

Attachment D

Written testimony on proposed Lane Code 16.266 fire safety standards.

Section One

Correspondence in the record between December 21, 2005 and January 31, 2006.

This packet of materials in Section One was provided to the Lane County Planning Commission (LCPC) with the LMD staff report dated January 31, 2006.

SAGE Bill

From: SAGE Bill
Sent: Wednesday, December 21, 2005 11:45 AM
To: CUELLAR Roxie (SMTP)
Subject: Wildland-Urban Interface fire safety standards

Roxie,

Mike Evans and Jeff Towery have been discussing with you a LMD work project that originated with the adoption of the Lane County Community Wildfire Protection Plan by resolution in July 2005. One of the action items in the plan was to coordinate with the public and private sectors on drafting fire protection standards in the rural areas of Lane County to protect residential development from the threat of wildfires.

In the past two months we have been coordinating with the Fire Defense Board, individual RPFDF/FPDs, State Fire Marshall, and the Oregon Department of Forestry to draft protection standards. This process is ongoing and is currently entering into the second phase. At present we are scheduling work sessions with stakeholders to review the proposed draft. Mike Evans is organizing a meeting with the land use consultants and attorneys in mid-January. We would like to schedule a meeting with representatives of the Homebuilders Association. We'll leave the invitee list and date to you.

The attached draft of the proposed Lane Code 16.266 Wildland-Urban Interface Combining Zone is still an evolving document. Another round of discussions with the RFPDF/Fire Defense Board/ODF and LMD building program are scheduled in early January. They will most likely result in additional revisions.

Our goal in the beginning was to meld the International Wildland-Urban Interface Fire Standards, Oregon Specialty Codes and current land use regulations from the Impacted Forest Land Zone (F2) in one document to be administered through the LMD Building Permit plan review and inspections format.

I know you have been able to review an earlier draft that was provided by Mike Evans. The current, updated draft is attached.



LC 16.266 (draft)
12-21-05.doc...

Please feel free to contact me with your comments and recommendations on the draft. You can reach me by telephone 541 682-3772 or FAX 541 682-3947, and also by e-mail to: bill.sage@co.lane.or.us. Whatever we discuss will be shared with Jeff Towery and Tony West and all of us are open to making this proposal an effective set of standards with minimum fee expenses and maximum efficiency in implementation as part of the building permit process. A good dose of common sense in the standards will go a long way to getting the property owners to embrace the standards as a benefit to them in protecting lives and property.

The first public hearing on LC 16.266 will be with the Lane County Planning Commission on February 7, 2006. Their review will result in a recommendation to the Board of Commissioners. The Board will hold a public hearing in March or April 2006.

Hope to hear from you soon.

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 12, 2006 1:10 PM
To: CUELLAR Roxie (SMTP)

Roxie,

The LMD Building Program has submitted recommendations for revisions to the LC 16.266 draft. The attached draft includes the recommendations to the (7) Structural Standards section.

Take a look and let me know what your thoughts are on the current draft.

Thanks for your assistance,



LC 16.266 (draft)
1-12-06.doc ...

Bill

SAGE Bill

From: SAGE Bill
Sent: Wednesday, December 21, 2005 2:36 PM
To: CUELLAR Roxie (SMTP)
Subject: RE: Wildland-Urban Interface fire safety standards

Roxie,

Welcome to the discussion on structural standards.

When I started the original draft I began with the *International Urban-Wildland Interface Code - 2003 (IUWC)* and various sections of the Oregon Special Codes. The goal was to glean from the technical standards to compile a layman's list of design standards that made sense on the ground when implemented. The basis for the structural standards was to eliminate to the degree possible, the affects of (1) ground fires encroaching on walls, overhangs and decks, (2) crown fires linking to roofs, and (3) airborne embers gaining entry into eaves and non-enclosed spaces such as under open decks.

The first and most effective line of defense is of course the defensible space and secondary fuel break acting as a protective donut around the structure to keep ground and crown fires, and embers at a distance and minimize their threat.

The second defense was to restrict construction techniques and materials that would foster those threats.

The section you asked about came from the *International Urban-Wildland Interface Code - 2003 (IUWC)*, Chapter 5: *Special Building Construction Regulations, Section 504:*

504.5 Exterior Walls. *Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.*

Exception: *Heavy timber or log wall construction. Such material shall extend from the top of the foundation to the underside of the roof sheathing.*

504.6 Unenclosed underfloor protection. *Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 504-5.*

Exception: *Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.*

These two subsections of Section 504 made it into the proposed LC 16.266(7) as (d) and (h).

The *IUWC* definitions don't help a lot to define "1-hour fire-resistance-rated construction" beyond stating "The use of materials and systems in the design and construction of a building or structure to safe guard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the urban-wildland interface area." It did refer to the *International Building Code (IBC-2003)*.

The *International Building Code 2003, Chapter 7: Fire-Resistance-Rated Construction* picks it up from there on pages 85-153.

The LMD plans examiners and field inspectors have raised similar concerns on the validity of the standard for a new residence surrounded by a defensible space and a secondary fuel break. If the fuel breaks are in place and maintained reducing the threat of ground or crown fires, the remaining threat centers on airborne embers igniting vegetation under decks thus spreading to the attached building. The LMD Building Program is putting together recommendations and alternatives to address this situation. Screening to enclose the under deck and block the embers or isolate the underfloor framing and decking from a low ground fire is one consideration

(installing reinforced frames with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch, extending from the ground to the joists and between the posts).

"Heavy timber construction" is defined in the IBC 2003 Chapter 6: Types of Construction as Type IV: "Type IV construction (Heavy Timber, HT) is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of solid or laminate wood without concealed spaces. The details of Type IV construction shall comply with the provisions of this section. Fire retardant[treated wood framing complying with Section 2303.2 shall be permitted within exterior wall assemblies with a 2-hour rating or less."

"Log Wall Construction" is defined as "A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

There are a lot of good minds with experience out there who care about this issue and we anticipate having an opportunity to listen to them.

Bill

-----Original Message-----

From: Roxie Cuellar at HBA Lane County [mailto:roxie@hbalanecounty.org]

Sent: Wednesday, December 21, 2005 12:06 PM

To: SAGE Bill

Subject: RE: Wildland-Urban Interface fire safety standards
Bill -

Thank you for your e-mail. I have gone through the draft ordinance and have a couple a questions so far that pertain to decks, specifically the language that says:

Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed with approved noncombustible materials.

I can't find anyone that knows what a "minimum 1-hour fire-resistance-rated construction" means as it pertains to decks. The term "heavy timber construction" also seems a bit elusive. Do you have some specific standards in mind?

Roxie

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]

Sent: Wednesday, December 21, 2005 11:45 AM

To: CUELLAR Roxie (SMTP)

Subject: Wildland-Urban Interface fire safety standards

Roxie,

Mike Evans and Jeff Towery have been discussing with you a LMD work project that originated with the adoption of the Lane County Community Wildfire Protection Plan by resolution in July 2005. One of the action items in the plan was to coordinate with the public and private sectors on drafting fire protection standards in the rural areas of Lane County to protect residential development from the threat of wildfires.

In the past two months we have been coordinating with the Fire Defense Board, individual RPF/FPDs, State Fire Marshall, and the Oregon Department of Forestry to draft protection standards. This process is ongoing and is currently entering into the second phase. At present we are scheduling work sessions with stakeholders to review the proposed draft. Mike Evans is organizing a meeting with the land use consultants and attorneys in mid-January. We would like to schedule a meeting with representatives of the Homebuilders Association. We'll leave the invitee list and date to you.

01/27/2006

The attached draft of the proposed Lane Code 16.266 Wildland-Urban Interface Combining Zone is still an evolving document. Another round of discussions with the RFPD/Fire Defense Board/ODF and LMD building program are scheduled in early January. They will most likely result in additional revisions.

Our goal in the beginning was to meld the International Wildland-Urban Interface Fire Standards, Oregon Specialty Codes and current land use regulations from the Impacted Forest Land Zone (F2) in one document to be administered through the LMD Building Permit plan review and inspections format.

I know you have been able to review an earlier draft that was provided by Mike Evans. The current, updated draft is attached.

