

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. 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

**SAGE Bill**

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**From:** Judy Moseley [tojudygrace@earthlink.net]  
**Sent:** Saturday, February 04, 2006 3:59 PM  
**To:** SAGE Bill  
**Subject:** Re: Landscaping Code Change

Hello Bill - I'm sending my questions via attachment and I appreciate being on the list to be kept informed as to the process for this proposal. Have a good day. Onward.

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

**From:** SAGE Bill  
**To:** MOSELEY Judy (SMTP)  
**Sent:** Thursday, February 02, 2006 8:08 AM  
**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!

## Thoughts Regarding Proposed Landscaping Code Change

I have felt for some time that government regulations have become more intrusive to individual rights and obligations even as service to individuals decreases. Intrusions are often costly beyond benefits to the individual. On the surface, these new code changes suggest common sense but also represent more mandates to the individual. With that in mind, I'd like to ask the following questions:

1. For established woodland property owners, will there be a permanent delay until change of property? It sounds like the new codes would apply, at least at first, only to new construction and/or additions to current structures? If this is so, I would like to see the code changes NEVER effect current owners.
2. For those who cannot afford the mandated changes (older populations on fixed incomes, for example), will there be waivers until change of property occurs?
3. What coordination with the electric companies has there been? While these codes suggest decreasing landscape, electric companies have long encouraged trees and foliage to aid in decreased energy consumption.
4. What is driving these changes? Is there data suggesting that homeland sites contribute to wild fires? Or is saving homes the goal ....and is that driven by insurance companies who want to pay out less in fire insurance premiums?
5. Has there been any consideration to an education campaign geared to woodland homeowners taking more responsibility for fire protection BEFORE mandating potentially costly mandates from government.

The average citizen is increasingly disgusted with government at all levels as we see more intrusion (that is often costly) and less service. As I read the draft of the proposal, I was struck again at the detail of attention to individual property. It was quite amazing and, in my opinion, much over-done. There seems little lee-way for individual use vs. commercial or development use. There is a difference and the law needs to be more responsive to the difference.

I hope these code changes are given another look and are long and slow in becoming new code changes....if ever. Thank you for adding my comments to the public hearing testimony.

Judy Moseley  
28055 Briggs Hill Rd.  
Eugene 97405  
686-4341

## SAGE Bill

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From: Lisa Warnes [lisawarnes@efn.org]  
Sent: Sunday, February 05, 2006 2:52 PM  
To: SAGE Bill  
Subject: In the buffer zone

Dear Mr. Sage,

I have a number of concerns regarding the proposed fire safety buffer zones in Lane County. I firmly believe that the measures I read about in the Register Guard (1/27/06) would address fire safety at the expense of opening the door to many other safety and environmental problems.

#1 Clearing for 130 foot perimeters around homes. Not many homes have 130-foot perimeters, therefore neighborhoods would essentially need to be clear-cut.

# 2 Plantings of grasses and flower beds to replace trees and shrubs would risk the depletion of our local water table for a well maintained buffer zone as well as increase the use of chemical fertilizers and herbicides, thereby poisoning our waterways.

# 3 These new regulations will wreak havoc on the Tree Preservation of the Planned Urban Development Criteria (developments between 501 to 900 feet). This will give a green light to clear-cutting the hillsides for development.

# 4 Loss of wildlife habitat and the demise of an ecosystem that relies on cooler shaded areas that trees and vegetation provide.

# 5 Loosing the shaded canopy around homes will create an increased reliance on summertime air conditioning and contribute to global warming.

# 6 Increasing driveway dimensions to 20 x 13 feet will also increase the impervious surfaces that will translate into higher volumes of storm water run-off into our already over taxed storm drain system.

If lawmakers and ODF are so concerned about our safety and/or the cost of wildfires then I suggest that they legislate to better regulate and control development in forested areas because to remove all of the trees and vegetation, with their roots anchoring in the soil, will create more landslides and erosion in hilly areas--an existing problem here in the Northwest due to clear-cut logging practices.

Lane County is a forested area and if we change that too drastically we are asking for trouble. We need to learn to co-exist with our surroundings instead of trying to alter and control them. We need to do everything we can to restore and revitalize our planet, as it is clearly in jeopardy. Global warming is real and a much bigger problem than local wildfires, and cutting down more trees is only going to contribute to global warming. I urge careful research and evaluation of all possible impacts to our environment with this new regulation scenario.

Sincerely,

Lisa Warnes  
Representative for: VIEW

Vision for Intact Ecosystems & Watersheds  
lisawarnes@efn.org

## SAGE Bill

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**From:** Reid Tom [ts\_reid@yahoo.com]  
**Sent:** Sunday, February 05, 2006 8:48 PM  
**To:** SAGE Bill  
**Subject:** Lane Code 16.266 Requirement for crown separation in the secondary fuel break.

Lane County  
Land Management  
125 E. 8th Avenue  
Eugene, Oregon 97401

attn: Bill Sage

Re: Lane Code 16.266 Requirement for crown separation in the secondary fuel break.

I am a homeowner on McKenzie View Drive. I am reasonably familiar with wildland fire issues and have tried to take those into account in designing and maintaining my home.

I have reviewed the January 23 working draft of proposed Lane Code 16.266 and have the following comment.

Currently it reads in section

(6) Defensible Space and Secondary Fuel Breaks.

(b) Secondary Fuel Break.

(ii) "Trees within the secondary fuel break shall have a maintained horizontal distance between crowns of adjacent trees ... of not less than 10 feet. Trees shall be limbed to a height of 8 feet above the ground surface adjacent to the tree."

The emphasis on maintaining crown separation in the secondary fuel break runs counter to forest biology. Our healthy forests and valley hardwood woodlands don't have 10 foot separation between crowns of adjacent trees. Native trees tend to grow so as to close the canopy. Cutting trees or limbing to open crown separation will stimulate remaining trees to expand their canopy. A native woodland will close a 10 foot gap in one good year. You won't see a natural forest growing like the proposed ordinance requires until rainfall is down around 8 inches per year.

Requiring crown separation will create a huge maintenance problem. The canopy of mature native trees is not safely accessible to the homeowner. The homeowner can readily trim shrubs, mow ground cover, and limb trees to meet the 8 foot-to-ground requirement, but the crown is way out of reach. Short of wholesale felling, the canopy separation cannot be cost effectively maintained. Keeping openings in the woodland crown stimulates growth of understory brush, particularly invasive non-natives (blackberry, broom) resulting in a short term increase in fire risk and further increased maintenance cost.

The requirement that all "shrubs" including seedling trees, be eliminated in the secondary

fuel break frustrates reforestation or allowing replacement of mature trees that senesce or are harvested.

The net area of secondary fuel break is probably an average of an acre per protected structure. Requiring crown separation will have biological impacts as it will reduce native arboreal habitat and facilitates spread of non-native species.

Lane 16.266 inclusion of crown separation in the secondary fuel break may be directed to a component of fire risk which is not as great a threat as others: crown fire. Crown fire is relatively rare in the wetter wildlands such as Lane County. When crown fires do occur they have a flame length far greater than 10 feet. The literature sent out by the County indicates that crown fires will easily cross roadways. The 10 foot separation requirement will not actually retard spread of a crown fire.

I believe proposed Lane Code 16.266 is prudent government, but I suggest you evaluate the balance of implementation cost against the true benefit for the crown separation in the secondary fuel break.

Thank you for considering my comment.

Tom Reid  
34694 McKenzie View Drive  
Springfield, OR 97478

**SAGE Bill**

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**From:** localgroup [localgroup@earthlink.net]  
**Sent:** Monday, February 06, 2006 2:56 AM  
**To:** SAGE Bill  
**Subject:** Additional commentary on LC 16.266 Draft

Good morning Bill:

I promised you some further thoughts on this draft and here they be.

First, I DID find a typo: On Page 11, ¶ (8)(e)(1), line 8: "...driveways in LC 16.266(7)(d) above..." should read "...16.266(8)(d)...".

Regarding ¶ (6)(a)(iii) & (iv), I would like to reiterate my remarks about ". . . such things as spruce trees, which can't really be cut this way, and small clumps of trees, which I think should have a right to exist, and small trees generally, which I think we don't really want to get rid of (for the same reason we don't want to encourage monoculture, and also on aesthetic grounds). I also question the noise pollution potential from too-strenuous removal of undergrowth." What I'm suggesting is that, absent the ability to foresee every circumstance, we should allow some variation from the norm provided it does not materially affect the fire-suppression goals of the ordinance.

