

896-0848

P.S. I am still waiting for some acknowledgement of my email to you about a month ago on the proposed income tax. You say you wanted input the least you can do is acknowledge receiving it.

SAGE Bill

From: SAGE Bill
Sent: Friday, February 17, 2006 10:25 AM
To: 'barrydavis@qwest.net'
Subject: Drafts of LC 16.266

Barry,

Here are the two drafts. The draft to the left, below, follows the policy path that "structural defensible space" is a credible issue which would provide for adequate access by fire protection crews to a site to extinguish a structural fire and prevent spread of the fire to surrounding properties or public lands. It is entitled "Coburg FD draft - February 2, 2006". The draft to the right is entitled "Wildfire-F2" - January 23, 2006" and is basically the F2 forest land standards today. There is also an Excel spread sheet that outlines the building permit submittal/review and the inspection process under the building permit schedule.



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

Coburg FD
February 2, 2006



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

Wildfire - F2
January 23, 2006



Excel permit
process.xls (39 K...

Give me a call or e-mail if you have additional questions or comments. The written record is open until March 7th for testimony which will be part of the Planning Commissions base of information for deliberations in late March.

Bill
682-3772

SAGE Bill

From: dale creel [ldalecree@hotmail.com]
Sent: Sunday, February 19, 2006 1:39 PM
To: SAGE Bill
Subject: RE: Feb 2 draft - Coburg FD proposal

Thanks for your help Bill.

Dale

>From: "SAGE Bill" <Bill.SAGE@co.lane.or.us>
>To: <ldalecree@hotmail.com>
>Subject: Feb 2 draft - Coburg FD proposal
>Date: Fri, 17 Feb 2006 12:08:05 -0800
>
>Dale,
>
>Take a look at this draft which is centered on "structural defensible
>space" as the primary issue needing attention.
>
>Bill
>541 682-3772
>
> <<LC 161.266 (draft) 2-02-06-1CFD.doc>>

><< LC161.266(draft)2-02-06-1CFD.doc >>

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SAGE Bill

From: HOWE Kent
ent: Tuesday, February 21, 2006 8:48 AM
To: SAGE Bill
Subject: FW:

FYI

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

From: MORRISON Anna M
Sent: Friday, February 17, 2006 8:10 PM
To: HOWE Kent
Subject:

Susan Ballinger [sp??] 935-1557 wants tobe on the mailing list for community wildfire stuff

SAGE Bill

From: SAGE Bill
Sent: Tuesday, February 21, 2006 8:57 AM
To: 'E. Anne'
Subject: RE: Fire Code for rural areas

Ms. Sather,

I have attached the current draft of LC 16.266 that includes revisions proposed by the Colburg fire protection district. It focuses on providing for a defensible space around new residential structures.

I assume you are basing your comments on the newspaper article in the Register-Guard. The RG article included statements that are not supported by facts and where they originated is anybody's guess. I am sorry that the article caused you concern and these facts are offered to clear the air.

1. Your property is already developed with a residence and the proposed fire safety standards are not retroactive and do not apply to existing structures. The regulations could only apply to new residential structures proposed for construction after the codes were adopted.
2. No photographs would ever be taken and placed on the internet. It is not a proposal in the pending draft and even if it were, the photos could not be displayed in the public forum without your permission. Newspapers can do that but public agencies can not.
3. The proposed driveway construction and fuel breaks would be inspected by the building inspectors in conjunction with the initial inspection to signoff on the forms prior to pouring footings and foundation walls. Final inspections of the two elements would be done prior to certification for occupancy of the new residence or structure. The inspections are integrated with the building permit inspections including electrical, plumbing, insulation, etc. The figures for possible fines in the paper were from a uninformed source or fabricated.
4. The proposed fire safety standards exempt sensitive habitat from compliance with the fuel break regulations. The sensitive habitat includes riparian setback areas along rivers and streams, wetlands and coastal overlays for estuaries and shorelands.

I appreciate your concerns and please feel free to ask additional questions or submit comments after you have had an opportunity to review the attached draft.

Bill
541 682-3772

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

From: E. Anne [mailto:hikekayakread@yahoo.com]
Sent: Friday, February 17, 2006 12:08 PM
To: SAGE Bill
Subject: Fire Code for rural areas

Dear Mr. Sage,

I am very much opposed to Lane County's proposal for fire codes for rural properties. I live alone in a rural area and do not want detailed pictures of my property put on the internet. The fines for those that don't comply are ridiculous. I live just feet from the McKenzie River. What would these codes do the riparian area on my bank?

Can the county afford to defend the many lawsuits that will arise from this ill-conceived plan?

Ellen Sather
Blue River

02/21/2006

SAGE Bill

From: SAGE Bill
Sent: Tuesday, February 21, 2006 10:44 AM
To: 'Bobnsandrad@aol.com'
Cc: STEWART Faye H
Subject: RE: Wildland-Urban Interface Combining Zone in Lane Code 16.266

Mr. and Mrs. Dodds,

Thank you for your comments. You have raised several concerns that I would like to answer. I am also attaching a copy of the current "Coburg FD- Feb 2, 2006" proposal for revisions to the fire safety standards.

The proposed fire safety standards would be applicable only to "new" residential development and would not be retroactive. They are not proposed for existing residences or accessory structures.

The proposed regulations on a small, vacant parcel would only be applicable to lands "owned or under the control of the property owner". There is no obligation to place fuel breaks on neighboring properties and no penalty for small parcels.

Riparian setback areas for rivers, creeks and lakes, and wetlands listed on the National Wetlands Inventory are exempt from the fuel break standards.

County road right-of-ways (Greenleaf Drive) are considered maintained fuel breaks and under the responsibility of Lane County for maintenance. Utility companies hire private contractors to prune trees within utility lines. You will want to contact your utility company if you have concerns about the methods and results.

