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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 629
DEPARTMENT OF FORESTRY

FILED
08/25/2021 2:21 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establishing definition of "wildland-urban interface"

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/01/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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OREGON DEPARTMENT OF
FORESTRY
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SALEM, OR 97310

Filed By:
Hilary Olivos-Rood
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/22/2021

TIME: 2:00 PM

OFFICER: ODF Protection Division Representative

ADDRESS: Virtual Public Hearing

Hosted by Oregon Department Forestry

2600 State St

Salem, OR 97210

SPECIAL INSTRUCTIONS:

To provide comment at this hearing, visit link,
<https://www.oregon.gov/odf/board/Pages/rac.aspx>.

DATE: 09/23/2021

TIME: 7:00 PM

OFFICER: ODF Protection Division Representative

ADDRESS: Virtual Public Hearing

Hosted by Oregon Department Forestry

2600 State St

Salem, OR 97210

SPECIAL INSTRUCTIONS:

To provide comment at this hearing, visit link,
<https://www.oregon.gov/odf/board/Pages/rac.aspx>.

DATE: 09/24/2021

TIME: 9:00 AM

OFFICER: ODF Protection Division Representative

ADDRESS: Virtual Public Hearing

Hosted by Oregon Department Forestry

2600 State St

Salem, OR 97210

SPECIAL INSTRUCTIONS:

To provide comment at this hearing, visit link,
<https://www.oregon.gov/odf/board/Pages/rac.aspx>.

NEED FOR THE RULE(S):

This rule is necessary to meet the statutory obligations of ORS 477.015, amended during the 2021 legislative session, directing the State Board of Forestry to define "wildland-urban interface" within 100 days of passage.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Rules Advisory Committee documents can be located online, at <https://www.oregon.gov/odf/board/Pages/rac.aspx>.

Board of Forestry documents can be located online, at <https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx>.

FISCAL AND ECONOMIC IMPACT:

This definition is a new administrative rule. The term is not connected to any current statute or rule. In its present state, the impact is indeterminate. Additional fiscal and economic impact analysis will be necessary as the definition is utilized in future rulemaking. Future rulemaking will identify the applicable geographic area that this definition applies to.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

This definition is a new administrative rule. The term is not connected to any current statute or rule. In its present state, the effect and cost of compliance are indeterminate, therefore no impact can be identified. Further analysis regarding the cost of compliance will be necessary as the definition is utilized in future rulemaking. Future rulemaking will identify the applicable geographic area that this definition applies to.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Organizations representing small businesses are members of the rules advisory committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

629-044-0200, 629-044-0210, 629-044-0220, 629-044-0230, 629-044-0240, 629-044-0250, 629-044-0260, 629-044-1000, 629-044-1005, 629-044-1010, 629-044-1015, 629-044-1020, 629-044-1025, 629-044-1030, 629-044-1035, 629-044-1040, 629-044-1045, 629-044-1050, 629-044-1055, 629-044-1060, 629-044-1065, 629-044-1070, 629-044-1075, 629-044-1080, 629-044-1085, 629-044-1090, 629-044-1095, 629-044-1100, 629-044-1105, 629-044-1110

REPEAL: 629-044-0200

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0200~~

~~Wildfire Hazard Zones--Definitions~~

~~As used in OAR 629, division 044, unless otherwise required by context:¶¶~~

~~(1) "Geographic Area" means the areas which result from the partitioning of all or portions of a jurisdiction into smaller segments, based on the presence of differing hazard values.¶¶~~

~~(2) "Hazard" means the potential to burn.¶¶~~

~~(3) "Hazard Factor" means the factors which most influence the potential of a geographic area to burn. Hazard factors are fire weather, topography, natural vegetative fuels, and natural vegetative fuel distribution.¶¶~~

~~(4) "Hazard Rating" means a cumulative value resulting from the summation of hazard values for all four hazard factors. It reflects the overall potential for a given geographic area to burn.¶¶~~

~~(5) "Hazard Value" means a value assigned to a hazard factor within a geographic area.¶¶~~

~~(6) "Jurisdiction" means a unit of local government authorized by law to adopt a building code or a fire prevention code.¶¶~~

~~(7) "Land Features" means roads, jurisdictional boundaries and other features created by human activity.¶¶~~

~~(8) "Natural Geographic Features" means streams, ridge lines and other features naturally occurring.¶¶~~

~~(9) "Wildfire Hazard Zone" means a geographic area having a combination of hazard factors that result in a significant hazard of catastrophic fire over relatively long periods of each year.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0210

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0210~~

~~Purpose-~~

~~The purpose of OAR 629, division 044 is to set forth the criteria by which Wildfire Hazard Zones shall be determined by jurisdictions. Such a determination is necessary before the provisions of ORS 93.270(4), portions of the Oregon One and Two Family Dwelling Specialty Code, and portions of the Oregon Structural Specialty Code can become effective. The determination of Wildfire Hazard Zones by jurisdictions is voluntary.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0220

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0220~~

~~Wildfire Hazard Zones~~

~~(1) For the convenience of administration, when practical, a jurisdiction may utilize nearby natural geographic features or land features to delineate the boundaries of Wildfire Hazard Zones.~~

~~(2) It is not the intent of OAR 629, division 044 that Wildfire Hazard Zones be determined on a tax lot or an ownership specific basis, but rather that a landscape approach be used.~~

~~(3) To determine the existence of Wildfire Hazard Zones, a jurisdiction shall:~~

~~(a) Determine, for each hazard factor, the appropriate geographic areas and associated hazard values; then~~

~~(b) Overlay the geographic areas and associated hazard values determined in subsection (3)(a) above, then determine the resulting composite geographic areas and the associated hazard rating for each composite area.~~

~~(c) For each composite geographic area determined in subsection (3)(b) above, determine whether a Wildfire Hazard Zone is present from Table 5.~~

~~TABLE 5~~

~~WILDFIRE HAZARD ZONE~~

~~Hazard Rating - Wildfire Hazard Zone.~~

~~1, 2, 3, 4, 5, or 6 - NO.~~

~~7, 8, 9, 10, 11 or 12 - YES.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0230

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0230~~

~~Fire Weather Hazard Factor~~

~~(1) The reference for establishing the fire weather hazard factor shall be data provided by the Oregon Department of Forestry, which was developed following an analysis of daily fire danger rating indices in each regulated use area of the state.~~

~~(2) For geographic areas described in Table 1, select the appropriate hazard value from Table 1.~~

~~TABLE 1~~

~~FIRE WEATHER HAZARD FACTOR~~

~~County Hazard Value~~

~~Baker 3~~

~~Benton 2~~

~~Clackamas 2~~

~~Clatsop, Area 1 All of Clatsop County except Area 2 1~~

~~Clatsop, Area 2 That portion of Clatsop County in Township 4 North Range 6 West 2~~

