

SAGE BILL

To: Walter Morgan/ Cindy Heller

Subject: RE: Draft Lane Code 16.266

Walter,

Thank you for submitting your comments regarding the draft of LC 16.266. All comments received addressing the Lane Code 16.266 fire safety standards under review are part of the official record and will be distributed to the Planning Commission prior to the public hearing. They are also a part of the official record that will be forwarded to the Board of Commissioners with the Planning Commission's recommendations.

I would like to answer some of your questions or statements that are based on the newspaper article published in the Register Guard last Friday.

The standards for what depth a fuel break should have, what vegetation needs to be removed or spaced apart, and the height of pruning are all factors that are under consideration and subject to revision as better information or evidence comes into the record for review. The fuel break, road and driveway, and structural provisions will undoubtedly be revised based on the quality of information that flows into the record from citizens, special interests, fire professionals, etc. during the next several months of public meetings and hearings.

In response to your list of concerns, let me first state that the proposed fire safety standards would only apply to "new" residential development. The standards are not retroactive and would not apply to existing structures. Properties that have been developed with a residence and accessory structures in the past will not be required to implement the proposed standards to protect those structures. The only time developed properties would be affected would be if a new structure such as a garage or shop, were to be proposed as an accessory to the existing dwelling. Then a fuel break would be required around the new structure.

We have put forward fuel break requirements for consideration including clearing of shrubs and thinning of trees within primary and secondary fuel breaks based on the current standards in the Impacted Forest Land Zone (F2), which have been in place since 1990. We have also been engaged in a policy discussion with fire defense professionals on whether a defensible space around a structure for fighting a structural fire should be the goal of the regulations or whether the goal should be to protect the structure from the threat of a catastrophic event such as a wildfire that could advance on a community in its path. Different standards would be necessary to prepare for those two diverse situations.

I appreciate your thoughtful letter which portrays your concerns and many of your neighbors as well. I encourage you to take the time to address the specific removal and pruning of vegetation proposals. I am interested in your perspective as to the depth of the fuel break(s) and limits on removals you think would be adequate to protect your home and compatible with the underlying property owner's choice of living in a rural setting. And, based on your experience as a trained firefighter, if you have thoughts on the balance of vegetative removals on stability of slopes as well as potential impacts on water quality resulting from erosion and sediment.

In closing, you would not be required to do any of the removals proposed by LC 16.266 if it were to be adopted due to the fact that your property is already developed with the residence and structures. If your property were not developed and you had established farm uses such as your 42- tree orchard, you would not have to remove any of the orchard stock since horticultural practices including Christmas tree plantations, nut and fruit orchard, nurseries, and berry fields as exempt from the removal standards.

Please know that your comments are in the official record and I would appreciate your continued participation in the discussions as we progress through the review process in the coming months.

Call me or e-mail your concerns to me as you see fit.

Bill
541 682-3772

07/01/2006

bill.sage@co.lane.or.us

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

From: Walter Morgan/ Cindy Heller [mailto:morganheller@earthlink.net]
Sent: Tuesday, January 31, 2006 9:38 PM
To: SAGE Bill
Subject: Draft Lane Code 16.266

Thank you for your prompt reply to my last e-mail.

Please consider the following as my input for the public hearing February 7. I will also enclose the material as a Microsoft word document for your ease of use. If there is any question or comment please contact me via e-mail or phone (541 935 4209). If there is any suggestion you may have to make my input more effective please contact me.

Walter Morgan
25431 Lawrence Road
Junction City, Or
97448
(541 935 4209) (voice or fax)

I am writing this to express my great trepidation over Draft Lane Code 16.266.

I first became aware of this proposed code from the article in the Register Guard on January 27, 2006. My home at 25431 Lawrence Road (1.6 miles North West of Fern Ridge) is well within the boundaries shown on the Hot Spots from the article. I am 75 years old, retired and have owned my home since 1988. At first I thought I was in an OK position since I did own the property, but as I read on I became more concerned. It could soon become retroactive to include me and if I ever sold my property the onerous requirements would have to be met. It really hit me when the civil penalty of \$100 to \$1000 a day was stated. My retirement income comes to just over half what the minimum fine would be per month.

I cannot evaluate accurately all of the potential impacts as the WUI's are not defined completely yet. However, as I read the requirements I noted the following:

I would have to remove three rhododendrons from the yard and three more from the edge of the grass area. I would have to remove the tulip tree shaped like a bush. I admire the beautiful blooms this tree produces each spring.

I would have to remove the seedless grape vines from the south end of my house and forgo the pleasure of the great grapes each fall.

I would have to remove the landscape bark from the edge of my house and replace it with rock.

I would not be able to store a day or two supply of wood on the porch. I use the wood to heat the house when the weather is very cold as the cost of electric heat uses a significant part of my pension.

I would not be able to store the wood in the lean-to behind my shop since it is only 84 feet from my house.

The house is on a cut/fill.

The fill area to the west of the house is covered with junipers (and when not maintained, blackberries) and fir.

The slope would have to be cleared and replaced with grass. Never mind that you would have a very difficult time running a mower up and down the area.

The cut area to the east of the house is covered with volunteer trees. These trees are mostly Douglas fir with a smattering of others. As they are mostly around 8 foot tall they would have to be removed resulting in a higher probability of mudslide and or erosion.

That is one hell of a lot of work for a 75-year-old man and I certainly could not afford to hire it done. It would destroy a lot of what I consider a great environment. However, it doesn't stop there. Because of the Secondary Fuel Break requirements I must consider the following:

I would have to essentially destroy my orchard. It consists of 42 fruit trees planted on 15-foot centers. They would not live if I cut off all the limbs to eight feet high. They also could not meet the requirement for 15 feet between crowns.

I would have to do extensive work on the area east of the house. It is covered with second growth Douglas fir and

a few other trees. I note there is no region with 15-foot crown space in the whole 1.53 acres. It is uncultivated underfoot and has tree droppings from many years of growth. I enjoy this area a great deal. I have a path that I walk for exercise and enjoyment. I note that I now pay taxes for fire patrol west and fire patrol emergency on this segment of my property.

Further, the Road and Driveway Standards imply that:

I would have to remove at least six Douglas fir trees that restrict the drive to about 18 feet. I never worried about fire truck access as when I was a voluntary fire fighter we had brought our largest rigs up to the house landing on a couple of occasions.

I also note that I would have to put up no parking signs at my turnaround near the house. This is ludicrous, there are seldom cars in the parking area and if there were they would be attended closely by their drivers.

I understand the objective of the requirements as part of my training as a firefighter was in wildlife fire control. However, the extent of the requirements is extremely onerous. I selected Oregon and specifically the home I own for the rural/woodland environment. If the requirements were implemented it would make the property more like a park (the words used in the draft) and not what I enjoy.

Not only does the requirements force a tremendous amount of restructure on my environment it also impacts the environment of the wildlife and others. Although I am sure you have heard all the environmental arguments, I would like to draw your attention to my case. We have a considerable amount of wild life living in the area. We have numerous birds, raccoon, squirrel, possum, deer and occasionally fox and cougar. This wildlife depends on the existing structure for their home and for their food. For example, they nest or burrow in the floor of the land and devour the insects growing in the dropped material. All these would suffer from the measures that would be required. On the broad view, the removal of the trees as required by the measure would reduce the effectiveness of the oxygen, carbon dioxide process in the area. Tree removal will also affect water runoff and drainage with negative consequences since my residence is located approximately mid-slope on the property.

I wonder how this code would be considered in the view of Measure 37. It certainly would reduce the worth of my property to me and would reduce the salability of it to anyone considering purchase. Any law passed for the good of the public, should be paid for by the public.

HOWE Kent

From: MORRISON Anna M
Sent: Wednesday, February 01, 2006 10:41 AM
To: HOWE Kent
Subject: FW: Proposed Lane Code 16.266

Please submit this for the record. And are any of his statements true?

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

From: Walter Morgan/ Cindy Heller [mailto:morganheller@earthlink.net]
Sent: Tuesday, January 31, 2006 9:51 PM
To: MORRISON Anna M
Subject: Proposed Lane Code 16.266

I have studied the proposed code and find it scary. As the commissioner for the western Lane County I am sending my comments to you for your consideration. Please review them and contact me if there is any discussion about the draft code. I am sure that as more people become familiar with the content you will get more feedback. I have enclosed the comments as a Microsoft word document for your use.

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I first became aware of this proposed code from the article in the Register Guard on January 27, 2006. My home at 25431 Lawrence Road (1.6 miles North West of Fern Ridge) is well within the boundaries shown on the Hot Spots from the article. I am 75 years old, retired and have owned my home since 1988. At first I thought I was in an OK position since I did own the property, but as I read on I became more concerned. It could soon become retroactive to include me and if I ever sold my property the onerous requirements would have to be met. It really hit me when the civil penalty of \$100 to \$1000 a day was stated. My retirement income comes to just over half what the minimum fine would be per month.