Implementation of the proposed fire safety standards is integrated into the building permit review and inspection processes for new residential development. Contrary to the newspaper article, Lane County would verify the standards during the construction cycle and I don't see where fines would even be a factor for new structures. Since the standards would not apply to existing structures, there would not be any connection with current property owners with residences.

Please take a look at the attached, proposed draft dated February 2, 2006. I would like to discuss your concerns with you and you can reach me at 541 682-3772.

Bill

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

From: Bobnsandrad@aol.com [mailto:Bobnsandrad@aol.com]
Sent: Friday, February 17, 2006 12:36 PM
To: SAGE Bill
Cc: STEWART Faye H
Subject: Wildland-Urban Interface Combining Zone in Lane Code 16:266

Gentleman,

I tried to look up this proposed code on the Internet, while I could bring up the title I could not get the information. I'm disturbed that we did not receive notice of your hearing and the contents of this proposal. We live two and a quarter miles east of Leaburg and do not believe that you will not apply it across the board to the rest of us in due time, so we should be privy to the initial action.

We have many questions, such as how do you handle those of us who have a small lot next to the river who are already restricted on what we can touch because much of our property is in the riparian zone, and, we are not allowed to mess with those trees? What do you do with the trees that are part of the easement along the

county road right of away? Who is responsible for them, you or us. You don't seem to have a problem with coming along and shearing the limbs for utility wires and for what you consider to be road/personnel clearance right of way.

Since we have not been able to read the actual proposed code change, but have had to rely on what we read in the newspapers, we cannot see the merits of this code change and that it will truly enhance fire safety. We don't live in a forest, are you protecting us or the forest, Or is your real intent just to collect a lot of money with fines from the people who cannot comply with the ordnance as fast as you want them to?

We are not thrilled with this proposed ordnance. Sincerely, Bob and Sandra Dodds
90171 Greenwood Dr.
Leaburg, OR 97489

SAGE BILL

From: SAGE Bill
Sent: Tuesday, February 21, 2006 10:51 AM
To: 'fowl842@aol.com'
Subject: RE: Proposed Fire Code changes

Mr. and Mrs. Fowles,

Thank you for your comments. The proposed fire safety standards are only proposed for "new residential development" and could not be retroactively applied to your property and development. Neither the Lane County Commissioners nor staff have any intent or authority to apply the standards to existing residences or residential structures.

I've attached the current draft. Please call me if you have additional questions.

Bill

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

From: fowl842@aol.com [mailto:fowl842@aol.com]
Sent: Friday, February 17, 2006 4:50 PM
To: >bill.sage@co.lane.or.us
Subject: Re: Proposed Fire Code changes

We are writing because of our concern about the proposed fire codes for our area here on the McKenzie River.

When we built our home here at Baxter Acres 19 years ago we had to pay \$500.00 for a riparian vegetation report, we were not allowed to move our house 10 feet into the hundred foot set back to better accommodate our septic system and we were not allowed to clear the brush and trees. We were told that we could remove only that which was dead, down and dangerous. After living here a few years with an uneasy feeling about a huge old cedar near our deck we finally had it taken down to discover that the inside was all burned out and hollow. We also were forced to have an indoor fire suppression system installed in our home at an extra expense and then the county changed their mind after several homes were built up here and a new builder decided to challenge that rule.

Our CC&R's require us to share our drive with four other homes so we also don't have the single wide drive or turn around that we understand is being proposed. We have a wide buffer because of the BPA between our properties and the mountainside and we are all very aware of fire danger and have had our trees limbed and brush cleared.

We feel that if we have to comply with these proposed rules it will rob us of the beauty and reason that we choose to live here and devalue our property as well. We understand this is proposed for new buildings for now but we worry that the rule could change as it often seems to do to include old dwellings as well.

Please vote against this proposal.

Sincerely,

Sharon and Ray Fowles
43059 Deerhorn Road
Springfield, OR 97478
541-896-3309

02/21/2006

SAGE BILL

From: SAGE Bill
Sent: Tuesday, February 21, 2006 2:13 PM
To: KIERAN John (SMTP)
Subject: RE: LC 16.266 Draft

I'll send you a copy and here's the linkage to get to the Coburg revisions (February 2, 2006) to the LC 16.266 standards:

www.LaneCounty.com
scroll down to *Departments and Services*;
click on *County Departments*;
click on *Public Works*;
click on *Land Management*;
click on *Land Use Planning & Zoning*
click on *Planning*;
click on *Wildfire Project*;
look for heading: *Comments from Coburg Fire District*;
click on *Coburg Fire District DRAFT*

The draft includes lots of red text. The **bold red text** with out underlining indicates revisions by LMD staff in January; the red text with underlining are the revisions recommended by the Coburg Fire District on February 2nd.

Bill

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

From: JKieran578@aol.com [mailto:JKieran578@aol.com]
Sent: Tuesday, February 21, 2006 12:06 PM
To: SAGE Bill
Subject: LC 16.266 Draft

Dear Mr. Sage:

Thank you for e-mailing me a copy of the most recent draft of the proposed LC 16.266. Unfortunately, for some reason when I opened the draft you sent, virtually every sentence was lined out and it is impossible for me to ascertain how the current draft reads. I went to the website to see if the latest draft was posted but only found a copy of the 1/23/06 draft that you told me had been superceded by a February draft. Would it be possible to get a hard copy of the latest draft from you if it is different from the one currently on your website? My address is 975 Oak St., Suite 625, Eugene, OR 97401. If you cannot send me a copy, I would be happy to come to your office to pick one up. Let me know.

