

DIVISION 44

Wildland-Urban Interface and Statewide Wildfire Risk Mapping

629-044-1000

Purpose

- (1) The purpose of OAR 629-044-1000 to 629-044-1040 is to implement the provisions of ORS 477.027 and ORS 477.490.
- (2) The purpose of OAR 629-044-1010 to 629-044-1015 is to establish criteria by which the wildland-urban interface shall be identified and classified pursuant to ORS 477.027
- (3) The purpose of OAR 629-044-1020 to 629-044-1025 is to set forth the criteria by which a statewide wildfire risk map must be developed and maintained pursuant to ORS 477.027.
- (4) The purpose of OAR 629-044-1030 is to set forth the process for notification to property owners pursuant to ORS 477.027.
- (5) The purpose of OAR 629-044-1035 is to set forth the process of integrating public input into the statewide wildfire risk map pursuant to ORS 477.027.
- (6) The purpose of OAR 629-044-1040 is to set forth the process of how a property owner or local government may appeal the assignment of wildfire risk pursuant to ORS 477.027.

629-044-1005

Definitions

- (1) The definitions set forth in ORS 477.001, shall apply.
- (2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1040, shall mean the following:
 - (a) "Geographical area" means an area of land with similar characteristics that can be considered as a "unit" for the purposes of classification of the wildland-urban interface.
 - (b) "Hazard rating" is a numerical value describing the likelihood and intensity of a fire, based on specific factors or conditions including weather, climate, topography, and vegetation.
 - (c) "Other human development" means essential facilities, special occupancy structures, or hazardous facilities as defined in ORS 455.447 that support community functions, public communication, energy, or transportation.
 - (d) "Structure" means any building that is at least 400 square feet.
 - (e) "Unincorporated community" has the meaning provided in OAR Chapter 660, Division 22.
 - (f) "Urban growth boundary" has the meaning provided in OAR Chapter 660, Division 15.
 - (g) "Vegetative fuels" means plants that constitute a wildfire hazard.
 - (h) "Wildfire Risk" means the wildfire impacts to values based on scientifically modeled wildfire frequency and wildfire intensity.
 - (i) "Wildland fuels" means natural vegetation that occurs in an area where development is essentially non-existent, including grasslands, brushlands, rangelands, woodlands, timberlands, or wilderness. Wildland fuels are a type of vegetative fuels.
 - (j) "Wildland-Urban Interface" means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

629-044-1010

Wildland-Urban Interface Identification Criteria

- (1) A tax lot will be included in the Wildland-Urban Interface boundary if it includes either:
 - (a) a minimum of one structure or other human development per 40 acres and either:
 - (A) A minimum of 50% coverage of wildland or vegetative fuels; or
 - (B) A 1.5-mile buffer from the edge of an area greater than 1 square mile of wildland or vegetative fuels into a community with a minimum of 75% cover of wildland or vegetative fuels.
 - (b) A planned development, within the urban growth boundary or unincorporated communities, that is not identified in (a) but that is approved for development that meets the criteria in (a); or
 - (c) is an occluded geographical area with a minimum of one structure or other human development per 40-acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels.
- (2) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.
- (3) Each tax lot in the State of Oregon shall be assigned a wildfire risk classification in accordance with 629-044-1020.

629-044-1015

Periodic Wildland-Urban Interface Lands Identification and Classification

Tax lots identified as Wildland-Urban Interface shall be reviewed in conjunction with updates to the statewide wildfire risk map in accordance with OAR 629-044-1025(3).

629-044-1020

Wildfire Risk Classification and Wildfire Hazard Rating

1. Wildfire risk classifications are defined by a range of wildfire hazard values that illustrate likely wildfire behavior. Each wildfire hazard value range is identified as a wildfire risk class as follows:
 - a. No Wildfire Risk. A wildfire hazard value xx to xx. Typically characterized as non-burnable areas.
 - b. Low Wildfire Risk. A wildfire hazard value xx to xx. Typically characterized as having the capacity to generate a wildfire which produces a flame length of less than 4 feet, a wildfire that exhibits little to no spotting, torching, or crowning.
 - c. Moderate Wildfire Risk. A wildfire hazard value xx to xx. Typically characterized as having the capacity to generate a wildfire which produces a flame length of 4 to 6 feet, and that occasionally exhibits spotting, torching, or crowning.
 - d. High Wildfire Risk. A wildfire hazard value xx to xx. Typically characterized as having the capacity to generate a wildfire which produces a flame length of 6 to 8 feet, and frequently exhibits spotting, torching, or crowning.
 - e. Extreme Wildfire Risk. A wildfire hazard value xx to xx. Typically characterized as having the capacity to generate a wildfire which produces a flame length of over 8 feet, and exhibits frequent spotting, torching, or crowning.
2. It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (1) of this rule may not always accurately reflect expected wildfire behavior, due to variations in

local species and vegetation conditions. Therefore, consistent with peer reviewed methods, modifications may be made to the hazard rating as necessary to ensure accuracy.