<<LC 16.266 (draft) 12-21-05.doc>>

Please feel free to contact me with your comments and recommendations on the draft. You can reach me by telephone 541 682-3772 or FAX 541 682-3947, and also by e-mail to: bill.sage@co.lane.or.us. Whatever we discuss will be shared with Jeff Towery and Tony West and all of us are open to making this proposal an effective set of standards with minimum fee expenses and maximum efficiency in implementation as part of the building permit process. A good dose of common sense in the standards will go a long way to getting the property owners to embrace the standards as a benefit to them in protecting lives and property.

The first public hearing on LC 16.266 will be with the Lane County Planning Commission on February 7, 2006. Their review will result in a recommendation to the Board of Commissioners. The Board will hold a public hearing in March or April 2006.

Hope to hear from you soon.

SAGE BILL

From: SAGE Bill
Sent: Wednesday, January 18, 2006 8:29 AM
To: 'Jnrf62a@aol.com'
Subject: RE: LC 16.266

Mr. Robinson,

I am attaching an electronic copy to this reply. The draft for LC 16.266 is still being reviewed and revised by comments received from fire protection districts, fire marshal's office, foresters (public and private), property owners and concerned citizens. If you have recommendations, please forward them to me for consideration.

Please provide your post office and zip code so I can put you on a mailing list.

Thanks for your interest,

Bill

-----Original Message-----

From: Jnrf62a@aol.com [mailto:Jnrf62a@aol.com]
Sent: Tuesday, January 17, 2006 5:08 PM
To: SAGE Bill
Subject: Ref: LC 16.266

Dear Bill Sage,

Can you supply an electronic copy of the proposed Lane Code 16.266 or provide a link to your web site with the address of the document.

Thanks

Eric Robinson
24771 Butler Road.

SAGE Bill

From: SAGE Bill
Sent: Wednesday, January 18, 2006 8:32 AM
To: 'tim@oregoncoastsunrooms.com'
Subject: RE: gWidland-Urban Interface Combining Zone



LC 16.266 (draft)
1-12-06B.doc...

Mr. del Villar,

Here's the current draft of LC 16.266.

Please contact me if you have recommendations or comments.

Thank you for your interest,

Bill

-----Original Message-----

From: tim@oregoncoastsunrooms.com [mailto:tim@oregoncoastsunrooms.com]
Sent: Tuesday, January 17, 2006 10:23 PM
To: SAGE Bill
Cc: sales@oregoncoastsunrooms.com
Subject: gWidland-Urban Interface Combining Zone

Mr. Sage,

We would like to receive a copy of the above referenced proposed Lane Code 16.266 in order to see how this might affect future projects.

Any additional or amplifying information would be useful and appreciated.

Thank you.

Tim del Villar
Owner
Oregon Coast Sunrooms
P.O. Box 728
Florence, OR 97439
Ph./Fax: 541-902-8847
Mobile: 541-999-2320
tim@oregoncoastsunrooms.com
CCB #164107

SAGE BILL

From: SAGE Bill
Sent: Wednesday, January 18, 2006 8:34 AM
To: 'Dianna L. Hayes'
Subject: RE: Land Code 16.266

Dear Ms. Hayes,

Here is the current draft of LC 16.266.
Please contact me if you have recommendations or comments.
Thank y you for your interest.

Bill

-----Original Message-----

From: Dianna L. Hayes [mailto:dlhayes@oregonfast.net]
Sent: Tuesday, January 17, 2006 11:58 PM
To: SAGE Bill
Subject: Land Code 16.266

I'd like to receive a copy of Lane Code 16.266.

Thank you.

Dianna Hayes
1223 Yew Street
Florence, OR 97439
541 / 997-0271

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 19, 2006 8:03 AM
To: 'Jerry and Toy LeChien'
Subject: RE: proposed Lane code 16.266

Thank you for your interest. Here's a copy of the current draft.

Bill

-----Original Message-----

From: Jerry and Toy LeChien [mailto:punk-n@webenet.net]
Sent: Wednesday, January 18, 2006 6:02 PM
To: SAGE Bill
Subject: proposed Lane code 16.266

Hi, I have searched the county's website and could not find the code posted there. Would you be so kind to email it to me to read. I am just curious about it. I live in the Coast Village in Florence. We have lots of trees and a designated greenbelt that can be fairly tall in places. I am just wondering if our rules may change here? So far, we are not allowed to disturb the greenbelts. They are maintained for privacy and for beauty.

Thank you for the info about how to plant for maximum safety from fire. I may not be able to do this myself, but it does give lots of good information.

Toy LeChien
punk-n@webenet.net

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 19, 2006 8:04 AM
To: 'Danel492@aol.com'
Subject: RE: (no subject)

Thank you for your interest. Here is the current draft of the proposed LC 16.266.
Bill

-----Original Message-----

From: Danel492@aol.com [mailto:Danel492@aol.com]
Sent: Wednesday, January 18, 2006 7:38 PM
To: SAGE Bill
Subject: (no subject)

I received some info on Wildland-Urban interface combining zone and related material. I understand that Lane code 16.266 could possibly affect the future of development of some undeveloped lots in my area. I would like a copy of lane code 16.266. thank you. Dan Schnell, 90912 Leashore Drive, Vida , Oregon 97488

SAGE BILL

From: SAGE Bill
Sent: Thursday, January 19, 2006 8:05 AM
To: 'Faith , David Walton'
Subject: RE: Lane code16.266

Here is a copy of the current draft of the proposed LC 16.266. Thank you for your interest.

-----Original Message-----

From: Faith , David Walton [mailto:dwalton000@centurytel.net]
Sent: Wednesday, January 18, 2006 7:46 PM
To: SAGE Bill
Subject: Lane code16.266

Can you please send me a copy of Lane Code 16.266 and additional information? Either send it to me by mail, or email it.
Thanks,

David A. Walton
83616 Rock Hill Dr.
Creswell, OR 97426

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 19, 2006 9:10 AM
To: 'Don Harkins'
Cc: TOWERY Jeffrey R; PW Admin; 'coburgfire@nu-world.com'
Subject: RE: Proposed 16.266



LC 16.266 (draft)
1-12-06B.doc...

Dear Mr. Hawkins,

The packet your received that included the "Living with Fire" and the notice of the Lane County Planning Commission public hearing on February 7th, served two purposes. The first to provide information on the behavior of wildfires and actions citizens can take to mitigate the potential impact of a wildfire on lives and property and the second to inform you an approximately 34,000 other property owners of the proposed fire safety standards being considered for implementation in the rural areas of Lane County. By rural, we mean outside the urban growth boundaries of the eleven incorporated cities in Lane County. That mailing was the result of two action items adopted as elements in the Lane County Community Fire Protection Plan (CWPP) in July 2005. The CWPP includes 21 actions to increase awareness and assist communities and citizens to prepare for a wildfire. The CWPP was drafted by a steering committee that included representatives from Lane County Land Management Division, Sheriff's Emergency Management Division, Lane County Fire Defense Board representing the fire protection districts, Oregon Fire Marshal Office, Oregon Department of Forestry, US Forest Service, BLM, and the Oregon Natural Hazards Workgroup.

I am attaching the current draft of the Lane Code 16.266. The draft is a blending of the fire safety standards of the International Urban-Wildland Interface Code (2003), Oregon Specialty Codes, Oregon Department of Forestry, and Fire Marshal's guidelines and regulations. The drafting and the implementation of LC 16.266 is proposed as a collaborative effort between Lane County building inspectors and the fire protection districts. The fit between the two groups will be apparent when you read the attached draft.

Lane County has been coordinating with the fire protection districts. LMD planning staff has met with the Lane County Fire Defense Board (LCFDB) on two occasions which included representatives from 12-15 individual districts and have held additional review meetings with a subcommittee of that group in crafting the standards in the proposed code. As the writing of the code progressed, E-mail copies of the drafts have been distributed to the individual fire districts on several occasions by the Oregon Fire Marshal and LMD Planning. The LCFDB and FPDs have been very important contributors to the drafts over the course of the project.

The premise behind the proposed fire protection standards is to insure that fuel breaks are implemented around new residential development and that new access driveways and roads are constructed to minimum standards that will allow fire protection district crews to safely get to structural fires and assist resource fire protection crews in defending against a wildfire in the vicinity of residential development. The LC 16.266 standards are intended to protect life property and resources. With property rights, there is also a need for balance with responsibilities to neighbors, communities and the resource base.