~~Columbia 2~~

~~Coos, Area 1 All of Coos County except Area 2 1~~

~~Coos, Area 2 That portion of Coos County east of a generally north-south straight line which extends from the boundary with Douglas County, passes through the locales of Allegany and Gaylord, to the boundary with Curry County 2~~

~~Crook 3~~

~~Curry, Area 1 All of Curry County except Area 2 1~~

~~Curry, Area 2 That portion of Curry County east of the north-south line between Townships 13 West and 14 West 2~~

~~Deschutes 3~~

~~Douglas, Area 1 That portion of Douglas County west of a generally north-south straight line which extends from the boundary with Lane County, passes through the locale of Sulphur Springs, to the boundary with Coos County 1~~

~~Douglas, Area 2 That portion of Douglas County east of Area 1 and west of the north-south line between Townships 8 West and 9 West 2~~

~~Douglas, Area 3 That portion of Douglas County east of Area 1 and north of a generally east-west straight line which extends from the city of Cottage Grove to the mouth of Winchester Bay 2~~

~~Douglas, Area 4 That portion of Douglas County east of Area 2, south of Area 3 and west of Area 5 3~~

~~Douglas, Area 5 That portion of Douglas County east of a generally north-south line which follows the western boundary of the Umpqua National Forest from the boundary with Jackson County to the boundary with Lane County 2~~

~~Gilliam 3~~

~~Grant 3~~

~~Harney 3~~

~~Hood River 3~~

~~Jackson 3~~

~~Jefferson 3~~

~~Josephine, Area 1 All of Josephine County except Area 2 2~~

~~Josephine, Area 2 That portion of Josephine County east of a generally north-south line which follows Highway 199 from the California border to the locale of Wonder and then extends straight through the locale of Galice to~~

~~the boundary with Douglas County. – 3.¶~~

~~Klamath – 3.¶~~

~~Lake – 3.¶~~

~~Lane, Area 1 – All of Lane County except Area 2. – 1.¶~~

~~Lane, Area 2 – That portion of Lane County east of generally north-south straight line which extends from the boundary with Benton County through the northeast corner of Township 15 South Range 9 West and the southwest corner of Township 18 South Range 9 West to the boundary with Douglas County. – 2.¶~~

~~Lincoln, Area 1 – All of Lincoln County except Area 2. – 1.¶~~

~~Lincoln, Area 2 – That portion of Lincoln County east of a generally north-south straight line which extends from the boundary with Lane County through the southwest corner of Township 14 South Range 10 West to the northwest corner of Township 12 South Range 10 West then straight to the northeast corner of Township 14 South Range 10 West then straight through the locale of Rose Lodge to the boundary with Tillamook County. – 2.¶~~

~~Linn – 2.¶~~

~~Malheur – 3.¶~~

~~Marion – 2.¶~~

~~Morrow – 3.¶~~

~~Multnomah – 2.¶~~

~~Polk – 2.¶~~

~~Sherman – 3.¶~~

~~Tillamook, Area 1 – All of Tillamook County except Area 2. – 1.¶~~

~~Tillamook, Area 2 – That portion of Tillamook County east of the north-south line between Townships 7 West and 8 West. – 2.¶~~

~~Umatilla – 3.¶~~

~~Union – 3.¶~~

~~Wallowa – 3.¶~~

~~Wasco – 3.¶~~

~~Washington – 2.¶~~

~~Wheeler – 3.¶~~

~~Yamhill – 2.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0240

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0240~~

~~Topography Hazard Factor~~

~~(1) The reference for establishing the topography hazard factor shall be:~~

~~(a) The General Soil Map Report published by the Oregon Water Resources Board and the Soil Conservation Service, USDA in 1969; or~~

~~(b) The appropriate 7.5 minute quadrangle map published by the U.S. Geological Survey, USDI.~~

~~(2) For geographic areas determined by use of a reference set forth in subsection (1) above, select the appropriate hazard value from Table 2.~~

~~TABLE 2~~

~~TOPOGRAPHY HAZARD FACTOR~~

~~Map Slope Class Hazard Value~~

~~1 (Slopes 00-03%) 0~~

~~2 (Slopes 03-07%) 1~~

~~3 (Slopes 07-12%) 1~~

~~4 (Slopes 12-20%) 2~~

~~5 (Slopes 20-35%) 3~~

~~6 (Slopes 35-60+%) 3~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0250

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0250~~

~~Natural Vegetative Fuel Hazard Factor~~

~~(1) The reference for establishing the natural vegetative fuel hazard factor shall be the "Aids to Determining Fuel Models For Estimating Fire Behavior" published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report INT-122.~~

~~(2) Using the natural vegetative fuel models described in the reference set forth in subsection (1), and summarized in Table 3, divide the jurisdiction into geographic areas which best describe the natural vegetation expected to occupy sites for the next 10 to 15 years and then select the appropriate hazard value from Table 3.~~

~~TABLE 3~~

~~NATURAL VEGETATIVE FUEL HAZARD FACTOR~~

~~Natural Vegetative Fuel Description—Hazard Value~~

~~Little or no natural vegetative fuels are present.—0.~~

~~Grass. Very little shrub or timber is present, generally less than one-third of the area. Main fuel is generally less than two feet in height. Fires are surface fires that move rapidly through cured grass and associated material. (Fuel model 1)—3.~~

~~Grass. Open shrub lands and pine stands or scrub oak stands that cover one-third to two-thirds of the area. Main fuel is generally less than two feet in height. Fires are surface fires that spread primarily through the fine herbaceous fuels, either curing or dead. (Fuel model 2)—3.~~

~~Grass. Beach grasses, prairie grasses, marshland grasses and wild or cultivated grains that have not been harvested. Main fuel is generally less than four feet in height, but considerable variation may occur. Fires are the most intense of the grass group and display high rates of spread under the influence of wind. (Fuel model 3)—3.~~

~~Shrubs. Stands of mature shrubs have foliage known for its flammability, such as gorse, manzanita and snowberry. Main fuel is generally six feet or more tall. Fires burn with high intensity and spread very rapidly. (Fuel model 4)—3.~~

~~Shrubs. Young shrubs with little dead material and having foliage not known for its flammability, such as laurel, vine maple and alders. Main fuel is generally three feet tall or less. Fires are generally carried in the surface fuels and are generally not very intense. (Fuel model 5)—1.~~

~~Shrubs. Older shrubs with foliage having a flammability less than fuel model 4, but more than fuel model 5. Widely spaced juniper and sagebrush are represented by this group. Main fuel is generally less than six feet in height. Fires will drop to the ground at low wind speeds and in stand openings. (Fuel model 6)—2.~~

