

At right margin indicates changes
Bold indicates material being added
 Strikethrough indicates material being deleted

**LEGISLATIVE
 FORMAT**

4.300

Lane Manual

4.305

FIREWISE INCENTIVES PROGRAM

4.300 Purpose.

The purpose of this program is to institute specific incentives, including building permit fee waivers and grant funding opportunities, for targeted residential construction and landscaping improvements that qualify under Title III, Section 601 of Public Law 110-343 - The Emergency Economic Stabilization Act of 2008 (Title III). These provisions establish and define allowable incentives, and the authority of county staff to conduct fire safety property assessments to determine program eligibility and to confirm that requirements of the program have been satisfied.

4.305 Financial Incentives.

In an effort to reduce the catastrophic loss of life, property and natural resources from a wildland urban interface disaster Lane County promotes home design, construction, landscaping and maintenance activities that follow the national Firewise Communities program guidelines. To this end, the following incentives are available to qualifying county homeowners within Lane County and outside of the Urban Growth Boundary of an incorporated city, to the extent consistent with LM 4.310:

(1) **Building Permit Fee Waivers.** Building permit fees may be waived for property owners and supplanted with Title III funds for the construction of new habitable dwellings and habitable accessory structures (guest homes) that meet applicable standards found in the 2003 International Urban-Wildland Interface Code. Additionally, improvements to existing residential structures that qualify under LM 4.305(2) may also qualify for a permit fee waiver in those instances where permits are required. These waivers shall cover 100% of building permit fees up to a maximum amount of \$5,000. However, no more than 20% of the total annual Title III incentive funding available each fiscal year shall be applied towards fee waivers for new habitable dwellings. Fees for planning actions, septic permits, and other approvals separate from the building permit are not covered by this waiver. The county may require a deposit for these permits not to exceed the lesser of either 25% of the permit fee, or \$1,000. The purpose of such deposits is to ensure that applicants bring projects to a satisfactory conclusion while their eligible funds are being held in abeyance from other projects. If a project is not completed in a timely manner this deposit will be retained only to the extent necessary to compensate Lane County for costs incurred in review of the project. Deposits will be refunded in full upon the completion of all work required on the project, if done within 1 year of eligibility being determined and approved.

(2) **Building Improvement Incentives.** Financial incentives to pay licensed contractors and landscapers are available to eligible County homeowners who satisfactorily complete the following types of building improvements:

Improvement	Available Financial Incentive
(a) Roof Covering (Shake to Class A).	80% of construction cost up to \$4,000 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(b) Fire Resistant Glazing for Windows, Skylights and Other Exterior Glass Applications.	80% of construction cost up to \$1,500 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(c) Exterior Doors.	80% of construction cost up to \$300 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.

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(d) Spark Arrestor Installation.	\$100
(e) Vent Protection.	\$100

(3) Landscaping Improvements. Financial incentives to complete the following types of landscaping improvements are available as follows:

Improvement	Available Financial Incentive
(a) Defensible Space Development.	\$500 (base) and up to \$1,000 when warranted by specific site conditions.
(b) Driveway Access.	\$200 when warranted by site conditions and performed in conjunction with (3)(a), above.
(c) Fire Resistant Plants & Hardscaping.	\$300, maximum, in conjunction with (3)(a), above.
(d) Defensible Space Irrigation System.	25% of installation and system costs up to \$500, in conjunction with (3)(a), above.

(4) Applicants pursuing incentives provided for in LM 4.305 (1)-(3) must address specific qualifying standards and criteria as the Public Works Director may reasonably require. These standards and criteria are set forth on the Lane County Firewise Incentives Grant Application form. This application must be completed by the applicant or his or her authorized agent and submitted to the Land Management Division prior to the start of any project where county Firewise Incentive Program funds will be sought.

(5) No person, entity, or affiliation shall be eligible for Firewise financial incentives for more than 2 residences annually.

4.310 Eligibility Determinations.

The LMD Manager shall inspect properties to determine eligibility for the incentives provided for in LM 4.305 (1)-(3) under the authority provided in LM 4.320. These determinations will be based upon a review of significant risk factors including, but not limited to slope, aspect, surrounding vegetative fuel type, property access, and roof composition. The Manager shall also make inspection to determine that all conditions of program participation have been satisfactorily completed. Site inspections shall be conducted in likely at risk areas as determined by Lane County or the Oregon Department of Forestry or at the request of interested property owners in rural Lane County.

4.315 Appeals.

In accordance with LM 4.310, the LMD Manager shall determine program eligibility and determine when program requirements have been satisfied. Any adverse determination may be appealed by the homeowner, as provided herein.

(1) Public Works Director Review. Homeowner applicants may appeal any adverse determination to the Public Works Director. The appeal shall be in writing, in substantially the form required by the Department, be submitted within 14 days of the action complained of, and must include all information necessary to fully complete the form. The Land Management Division shall charge a fee of \$100 as cost for the appeal, but said fee shall be refunded to the applicant in

the event that the appeal is upheld. Within 60 days from the date that an appeal is filed, the Public Works Director shall review the appeal and provide written notification of his or her final decision to the applicant.