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The house is on a cut/fill.

The fill area to the west of the house is covered with junipers (and when not maintained, blackberries) and fir.

The slope would have to be cleared and replaced with grass. Never mind that you would have a very difficult time running a mower up and down the area.

The cut area to the east of the house is covered with volunteer trees. These trees are mostly Douglas fir with a smattering of others. As they are mostly around 8 foot tall they would have to be removed resulting in a higher probability of mudslide and or erosion.

That is one hell of a lot of work for a 75-year-old man and I certainly could not afford to hire it done. It would destroy a lot of what I consider a great environment. However, it doesn't stop there. Because of the Secondary Fuel Break requirements I must consider the following:

I would have to essentially destroy my orchard. It consists of 42 fruit trees planted on 15-foot centers. They would not live if I cut off all the limbs to eight feet high. They also could not meet the requirement for 15 feet between crowns.

02/01/2006

I would have to do extensive work on the area east of the house. It is covered with second growth Douglas fir and a few other trees. I note there is no region with 15-foot crown space in the whole 1.53 acres. It is uncultivated underfoot and has tree droppings from many years of growth. I enjoy this area a great deal. I have a path that I walk for exercise and enjoyment. I note that I now pay taxes for fire patrol west and fire patrol emergency on this segment of my property.

Further, the Road and Driveway Standards imply that:

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I understand the objective of the requirements as part of my training as a firefighter was in wildlife fire control. However, the extent of the requirements is extremely onerous. I selected Oregon and specifically the home I own for the rural/woodland environment. If the requirements were implemented it would make the property more like a park (the words used in the draft) and not what I enjoy.

Not only does the requirements force a tremendous amount of restructure on my environment it also impacts the environment of the wildlife and others. Although I am sure you have heard all the environmental arguments, I would like to draw your attention to my case. We have a considerable amount of wild life living in the area. We have numerous birds, raccoon, squirrel, possum, deer and occasionally fox and cougar. This wildlife depends on the existing structure for their home and for their food. For example, they nest or burrow in the floor of the land and devour the insects growing in the dropped material. All these would suffer from the measures that would be required. On the broad view, the removal of the trees as required by the measure would reduce the effectiveness of the oxygen, carbon dioxide process in the area. Tree removal will also affect water runoff and drainage with negative consequences since my residence is located approximately mid-slope on the property.

I wonder how this code would be considered in the view of Measure 37. It certainly would reduce the worth of my property to me and would reduce the salability of it to anyone considering purchase. Any law passed for the good of the public, should be paid for by the public.

SAGE Bill

From: SAGE Bill
Sent: Wednesday, February 01, 2006 1:50 PM
To: MORRISON Anna M
Cc: HOWE Kent
Subject: FW: Draft Lane Code 16.266

RE: e-mail from Walter Morgan, February 1, 2006.

Commissioner Morrison,

Kent forwarded Mr. Morgan's correspondence to me. I also received it this morning and have responded to him. Walter Morgan responded in a very thoughtful manner to a Register Guard article that was laden with false statements and inaccuracies. We can do little to address the standards of journalism in Eugene papers. We can do much to improve the public's understanding of the review process and incorporate their concerns and expertise in our proposals.

Bill.

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

From: SAGE Bill
Sent: Wednesday, February 01, 2006 1:33 PM
To: 'Walter Morgan/ Cindy Heller'
Subject: RE: Draft Lane Code 16.266

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Bill
541 682-3772
bill.sage@co.lane.or.us

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SAGE BILL

From: SAGE Bill
Sent: Thursday, February 02, 2006 8:09 AM
To: MOSELEY Judy (SMTP)
Subject: RE: Landscaping Code Change

Ms. Moseley,

You can e-mail, fax or post your written comments to me at the addresses below. Your comments will be given to the Planning Commission prior to the public hearing next Tuesday (7th).

bill.sage@co.lane.or.us

Fax: 541 682-3947

Post: Lane County
Land Management Division
Attn: Bill Sage
125 E. 8th Ave
Eugene, OR 97401

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

From: Judy Moseley [mailto:tojudygrace@earthlink.net]
Sent: Wednesday, February 01, 2006 2:47 PM
To: SAGE Bill
Subject: Landscaping Code Change

As a woodland property owner on Briggs Hill Rd., I'm very interested in this topic but can't come to the public hearing on Feb. 7. Can I file my comments through you? Or is there another channel. Thanks; Onward!

SAGE Bill

From: SAGE Bill
Sent: Thursday, February 02, 2006 8:19 AM
To: MOSELEY Judy (SMTP)
Subject: LC16.266

Judy,

Here is the latest draft of the proposed code. It differs some from the first draft placed on the website. The additions are in red.

If you send your mailing address I will add you to the interested parties list for future mailings.

Thanks for your interest,

Bill
541 682-3772



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



Excel permit
process.xls (39 K...

78089 High Prairie Road
Oakridge, OR 97463
February 1, 2006

Bill Sage
Land Management Division
Land County Planning Commission

I am writing regarding the proposed Lane Code 16.266, Wildland-Urban Interface Combining Zone.

I have read the letter sent to me regarding this proposal and the information that was published in the Register-Guard. I considered this proposal for more than two weeks before I wrote this letter.

I am a homeowner, taxpayer, voter, and rural resident of Lane County. I am opposed to this proposal.

We, homeowners, have every right to determine the landscapes around our dwellings. I see this proposal as the government attempting to determine our decisions. I have, and do, keep my home as safe as possible to the potential of wildlife. I do not want codes, laws, etc. telling me to keep a park-like, whistle clean look at least 130 feet around my home. No rhodies, bark mulch, etc, is extremely unreasonable.

The proposal regarding driveway dimensions of 20 feet in width and 6 in gravel is outrageous. I measured the paved county road, High Prairie Road, in front of my driveway. It is 21 feet wide, total, of both lanes. I think that it is unreasonable to have a code requiring that my personal driveway, be nearly equivalent to a public road.

I have the right to determine how I will protect my home, and to what extent.


Terry Bertsch

78089 High Prairie Road
Oakridge, OR 97463
February 1, 2006

Bill Sage
Land Management Division
Land County Planning Commission

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Sharon S. Bertsch

SAGE Bill

From: SAGE Bill
Sent: Thursday, February 02, 2006 1:09 PM
To: 'nwilliam@uoregon.edu'
Subject: SB 360

Nick,

the Oregon Forestland -Urban Interface Fire Protection Act of 1997 (SB 360) is codified in:

Oregon Revised Statutes 477.015 through .061, and
Oregon Administrative Rule 629-044-1000 through 1100.

Bill

JANE RINCON
88268 Pond Street
Florence, Oregon 97439
Telephone (541) 997-2128 FAX (541) 902-2665
Email: jrincon@harborside.com

February 1, 2006

To Whom It May Concern:,

Following are comments in relation to pending amendments in Lane County's land use regulations.

Lane Code 16.266

The home owners on Pond Street in Florence, who live on the oceanfront bluff between the North Jetty and Driftwood Shores are increasingly concerned about fire danger to our properties.

The fore dune between our homes and the ocean shore has continued to grow, caused by the European beach grass and its ability to hold sand and thus hinder the natural dune shift. It has created a "wind tunnel" in the deflation plain between our bluff and the fore dune.

As you may be aware, we have had two serious fires in our immediate area, one in 2002 and one in 2003. Property damage did occur in 2002. In the 2003 fire, flames whipped through the aforementioned wind tunnel, endangering our homes. The Oregon Department of Forestry and local fire districts did an outstanding job of fighting these fires. Property damage was avoided, due to the incredible work done by the firefighting units. The flames were, however, so close to our homes that we were hosing down structures and moving furniture.

We feel we are highly susceptible to future fire danger. We get extremely anxious each summer when the north wind blows and the tourist arrive with fireworks and beach fires.

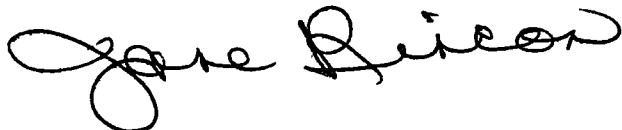
Several of us have cleared in front of our properties. However, beyond our property lines, all land to the shoreline is owned by the Department of State Lands, with regulatory authority given to Lane County.

We are clearly in need of access roads for emergency fire fighting vehicles. We also see a need to have a fire break across the top of the fore dune. All fires, threatened fires and sparks from fireworks originate either to the north, from people entering the beach at Driftwood Shores, or from the beach side of the fore dune. A clearing across the top of the dune would:

- 1) provide access for vehicles to fight potential fires;
- 2) provide a fire break from fires on the beach side;
- 3) deter the growth of the beach grass, thus thwarting the wind tunnel issue.

