

The Oregon Forestland-Urban Interface Fire Protection Act of 1997

Oregon Revised Statutes



"STEWARDSHIP IN FORESTRY"



ORS 477.015

Definitions.

(1) As used in ORS 477.015 to 477.061, unless the context otherwise requires, "forestland-urban interface" means a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.

(2) As used in ORS 477.015 to 477.057, unless the context requires otherwise:

- (a) "Committee" means a county forestland-urban interface classification committee.
- (b) "Governing body" means the board of county commissioners or county court of a county, as the case may be.

ORS 477.017

Legislative findings, policy and purpose.

(1) The Legislative Assembly finds that:

- (a) The forestland-urban interface situation in Oregon is a result of both past and present conditions and that, given projected trends, the forestland-urban interface situation will continue to grow.
- (b) Urban and suburban structures, real property and other natural resources within a forestland-urban interface are subject to increased risks of catastrophic damage by fire events.
- (c) There is greater complexity in forestland-urban interface fire protection than in either resource land fire protection or urban structural fire protection.
- (d) In dealing with the forestland-urban interface situation, major and long term solutions will involve local actions and efforts by property owners.
- (e) One solution or set of solutions will not fit all situations or areas of the state.

(2) The Legislative Assembly declares that:

- (a) In order to ensure the protection of human life, the safety of citizens and fire service personnel and the highest possible level of livability in Oregon, it is necessary to provide a

complete and coordinated fire protection system within the forestland-urban interface in Oregon.

- (b) All forestland-urban interface property owners have a basic responsibility to share in this complete and coordinated protection system by providing efforts against fire.
- (c) Public and property owner education and awareness is critical to forestland-urban interface solutions and must occur at multiple levels.
- (d) In administration of ORS 477.015 to 477.061, it is the intent of the Legislative Assembly that property owners who will be affected by ORS 477.015 to 477.061 will be:
 - (A) Involved in the processes of development of administrative rules pursuant to ORS 477.015 to 477.061; and
 - (B) Notified of the outcomes of classification pursuant to ORS 477.015 to 477.057.

(3) The purpose of ORS 477.015 to 477.061 is to:

- (a) Provide a forestland-urban interface fire protection system in Oregon that minimizes cost and risk while maximizing effectiveness and efficiency for protection of the values at risk from fire.
- (b) Promote and encourage property owner efforts to minimize and mitigate fire hazards and risks within the forestland-urban interface.
- (c) Promote and encourage the involvement and interaction of all levels of government and the private sector that have a direct or indirect interest and role in the forestland-urban interface situation over the long term.

ORS 477.023

Fire protection system; integration with existing laws.

- (1) The forestland-urban interface in Oregon represents a unique fire protection situation that requires that unique and special measures be taken to ensure adequate public safety and protection of property, development and natural resources. Therefore, it is declared to be the public policy of the State of Oregon to encourage and provide a complete and coordinated forestland-urban interface fire protection system.
- (2) (a) It is recognized that forestland-urban interface areas are already subject to other laws and to regulations of other agencies. It is the intent of ORS 477.015 to 477.061 to integrate with and not replace those other laws and regulations.
- (b) In the event of an apparent conflict between the obligations imposed by ORS 477.015 to 477.061 and by other laws or regulations for which the forester is responsible and has jurisdiction, the forester shall resolve the conflict within the scope of the forester's authority.

- (c) In the event of an apparent conflict, the obligations imposed by ORS 477.015 to 477.061 shall not supersede or replace federal law or regulation, other state agency law or regulations, or more restrictive local government ordinance or code.
- (d) Compliance with the obligations imposed by ORS 477.015 to 477.061 does not relieve the property owner of the requirements of other laws or regulations that might apply to the property in question.

(3) To encourage development of a complete and coordinated forestland-urban interface fire protection system, it is declared to be in the public interest that the State Board of Forestry and the State Forester take a lead role in statewide coordination of the forestland-urban interface situation with other state and federal agencies, local governments and private sector interests that are concerned with fire protection in the forestland-urban interface.

ORS 477.025

Classification of lands to reflect different protection problems.