~~Timber. Areas of timber with little undergrowth and small amounts of litter buildup. Healthy stands of lodgepole pine, spruce, fir and larch are represented by this group. Fires will burn only under severe weather conditions involving high temperatures, low humidities and high winds. (Fuel model 8)—1.~~

~~Timber. Areas of timber with more surface litter than fuel model 8. Closed stands of healthy ponderosa pine and white oak are in this fuel model. Spread of fires will be aided by rolling or blowing leaves. (Fuel model 9)—2.~~

~~Timber. Areas of timber with heavy buildups of ground litter caused by overmaturity or natural events of wind throw or insect infestations. Fires are difficult to control due to large extent of ground fuel. (Fuel model 10)—3.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

REPEAL: 629-044-0260

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-0260~~

~~Natural Vegetative Fuel Distribution Hazard Factor~~

~~(1) Divide the jurisdiction into geographic areas which best describe the percentage of the area which is occupied by the foliage of natural vegetative fuels.¶~~

~~(2) For each geographic area determined in section (1) above, select the appropriate hazard value from Table 4.¶~~

~~TABLE 4¶~~

~~NATURAL VEGETATIVE FUEL DISTRIBUTION (HAZARD FACTOR)¶~~

~~Natural Vegetative Fuel Distribution Hazard Value.¶~~

~~0 to 10% of the area - 0.¶~~

~~10 to 25% of the area - 1.¶~~

~~25 to 40% of the area - 2.¶~~

~~40 to 100% of the area - 3.~~

~~Statutory/Other Authority: ORS 526.016~~

~~Statutes/Other Implemented: ORS 93.270~~

AMEND: 629-044-1000

RULE SUMMARY: 629-044-1000 amended to remove unsupported purpose statements due to the enrollment of Senate Bill 762 of the 2021 legislative session. ORS 477.059 and ORS 477.060 were repealed on July 19, 2021.

CHANGES TO RULE:

629-044-1000

Wildland-Urban Interface - Purpose ¶

- (1) The purpose of OAR 629-044-1000 to 629-044-1110 is to implement the provisions of ORS 477.015 to 477.061, the Oregon Forestland-Urban Interface Fire Protection Act of 1997.¶
- (2) The purpose of OAR 629-044-1010 to 629-044-1045 is to set forth the criteria by which the forestland-urban interface shall be identified and classified pursuant to ORS 477.025 to 477.057.¶
- (3) The purpose of OAR 629-044-1050 to 629-044-1090 is to set forth the standards an owner of land in the forestland-urban interface shall apply pursuant to ORS 477.059(2).¶
- (4) The purpose of OAR 629-044-1095 to 629-044-1105 is to set forth the process for written evaluation and certification pursuant to ORS 477.059(3).¶
- (5) The purpose of OAR 629-044-1110 is to set forth the processes which shall apply to special or additional costs of fire protection within the forestland-urban interface pursuant to ORS 477.060005 is to establish a definition of wildland-urban interface.

Statutory/Other Authority: ORS 477.027, 477.059, 477.060 ORS 526.016

Statutes/Other Implemented: ORS 477.015 - 477.061 27

AMEND: 629-044-1005

RULE SUMMARY: 629-044-1005 amended to remove unsupported definitions due to the enrollment of Senate Bill 762 of the 2021 legislative session. ORS 477.059 and ORS 477.060 were repealed on July 19, 2021.

CHANGES TO RULE:

629-044-1005

Definitions ¶¶

(1) The definitions set forth in ORS 477.001, ~~477.015~~ and ~~OAR 629-041-0005~~ shall apply to 629-044-1000 to 629-044-~~1410,005~~ unless the context otherwise requires.¶¶

(2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-~~1410,005~~, shall mean the following, unless the context otherwise requires:¶¶

(a) "~~Community Wildfire Protection Plan~~" means a plan developed pursuant to the federal Healthy Forests Restoration Act of 2003 and which has been approved, within the past five years, by the appropriate city or county, by the appropriate structural fire service provider and by the Oregon Department of Forestry.¶¶

(b) "~~Concentration of structures~~" means dwellings in a density of four or more per quarter of a quarter section (an area approximately 40 acres in size), as determined by the Public Land Survey.¶¶

(c) "~~Classification~~" means the process set forth in ORS 477.031 to 477.052 and 477.057.¶¶

(d) "~~Classified by a committee~~" means the end result of the classification process set forth in ORS 477.031 to 477.052 and 477.057.¶¶

(e) "~~Current zoning~~" means zoning which allows the siting of a dwelling as an outright use.¶¶

(f) "~~Driveway~~" means the primary, privately owned vehicle access road that serves a dwelling, which is controlled by the owner of the dwelling, and which is longer than 150 feet.¶¶

(g) "~~Dwelling~~" means a structure, or a part of a structure, that is used as a home, as a residence, or as a sleeping place by one or more people who maintain a household in the structure.¶¶

(h) "~~Fire resistant roofing~~" means roofing material that has been installed and is maintained to the specifications of the manufacturer and which:¶¶

(A) Is rated by Underwriter's Laboratory as Class A, Class B, Class C, or is equivalent thereto; or¶¶

(B) Is metal.¶¶

(i) "~~Fuel break~~" means a natural or a human-made area immediately adjacent to a structure or to a driveway, where material capable of allowing a wildfire to spread does not exist or has been cleared, modified, or treated to:¶¶

(A) Significantly reduce the rate of spread and the intensity of an advancing wildfire; and¶¶

(B) Create an area in which fire suppression operations may more safely occur.¶¶

(j) "~~Geographic area~~" means an area which results from the partitioning of all or portions of a district into smaller segments, based on the presence of differing hazard factors, risks, or dwelling concentrations.¶¶

(k) "~~Hazard factor~~" means one of the three factors which most influence the potential of a wildfire to spread. The three hazard factors are topography, natural vegetative fuels, and wildfire weather.¶¶

(l) "~~Homeowner's association~~" means a non-profit corporation organized under ORS chapter 65 and which is subject to the provisions of ORS 94.625 to 94.700.¶¶

(m) "~~Included rural lands~~" means lands which meet the definition of "rural" but which have been classified by a committee as "suburban."¶¶

(n) "~~Ladder fuel~~" means branches, leaves, needles, and other combustible vegetation that may allow a wildfire to spread from lower growing vegetation to higher growing vegetation.¶¶

(o) "~~Lands~~" means one or more tax lots.¶¶

(p) "~~Non-fire resistant roofing~~" means roofing material that is not fire resistant including, but not limited to, cedar shakes.¶¶