Regarding ¶ (6)(a)(iv) in particular, first, smaller trees, as I noted above, seem to be doomed by these requirements, and I think that is a mistake from a husbandry standpoint and from an aesthetic standpoint and is an unnecessary restriction from a fire safety standpoint. Why not allow 20-foot or smaller trees if their foliage is 15 feet apart without requiring the bottom eight feet of them be delimbed? As for larger trees, Douglas fir or common oaks, the 15-foot requirement (between any foliage of Tree A and any foliage of Tree B) will result in very large spacing between trunks -- perhaps 50 feet or more. I believe it is a fact that Douglas firs separated by large distances are especially susceptible to wind damage and this would be exacerbated by trimming the undersides of them. As for oaks, and other deciduous trees, such as poplars, I doubt they really are a fire hazard, even in the late fall. Similar considerations should be applied *mutatis mutandis* to ¶ (6)(b).

I have general comments pertaining to the driveway specifications in ¶ (8)(d), (e), (g), and (i). They appear to envision enormous trucks plying rural driveways, which I suspect may be non-conformal to the actual facts, and to sensible truck-frame choices in future. But the fire chiefs will have to speak to that. Anyway, because of these presumably huge trucks the curve radius and steepness requirements seem overstrenuous, and the turnout requirements seem especially wasteful of land and resources compared with what would likely be required in practice. As for the "NO PARKING" signs, I will merely roll my eyes heavenward and hope for the best.

As an aside, I have hammerhead turnarounds in my driveway which are nowhere near as large as is called for by the ordinance but every driver who has brought a 36-foot rig up here has managed with very little trouble to turn it around. The 36-foot side runs really only need be maybe 24 feet, considering the 12-foot driveway from which they extend, and one would seem sufficient.

Again, ¶ (9)(a) says the Building Official "shall have the authority to grant modifications", which is well and good, but I think a further stipulation should require the Building Official at the minimum to justify NOT granting such modifications if applied for.



I also found online two flow charts titled "Determining defensible space ... and submittal of building permit" and "Inspection process for ... driveway and road construction". These seem helpful in clarifying the process.

Finally, I was unable to locate online the CWPP Fire Hazard Rating maps referenced throughout the ordinance.

I think this concludes my commentary. I hope it's been helpful. I will try to be at the hearing at 7pm on the 7th, but I have old eyes that do not work well after dark and I am having cataract surgery the following day, so I may miss it. I will in any event look forward to seeing the final proposal, and I thank you for this opportunity to speak my peace.

Sincerely,  
Wally Parker

## SAGE BILL

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From: Don Harkins [dharkins@pcinw.com]  
Sent: Monday, February 06, 2006 2:14 PM  
To: 'dharkins@pcinw.com'  
Cc: 'Coburg Fire'; 'WAGENBLAST Greg'; SAGE Bill; STEWART Faye H  
Subject: UPDATE: No More Building Permits EAST of I-5?



LC 16[1].266 LC16.266  
(draft) 2-02-06-1...Memo.doc (533 KB)

To: Residents East of I-5 at Coburg (undisclosed email addresses)  
Fr: Don Harkins, Country View Estates Resident  
CC: Chad Minter, Coburg Fire Chief  
CC: Bill Sage, Lane County Planner  
CC: Greg Wagenblast, Oregon Dept. of Forestry  
CC: Faye Stewart, Lane County Commissioner

I want to give you the last update before the Lane County Planning TOMORROW at Harris Hall, 7pm and before the neighborhood meeting TONIGHT with your County Commissioner, Faye Stewart, at the home of Susan Forester (1st house on left on Coburg Hills Drive).

I have enclosed the draft of the "Coburg Revision" to the proposed Lane Code put together by Chad Minter, Coburg's Fire Chief. This revision makes much more sense and is in line with the Urban Interface Fire Protection Act of 1997 (Senate Bill 360) which we all must eventually follow since it was passed by Oregon's Legislature.

It is important that you voice your opinion now -- either by showing up at the hearing tomorrow (TUESDAY) and signing in or by sending an email to Bill Sage, Associate Planner (bill.sage@co.lane.or.us). I encourage you to do both. Often how these things work, if you are listed as making a comment (either for or against) the proposed Lane Code change, then you get updates and have the opportunity to speak later. Additionally, Lane County Planning keeps track of the comments and "gets a feel" of the comments by the public.

Personally speaking, I would encourage you to voice your opinion against the January 23 draft of LC16.266. I have heard from many of you from the many emails I've received that you are against it for many reasons. They include: a) no "moonscaping" -- the requirements for the defensible space and secondary fuel breaks are too extreme. b) the fuel break requirements would increase erosion c) the fuel break requirements would damage wildlife habitat for birds, butterflies, etc. d) the requirements are contrary to our Wildlife Corridor, e) invasion of personal choice to keep our property natural, f) the requirement for special water systems if a fire plan is required is extreme, g) the requirements to have roofs and siding out of non-flammable material is extreme, h) having woodpiles outside the defensible space year around doesn't make sense, i) since this is a safety issue that doesn't make sense, it is unlikely that you would vote for any safety tax to fund law enforcement, j) requirements for defensible space around water tanks and water system components are extreme, k) this hasn't been supported / approved by Lane County fire chiefs or Oregon Dept. of Forestry, l) making our fire chief into a "fire cop" is wrong, and many others.

I would also encourage you to read through what Chad has put together -- the Coburg Revision to LC 16.266 dated 2-2-06 (enclosed). If you support these changes, let Bill Sage (and Chad) know. Chad will be at the meeting with Faye Stewart tonight to answer any questions you

have. He will also be at the Planning Commission meeting tomorrow.  
Chad's email is: coburgfire@nu-world.com.

Also some of you have asked: Harris Hall is in the Lane County Public  
Service Building, 125 East 8th Avenue.

Thank you neighbors!  
Don Harkins  
dharkins@pcinw.com

-----Original Message-----  
From: Coburg Fire [SMTP:coburgfire@nu-world.com]  
Sent: Monday, February 06, 2006 11:55 AM  
To: 'Don Harkins'  
Subject:

## SAGE Bill

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From: SAGE Bill  
Sent: Monday, February 06, 2006 3:18 PM  
To: 'Sherry Rose'  
Subject: RE: Wildfire Protection Plan Question



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

Sherry,

If adopted, the proposed fire safety standards would apply to "new" residential structures including dwellings, garages, shops, etc. that were proposed in the rural areas outside urban growth boundaries and the Metro Plan boundary around Eugene and Springfield.

Owners of small lots or parcels would only be responsible for implementing the standards within land that they own or control.

I am attaching a draft that was submitted by the Coburg Fire District on February 2nd (Thursday). Please take a look at it and let me know what you think about it.

The standards do not apply to existing structures and is not retroactive.

Call me if you have questions,

Bill  
541 682-3772

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

From: Sherry Rose [mailto:sherry@clipper.net]  
Sent: Friday, January 27, 2006 1:19 PM  
To: SAGE Bill  
Subject: Wildfire Protection Plan Question

Will this include everyone outside an urban growth boundary, or only large holdings? Some of the lots in rural Lane County aren't even 130 feet in width, so those people wouldn't be able to grow any shrubs apparently. Is that correct? We are on one acre in a housing development where everyone is on about an acre. Will this new plan eventually apply to us as well?

Thanks for your help,

Sherry

## SAGE BILL

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**From:** SAGE Bill  
**Sent:** Thursday, February 02, 2006 8:54 AM  
**To:** 'l.g.h.39@att.net'  
**Subject:** LC 16.266

Lloyd,

It was to talk with you again. I'm enclosing the current draft of the code as of 1-23-06. There are a couple of spread sheets depicting the permit review process and the inspection sequence as well.

Enjoy your retirement as it sounds like you are.

Bill



Excel permit  
process.xls (39 K...



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

**SAGE Bill**

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**From:** Roxie Cuellar at HBA Lane County [roxie@hbalanecounty.org]  
**Sent:** Monday, February 06, 2006 3:16 PM  
**To:** SAGE Bill  
**Subject:** RE: Coburg FD proposed revisions

Bill - I haven't had a chance to look at the proposals closely, but, so far, I like what I see. I can't find the hearing date and I think that it is tomorrow night at the planning commission meeting. Is that right? Roxie

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**From:** SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]  
**Sent:** Friday, February 03, 2006 11:59 AM  
**To:** landplancon@comcast.net; CUELLAR Roxie (SMTP)  
**Cc:** MILLER Keir C; nwilliam@uoregon.edu  
**Subject:** Coburg FD proposed revisions

All,

Chad Minter and Don Harkins of Coburg Fire Department have submitted revisions to the LC 16.266 draft. The premise is to craft the fire safety standards to establish "structural defensible spaces" around new residential development rather than attempting to establish fuel breaks as a defense against an encroaching wildfire.

Please take a look at them and let me know what you think.

Mike,

Please forward this on to the "dirty dozen".

Thanks,

Bill

<<LC 161.266 (draft) 2-02-06-1CFD.doc>> <<LC16.266 Memo CFD.doc>>

## SAGE Bill

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**From:** SAGE Bill  
**Sent:** Tuesday, February 07, 2006 8:51 AM  
**To:** 'George Gessert'  
**Subject:** RE: Wildlife-Urban Interface Combining Zone in Lane Code 16.266



LC 161.266 (draft) LC 16.266 (draft)  
2-02-06-1CF... 1-25-06-1.do...