The Legislative Assembly recognizes that the forestland-urban interface in Oregon varies by condition, situation, fire hazard and risk, that different forestland-urban interface fire protection problems exist across the state because of this variability, that these different problems necessitate varied fire prevention and protection practices and that, in order to give recognition to such differences and their effect on the accomplishment of the public policy stated in ORS 477.023, certain classifications of the forestland-urban interface within the State of Oregon are established by ORS 477.027 to 477.057.

ORS 477.027

Rules for classification of lands.

By administrative rule, the State Board of Forestry shall establish criteria and a system by which the forestland-urban interface shall be classified. The criteria shall recognize differences across the state in fire hazard, fire risk and structural characteristics within the forestland-urban interface and the system shall include not less than three nor more than five classes of forestland-urban interface.

ORS 477.029

Local land classification committee; members; officers.

(1) The governing body of each county containing forestland-urban interface may establish a county forestland-urban interface classification committee of five persons of whom one shall be appointed by the State Forester, one by the State Fire Marshal and three by the governing body. Of the members appointed by the governing body, one must be an owner of forestland-urban interface property who permanently resides on the property or a representative thereof. Each appointing authority shall file with the forester the name of its appointee or appointees, and the persons so named shall constitute the committee for the county. Each member of the committee at all times is subject to replacement by the appointing authority, effective upon the filing with the forester by that authority of written notice of removal and the name of the new appointee.

(2) The committee shall elect from among its members a chair and a secretary and may elect or employ other officers, agents and employees as it finds advisable. It shall adopt rules governing its

organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings. A quorum of the committee for official actions shall be four or more members present.

(3) The governing body of the county may provide for the committee and its employees such accommodations and supplies and such county funds not otherwise appropriated as the governing body finds necessary for the proper performance of the committee's functions. The members of the committee shall receive no compensation for their services, but the governing body may reimburse them for their actual and necessary travel and other expenses incurred in the performance of their duties. By written agreement between the State Forester and the governing body, the State Forestry Department may provide the functions or be responsible for the expenses referred to in this subsection.

(4) In the interest of efficiency, by written agreement between the State Forester and the governing body, if a forestland classification committee is established and active within a county pursuant to ORS 526.305 to 526.340, that committee may serve as the county forestland-urban interface classification committee established by subsection (1) of this section. In the event that this agreement is made, the State Forester and the governing body shall ensure that either:

- (a) A State Fire Marshal appointee and a forestland-urban interface property owner who permanently resides on the property or a representative thereof are added to the existing forestland classification committee to bring the total number of committee members to seven; or
- (b) The State Fire Marshal approves of the current membership of the forestland classification committee and the committee includes a forestland-urban interface property owner who permanently resides on the property or a representative thereof.

ORS 477.031

Duties of committee.

(1) Upon establishment of a county forestland-urban interface classification committee under ORS 477.029, the committee shall investigate and study all forestland-urban interface within its county and determine which classifications of forestland-urban interface are represented according to the classification system developed pursuant to ORS 477.027.

(2) Upon the basis of its investigation and determination under subsection (1) of this section, the committee shall assign all forestland-urban interface forestland within its county to one of the forestland-urban interface classifications developed pursuant to ORS 477.027.

(3) The county forestland-urban interface classification committee first shall adopt preliminary classification assignments and upon its completion shall cause notice thereof to be published once a week for two consecutive weeks in a newspaper of general circulation in the county, to be posted in three public places within the county, and to be mailed to owners of property within the preliminary classifications. The notice shall state the time and place for hearing or receiving objections, remonstrances or suggestions as to the proposed classifications and the place where a statement of the preliminary classifications may be inspected.

ORS 477.052

Hearings on proposed classifications.

(1) The county forestland-urban interface classification committee shall hold a public hearing at the time and place stated in the notice published under ORS 477.031 (3), or at such other time and place to which the hearing may be adjourned, to receive from any interested persons objections, remonstrances or suggestions relating to the proposed classifications. Following the hearing the committee may make such changes in the preliminary classifications as it finds to be proper, hold additional hearings as it finds necessary, and thereafter shall make its final classifications.