(q) "~~Private fire department~~" means a private entity which provides structural fire prevention and suppression services and which meets the safety requirements set forth in OAR 437-002-0182.¶¶

- (r) "Road" means a road over which the public has a right of use that is a matter of public record.¶¶
 - (s) "Rural" means a geographic area which has not been classified by a committee as suburban or urban and shall include:¶¶
 - (A) Lands zoned primarily for farm or forestry uses;¶¶
 - (B) Lands which have an average tax lot size of 10 acres or larger;¶¶
 - (C) Lands not zoned to allow a concentration of structures; and¶¶
 - (D) Lands which do not contain a concentration of structures.¶¶
 - (t) "Safety zone" means an adequately sized area, which is substantially free of flammable materials, and which can be used as a refuge to protect human life from an advancing wildfire.¶¶
 - (u) "Standards" means the actions, efforts, or measures which owners of suburban and urban lands shall take on their property, prior to a wildfire occurrence which originates on the property.¶¶
 - (v) "Structural fire service provider" means a local government agency or a private fire department which provides structural fire prevention and suppression services.¶¶
 - (w) "Structure" means a permanently sited building, a manufactured home, or a mobile home that is either a dwelling or an accessory building, which occupies at least 500 square feet of ground space, and which has at least one side that is fully covered.¶¶
 - (x) "Suburban" means a geographic area which includes one or more of the following:¶¶
 - (A) Lands where a concentration of structures exists;¶¶
 - (B) Lands on which current zoning allows a concentration of structures; or¶¶
 - (C) Included rural lands.¶¶
 - (y) "Urban" means a geographic area that includes one or more of the following:¶¶
 - (A) Lands within a city limit; or¶¶
 - (B) Lands within an urban growth boundary.¶¶
 - (z) "Urban growth boundary" is defined by ORS 197.295.¶¶
 - (aa) "Wildfire" means an uncontrolled fire which is burning on forestland and which is damaging, or is threatening to damage, forest resources or structures.¶¶
 - (ab) "Zoning" means a local governmental zoning ordinance, a land division ordinance adopted under ORS 92.044 or 92.046, or a similar general ordinance establishing standards for implementing a comprehensive plan;
- "Wildland-Urban Interface" means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

Statutory/Other Authority: ORS 477.027, 477.059, 477.060 ORS 526.016

Statutes/Other Implemented: ORS 477.015 - 477.061 27

REPEAL: 629-044-1010

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1010~~

~~Forestland-Urban Interface Lands Identified By A Committee~~

~~(1) A committee shall identify for classification only those lands which:~~

~~(a) Are within the county of its jurisdiction;~~

~~(b) Are within a forest protection district;~~

~~(c) Meet the definition of forestland; and~~

~~(d) Meet the definition of suburban or urban.~~

~~(2) The amount of included rural lands identified for classification as suburban shall be kept to a minimum.~~

~~(3) Lands which meet all the criteria set forth in subsections (1) and (2) of this rule shall be considered to be forestland-urban interface lands.~~

~~(4) A committee shall set forth the boundaries of forestland-urban interface lands identified in subsection (3) of this rule. For clarity, natural geographic features, human-made land features, public land survey lines, and political boundary lines should be used to describe such boundaries.~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 - 477.057~~

REPEAL: 629-044-1015

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1015~~

~~Forestland-Urban Interface Lands Classified By A Committee~~

~~(1) Forestland-urban interface lands shall be classified by a committee as follows:¶~~

~~(a) Locate, for each hazard factor, the appropriate geographic areas and the associated values from the criteria set forth in OAR 629-044-1035 to 629-044-1045; then¶~~

~~(b) Overlay the geographic areas and the associated values, located in subsection (1)(a) of this rule, and identify the resulting composite geographic areas and the associated values; then¶~~

~~(c) Determine the classification for each composite geographic area identified in subsection (1)(b) of this rule, from the criteria set forth in Table 1 of this rule.¶~~

~~(d) Geographic areas determined in subsection (1)(c) of this rule to be "Extreme" may be classified by a committee as "High Density Extreme" pursuant to OAR 629-044-1020.¶~~

~~(2) A committee shall set forth the boundaries of the geographic areas classified by a committee pursuant to subsection (1) of this rule. For clarity, natural geographic features, human-made land features, public land survey lines, and political boundary lines should be used to describe such boundaries.¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 - 477.057~~

REPEAL: 629-044-1020

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1020~~

~~High Density Extreme Classification~~

~~(1)(a) The purpose of the High Density Extreme classification is to identify those lands where vegetation modification around structures alone may not be sufficient to help protect lives during a wildfire.~~

~~(b) Owners of lands classified High Density Extreme are required to provide fuel breaks adjacent to:~~

~~(A) Property lines;~~

~~(B) Roads; or~~

~~(C) Both property lines and roads.~~

~~(2) Lands may be classified by a committee as High Density Extreme when a geographic area meets all of the following criteria:~~

~~(a) The lands have been classified by a committee as Extreme based on the hazard factors;~~

~~(b) The lands have a current zoning for residential development;~~

~~(c) The lands contain fuels which, if not modified or treated, will result in a wildfire having a significant rate of spread and intensity;~~

~~(d) The lands have:~~

~~(A) An average tax lot size of less than three acres; or~~

~~(B) A typical tax lot configuration which prevents the establishment of a 30 feet wide fuel break adjacent to structures;~~

~~(e) The lands lack:~~

~~(A) Safety zones; or (B) Effective vehicle egress which may hamper the safe evacuation of dwellings during a wildfire.~~

~~(3) Notwithstanding subsection (2) of this rule, lands may be classified by a committee as High Density Extreme when all of the following apply to a geographic area which has current zoning for residential development:~~

~~(a) The committee receives a written request for such classification from one or more of the following entities in which the lands are located:~~

~~(A) The county;~~

~~(B) The city;~~

~~(C) The structural fire service provider;~~

~~(D) The entity responsible for development of a Community Wildfire Protection Plan; or~~

~~(E) The homeowner's association.~~

~~(b) The written request contains:~~

~~(A) Certification that the request has been approved by the governing body of the entity;~~

~~(B) Justification for the requested classification, based upon:~~

~~(i) The existence of fuels which, if not modified or treated, will result in a wildfire having a significant rate of spread and intensity; or~~

~~(ii) A lack of effective vehicle egress which may hamper the safe evacuation of dwellings during a wildfire.~~

~~(4) When lands are classified by a committee as High Density Extreme, the committee shall also specify which of the following options shall apply to the lands:~~

~~(a) Option 1, where fuel breaks shall be provided adjacent to property lines pursuant to OAR 629-044-1075(1);~~