The proposed implementation and enforcement of the standards are integrated with the building permit and required building inspection schedules for construction of residential structures. The application of the fire safety standards is designed to function within the existing review, sign-off and field inspection processes for building permits.

Please feel free to call me if you have additional concerns or questions.

Bill

-----Original Message-----

From: Don Harkins [mailto:dharkins@pcinw.com]
Sent: Wednesday, January 18, 2006 11:16 PM
To: SAGE Bill
Cc: TOWERY Jeffrey R; PW Admin; 'coburgfire@nu-world.com'
Subject: Proposed 16.266

To: Bill Sage
CC: Jeff Towery, Planning Director
Ollie Snowden, Public Works Director
Chad Minter, Lane County Fire Chief (Coburg Fire District)

Dear Mr. Sage:

I received the notice of the proposed Lane Code amendment for the Wildland-Urban Interface Zone today in the mail. I was disappointed that the letter referred to the Lane County web site, Public Works Dept., Land Management Division area, but this proposed amendment was not there! A search of the Lane County web site provided ZERO results for both "16.266" and "Wildland-Urban Interface."

I also spoke with my local Fire Chief for Coburg, Chad Minter -- who serves the Coburg Fire District and all of Lane County as the Lane County Chief. While he said that an early draft was discussed a month or so ago at the South Willamette Fire Training Association (SWFTA) meeting, he was unaware of this letter I received today.

Please email me the proposed change. I suggest that if it is on the Lane County web site, that maybe it can be made more obvious since I did not find it where the letter directed me to look.

I am disappointed that Lane County Planning isn't apparently working with the local Fire Chiefs on establishing the zoning rules for fire protection! The "Living with Fire" information in the mail was great, but it says the recommendations "are not requirements nor do they take precedence over local ordinances. Contact your local fire service office." Will my local Fire Chief be responsible for enforcement of these new standards in 16.266? Who is behind these changes, the local fire districts or Lane County Planning? If the local fire districts, then why doesn't the Lane County Chief have the final proposal of this new zoning ordinance and know how it affects the residents in Lane County or his fire district?

Please also send me the current fire protection ordinances. Can you tell me what the enforcement practices are for Lane County with the current ordinances and what will change with enforcement with these new proposed ordinances?

Thank you for your response.

Don Harkins
91000 Ridgeview Rd.
Eugene, OR 97408
dharkins@pcinw.com

SAGE BILL

From: SAGE Bill
Sent: Thursday, January 19, 2006 9:14 AM
To: 'Diane Kumfermann'
Subject: RE: Copy of Lane Code 16.266

Ms. Kumfermann,

I am attaching a copy of the proposed Lane Code 16.266. Please feel free to call me if you have comments or questions on the draft. We are checking to insure the draft is available on the website.

Bill
541 682-3772

-----Original Message-----

From: Diane Kumfermann [mailto:dianemk@efn.org]
Sent: Thursday, January 19, 2006 9:11 AM
To: SAGE Bill
Subject: Copy of Lane Code 16.266

Hello Mr. Sage,

Could I please get a copy of the above-referenced code?

I accessed the Lane County website, but was unable to get a copy of the the code there.

You can email attach a copy or send to:

Diane Kumfermann
30727 Koinonia Road
Eugene, OR 97405

Thank you.

Diane

SAGE BILL

From: SAGE Bill
Sent: Thursday, January 19, 2006 9:31 AM
To: 'G5Al@aol.com'
Cc: TOWERY Jeffrey R
Subject: RE: 16.266

I am attaching the current draft of LC 16.266.

Please send me your name and mailing address and I will put you on the mailing list for future information packets and notice of public meetings.

Thank you for your interest,

Bill

-----Original Message-----

From: TOWERY Jeffrey R
Sent: Thursday, January 19, 2006 8:47 AM
To: SAGE Bill
Cc: 'G5Al@aol.com'
Subject: FW: 16.266

Bill – please follow up, thanks.

Jeff

-----Original Message-----

From: G5Al@aol.com [mailto:G5Al@aol.com]
Sent: Wednesday, January 18, 2006 5:53 PM
To: TOWERY Jeffrey R
Subject: 16.266

According to a letter I have received from Lane County, I should be able to find and download 16.266.

I can not find it or how to get to it on your website.

If you can help me with this, I would be happier.

Al

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 19, 2006 12:55 PM
To: 'G5AI@aol.com'
Subject: RE: 16.266

Alva,

I am in the basement of the Lane County Public Service Building on the corner of 8th and Pearl. The Land Management Division is across the hall from Assessment & Taxation Department.

Bill

-----Original Message-----

From: G5AI@aol.com [mailto:G5AI@aol.com]
Sent: Thursday, January 19, 2006 10:39 AM
To: SAGE Bill
Subject: Re: 16.266

Bill Sage,

I am not sure what I need to open the document.

Two interested parties mailing address:

Alva C. Good
85961 Edenvale Road 67
Pleasant Hill, OR 97455-9743
g5al@aol.com

William G. Good
P.O. Box 18
Blachly, OR 97412-0018

I may stop by this afternoon at your office to pick up a copy of 16.266. In which part of the building are you located?

SAGE Bill

From: SAGE Bill
Sent: Friday, January 20, 2006 8:02 AM
To: 'lynn rountree'
Subject: RE: lane code 16.266

Lynn,

Here's a copy of the LC 16.266 draft currently being considered.
We had a glitch in the loading on the County website. It is being fixed.
The Planning Commission public hearing is February 7, 2006 at 7:00 PM in Harris Hall of the Lane County Public Service Building 125 East 8th Ave, Eugene.
Call me if you have questions after you have read through the fire safety standards.
Thank you for your interest.

Bill 541 682-3772

-----Original Message-----

From: lynn rountree [mailto:rountree@pacbell.net]
Sent: Thursday, January 19, 2006 3:10 PM
To: SAGE Bill
Subject: lane code 16.266

Buried in piece of junk mail I found your notice. However when I went to your web site I could not find the information on the purposed code nor was the meeting listed on the planning commission site. When will this information be available?

L H Rountree

rountree@pacbell.net

SAGE Bill

From: SAGE Bill
Sent: Friday, January 20, 2006 8:10 AM
To: 'rountree@pacbell.net'
Subject: FW: lane code 16.266

Lynn,
I forgot to ask for your mailing address in my earlier e-mail. Please send me your mailing address if you would like to have your name put on a interested parties list for future mailings. The initial notice mailing was to 34,000 property owners. I am compiling a list of persons who have responded for future notice mailings.

Thanks again,
Bill

-----Original Message-----

From: lynn rountree [mailto:rountree@pacbell.net]
Sent: Thursday, January 19, 2006 3:10 PM
To: SAGE Bill
Subject: lane code 16.266

Buried in piece of junk mail I found your notice. However when I went to your web site I could not find the information on the purposed code nor was the meeting listed on the planning commission site. When will this information be available?

L H Rountree

rountree@pacbell.net

SAGE BILL

From: SAGE Bill
Sent: Friday, January 20, 2006 12:59 PM
To: 'SKOOKUM94@aol.com'
Subject: Lane Code 16.266 Wildland-Urban Interface Combining Zone

Mr. Humez,

Kent Howe asked me to respond to your e-mail.

I am attaching an electronic copy of the proposed code.

Here is the website link as well: [http://www.lanecounty.org/Planning/documents/Wildfire Code Draft.pdf](http://www.lanecounty.org/Planning/documents/Wildfire_Code_Draft.pdf)

Please feel free to call me if you have comments or questions about the draft.

Bill Sage
541 682-3772
Associate Planner

SAGE Bill

From: SAGE Bill
Sent: Monday, January 23, 2006 8:48 AM
To: 'bigjerry15@comcast.net'
Subject: Wildland-Urban Interface Combining Zone

Jerry,

Here's the current version of the Lane Code 16.266 fire safety standards that will be considered by the Lane County Planning Commission in a public hearing at 7:00 PM on February 7th in the Lane County Public Service Building, 125 E. 8th Ave, Eugene. Prior to that date we will be receiving and drafting amendments to the text to make it clearer and inject common sense where needed.

