



# CITY OF ASHLAND



## TREE COMMISSION MINUTES December 10, 2015 Study Session

### CALL TO ORDER

Gregg Trunnell called the study session to order at 6:05 p.m. in the Siskiyou Room of the Community Development and Engineering Services building located at 51 Winburn Way.

Commissioners	Council Liaison
Ken Schmidt (absent)	Carol Voisin (absent)
Gregg Trunnell	Staff
Casey Roland	Brandon Goldman, Senior Planner
Maureen Battistella	Chris Chambers, AF&R
Russell Neff	Alison Lerch, AF&R
Christopher John (absent)	
Mike Oxendine	

### DISCUSSION TOPIC:

#### **Development Standards for Wildfire Zones**

Brandon Goldman, Senior Planner, provided an overview of the existing land use standards for wildfire lands, and outlined potential changes to requirements for Fuel Breaks and Fuel Prevention and Control Plans in the code presented for discussion.

Goldman explained that presently just over 1250 acres are within the existing Wildfire Lands area, this accounts for over 25% of the Urban Growth boundary. He noted that with approval of expansion of the Wildfire Lands area boundary the entire City would be subject to the standards of 18.3.10.100 which presently require:

Fuel Prevention and Control Plan for subdivisions and partitions (creating new lots)

- Hearing authority makes a determination that “the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics”.
- Maintenance of the fire prevention and control plan required. (completed thinning)

For all new construction and additions expanding the size of an existing structure are required to have a fuel breaks around the structure. Goldman noted that current requirements stipulate that the general fuel break area be “Sufficiently thinned so there is no interlocking canopy of fast growing vegetation”. He stated that the goal of the Primary Fuel Break area in the existing code is to “remove ground cover that will produce flame lengths in excess of one foot”. He explained that the secondary fuel break area extends 100’ beyond primary fuel break and has a stated goal in the existing code to “to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control”

Goldman presented the primary elements of the discussion Draft Ordinance Standards clarifying that the Fire Prevention and control Plan requirements would apply to Partitions and subdivisions as they had previously, but due to the expansion the requirement to develop such a plan would newly be applied to Site Reviews for Multifamily and Commercial developments as part of those future planning actions. He further clarified that neither Single family homes on existing lots, nor additions to existing structures would require the development of a Fire Prevention and Control Plan, although they would be subject to fuels reductions through establishment of a fuel break.

Goldman explained that Ashland Fire and Rescue (AF&R) has been using a checklist that helps them evaluate the potential risk of wildfire spread on properties when inspecting properties for compliance with the existing fuel break standards, and that Planning Staff and AF&R Staff have been working to develop clear and objective fuel break standards for consideration. He said revising the existing code provides the opportunity to clarify precisely what is meant by a number of specific terms used in the existing code including:

*”fast burning species”*

- Fuel Break Prohibited Plan list
- Apply to all new plantings within 30’ of a structure as part of a development proposal, Should it also apply to existing?

*“Sufficiently thinned so there is no interlocking canopy of this type of vegetation”*

- Applies to “fast burning species” which would be newly defined as those trees, shrubs, and groundcovers listed on the Fuel Break prohibited list
  - As written the discussion draft stipulates that a minimum 10’ separation from structure (roof, chimney, decks, and outbuildings) for all tree canopies is required. Chris Chambers, Forestry Division Chief with Ashland Fire and Rescue, clarified that fire resistant tree canopies could be retained even if within 10’ of a structure, other than chimneys, provided the limbs do not touch the structure. A 10’ canopy separation from chimneys for all tree varieties would still be a proposed ordinance amendment.
  - AF&R clarified that if highly flammable species met, or could be trimmed to meet, canopy spacing requirements the intent was that they could be retained in the fuel break area.

*“remove ground cover that will produce flame heights in excess of 1 foot.”*

- Within the discussion draft there is potential language that would disallow combustible materials within 3’ of a structure (bark mulch, plantings along a wall, accumulation of leaves etc).
- Chambers clarified that AF&R would be amenable to fire resistant plants being retained within 3’ of a structure through revisions to the draft ordinance.