~~(b) Option 2, where fuel breaks shall be provided adjacent to roads pursuant to ORS 629-044-1075(2); or~~

~~(c) Option 3, where fuel breaks shall be provided adjacent to property lines and to roads pursuant to OAR 629-044-1075(1) and (2).~~

~~(5) Written requests received by a committee under subsection (3) of this rule automatically terminate after a period of five years.~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025–477.057~~

REPEAL: 629-044-1025

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1025~~

~~Periodic Forestland-Urban Interface Lands Identification And Classification~~

~~The identification and classification of forestland-urban interface lands shall be reviewed by a committee at least once every five years.~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025--477.057~~

REPEAL: 629-044-1030

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1030~~

~~Forestland-Urban Interface Lands Identification And Classification By The State Forester~~

~~When the State Forester performs the duties of a committee pursuant to ORS 477.057, the State Forester shall comply with OAR 629-044-1010 to 629-044-1045.~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 - 477.057~~

REPEAL: 629-044-1035

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1035~~

~~Wildfire Weather Hazard Factor~~

~~(1) The reference for establishing the wildfire weather hazard factor shall be data provided by the Oregon Department of Forestry, which was developed following an analysis of daily wildfire danger rating indices in each regulated use area of the state and which is described in Table 1 of OAR 629-044-0230.¶¶~~

~~(2) For the geographic areas described in Table 1 of OAR 629-044-0230, select the appropriate hazard values.¶¶~~

~~(3) A committee may increase the hazard value determined in subsection (2) of this rule by one point in any geographic area which it determines to have a history of frequent wildfire occurrence.¶¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 – 477.057~~

REPEAL: 629-044-1040

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1040~~

~~Topography Hazard Factor~~

~~(1) The reference for establishing the topography hazard factor shall be:~~

~~(a) A 30-meter or better Digital Elevation Model (DEM); or~~

~~(b) The appropriate 7.5-minute quadrangle map published by the U.S. Geological Survey, USDI.~~

~~(2) Using the reference set forth in subsection (1) of this rule, determine the geographic areas which best describe:~~

~~(a) Areas having an overall slope of 25% (14 degrees) or less; and~~

~~(b) Areas having an overall slope of more than 25% (14 degrees).~~

~~(3) Each geographic area determined in subsection (2) of this rule shall be assigned an appropriate hazard value, as follows:~~

~~(a) A hazard value of 1, for geographic areas described by subsection (2)(a) of this rule; or~~

~~(b) A hazard value of 2, for geographic areas described by subsection (2)(b) of this rule.~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 - 477.057~~

REPEAL: 629-044-1045

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1045~~

~~Natural Vegetative Fuel Hazard Factor~~

~~(1) The reference for establishing the natural vegetative fuel hazard factor shall be the document "Aids to Determining Fuel Models for Estimating Fire Behavior" published by the Forest Service, USDA Intermountain Forest and Range Experiment Station in 1982 as General Technical Report Technical INT-122. Information from this reference is summarized in Table 3 of OAR 629-044-0250. [Table not included. See ED. NOTE.]¶¶~~

~~(2) Using the fuel models described in the reference set forth in subsection (1) of this rule, determine the geographic areas which best describe the natural vegetative fuels expected to occupy an area for the next five years.¶¶~~

~~(3) The geographic areas determined in subsection (2) of this rule shall be assigned the appropriate hazard value, as shown in Table 3 of OAR 629-044-0250. [Table not included. See ED. NOTE.]¶¶~~

~~(4) It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (2) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, a committee may make such modifications to the hazard values as it determines is necessary to accurately reflect the following:¶¶~~

~~(a) A hazard value of 1 shall describe vegetation that typically produces a flame length of up to 5 feet, a wildfire which exhibits very little spotting, torching, or crowning, and which results in a burned area that can normally be entered within 15 minutes.¶¶~~

~~(b) A hazard value of 2 shall describe vegetation that typically produces a flame length of 5 to 8 feet, a wildfire which exhibits sporadic spotting, torching, or crowning, and which results in a burned area that can normally be entered within one hour.¶¶~~

~~(c) A hazard value of 3 shall describe vegetation that typically produces a flame length of over 8 feet, a wildfire that exhibits frequent spotting, torching, or crowning, and which results in a burned area that normally cannot be entered for over one hour.¶¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 477.027~~

~~Statutes/Other Implemented: ORS 477.025 - 477.057~~

REPEAL: 629-044-1050

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1050~~

~~Purpose And Intent Of Standards~~

~~(1) The standards required by OAR 629-044-1055 are designed to minimize or mitigate a wildfire hazard or risk on an owners property which arises due, singly or in combination, to the presence of structures, to the arrangement or accumulation of vegetative fuels, or to the presence of other wildfire hazards.¶¶~~

~~(2) It is recognized that owners have a variety of objectives to achieve while applying the standards, including objectives related to aesthetics, dust barriers, fish and wildlife habitat, gardening, soil stabilization, sound barriers, and visual barriers. It is the intent of the standards to allow owners to meet such objectives, provided there is no compromise of the standards needed to mitigate wildfire hazards or risks.¶¶~~

~~(3) The standards are considered to be minimum measures which are intended to improve the survivability of structures during a wildfire, but which will not guarantee survivability.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1055

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1055~~

~~Standards~~

~~(1) Owners of lands classified by a committee as Low are not required to comply with the standards, however, they are encouraged to review their individual situation and to apply those standards which may be appropriate.¶¶~~

~~(2) Owners of lands classified by a committee as Moderate, High, Extreme, or High Density Extreme shall comply with the standards applicable to their lands. In meeting this requirement, owners shall apply one or more of the following:¶¶~~

~~(a) The default standards set forth in OAR 629-044-1060, which are intended for the majority of owners;¶¶~~

~~(b) The optional standards set forth in OAR 629-044-1065, which are intended for owners who are unable to meet the default standards; or¶¶~~

~~(c) The alternate standards developed pursuant to OAR 629-044-1070, which are intended for owners who wish to address site specific conditions or unique situations.¶¶~~

~~(3) Owners are encouraged to exceed the standards and to apply additional wildfire safety measures.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1060

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1060~~

~~Default Standards~~

~~(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme owners shall:~~

~~(a) Provide and maintain primary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are:~~

~~(A) Immediately adjacent to structures, for a distance of at least 30 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.~~

~~(B) Immediately adjacent to driveways, for a distance of at least ten feet from the centerline of a driveway, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 1/2 feet in height and 12 feet in width or to the property line, whichever is the shortest distance.~~

~~(b) Provide and maintain secondary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to primary fuel breaks, for the distance necessary to comply with the total fuel break distance specified in Table 2 of this rule, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.~~