We mailed 34,000 notices and a copy of "Living with Fire" information packet to property owners in rural Lane County last week in preparation of the upcoming hearings with the Planning Commission and the Board of Commissioners in March 2006.

Please take a look at the code and send it onto whoever you choose in the insurance industry. We would like to discuss it with anyone who is interested or has comments on the protection standards.

Thanks for your interest,

Bill
541 682-3772

SAGE Bill

From: SAGE Bill
Sent: Monday, January 23, 2006 9:01 AM
To: 'Carl West'

Carl,

Keir is working on getting the WUI information you need today.

The wildland-urban interface is pretty much all inclusive, county-wide, where development abuts either private or public timber lands.

Here's the current version of the Lane Code 16.266 fire safety standards that will be considered by the Lane County Planning Commission in a public hearing at 7:00 PM on February 7th in the Lane County Public Service Building, 125 E. 8th Ave, Eugene. Prior to that date we will be receiving and drafting amendments to the text to make it clearer and inject common sense where needed.

We mailed 34,000 notices and a copy of "Living with Fire" information packet to property owners in rural Lane County last week in preparation of the upcoming hearings with the Planning Commission and the Board of Commissioners in March 2006.

Please take a look at the code and send it onto whoever you choose in the forest industry. We would like to discuss it with anyone who is interested or has comments on the protection standards.

Thanks for your interest,

Bill
541 682-3772



LC 16.266 (draft)
1-12-06B.doc...

SAGE BILL

From: Carl West [cwest@fs.fed.us]
Sent: Monday, January 23, 2006 8:07 AM
To: MILLER Keir C; SAGE Bill

Keir - Hi, my name is Carl West and I am the Fire Management Officer for the Siuslaw NF. I am trying to figure out how many acres of NF land is considered within the Wildland Urban Interface boundary used for the Lane County CWPP. I need this info in the by COB tomorrow. If you don't think you have that info please let me know that as well and I will go a different route. thanks much.....carl

----- Forwarded by Carl West/R6/USDAFS on 01/23/2006 08:02 AM -----

"WAGENBLAST Greg"
<GWAGENBLAST@ODF.
STATE.OR.US>

01/20/2006 06:03
PM

<cwest@fs.fed.us>

To

cc

Subject

Hi Carl,

Here is what I was able to dig up for you on contact info for Keir Miller. He is the GIS contact for Lane county that was working on the CWPP map. Keir had a couple other people working with/for him on this project, but is the point person for GIS questions. If you can not reach Keir or need additional information from the Lane County side, Bill Sage is a great contact who can answer almost any question or point you in the direction to get the answers you are looking for....

Keir Miller info
His Email is: Keir.MILLER@co.lane.or.us

The Phone numbers I have for Keir are:
Phone (541) 682-4631
Fax (541) 682-3947

Bill Sage info
His Email is: Bill.SAGE@co.lane.or.us

Phone #: (541) 682-3772

Hopefully this helps... let me know if there is anything else I can help with. Good luck!

gw

Greg Wagenblast
Eastern Lane Unit Forester
South Cascade District
3150 Main Street, Spfld Or 97478
Ph 726-3588 Fax 726-2501

SAGE BILL

From: SAGE Bill
Sent: Monday, January 23, 2006 9:10 AM
To: 'Dale S.'
Subject: Wildland-Urban Interface Combining Zone LC 16.266 (draft)

Dale,

Here's the current draft of the proposed Lane Code 16.266 Wildland Urban Interface Combining Zone. Take a look at it and give me a call today or tomorrow and we can discuss the applicability on your property.

Bill



LC 16.266 (draft)
1-12-06B.doc...

jitre@oregonfest.net

SAGE Bill

From: SAGE Bill
Sent: Tuesday, January 24, 2006 2:41 PM
To: 'landplancon@comcast.net'; 'hatland@worldnet.att.net'; 'kimodea@landuseoregon.com'
Cc: 'GWAGENBLAST@ODF.STATE.OR.US'; 'Kristina.Deschaine@state.or.us'; MILLER Keir C;
COOK Ron E
Subject: Revisions to LC 16.266 (WUI)

All,

Here is the latest draft which reflects the comments received at the meeting on January 17th.

I don't have all of the e-mail addresses for the participants. Please forward this on to others for review.

Kim, please bring this to Bill Kloos' attention and ask him to forward it to Al Johnson.

Keir, please send this to the Fire Defense Board subcommittee members.

Send me your comments or call if you want to discuss the revisions..

Bill
541 682-3772)



LC 16.266 (draft)
1-23-06.doc ...

SAGE Bill

From: Carl West [cwest@fs.fed.us]
Sent: Monday, January 23, 2006 9:52 AM
To: SAGE Bill
Subject: Re:



LC 16.266 (draft)
1-12-06B.doc...

Thank you Bill, I will look at the draft and forward to the fire zone staff folks on the Forest to get their input as well. cw

"SAGE Bill"
<Bill.SAGE@co.lan
e.or.us>

01/23/2006 09:01
AM

"Carl West" <cwest@fs.fed.us>

To

cc

Subject

Carl,

Keir is working on getting the WUI information you need today.

The wildland-urban interface is pretty much all inclusive, county-wide, where development abuts either private or public timber lands.

Here's the current version of the Lane Code 16.266 fire safety standards that will be considered by the Lane County Planning Commission in a public hearing at 7:00 PM on February 7th in the Lane County Public Service Building, 125 E. 8th Ave, Eugene. Prior to that date we will be receiving and drafting amendments to the text to make it clearer and inject common sense where needed.

We mailed 34,000 notices and a copy of "Living with Fire" information packet to property owners in rural Lane County last week in preparation of the upcoming hearings with the Planning Commission and the Board of Commissioners in March 2006.

Please take a look at the code and send it onto whoever you choose in the forest industry. We would like to discuss it with anyone who is interested or has comments on the protection standards.

Thanks for your interest,

Bill

541 682-3772

<<LC 16.266 (draft) 1-12-06B.doc>> (See attached file: LC 16.266 (draft)
1-12-06B.doc)

SAGE BILL

From: SAGE Bill
Sent: Monday, January 23, 2006 10:36 AM
To: 'FofDFJORDS@aol.com'
Subject: RE: In reference to Wildland-Urban Interface Combining Zone

Gayle,

Without knowing the particulars of your property and existing development, I can summarize the applicability of the proposed code in the following manner:

1. The fire safety standards would apply to residential development of the property if a new dwelling or residential accessory structures such as a garage or shop were proposed.
2. Structures directly associated with the equestrian facility (boarding and training of horses) is exempt from the fire protection standards as a "agricultural use". The rationale is that people engaged in these activities have paddocks, pastures, and open spaces that are maintained around their structures that serve as fuel breaks protecting the animals and the surrounding resources.
3. The impact of the proposed regulations on new development on lands surrounding your property may offer additional protection for your land and facility in the event a fire were to originate on the adjacent property. Theoretically, the fuel breaks on the adjacent property would contain a structural fire to that property within their established fuel breaks.

Please feel free to call if you have additional questions.

Bill Sage
541 682-3772

-----Original Message-----

From: FofDFJORDS@aol.com [mailto:FofDFJORDS@aol.com]
Sent: Monday, January 23, 2006 9:47 AM
To: SAGE Bill
Subject: In reference to Wildland-Urban Interface Combining Zone

Dear Mr. Sage:

Last week I received notification in the mail regarding the proposed changes to several zoning designations - Wildland-Urban Interface Combining Zone in Lane Code 16.266.

After having read through the proposed draft and trying to understand all that it contained, am I correct in assuming that it will not currently have an impact on my land? I own 10 acres (E-40) and have a horse boarding/training facility.

Thank you for your time in responding to my question.

Gayle Ware
28690 W. 11th Ave.
Eugene, OR 97402

SAGE BILL

From: FofDFJORDS@aol.com

Sent: Monday, January 23, 2006 11:01 AM

To: SAGE Bill

Subject: Re: In referance to Wildland-Urban Interface Combining Zone

Mr. Sage,

Thank you very much for your timely and informative reply.