Mr. Gessert,

Two drafts are on the Lane County website for proposed fire safety standards applicable to "new" residential development in the rural areas of Lane County. residential development would include new dwellings, and accessory structures such as garages and shops. Both drafts are attached to this e-mail.

The January 23rd draft of LC 16.266 would implement standards for roads/driveways and fuel breaks very similar to the current standards in the Impacted Forest Land Zone (F2) which have been the standards since 1990 for forest land owners seeking to build a home on their land. This draft aligns with the policy issue of proposing to protect new dwelling from the threat of wildfire and the threat to the surrounding forest lands from a structural fire.

The February 2nd draft includes revisions to the above based on the policy issue of requiring the same road/driveway standards but only a "defensible space" around a new dwelling or accessory structure that would allow for adequate space for fire crews to fight a structural fire on the site.

Neither of the proposed drafts are retroactive and existing dwellings and structures are not subject to the proposed regulations.

The Planning Commission will be holding a public hearing tonight in Harris Hall, 125 E. 8th Ave, Eugene at 7:00 PM. Your written comments in this e-mail are being entered into the official record and will be distributed to the Commission member tonight. The Planning Commission will make a recommendation to the Board of Commissioners after deliberations next month and the Board will hold public hearings sometime in April. The Board has the authority to enact or reject code amendments.

Call me if you have questions.

Bill  
682-3772

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

**From:** George Gessert [mailto:ggessert@igc.org]  
**Sent:** Monday, February 06, 2006 4:13 PM  
**To:** SAGE Bill  
**Subject:** Wildlife-Urban Interface Combining Zone in Lane Code 16.266

Dear Bill Sage:

I live in rural lane county near Crow. I just received an email from a member of Audubon regarding the proposed amendments or changes to Wildlife-Urban Interface Combining Zone in Lane Code 16.266. Is it really true that what is being considered is a regulation that requires a 130 foot tree- and shrub-free zone (with exceptions for "fire resistant vegetation") around rural residences?

If this information is substantially correct, the new amendments are - well, misguided would be an extremely mild way to put it. Outrageous is better. Fire-control is something that virtually every adult living in Lane County is concerned about and takes very seriously. However, fire control is not the only concern of most rural residents. Speaking for myself, other important concerns include:

privacy

the profound pleasure of living near certain trees, shrubs, and the creatures who visit them

shade in the summer, and protection from wind year-round

property value

existing investments of time and energy in landscape plantings and gardens

historical value in the case of very old trees and groves. Such trees, groves, and associated wildlife have value in and of themselves.

water conservation and erosion control

immediate economic value: in the case of my wife and myself, we have a small business selling quinces. These new regulations might require us either to remove our quince trees (which take 5 years to bear), or prune them up 8 feet, in which case harvest of fruit would be difficult

All of these things must be balanced. Please inform me of any public meetings about this, and any opportunities for public input.

Sincerely,

George Gessert



**SAGE Bill**

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**From:** Walter Morgan/ Cindy Heller [morganheller@earthlink.net]  
**Sent:** Monday, February 06, 2006 4:51 PM  
**To:** SAGE Bill  
**Subject:** Draft Lane Code 16.266

Thank you for your update of the code. My first review of the material seems to fix some of my concerns, like the orchard. I will continue to review the material and let you know of any further developments.

Again, thank you for you efforts.

Walter Morgan  
541 935 4209

## SAGE BILL

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**From:** Deborah Vukson [dvukson@epud.net]  
**Sent:** Monday, February 06, 2006 9:53 PM  
**To:** SAGE Bill  
**Subject:** Re: Code 16.266

Bill

Thank you for your prompt and detailed response. I was glad to hear that grass was not being encouraged but I am still concerned that too many people will be inclined towards that solution and adjacent wells will still be effected. What another property owner decides will effect the neighbors.

I admit to not reading the entire draft as carefully as I might have liked and not understanding all of its implications but I did seek out the passages you suggested. I was relieved to hear riparian and wetland zones are to be respected since I am restoring a creek front area and with the small size of my property the regulations would almost require removing all vegetation over 2 feet tall should I decide to replace the manufactured home with a stick built house this was one of my concerns..

I read how trees are allowed if brush cleared and lower limbs removed. Perhaps provision needs to be made for planting new trees which can't be limbed until they have reached a certain height.

I have looked around me as I drive home to Dexter and if the draft were to be implemented to existing properties, a good portion of Dexter would have to be clearcut. A drive down Lost Valley Lane would be a good example. These are rural properties but they are not up against forest land. I have friends who live here and they have gotten advice from our fire chief. He approved their vegetation and it is not at all like the draft's recommendations. They have evergreen shrubs adjacent to the house and a small older growth grove (lower limbs gone) within 30 feet of the house. They also have a newer grove that is brushier but is separated from the house by a gravel driveway. The chief said this made it okay. I remain concerned that the draft will be turned into a template that will not be adaptable enough for the uniqueness of country living.

I appreciate the danger of fire and needing "guidelines" to make our homes safer but I am wary of specific rules. As it is getting people to respect the burning ordinances seems impossible. The fire chief is powerless to do more than to tell them to stop. It is frightening to see (and smell) what people will burn. This would be a better focus for fire prevention than landscaping.

It seems to me that homes on paved roads merit different attention than those that are on gravel roads farther into the forested areas. To lump all RR properties together doesn't seem right.

I was very concerned by the article in the Register Guard. I am very dependent on trees to regulate the temperature of my home and to provide screening from the road and from neighbors. I know the current rules are for new construction and remodels but I am concerned about it eventually applying to existing dwellings.

I hope I have not rambled excessively, I felt I needed to get this out before the meeting.

Thank you again.

Deborah

On Jan 25, 2006, at 9:06 AM, SAGE Bill wrote:

> 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.

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

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

## SAGE Bill

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**From:** Penny Klein [PennyAKLein@msn.com]  
**Sent:** Monday, February 06, 2006 11:00 PM  
**To:** SAGE Bill  
**Subject:** Comments/testimony on proposed LC 16.266

Please enter this e-mail into the record before the Lane County Planning Commission as part of the public hearing scheduled for February 7, 2006.

We support the comments and changes to the draft ordinance proposed by Chad Minter, Chief of the Coburg Fire District, contained in his memo to you dated February 2, 2006. For the reasons expressed in Chief Minter's memo, we request that the Planning Commission give direction to staff to revise the proposed ordinance.

In addition to the changes proposed in the revised draft attached to Chief Minter's February 2nd memo, we suggest that the following be revised as well.

Subsection (2)(a) of the draft ordinance should be revised at the beginning to read as follows:

"(a) **Except as provided in paragraph (b) of this subsection, the** Defensible Space and Secondary 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 **only to those** dwellings and residential units **where building permits are issued after the effective date of this ordinance and where the dwelling or unit is located** within the Wildland-Urban Interface . . .

Subsection (2)(b) should then be revised as follows:

"(b) **In addition to paragraph (a), the** Defensible Space and Secondary Fuel Break standards . . ."

These changes are necessary to remove any confusion as to whether the standards of subsections 6, 7 and 8 apply to existing dwellings.

In addition, should you agree with Chief Minter's proposed deletion of subsection (7), then paragraph (a) above should be revised to delete the reference to subsection (7) and the reference to subsection (8) should be changed to (7).

Thank you for the opportunity to comment on the proposed ordinance.

Please add our names to the individuals who will get notice of future meetings of the planning commission and Lane County Board of Commissioners when this proposed ordinance is considered.

Penny and Glenn Klein  
34263 Country View Dr  
Eugene, OR 97408

**SAGE Bill**

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**From:** Judy Elston [eje58@earthlink.net]  
**Sent:** Monday, February 06, 2006 11:17 PM  
**To:** SAGE Bill  
**Subject:** January 23 draft of LC16.266

Mr. Sage:

Re: LC16.266 January 23 Draft

From: Ed Elston, President, Country View Estates Homeowners Assoc.

I have reviewed the working draft dated January 12 and the subject draft that county planning staff has provided. The latest draft has made some improvements...but it remains too extreme in a number of areas...and I can not support it. You have received a proposal from our local area fire department, Coburg, that is far more reasonable to our homeowners. This draft is dated February 2.

Over the past 20 years our homeowners association has worked closely with the Coburg Fire Department on a home by home basis to evaluate and implement improvements to fire suppression as well as with ODF. Projects such as adding fire hydrants, adding 60,000 gal. water storage, clearing underbrush along main roadways 100 feet each side of road center line and evacuation plans to name a few. Please consider the Coburg draft instead of the Lane County draft dated Jan. 23.

Thank you for your consideration.