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

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

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

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

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

~~(B) In a fully enclosed space.~~

~~(2) On all lands classified by a committee as High Density Extreme, owners shall comply with subsection (1) of this rule and with the standards set forth in OAR 629-044-1075.~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1065

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1065~~

~~Optional Standards~~

~~(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to structures for a distance of thirty feet or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.¶¶~~

~~(2) Where structures exist on lands classified by a committee as Moderate, owners shall comply with subsection (1) of this rule and with one or more of the options set forth in subsection (6) of this rule.¶¶~~

~~(3) Where structures exist on lands classified by a committee as High, owners shall comply with subsection (1) of this rule and with two or more of the options set forth in subsection (6) of this rule.¶¶~~

~~(4) Where structures exist on lands classified by a committee as Extreme, owners shall comply with subsection (1) of this rule and with three or more of the options set forth in subsection (6) of this rule.¶¶~~

~~(5) Where structures exist on lands classified by a committee as High Density Extreme, owners shall comply with subsection (1) of this rule, with three or more of the options set forth in subsection (6) of this rule, and with subsection (7) of this rule.¶¶~~

~~(6) Optional standards are:¶¶~~

~~(a) Option 1, fire resistant structures. This option is intended to reduce the likelihood of a structure being ignited by a wildfire. To comply with this option, owners of structures shall:¶¶~~

~~(A) Have fire resistant roofing material;¶¶~~

~~(B) Have all permanent openings into and under the structure completely covered with noncombustible, corrosion-resistant, mesh screening material, which has openings no greater than 1/4 inch in size;¶¶~~

~~(C) Where there are attachments to the structure, such as decks and porches:¶¶~~

~~(i) Maintain the area under the attachments substantially free of firewood, flammable building material, leaves, needles, and other flammable material; or¶¶~~

~~(ii) Cover openings to the area under the attachments with noncombustible, corrosion-resistant mesh screening material, which has openings no greater than 1/4 inch in size;¶¶~~

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

~~(E) Maintain the portion of any tree which overhangs a structure substantially free of dead plant material; and¶¶~~

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

~~(i) At least 20 feet away from the structure; or¶¶~~

~~(ii) In a fully enclosed space.¶¶~~

~~(b) Option 2, secondary fuel break. This option is intended to provide additional separation between structures and natural vegetation. To comply with this option, owners of structures shall provide and maintain secondary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to primary fuel breaks, for the distance necessary to create a total fuel break of 100 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.¶¶~~

~~(c) Option 3, wildfire safe access. This option is intended to provide a more safe vehicle access to and from structures during a wildfire. To comply with this option, owners of a driveway shall provide and maintain a primary fuel break which complies with the requirements of OAR 629-044-1085 and which is immediately adjacent to a driveway for a distance of ten feet from the centerline of the driveway, or to the property line, whichever is the~~

shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 1/2 feet in height and 12 feet in width or to the property line, whichever is the shortest distance.¶¶

(d) Option 4, low ignition risk property. This option is intended to reduce the likelihood of a wildfire ignition. To comply with this option, owners shall at all times use the following fire prevention practices:¶¶

(A) Open fires shall be:¶¶

(i) Built, ignited and maintained in compliance with all applicable permit and fire safety requirements;¶¶

(ii) Tended and maintained under the control of a person 16 years of age or older;¶¶

(iii) Conducted only when weather conditions permit safe burning;¶¶

(iv) Conducted in a location which has had all surrounding material cleared of flammable material sufficient to prevent unintended spread of the fire; and¶¶

(v) Conducted only when adequate and appropriate fire tools and/or a water supply are present to assist in preventing unintended spread of the fire.¶¶

(B) Grills, incinerators, outdoor fireplaces, permanent barbecues, and similar outdoor devices shall be maintained in good repair, in safe condition, and all openings shall normally be completely covered by a spark arrester, by a screen, or by a device which prevents unintended spread of a fire.¶¶

(C) Ashes and coals resulting from the use of grills, incinerators, outdoor fireplaces, permanent barbecues, and similar outdoor devices shall be disposed of in a manner which prevents unintended spread of a fire.¶¶

(D) The use of outdoor equipment or devices capable of generating heat, open flame, or sparks shall be conducted in compliance with all applicable permit and fire safety requirements; and¶¶

(E) Chimneys and stove pipes shall be used only if their openings are completely covered with a spark arrester which meets or exceeds the following standard: constructed of 12 USA standard gauge wire which has openings no larger than 1/2 inch in size.¶¶

(7) On all lands classified by a committee as High Density Extreme, owners comply with the standards set forth in OAR 629-044-1075.

Statutory/Other Authority: ORS 477.059

Statutes/Other Implemented: ORS 477.059

REPEAL: 629-044-1070

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1070~~

~~Alternate Standards~~

~~(1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme, owners shall comply with all standards described in a cooperative agreement made pursuant to ORS 477.406.~~

~~(2) Cooperative agreements which describe alternate standards shall be valid only if:~~

~~(a) On forms provided by the State Forester or in a format prescribed by the State Forester;~~

~~(b) Signed by the District Forester and by the owner; and~~

~~(c) The alternate standards provide, in the judgement of the District Forester, for equal or better protection from wildfire than do the standards of OAR 629-044-1060, 629-044-1065, and 629-044-1075 which apply to the classification of the lands for which the cooperative agreement is made.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1075

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1075~~

~~Additional Standards For Lands Classified As High Density Extreme~~

~~(1) On all lands classified by a committee as High Density Extreme with Option 1, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to all property lines, for a distance of twenty feet or to the adjacent property line, whichever is the shortest distance. The distance shall be measured along the slope.¶¶~~

~~(2) On all lands classified by a committee as High Density Extreme with Option 2, owners shall provide fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to all road centerlines, for a distance of at least thirty feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the center of the driving surface.¶¶~~

~~(3) On all lands classified by a committee as High Density Extreme with Option 3, owners shall comply with subsections (1) and (2) of this rule.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1080

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1080~~

~~Modification Of Standards~~

~~The District Forester may, in writing, reduce or waive any standard of OAR 629-044-1060, 629-044-1065, 629-044-1075, and 629-044-1085 if the forester finds that conditions so warrant. Reductions or waivers made under this rule:¶~~

~~(1) May be made only after a written request from the owner;¶~~

~~(2) Are intended to be few in number;¶~~

~~(3) Must address:¶~~

~~(a) A site specific condition or a unique situation which does not warrant the development of alternate standards under OAR 629-044-1070; or¶~~

~~(b) A conflict with the requirements of other codes, laws, ordinances, or regulations, as described in ORS 477.023(2), and which does not warrant the development of alternate standards under OAR 629-044-1070; and¶~~