Gayle Ware

SAGE Bill

From: SAGE Bill
Sent: Monday, January 23, 2006 1:57 PM
To: 'Hanson, Steve'
Subject: RE: Proposed "Wildland-Urban Interface Combining Zone in Lane Code 16.266

Steve,

Sorry for the inconvenience. I am attaching (above) an electronic copy to this e-mail and I am also inserting a short-cut to the code on line.

http://www.lanecounty.org/Planning/documents/Wildfire_Code_Draft.pdf

Please feel free to contact me if you have additional questions or comments on the proposed draft.

Bill Sage
541 682-3772

-----Original Message-----

From: Hanson, Steve [mailto:steve.hanson@willis.com]
Sent: Monday, January 23, 2006 1:29 PM
To: SAGE Bill
Subject: Proposed "Wildland-Urban Interface Combining Zone in Lane Code 16.266

Bill,

In keeping with the 1998 Ballot Measure 56 requirement that we property owners be notified when a change in land use regulations might affect or limit the use of our property ... or reduce the value of our property ... you folks sent to us last week a flyer announcing an upcoming public meeting and telling us a few other things including that "The proposed Lane Code 16.266 is posted on Lane County's web site at www.LaneCounty.org." The notice went on to tell us "After logging into the site, proceed to the Public Works Department site and then in turn to Land Management Division - **Planning**."

I get all the way to the last step but then can't find anything that is ... by itself ... labelled "**Planning**" and, even after doing some on-line "exploring" from the Land Management Division, I can't access the code in question. Can you help me please? Can you give me better website directions to ... or the precise website address for ... the posting, please? Alternately, if it is contained in a fairly standard document format like Adobe's "pdf" or Microsoft's "doc", perhaps you could simply send me a copy attached to a reply to this inquiry.

Thanks for whatever help you might be able to supply.

Steve Hanson
Resident
Pleasant Hill, OR

Steve Hanson, Vice President
Willis of Oregon, Inc.
#200, 975 Oak Street
Eugene, Oregon 97401
(541) 681-8625

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SAGE Bill

From: Hanson, Steve [steve.hanson@willis.com]
Sent: Monday, January 23, 2006 2:13 PM
To: SAGE Bill
Subject: RE: Proposed "Wildland-Urban Interface Combining Zone in Lane Code 16.266"

Thank you very much!

Steve

Steve Hanson, Vice President
Willis of Oregon, Inc.
#200, 975 Oak Street
Eugene, Oregon 97401
(541) 681-8625

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]
Sent: Monday, January 23, 2006 1:57 PM
To: Hanson, Steve
Subject: RE: Proposed "Wildland-Urban Interface Combining Zone in Lane Code 16.266"

Steve,

Sorry for the inconvenience. I am attaching (above) an electronic copy to this e-mail and I am also inserting a short-cut to the code on line.

http://www.lanecounty.org/Planning/documents/Wildfire_Code_Draft.pdf

Please feel free to contact me if you have additional questions or comments on the proposed draft.

Bill Sage
541 682-3772

-----Original Message-----

From: Hanson, Steve [mailto:steve.hanson@willis.com]
Sent: Monday, January 23, 2006 1:29 PM
To: SAGE Bill
Subject: Proposed "Wildland-Urban Interface Combining Zone in Lane Code 16.266"

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I get all the way to the last step but then can't find anything that is ... by itself ... labelled "**Planning**" and, even after doing some on-line "exploring" from the Land Management Division, I can't access the code in question. Can you help me please? Can you give me better website directions to ... or the precise website address for ...

01/23/2006

the posting, please? Alternately, if it is contained in a fairly standard document format like Adobe's "pdf" or Microsoft's "doc", perhaps you could simply send me a copy attached to a reply to this inquiry.

Thanks for whatever help you might be able to supply.

Steve Hanson
Resident
Pleasant Hill, OR

Steve Hanson, Vice President
Willis of Oregon, Inc.
#200, 975 Oak Street
Eugene, Oregon 97401
(541) 681-8625

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SAGE Bill

From: Deborah Vukson [dvukson@epud.net]
Sent: Tuesday, January 24, 2006 9:35 PM
To: SAGE Bill
Subject: Code 16.266

Bill

Thank you for the opportunity to comment on the proposed legislation. On the surface, fire buffer zones are an excellent idea. I am concerned about two things.

1. What provisions will be made for properties that are smaller. Many parts of rural Lane County are not remote estates surrounded by acres of land. Many are smaller properties lined up along old (or currently used) logging access. Even paved roads, like where I live in Dexter, are houses relatively close together with back acreage. What would happen if one of these smaller properties would choose to build a new house, say, in place of a manufactured home. The buffers described would not only be impractical but impossible. I have an 90 foot wide property with houses within 20 feet of the property line. Clearly we have a much more urban situation. Not all new construction is palatial estates.

2. Also in order to maintain a landscape as described in the mailing sent to residents, water, and a lot of water is required. Lawn may be a good fire retardant but it requires a lot of water to maintain. It is common in the country to let the grass go brown each summer. If properties are expected to use water we need to consider where it is coming from. ANYONE using water is using all rural residents water. Our wells are interconnected in many cases. I am concerned that a property under the proposed rule would jeopardize the quality and quantity of my well and the wells of my neighbors. Perhaps this is a rainy year but after many years of drought many wells have been low. Watering grass is a high water consumption and also hard on a pump. In an extreme situation, if wells are lowered due to high water consumption, the fire department will also have trouble getting the water it needs. I think it is important to consider longer range situations rather than pass an ordinance that requires specific compliance.

I do support buffer zones and suitable native vegetation but I am concerned that the provisions of the ordinance are too binding and too specific. This may not be so for a property that is being built on an undeveloped piece of land but for rebuilds on existing land, some provision needs to be made.

I hope I have been clear with my concerns and that you will consider them carefully.

Thank you again.

Deborah Vukson
Dexter, OR

SAGE Bill

From: SAGE Bill
Sent: Wednesday, January 25, 2006 9:07 AM
To: 'Deborah Vukson'
Subject: RE: Code 16.266



LC 16.266 (draft)
1-25-06.doc ...

Deborah,

Thank you for your comments.

The draft of the proposed fire protection standards is an evolving document partially because of the review that is continuing by fire protection professionals and in good measure by thoughtful comments from citizens such as yourself. The revisions since the mailing to you and other rural citizens in early January are highlighted in red in the attached draft above. Your two concern are addressed in the following manner:

The limits to the requirement for a defensible space and secondary fuel breaks are found on pages 9-10 in subsection (6) Defensible Space and Secondary Fuel Breaks -- (a) Defensible Space.

"Property owners are required to create and maintain a defensible space for all dwellings, manufactured dwellings, residential units, accessory structures, and additions of 50% or more of floor area to dwellings and accessory structures on land that is owned or controlled by the property owner within the Wildland-Urban Interface. The applicable defensible space shall be determined by either method set forth in 16.266(6)(a)(i) or 16.266(6)(a)(ii)."

State law and County policy limit the property owners actions to only property that they either own or have executed easements with adjacent property owners to establish fuel breaks.

The publication you received is somewhat generic in that it portrays all developed properties in areas with very productive wells or water sources. As you pointed out, that is not the case in some areas of rural Lane County. There are numerous subarea water tables that are seasonally impacted by drought-like conditions. The maintenance of ground cover and shrubs encircling a structure is the most important consideration in limiting fuel loads. Property owners are not expected to put their wells at risk or waste their water resources. In essence, the property owner could have a variety of groundcovers of their choosing including lawn which is either green or brown.

Please take a look at the revisions in the current draft and call me if you have additional comments or questions.

Bill
541 682-3772

-----Original Message-----

From: Deborah Vukson [mailto:dvukson@epud.net]
Sent: Tuesday, January 24, 2006 9:35 PM
To: SAGE Bill
Subject: Code 16.266

Bill

Thank you for the opportunity to comment on the proposed legislation. On the surface, fire buffer zones are an excellent idea. I am concerned about two things.

EDBEI LOST CREEK ROAD
DEXTER 97431

1. What provisions will be made for properties that are smaller. Many parts of rural Lane County are not remote estates surrounded by acres of land. Many are smaller properties lined up along old (or currently used) logging access. Even paved roads, like where I live in Dexter, are houses relatively close together with back acreage. What would happen if one of these smaller properties would choose to build a new house, say, in place of a manufactured home. The buffers described would not only be impractical but impossible. I have an 90 foot wide property with houses within 20 feet of the property line. Clearly we have a much more urban situation. Not all new construction is palatial estates.

