

Memo

DATE: 2/23/2016

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, and November 24, 2015. The Tree Commission discussed potential changes on April 9, 2015, and held a special meeting to evaluate the initial draft ordinance on December 10, 2015.

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).



- A Fuel Break would be required of all properties obtaining building permits for new construction, as follows:
 - All new structures, including decks and accessory structures, that increase lot coverage by 200 square feet or greater;
 - Additions to existing buildings which increase the gross floor area by 200 square feet or greater;
 - Conversions of existing detached buildings into new habitable floor area.
- 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, as was an expressed concern at the Commission meetings. Specifically a number of revisions to the draft fuel break 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.

- Trees listed on the draft Fuel Break Prohibited Plant List (e.g. Pine, Fir, Cypress):
 - The separation from structures has been reduced from 10' to 5', except a 10' clearance from a chimney is required in the draft ordinance.
 - The separation between the canopies has been reduced from 10' to 5'.
 - shall be pruned up to a minimum eight feet, or 1/3 of the tree height, whichever is less
 - Ashland Fire and Rescue continues to recommend the ordinance provide for the 10' clearances presented in the prior draft ordinance.
- 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.
- Shrubs and bushes, which are identified on the City's Fuel Break Prohibited Plant List, shall 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 Plan 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 3 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 3' of the structure.

In review of the existing Development Standards for Wildfire Lands, the provision relating to roofing (18.3.10.100.B.3) is no longer compliant with State building codes in that Ashland's existing ordinance



precludes wood roof coverings in wildfire lands. In the last decade fire retardant treated wood roofing materials have been tested and approved by the State Building Codes Division as acceptable roofing in wildfire areas. In consultation with Ashland's Building Code Official the Land Use Code should not be in conflict with State law. Our local Fire Department has concern regarding the durability of these new wood roofing materials over time, and thus in order to preclude these materials locally, the City would have to amend its local building code obtaining approval from the State. As this process is separate from the Land Use ordinance amendment process the draft code has been amended to be consistent with the State of Oregon Revised Structural Code at this time, requiring Class B or better roofing, but eliminating the prior "non-wood" qualification.

The proposed Fuel Break Prohibited 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 break 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 break requirement (18.3.10.100.B.1) and would have to be addressed on a required Fire Prevention and Control Plan. As a policy decision the City could further consider implementing the prohibition on such highly flammable plants city-wide, independent of the development review process. Such a broad application would better ensure that residents do not continue to plant fire prone species in proximity to structures. Such a city-wide prohibition would best be codified the Public Health and Safety chapter (ch.. 9) of the Municipal Code, if so directed by Council as a new policy.

Members of Wildfire Mitigation Commission and Tree Commission have been invited to attend the Planning Commission Study Session this evening to review the draft ordinance as presented. Additionally, Ashland Fire and Rescue is holding an open house on Thursday February 25 from 5:00-7:00 pm in the Gresham Room at the Ashland Public Library to present the draft ordinance to landscaping professionals and the general public.

A public hearing before the Planning Commission is scheduled for April 12, 2016, to be followed with a hearing before the City Council on May 3, 2016.

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 Fuel break requirements.
 - 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 Resolution establishing a Fuel Break Prohibited Plant List
- Draft Wildfire Lands Map
- Draft Ordinance Comparison Matrix
- Minutes from the Tree Commission Special Meeting 12/10/2015