3. Each wildfire risk class assignment shall be based on the average wildfire hazard rating of each tax lot.
4. Each wildfire risk class shall consist of a wildfire hazard value range. The wildfire hazard value ranges that correlate to a given wildfire risk class shall be determined using a statistically objective methodology.

629-044-1025

Statewide Wildfire Risk Map

1. Oregon State University shall develop and maintain the Statewide Wildfire Risk Map in a publicly accessible format. The map shall be developed:
 - a. Using current, peer reviewed data sets when calculating wildfire risk;
 - b. calculating wildfire risk as a combined hazard rating value incorporating how often wildfires occur and wildfire burn intensity;
 - c. utilize fuel loading measured at the time of year when large wildfires generally occur; and
 - d. shall include a layer that geospatially displays the locations of socially and economically vulnerable communities.
2. The map and other publicly available web-based tools shall be updated in consultation with Oregon State University, within 12 months after updates to the most current wildfire risk assessment are available.

629-044-1030

Notification

1. The State Forester shall provide written notice to property owners whose property is classified as high or extreme wildfire risk. The notice shall include:
 - a. The wildfire risk class assignment;
 - b. where a map of the property can be found in the publicly accessible mapping portal, including the average wildfire hazard value of the property;
 - c. resources available to address wildfire risk;
 - d. information regarding what the wildfire risk assignment means for the property owner; and
 - e. information about how a property owner may appeal the assignment of wildfire risk class, including the specific elements that may be appealed.
2. Prior to the effective date of updates to the Statewide Wildfire Risk Map, the Department shall hold regional public meetings.
3. The Department shall provide a notice of the times and places of all statewide and regional meetings, and the other ways by which comments may be submitted, using a variety of notice methods designed to reach diverse audiences, both statewide and within each region.
4. The Department, in consultation with Oregon State University, shall present anticipated changes to the Wildland-Urban Interface boundary and Wildfire Risk Classification assignments at a county scale.
5. The meeting shall allocate time to receive input from any interested persons relating to the proposed wildfire risk class assignments.
6. The Department shall establish and publicize a place where electronic and written comment may be received.

7. Following the public meeting the Department, in consultation with Oregon State University, may make changes in the proposed wildfire risk classification assignments, hold additional meetings, and thereafter shall make final wildfire risk class assignments.

629-044-1035

Locally Developed Wildfire plans

1. The following types of locally developed wildfire plans may be integrated into the wildfire risk mapping portal 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; or
 - c. Firewise USA Action Plans developed under the Firewise USA Program administered by the National Fire Protection Association.
2. Information in the types of locally developed wildfire plans identified in subsections (1)(a) thru (c) above, may complement, but does not supplant or supersede the Statewide Wildfire Risk Map

629-044-1040

Appeal of Wildfire Risk Assignment

1. A request of a property owner or local government who objects to a wildfire risk class assignment may contest that decision by filing an appeal with the State Forester that is:
 - a. in writing; and
 - b. received within 60 days after either:
 - A. Completion or update of the wildfire risk classification map, or
 - B. delivery of the notice of classification to property owners whose property is in the extreme or high wildfire risk classes.
2. In the written appeal in section (1) of this rule, the property owner must specifically state:
 - a. the objections to the wildfire risk class assignment;
 - b. the change in wildfire risk assignment sought; and
 - c. any pertinent facts that may justify a change in the wildfire risk class assignment, in accordance with ORS 477.490.
3. Upon receipt of a written appeal of wildfire risk assignment, the forester:
 - a. shall review the appeal to determine whether the appellant has standing and whether the appeal addresses the issues in subsection (2)(c).
 - b. may contact the property owner or local government to clarify any pertinent facts identified in subsection (2)(c); and
 - c. Prepare a report describing the issue and reach a final decision of the matter by:
 - (A) Reviewing whether the wildfire risk assignment and map were developed and maintained according to these rules and the most current wildfire assessment.
 - (B) Reviewing for any error in the data that was used to determine the wildfire risk class assignment;
 - (C) Reviewing any pertinent facts that may justify a change in the assignment; and
 - (D) Providing the report to the appellant.

d. The Department shall provide information to the public describing changes to the map based on approved appeals. The information shall be posted on the Department's public website.

4. A final decision of the matter issued under section (3) of this rule shall be a final order, and subject to appeal as prescribed by ORS 183.484.

DRAFT