2. Also in order to maintain a landscape as described in the mailing sent to residents, water, and a lot of water is required. Lawn may be a good fire retardant but it requires a lot of water to maintain. It is common in the country to let the grass go brown each summer. If properties are expected to use water we need to consider where it is coming from. ANYONE using water is using all rural residents water. Our wells are interconnected in many cases. I am concerned that a property under the proposed rule would jeopardize the quality and quantity of my well and the wells of my neighbors. Perhaps this is a rainy year but after many years of drought many wells have been low. Watering grass is a high water consumption and also hard on a pump. In an extreme situation, if wells are lowered due to high water consumption, the fire department will also have trouble getting the water it needs. I think it is important to consider longer range situations rather than pass an ordinance that requires specific compliance.

I do support buffer zones and suitable native vegetation but I am concerned that the provisions of the ordinance are too binding and too specific. This may not be so for a property that is being built on an undeveloped piece of land but for rebuilds on existing land, some provision needs to be made.

I hope I have been clear with my concerns and that you will consider them carefully.

Thank you again.

Deborah Vukson
Dexter, OR

RECD JAN 24 2006

**Testimony of Allen L. Johnson
Before Senate Environment and Land Use Committee
on House Bill 2328
April 27, 2005**

Mr. Chair and members of the Committee, my name is Al Johnson. I'm an attorney with the firm of Johnson & Sherton, P.C., of Portland and Salem. Our practice is mainly in land use and we provide legal services to both public and private clients throughout Oregon.

The purpose of HB 2328 is to address a problem of "category creep" under the definition of "land use decision" in ORS Chapter 197. As the Land Board of Appeals has said on more than one occasion, that definition is clouded with an "unfortunate uncertainty." *Tirumali v. Portland*, 37 Or LUBA 859, Fn. 7 (2000). HB 2328 does not attempt to address the larger problem created by the definition. It takes a surgical approach to a discrete situation that has just arisen and does so in a way that is designed to keep separate regulatory regimes that should not and need not overlap.

As you know, the Oregon land use system imposes high transaction costs. It is comprehensive, complex, uncertain, time-consuming, and often prohibitively expensive. These transaction costs are least justifiable when, as is the case with small propane tank installations:

- the activity in question is already subject to existing layers of regulation;
- the existing regulatory framework has not been shown to be inadequate; and
- the regulated activity requires an economical, efficient, and speedy permitting process.

Your background materials include copies of statutes, rules, interpretive rulings, and attorney generals' opinions describing the existing allocation of authority to regulate the installation and replacement of propane tanks between the state fire marshal and local building code offices. Under that allocation, the state fire marshal regulates the installation and replacement of the propane tanks themselves and local building officials regulate the installation and replacement of everything from there to the building served by the tank.

HB 2328 does allow some "category creep": Under this bill, local governments will have express authority to regulate tank placements in flood plains through land use regulations if they so choose. Local governments will also have express authority to regulate large tanks and tanks that are part of primary uses, such as fuel storage or distribution. The result does change the status quo somewhat toward more regulation, but it does so as a result of conscious legislative choice, not of definitional sprawl.

Respectfully submitted,

Allen L. Johnson



House Bill 2328-A
Senate Environment and Land Use Committee

The Northwest Propane Gas Association (NWPGA) asks for your support on HB 2328-A. This bill clarifies propane (liquefied petroleum gas, or LPG) tank regulation. The bill was heard in House Environment Committee where it received a number of letters in support and no one opposed it. It passed unanimously out of committee to the House floor, where it was approved unanimously.

Oregon has traditionally regulated the installation and replacement of propane tanks through the Oregon State Fire Marshal (OSFM) by statute. Piping, connections to buildings and inside appliances have been regulated under building codes through the Building Codes Division. Both agencies authorize certain local jurisdictions to carry out their mission within their area of authority. This system has been in place for over fifty years and has worked well.

Last year Lane County, Oregon began putting almost all propane tanks, regardless of tank size if attached to the house, for homes and businesses through a land use permitting process. This process has created dual regulation, high fees (in some zones fees have been as high as \$1,200 just for the permit, in addition to the State Fire Marshal fee), time-consuming plan reviews, comment and appeal periods, and processing delays that deter consumers from choosing propane for new homes. More importantly, it has impacted customers with existing tanks, many of whom are elderly and/or on a low or fixed income.

This process has deterred consumers who wanted to convert woodstoves to propane – a clean burning fuel and one that doesn't involve the physical tasks of dealing with wood, which is difficult for some elderly folks. Many customers with existing tanks have decided not to switch dealers for better prices or service due to the permitting process; competition has been stifled. All dealers in Lane County, both major and independent, have lost business to other fuels.

Most frustrating to dealers has been the county's lack of specialized knowledge of propane-specific state-adopted codes and the practical problems that have resulted.

The House committee discussed fire safety, which is the State Fire Marshal's primary responsibility. Insurance carriers do not place any special restrictions or premium surcharges on homes heated with propane as there is no actuarially sound reason for doing so, and do not consider houses with propane tanks on the property to be any more of a hazard due to the tank than those heated with electricity or natural gas (see included letters). We have also provided details of a recent study on the effects of thermal radiation on propane tanks.

The –A amendments were carefully drafted to clarify what local governments may or may not do in terms of propane tank regulation, and which tanks fall under land use provisions. The amendments resolved any issues that the Department of Land Conservation and Development (DLCD) had with the bill, and Director Lane Shetterly sent a memo to that effect (included in your notebooks).

Entangling in Oregon's cumbersome land use permitting system what should be simple choices about fuel sources as accessory uses for homes and small businesses has not been a good experiment. NWPGA believes HB 2328-A clarifies the law for everyone, and asks for your support. Thank you for your consideration!

Lana Butterfield, NWPGA Oregon Lobbyist
503/819-5800 cell phone
lanab@teleport.com

LAW OFFICES OF

JOHNSON & SHERTON

A PROFESSIONAL CORPORATION

LAND, AIR & WATER LAW

ALLEN L. JOHNSON
CORINNE C. SHERTON

**Testimony of Allen L. Johnson
Before the House Environment Committee
on House Bill 2328
March 29, 2005**

PORTLAND OFFICE

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TEL (503) 233-1533
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TEL (503) 391-7446
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Mr. Chair and Members of the Committee:

My name is Al Johnson. I'm an attorney with the firm of Johnson & Sherton, P.C., of Portland and Salem. Our practice is mainly in land use and we provide legal services to clients throughout Oregon.

HB 2328-2 addresses a problem of "category creep." As LUBA puts it, the definition of "land use decision" in ORS Chapter 197 is clouded with an "unfortunate uncertainty." *Tirumali v. Portland*, 37 Or LUBA 859, Fn. 7 (2000). The result is the gradual and unpredictable expansion of coverage—a kind of regulatory sprawl.

HB 2328-2 does not attempt to address the larger problem created by the definition. It takes a surgical approach to a discrete situation that has just arisen and does so in a way that is designed to reinstate the boundaries between land use and an existing regulatory framework that is working just fine.

Oregon's land use system provides important public benefits. It also imposes high transaction costs. It is comprehensive, complex, uncertain, time-consuming, and often prohibitively expensive. These transaction costs are least justifiable when, as is the case with small propane tank installations:

- the activity in question is already subject to existing layers of regulation;
- the existing regulatory framework has not been shown to be inadequate; and
- the regulated activity requires an economical, efficient, and speedy permitting process.

Existing statutes, backed by interpretive rulings and attorney generals' opinions, allocate authority to regulate the installation and replacement of propane tanks between the state fire marshal and local building code offices. Under that allocation, the state fire marshal regulates the installation and replacement of the propane tanks themselves, while local building officials regulate the installation and replacement of everything from there to the home or business served by the tank.

HB 2328-2 also provides explicit land use authority over propane tank siting that didn't exist before. Among other things, this authority will include tank placements in flood plains, placements of tanks over 1200 gallons, and placement of tanks that are primary uses.