*“all new construction, and any construction expanding the size of an existing structure”*

- Goldman described how the newly proposed 200 sq.ft. of increased lot coverage trigger for fuel break requirements was derived, as outbuildings less than 200sq.ft. do not require building permits. He further explained that AF&R has

indicated they would like this changed to include any change of use within an existing structure (garage becoming habitable space)

Alison Lerch, Fire Adapted Communities Coordinator, discussed an internationally recognized interface code standards for wildfire protection. She explained that as the entirety of Ashland is in close proximity to wild lands there is a threat of wildfire citywide. Lerch noted that the City of Ashland has 23 Firewise communities, has established an evacuation program, and has undertaken forestry fuels reduction within the urban-forest interface area. She explained that adopting codes and ordinances is another step in ensuring that Ashland is a “Fire Adapted Community”. She explained that Firewise is a voluntary program, and in spite of considerable success in getting neighborhoods to participate, the area included in the 23 designated neighborhoods only accounts for 7% of the city.

Commissioner Greg Trunnell said his neighborhood was one of Ashland’s participating Firewise Communities, and that there are substantial difference between the draft code, and the Firewise Program.

Chambers discussed incidents of wildfire within the community that were outside the existing wildfire overlay area, and expressed that these incidents were the motivation to manage vegetation and roof materials throughout the City. He elaborated on past initiatives presented to the City Council relating to vegetative management that were not moved forward, and explained that adopting a citywide wildfire area would address the threat of wildfire from such things as wood shingled roofs, which are presently allowed outside the hazard area boundary.

Commissioner Mike Oxendine questioned how the Wild Fire Hazard Evaluation report was conducted in assigning the Wildfire Hazard f values and is establishing the geographic sections of the City considered. He noted that in his review of OAR chapter 629 division 044 that the preparation of the Wildfire Hazard Evaluation should have been completed by an accredited assessor as defined by the OAR. He explained that he sees a conflict of interest in the Fire Department designating areas based solely on fire risk. He expressed concern over the impact of the draft ordinance on large established trees next to concrete buildings and metal roofs. Using Green Springs dormitories as an example Oxendine noted that the adjacent trees touch the building and provide a reduction of about 20% in cooling costs. He stressed that many areas of town, including SOU, may not be high risk hazard areas.

Chambers responded that Ashland Fire and Rescue prepared the Wild Fire Hazard Evaluation and that both he and Alison Lerch are employees of AF&R and have extensive experience in wildfire suppression, landscape vegetation, and forestry. He addressed the geographic boundaries of the proposed wildfire hazard area in stating embers from an active fire can travel up to 1.5 miles, and can ignite buildings far from the initial fire, therefore all areas within Ashland are at risk of wildfire. He provided a recent example in Wenatchee Washington where an industrial area was ignited due to such embers generated a mile away. He provided the local example of the Oak Knoll fire that resulted in the loss of 11 homes even though the area was not within the current wildfire overlay boundaries. He spoke to how such an urban conflagration can be exacerbated by vegetation such as juniper and columnar cedar, and wooden roofs.

Chambers explained that the Fire Departments sees some areas of flexibility regarding provisions within the discussion draft ordinance. He reaffirmed that if someone does not build an addition they would not

have to do anything, explaining the fuel break standards would only apply on new construction and additions. Oxendine postulated that the draft standards could impact peoples decision to pursue a permit. Commissioner Maureen Battistella asked how the draft standards would have impacted the Siskiyou, Oak Knoll, and Railroad fires had they been in effect at the time of those fires. Chambers explained that the Siskiyou fire was outside the City, so the standards would not have been applied, and that in the Oak Knoll fire a row of Leland cypress, which are on the prohibited plant list proposed, were a significant heat source once engulfed in flames. Battistella noted that if those houses had no additions, then the existing conditions would not have changed. Chambers acknowledged that as fuel breaks are only required as part of new construction and additions, that is is a small percentage of lots that are impacted in any given year.

Chambers clarified the areas of draft code that could be modified. He explained that the Fire Department is agreeable to the 200sq.ft. addition as a threshold. Although AF&R originally proposed 100sq.f.t they are ok with 200 sq.ft. provided it includes any additional floor area including an added story that does not change the footprint. Goldman explained the distinction between a foot print expansion and the conversion of existing unheated space into habitable area such as an attic or garage conversion.