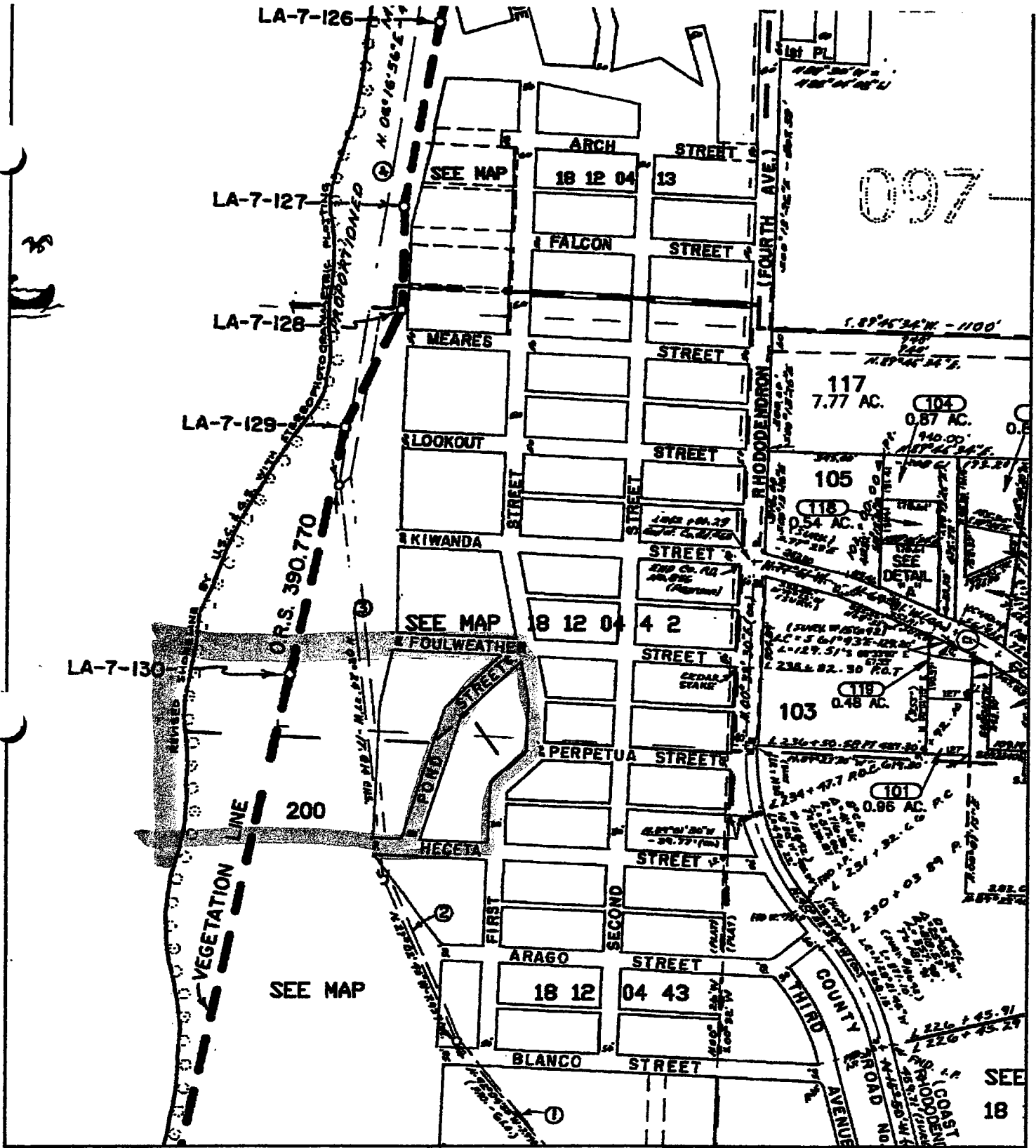
The property owners are willing to help in any way we can. We also feel there is a liability issue on the part of DSL and Lane County if fire control and fuel reduction is not addressed.

Thanks you for your concern,

A handwritten signature in black ink, appearing to read "Jane Rincon". The signature is fluid and cursive, with the first name "Jane" being more prominent than the last name "Rincon".

Jane Rincon

Cc: Lane County Planning Commission ✓
Anna Morrison, Lane County Commissioner
Jeff Farm, Oregon State Parks
Division of State Lands



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SAGE Bill

From: Nick Williams [nwilliam@uoregon.edu]
Sent: Thursday, February 02, 2006 3:10 PM
To: SAGE Bill
Subject: Re: SB 360

Thanks, Bill.
People like me need to drill into such exciting literature.
Nick

At 01:09 PM 2/2/2006, you wrote:

>Nick,
>
>the Oregon Forestland -Urban Interface Fire Protection Act of 1997 (SB
>360) is codified in:
>
>Oregon Revised Statutes 477.015 through .061, and
>Oregon Administrative Rule 629-044-1000 through 1100.
>
>Bill

SAGE Bill

From: Judy Moseley [tojudygrace@earthlink.net]
Sent: Thursday, February 02, 2006 5:09 PM
To: SAGE Bill
Subject: Re: LC16.266

Thank you for both replies. My mailing address is 28055 Briggs Hill Road, Eugene 97405. I'll get my thoughts together and e-mail you before the Tues. hearing. Onward.

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

From: SAGE Bill
To: MOSELEY Judy (SMTP)
Sent: Thursday, February 02, 2006 8:18 AM
Subject: LC16.266

Judy,

Here is the latest draft of the proposed code. It differs some from the first draft placed on the website. The additions are in red.

If you send your mailing address I will add you to the interested parties list for future mailings.

Thanks for your interest,

Bill
541 682-3772

<<LC 16.266 (draft) 1-25-06-1.doc>> <<Excel permit process.xls>>



Memo

To: Bill Sage, Lane County Planning
Greg Wagenblast, Eastern Lane ODF
Kristina Deschaine, Oregon State Fire Marshal
Dale Ledyard, McKenzie Fire District

Date: February 2, 2006

From: Chad Minter, Chief, Coburg Fire District

We have completed a draft of Coburg Fire District's proposed changes for LC16.266. The changes are extensive to align the proposed Lane Code with the Oregon Forestland-Urban Interface Fire Protection Act of 1997 (also known as Senate Bill 360).

We believe these changes are necessary to avoid confusion by all when SB360 is implemented in Lane County. With Coburg's proposal, the minimum standard for new and substantially remodeled construction will be the standard set for a "moderate" fire risk classification as described in SB360. In some circumstances, we preserved some of the original LC16.266 (rev 1/23/06) requirements as the baseline standard along with those of SB360. In other circumstances, the original LC16.266 requirements would only apply to "High" or "Severe" classifications. Some of the original LC16.266 requirements have been dropped because they were either in conflict with SB360 or didn't make good fire sense for the residents of the Coburg Fire District or Lane County.

We have made substantial comments as to the origin and rationale for the changes. Please review our proposed changes – we look forward to your comments.

Chad

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16.266

Lane Code

16.266

**WILDLAND-URBAN INTERFACE COMBINING ZONE (/WUI-RCP)
RURAL COMPREHENSIVE PLAN**

- (1) Purpose
- (2) Applicability
 - (a) **New dwellings and residential units.**
 - (b) **Replacement of existing dwellings and residential units. Construction of residential accessory structures. Additions to existing dwellings and residential accessory structures.**
 - (c) **Exemptions.**
- (3) Definitions
- (4) Process and General Standards
 - (a) Submittal of building permit
 - (b) Wildfire Risk Classification Rating
 - (c) Risk Classification Rating Certification
 - (d) Site Development Plan
 - (e) Approval of defensible space and preliminary access road/driveway design
 - (f) Approval of secondary fuel break and final access road/driveway construction
 - (g) Maintenance in perpetuity
 - (h) Compliance
 - (i) Fire Protection District
 - (j) Fire Protection Plan
- (5) Setbacks
- (6) Defensible Space and Secondary Fuel Breaks
 - (a) Structural Defensible Space
 - (b) Secondary Fuel Break
 - (c) Driveway Defensible Space
 - (d) Liquefied Petroleum Gas Defensible Space
 - (e) Water Storage Defensible Space
 - (f) Fuel Break Materials
 - (g) **Exceptions to Defensible Space and Secondary Fuel Break Standards**
 - (i) **Class I Stream Riparian Regulations**
 - (ii) **National Wetlands Inventory**
 - (iii) **Coastal Resource Management Plan Combining Zones**
 - (h) Additional Requirements for High Risk Classified Sites
 - (i) Additional Requirements for Extreme Risk Classified Sites
 - (j) Optional Standards
 - (i) Option 1, Fire Resistant Structures

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(ii) Option 2, Secondary Fuel Breaks

(7) Road and Driveway Standards

- (a) Non-applicability to commercial farm and forest activities and uses
 - (b) Route of access
 - (c) Roads
 - (d) Driveways
 - (e) Dead-end private driveways and roads
 - (i) Hammerhead Turnarounds
 - (ii) Cul-de-sac Turnarounds
 - (f) Bridges and culverts
 - (g) Road and driveway grade
 - (h) Road naming and addressing
 - (i) Turn outs
- (9) Modifications and Alternatives
- (a) Building Official authority
 - (b) Risk assessment - fire hazard maps

<p>Deleted: (7) . Structural Standards¶ (a) . Roofs¶ (b) . Eaves, fascias and soffits¶ (c) . Fences¶ (d) . Attic and foundation vents¶ (e) . Chimneys¶ (f) . Unenclosed accessory structures - decks, porches¶ (g) . Liquefied petroleum gas (LP-gas)¶ (h) . Water storage and pumping facilities¶ (i) . Electrical pumps¶</p> <p>Deleted: 8</p>
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16.266 Wildland-Urban Interface Combining Zone (/WUI, RCP).