Ed Elston

## SAGE BILL

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**From:** Keith Hubbard [kchubbard66@hotmail.com]  
**Sent:** Tuesday, February 07, 2006 8:04 AM  
**To:** SAGE Bill  
**Subject:** Jan. 23 draft of LC16.266

Dear Mr. Sage,

We are homeowners in Countryview Estates and feel that the Jan. 23rd draft is not appropriate for the Coburg Hills area. Our biggest concern is the requirement for the defensible space and the secondary fuel breaks which we believe are too extreme. Our lot is on a very steep slope. If we removed all the vegetation as required in the Jan. 23rd draft I would be terrified of the erosion problems. We have already experienced problems as the 80 acres behind us were clearcutted and the previous owners did not take any steps to prevent erosion. We have had to put in an extensive french drain system. Countryview Estates has already had two houses that have moved off their foundations in the past. It would take several years before a groundcover to take hold. It seems to us that you are trading one problem for another. Another reason that the draft seems unreasonable is how it would affect our water system. CVE still have one lot that has not been developed yet so to our understanding when they build we would have to make the required changes to our water system. We have worked with the Coburg Fire Department to make our system the best that we can all afford. As a group we have been very proactive. This draft seems extreme for our area and it not only affects our rights of living in a forested area but will damage the wildlife corridor area that the residents in CVE have so protected.

The Coburg Revision put together by Chad Minter is much more in line with the Senate Bill 360 which we all understand we must follow. The Senate Bill seems more in line with giving our area protection from fire danger but also allows residents to enjoy the beauty of their land.

Thank you for your help in this matter.

Yours,  
Keith and Caroline Hubbard  
34030 Van Duyn Road

**F A X**



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**To:** Bill Sage  
**Fax number:** 682-3947

**From:** Kenneth Grimsby  
**Fax number:** +1 (541) 782-1016  
**Business phone:**  
**Home phone:**

**Date & Time:** 2/6/2006 11:32:20 PM  
**Pages:** 2  
**Re:** Proposed fire protection standards

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Please find attached a comment on the proposed fire protection standards and the Wildland-Urban Interface Combining Zone.

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To: The Lane County Land Management Division

Attn: Mr. Bill Sage

We would like to express our opposition to the landscaping restrictions that may apply to properties in the Wildland-Urban Interface Combining Zone, the creation of which has been proposed in Lane County Code 16.266.

We *adore* our woodland homes. "Home" for us is not bounded by the four walls of our domiciles, but extends to the woods and gardens that surround us. Your proposal asks us to destroy much of what we love in the name of saving it. It exchanges the possibility of loss for the certainty of loss.

This proposal is deeply disrespectful to the feelings and the autonomy of landowners, many of whom live outside the urban growth boundary for the privacy and beauty it affords. Are we really to be deprived of the voluminous blooms of the 18-year-old wisteria that clings to the house? Are we really to be denied the opportunity to plant a tree or shrub to enhance our privacy? Must the mulberry tree, which has finally flourished after years of struggle, have to be torn out because of its proximity to other trees? And must our new neighbors be deprived of the joys of nature?

We do not doubt that the concern over wildfires is warranted. However, we believe that compliance should be voluntary. Those for whom protection of a house from fire is paramount may comply in full with the landscaping code and receive first attention in the firefighting triage.

To mitigate the expense of firefighting, we would support a yearly fee assessed on landowners in the specified areas, the proceeds of which could be placed in an escrow account for use when firefighting costs are excessive and to help those low-income landowners who wish to comply with landscaping rules but cannot afford to do so.

On the topic of fire safety, we have two additional requests. First, we wish that the use of fireworks would be made illegal in the areas affected by the proposal. Second, we wish that the seasonal roadside postings that warn of fire danger would be large enough to be read easily by passing motorists.

Thank you for your consideration of our concerns.

Janis and Alfred Tritten, Eugene  
Nicole Tritten, Eugene  
Loren Tritten, Eugene  
Adam and Renée Jacques, Eugene  
Kenneth Grimsby, Westfir

## SAGE Bill

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**From:** SAGE Bill  
**Sent:** Tuesday, February 07, 2006 8:56 AM  
**To:** 'G5Al@aol.com'  
**Subject:** Drafts being considered.

Al,

Here are the two proposed drafts being considered for new residential development in the rural areas. Give me a call if you want to discuss them.



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

Coburg Fire  
District draft:  
defensible space  
for structural fire.

Bill  
682-3772



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

Initial draft for  
wildfire protection.

## SAGE Bill

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**From:** SAGE Bill  
**Sent:** Tuesday, February 07, 2006 2:57 PM  
**To:** STEWART Faye H  
**Subject:** RE: Spencer Butte Neighborhood Assn.- Buffer Zone

**Categories:** NoHTML

Commissioner Stewart,

I've extracted the questions from the e-mail and provided some responses to them. Please let me know if there are follow-up questions or a need for some clarification on the points.

Good luck in Florence tonight.

Bill

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How would the regulations be applied and enforced?

- The fire safety standards for driveways, roads and fuel breaks would be part of the building permit review process for new residential development including dwellings and accessory structures. The inspection "defensible space" and any additional secondary fuel break would be shown on the plot plan in the construction packet submitted. The extend of the fuel breaks could be determined by the local fire protection district, Oregon Department of Forestry, or by the risk assessment maps in the Community Wildfire Protection Plan. Inspections would be conducted by the Lane County Building Inspectors in conjunction with other required construction permit inspections. The paths for processing the permit and inspections are laid out in the inserted diagram:



Excel permit  
process.xls (39 K...

What would the extensive clearing do to property values?

- Protection standards are viewed differently by individuals depending on their preference for forested or open spaces. Some will view the defensible space clearings as beneficial and plan their gardens, tree and shrubbery plantings, and ground covers to accommodate the standards. Since the standards only apply to "new" construction, the options will be mixed in with the property owner's preparation of the site for subsurface sanitation system installation, well, excavation of the construction site and develop of the driveway. Others may see the removals as unwarranted and undesirable. The Coburg Fire Department proposed revisions to the original draft would only call for a "defensible space" or 30 feet and an additional secondary fuel break of 30 feet around the structure for approximately 94% of rural properties and be less restrictive in the spacing of trees and understory shrubs. The benefits or detractors are in the eye of the beholder. The Coburg RFD proposal is inserted:



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

If homes are "rated" what would that do to insurance rates?

- According to the current methodology used in the risk assessment analysis, 39% of the rural area is in "low" rating category, 55% is in the "moderate" category and 6% is in the "high" risk category. There are no identified "extreme" ratings applied in the rural areas. Insurance companies have not commented on the proposed ratings or the propose drafts of LC 16.266. They are already knowledgeable of the threat of wildfires and how it factors into their risk assessment tables. Their underwriters may take note of the application of fuel breaks and adequate driveway conditions whether they are voluntarily done or done in compliance with local regulations. We do not know what their

reaction would be to the "ratings" would be. Presumably they apply their premiums based on availability of protection from a rural fire district, response times, equipment available to combat or defend against a on site fire, structural materials used in the construction, fuel breaks, and onsite availability of systems and water sources. The "ratings" are most likely not going to be a surprise to the insurance industry professionals.

How could people maintain a "park-like environment" when many of us have very restricted access to water?

- "Park-like environment" is a picture we try to convey to peoples as opposed to the extreme of a "moonscape". The defensible space surrounding a new structure would include trees, shrubbery and ground covers. The spacing between trees, type of trees, clustering of trees, height of shrubs, and the definition of "fire-resistive vegetation" are all pieces of the consideration in what a defensible space should look like and how it should function. All of these factors are open for discussion. Green lawns are not considered the ultimate barrier. A summer scorched lawn that is brown and maintained at four inches or so in height is an effective as a green, well-watered expanse. Areas with water quantity limitations and low well yields are going to have brown lawns in summer just as the surrounding oak savannas traditionally were. The issue is to keep the grasses and intrusive weeds moved to reduce the height of flames should they ignite and work up the ladder into shrubbery and trees.

What environmental impact would extensive clearing have on wildlife I.e. bird cover etc.

- The proposed removals, as codified, would need to be adapted to the site specific conditions of each property. That is why the RFP professionals are involved in the preliminary discussion with property owners to determine what the defensible space should be. That is also why the standards include a "modifications section" whereby the Building Official, in consultation with the Fire District or Oregon Department of Forestry personnel, can allow modifications in impractical situations. There are several concerns that will need to be weighed together to determine the appropriate protection standard for a site. Slope stability, surface erosion, sedimentation in lower-elevation, water bodies, which could potentially result from removals on steep slopes will be factored in. Direction of slopes, prevailing winds, existing buffers on adjacent properties, intervening roads, streams, wetlands all factor into the equation. The esthetic values and choices that rural dwellers make need to be balanced with the responsibilities and risks that fire district crews face when they respond to fire emergencies. It is not an easy task to balance these issues in a one-size fits all formula. Hence we are proposing a consultation and modification system.