~~(4) Shall be:¶~~

~~(a) On forms provided by the State Forester or in a format prescribed by the State Forester;¶~~

~~(b) Signed by the District Forester and by the owner.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1085

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1085~~

~~Fuel Break Requirements~~

~~(1) The purpose of a fuel break is to:~~

~~(a) Slow the rate of spread and the intensity of an advancing wildfire; and~~

~~(b) Create an area in which fire suppression operations may more safely occur.~~

~~(2) A fuel break shall be a natural or a human-made area where material capable of allowing a wildfire to spread:~~

~~(a) Does not exist; or~~

~~(b) Has been cleared, modified, or treated in such a way that the rate of spread and the intensity of an advancing wildfire will be significantly reduced.~~

~~(3) A primary fuel break shall be comprised of one or more of the following:~~

~~(a) An area of substantially non-flammable ground cover. Examples include asphalt, bare soil, clover, concrete, green grass, ivy, mulches, rock, succulent ground cover, or wildflowers.~~

~~(b) An area of dry grass which is maintained to an average height of less than four inches.~~

~~(c) An area of cut grass, leaves, needles, twigs, and other similar flammable materials, provided such materials do not create a continuous fuel bed and are in compliance with the intent of subsections (1) and (2) of this rule.~~

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

~~(A) Maintained in a green condition;~~

~~(B) Maintained substantially free of dead plant material;~~

~~(C) Maintained free of ladder fuel;~~

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

~~(E) In compliance with the intent of subsections (1) and (2) of this rule.~~

~~(4) A secondary fuel break shall be comprised of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:~~

~~(a) Maintained in a green condition;~~

~~(b) Maintained substantially free of dead plant material;~~

~~(c) Maintained free of ladder fuel;~~

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

~~(e) In compliance with the intent of subsections (1) and (2) of this rule.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1090

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1090~~

~~Apparent Conflicts With Standards~~

~~Pursuant to ORS 477.023:¶¶~~

~~(1) The standards set forth in OAR 629-044-1060 to 629-044-1085 do not supercede or replace any federal law or regulation, any other state agency law or regulation, or any more restrictive local government ordinance or code.¶¶~~

~~(2) Apparent conflicts with other laws and regulations, for which the forester is responsible and has jurisdiction, shall be resolved within the scope of the forester's authority and documented, as provided in OAR 629-044-1070 or 629-044-1080.¶¶~~

~~(3) Compliance with OAR 629-044-1070 to 629-044-1080 does not relieve the owner of the requirements of any other law or regulation which applies to the lands in question.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.023, 477.059~~

REPEAL: 629-044-1095

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1095~~

~~Written Evaluation~~

~~(1) Pursuant to ORS 477.059, the forester shall provide to the owners of lands classified by a committee a copy of OAR 629-044-1000 to 629-044-1110 and an evaluation form:¶¶~~

~~(a) Two years before the obligations of ORS 477.059(4) become effective on the lands for the first time;¶¶~~

~~(b) Every five years thereafter; and¶¶~~

~~(c) When requested by an owner.¶¶~~

~~(2) The intent of an evaluation form provided pursuant to subsections (1), (5) or (6) of this rule is to allow owners to self-certify compliance with the standards of OAR 629-044-1060 to 629-044-1085. Completion and return of the evaluation form to the forester is optional.¶¶~~

~~(3) In lieu of completing and returning an evaluation form provided pursuant to subsections (1), (5) or (6) of this rule, an owner may have it completed and returned by an accredited assessor.¶¶~~

~~(4) Completed and returned evaluation forms shall become void:¶¶~~

~~(a) Five years after they are provided by the forester;¶¶~~

~~(b) When the ownership of a tax lot changes;¶¶~~

~~(c) When a structure is added to a tax lot; or¶¶~~

~~(d) Pursuant to a determination made in accordance with the provisions of subsection (3) of OAR 629-044-1100.¶¶~~

~~(5) When the ownership of a tax lot changes, the previous owner shall notify the new owner of the voiding of the evaluation form under subsection (4)(b) of this rule. The new owner may, as provided in subsection (1)(c) of this rule, request that the forester provide a current copy of OAR 629-044-1000 to 629-044-1110 and a new evaluation form.¶¶~~

~~(6) When a structure is added to a tax lot, the owner may request that the forester provide a current copy of OAR 629-044-1000 to 629-044-1110 and a new evaluation form.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1100

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1100~~

~~Certification~~

~~(1) An owner of lands classified by a committee shall be considered to be certified as meeting the standards set forth in OAR 629-044-1060 to 629-044-1085 if:~~

~~(a) They sign and return to the forester an evaluation form provided pursuant to OAR 629-044-1095; or~~

~~(b) They use the services of an Accredited Assessor who signs and returns to the forester an evaluation form provided pursuant to OAR 629-044-1095; and~~

~~(c) The evaluation form has not become void pursuant to OAR 629-044-1095(4).~~

~~(2) The forester may make a determination of whether the lands of an owner meet the standards set forth in OAR 629-044-1060 to 629-044-1085 at any time following the completion and return of an evaluation form provided pursuant to 629-044-1095. Such a determination must be made prior to the occurrence of a wildfire on an owners tax lot.~~

~~(3) If the forester determines that an evaluation form provided pursuant to OAR 629-044-1095 was returned by the owner and that it incorrectly or falsely indicated the lands meet the standards set forth in 629-044-1060 to 629-044-1085, the owner shall be notified in writing that both the evaluation form and the certification granted under subsection (1) of this rule will become void on a specified date. In making such a determination, the forester shall:~~

~~(a) Not base the determination on technicalities or omissions which, in the sole judgment of the forester, are minor in nature; and~~

~~(b) First provide the owner a reasonable time to:~~

~~(A) Provide evidence that the property does meet the standards set forth in OAR 629-044-1060 to 629-044-1085; or~~

~~(B) Bring their property into compliance with the standards set forth in OAR 629-044-1060 to 629-044-1085.~~

~~Statutory/Other Authority: ORS 477.059~~

~~Statutes/Other Implemented: ORS 477.059~~

REPEAL: 629-044-1105

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1105~~

~~Accredited Assessors~~

~~(1) An Accredited Assessor shall obtain accreditation from the District Forester prior to conducting any activities allowed or required by OAR 629-044-1100 in a district.¶¶~~

~~(2) To request accreditation, prospective Accredited Assessors shall make application to the District Forester and sign an accreditation agreement on forms provided by the State Forester or in a format prescribed by the State Forester.¶¶~~

~~(3) Accredited Assessors will not be considered to be accredited until the District Forester reviews and approves both their application and their signed accreditation agreement.¶¶~~

~~(4) Applications to become an Accredited Assessor shall include, but will not be limited to:¶¶~~

