

T. I. O. a.

**AGENDA COVER MEMO**

---

**AGENDA DATE:** March 31, 2009  
**MEMO DATE:** March 12, 2009

**TO:** **LANE COUNTY BOARD OF COMMISSIONERS**

**FROM:** Department of Public Works / Land Management Division

**PRESENTED BY:** Keir Miller, Associate Planner

**AGENDA ITEM TITLE:** ORDER NO. 09-3-31-█ /IN THE MATTER OF AMENDING CHAPTER 4 OF LANE MANUAL TO ESTABLISH A FIREWISE INCENTIVES PROGRAM (LM 4.300)

---

**I. REQUESTED MOTION**

Move to adopt Order No. 09-3-31-█.

**II. AGENDA ITEM SUMMARY**

The Board of Commissioners is being asked to adopt amendments to Chapter 4 of the Lane Manual. The proposed amendments would establish and codify a Firewise incentives program to provide financial incentives for certain types of residential construction and landscaping improvements that qualify under the Emergency Economic Stabilization Act of 2008. These provisions would also establish and articulate the authority of County staff to conduct fire safety property assessments to determine program eligibility and to confirm that requirements of program participation have been satisfied.

**III. BACKGROUND/ IMPLICATIONS OF ACTIONS**

**A. Board Action and Other History**

This past fall Congress enacted PL 110-343, The Emergency Economic Stabilization Act of 2008. Section 601 is entitled the Secure Rural Schools and Community Self-Determination Program, and Title III of that program deals with County Funds. Under the renewed SRS legislation counties may expend Title III funding on the following uses:

1. To carry out activities under the *Firewise Communities* program
2. To reimburse the county for search and rescue and other emergency services
3. To develop community wildfire protection plans

On December 12, 2008, the Land Management Division (LMD) submitted an application to the Board of Commissioners for Title III funding to establish a county

Firewise incentives program and to implement other wildfire planning and mitigation activities.

On January 27, 2009, the Board conducted an initial review of LMD's application and on February 18, 2009, the Board unanimously approved funding for the proposal under Order No. 09-2-18-5. At the February 18<sup>th</sup> meeting staff indicated to the Board that necessary amendments to Lane Manual would be forthcoming, which would codify specific incentive details and program policies.

**B. Policy Issues**

It is necessary to adopt program polices and to clearly specify financial incentives available to residents so that the county Firewise program can be administered equitably and without ambiguity.

**C. Board Goals**

The County's Strategic Objective D5 is to: *Develop timber revenue strategies and actions to ensure continuation of County payments from the federal government under public law 106.393.*

Efficient use of Title III funds on worthy and qualifying projects will assist in future SRS renewal efforts. Establishing clear and specific financial incentives that county residents may use to protect their homes and protect federal timber resources will go a long way in ensuring that Objective D5 is being satisfied.

Additionally, the 2008-2010 Strategic Goal No.1 is to: Develop Lane County's economic engine [by] grow[ing] local businesses. The landscaping and construction incentives offered through this program (and the Lane Manual language that will guide their administration) have been developed in consultation with local area contractors and are specifically designed to stimulate growth in the local landscaping and construction industries – and thus, address the 2008-2010 Strategic Goal No.1.

**D. Financial and/or Resource Considerations**

Adoption of Order No. 09-3-31-~~XXXX~~ will enable staff to begin issuing building permit fee waivers for qualifying work as well as providing small grants to property owners for structural and landscaping improvements that will reduce the susceptibility of their homes to a wildfire. These actions will have two foreseeable positive financial impacts.

1. Residents, local contractors and businesses will realize a direct economic gain. Homeowners will save money on building permits as well as materials and labor costs for improvements to their homes. These improvements will add value to their properties. Qualified contractors will gain business from homeowners wishing to pursue improvements covered in part by the program. Local business such as nurseries and building material distributors will realize economic benefits from the purchase of needed goods and materials.
2. These activities will make Lane County more economically resilient to future

wildfire disasters. In addition to the potential loss of life, wildfires can cause substantial economic hardships to communities. Due to the infrequent wildfire regime in Lane County, wildfires occur less often here than in other parts of the state - but when they do occur they have the potential to be very large and cause massive damage. Investing in wildfire mitigation work before a fire strikes can significantly reduce the demand for future investments by lessening the amount of time and funding needed for disaster recovery, repair, and reconstruction. Mitigation is ultimately a cost effective solution to wildfire disasters.