Thanks for your help,

John F. Kieran

SAGE BILL

From: SAGE Bill
Sent: Tuesday, February 21, 2006 3:15 PM
To: 'Maria Lara'
Subject: RE: Proposed regulations for fire safety

Maria,

The public hearing drew about 200 or more people. As is common and historical in such situations, the villagers appeared with torches and pitch forks and red of eye. Actually the gardening crowd's choice of implement was hoe. It was a rousing event with 50 or so testifying. The Planning Commission closed the hearing at the conclusion of the last speaker and elected to leave the record open for 30 days, through March 7th, for any party to submit written testimony.

The Planning Commission will be deliberating in late March on the proposed policy choices and the two drafts of Lane Code 16.266 that are being considered.

If you want to submit comments, send them to Lane County LMD, attention Bill Sage, 125 E. 8th Ave, Eugene 97401; or by e-mail to bill.sage@co.lane.or.us; or fax 541 682-3947. If you want to talk about it, call me at 682-3772.

Bill

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

From: Maria Lara [mailto:marialara@remax.net]
Sent: Tuesday, February 21, 2006 2:58 PM
To: SAGE Bill
Subject: Proposed regulations for fire safety

Hi Bill,

When you have a moment would you update me on the meeting held February 7. Thank you.



Maria Lara

Broker

4710 Village Plaza Loop, Suite 200

Eugene, OR 97401

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SAGE Bill

From: SAGE Bill
Sent: Wednesday, February 22, 2006 8:10 AM
To: CROWELL David (SMTP)
Subject: RE: Wildland-Urban Fire Draft Code

David,

The Planning Commission held a public hearing on Tuesday, February 7th. 33,814 notices and copies of the information newspaper "Living With Fire" were mailed out to property owners. The villagers descended from the hills in force bearing with pitchforks and torches. Actually, the gardening crowd banished hoes. About 200-250 people attended and 50 testified. The LCPC closed the hearing and left the record open for submittal of written testimony through March 7th. LCPC deliberations will be in late March with a recommendation going to the Board in a work session in late April.

Bill

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

From: David Crowell [mailto:davidc@callatg.com]
Sent: Tuesday, February 21, 2006 3:40 PM
To: SAGE Bill
Subject: RE: Wildland-Urban Fire Draft Code

Bill,

Thank you.

Can you tell me where in the county's approval process this issue is?

Thanks.

David Crowell

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]
Sent: Tuesday, February 21, 2006 3:18 PM
To: CROWELL David (SMTP)
Subject: FW: Wildland-Urban Fire Draft Code

David,

Here's the Coburg Fire Department's draft that follows the policy path of "structural defensible space" and moves away from the "wildfire protection" issue. Chad Minter and Don Harkins worked on it and it is well thought out.

Bill

682-3772

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

From: HOWE Kent
Sent: Tuesday, February 21, 2006 3:12 PM
To: SAGE Bill
Subject: Wildland-Urban Fire Draft Code

FYI

SAGE Bill

From: SAGE Bill
Sent: Friday, February 24, 2006 11:29 AM
To: 'redrover@cmc.net'
Cc: HOWE Kent; SORENSON Peter
Subject: RE: Wildland-Urban Interface regulation

Diane,

Your property is already developed with a residence and the proposed fire safety standards are not retroactive and do not apply to existing structures. The regulations could only apply to new residential structures proposed for construction if the codes were adopted.

I appreciate your concerns and please feel free to ask additional questions or submit comments.

Bill Sage
541 682-3772

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

From: HOWE Kent
Sent: Friday, February 24, 2006 9:17 AM
To: SAGE Bill
Subject: FW: Wildland-Urban Interface regulation

Hi Bill, Could you please respond? Thanks, Kent

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

From: SORENSON Peter
Sent: Thursday, February 23, 2006 11:15 AM
To: 'Dianne Robertson'
Cc: HOWE Kent
Subject: RE: Wildland-Urban Interface regulation

linda,

i'll copy kent howe on this and see if he can answer your question about the proposed ordinance.

thanks,

pete

c: kent howe

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

From: Dianne Robertson [mailto:redrover@cmc.net]
Sent: Tuesday, February 14, 2006 9:28 AM
To: SORENSON Peter
Subject: Wildland-Urban Interface regulation

Commissioner Sorenson,

does the proposed new zoning code 16.266 apply to existing homes? I live on a lot that is 90 ft. wide. If this code is approved I would have no shade trees, no protection from the elements, the birds I feed (including wild turkeys), and other animals that come to the yard would disappear. I encourage you to vote against this proposal as it is presently conceived.

Thankyou.

Linda C. Niemi

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Version: 7.1.375 / Virus Database: 267.15.6/257 - Release Date: 2/10/06

SAGE Bill

From: SAGE Bill
Sent: Friday, February 24, 2006 11:40 AM
To: 'l.g.h.39@att.net'
Subject: RE: LC 16.266

Lloyd,

On February 2nd, we received revisions proposed by some of the fire districts, in particular Coburg Fire District. Take a look at it. It is more limited in scope and addresses a "structural defensible space".

As you are aware, none of the drafts of proposed codes would apply to existing development or structures. The proposed code language addresses "new" structures and is not retroactive.

The Planning Commission heard testimony on February 7th and left the record open for submittal of written testimony through March 7th. They will be deliberating in late March and make a recommendation to the Board of Commissioners. The Board will hold a work session on the project in late April.

Bill

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

From: l.g.h.39@att.net [mailto:l.g.h.39@att.net]
Sent: Friday, February 24, 2006 10:49 AM
To: SAGE Bill
Subject: Re: LC 16.266

When is the public hearing and window of opportunity to submit written comment? Didn't find any reference to it on the Land Management website.