(2) All action by the committee in classifying or reclassifying forestland-urban interface property shall be by formal written order, which must include a statement of findings of fact on the basis of which the order is made, and must include a map showing the classifications or reclassifications made. The original of the order shall be filed immediately with the county clerk of the county, who shall maintain and make it available for public inspection. A copy of the order certified by the secretary of the committee shall be sent to the State Board of Forestry.

ORS 477.054

Appeal of classification decisions; procedure.

(1) Any owner of land classified under ORS 477.027 to 477.057 who is aggrieved by the classification may, within 30 days after the date of the order making the classification, appeal to the circuit court for the county. The appeal shall be taken by serving the notice of appeal on the secretary of the committee or, if the classification was made under ORS 477.057, on the State Forester, and by filing such notice with the county clerk.

(2) The appeal shall be tried by the circuit court as an action not triable by right to a jury.

ORS 477.057

State Forester to classify land if county fails to act.

(1) In the event no classification of the forestland-urban interface is made by a county forestland-urban interface classification committee within a county in which such land is situated because no committee was appointed for a period of time exceeding two years or, if appointed, a committee did not act for a period of time exceeding two years or acted in a manner inconsistent with law, the State Forester may make the final classifications that were otherwise to be made by a committee consistent with and in the same manner as the process described in ORS 477.031 to 477.054.

(2) Classifications by the State Forester have the same force and effect as though made by a committee for that county. However, classifications made by the State Forester cease to be effective if replaced by classifications made pursuant to ORS 477.052 by the appropriate committee.

ORS 477.059

Obligation of landowner to mitigate risk of fire; standards; penalty for failure to comply.

(1) An owner of land within a forestland-urban interface classification, prior to a fire occurrence originating on the owner's property, shall take actions, measures or efforts to minimize or mitigate a fire hazard or risk on the property due singly, or in combination, to the presence of structures,

the arrangement or accumulation of vegetative fuels or the presence of other fire hazards.

(2) The minimum acceptable standards to comply with subsection (1) of this section shall be established in rules promulgated by the State Board of Forestry and shall be based on considerations of the variability of the forestland-urban interface classifications across the state. The rules established by this subsection shall be provided to all owners, within the appropriate forestland-urban interface classifications.

(3) Structures and real property lots in a forestland-urban interface classification that, by written evaluation pursuant to rules promulgated by the board, meet the standards of subsection (2) of this section prior to fire occurrence on the owner's property shall be considered certified as having met the requirements of subsection (1) of this section. The rules established by this subsection shall:

- (a) Be provided to all owners, within the appropriate forestland-urban interface classifications; and
- (b) Provide for periodic renewal of the written certification based on the specific characteristics of the applicable forestland-urban interface classifications.

(4) In the event that an owner fails to meet the obligations of subsection (1) of this section and a fire occurs, then the owner shall be liable for the actual costs incurred by the forester up to a maximum of \$100,000, excluding that portion of the actual costs which are the ordinary costs of the regular personnel and equipment of the forest protection district wherein the forestland-urban interface classification is located if:

- (a) The fire originates on the owner's property;
- (b) The ignition or spread of the fire is directly related to the failure to meet the obligations of subsection (1) of this section; and
- (c) The fire requires action by the forester pursuant to ORS 477.066(2) and the forester incurs costs in suppressing the fire.

ORS 477.060

Considerations in determining cost of protection; special or additional costs.

(1) In determining the annual cost of protection pursuant to ORS 477.230, the forester may consider and include the special or additional cost of fire protection for property within a forestland-urban interface classification, including the special or unique costs of assessment processing and administration.

(2) Special or additional costs identified by subsection (1) of this section shall be identified uniquely in the budget required by ORS 477.230 to 477.300. These special or additional costs shall be in addition to the annual cost of ORS 477.230 (1). Only those owners of property within a forestland-urban interface classification in a forest protection district shall bear the special or additional cost of fire protection within the forestland-urban interface in a manner consistent with rules promulgated by the State Board of Forestry.

ORS 477.061

Short title.

ORS 477.015 to 477.061 shall be known as the Oregon Forestland-Urban Interface Fire Protection Act of 1997.