(2) **Board Review.** In the event that the applicant is not satisfied with the decision of the Public Works Director, further appeal may be made to the Board of Commissioners as follows:

(a) Requests for Board consideration must be submitted to Land Management Division on a form provided by the Division not later than 14 days from the date of the decision of the Public Works Director.

(b) Within 60 days of receiving a request for Board consideration the Board shall determine if they will elect to review the appeal. The decision to review or not to review shall be within the discretion of the Board. In determining whether or not to review the appeal the Board shall use the decision criteria provided for in Lane Code 14.600 (3)(a)-(d) with the following exceptions:

(i) The term 'Planning Director' shall mean the LMD Manager.

(ii) The term 'Hearings Official' shall mean the Public Works Director.

(c) The Land Management Division shall charge a fee of \$1,000, all of which shall be refunded if the applicant prevails.

(d) The conduct of Board's review shall be performed substantially as provided for in Lane Code 14.400(7)-(10) with the following exceptions:

(i) The term 'Approval Authority' shall mean the Lane County Board of County Commissioners.

(ii) The term 'previous Approval Authority' shall mean the Lane County Public Works Director.

(iii) The term 'Director' shall mean the LMD Manager.

(iv) Lane Code 14.400(9)(b) shall not be applicable.

(e) All decisions made by the Board of Commissioners pursuant to LM 4.315(2) shall be final.

4.320 Authority to Access Properties.

To the full extent permitted by law, the Public Works Director shall be authorized to make entry upon properties for the purposes of evaluating the exterior of residential structures and surrounding landscaping to assess the potential threat of wildfire to those properties, to determine potential eligibility for funding pursuant to LM 4.310, and to inspect and certify that requirements of the Lane County Firewise Incentive Program have been satisfactorily completed. Except where there is a substantial danger to health or safety, information collected from these site visits shall not be admissible in any Lane County code enforcement proceeding, nor may it form the basis of any subsequent investigation thereof.

4.325 Conflicts of Interest.

No County personnel shall evaluate their own property or the property of a relative for eligibility under this program. "Relative" means: spouse, domestic partner, grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece, nephew or first cousin.

FIREWISE INCENTIVES PROGRAM

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The purpose of this voluntary program is to institute specific incentives, including building permit fee waivers and grant funding opportunities, for targeted residential construction and landscaping improvements that qualify under Title III, Section 601 of Public Law 110-343 - The Emergency Economic Stabilization Act of 2008 (Title III). These provisions establish and define allowable incentives, and the authority of county staff to conduct fire safety property assessments to determine program eligibility and to confirm that requirements of the program have been satisfied. Participation in this program shall be voluntary.

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(1) **Building Permit Fee Waivers.** Building permit fees may be waived for property owners and supplanted with Title III funds for the construction of new habitable dwellings and habitable accessory structures (guest homes) that meet applicable standards found in the 2009 International Urban-Wildland Interface Code. Additionally, improvements to existing residential structures that qualify under LM 4.305(2) may also qualify for a permit fee waiver in those instances where permits are required. These waivers shall cover 100% of building permit fees up to a maximum amount of \$5,000. However, no more than 20% of the total annual Title III incentive funding available each fiscal year shall be applied towards fee waivers for new habitable dwellings. Fees for planning actions, septic permits, and other approvals separate from the building permit are not covered by this waiver. The county may require a deposit for these permits not to exceed the lesser of either 25% of the permit fee, or \$1,000. The purpose of such deposits is to ensure that applicants bring projects to a satisfactory conclusion while their eligible funds are being held in abeyance from other projects. If a project is not completed in a timely manner this deposit will be retained only to the extent necessary to compensate Lane County for costs incurred in review of the project. Deposits will be refunded in full upon the completion of all work required on the project, if done within 1 year of eligibility being determined and approved.

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Improvement	Available Financial Incentive
(a) Roof Covering (Shake to Class A).	80% of construction cost up to \$4,000 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(b) Fire Resistant Glazing for Windows, Skylights and Other Exterior Glass Applications.	80% of construction cost up to \$1,500 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(c) Exterior Doors.	80% of construction cost up to \$300 maximum, if a defensible space exists or is developed, consistent with (3)(a), below.
(d) Spark Arrestor Installation.	\$100
(e) Vent Protection.	\$100

(3) Landscaping Improvements. Financial incentives to complete the following types of landscaping improvements are available as follows:

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discretion of the Board. In determining whether or not to review the appeal the Board shall use the decision criteria provided for in Lane Code 14.600 (3)(a)-(d) with the following exceptions:

- (i) The term 'Planning Director' shall mean the LMD Manager.
- (ii) The term 'Hearings Official' shall mean the Public Works Director.
- (c) The Land Management Division shall charge a fee of \$250, all of which shall be refunded if the applicant prevails.
- (d) The conduct of Board's review shall be performed substantially as provided for in Lane Code 14.400(7)-(10) with the following exceptions:
 - (i) The term 'Approval Authority' shall mean the Lane County Board of County Commissioners.
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