(1) **Purpose.** The purposes of the Wildland-Urban Interface Combining Zone (/WUI-RCP) are:

- (a) To implement the policies of the Lane County Rural Comprehensive Plan and the goals, objectives and action items of the Lane County Community Wildfire Protection Plan (July 2005);
- (b) To provide a defensible space and fuels reduction zones around structures to minimize or mitigate a wildfire hazard or risk to life, property, communities, and private and public resource lands within the Wildland-Urban Interface (WUI) of rural Lane County.
- (c) It is recognized that owners have a variety of objectives to achieve while applying the standards, including objectives related to aesthetics, dust barriers, fish and wildlife habitat, gardening, soil stabilization, sound barriers, and visual barriers. It is the intent of the standards to allow owners to meet such objectives, provided there is no compromise of the standards needed to mitigate wildfire hazards or risks.
- (d) The standards are considered to be minimum measures which are intended to improve the survivability of structures during a wildfire, but which will not guarantee survivability.

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Comment: From OAR 626-044-1050 (1)
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Comment: From OAR 629-044-1050 (3)

(2) **Applicability.**

- (a) The Defensible Space and Secondary Fuel Break standards of LC 16.266(6), Structural Standards of LC 16.266(7), and the Road and Driveway Standards of LC 16.266(8) shall apply to all new dwellings and residential units within the Wildland-Urban Interface (WUI) designated for protection in the Rural Comprehensive Plan, in the zoning districts identified in Table 1 below.

Table 1

Zone Name	Chapter
Nonimpacted Forest Lands Zone (F-1, RCP)	LC 16.210
Impacted Forest Lands Zone (F-2, RCP)	LC 16.211
Exclusive Farm Use Zone (E-RCP)	LC 16.212
Natural Resource Zone (NR-RCP)	LC 16.213
Marginal Lands Zone (ML-RCP)	LC 16.214
Park and Recreation Zone (PR-RCP)	LC 16.215
Rural Residential Lands Zone (RR-RCP)	LC 16.231
Destination Resort Zone (DR-RCP)	LC 16.232
Rural Residential Zone (RR, RCP)	LC 16.290
Rural Commercial Zone (RC, RCP)	LC 16.291
Rural Industrial Zone (RI, RCP)	LC 16.292
Rural Public Facilities Zone (RPF, RCP)	LC 16.294
Rural Park and Recreation Zone (RPR, RCP)	LC 16.295

- (b) The Defensible Space and Secondary Fuel Break standards of LC 16.266(6) and the Structural Standards of LC 16.266(7) shall apply to the replacement of lawfully existing dwellings, residential units, construction of new residential accessory structures, and to additions to existing dwellings, residential units, and residential

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accessory structures that exceed 50% of the existing floor area of the structure being modified.

(c) The following structures within the WUI combining zone are exempted from LC 16.266 fire safety standards:

- (i) Accessory structures not exceeding 200 square feet in floor area when located at least 50 feet from buildings containing habitable spaces.
- (ii) Agricultural buildings at least 50 feet from buildings containing habitable space.
- (iii) Forest-related structures accessory to the production of trees or the processing of forest products at least 50 feet from buildings containing habitable space.

The following use within the WUI combining zone is exempted from LC 16.266(6) requirements to establish a defensible space and secondary fuel break:

- (iv) Land cultivated in agricultural crops or products including but not limited to horticultural specialties (berry, nut, or fruit orchards), Christmas tree plantations, and nurseries.

(3) **Definitions** For the purposes of this LC 16.266 the following definitions shall apply.

(a) "Agricultural buildings" means a structure located on a farm and used in the operation of the farm for: .

- (i) Storage, maintenance or repair of farm machinery and equipment;
- (ii) The raising, harvesting and selling of crops;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise; or
- (vi) An equine facility used by the farm owner or public for:
 - (A) Stabling or training equines; or
 - (B) Riding lessons and training clinics.

"Agricultural building" does not include:

- (i) A dwelling;
 - (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476 .
- (b) "Defensible space" is an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate of spread and intensity of a wildfire originating from or advancing to a structure and to create an area in which fire suppression operations may more safely occur.

Comment: From OAR 629-044-1005
(2)(h)

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- (c) "Development site" refers to the specific location on a lot, parcel, or piece of land where development is intended to occur and also includes the defensible space and secondary fuel break surrounding the proposed building site.
- (d) "Driveway" means a way of access used for only one dwelling or manufactured dwelling.
- (e) "Fire-resistive vegetation" refers to vegetation that will not produce flame lengths in excess of 12 inches.
- (f) "Fire-resistant roofing" means roofing material that has been installed and is maintained to the specifications of the manufacturer and which is either rated by Underwriter's Laboratory as Class A, Class B, Class C, or is equivalent thereto; or is metal.
- (g) "Ladder fuels" means vegetation that serves as a link between grasses and tree tops. It means branches, leaves, needles, and other combustible vegetation that may allow a wildfire to spread from lower growing vegetation to higher growing vegetation.
- (h) "Non-fire resistant roofing" means roofing material that is not fire resistant including, but not limited to, cedar shakes.
- (i) "Public road" shall be as defined in LC 15.010.
- (j) "Residential accessory structure" includes structures incidental, appropriate and subordinate to a residence including garages, shops, guest houses, etc.
- (k) "Residential units" includes multiple-family dwelling, duplex, family day care facility, residential care facility, lodge, hotel, motel, rental cabin or condominium.
- (l) "Road" means a way of access used for more than one dwelling, manufactured dwelling, or residential accessory structure.
- (m) "Secondary fuel break" is a fuel break immediately adjacent to primary fuel breaks, for the distance necessary to comply with the total fuel break distance specified.
- (n) "Vertical construction" includes any aspect of construction except the following actions performed in conformance with the approved construction plans:
 - (i) Excavation of the development site,
 - (ii) Construction of the access road or driveway,
 - (iii) Setting of construction forms prior to the pouring of footings, stem walls or a monolithic slab.
- (o) "Wildland-Urban Interface" is the zone where structures and other human development meets or intermingles with undeveloped wildland fuels or other natural features. In Lane County these areas are identified on the Community Wildfire Protection Plan Wildland Urban Interface Map.

(4) Process and General Standards

- (a) Prior to review of the fire protection site plan, the applicant shall submit the application form required by the Building Official and pay the fee as established by order of the Board of County Commissioners.

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Comment: From OAR 629-044-1005 (2)(m)

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Comment: From OAR 629-044-1005 (2)(o)

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Comment: From OAR 629-044-1060 (1)(b)

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(b) The Building Official shall determine the severity of a wildfire hazard as determined by the risk classification rating of the proposed development site. The classification rating of the proposed development site shall be:

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- (i) determined by the classification process set forth in ORS 477.031 to 477.052 and 477.057 if completed for the proposed development site; or in the absence of this classification,
- (ii) determined by the risk assessment rating as listed in the Lane County Community Wildfire Protection Plan (CWPP). The risk assessment rating for all unincorporated areas are depicted on a series of five assessment area maps entitled "CWPP Assessment Areas".

Comment: From OAR 629-044-1005 (2)(c)

The WUI Area Fire Hazard Maps shall be adopted by the Board of County Commissioners. The WUI Area Fire Hazard Maps shall indicate the general location of areas of low, moderate and high susceptibility to the threat of wildfire. These maps shall be based on the best available risk assessment information and may be amended by the Planning Director after consultation with the applicable Fire Protection District or Oregon Department of Forestry based upon the receipt of corrected, updated or refined data or upon the revision of studies upon which the maps were initially based.