The net effect of these changes is to have the legislature rather than the courts decide how propane tank siting should be regulated. HB 2328-2 consciously allocates regulatory authority in a way that addresses legitimate concerns of homeowners, small businesses, local governments, fire safety authorities, and the industry. Passage of this bill will allow propane to continue as a clean, safe, and economical alternative to woodstoves, oil, coal, and other sources of energy for heating small homes and businesses.

Respectfully submitted,

Allen L. Johnson

125.005 or financially incapable as defined in ORS 125.005.

[(3)] (4) An action may *only* be brought under the provisions of this section *only* for physical abuse described in ORS 124.105 or for financial abuse described in ORS 124.110.

[(4)] (5) An action may be brought under this section against a person for permitting another person to engage in physical or financial abuse if the person knowingly acts or fails to act under circumstances in which a reasonable person should have known of the physical or financial abuse.

[(5)] (6) A person commencing an action under this section must serve a copy of the complaint on the Attorney General within 30 days after the action is commenced.

SECTION 2. The amendments to ORS 124.100 by section 1 of this 2005 Act apply to actions for injury, damage or death occurring before, on or after the effective date of this 2005 Act.

Approved by the Governor May 25, 2005

Filed in the office of Secretary of State May 25, 2005

Effective date January 1, 2006

CHAPTER 88

AN ACT

HB 2328

relating to standards for storage of liquid petroleum; creating new provisions; and amending ORS 197.015 and 476.060.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 480.410 to 480.460.

SECTION 2. (1) The regulation of liquid petroleum gas containers or receptacles by the State Fire Marshal pursuant to ORS 480.410 to 480.460 is not a program affecting land use under ORS 197.180.

(2) A local government may not regulate the siting, installation, maintenance or removal of a liquid petroleum gas container or receptacle regulated by the State Fire Marshal pursuant to ORS 480.410 to 480.460, except as provided in subsection (3) of this section or ORS 480.450 (7).

(3) A local government may:

(a) Regulate the siting and installation of a liquid petroleum gas container or receptacle with a capacity of more than 1,200 gallons or a group of containers and receptacles with an aggregate capacity of more than 4,000 gallons to protect the public health and safety.

(b) Regulate the siting and installation of liquid petroleum gas containers or receptacles on a flood plain regulated by local ordinance.

(c) Regulate the siting and installation of liquid petroleum gas containers or receptacles

that are not accessory to an authorized or authorizable land use.

(d) Prohibit the siting and installation of liquid petroleum gas containers or receptacles of specified types or sizes in specific zones within an urban growth boundary to protect the public health and safety.

(e) Regulate, through the local government's assistant to the State Fire Marshal as described in ORS 476.060, the placement of liquid petroleum gas containers or receptacles for the purpose of fire prevention.

SECTION 3. ORS 197.015 is amended to read: 197.015. As used in ORS chapters 195, 196 and 197, unless the context requires otherwise:

(1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the statewide planning goals.

(2) "Board" means the Land Use Board of Appeals.

(3) "Commission" means the Land Conservation and Development Commission.

(4) "Committee" means the Joint Legislative Committee on Land Use.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

(6) "Department" means the Department of Land Conservation and Development.

(7) "Director" means the Director of the Department of Land Conservation and Development.

(8) "Goals" means the mandatory statewide planning standards adopted by the commission pursuant to ORS chapters 195, 196 and 197.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies

and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- (i) The goals;
- (ii) A comprehensive plan provision;
- (iii) A land use regulation; or
- (iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) [Which] That is made under land use standards [which] that do not require interpretation or the exercise of policy or legal judgment;

(B) [Which] That approves or denies a building permit issued under clear and objective land use standards;

(C) [Which] That is a limited land use decision;

(D) [Which] That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility [which] that is otherwise authorized by and consistent with the comprehensive plan and land use regulations; [or]

(E) [Which] That is an expedited land division as described in ORS 197.360; or

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquid petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(c) Does not include a decision by a school district to close a school;

(d) Does not include authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179; or

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12) "Limited land use decision" is a final decision or determination made by a local government

pertaining to a site within an urban growth boundary which concerns:

(a) The approval or denial of a subdivision or partition, as described in ORS chapter 92.

(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(13) "Local government" means any city, county or metropolitan service district formed under ORS chapter 268 or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that a metropolitan service district may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.001.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195 and 197.

(19) "Special district" means any unit of local government, other than a city, county, metropolitan service district formed under ORS chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(21) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 4. ORS 476.060 is amended to read:

476.060. (1) All fire marshals in those governmental subdivisions having such officers, and where no such officer exists, the chief of the fire department of every city or rural fire protection district in which a fire department is established, the marshal or chief of police, officer of any city in which no fire department exists, and constables, if any, shall be, by virtue of the offices held by them, assistants to the State Fire Marshal without additional recompense, subject to the duties and obligations imposed by law, and shall be subject to the direction of the State Fire Marshal in the execution of the provisions of this section and ORS 476.070, 476.090, 476.150 and 476.210 and section 2 of this 2005 Act.

(2) In addition to other duties under subsection (1) of this section, an individual designated as an assistant to the State Fire Marshal shall aid in the administration and enforcement of ORS 480.200 to 480.290 and 480.990 (6) upon the request of the State Fire Marshal.

Approved by the Governor May 25, 2005
 Filed in the office of Secretary of State May 25, 2005
 Effective date January 1, 2006

CHAPTER 89

AN ACT

HB 2352

Relating to recreational vehicles; amending ORS 446.155 and 446.170.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 446.155 is amended to read:

446.155. (1) [No] A person may not sell or offer for sale within this state a manufactured dwelling manufactured after January 1, 1962, that contains:

(a) Plumbing equipment, unless such equipment meets the requirements of the Department of Consumer and Business Services;

(b) Heating equipment, unless such equipment meets the requirements of the State Fire Marshal; or

(c) Electrical equipment, unless such equipment meets the requirements of the department.

(2) [No] A person may not rent, lease, sell or offer for rent, lease or sale within this state a manufactured structure manufactured after September 1, 1969, unless [it] the manufactured structure bears an insignia of compliance and contains:

(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the department;

(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department; or

(c) Structural and transportation equipment, materials, installations and construction that meet the minimum safety standards of the department.

[(3) No person may rent, lease or offer for rent or lease within this state a recreational vehicle built after

January 1, 1990, unless it bears an insignia of compliance and contains:]

[(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the department; or]

[(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department.]

[(4) No person may sell or offer for sale a recreational vehicle built within five years of the time the recreational vehicle is sold or offered for sale, unless it bears an insignia of compliance and contains:]

[(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the department; or]

[(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department.]

(3) A person may not rent, lease, sell or offer for rent, lease or sale within this state a recreational vehicle unless the recreational vehicle:

(a) Bears an insignia of compliance;

(b) Has previously been lawfully registered and titled within the United States;

(c) Has previously been issued an ownership document under ORS 446.571 or recorded under ORS 446.626; or

(d) Is exempt from registration, title or ownership document requirements because of United States government ownership.

[(5) (4) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured structures or equipment within the state or for use within the state shall comply with all applicable construction and safety rules of the department and the following:

(a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or at the time of sale to the first consumer shall be performed in conformance with the National Manufactured Housing Construction and Safety Standards Act.

(b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manufactured dwelling, except as identified by the Director of the Department of Consumer and Business Services by rule, shall be in conformance with the specialty codes as described in ORS 455.010 to 455.740 and 479.855.

(c) Solid fuel burning appliances shall be in conformance with the National Manufactured Housing Construction and Safety Standards Act and standards adopted by the department.

(d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured dwelling may be sold "as is" provided that the seller discloses in the bill of sale that the manufactured dwelling is being sold on an "as is" or "with all faults" basis, and that the entire risk as to the quality and performance of the manufactured dwelling is with the buyer. If the manufactured dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all servicing and re-

REC'D JAN 26 2006

TO WHOM IT MAY CONCERN:

MY GRASS IS CUT TO SUMMER ST.

'WITHOUT REGULATION IN THIS MATTER (AFTER ALL WHY DO I PAY EXPENSIVE INSURANCE). NOR ANYMORE COST ADDED TO MY ANNUAL RESIDENTIAL TAXS THANK YOU!

AS FOR THE FUEL BRAKE ISSUE IF THERE IS ~~WATER~~ A WATERWAY RUNNING BY SAID PROPERTY THEN WHAT? SHALL WE BREAK THE LAW & DESTROY A WATERWAY TO MAKE A "PARK LIKE" SETTING.