----- Original message from "SAGE Bill" <Bill.SAGE@co.lane.or.us>: -----

Lloyd,

It was to talk with you again. I'm enclosing the current draft of the code as of 1-23-06. The 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>> <<LC 16.266 (draft) 1-25-06-1.doc>>

SAGE Bill

From: Kate Gessert [katerg@igc.org]
Sent: Friday, February 24, 2006 8:32 PM
To: SAGE Bill
Cc: SORENSON Peter; MORRISON Anna M; STEWART Faye H; MORRISON Anna M; DWYER Bill J
Subject: PUBLIC COMMENT ON PROPOSED RURAL FIRE CODES

PUBLIC COMMENT ON PROPOSED RURAL FIRE CODES
PLEASE FORWARD TO MEMBERS OF PLANNING COMMISSION

Woodpecker Ridge
86070 Cougar Lane
Eugene, Oregon 97402

February 24, 2006

Dear County Commissioners
Mr. Bill Sage and members of the Planning Commission:

I'm writing to you as a rural homeowner and forest owner. My husband and I live and garden on several acres in Crow. We also own 90 acres of 60-year-old forest behind our house. We have many concerns about the possibility of wildfire, and yet we feel that the proposed new fire codes are not the solution to our concerns or those of other forest owners, fire fighters, and rural residents. Abiding by these draconian codes would destroy the rural qualities and the opportunities to live and garden close to wildlife that make us happy to live here. We don't want to live in a "defensible space" desert, and we don't want people who build new houses in the country to be forced to do this, either. It would make them unhappy, eliminate a lot of great gardening and wildlife habitat, and create expensive eyesores in the countryside.

I would like to propose an alternative. People new to country living should undergo a required licensing process. After all, you can do even more large-scale damage with unsafe country fire habits than you can by driving a car without knowing how. When people build a house in the country, or if possible, even if they move to a previously-constructed house in the country, they should be required to attend a workshop and/or study a pamphlet, and then take a test (like the drivers' written test) to show that they understand fire safety in rural areas.

As a child, we lived in the country and almost lost our house to a new neighbor from the city who casually lit a brush pile on fire one dry fall morning. The fire raced onto our land. We looked out the window and the trees were on fire. Our neighbor wasn't stupid or reckless. He just hadn't learned fire safety rules.

I believe a licensing system like this would accomplish far more to keep rural homeowners and the forest safe than the rules that have been proposed. Please rethink this situation and don't create a boondoggle that will be unenforceable and will make everyone miserable, while doing little or nothing to decrease fire danger.

Sincerely yours,
Kate Rogers Gessert

SAGE Bill

From: Bobnsandrad@aol.com
Sent: Sunday, February 26, 2006 2:21 PM
To: SAGE Bill
Cc: STEWART Faye H
Subject: Re: Wildland-Urban Interface Combining Zone in Lane Code 16.266

Thank you for your prompt response to our concerns. We will review the draft proposal and if we have any further questions, we will be in touch. However, we are very much in agreement with the statements provided to the hearing committee by Bob Kintight as reported in the McKenzie River Reflections on Thursday, Feb.23. Mainly, reject the wildland plan and let Senate Bill 360 address the problems.

Sincerely, Bob and Sandra Dodds

SAGE Bill

From: SAGE Bill
Sent: Monday, February 27, 2006 10:00 AM
To: 'katerg@igc.org'
Subject: Proposed Fire Safety Standards

Kate,

Thank you for your voice messages and e-mail.

The written record will remain open through March 7th (5:00 PM) for testimony concerning the drafts of Lane Code 16.266 - Wildland-Urban Interface Combining Zone.

Please take a look at the current draft attached.



Structural
defensible space 1-..

Thanks,

Bill

SAGE BILL

From: SAGE Bill
Sent: Monday, February 27, 2006 12:44 PM
To: 'Inspector John Baxter'
Subject: RE: LC16.266 Wildland Urban Interface rules

John,

Thank you for your inquiry. Here are the answers to your questions.

1. Will the County be funding the initial position to handle the work?

The implementation of the proposed fire defense standards is set in two phases:

- (A) Inspection prior to submittal for a construction permit for a new residential structure; and
- (B) Inspections of the driveway and fuel breaks after issuance of a building permit to insure compliance with the standards.

First, let me remind you that all of the proposed drafts of LC 16.266 have only been for "new" residential structures and none have proposed regulations on "existing" residential development.

(A) All of the proposed drafts of Lane Code 16.266, including the Coburg FD, have included two or more options for determining what defensible space and secondary fuel break would be appropriate for a specific site and proposed structure. One of those options is for coordination between the property owner and the local fire district to inspect the route and site prior to excavation for either so that issues of grade, aspect and fuel reduction can be considered. The initial inspection would lead to drawing up a plot plan of the development site for submittal that reflects the rationale of the RFD input. Lane County has an implementing grant from Rural School's Title III funds with \$15,000.00 set aside for coordination with the local RFPDs. In our printouts for building permit activity over the past three years, we found that approximately 300 new dwellings get constructed in the rural areas of Lane County annually. We are proposing that for each site visit completed by a RFPD, that we provide a stipend to the RFPD in the amount of \$50.00. I realize it is not much but it is designed to cover basic costs of travel and expenses for the visit. If all Districts participated the math works out to the sum allotted. If the code is adopted and the inspection procedure proves to be worthwhile for both RFPD and property owners, we could request a higher rate of reimbursement in the next fiscal budget for this particular activity. The unknown factors are:

- (1) Whether or not the Board of Commissioners will chose to adopt an ordinance to enact the fire safety standards of LC 16.266.
- (2) Whether or not the Rural Schools funding will survive the Bush administration's budget cuts which could sunset at the end of the Federal fiscal year 2007 or be renewed for five more years.

There is also the potential if the Board does not elect to enact (1) the mandatory standards, that they could make it an advisory standard with the same coordination process between RFD and property owner. If the Rural Schools funding, (2) above, continues on and Title II and Title III grants are available in 2007 and henceforth, then we could annually request funding to support the RFD role. The Board of Commissioner's adoption by resolution of the Lane County Wildfire Protection Plan (CWPP) in July 2005 set in motion annual reviews and funding avenues for the County, Lane County Fire Co-op and Fire Defense Board, and the Oregon Department of Forestry to annually apply for funding to effectively educate and assist rural property owners to prepare for structural fires and protect against resource base fires. We still need input from the RFDs on the effectiveness of such a program and a realistic surcharge for implementing it under the CWPP.