(c) The risk classification predicting the severity of a wildfire hazard may be determined by the Fire Chief or his/her appointed representative of the applicable Fire Protection District, or the Fire Chief or appointed representative of another Fire Protection District or the Oregon Department of Forestry pursuant to a mutual aid agreement. Risk classification for a proposed development site located outside a fire protection district may be determined by a representative of the Oregon Department of Forestry. Prior to the submittal of a building permit application, the property owner shall secure written certification from the appropriate fire protection professional that an inspection of the development site has occurred. The certification shall include the following:

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- (i) A signed and dated certification checklist from the appropriate fire protection professional indicating the hazard rating for the proposed development site including the dimensions of the required defensible space based upon the determined hazard rating, topography, natural vegetation, wildfire weather hazard factor (aspect) and other important factors; and
- (ii) A plot plan that conforms to the standards set forth in LC16.266 (4)(d)(i)-(ix) that has been signed and dated by the appropriate fire protection professional. The plot plan shall clearly identify the specific development site that has been reviewed under certification checklist.

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(d) Prior to issuance of a building permit for the construction of a new dwelling, manufactured dwelling, replacement dwelling, accessory structure, or addition to a dwelling or other structure within the Wildland-Urban Interface (WUI), the property owner shall secure approval from the Building Official for a Fire Protection Site Plan clearly showing the following:

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- (i) Location of the access point of the private road or driveway with the right-of-way of a public road;

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- (ii) Route of the proposed road or driveway from the public road to the development site addressing the standards of LC 16.266(8), and depicting all sections of the road or driveway with grades over 12 percent. Any sections with grades in excess of 12 percent shall require prior approval of a modification pursuant to LC 16.266(9)(a);
 - (iii) Location of the proposed dwelling or structures with dimensions to at least two property lines and all property lines within 100 feet of the perimeter of the proposed structures;
 - (iv) Location of the proposed defensible space and secondary fuel break around the proposed structures in compliance with the standards of LC 16.266(6);
 - (v) Location of any existing structures and interior roads or driveways on the subject property;
 - (vi) Location of the proposed subsurface sewage sanitation system and proposed well site or other domestic water source;
 - (vii) Location of trees and vegetation within the defensible space and secondary fuel break that will be removed;
 - ~~(viii) Location of any Class I Streams designated for riparian protection by the Rural Comprehensive Plan or delineated wetlands designated for protection on National Wetland Inventory (NWI) maps;~~
 - (ix) Photographs of the location of the proposed dwelling or structure and the vegetated area surrounding proposed defensible space and secondary fuel breaks.
- (e) Prior to any vertical construction pursuant to an issued building permit within the Wildland-Urban Interface, the property owner shall secure approval from the Building Official that:
- (i) The removal of slash, snags, ground fuels, ladder fuels, dead trees and thinning of live trees within the defensible space are in compliance with LC 16.266(6)(a); and
 - (ii) The route and grade of the access road and/or driveway complies with LC 16.266(8).
- (f) Prior to approval for final inspection of the dwelling or structure and certificate of occupancy by the Building Official, the property owner shall:
- (i) Secure approval for completion of the secondary fuel break in compliance with LC 16.266(6)(b) standards; and
 - (ii) Secure final approval for construction of the road and/or driveway in compliance with LC 16.266(8) standards.
- (g) All defensible space, secondary fuel break, road and driveway, Liquid Petroleum Gas and water system standards of LC 16.266 shall be maintained in perpetuity on an annual basis prior to fire seasons for as long as the structure or use remains on the property.
- (h) Failure to maintain the fire safety standards of LC 16.266 shall be subject to enforcement by the Lane County Building Official and/or Compliance Officer.
- (i) Fire Protection District. The proposed development site shall be located upon a lot or parcel within a fire protection district or shall be provided with residential fire

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protection as evidenced by a contract with a fire protection district (FPD) recorded in Lane County Deeds and Records.

- (i) If the proposed development site is not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a services contract with the nearest FPD or to be annexed into the FPD boundaries.
 - (ii) If the FPD determines that inclusion within a FPD or contracting for residential fire protection is impracticable, the Building Official shall require that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with Lane County.
- (j) Fire Protection Plan. When the Building Official determines a Fire Protection Plan is required, that Plan shall include the following:
- (i) Implementation and maintenance in perpetuity of a 30-foot wide defensible space surrounding the perimeter of the dwelling or manufactured dwelling in compliance with the standards in LC 16.266(6)(a), and an additional secondary fuel break in compliance with LC 16.266(6)(b).
 - (ii) An external fire protection system to mitigate the threat to the dwelling or accessory structures by a wildfire or the threat to the forest resource base from a fire originating on the parcel, in compliance with the following standards:
 - (A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed along the perimeter of the defensible space. The minimum fire hose interior diameter shall be one-inch;
 - (B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;
 - (C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants. If the water supply and pump system are connected to the domestic water supply, the property owner shall install an anti-backflow device approved by the Building Official to avoid contamination of the domestic water system.
 - (D) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions

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have been obtained or that such permits or registrations are not required under state law for the use; and

- (E) Road or driveway access to within 10 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season.
- (F) Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(5) Setbacks

(k) Setbacks. Dwellings or manufactured dwellings, residential units and accessory structures shall be at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

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(6) Defensible Space and Secondary Fuel Breaks.

(a) Structural Defensible Space.

Property owners are required to create and maintain a structural defensible space fuel break which complies with LC16.266(6)(f) 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 required defensible space for a structure identified in LC 16.266(6)(a) shall be at least 30 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.

Comment: From OAR 629-044-1060 (1)(A)

Comment: From OAR 629-044-1060 (1)(c)

(i) Remove any portion of a tree which extends to within 10 feet of the outlet of a structure chimney or a stove pipe

(ii) Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gauge wire (0.1046 inch)(2.66 mm) having openings not exceeding 1/2 inch (12.7 mm).

Comment: From LC16.266 rev 1/23 (7)(e)

(iii) Maintain the portion of any tree which overhangs a structure substantially free of dead plant material;

Comment: From OAR 629-044-1060 (1)(d)

(iv) Maintain the area under decks substantially free of firewood, stored flammable building material, leaves, needles, and other similar flammable material; and

Comment: From OAR 629-044-1060 (1)(e)

(v) During times of the year when wildfire may be a threat, locate firewood, flammable building material, and other similar flammable material:

(A) At least 20 feet away from a structure; or

(B) In a fully enclosed space

Comment: From OAR 629-044-1060 (1)(f)

(vi) Accumulated leaves, needles, and other dead vegetation shall be removed from gutters

Comment: From LC16.266 draft 1/23 (6)(a)(v)

(vii) Fences within 10 feet of a structure shall be constructed with open-wire mesh or noncombustible material to prevent fire from spreading to the structure. Stone and

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masonry walls can act as heat shields and deflect flames within the defensible space.

Comment: From LC16.266 draft 1/23 (7)(c)

(b) Secondary Fuel Break.

Property owners are required to create and maintain a secondary fuel break which complies with LC16.266(6)(f) 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 required secondary fuel break for a structure identified in LC 16.266(6)(b), which is immediately adjacent to primary fuel break for the distance necessary to comply with the total fuel break distance specified in Table 2 of this rule, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.

Comment: From OAR 629-044-1060 (1)(b)

Table 2 - Total Distance with a Secondary Fuel Break		
Fire Risk Classification Rating	Nonflammable roofing material	Flammable roofing material
Low	30 feet	30 feet
Moderate	30 feet	30 feet
High	30 feet	50 feet
Extreme	50 feet	100 feet

Comment: Recommend 30 feet minimum defensible space for all properties. This recommendation exceeds SB360. SB360 provides for a low classification rating to have no defensible space.

The applicable secondary fuel break distance shall be determined by fire risk classification using either method set forth in 16.266(4)(b) or 16.266(4)(c).

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(c) Driveway Defensible Space.

Property owners are required to create and maintain a driveway defensible space which complies with LC16.266(6)(f) adjacent to driveways to 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 required driveway defensible space shall be at least 10 feet from the centerline of a driveway, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 feet 6 inches in height and 12 feet in width or to the property line, whichever is the shortest distance.

Comment: From OAR 629-044-1060 (1)(a)(B)

(d) Liquefied Petroleum Gas Defensible Space.

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Property owners are required to create and maintain a LP Gas defensible space which complies with LC16.266(6)(f) adjacent to 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. Liquefied petroleum gas (LP-gas) containers shall be provided with a separate defensible space of not less than 30 feet in radius. LP-gas includes any material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylenes. Minimum separation between containers and buildings, public ways or lot lines of adjoining property shall be in compliance with the Oregon Fire Code, Chapter 38 Liquefied Petroleum Gases, Section 3804.

Comment: Original LC16.266 Rev
1/23 (7)(g)

(e) Water Storage Defensible Space.

Water storage and structural pumping facilities shall be provided with a defensible space which complies with LC16.266(6)(f) of not less than 30 feet clear of such facilities. Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for maintaining the defensible space on the property owned, leased or controlled by said person. Portions of trees that extend within 10 feet of combustible portions of water storage and pumping facilities shall be removed.