~~(a) For a Type 1 Accredited Assessor:¶¶~~

~~(A) The person's Oregon Construction Contractors Board or Oregon Landscape Contractors Board license number; and¶¶~~

~~(B) Evidence that the person has had at least two years total experience related to:¶¶~~

~~(i) Wildland fire prevention or suppression; or¶¶~~

~~(ii) Management of properties which contain forestland.¶¶~~

~~(b) For a Type 2 Accredited Assessor:¶¶~~

~~(A) A statement that the person is acting as an authorized agent of a structural fire service provider;¶¶~~

~~(B) The signature of the Fire Chief of the structural fire service provider;¶¶~~

~~(C) Evidence that the person is a full time paid employee or a volunteer employee in good standing of the structural fire service provider; and¶¶~~

~~(D) Evidence that the person has had at least two years total experience related to wildland fire prevention or suppression.¶¶~~

~~(c) For a Type 3 Accredited Assessor:¶¶~~

~~(A) A statement that the person is acting as an authorized agent of a homeowner's association;¶¶~~

~~(B) The signatures of the persons who constitute the governing body of the homeowner's association;¶¶~~

~~(C) Evidence that the person is a full time paid employee or a volunteer employee in good standing of the homeowner's association; and¶¶~~

~~(D) Evidence that the person has had at least two years total experience related to:¶¶~~

~~(i) Wildland fire prevention or suppression; or¶¶~~

~~(ii) Management of properties which contain forestland.¶¶~~

~~(5) Accreditation agreements shall include, but will not be limited to:¶¶~~

~~(a) For a Type 1 Accredited Assessor, a requirement to perform certification services only while currently registered with the Oregon Construction Contractors Board or the Oregon Landscape Contractors Board;¶¶~~

~~(b) For a Type 2 Accredited Assessor:¶¶~~

~~(A) A requirement to perform certification services only while acting as an authorized agent of a structural fire service provider; and¶¶~~

~~(B) A prohibition on collecting either a fee or any other form of remuneration directly from the owner of the lands, for performing certification services;¶¶~~

~~(c) For a Type 3 Accredited Assessor:¶¶~~

~~(A) A requirement to perform certification services only while acting as an authorized agent of a homeowner's association; and¶¶~~

~~(B) A prohibition on collecting either a fee or any other form of remuneration directly from the owner of the lands, for performing certification services;¶¶~~

~~(d) A requirement to make a determination of whether a property meets the standards set forth in OAR 629-044-1060 to 629-044-1085 only in a truthful manner;¶¶~~
~~(e) A requirement to send any required records to the State Forester within a specified period of time;¶¶~~
~~(f) A requirement to maintain any required records for a minimum of six years; and¶¶~~
~~(g) A requirement to not perform certification services if:¶¶~~
~~(A) Notified of a suspension under subsection (6) of this rule; or¶¶~~
~~(B) Notified of a revocation under subsections (7), (8) or (9) of this rule.¶¶~~
~~(6) The District Forester may suspend the certification authority of an Accredited Assessor at any time the District Forester determines the Accredited Assessor has failed to comply with all requirements of the accreditation agreement. In taking such action, the District Forester shall:¶¶~~
~~(a) Suspend the certification authority of an Accredited Assessor only after providing fifteen days prior written notice to the Accredited Assessor;¶¶~~
~~(b) Not more than fifteen days after suspending the certification authority of an Accredited Assessor, either initiate action for the State Forester to revoke the accreditation of the Accredited Assessor or restore the certification authority of the Accredited Assessor.¶¶~~
~~(7) The State Forester shall revoke the certification authority of an Accredited Assessor if the District Forester provides evidence that such action is warranted due to a failure of the Accredited Assessor to comply with all requirements of the accreditation agreement. In taking such action, the State Forester shall:¶¶~~
~~(a) Take the revocation action not more than sixty days after receiving the evidence from the District Forester; and¶¶~~
~~(b) Revoke the certification authority of an Accredited Assessor only after providing thirty days prior written notice to the Accredited Assessor.¶¶~~
~~(8) An Accredited Assessor may, not more than 30 days after receipt of the written notice required in subsection (7)(b) of this rule, request a review of the proposed revocation by the State Forester. If such a request is made, the State Forester shall:¶¶~~
~~(a) Conduct the requested review within 30 days of the receipt of the request; and¶¶~~
~~(b) Either affirm or cancel the proposed certification revocation action.¶¶~~
~~(9) An Accredited Assessor who has had their certification authority revoked pursuant to this rule may appeal the decision of the State Forester to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).~~
Statutory/Other Authority: ORS 477.059
Statutes/Other Implemented: ORS 477.059

REPEAL: 629-044-1110

RULE SUMMARY: The enrollment of Senate Bill 762 of the 2021 legislative session repealed the authorizing statute of this rule.

CHANGES TO RULE:

~~629-044-1110~~

~~Special Assessments~~

~~(1) When, pursuant to ORS 477.060, the forester assesses the owners of lands classified by a committee, the funds so received shall be:~~

~~(a) Allocated exclusively to the forest protection district wherein the lands are located;~~

~~(b) Used exclusively for activities pertaining to the lands from which the funds have been received;~~

~~(c) Used only in accordance with an annual written plan which may provide for:~~

~~(A) The full or partial funding of targeted fire prevention and suppression resources which are needed to minimize cost and risk while maximizing the effectiveness and efficiency of the protection of values at risk from wildfire;~~

~~(B) The full or partial funding of projects which will assist, encourage or promote owners to minimize and mitigate wildfire hazards and risks. Examples include:~~

~~(i) Providing labor and/or equipment for fuels reduction activities;~~

~~(ii) Assisting owners who are physically or financially unable to complete the work necessary to meet the standards set forth in OAR 629-044-1060 to 629-044-1085; and~~

~~(iii) Providing rebates for owners who have lands which meet the standards set forth in OAR 629-044-1055 to 629-044-1085.~~

~~(C) The full or partial funding of special or unique costs of assessment processing, certification administration, or program administration, so long as such an amount does not exceed \$10 per tax lot or parcel of real property.~~

~~(2) Assessments levied pursuant to ORS 477.060 shall be:~~

~~(a) Levied only after being approved by an advisory and guidance committee, pursuant to ORS 477.240;~~

~~(b) Levied on a per tax lot or parcel of real property basis;~~

~~(c) Levied in an amount which does not exceed \$25 per tax lot or parcel of real property. The determination of lots or parcels of real property shall be made pursuant to ORS 477.295; and~~

~~(d) Based on the classification of the lands classified by a committee.~~

~~Statutory/Other Authority: ORS 477.060~~

~~Statutes/Other Implemented: ORS 477.060~~