(B) The County's role in implementing the fire safety standards would be administered through the current building permit review process and field inspections schedule. There are two Excel schematics attached together above, that outline the initial RFD involvement in the determination of an appropriate defensible space and the County's review and inspection process to ensure that the driveway and fuel breaks are established. The inspections are integrated into the normal construction inspection process and would not require special trips to the property. The total inspection surcharge is proposed for \$150.00 as an add to the building permit fees. The funds raised would be kept in the Building Program to offset permit review and inspection costs.

If it turns out from the experiences of the RFD and the building inspectors that a full-time staff position at the county or with the LCFDB is necessary to implement the fire safety standards (either mandatory or voluntary) then we would recommend to the Board of Commissioner that we look to the Title II and Title III funds for that position to be granted on an annual basis.

2. Will the County be funding the in perpetuity checking of property every year for compliance in the entire county?

The County has three compliance officers who function as the responders to the eyes of citizens in the rural areas. We act on

reports from concerned citizens and known violations reported neighborhood groups and agencies. It is not a perfect system but, the compliance staff does not drive around looking for suspicious activities and structures. Even the reduced Sheriff's staff can't do much of that these days. If fire safety standards were implemented around a new structure and that requirement for fuel reduction and access came out of a common reality between the RFD person and the property owner, there is most likely going to be a buy-in by the property owner that is a reasonable standard worth their continued effort.

The likelihood for continued compliance will fall with the property insurance companies. It makes sense for insurance underwriters to acknowledge the established fire safety standards and provide an incentive for annual maintenance. If the continued reduction in fuel loads results in some insurers reduction of premiums for protection then you have a formula for offsetting maintenance casts with premium savings. This would be the carrot approach. No insurer has stepped forward and embraced this concept yet but it is definitely one that we are attempting to start a dialogue on.

The other set of eyes out there will be the RFDs. It is in their interests and the property owner's interests as well to maintain the driveway and defensible space to safe guard their lives and property in the event of a structural fire. We still need a lot of coordination between the grant writers and the triad of County, RFD and ODF on how to effectively implement the CWPP annually. We will be putting together the FY 2006-2007 grant application in April for efforts beginning on July 1, 2006. If you have comments along this avenue, let me know.

I am also attaching the Coburg version of LC 16.266 without the deletions and additions tracking info. It's easier to read. Please take a look at it and let me know what you think about it.

Bill
541 682-3772

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

From: Inspector John Baxter [mailto:jbaxter@lfr.org]
Sent: Tuesday, February 21, 2006 11:13 AM
To: SAGE Bill
Subject: LC16.266 Wildland Urban Interface rules

Good Morning.

We have been going over the copy of the Lane County draft proposal and the copy of the Coburg draft proposal. We believe we would have the best chance of getting the rural patrons of our District to accept the Coburg draft.

There are two issues we would like to have clarified.

1. Will the County be funding the initial position to handle the work?
2. Will the County be funding the in perpetuity checking of property every year for compliance in the entire county?

John Baxter, Fire Inspector, Lane Rural Fire/ Rescue

SAGE Bill

From: Dawn Adams [djadams@direcway.com]
Sent: Tuesday, February 28, 2006 3:54 PM
To: SAGE Bill
Subject: Lane Code 16.266 Wildland-Urban Interface Combining Zone - Rural Comprehensive Plan

Dear Mr. Sage,

Attached are my comments, sent to several of my friends here in Lane County, that reflect my analysis of the proposed operational guidelines for the above titled Lane Code 16.266. They are unnecessary for what the stated purpose is; are far too complex, far-reaching, and overbearing; are extremely costly and disruptive for landowners; have serious environmental and ecologic consequences; have the potential to drastically affect land values in the named Zones; and they drastically change the intent and cooperative language of OAR 629-044-1000. This is not the kind of governmental action that is called for under the conditions prevalent in Lane County. This is poor policy and poor public relations.

It's time to scrap this approach, and try working with the residents for realistic and doable Fire Protection procedures. It's also time to reveal what the real Problem is that you have been trying to address. I can see several possible reasons that you would support such heavy-handed regulations, but none fit the category of "the public good".

Thank you for your attention, and please add my "No" vote to the public input.

Dawn Adams

Lane Code 16.266
Wildland-Urban Interface Combining Zone (/WUI-RCP)
Rural Comprehensive Plan

The above named plan is Lane County's vast and unnecessary expansion of Oregon Administrative Rules 629-044-1000 (The Oregon Forestland-Urban Interface Fire Protection Act of 1997).

First, Some History:

Very briefly, the intent of OAR 629-044-1000 is to encourage Oregon property owners in forested areas to be prepared for threat of forest fire by cooperating with the state forestry personnel in making fire defensive plans for their properties. These plans are particularly pertinent to those areas on the Eastern side of Oregon.

Defensive plans include a 30' radius of low vegetation around habitable structures, and are reasonable in nature. The implementation of the plans are to be based on owners' self-evaluations, and the maximum fee levied for these procedures would be \$25.00 for each tax lot plus \$10.00 per parcel for special or unique administrative costs of processing and certifying, mitigating conditions, assisting owners who are physically and/or financially unable to complete the necessary work, and providing rebates for property owners whose lands meet the standards.

NOTICE:

Lane County's Proposal is 17 pages of size 8 type. Lane County has taken the State's Act far beyond its original intent, transforming it into a Draconian control and revenue collection process that benefits few except the County coffers (and perhaps insurers).