Comment: Original LC16.266 Rev
1/23 (7)(h) Added "Structural"

(f) Fuel Break Materials.

(i) The purpose of a fuel break is to:

- (A) Slow the rate of spread and the intensity of an advancing wildfire; and
- (B) Create an area in which fire suppression operations may more safely occur.

(ii) A fuel break shall be a natural or a manmade area where material capable of allowing a wildfire to spread:

- (A) Does not exist; or
- (B) Has been cleared, modified, or treated in such a way that the rate of spread and the intensity of an advancing wildfire will be significantly reduced.

(iii) A defensible space shall be fuel break comprised of one or more of the following:

- (A) An area of substantially non-flammable ground cover. Examples include asphalt, bare soil, clover, concrete, green grass, ivy, mulches, rock, succulent ground cover, or wildflowers. Suggestions for specific types of vegetation that may reduce the risk from wildfire can be found in the OSU Extension Service publication *Fire-Resistant Plants for Oregon Home Landscapes*, which is available from Oregon Department of Forestry and Lane County Land Management Division.
- (B) An area of dry grass which is maintained to an average height of less than four inches.

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(C) An area of cut grass, leaves, needles, twigs, and other similar flammable materials provided such materials do not create a continuous fuel bed and are in compliance with the intent of subsections (i) and (ii) of this rule.

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(D) An area of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:

a. Maintained in green condition;

b. Maintained substantially free of dead plant material;

c. Maintained free of ladder fuel. The ladder fuel trim zone is three times the shrub height. To remove ladder fuels, either remove tree limbs within the trim zone or remove/reduce the height of the shrub;

d. Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and

e. Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent non-hardwood trees, and overhead electrical facilities or unmodified fuel is not less than 10 feet. "Tree crowns" include the primary and secondary branches growing out from the main stem, together with twigs and foliage. "Distance between crowns" shall be the measured from the extension of the foliage of one tree to the foliage of another tree.

Comment: Not part of OAR. From LC16.266 (6)(iv). Removed 8 ft minimum limbing. Added applies to non-hardwood

f. In compliance with the intent of subsections (i) and (ii) of this rule.

(iii) A secondary fuel break shall be comprised of single specimens or isolated grouping so ornamental shrubbery, native trees, or other plants, provided they are:

(A) Maintained in a green condition;

(B) Maintained substantially free of dead plant material;

(C) Maintained free of ladder fuel. The ladder fuel trim zone is three times the shrub height. To remove ladder fuels, either remove tree limbs within the trim zone or remove/reduce the height of the shrub;

(D) Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and

(E) In compliance with the intent of subsections (i) and (ii) of this rule

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(g) Exceptions to the Defensible Space and Secondary Fuel Break Standards.

(i) Class I Stream Riparian Regulations

(A) Only the minimal removal or alteration of vegetation with the Riparian Setback Area is allowed to establish a Defensible Space. The removal shall not exceed the limitations of LC 16.253(2)(a) and (b).

(B) Secondary Fuel Breaks are not required in the Riparian Setback Area.

(ii) Wetlands. No vegetation removal or disturbance of topography shall occur within a jurisdictional wetlands site in the National Wetland Inventory for purposes of establishing a Defensible Space, or Secondary Fuel Break, without the prior approval of the Oregon Department of State Lands.

(iii) Coastal Resource Management Plan. For development within a zone listed in Table 3, the more restrictive protection standards for alteration or removal of vegetation or disturbance of topography shall prevail over the fire safety standards of LC 16.266.

(A) Defensible Space. Vegetation removal and alteration to establish a Defensible Space shall not exceed the vegetation removal/alteration limits of the Site and Development Requirements of the zones listed in Table 3, below.

(B) Secondary Fuel Breaks. Secondary Fuel Breaks are not required in the Site and Development Requirements setback areas of the zones listed in Table 3, below.

Table 3

Zone Name	Chapter
Natural Estuary Zone (NE-RCP)	LC 16.234
Conservation Estuary Zone (CE-RCP)	LC 16.235
Development Estuary Zone (DE-RCP)	LC 16.236
Significant Natural Shorelands Combining Zone (/SN-RCP)	LC 16.237
Prime Wildlife Shorelands Combining Zone (/PW-RCP)	LC 16.238
Residential Development Shorelands Combining Zone (/RD-RCP)	LC 16.240
Shorelands Mixed Development Combining Zone (/MD-RCP)	LC 16.241

(h) Additional Requirements for High Risk Classification Development Sites.

Where structures exist on lands classified by LC 16.266(4)(b) or LC 16.266(4)(c) as High, owners shall comply with subsections (a)-(h) of this rule and with one more of the options set forth in (i) of this rule.

(i) Additional Requirements for Extreme Risk Classification Development Sites.

Deleted: ¶
 (f) . The required defensible space for a structure identified in LC 16.266(6)(a) shall be linked to the severity of the fire hazard as determined by the risk assessment rating for the site in the Lane County Community Wildfire Protection Plan (CWPP). The risk assessment rating for all unincorporated areas are depicted on a series of five assessment area maps entitled "CWPP Assessment Areas". The minimum defensible space for specific fire hazard areas shall be as noted in Table 2, below. ¶
 Table 2 ¶
 WUI Area Fire Hazard ... [1]

Deleted: (v) Accumulated leaves, needles, and other dead vegetation shall be removed from gutters and not allowed to accumulate to a depth greater than one inch on the ground beneath trees. ¶
 (vi) Lawns or pathways of nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be used for landscaping within 10 feet of the structure. ¶

Deleted: (vii) . Stacks of firewood or kindling shall be located outside the defensible space or inside an enclosed structure. ¶

Deleted: (b) . Secondary Fuel Break. Where the surrounding landscape of the subject lot or parcel or contiguous lots or parcels are owned or under the control of the property owner, a 100-foot secondary fuel break surrounding the defensible space shall be required. ¶

Deleted: (i) . Vegetation and fuels shall be removed from the secondary fuel break to reduce the overall intensity of any wildfire and the likelihood of crown fires. ¶
 (ii) . Trees within the secondary fuel break shall have a maintained horizontal distance between crowns of adjacent trees, overhead electrical facilities or unmodified fuel of not less than 10 feet. Trees shall be limbed to a height of 8 feet above the ground surface adjacent to the tree. ¶
 (iii) . Understory vegetation (shrubs and brush) within the secondary fuel break shall be pruned to not more than ... [2]

Comment: From OAR 629-044-1065 (3) Modified to 1 option instead of 2 since Option 3 is required as standard and Option 4 is behavioral

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Where structures exist on lands classified by LC 16.266(4)(b) or LC 16.266(4)(c) as Extreme, owners shall comply with subsections (a)-(h) of this rule and with both of the options set forth in (i) of this rule.

(i) Optional Standards are:

- (i) Option 1, fire resistant structures. This option is intended to reduce the likelihood of a structure being ignited by a wildfire. To comply with this option, owners of structures shall:
- (A) Have fire resistant roofing material;
 - (B) Have all permanent openings into and under the structure completely covered with noncombustible, corrosion-resistant, mesh screening material, which has openings no greater than 1/4 inch in size;
 - (C) Where there are attachments to the structure, such as decks and porches:
 - (1) Maintain the area under the attachments substantially free of firewood, flammable building material, leaves, needles, and other flammable material; or
 - (2) Cover openings to the area under the attachments with reinforced framing covered with noncombustible, corrosion-resistant mesh screening material, which has openings no greater than 1/4 inch in size, when any portion thereof projects over a descending slope surface greater than 10 percent;
 - (D) Lawns or pathways of nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be used for landscaping within 10 feet of the structure.
 - (E) Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of 3/4 inch. No exposed rafter tails shall be permitted unless constructed of heavy timber materials.
 - (F) Attic ventilation openings, foundation or under floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch. Under floor ventilation openings shall be located as close to grade as practical.
- (ii) Option 2, secondary fuel break. This option is intended to provide additional separation between structures and natural vegetation. To comply with this option, owners of structures shall provide and maintain secondary fuel breaks which comply with the requirements of LC16.266(6)(f) and which are immediately adjacent to primary fuel breaks, for the distance necessary to create a total fuel break of 100 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.

Comment: From OAR 629-044-1065 (4) Modified to 2 options instead of 3 since Option 3 is required as standard and Option 4 is behavioral

Comments: From OAR 629-044-1065 (6)(a)

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Comment: From OAR 629-044-1065 (6)(a)(C)(ii) with modifications set forth from LC16.266 (7)(f) rev 1/23

Comment: Not part of OAR. From LC16.266 (6)(a)(vi)

Comment: Not part of OAR. From LC16.266 (7)(b). Unsure of value

Comment: Not part of OAR. From LC16.266 (7)(d). Unsure of value. May be hindrance to structural protection.