What if a home is placed near the lot line and cleared perimeter impacts a neighbor?

- Under state law, the development of defensible spaces and secondary fuel breaks only apply on "property owned or under the control " of the property owner. This is not to say that removals on one property will not have some impact on adjacent properties. It means development of the subject property can not be thwarted simply because the fuel breaks can not be fulfilled due to the available parcel dimensions or size. Some citizens fear that removals on adjacent properties may expose their stands to windfall damage. Depending on aspect, including prevailing winds, soils and exposure, this could potentially be an issue in the event of commercial thinning, harvest or fuel break preparation at the property owner's discretion. Location of a new dwelling site is intended as a choice arrived at by the property owner after factoring in the driveway and fuel break standards, hopefully after consultation with the local fire district representative.

Should the commission hold off until state law is determined and enforced?

- The Oregon Legislature enacted Senate Bill 360 in 1997 (Oregon Wildland-Urban Interface Fire Protection Act of 1997). It is an education and consultation program to be implemented at the local district level by the Oregon Department of Forestry. Deschutes, Josephine, Jackson and Douglas Counties have been implementing the act in portions of their jurisdictions over the past three years. The program calls for site inspections and coordination with property owners of efforts they could take to minimize the threat of an onsite fire spreading to the surrounding resource base. Recommended measures including reduction of fuel load around structures is one aspect of the information shared. Once the coordination has been complete, the property owner has the option to implement the recommendations over a two-year period and achieve certification from the ODF. If the certification has been issued, then the property owner would not be held liable if an onsite fire spread off the property and started forest fire in public owned lands. An exception to the limit on liability would be if a negligent act by the property owner caused the fire separate from the implemented protection standards. If the property owner had not implemented the recommended protection standards and a fire resulted in a forest fire in public lands, the property owner could be held liable for damages up to \$100,000 to offset the cost of having to implement extreme measures to fight the forest fire (examples are air drop of water or flame retardants).

- The implementation of SB 360 is expensive and time consuming. As part of the 2005 implementing grant money for the Lane County Community Wildfire Protection Plan, \$48,000 was funded to the Eastern Lane ODF District to implement the program along the Highway 58 corridor from Oakridge to the Dexter-Lowell subarea. 2,200 properties will be visited and coordination with the property owners initiated. The Dorena-Culp Creek subarea will be a candidate

for funding in 2006. Progressing at this rate, it will take five years to cover just the Eastern District of Lane County leaving the Western Lane District for future implementation over a four to five-year period of time.

- One of the premises of the proposed Coburg Fire District standards is to align with the SB 360 guidelines. This would jumpstart property owners efforts instead of waiting two to eight years to learn that the construct new residence in 2006 does not comply with defensible spaces and access roads under SB 360 guidelines. Working within a recently excavated construction site is more palatable than having to remove maturing vegetation and encroaching trees.
- The State of Oregon funded approximately \$10,000 to the East Lane ODF District this year to implement SB 360. Under the current fiscal forecast and competing education, health, and infrastructure challenges. There is short cash and long waits for the State to fund implementation of SB360.

This proposal would severely impact the nature of our neighborhood and the ambience we chose to live in. We wonder how many homes have actually been burned by a wildfire. We have a fire list warning procedure for our neighborhood. Our concern is making these provisions apply to existing properties, not just new development.

- The above statements focus on the belief that Lane County will eventually retroactively apply these fire safety standards to "existing" structures. That existing neighborhoods will be required to comply in the future. None of the Lane Code 16.266 drafts would be retroactive and apply to existing structures. New residences and accessory structures are the only structures subject to the proposed standards. Enactment of state law and local ordinances include a date when the adopted regulations would be effective. They are generally noted to be on a specific date in the future, sometimes on the date of filing with the Oregon Secretary of State's office, or on occasion, at the time of the next periodic review at the local level. The only retroactive provisions I recall were propositions approved on by the voters, in specific Ballot Measure 7 and Ballot Measure 37.

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

**From:** STEWART Faye H  
**Sent:** Tuesday, February 07, 2006 11:33 AM  
**To:** SAGE Bill  
**Subject:** FW: Spencer Butte Neighborhood Assn.- Buffer Zone

Bill,

Can you help me with these questions.

Faye

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

**From:** ann woeste [mailto:annwoeste@msn.com]  
**Sent:** Tuesday, February 07, 2006 10:14 AM  
**To:** STEWART Faye H  
**Subject:** Spencer Butte Neighborhood Assn.- Buffer Zone

Dear Mr. Stewart,

You may recall meeting with our neighbors awhile back. Our board met last week and we discussed the proposed "buffer zones" around homes that the commission is considering. We have many questions:

How would the regulations be applied and enforced?

What would the extensive clearing do to property values?

If homes are "rated" what would that do to insurance rates?

How could people maintain a "park-like environment" when many of us have very restricted access to water?

What environmental impact would extensive clearing have on wildlife i.e. bird cover etc.

What if a home is placed near the lot line and cleared perimeter impacts a neighbor?

Should the commission hold off until state law is determined and enforced?

This proposal would severely impact the nature of our neighborhood and the ambience we chose to live in.

We wonder how many homes have actually been burned by

a wildfire. We have a fire list warning procedure for our neighborhood. Our concern is making these provisions apply to existing properties, not just new development.

Thank you for considering our concerns. We would like to invite you to come to our neighborhood meeting again some time and discuss this issue with our members. We appreciate your service.  
Ann Woeste, President, SBNA

February 6, 2006

Lane County Planning Commission

Re: Wildland-Urban Interface Combining Zone

As a potentially affected rural Lane County home owner in a rural residential zone I wish to express my deep concern regarding the proposed Wildland-Urban Interface Combining Zone in Lane Code 16.266.

I can understand and appreciate the need for fire safely standards in rural Lane County. And, indeed, in forested, less densely populated areas I can support their implementation as they pertain to the construction of or replacement of new single family dwellings. However, I do not believe it is appropriate or reasonable to apply these same standards in more densely built-up rural residential zones when only an addition to an existing dwelling is being considered. It seems especially unreasonable to apply these same standards if only new accessory structures are being desired.

As I understand it, new accessory structures already have fuel break standards. To then require a property owner to go further and remove established landscaping from around a dwelling that may have taken years of work and expense to establish strikes us as punitive and unnecessary. If only accessory structures are being considered, the dwelling should be excluded from also being required to meet these standards.

Possibly of greater importance, however, is the proposed requirement to upgrade access roads to an existing dwelling in a Rural Residential zone to meet the new Road and Driveway standards. These, I believe, will prove to be much too expensive for most homeowners to be able to even consider residential upgrades. In my own case, I live at the end of an approximately 1000 foot long private lane that I share with 3 other homeowners. I have no idea if the lane currently meets standards. If it didn't, I could be spending thousands of dollars to singularly upgrade a lane before even starting a project. I believe this is completely unrealistic. The expense would be too prohibitive for me to attempt any projects in which these standards would apply. And I believe this would create an extreme hardship on most property owners that had to undertake similar upgrades.

I would encourage the Planning Commission to exempt or exclude, at the very least, those properties within the rural residential zones from these proposed new standards. Although on the surface they seem to have a good intent, in practice they will be too expensive and create too excessive of a hardship for most home owners.

Dave and Vonda Evans  
92593 Pioch Lane  
Springfield, OR 97478

**SAGE Bill**

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**From:** SAGE Bill  
**Sent:** Tuesday, February 07, 2006 3:35 PM  
**To:** CUELLAR Roxie (SMTP)  
**Subject:** RE: Coburg FD proposed revisions

Roxie,

We will be recommending that the LCPC keep the record open for written comments for 30 days, through March 8th. If the LCPC does not have time to hear all of the persons wishing to verbally testify tonight, we will extend the public hearing to February 21, at 7:00 PM and continue on then until finished.

Bill

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

**From:** Roxie Cuellar at HBA Lane County [mailto:roxie@hbalanecounty.org]  
**Sent:** Tuesday, February 07, 2006 3:03 PM  
**To:** SAGE Bill  
**Subject:** RE: Coburg FD proposed revisions

Bill - I just haven't had time to put anything together and I haven't had time to read the Coburg changes in depth. I would like to ask that the record be kept open for a week so I can submit written comments. Can you make that request for me? If not, I will look at what the planning commission recommends to the Board of Commissioners and make my comments there. Thanks, Roxie

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**From:** SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]  
**Sent:** Tuesday, February 07, 2006 7:58 AM  
**To:** CUELLAR Roxie (SMTP)  
**Subject:** RE: Coburg FD proposed revisions

Roxie,

The public hearing is in Harris Hall, PSB 125 E. 8th Ave at 7:00 PM. Harris Hall has been under renovation since October and is supposed to be ready for tonight, if not, I will post signs at the Oak and Eighth entrance and we will hold the meeting upstairs in the Board of Commissioners Conference Room.