## **E. Analysis**

As presented in LMD's Title III application, the Lane County Firewise Incentive program will provide funding to partially or wholly reimburse the costs that rural home owners incur for the following types of improvements. These items were selected because they represent the highest priority improvements necessary to reduce the threat of wildfire to a residential structure:

- Replacement of a wood shake roof with a roof consisting of a Class-A covering or Class-A assembly;
- Installation of fire resistant (and energy efficient) exterior windows and skylights made from tempered glass, multi layered glazed panels or glass block;
- Installation of non-combustible exterior doors;
- Installation of spark arrestors on chimneys and barbecues;
- Installation of mesh protection on exterior ventilation or deck openings that will prevent the entry of firebrands;
- Landscaping improvements that will create a defensible space around habitable structures. Under this category, funding will be available for brush removal, tree pruning, chipping and the planting of approved fire-resistant plants in buffer areas around homes, not less than 30'.

In addition to subsidizing the costs of landscaping and home improvements, building permit fees will be waived for new construction that is designed and built to meet the International Urban-Wildland Interface Building Code Standards. As currently designed, these waivers will cover 100% of building permit fees up to a maximum amount of \$5,000 per residence. Under the proposed Lane Manual language no person, entity, or affiliation will be eligible to qualify for these financial incentives for more than two residences annually.

It is foreseeable that home owners and contractors may attempt to pursue fee waivers and grants for improvements that fall outside of the scope of this program or, which are not necessarily of the highest priority. Instituting specific Lane Manual language to define qualifying work will help prevent or mitigate these possible conflicts.

Beyond simply clarifying which activities qualify under the county Firewise incentives program, Lane Manual provisions must also be in place to provide staff the authority to carry out the day-to-day operations of the program. Provisions included in the proposed manual language would establish the authority of staff to conduct fire safety property assessments to determine program eligibility and to confirm that requirements of program participation have been satisfied.

Finally, in the event that a home owner is not satisfied with any determinations that are made by staff an appeal procedure has been included in the proposed manual language. This procedure enables home owners to file an appeal to the Public Works Director. If a home owner is not satisfied with the decision of the Public Works Director further appeal may be made to the Board of Commissioners. Under the proposed language, the Board has the discretion to hear or not to hear such appeals.

#### **IV. ACTION**

##### **A. Alternatives/Options**

**Option 1:** Adopt Order Number No. 09-3-31-█.

**Option 2:** Do not adopt the Order and direct staff to revise the proposed amendments to Lane Manual.

##### **B. Recommendation**

Staff recommends Option 1.

##### **C. Follow Up/Next Steps**

Upon adoption of the proposed Lane Manual amendments, LMD will begin implementing building permit waivers and financial incentives for qualifying work. LMD will monitor program participation closely and refine program specifics to ensure adequate program participation. When necessary, staff will present to the Board any necessary adjustments to incentives schedule.

#### **V. ATTACHMENTS**

##### **A. Order No. 09-3-31-█**

Exhibit 1: Proposed Amendments to Lane Manual 4.300-4.325

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 09-3-31- \_\_\_\_\_

IN THE MATTER OF AMENDING CHAPTER 4 OF  
LANE MANUAL TO ESTABLISH A FIREWISE  
INCENTIVES PROGRAM (LM 4.300-4.325)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 4 is hereby amended by removing and substituting the following pages:

**REMOVE THESE PAGES**

NONE

**INSERT THESE PAGES**

4.300 through 4.325

as located on pages 4-11 through 4-13  
(a total of 3 pages)

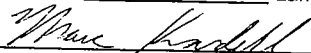
Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to establish a Firewise incentives program to provide financial incentives for certain types of residential construction and landscaping improvements that qualify under The Emergency Economic Stabilization Action of 2008. These provisions establish and define 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. (LM 4.300-4.325).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3-20-09 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## 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. 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 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. 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) Exterior Glazing for windows and glass.	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:

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.

(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) The decision to review or not to review shall be within the discretion of the Board.

(b) 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.

(c) Within 60 days of receiving a request for Board consideration the Board shall determine if they will elect to review the appeal. 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.

(d) The Land Management Division shall charge a fee of \$1,000, all of which shall be refunded if the applicant prevails. If the Board elects not to review the matter \$750 of the \$1,000 appeal fee shall be returned to the applicant.

(e) 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.

(f) 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.

#### **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.



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

4.300-4.320

Lane Manual

LEGISLATIVE  
FORMAT  
4.305-4.325

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

(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. If the Board elects not to review the matter \$750 of the \$1,000 appeal fee shall be returned to the applicant.

(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.

#### 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

### 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. 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 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. 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.
(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. If the Board elects not to review the matter \$750 of the \$1,000 appeal fee shall be returned to the applicant.

(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.

#### **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.