Comment: From OAR 629-044-1065 (6)(b)

(7) Road and Driveway Standards

- (a) Private driveways, roads or bridges accessing only commercial forest or farm uses are not subject to compliance with these fire safety design standards for roads and driveways.
- (b) The route of access for fire fighting equipment, from the public road to the structure shall comply with the standards specified in LC 16.266(7). Evidence of compliance with these standards shall include objective information about:
 - (i) The fire fighting equipment,
 - (ii) The physical nature of the access route,
 - (iii) The nature of any proposed improvements to the access route, and
 - (iv) Written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer.
- (c) Roads shall have unobstructed widths of at least 20 feet including:
 - (i) Travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles with a minimum depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel;
 - (ii) An unobstructed area two feet in width at right angles with each side of the constructed surface;
 - (iii) Inside curve radii of at least 50 feet; and
 - (iv) A vertical clearance of at least 13 feet 6 inches.
 - (v) Access points within public road right-of-ways shall have approach widths, aprons, and culverts in compliance with Lane County Public Works facility permit requirements.
- (d) Driveways shall have unobstructed widths of at least 16 feet including:
 - (i) Travel surfaces with widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel;
 - (ii) An unobstructed area two feet in width at right angles with each side of the constructed surface;
 - (iii) Inside curve radii of at least 50 feet; and
 - (iv) A vertical clearance of at least 13 feet 6 inches.

Deleted: (7) - Structural Standards
(a) All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section R903, slate shingles in accordance with Section R904, metal roofing in accordance with Section R905, tile, clay or concrete shingles in accordance with Section R907, or other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any dwelling or manufactured dwelling is repaired or replaced in a twelve month period, the roof covering shall be made to comply with this section (Section R324). ¶

Deleted: (b) Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of 1/4 inch. No exposed rafter tails shall be permitted unless constructed of heavy timber materials. ¶

(c) Fences within 10 feet of a structure shall be constructed with open-wire mesh or noncombustible material to prevent fire from spreading to the structure. Stone and masonry walls can act as heat shields and deflect flames within the defensible space. ¶

(d) Attic ventilation openings, foundation or under floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch. Under floor ventilation openings shall be located as close to grade as practical. ¶

(e) Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gauge wire (0.1046 inch)(2.66 mm) having openings not exceeding 1/2 inch (12.7 mm). ¶ ... [3]

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- (e) Dead-end driveways and roads not maintained by Lane County shall meet these standards for turnarounds. Any dead-end road 150 feet or longer shall include a turnaround at the terminus. Long driveways or roads shall have additional turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:
 - (i) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road/driveway as near as possible at a 90 degree angle with a 30-foot radius and extend from the road/driveway at that angle for a distance of at least 36 feet in both directions (72 feet total across the "T"). Other alternatives are available with prior approval of the design by the Building Official after consultation with the applicable Fire Protection District. They shall be constructed to the standards for driveways in LC 16.266(7)(d) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
 - (ii) Cul-de-sac Turnarounds.
 - (A) Cul-de-sacs shall have a turn-around width with a radius of at least 45 feet and an improved surface with a radius of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
 - (B) No cul-de-sac or hammerhead turnaround shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.
- (f) Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Building Official may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs. Vehicle load limits shall be posted at both entrances to a bridge.
- (g) Road and driveway grades shall not exceed 12 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 16 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of 12 percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use or structure(s) and water supply.
- (h) Roads shall be named and addressed in compliance with LC 15.305 through 15.335.
- (i) Driveways in excess of 500 feet shall provide for a 50-foot long and eight-foot wide passage spaces (turn outs) with six inches in depth of gravel and at maximum intervals of 500 feet. Shorter or longer intervals between turnouts may be authorized by the Building Official after consultation with the applicable Fire Protection District or

Comment: Fire code

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Oregon Department of Forestry where the Building Official inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(8) Modifications and Alternatives

(a) Wherever there are practical difficulties involved in carrying out the provisions of LC 16.266(6) or (Z), the Building Official, after consultation with and approval of the applicable Fire Protection District and/or Oregon Department of Forestry, shall have the authority to grant modifications for individual cases, provided the Building Official shall first find that special siting circumstances make the strict letter of this code impractical and the modification granted is the minimum deviation from the required standard as is practicable under the circumstances. The circumstances and action granting the modification shall be entered in the building permit files of Lane County Land Management Division.

(b) The determination that a development site is classified as Low, Medium, High or Extreme fire hazard area may be modified by the Planning Director or by the appropriate Fire Protection District or the Oregon Department of Forestry as outlined in 16.266(4)(c). The modification shall be based on objective evidence that supports a finding that the development site is within a different fire hazard area than shown on the adopted fire hazard map.

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SAGE Bill

From: SAGE Bill
Sent: Friday, February 03, 2006 8:12 AM
To: 'Walter Morgan/ Cindy Heller'
Subject: RE: Draft Lane Code 16.266

Mr. Morgan,

During the review by fire professionals over the past few months, several policy questions have been debated. Among them has been the removal of fuel loads including trees vs. the need to provide a diverse habitat, quality of rural living, and not cause erosion of slopes due destabilization resulting from removals, which in turn could affect water quality at lower elevations. A second question has been whether the fire standards should strive for a compact defensible space within which fire fighters could fight or defend against a structural fire; or, whether the standards should attempt to create a deeper buffer around a residence to defend against a advancing wildfire.

I just received some revisions to the proposed code from the Colburg Fire Department that address both issues. I am attaching the code for your review. I would appreciate your comments if you have time.

Thank you for your interest,

Bill
541 682-3772

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

From: Walter Morgan/ Cindy Heller [mailto:morganheller@earthlink.net]
Sent: Thursday, February 02, 2006 5:38 PM
To: SAGE Bill
Subject: Draft Lane Code 16.266

Thank you for your prompt and thoughtful reply.

I still have considerable concern about the code and its application. I believe it would directly apply if I were to sell the property and hence would either reduce the sale price or limit the marketability of the property. In each case it is reduction of my land value through broad legislation. Also Senate Bill 360 looms ever present on the horizon.

I am not sure what your last sentence in the sixth paragraph , meant. There are considerable considerations to be made in regard to ecology and to water driven situations such as erosion or silting. I also may point out that trees in a heavily thinned stand of fir will be much more probable to blow over than a solid stand. This would create hazards and would further degrade the value for ecology and personal enjoyment.

Wild fire is certainly a valid concern which we all must consider but you must balance the preventative action against unconsidered or unanticipated results. One would have to be nearly omnipotent to assure that all facets are considered.

Again thank you for you communication and I hope these remarks can be considered by those making the final decisions.

Walter Morgan
541 935 4209

02/03/2006

SAGE Bill

From: SAGE Bill
Sent: Friday, February 03, 2006 9:15 AM
To: 'tiredogranch@hotmail.com'
Subject: Lane Code 16.266 proposed drafts

Amy,

Thank you for your inquiry.

I am attaching the current draft of the fire protection standards that has been circulated for review during the past month. I am also attaching a revision to the proposed codes received from the Coburg Fire Department yesterday. And finally, the notice to property owners is attached.

Call or e-mail if you have questions or comments.

Bill



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



LC 161.266 (draft)
2-02-06-1CF...

Circulated draft. Coburg FD
proposed
revisions.

SAGE Bill

From: Dale Ledyard [dledyard@mckenziefire.com]
Sent: Friday, February 03, 2006 12:11 PM
To: SAGE Bill
Subject: LC16.266

Bill, I just read through Coburg's revisions to the draft code. I can support the changes. Having it match Senate Bill 360 will give the code more justification. I plan on attending the planning meeting on Tuesday barring alarms.
Dale Ledyard, McKenzie Fire & Rescue

SAGE Bill

From: SAGE Bill
Sent: Friday, February 03, 2006 12:21 PM
To: HIGGINS Teri L
Subject: Latest draft of LC 16.266 - Coburg FD

Teri,

Take a look at these revisions and let me know what you think.

Thanks,

Bill



LC 161.266 (draft)
2-02-06-1CF...



LC16.266 Memo
CFD.doc (393 KB)...

Page 1 of 4

REC'D FEB 08 2006

To: Bill Sage & committee members

From: Diane Urbanik

35108 Perkins Creek rd.

Cottage Grove, OR 97424

Ref: Lane Code 16.266

I haven't seen 16.266 in its entirety, only bits and pieces from your flyer & the write up in the Register Guard. From what I've read I'm concerned for us existing homeowners! We purchased in July '04 and trust me, we wouldn't have bought had we been made aware of your plans for the future of this area!

I've made a list of some of these concerns:

1. No "One Size Fits all" shoe exists. Our terrains are different and variant. Many of us are surrounded by streams, some have huge gullies, others have mountains on some sides but

Page 2 of 4

we all purchased our homes in "good Faith" and within the guidelines at that point in time! How can you legally force existing home owners to "comply" to these out rageous demands? Once again... "One size" does not fit all.

