

Memo

DATE: 2/27/2018

TO: Planning Commission

FROM: Brandon Goldman, Senior Planner

RE: Development Standards for Wildfire Lands ordinance amendments

SUMMARY

General discussion regarding modification of the adopted Wildfire Lands boundary map, and potential amendments to the Development Standards for Wildfire Lands (Chapter 18.3.10.100)

Currently requirements for Fire Prevention and control Plans, and Fuel Breaks, only apply to properties within the existing Wildfire Lands area. It is the recommendation of Ashland Fire & Rescue that all areas within the city limits be declared a wildfire lands, amending the current Wildfire Lands boundary as set forth in 1992.

BACKGROUND

Ashland Fire and Rescue originally presented a proposal to the City Council on April 15th, 2014 requesting staff prepare a modification of the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City (*attached map*). Such a map amendment is a legislative Land Use action requiring the approval of an ordinance, with public hearings before the Planning Commission and City Council.

In review of the existing development standards for Wildfire Lands, Ashland Fire and Rescue identified a number of potential changes to the existing code to be considered as part of the legislative amendment process underway. Proposed code revisions would serve to both clarify the submittal requirements for a Fuel Prevention and Control Plan, as well as establish new requirements for the implementation of required fuel breaks not presently codified within the currently adopted Land Use Ordinance (18.3.10.100 attached).

The Planning Commission discussed the expansion of the Wildfire Lands boundary at Study Sessions on June 24, 2014, February 24, 2015, November 24, 2015, and February 23, 2016. Following the Planning Commissions last study session the Mayor convened an ad-hoc wildfire hazard committee (comprised of City staff, representatives from the Tree, Planning, and Wildfire Mitigation Commissions).



Ashland Fire and Rescue, and the wildfire hazard committee, also worked with an organization called Community Planning Assistance for Wildfire (CPAW) to evaluate our community's risks and to provide an evaluation of the City's existing and proposed wildfire development standards. CPAW's land use, forestry, and hazard mitigation professionals visited Ashland to inform their recommendations intended to ensure wildfire is considered alongside other community planning priorities. The CPAW report is attached to this memo.

In consideration of the wildfire risk facing the community, the ad-hoc wildfire hazard committee is developing a multi-faceted approach to reducing risks throughout the City. This approach includes:

- creating a community information program where residents can review a new parcel based wildfire risk assessment map to determine and address their individual risk factors,
- establishing a voluntary fuels reduction program facilitated by the City,
- expanding the existing wildfire overlay zone to newly include all properties within the City,
- adopting by ordinance a prohibited flammable plant list, which would preclude such highly flammable plants from being newly planted within 30 feet of any structure within the City,
- adopting land use ordinance amendments that establish standards for fire prevention and control plans, and fuel management requirements, that are to be carried out in conjunction with new development activities within the City.

Wildfire Development Standards

The expansion of the Wildfire Lands boundary would have development implications for all properties within the City Limits that due to their inclusion they would become regulated under AMC Chapter 18.3.10.100 [Development Standards for Wildfire Lands].

- A Fire Prevention and Control Plan would be required with applications to partition properties, subdivisions, or to obtain site review approval (commercial or multi-family developments) with the exception of Accessory Residential Units.
- A Fuel Break would be required of all properties obtaining building permits for new construction.
- New or re-roofed structures could not use combustible roofing material as defined by the Oregon Revised Specialty building code.

The version of the ordinance presented to the Planning and Tree Commission at prior study sessions has been substantially modified to address vegetation management standards in consideration of the potential impacts upon small parcels within the City. Specifically a number of revisions to the draft fuel modification area standards aim to establish fuels reduction requirements that more clearly distinguish between the risk posed by highly flammable plants and trees and those shrubs and trees that are more fire resistant, as well as to provide flexibility to address specific site conditions.

- Trees that are fire resistant trees (e.g. Oak, Madrone):
 - The 10' separation between fire resistant trees and structures has been eliminated, now it simply requires limbs not be in direct contact with the roof or structure, with the exception of a required 10' clearance from a chimney.