Bill

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

**From:** Roxie Cuellar at HBA Lane County [mailto:roxie@hbalanecounty.org]  
**Sent:** Monday, February 06, 2006 3:16 PM  
**To:** SAGE Bill  
**Subject:** RE: Coburg FD proposed revisions

Bill - I haven't had a chance to look at the proposals closely, but, so far, I like what I see. I can't find the hearing date and I think that it is tomorrow night at the planning commission meeting. Is that right? Roxie

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**From:** SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]  
**Sent:** Friday, February 03, 2006 11:59 AM  
**To:** landplancon@comcast.net; CUELLAR Roxie (SMTP)  
**Cc:** MILLER Keir C; nwilliam@uoregon.edu  
**Subject:** Coburg FD proposed revisions

All,

Chad Minter and Don Harkins of Coburg Fire Department have submitted revisions to the LC 16.266 draft. The premise is to craft the fire safety standards to establish "structural defensible spaces" around new residential development rather than attempting to establish fuel breaks as a defense against an encroaching wildfire.

Please take a look at them and let me know what you think.

Mike,

Please forward this on to the "dirty dozen".

Thanks,

Bill

<<LC 161.266 (draft) 2-02-06-1CFD.doc>> <<LC16.266 Memo CFD.doc>>



### **Section Three**

**Written testimony submitted at the public hearing held by the Lane County Planning Commission at 7:00 P.M. on February 7, 2006.**

## Lane County Planning Commission Public Hearing February 7, 2006 – 7:00 PM

Name	Address	City(Post Office)	Zipcode
MIKE JOHNSON	22865 W. SHEFFLER RD	ELMIRA	97437
Bob Kirtigh	38865 E. Cedar Flat Rd	Springfield	97478
LYLE CLINGMAN	88922 EVERS RD	ELMIRA	97437
Judy Templeton	23399 Hwy 36	CHESHIRE	97419
JEFF STRASHEIM	92786 KINSEY LN	Cheshire	97419
KATHY KLING	24039 Hewett Rd	MONROE	97456
ALVA GOOD	85961 EDENVALE RD 67	PLEASANT HILL	97455-9743
Thomas Walsh	85476 S Willamette	EUGENE	OR
FL JOHNSON, JR	2303 SE Grant, #111	PORTLAND	97014
Jim BAKER	51013 McKenzie	VIDA	97488
Dick Lamster	PO Box 81522	Eugene	97405
Jennifer Bell	PO Box 682	Walterville	97487
HAL REED	85139 APPLETRIEDR	EUG	97405
ROBERT HAVEN	84502 THOMAS JUDSON RD	EUG	97405
Alick Williams	4180 Weinberry Creek Rd.	Fall Creek	97438
Dawn Adams	PO Box 622	Walterville	97489
MARTHA MDULTON	PO BOX 624	PLEASANT HILL	97455
Fred Smith	5151 Blanton	EUGENE	97405
Kelly Crane	P.O. Box 21424	Eugene OR	97402
Mardy Nelson	85710 Doane Rd	Eugene OR	97402
Michael Mooser	PO Box 50115	Eugene OR	97405
Keith Tattersall	47688 McKenzie	Vida OR	97488
MARILYN COHEN	PO BOX 11252	EUGENE	97440
Jim Walsh	90050 Killman Ln	Elmira OR	97437
Christina Johnson	23923 Wraithen Rd,	Elmira, OR	97437
<del>Arachvinger</del>	<del>4400 Little</del>		
Phil Agwood	23923 Wraithen Rd	Elmira	97437
<del>Arachvinger</del>	<del>80380 S. Hart Rd</del>	<del>Eugene</del>	<del>97402</del>
Luise Walker	55811 S. Willamette	Eugene	97405
Kate Oesert	86070 Cougar Lane	EUGENE	97402
George Oesert	86070 Cougar Lane	EUGENE	97402
RON BRISTER	92080 SHAREWATER LANE	CHESHIRE	97419
Debra Brister	92080 Sharewater Lane	Cheshire	97419
Alan Miller	P.O. Box 295 - Delta Or		97431
George W. Stetson	55429 Delta Road	Blue River, OR	97413
Dale Lechner	P.O. Box 365	Walterville	97487
<del>Arachvinger</del>	<del>PO Box 259</del>	<del>Elmira</del>	<del>97437</del>
Roger Wood	PO BOX 587	ELMIRA	97437
BOB CURSON	84453 MURDOCK RD,	ELMIRA	97405
Judy Johnson	84453 MURDOCK	ELMIRA	97405

**Lane County Planning Commission  
Public Hearing  
February 7, 2006 – 7:00 PM**

Name	Address	City(Post Office)	Zipcode
— Cheryl Smith	22705 Hwy 36	Cheshire	97414
— Mervyn Weiner	930 E. 37th Ave	Eugene	97405
— LOU FAUREAU	31338 For Holman	Eugene	97405
— Anita Van Asperdt	1794 Moonshadow Ln	Eugene	97405
— NORM WECAPTE	84477 MURDOCK	EUGENE	97405
— John Kieran	85390 Appletree Dr	Eugene	97405
— Lisa Warner	5020 Nectar Way	Eugene	97405
— Jim Mann	5025 Saratoga	Eugene	97405
— DAVEI Segel	1192 Lawlers e	Eugene	97401
— Bob Condit	9050 Gribben Rd	DCU	97470
— Kim Appelmg	85201 Christie Rd	Eugene	?
— Janice Strickland	86390 Sandstone Rd	Eugene	?
— Rebecca Lane	259466 Box	Waltersville	
— Brady Johnson	?	Wapasa	Tu Lake

February 2006

RECEIVED AT HEARING

P.A. NO. \_\_\_\_\_

DATE 2/7/06 EXHIBIT NO. PH-1

Hello Government,

It is shocking to realize that government is scheming another way to control people. If government plans to control landscaping, won't it need "landscape police" to do landscape monitoring and make sure that everyone is following the rules?

The implication is that rural dwellings, particularly in wooded areas, are a fire hazard. We have lived in the woods for 37 years, and fortunately have not seen a fire except those used (by permit) for cleaning up debris. Almost all "wild fires" are caused by campers, smokers, arsonists, and lightning.

There is very little that can be done to protect dwellings or other structures from wind driven "out of control" fire. But there are ways to control fires originating in or near a dwelling.

- 1) Keep the area clean. Keep brush and weeds under control.
- 2) Use nonflammable roofing.
- 3) Build roads that will allow easy access and exit for fire fighting equipment.
- 4) A fire suppression system, inside and outside, is very important. Use high pressure sprinklers directly over the house, and some distance away and all around the house. An automatic device, something like thermostat would be very helpful. Some properties that don't have a pond, river, or good well, need to store water. 5000-10,000 gallons would be very helpful. The amount needed would depend on the size and style of the house, and the distance from a fire station.

Regarding the landscape, leave the trees alone! Remove only trees that are sick or dead, or a threat to the dwelling. Thinning a dense growth of trees leaves the remaining trees vulnerable to strong winds. They could easily break or up root.

A dense growth of trees serves as a windbreak and produces shade for cooler, more moist conditions. They could support plants that wouldn't be able to survive in sun. The trees that make a windbreak would slow the advance of a wind driven fire.

The recommended landscape requiring ground cover (no more than 2 feet high) is senseless. If the trees were thinned so that ground covers were exposed to sun, they would need regular irrigation. If this idea is for "fire control", a fire suppression system is far more effective and water efficient.

For successful landscaping, alot of factors need to be considered.

- 1) exposure - north, south, east, west on a slope
- 2) soil type - acid/alkaline, light/heavy, wet/well-drained, rich/poor, sandy/loamy
- 3) exposure - sun or shade
- 4) suseptibility to pests ranging from insects to rabbits to deer

Bark mulch was put down in the county letter. It is very useful for weed and moisture control. It is not a serious fire hazard. How would you control weeds that get into your ground cover? Poison?

Junipers were also put down. It is unjustified. They come in a variety of forms, shapes, sizes, and textures. They are evergreen, drought resistant, heat and cold tolerant, disease resistant, and pest resistant. They are excellent soil stabilizers on steep slopes. Some forms are good for weed control. They have alot to offer.

The best that government can do is to furnish a list of plants including descriptions like plant size, best soil conditions, sun or shade, etc., and let people make their own decisions. It is as important as choosing the style and decor for a house.

How would you like for someone to choose the window treatment and carpet for your house, and they choose a color that you hate?

Very sincerely,

*Sara Warner*

LJW

February 7, 2006

To: Bill Sage, Associate Planner

RECEIVED AT HEARING

From: Leilani Lyons, Citizen

P.A. NO. \_\_\_\_\_

Re: Proposed Lane Code 16.266

DATE 2/7/06 EXHIBIT NO. Ptt-2

I read the draft of Lane Code 16.266 several times. I also read an article in the Register-Guard (January 27, 1006) that contained additional information regarding the code. In addition, I read the draft of proposed changes submitted by the Coburg Fire Marshall. I was unable to access the Lane County Community Wildfire Protection Plan on my computer, but hope to read that as well in the near future. Still, having read the code, the newspaper article, and the Coburg draft, I have the following concerns and comments.