At the February 7 meeting of the County Planning Commission, well over 100 people attended, and not 1 person who spoke was in favor of the County's proposal. Speakers from the public included a former state senator and a professor who specializes in problem-solving logic. Both were vehemently against these proposed regulations as well as the proposed methods for enforcement. In view of the fact that not one residence in Lane County has ever been burned as the result of a forest fire, a major viewpoint held by the public was "**this is a massive reaction to a non-problem**".

So why does the County want this code in this form?

1. It opens the doors to your wallet.

- a. Any time you have an activity on your property that requires a building permit (included are new homes, house additions, garages, and other use structures), you will be required to:
 - (1) Submit and have County approval of a Site Plan showing how you will be conforming to the vegetation restrictions of the Defensible Space and Secondary Barrier around all structures .
 - (2) Submit and have County approval of your plan for access road, driveway, and emergency vehicle turn-around space built in conformity to county specs.

- (3) Obtain permits and have all the above inspected by the County as part of passing inspection for the structural permit you originally needed.

b. New construction will have to conform to the above requirements

c. Current property owners who do not undertake any activity that would require the above permits are currently not affected. (Perhaps this part of the code has been inserted to make it more palatable to the public??)

However, Sale of the property would trigger the need to conform to these regulations, thereby affecting the potential buyers' willingness to take on such a burden – and most likely affect the seller's ability to get the desired price for the property.

- (2) It will be undoubtedly tempting for the County to extend these regulations to current owners once they have been established. There is no guaranty that they won't be.

d. Your property will be classified as to its Wildfire Risk, and certified by the County only when all pertinent requirements of the regulations are completed. This certification (or lack thereof) will undoubtedly be used by insurance companies in setting your property owner insurance rates. In addition, you must pay for ongoing inspections and recertification.

e. You may be classified as needing a Fire Protection Plan, in which you are required to install water storage facilities, distribution pipes, and pumps to County specifications.

f. If your property has slopes that are above certain gradients, you will need extra measures to deal with those, particularly in regard to required access roads, structure specifications, and downslope vegetation – all costly.

2. It opens the doors to controlling your lifestyle, your environment, your physical and emotional comfort, and your privacy via ongoing intrusive methods such as inspections, certifications as to conformity, GPS location, and last but not least, satellite imaging (which, by the way, is ineffective when it is blocked by tree canopy).

a. These regulations dictate the amount, the type, the height, and the style of the vegetation around your home, and you must maintain these requirements on an ongoing basis and in perpetuity.

- (1) Trees must be removed in a 30' radius around your home and/or other structures (Defensible Space), and sparsely placed as well as pruned 8' up the trunk in an additional 30' to 100' radius (Secondary Fuel Break), depending upon the county's determination of your "fire risk classification". In addition, shrubbery can be no higher than 2' in the initial 30' radius, and sparsely spaced, constantly pruned, and no higher than 5' in the
- (2) ~~Secondary Fuel Break spaces~~ and vegetation to keep them from drying out (all-summer watering). This increases water,

electricity (pumping) and/or fuel (generator) usage, and diminishes water table levels in rural areas. Again, this can get expensive.

- (3) Lack of trees & shade canopy affects the environment both within and outside your home, and has both immediate and long-term negative effects on the ecological systems in our area. (Just look at the ecological disasters that have resulted from cutting trees en masse in many areas of the world)
 - (4) Non-shaded areas dry out faster, stressing other vegetation as well as the existing trees. Stressed vegetation is more prone to disease and doesn't produce new roots, leaf growth or fruits as prolifically. Not only does this affect its own survival – it will, eventually, not support the birds and other wildlife that depend upon it.
 - (5) Lack of trees around the residence affects both the exterior and the interior comfort of the home, requiring mitigation via mechanical cooling in summer and greater heating in winter. The result is much greater energy consumption and costs.
 - (6) Soil that is deprived of the stabilization provided by large tree/shrub root systems is highly susceptible to movement / sliding as a result of heavy rain or other water sources – an occurrence that is not unknown in Lane County.
3. Not all property owners within the areas affected by these regulations live on large properties. These regulations are especially egregious for those on properties of less than 2 acres, particularly if that property is rectangular in shape.
- a. Property owners are deprived of the woodland ambiance that attracted them to these areas in the first place.
 - b. Smaller properties would have very little, if any, privacy between neighbors.
 - c. The potential effects of these regulations on property values can be devastating.

Again, the question must be asked: Why does Lane County feel it necessary to take a relatively benign and property-owner friendly Oregon State Administrative Rule and retool it into an overbearing, controlling, and expensive behemoth? The question is especially compelling when you realize that this is presented as a **massive answer to a non-problem**. Perhaps **money, control, intrusiveness, and invasion of privacy are the real motivations behind this**.

SAGE BILL

From: Steve Riley [sriley194@qwest.net]
Sent: Wednesday, March 01, 2006 1:42 PM
To: SAGE Bill
Subject: Re: Vegetation removal for fire prevention

To: Lane County Planning Commission

I live in the city of Eugene but am responsible for property on Deerhorn Road which would be effected by your proposed ordinance. To begin with, I am completely opposed to this proposal in all aspects. First and foremost you are attempting to impose requirements on private property owners that exceed your own standards. Additionally, this would be an unfunded mandate that would result in a class action lawsuit against the County. When our founding fathers talked of life, liberty and the pursuit of happiness, the latter referred to land ownership and control. Unfortunately governments and Lane County is certainly no exception, has decided that it, rather than the land owner has ultimate control of his or her own property. Lane County has already overwhelmingly shown it's attitude in this area with it's complicity in the River Road/Santa Clara sewer debacle.