- The separation between the canopies of fire resistant trees has been eliminated, thereby allowing such trees to have interlocking canopies.
- Trees that are on the prohibited plant list (e.g. Fir, Pine):
 - The previously proposed 5' separation between the tree canopy and structures was increased to 10' per the wildfire hazard committee and Fire Department's recommendation.
- Plants identified on the City's proposed Prohibited Flammable Plant List, shall not be planted within 30' of a building or deck, and when planted further than 30' from a structure they are to be separated by a minimum of two times the shrub's height at maturity.
- Fire resistant shrubs and bushes have no separation requirement so could form hedges and privacy screens.
- The vertical clearance between the top of understory vegetation and the lowest tree limbs shall be at least three times the height of vegetation where either the tree or vegetation is listed on the City's Fuel break Prohibited Plant list. If both the tree and the shrub are fire resistant, then no ladder fuel vertical clearance would be required.
- The prior draft ordinance's prohibition of any combustible natural or manmade material within three feet of a structure has been amended to allow fire resistant shrubs and ground covers within this area. Plants listed on the fuel break prohibited plant list would still be prohibited within an area increased to 5 feet of a structure. However, in the event the structure has a fire resistant exterior (i.e. stucco, brick, concrete block, metal siding, etc), then combustible material such as bark could be located within this area.
- The requirement to complete fuel management within for the full extent of a property when a new building (sfr, mfr, commercial) is developed is still required as was the case in the prior version of the ordinance. In the event an addition, a deck, or a detached accessory structure over 200 sq.ft. is to be built, the required fuel management area would be reduced to the areas within 30' of the the new construction, not the full extent of the property.
- The draft ordinance newly includes a mechanism to allow general fuel management area standards, and fire prevention and control plan requirements, to be waived or reduced if the Staff Advisor, in consultation with the Fire Code Official, has determined that the nature of the development proposed in the project application does not constitute an increased risk to the spread of wildfire. This section will allow for consideration of existing conditions on a case by case basis with more flexibility than was provided in the 2016 draft ordinance.

Prohibited Flammable Plant List

The proposed Prohibited Flammable Plant List is presented to identify which plants should not be newly planted, would need to be thinned, or potentially removed within a general fuel management area in conjunction with the issuance of a building permit. This limitation regarding species that could be included in landscape plan would apply to construction activity



that triggers the fuel management area requirements (18.3.10.100.B) and would have to be addressed on a required Fire Prevention and Control Plan. The prohibition on newly planting such highly flammable plants would apply city-wide, as codified the Public Health and Safety chapter (Ch..9) of the Municipal Code, if so approved by Council as a new policy. The draft Prohibited Flammable Plant List was reviewed by the conservation division, AFR, and the ad-hoc wildfire hazard committee. The revised list is attached.

Next Steps

The materials presented to the Planning Commission at this evenings study session remain a work in progress. This study session provides an opportunity for initial review and discussion in anticipation of another study session on this topic with the Planning Commission scheduled for March 27th, 2018. Following Study Sessions with the Tree Commission and City Council, a formal hearing on the proposed amendments is expected to be scheduled before the Planning Commission on June 12, 2018.

Attachments:

- Draft Amendments to 18.3.10.100 - Development Standards for Wildfire Lands
- Draft Amendments to other sections of the Ashland Land Use Ordinance relating to Wildfire development standards:
 - Draft Amendments to 18.3.10.090 - Development Standards for Hillside Lands
 - Draft Amendments to 18.4.3.080 - Vehicle Area Design
 - Draft Amendments to 18.5.3.060 - Additional Preliminary Flag Lot Partition Plat Criteria
 - Draft Amendments to 18.5.7 –Tree Removal Permits
- Draft Prohibited Flammable Plant List
- Community Planning Assistance for Wildfire (CPAW) Memo dated January 2017
- Community Planning Assistance for Wildfire (CPAW) Best Practices Report dated April 2017