1. The changes proposed by the Coburg Fire District recognize that property owners have multiple objectives in landscaping, such as sight and sound barriers, wildlife habitat, soil (or slope) stabilization, and maintaining biodiversity in the environment. I agree and believe that many of these objectives are as important as the need to mitigate the spread of wildfire. In many cases, they are more likely to require attention than is a fire. Vigorous removal of all dead trees and materials and of much of the understory trees and shrubs would be ultimately detrimental to a healthy woodland environment and destroy many of the qualities that people seek by choosing to live near or in the forests. I would like to see the standards written in such a way as to allow for consideration of these other objectives. I think that the Coburg draft includes some changes that move in that direction.
2. Requiring that trees be a certain distance apart could create a different problem. When large trees grow up together and all but one are removed, the remaining tree is less able to withstand strong winds. Would it not be as effective to permit small stands of trees that are widely spaced? We are more likely to have to deal with windstorms than fire. Can there be some latitude or options in the code that would allow for such situations?
3. The Register-Guard article implied that this code could eventually be applied to existing homes and landscaping. Such a step could place a tremendous financial burden on many property owners. Not only is it costly to remove trees and shrubs, much existing landscape functions as passive climate control for homes in the summer or privacy screens, and removal would add to energy consumption or require building a fence, etc. It may even be impossible for a property owner to adequately widen a driveway or provide the required turnouts, etc., because of the property's configuration. Furthermore, the costs to enforce such application are likely to be high and one questions if that is the best use of county funds. In regard to existing

structures and landscapes, I suggest a focus on continual education as to the benefits of fire-wise landscaping and road or driveway configuration and maintenance. I realize that this comment may not be relevant to the matter at hand, but did want to go on the record with that concern.

4. Also for future consideration: While the notices of this change to the code were sent in accordance to the letter of the law, the manner in which they were sent did not fulfill the spirit of the law. Because the notices were folded and effectively hidden inside a piece of "junk" mail, most of the notices were undoubtedly thrown away without ever being seen. Surely the notice could have been inserted so that part of it was visible. Or perhaps a sticker proclaiming, "*Important notice to property owners inside!*" could have been affixed to that very informative booklet.

5. In general, I applaud the efforts to reduce the spread of fire and to assure the safety of our firefighters. My concern is the manner in which these ends are obtained. I would like to see consideration of environmental values, both the small environment around my home and the larger environment which contributes to the unique Oregon lifestyle. I prefer to see efforts focused on education and voluntary adoption of wise planning by an informed property owner rather than on forced compliance and increased governmental regulation.

I hope my comments are helpful. Thank you for this opportunity to be heard.

**Proposed Wildland-Urban Interface Combining Zone RECEIVED AT HEARING**

Comments by Bob Kintigh CF before the  
Lane County Planning Commission

P.A. NO. \_\_\_\_\_

February 7, 2006

DATE 2/7/06 EXHIBIT NO. FB

I am a small forest land owner in the McKenzie valley, a former State Senator and a Certified Forester with 6 decades of forestry experience in Oregon that includes some fire fighting experience. I also had fire fighting training in the U. S. Navy.

This whole proposal should be rejected because it is not needed. Senate Bill 360 provisions will be coming and will handle the situation in a much more equitable and fair manner. Apparently the county got federal money so they think they have to spend it whether it is needed or not.

I realize the proposal supposedly applies only to new construction but it's only an easy step to applying it to all buildings. It was even mentioned as a possibility in the Register-Guard. Agencies always add services and grow.

I'm sure the enforcement of this measure would be a real moneymaker for the department. I would expect that inspection fees would run into hundreds of dollars maybe a thousand or more. You doubt me? Just recently the county started charging \$250 for a driveway location inspection which entails nothing more than someone driving out to look at the site probably spending five minutes on location and then coming back later for a few minutes to check that the culvert was put in incorrectly.

The fines reported in the paper but not shown here in this draft are absolutely outrageous--\$100-\$1000 a day.

And most important to homeowners is that this is an invasion of personal rights. People have very personal likes and dislikes when it comes to plants for their landscape. I know because I associate a lot with plant lovers. It's very much like decorating one's home.

Now a word about Senate Bill 360. I am very familiar with the purpose and goals of this legislation because I was the Chairman of the committee that passed it to the Senate floor. I spent a lot of time getting people to agree on the provisions of the bill and lobbied my caucus very hard to get it passed. The Oregon Department of Forestry gave me special recognition for my efforts. Without my support it would never have happened. As chairman of the Senate Natural Resources Committee I could have put it in the round file the first day it was a signed to the committee.

The good thing about Senate Bill 360 was that it was not a one-size-fits-all piece of legislation. It targeted certain areas and provided for variable standards suitable to different hazard classifications. It used a cooperative approach. As I remember landowner groups would meet and agree on rules for their area. There were was no \$1000 a day fine, rather if the person did not bring their property up to standard within the prescribed time they would be liable for the first hundred thousand dollars of



firefighting costs should any fire originate to on their property. This is sometimes known as a carrot and stick approach. The proposed county rules are all stick.

The brochure sent to us does not contain one picture or drawing that is representative of Northwest Oregon conditions. It came from Nevada and portrays conditions in dry east side or intermountain areas --not the rain forests of northwestern Oregon. In it is a list of "Fire-Wise" plants for the Pacific Northwest. On the list is the plant called butterfly bush. Yesterday I called the Oregon Department of Agriculture noxious weed hotline about this plant. I was told that it is illegal to propagate, sell or grow this plant in Oregon. They think it has the potential to become more of a nuisance than Scotch broom. So here we have one government agency telling us to plant something that another government agency says is against the law. Truly the left hand of government does not know what the right hand is doing.

The requirement that shrubs in the secondary fuel break which is 100 feet beyond the 30 foot defensible area rules out the use of such popular plants as Japanese maples, dogwoods, rhododendrons and azaleas since most of these could not be held under 3 feet and remain really attractive. I have a collection of over 700 kinds of rhododendrons a significant portion of my planting would come within the circle.

Is there any real reason for a 24 inch limit on the height of vegetation which is specified on page 9? The condition of the plant is much more important than the size.

On pages 9 and 10 it talks about having a 10 foot space between the crowns of trees. It is rather common knowledge that trees grow and crowns get wider, so does this mean that when a tree grows enough that it is within 10 feet of another that the landowner would be required to remove it? I would suggest that there be an exemption for any tree that had been pruned up high enough that the bottom of the crown was say 20 feet above the ground that the spacing rule would no longer apply.

Also on page 10 is the requirement that leaves and needles not be allowed to accumulate more than an inch deep, rules out the use of such items for mulching plants, a practice that helps keep plants healthy.

On page 10 there is reference to "Class Stream I Stream Riparian Regulations". I mention this because the county is still using an out-of-date system for Stream classification. The Oregon Department of Forestry and the Oregon Department of Fish and Wildlife have long since gone to a different system and it would seem appropriate for the county to do likewise in the interest of uniformity and causing less confusion for the public.

On page 13 a minimum road width of 20 feet with a 16 foot surface is specified. I measured the width of the county road to our property and found out it has approximate 13 feet of paved surface. This road is used regularly by log trucks, semi trucks and school buses. Why does the county have a higher standard for a homeowner than it does for its own roads? I experienced a similar situation recently when putting in a culvert on

my daughter's property. We were required to have a 3 inch asphalt apron, but the county road it joined has only 2 inches of asphalt. Ever wonder why people get upset with the county? Maybe they remember this when they vote on tax measures.

I can remember of reading about the enormous value of shade trees for reducing the energy requirements in homes. Is saving energy no longer a consideration?

Will homeowners no longer be allowed to plant hedges for privacy or for wind breaks?

I would like to urge you to seriously consider the proposed changes submitted by the Coburg Fire District. They are much more practical and workable because they are result oriented. The major change I would suggest to their proposal is to incorporate my suggestion above regarding the spacing of between crowns of trees.

In closing, I feel that this proposal is not needed because the problem can be addressed through Senate Bill 360. I don't believe the problem is urgent in Lane County like it is in other parts of the state. I have been involved in forestry in the county for 59 years and do not remember of a home burning from a wildfire. The state forestry department did not refute this statement. However, if you are determined to charge ahead, please develop a plan that is driven by desired end conditions rather than a bunch of rules specifying feet and inches.

Thank you for your time listening to my comments.

RECEIVED AT HEARING

P.A. NO. \_\_\_\_\_

DATE 2/7/06 EXHIBIT NO. 24-4

February 7, 2006

Lane County Planning Commission  
Public Hearing  
Harris Hall, EUGENE

COMMENT

PROPOSED CODE 16.266 -- Wildland-Urban Interface Combining Zone

I am a rural resident and landowner having property consisting of cropland and forest. I have read the Ballot Measure 56 notification and the publication "Living with Fire."