At no time in this process has Lane County exhibited a single need for the proposed ordinance. In fact, State Forestry Dept. records indicate that there has never been an occurrence of the type that you claim you are wanting to prevent. While any rational person wants to prevent fire and the spread of it, it should never be done at the cost of anyone's liberty and in particular with the heavy handedness proposed by Lane County. Both the proposed fines for lack of compliance and the rating of properties with the threat of not helping property owners in case of fire reeks of coercion and intimidation. It is obvious from testimony of fire officials at the hearing that this was never the intent of rural fire departments either, but merely a threat by the County. It is obvious also that because there was no option for variances or what type of terrain might be involved and that no balanced thought process went into this proposal.

I am a fifth generation Lane County resident and property owner and I am insulted that county employees paid by my taxes would come up with such an attack on Lane County land owners. Property values would be significantly reduced if not destroyed completely in some circumstances which leaves the County open to Measure 37 lawsuits. I for one, do not wish to pay for county employee's or official's stupidity. Lane County has already earned the reputation for being one of the worst places in the State for attempting to build anything and we certainly do not need to increase that reputation by passing frivolous and capricious ordinances. It is patently evident that the author of this has no background in forest management, land management, erosion or landscaping. I have to also wonder if the person responsible for this lives within the proposed effected area. This ordinance would completely destroy the value of our property for what it is zoned for and rend it useless for it's intended purpose. This matter is already well covered by SB 360 and there is no need for Lane County to try to reinvent the wheel and use our limited financial resources to do it. I urge the commissioners to kill this proposal now and forever.

Stephen L. Riley
2212 Onyx Street
Eugene, Oregon 97403

SAGE Bill

From: Robert Fleming [rfleming1@earthlink.net]
Sent: Wednesday, March 01, 2006 1:42 PM
To: SAGE Bill
Subject: Rural Housing Fire Codes

Dear Bill:

I would like to add my voice to the list of folks who are outraged at your initial proposals re rural dwelling fire zones.

We moved to western Oregon 21 years ago to enjoy the green that comes with living here.

And we would NOT appreciate being forced to clear cut a long way out from our house.

For us it is a "quality of life" issue. Living here in Lane Country is superb precisely because we have vegetation and bird activity close to our windows.

We appreciate the need for fire safety and take precautions against fire but not to the draconian extent you have suggested.

Thanks for re-visiting the proposal.

With best wishes,

Bob Fleming, Ph.D.

SAGE Bill

From: SAGE Bill
Sent: Tuesday, March 07, 2006 2:36 PM
To: 'alj25@earthlink.net'
Subject: RE: Proposed WUI amendments

Al,

The Planning Commission (LCPC) left the record open through 5:00 PM today, March 7th. I have scheduled a work session with the LCPC for 5:30 PM on April 18th for deliberations on the policy issues and proposed implementing Lane Code 16.266. The latest draft of the code is attached and includes revisions to the Coburg FD submittal (2-2-06) that was distributed at the LCPC hearing. The revisions stem from testimony by professionals, citizens and a recent review (3-1-06) of the science by ODF after a regional conference on the subject in late February.

When the LCPC completes their review and forwards their recommendation to the Board of Commissioners, I will schedule a work session with the Board to discuss the policy implications and the review process to date. If the Board elects to move the issue to public hearing, we will send BM 56 notice to affected property owners and schedule the hearing for late May.

The latest draft of LC 16.266 focuses on the "structural defensible space" policy as proposed by Coburg FD aligned with SB 360, recognizes the science as presented by structural and resource fire professionals during the past month, and moves away from the "wildfire protection policy".

Let me know what you think about this draft.

Bill

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

From: Allen Johnson [mailto:alj25@earthlink.net]
Sent: Tuesday, March 07, 2006 2:09 PM
To: SAGE Bill
Cc: Lana Butterfield; Mike Evans and Geri Betz; Bill Kloos
Subject: Proposed WUI amendments

Hi, Bill--

Just a status check. Where are things with WUI?

Thanks.

--Al

Allen L. Johnson
Johnson & Sherton, P.C.
2303 SE Grant Street
Portland, OR 97214
Ph. 503-233-1533
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03/07/2006

Fax 503-236-8216

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SAGE Bill

From: Inspector John Baxter [jbaxter@lfr.org]
Sent: Tuesday, March 07, 2006 3:17 PM
To: SAGE Bill
Subject: RE: LC16.266 Wildland Urban Interface rules

Bill,

I have reviewed the latest draft and Lane Rural will support passage as written.

John Baxter

[John Baxter] -----Original Message-----

From: SAGE Bill [mailto:Bill.SAGE@co.lane.or.us]
Sent: Monday, February 27, 2006 12:47
To: Inspector John Baxter
Subject: RE: LC16.266 Wildland Urban Interface rules

John,

Thank you for your inquiry. Here are the answers to your questions.

1. Will the County be funding the initial position to handle the work?

The implementation of the proposed fire defense standards is set in two phases:

- (A) Inspection prior to submittal for a construction permit for a new residential structure; and
- (B) Inspections of the driveway and fuel breaks after issuance of a building permit to insure compliance with the standards.

First, let me remind you that all of the proposed drafts of LC 16.266 have only been for "new" residential structures and none have proposed regulations on "existing" residential development.

(A) All of the proposed drafts of Lane Code 16.266, including the Coburg FD, have included two or more options for determining what defensible space and secondary fuel break would be appropriate for a specific site and proposed structure. One of those options is for coordination between the property owner and the local fire district to inspect the route and site prior to excavation for either so that issues of grade, aspect and fuel reduction can be considered. The initial inspection would lead to drawing up a plot plan of the development site for submittal that reflects the rationale of the RFD input. Lane County has an implementing grant from Rural School's Title III funds with \$15,000.00 set aside for coordination with the local RFPDs. In our printouts for building permit activity over the past three years, we found that approximately 300 new dwellings get constructed in the rural areas of Lane County annually. We are proposing that for each site visit completed by a RFPD, that we provide a stipend to the RFPD in the amount of \$50.00. I realize it is not much but it is designed to cover basic costs of travel and expenses for the visit. If all Districts participated the math works out to the sum allotted. If the code is adopted and the inspection procedure proves to be worthwhile for both RFPD and property owners, we could request a higher rate of reimbursement in the next fiscal budget for this particular activity. The unknown factors are:

- (1) Whether or not the Board of Commissioners will chose to adopt an ordinance to enact the fire safety standards of LC 16.266.
- (2) Whether or not the Rural Schools funding will survive the Bush administration's budget cuts which could sunset at the end of the Federal fiscal year 2007 or be renewed for five more years.

