

# Memo

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DATE: 6/26/2018

TO: Planning Commission

FROM: Brandon Goldman, Senior Planner

RE: Development Standards for Wildfire Lands ordinance amendments

## **SUMMARY**

The Planning Commission is scheduled to hold a public hearing on the proposed ordinance updating the Development Standards for Wildfire Lands. The Planning Staff Report attached provides a general summary of the ordinance amendments being presented for consideration. This memo is intended to highlight specific changes that have been made to the wildfire ordinance subsequent to the Planning Commission's last study session on the subject that took place on February 27, 2018.

The Tree Commission and Wildfire Mitigation Commission reviewed the initial draft of the ordinance and have provided recommendations for consideration as included in the Planning Staff report. The City Council is scheduled to hold a public hearing and first reading of the draft ordinances on July 17, 2017.

## **Wildfire Development Standards Amendments**

During the February 27 Planning Commission study session, Commissioners identified a number of sections of code to address in the final draft proposal:

- An approval criteria in the February 2018 draft contained language that may have been difficult to apply in a clear an objective manner. Specifically the prior draft section 18.3.10.100.A.3 included the language "...*balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, enhancement of water resources and aesthetics*". Given this language related in part to the underlying purpose of the standards, the "balanced with the need" section was removed from the criteria section and relocated to the introductory description and purpose statement. The section regarding preservation of trees and plants for erosion prevention and enhancement of water resources was relocated to 18.3.10.100.A.3.a.v so that potential impacts to hillside, riparian, and wetland areas may be considered in establishing conditions of approval.



- The Planning Commission requested that the ordinance address fencing materials to reduce the risk of fire spreading to an adjacent structure. A new section has been added to the wildfire standards (18.3.10.100.A.4) as well as to the Fences and Walls section (18.4.4.060) to establish the requirements for new fencing within the Wildfire Lands Overlay. These provisions are found in Section 7 of the attached draft ordinance and amend 18.4.4.060.B.8 of the land use ordinance. These new provisions require that fencing attached to a building or deck shall be made of non-combustible materials within five feet of the connection to the structure. The new section further clarifies what constitutes non-flammable fencing, and that it only applies to existing fencing when the fence is retrofitted to attach to a new building or structure.
- Planning Commissioners commented that the language describing screening hedge could be confusing given the term “evergreen” is often interpreted as needle bearing. It was suggested the term “broadleaf” evergreen be used in addition to being fire-resistant and site obscuring. This change has been made throughout the draft ordinance where a hedge or screening is described.
- The Planning Commission identified that a number of terms used in the earlier draft would require definitions to be included in the final ordinance proposed. New definitions are outlined in Section 12 of the attached draft Ordinance amending Chapter 18.6.1 of the Land Use Ordinance.

In addition to the changes discussed by the Planning Commission on February 27<sup>th</sup>, 2018, Staff has made a number of Scribner’s changes to the ordinance for clarity. Additionally the previous section entitled “*Adjustments to a Fire Prevention and Control Plan and General Modification Area Requirements*” was deleted as Staff believed it was better addressed within the specific sections to which the adjustments applied. This “adjustments” section in the early draft of the ordinance was intended to outline an allowance for staff to reduce or waive general requirements as part of an initial planning review or building permit review. The General Fuel Modification Area Standards in the final draft of the ordinance have been amended to include the specific language that provides the staff advisor and fire code official the ability to reduce or waive requirements when it is demonstrated that the fire risk has been reasonably reduced such as in cases where ignition resistant materials and construction methods, or vegetation type and separation, function to enhance the structure’s protection from exterior wildfire exposure. (18.3.10.100.B.2.m). The submittal requirements for a Fire Prevention and Control Plan similarly have language that allows the Staff Advisor to waive submittal requirements when it is determined that they are not reasonably necessary to make a decision on an application (18.3.10.100.A.2). Given these two sections sufficiently address this intended flexibility in submittal requirements, and fuel modification standards, the prior standalone section titled *Adjustments to a Fire Prevention and Control Plan and General Modification Area Requirements* was redundant and unnecessary.

### **Next Steps**

The materials presented to the Planning Commission at this evening’s public hearing are to be presented to the City Council at a public hearing on July 17<sup>th</sup>, 2018. The Planning Commission’s formal recommendation to the Council regarding the attached map amendment



and ordinance will be forwarded to the Council for their consideration during deliberation on the proposed ordinance.

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**Attachments:**

- Planning Staff Report: PA-L-2018-0003 dated 6/26/2018
- Draft Chapter 18 Ordinance amendments relating to Development Standards for Wildfire Lands
- Draft Chapter 9 Ordinance amendments relating to establishment of a Prohibited Flammable Plant List
- Draft Resolution relating to establishment of a Prohibited Flammable Plant List
- Draft Physical and Environmental Constraints Map - Wildfire Lands overlay
- Community Planning Assistance for Wildfire (CPAW) Memo dated January 2017
- Community Planning Assistance for Wildfire (CPAW) Best Practices Report dated April 2017
- Public Comment
  - Letter from Daniel Dawson (5/16/2018)
  - Letter from Tom Sager (5/30/2018)