AS FOR DRIVEWAYS FOR FIRE TRUCKS I THINK ANY ROAD ENHANCEMENTS SHOULD BE PAID FOR OUT OF ALREADY EXISTING TAX REVENUE FOR RES. PROP.

SOUNDS TO ME LIKE THIS ROAD FIX TO RETRO FIT EXISTING PARKS & PUBLIC FACILITIES IS GOING TO COST TAXPAYERS ALOT MORE MONEY AND I FOR ONE AM NOT WILLING TO PAY MORE PROPERTY TAXES FOR IT !! I HAVEN'T SEEN WHERE ALOT OF THESE ZONES, ~~AND~~ HAVE BEEN IN JEOPARDY IN THE PAST. DO WE REALLY NEED TO PAY MORE TAXES FOR GOVERNMENT CONTROL? I DON'T THINK SO! JUST ANOTHER JOB GUARANTEE FOR GOVERNMENT AND ANOTHER TAX HIKE FOR ALREADY OVER TAXED PROPERTY OWNERS!

SIGNED: AN ALREADY OVER TAXED PROPERTY OWNER!

Curtis Stutzman

26947 HIGH PASS RD.

JUST SAY NO TO TAXSS

1/25/06

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 26, 2006 1:42 PM
To: 'Buck Biggs'
Subject: RE:

Buck,

Thank you for your comments. They have been placed in the written record.

Please send me a copy of the mailing label on your notice if you still have it. If not, please provide the address the mailing was delivered to and your regular mailing address.

The Ballot Measure 56 notice mailing list was compiled by Lane Council of Governments from the "legal owner" listing on Assessment & Taxation tax records. The notice was then mailed with the educational materials "Living With Fire" in conjunction with the Lane County Fire Defense Board's fire safety outreach program as a method of informing the 33,814 rural property owners about wildfire behavior and actions that property owners can take to protect their families, property and the surrounding resources from the treat of a wildfire. Our joint intent was to provide information about wildfires and notice of your opportunity to comment on the proposed fire safety standards Lane County is considering to implement for new residential development in the rural area.

Please feel free to call me if you want to discuss the code provisions or the notice mailing.

Bill
541 682-3772

-----Original Message-----

From: Buck Biggs [mailto:obbuck@hotmail.com]
Sent: Thursday, January 26, 2006 12:22 PM
To: SAGE Bill
Subject:

01/26/2006
Lane County Land Management Division
Mr. Sage

I'm writing you today concerning the proposed Lane Code 16.266. I found the required notice hidden inside a brochure entitled "Living With Fire". This brochure was addressed to "resident" and had no mention of the enclosed notice. It was also sent to my rural mailbox, which is not my regular mailing address. In my opinion this violates the provisions of measure 56. This notice should have been sent on its own and addressed to the owner of the property as an official notice. Many owners rent their property and may never see this notice. Many others, like some friends of mine, simply tossed the brochure away with other junk mail that was addressed to resident. I am not particularly opposed to the new law itself but am very displeased with the way the public was notified. I think this hearing should be postponed and the notice be properly mailed to all property owners at the mailing address on their tax statements.

A concerned Lane County property owner;
I don't have a fax machine, so can you please print this out and add it to the public comments. Thanks

Don't just search. Find. Check out the new MSN Search!
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

SAGE Bill

From: HOWE Kent
Sent: Thursday, January 26, 2006 2:40 PM
To: MORRISON Anna M; TOWERY Jeffrey R
Cc: SAGE Bill
Subject: RE: lane code 16.266

Thanks. We'll include it in the record for the Planning Commission Public Hearing scheduled for February 7th. Kent

-----Original Message-----

From: MORRISON Anna M
Sent: Thursday, January 26, 2006 2:33 PM
To: HOWE Kent; TOWERY Jeffrey R
Subject: FW: lane code 16.266

Fyi.. Submit for the record. Which hearing is he talking about

-----Original Message-----

From: "Buck Biggs" <obbuck@hotmail.com>
Sent: 1/26/06 12:46:06 PM
To: "MORRISON Anna M" <Anna.Morrison@CO.Lane.OR.US>
Subject: lane code 16.266

01/26/2006
Lane County Land Management Division
Anna Morrison

I'm writing you today concerning the proposed Lane Code 16.266. I found the required notice hidden inside a brochure entitled "Living With Fire". This brochure was addressed to "resident" and had no mention of the enclosed notice. It was also sent to my rural mailbox, which is not my regular mailing address. In my opinion this violates the provisions of measure 56. This notice should have been sent on its own and addressed to the owner of the property as an official notice. Many owners rent their property and may never see this notice. Many others, like some friends of mine, simply tossed the brochure away with other junk mail that was addressed to resident. I am not particularly opposed to the new law itself but am very displeased with the way the public was notified. I think this hearing should be postponed and the notice be properly mailed to all property owners at the mailing address on their tax statements.

A concerned Lane County property owner;
I don't have a fax machine, so can you please print this out and add it to the public comments. Thanks

Express yourself instantly with MSN Messenger! Download today - it's FREE!
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

SAGE Bill

From: SAGE Bill
Sent: Thursday, January 26, 2006 2:47 PM
To: 'Diane Kumfermann'
Subject: RE: Copy of Lane Code 16.266

Diane,

Either option will work – send an e-mail or call to set an appointment to meet. I look forward to your comments.

Bill
541 682-3772

-----Original Message-----

From: Diane Kumfermann [mailto:dianemk@efn.org]
Sent: Thursday, January 26, 2006 2:37 PM
To: SAGE Bill
Subject: Re: Copy of Lane Code 16.266

Thank you for sending this, Bill.

Obviously, there is much to consider.

After I've given the code a thoroughgoing reading, any chance for a meeting to answer questions? – or – would you rather I emailed questions?

Thanks again.

Diane Kumfermann

----- Original Message -----

From: SAGE Bill
To: Diane Kumfermann
Sent: Monday, January 23, 2006 8:16 AM
Subject: RE: Copy of Lane Code 16.266

Sorry for the confusion.
Here's the copy above.
Bill.

-----Original Message-----

From: Diane Kumfermann [mailto:dianemk@efn.org]
Sent: Saturday, January 21, 2006 7:32 AM
To: SAGE Bill
Subject: Re: Copy of Lane Code 16.266

Bill,

Thanks for the email response.

My Outlook shows that there wasn't an attachment. Could you please resend 16.266?

Or you could just mail a copy to:

Diane Kumfermann
30727 Koinonia Road
Eugene, OR 97405

Thank you.

Diane

----- Original Message -----

From: SAGE Bill
To: Diane Kumfermann
Sent: Thursday, January 19, 2006 9:13 AM
Subject: RE: Copy of Lane Code 16.266

Ms. Kumfermann,

I am attaching a copy of the proposed Lane Code 16.266. Please feel free to call me if you have comments or questions on the draft. We are checking to insure the draft is available on the website.

Bill
541 682-3772

-----Original Message-----

From: Diane Kumfermann [mailto:dianemk@efn.org]
Sent: Thursday, January 19, 2006 9:11 AM
To: SAGE Bill
Subject: Copy of Lane Code 16.266

Hello Mr. Sage,

Could I please get a copy of the above-referenced code?

I accessed the Lane County website, but was unable to get a copy of the the code there.

You can email attach a copy or send to:

Diane Kumfermann
30727 Koinonia Road
Eugene, OR 97405

Thank you.

Diane

SAGE BILL

From: SAGE Bill
Sent: Thursday, January 26, 2006 2:53 PM
To: MORRISON Anna M; TOWERY Jeffrey R; HOWE Kent
Subject: FW:

Anna, Jeff and Kent:

I received an e-mail from Mr. Biggs earlier today and am forwarding to you my response which was sent to him this afternoon.

Bill

-----Original Message-----

From: SAGE Bill
Sent: Thursday, January 26, 2006 1:42 PM
To: 'Buck Biggs'
Subject: RE:

Buck,

Thank you for your comments. They have been placed in the written record.

Please send me a copy of the mailing label on your notice if you still have it. If not, please provide the address the mailing was delivered to and your regular mailing address.

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01/26/2006
Lane County Land Management Division
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