In addressing proposed tree canopy spacing requirements for fire prone trees, Oxendine said he did not want to discourage people from planning from planting young conifers. He cited that the new conifers would replace old conifers 100 years from now, and that there are many ways they provide value including heating and cooling benefits, and increases in property value. He questioned who would enforce the fuels reduction requirements, and Chambers indicated that Fire Marshal Hickman, Alison Lerch, and he would be responsible for enforcement.

Chambers clarified that the 10' clearance from a chimneys should apply to all tree varieties, but fire-resistant trees could be trimmed only so that they do not physically touch adjacent structures, and that fire resistant trees would not need to meet the canopy spacing standards other than to avoid interlocking. Fire prone trees [those on the prohibited plant list] should meet the proposed standards for canopy separation, as well as maintaining a 10 separation from structures. He also explained that the shrub spacing requirements in the draft ordinance are not intended to apply to privacy screening, or parking screening, and thus those areas could be amended.

Commissioner Oxendine introduced LEED certification standards which include a scoring system for using vegetation to help sites reduce heating and cooling, and provide storm water management benefits. He questioned whether a similar numeric scoring system to rate fire mitigation factors had been considered. Chambers explained that AF&R had reviewed score based strategies but felt some minimum requirements were more appropriate.

Commissioner Battistella asked how such standards would apply to mobile home parks. Goldman explained that if a new unit were added, not a replacement unit, then the park owner would be subject to a site review planning action and be required to have a Fire Prevention and Control Plan, and address fuel breaks for the entire park. He noted that how fuel break requirements would be applied to a single manufactured home adding a carport addition or deck, is an area that Staff would need to look at closer.

Chambers clarified that the 3' buffer around homes would necessitate the removal of flammable plants and accumulation of materials allowing for a gap between mulch and the structure. He reiterated that the intent is not to disallow fire resistant plants that are maintained. He said there may be further flexibility regarding bark being adjacent to non-flammable structures.

Commissioner Oxendine suggested that a ten year review of application of the ordinance be conducted to evaluate the impacts on water resource protection zones, including evaluation from outside experts such as BLM. Goldman explained that the code provision in 18.3.10.100.A.4 adding water resource protection was intended to allow reviews to consider vegetation such as interlocking tree canopies over streams that provide riparian functions. Goldman further noted that the Department of State Lands reviews development projects that involve any alteration to designated wetlands. Battistella noted that the language proposed strengthens protections for water resources.

Commissioner Battistella expressed that she thought the trigger for fuel breaks in 18.3.10.100.B.1 should include all floor area, including a second story as it could change the building's proximity to tree canopies.

Commissioner Oxendine suggested a 10 year review of the final ordinance, to evaluate its impacts on water resource protection zones.

The Commission discussed a reduction of fuel break requirements to within 130' of a structure. Goldman noted that the draft language allows for such exemptions for lots larger than 1 acre. The Commission discussed allowances for the retention of dead material on site when serving ecological functions.

The Commission discussed the exemption for "significant trees" of 18" dbh or greater. Commissioners discussed other classifications such as heritage trees, tree of the year recipients, unique specimens, and socially or culturally significant trees, as also potentially being considered for exemption from the fuels reduction requirements. They further questioned how mitigation would work when a tree removal permit is required. The mitigation requirements were discussed and it was noted if trees had to be removed for fuels reduction, there may not be a suitable location to replace them on small parcels, as such mitigation may be problematic. It was noted that a potential exemption from mitigation requirements could be possible, or alternatively payment into an in-lieu fee.

Commissioner Oxendine expressed that the cost of fuels reduction could be cost prohibitive for some, and that a fund to help with trimming or vegetation removal would be helpful. Overall he indicated his support for an ordinance as in the event a wildfire burns the City, existing trees would be lost as well.

Goldman noted that the draft ordinance would be revised before a citywide notice is sent and the public hearing process is initiated for ordinance review and adoption. The Commission expressed an interest in having an opportunity to review the final draft.

### **Meeting Adjourned**

9:05 pm