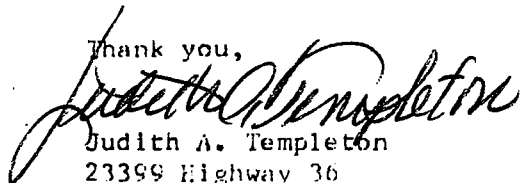
The general information and proposed guidelines seem reasonable. We all should know and heed the principles of fire and home safety. Our homesteaders put the cabin in a clearing, near water, and provided a stockade for the protection of residents and livestock.

The general information is slanted to protecting residences in rural areas from wildfire. Please do not forget the origin of wildfire is multiple. Fields and forests are not the sole sources. Lightning strikes homes, lone trees, power lines, etc. and is not limited by either nature to farms and forests. Vehicles on roadways, rail traffic, recreational activity, too, are among other sources of ignition. Homes, including outbuildings, personal vehicles, chimneys, burn piles, backyard barbecues, power saws, weed eaters, lawnmowers are all among potential fire hazards and don't ignore matches and cigarettes.

I suggest the promulgated rules be evaluated from another perspective. The rural homesites should not be ignored as sources of the spark and kindling endangering our commercial forests, state and federal lands, and farm properties.

Let's provide for both wildfire protection and prevention.

Thank you,



Judith A. Templeton  
23399 Highway 36  
Cheshire, Oregon 97419

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**JOHNSON & SHERTON**

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RECEIVED AT HEARING

P.A. NO. \_\_\_\_\_

DATE 2/7/06 EXHIBIT NO. PH-5

February 7, 2006

Lane County Planning Commission  
Justice Building  
125 SE 8th Street  
Eugene, OR 97401

**Re: Proposed Wildland-Urban Interface Ordinance**

Dear Planning Commissioners:

I represent the Northwest Propane Gas Association. On behalf of NWPGA, I respectfully request that you decline to recommend adoption of the proposed Wildlife Urban Interface (WUI) overlay zone in its current form as part of Chapter 16 of the Lane County Land Development Code. If adoption is recommended, we request deletion of Section 7(g), structural standards for liquefied petroleum gas (LPG) tanks. We also request that Section 2, Applicability, and Section 3, Definitions, be reworded to make it clear that the ordinance does not apply to the siting, installation, maintenance or removal of household propane tanks and other liquid petroleum gas containers not subject to county regulation. Perhaps the simplest way to do that is to add a fifth item to Section 2(c), Exemptions, as follows:

(v) Liquid petroleum gas containers exempt from county regulation under ORS 480.410 to 480.460.

NWPGA's particular concern is that the proposed code conflicts with the Oregon legislature's allocation of responsibility for regulating the siting, installation, replacement and removal of most small propane tanks to the State Fire Marshal. Under that allocation, the State Fire Marshal regulates the installation and replacement of the tanks under state administrative rules, which incorporate national standards for safety-related setbacks, clearances, and the like. That allocation of authority has existed for many years and was reinforced last year by the adoption of House Bill 2328 (2005 Or Laws Chapter 88), a copy of which is attached. HB 2328 provides, with certain exceptions, that

"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. . ."

Among the exceptions are large tanks, tanks that are primary uses (such as fuel storage or distribution tanks), large tanks, and tanks in flood plains.

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Lane County Planning Commission

Re: NWPGA Comments on Proposed WUI Ordinance

February 7, 2006

The purpose of HB 2328 is to avoid duplicate regulatory regimes that add cost, delay, and other barriers to homeowners' use of a clean-burning and safe alternative to other fuels including wood. As NWPGA explained to the Senate Environment and Land Use Committee last year,

“ . . .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.”

The State Fire Marshal has adopted and applies regulations meeting national fire safety standards in accordance with ORS 480.420, which provides in pertinent part that

“Regulations in substantial conformity with the published standards of the National Fire Protection Association pamphlet No. 58 and pamphlet No. 59 for the design, installation, and construction of containers and equipment thereto pertaining, for the storage and handling of liquefied petroleum gases. . . as recommended by the National Fire Protection Association. . . shall be deemed to be in substantial conformity with the generally accepted standards of safety relating to the same subject matter.”

The WUI ordinance as drafted would “regulate the installation, siting, maintenance or removal” of propane tanks in violation of state law to the extent that it treats exempt propane tanks as primary or accessory structures or buildings as those terms are used in the applicability, definitions, procedural, and substantive sections. See Sections 2, 3, 4, 5, 6, and 7. Section 7(h), which specifically references “Liquefied petroleum gas (LP-gas) containers,” would also “regulate” in violation of state law. It regulates both by dictating where an exempt propane tank shall be “located” within the defensible space of a structure, by prescribing separate “defensible space,” and by prescribing minimum separation requirements by reference to the Oregon Fire Code, Chapter 38, Liquefied Petroleum Gases, Section 3804. The State Fire Marshal has the responsibility for applying and enforcing the Oregon Fire Code, including Chapter 38, to the siting, installation, maintenance, and removal of propane tanks. The proposed language duplicates and appropriates the State Fire Marshal's exclusive procedural, substantive, and enforcement regulatory authority. It should not be included in the WUI ordinance.

Page - 3

Lane County Planning Commission

Re: NWPGA Comments on Proposed WUI Ordinance

February 7, 2006

Other problems with the draft ordinance are more general in nature. The most problematic is the uncertainty about to what area it will apply. As yet, no map of the affected area has been adopted as part of the County's comprehensive plan or its zoning ordinances. The only map that exists was adopted by resolution, not by ordinance, and it does not purport to be a land use map. The actual overlay zone map should be carefully drawn in light of its potential impacts on forestland and open space inventories. And it should be drawn only after a record has been made demonstrating that it meets all other applicable LCDC goals and county plan and zoning requirements.

The 2005 County Wildlife Protection Plan (CWPP) map is not the missing map. It is not a zoning or planning map and may not be used as the basis for applying the overlay zone. As the CWPP itself says:

**"The CWPP is non-regulatory in nature, meaning that it does not set forth any new policy. The plan does provide (1) a foundation for coordination and collaboration among agencies and the public in Lane County, (2) identification and prioritization of areas for hazardous fuel reduction projects and other mitigation activities, and (3) assistance meeting federal and state planning requirements and qualifying for assistance programs."**  
CWPP, pages 1-13

The CWPP was not presented to or adopted by the County Commissioners as an ordinance as required for land use plans and regulations. It was also not adopted as a "PAPA," i.e., as a post-acknowledgment amendment to Lane County's acknowledged comprehensive plan and implementing land use regulations or as a new land use regulation. Instead, it was simply "presented to the Lane County Board of County Commissioners on July 12, 2005 and . . . adopted by resolution." CWPP, pages 1-9. None of the PAPA procedures or notices required by ORS 197.610 and 197.615 were followed. Nor were requirements met for public notice, hearing, and adoption of legislative land use plan and regulation amendments by ordinance. See, e.g., ORS 215.060, 215.110, and Land Code 16.015, and 16.400.

The CWPP wildland-urban interface maps, hazard classifications, and other elements are also not "Forestland-Urban Interface" maps, criteria, or systems within the meaning of the Urban Interface Fire Protection Statute, also known as 1997 Senate Bill 360. Codified as ORS 477.015-06, Senate Bill 360 is limited by its terms to the "forestland-urban interface," which is defined in the statute as

**" . . . a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting."** ORS 477.015(1)

Page - 4

Lane County Planning Commission

Re: NWPGA Comments on Proposed WUI Ordinance

February 7, 2006

The Lane County CWPP, as adopted last summer, doesn't begin to meet this statutory definition. It makes no claim that it is limited to forestlands inside forest districts in locations with existing concentrations of structures in an urban or suburban setting. On the contrary, the "CWPP Area Map" at Figure 1.1 and the adjoining text entitled "What area will the CWPP affect?" at page 1-3 state that the CWPP applies to all areas of Lane County outside the city limits of incorporated cities. It is not the FUI (forestland-urban interface map) required by Senate Bill 390. It is not a WUI (wildlands-urban interface map) either. In its present form, it might best be called a MOE (Map of Everything).

In summary, the draft WUI ordinance is an overly-broad, complex, aggressive, and untested regulatory venture. It is not tethered either to Oregon's land use laws or to the 1997 forestland-rural interface statute. It requires in-depth review before it, or anything like it, is adopted. A good place to start might be to look at what other Oregon counties are doing under SB 360.

NWPGA appreciates the opportunity it has been given to review and comment on drafts to date and looks forward to working with the Commission, the Board, and staff as the process continues.

I have attached a packet of background materials on HB 2328. I appreciate your consideration of these concerns.

Best wishes,

  
Al Johnson

encs.

cc: Clients  
Bill Sage