfire Risk Map, the Department shall hold a public meeting.
 - a. Such meeting shall take place at the time and place stated in the notice published by the Department.
 - b. The Department and Oregon State University will present anticipated changes to the Wildland-Urban Interface boundary and changes in wildfire risk class assignment at a county scale.
 - c. The meeting shall allocate time to receive from any interested persons objections, remonstrances or suggestions relating to the proposed designations and wildfire risk class assignments.
- (3) Following the public meeting the Department and Oregon State University may make such changes in the proposed designations and wildfire risk class assignments as it finds to be proper, hold additional hearings as it finds necessary, and thereafter shall make final designations and wildfire risk class assignments.

629-044-1040

Appeals

- (1) Any request of an owner of real property to appeal a wildfire risk class designation must be:
 - a. Made in writing;
 - b. Must be received by the State Forester within 30 days after the effective date of the designation of wildfire risk class.
- (2) In the written appeal in section (1) of this rule, the owner must specifically state:
 - a. the issue with the designation of the wildfire risk class;
 - b. the remedy sought;

- c. and any pertinent facts that may justify a change in the assignment, in accordance with Chapter 592, Oregon Laws 2021, Section 7.

(3) Upon receipt of a written appeal of wildfire risk designation, the forester and Oregon State University shall:

- (a) Contact the owner to schedule a time and place that the forester, Oregon State University, and owner may further review the matter, if the owner so desires;
- (b) In the event the matter is not satisfactorily resolved, in the judgment of the owner, through the informal review in subsection (a) of this section, the forester and Oregon State University shall:
 - (A) Review the wildfire risk class assignment for data errors;
 - (B) Review the pertinent facts presented by the owner; and
 - (C) Prepare a report describing the issue and proposing final resolution of the matter.

(4) Any final resolution of the matter raised under section (3) of this rule shall be prepared as a final order, and any further appeal of the Department's final action shall be as prescribed by ORS 183.484.

DRAFT