2. Lane County is wetlands not wild lands or desert lands! We are literally drowning in "regulations"
3. 2 lane driveways and roads are fine in the cities but we are in the country out here! Do you plan on paying for these 2 lane roads as well as putting them in for us? How about a traffic light for the deer crossing at the bottom of our Hill?
4. To require us to "Strip" these trees up 8ft. high and remove all the small ones while stating that you are "preserving" Natural

page 3 of 3

resources is an absolute contradiction.
Our trees and greenery grow
on their own around here! It's
called "NATURE"!

If you have an "issue" with that,
I suggest you speak to God!

The boughs that you want re-
moved up 8 to 10ft high will
weaken the trees, not to
mention the destruction of their
beauty. This is INSANE!

5. Requiring "inspections" & "certifications"
for existing private properties
sounds like "Big Brother" personi-
fied! The "fire Chief" is not
the "gestapo"! You are misusing our
tax dollars! We are already here!
Don't "change the rules" in the
middle of the game!

I hope we are protected by the
courts and our great Constitution
of the United States!

page 4 of 4

6. Lastly, Lane County should be careful what it wishes for! We just warned a prospective property buyer not to purchase in Lane County! A web page may be created so that the entire world can see & hear about this insanity. People should know that in Lane County you live on a sponge with nothing around you but a "well manicured plot of grass!"

This is clearly a maneuver to usurp our properties or lower their beauty & value which is clearly against the law.

When Oregon loses its beauty, what will it have left? Its weather?

Thank You for your time

35108 Perkins Creek rd
Cottage Grove OR
97424

Diana Urbanik

SAGE Bill

From: SAGE Bill
Sent: Friday, February 03, 2006 12:51 PM
To: SEGEL Lauri (SMTP)
Subject: LC 16.266

Lauri,

Here are copies of the agenda cover memo and some attachments. The latest LMD draft of LC 16.266 dated January 23rd, is loaded on the Lane County website. The Coburg Fire District submitted a revised draft yesterday that is also loaded there and attached here.



Excel permit
process.xls (39 K...



Public Notice 34K
LCPC_svrev.d...



LC 161.266 (draft)
2-02-06-1CF...



LCPC staff report
1-30-06.doc ...

SAGE Bill

From: WAGENBLAST Greg [GWAGENBLAST@ODF.STATE.OR.US]
Sent: Friday, February 03, 2006 4:26 PM
To: SAGE Bill
Subject: RE: Lane Code 16.266

no, just got back in from meetings... sent the question as I was coming back from one and walking out to get in the car to go up to Sweet Home for another... I'll try and take a look at it tonight or this weekend.

Thanks for the info and help!
Glad that everyone is talking and working thru all of this !

Thanks
gw

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]
Sent: Friday, February 03, 2006 11:17 AM
To: WAGENBLAST Greg
Subject: RE: Lane Code 16.266

7:00 PM in Harris Hall (if the electricians are finished) if not then upstairs in the Board of Commissioner's Conference Room. Have you had a chance to review Chad's (Coburg) revisions to LC 16.266?

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

From: WAGENBLAST Greg [mailto:GWAGENBLAST@ODF.STATE.OR.US]
Sent: Friday, February 03, 2006 10:57 AM
To: SAGE Bill
Subject: RE: Lane Code 16.266

Hi Bill,

What time and location was the hearing at again ??? I know it was Tuesday 7th. Think 7pm ??? where ???

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]
Sent: Friday, February 03, 2006 10:40 AM
To: Coburg Fire; WAGENBLAST Greg; DESCHAIINE Kristina; dledyard@mckenziefire.com
Cc: MILLER Keir C
Subject: RE: Lane Code 16.266

Chad,

Thank you for your well prepared amendments. I feel this is a very positive step in defining what the fire professionals regard as necessary and workable.

I've read through the revisions you and Don Harkins are proposing and I think you did an excellent job of crafting the fire safety standards that supports the policy position that LC 16.266 should primarily be focused on fighting a structural fire. The underlying policy discussion has been between (1) structural defensible space, or (2) a large enough buffer (defensible space and secondary fuel break) to mitigate against an encroaching wildfire.

Kristina is already moving to get your draft into the Fire Defense Board member's hands. I would like to receive comments from all of you prior to the public hearing on Tuesday (7th) if it is possible. I will send it on to the Planning Commission members today by e-mail so that they will be familiar with it prior to the hearing. I will have

02/06/2006

100 copies for citizens at the hearing.

If you, Greg, Kristina, and the majority of the Fire Defense Board support this approach (structural defensible space) then it will move to the top of the list for consideration by the Planning Commission and the Board of Commissioners.

I will definitely be supportive of your revised draft of LC 16.266, particularly if a majority of the other 20+ fire districts and ODF concur in the policy direction and the standards.

Thanks again for your interest and commitment,

Bill

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

From: Coburg Fire [mailto:coburgfire@nu-world.com]

Sent: Thursday, February 02, 2006 1:28 PM

To: 'WAGENBLAST Greg'; 'Kristina Deschaine'; dledyard@mckenziefire.com; SAGE Bill

Subject: Lane Code 16.266

Memo attached.

Chad

SAGE Bill

From: BURWELL Dana [dburwell@ci.springfield.or.us]
Sent: Friday, February 03, 2006 11:24 PM
To: SAGE Bill
Cc: coburgfire@nu-world.com; Dale Ledyard
Subject: FW: Lane Code 16.266

Bill

I support Chad's draft as it looks like a workable document – Dana Burwell Springfield Fire

From: Dale Ledyard [mailto:dledyard@mckenziefire.com]
Sent: Friday, February 03, 2006 12:14 PM
To: BURWELL Dana
Subject: FW: Lane Code 16.266

From: Coburg Fire [mailto:coburgfire@nu-world.com]
Sent: Thursday, February 02, 2006 1:30 PM
To: 'WAGENBLAST Greg'; 'Kristina Deschaine'; Dale Ledyard; bill.sage@co.lane.or.us
Subject: Lane Code 16.266

Memo attached.

Chad

SAGE Bill

From: Sue Wolling [bicycle@efn.org]
Sent: Saturday, February 04, 2006 9:33 PM
To: SAGE Bill
Cc: Ann Woeste
Subject: Testimony Regarding Fire Buffer Regulations for Woodland Dwellings

Dear Mr. Sage,

Attached (and copied below) is testimony concerning the proposed fire buffer regulation for Lane County woodlands. Please include it in the record for consideration by the Lane County Planning Commission.

Thank you for your attention,

Sue Wolling
85219 S. Willamette
Eugene OR 97405
bicycle@efn.org

February 4, 2006

To: Lane County Planning Commission

Dear Planning Commission,

As a homeowner in the woodlands south of Eugene, I feel that the proposed fire buffer regulations for woodland dwellings are draconian and excessively rigid. I urge you not to adopt the proposed regulations.

The residents of the woodlands of Spencer Butte are well aware of the risk of fire-in fact, the main reason for our establishing a neighborhood organization years ago was to create a means of communicating and cooperating to respond to the threat of fire. We regularly invite speakers to inform us about ways to reduce fire risk and to respond in case of a fire emergency. We understand the danger of fire.

The proposed regulations, however, are extreme measures. Indeed, they seem to try to reduce the risk of woodland fire by eliminating woodlands.

There is a great deal of diversity in the woodland residences on Spencer Butte. I live on just under three acres, while some of my neighbors own hundreds of acres. My property is maintained in a natural setting, while some of my neighbors have grass lawns and extensive landscaping. Some households have wells that pump hundreds of gallons of water/minute; others live with wells that pump less than 4 gallons/minute. It is unreasonable to apply a one-size-fits-all fire prevention scheme to such a variety of properties.

While our properties are very diverse, the one thing we all share is that the wooded setting is a key feature of our way of life. Most homes have been designed specifically to take advantage of many amenities the forest provides, and the woodland setting is a major component of each home's value.

02/06/2006

Drastically eliminating vegetation close to these homes, as called for in the proposed regulation, would dramatically reduce property values for hundreds of homeowners. Constructing a 20-foot driveway that might be hundreds of yards long would be extremely expensive in some cases, and nearly impossible in others.

In the past few years, I have incrementally reduced my fire risk by installing a metal roof, thinning trees and removing blackberry vines. I have seen many of my neighbors do the same. This shows that educating homeowners about the risk of fire works. No one has more to lose in a woodland fire than those of us who live in the woodlands--and no one can better weigh the risks and benefits of altering the woodland setting than those who live there.

I urge you to continue to work with woodland property owners to help them reduce the risk of fire-but please do not wage war against them with these severe and punitive firebreak regulations.

Thank you for your attention.

Sincerely,

Susan C. Wolling

85219 S. Willamette

Eugene OR 97405

345-2110

bicycle@efn.org