There is also the potential if the Board does not elect to enact (1) the mandatory standards, that they could make it an advisory standard with the same coordination process between RFD and property owner. If the Rural Schools funding, (2) above, continues on and Title II and Title III grants are available in 2007 and henceforth, then we could annually request funding to support the RFD role. The Board of Commissioner's adoption by resolution of the Lane County Wildfire Protection Plan (CWPP) in July 2005 set in motion

annual reviews and funding avenues for the County, Lane County Fire Co-op and Fire Defense Board, and the Oregon Department of Forestry to annually apply for funding to effectively educate and assist rural property owners to prepare for structural fires and protect against resource base fires. We still need input from the RFDs on the effectiveness of such a program and a realistic surcharge for implementing it under the CWPP.

(B) The County's role in implementing the fire safety standards would be administered through the current building permit review process and field inspections schedule. There are two Excel schematics attached together above, that outline the initial RFD involvement in the determination of an appropriate defensible space and the County's review and inspection process to ensure that the driveway and fuel breaks are established. The inspections are integrated into the normal construction inspection process and would not require special trips to the property. The total inspection surcharge is proposed for \$150.00 as an add to the building permit fees. The funds raised would be kept in the Building Program to offset permit review and inspection costs.

If it turns out from the experiences of the RFD and the building inspectors that a full-time staff position at the county or with the LCFDB is necessary to implement the fire safety standards (either mandatory or voluntary) then we would recommend to the Board of Commissioner that we look to the Title II and Title III funds for that position to be granted on an annual basis.

2. Will the County be funding the in perpetuity checking of property every year for compliance in the entire county?

The County has three compliance officers who function as the responders to the eyes of citizens in the rural areas. We act on reports from concerned citizens and known violations reported neighborhood groups and agencies. It is not a perfect system but, the compliance staff does not drive around looking for suspicious activities and structures. Even the reduced Sheriff's staff can't do much of that these days. If fire safety standards were implemented around a new structure and that requirement for fuel reduction and access came out of a common reality between the RFD person and the property owner, there is most likely going to be a buy-in by the property owner that is a reasonable standard worth their continued effort.

The likelihood for continued compliance will fall with the property insurance companies. It makes sense for insurance underwriters to acknowledge the established fire safety standards and provide an incentive for annual maintenance. If the continued reduction in fuel loads results in some insurers reduction of premiums for protection then you have a formula for offsetting maintenance casts with premium savings. This would be the carrot approach. No insurer has stepped forward and embraced this concept yet but it is definitely one that we are attempting to start a dialogue on.

The other set of eyes out there will be the RFDs. It is in their interests and the property owner's interests as well to maintain the driveway and defensible space to safe guard their lives and property in the event of a structural fire. We still need a lot of coordination between the grant writers and the triad of County, RFD and ODF on how to effectively implement the CWPP annually. We will be putting together the FY 2006-2007 grant application in April for efforts beginning on July 1, 2006. If you have comments along this avenue, let me know.

I am also attaching the Coburg version of LC 16.266 without the deletions and additions tracking info. It's easier to read. Please take a look at it and let me know what you think about it.

Bill
541 682-3772

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

From: Inspector John Baxter [mailto:jbaxter@lfr.org]
Sent: Tuesday, February 21, 2006 11:13 AM
To: SAGE Bill
Subject: LC16.266 Wildland Urban Interface rules

Good Morning.

We have been going over the copy of the Lane County draft proposal and the copy of the Coburg draft proposal. We believe we would have the best chance of getting the rural patrons of our District to accept the Coburg draft.

There are two issues we would like to have clarified.

1. Will the County be funding the initial position to handle the work?
2. Will the County be funding the in perpetuity checking of property every year for compliance in the entire county?

John Baxter, Fire Inspector, Lane Rural Fire/ Rescue

SAGE Bill

From: l.g.h.39@att.net

Sent: Tuesday, March 07, 2006 3:41 PM

To: SAGE Bill

Here's my comments on the Wildland Urban Interface Comments for submission to the Lane County Planning Commission for consideration.

Lloyd Holtcamp
24325 Vaughn Road
Veneta, OR 97487

March 7, 2006

To: Bill Sage, Lane Co. Planner/Lane Co. Planning Commission

From: Lloyd Holtcamp, 24325 Vaughn Rd. , Veneta, OR 97487

Subject: Public comment on Wildland-Urban Interface Combing zone (WUI-RCP) Rural Comprehensive Plan.

The first time I've heard about this zone was an article in the Register Guard in February 2006. I've now found the majority of Lane Code 16.266 apparently was adopted in July 2005 with no notice.

Questions:

Q1: How many urban areas have adopted the restrictions that Lane County has? My recollection is Eugene promotes houses in the South Hills that minimally disrupt existing forest settings.

I recommend the County not require any WUI zone unless the adjacent city adopt the County setbacks and structural standards in similar forested areas within the urban growth boundary.

Q3: If the Wildland Urban Interface zone is a land use issue subject to Measure 37 what is the appeal process and where is it referenced in this zone?

Comments:

Property owners to be regulated by this proposed zone be sent a copy of the proposed fire hazard area and applicable set-back being applied to a property owner in order to comment on the proposed zone with some idea how much space is being taken. This is needed even for existing houses in the event a house is damaged and needs to be replaced or an accessory building is desired in the future.

Leave the record open for comment.