

Memorandum



July 8, 2015

To: Community Advisory Committee
From: Rithy Khut, Land Use Planner
Re: Fire Safety Zones Analysis

SUMMARY

The purpose of this memo is to provide information regarding fire safety zone requirements within the commercial forest use (CFU) zones in the county. This analysis will provide background information and suggestions toward possible policy or regulatory changes by comparing the county's regulations to Oregon Revised Statutes, Oregon Administrative Rules and other Oregon counties.

BACKGROUND

The siting of dwellings and accessory structures on forest land presents unique challenges towards wildfire protection. Structures within the forest resource zones can conflict with forest operations and are susceptible to wildfire threats. To mitigate those issues, the State created rules to establish setback, buffering and fire safety requirements. Oregon Administrative Rule (OAR) chapter 660, division 6, rule 29 requires counties to create siting criteria, which may include setbacks from adjoining properties and clustering of structures to minimize risks associated with wildfire. The Oregon Department of Forestry (ODF) provides guidance in their publication, "Consideration for the Siting of Dwellings on Forest Land" to assist counties in determining specific siting criteria. Additionally, OAR 660-006-0035 sets fire-siting standards for dwellings and structures. Counties are required to adopt the fire-siting standards in the OAR and the fuel-free break area (fire safety zone) provisions in the publication, "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" developed by ODF.

FIRE SAFETY ZONES

The County's fire safety zone requirements are consistent across the CFU zones. All CFU zones in Multnomah County require the owner to establish a primary and secondary fire safety zone around their dwelling and accessory structures. As a requirement of OAR 660-006-0035, the county has adopted fire safety zone requirements and ODF's, "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads." At minimum, all new, replacement or restored dwellings must have a fire retardant roof, a spark arrester in each chimney and access to a perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot.

Depending on the size and location of the replaced or restored dwelling, mobile home or accessory structure, a primary and/or secondary fire safety zone is either required or encouraged. For dwellings, mobile homes, and accessory structures that require a primary fire safety zone, the minimum distance is 30 feet in all directions surrounding the dwelling or structure. Within this zone, trees are required to be spaced at a minimum of 15 feet between the crowns and pruned to remove low branches. Additionally all other vegetation should be kept less than two feet in height. For the secondary fire zone, the minimum distance is 100 feet in all directions around the primary fire zone. Within this zone, vegetation should be pruned and spaced so that fire will not spread between crowns of trees and small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees (see Table 1).

Table 1 – Simplified Fire Safety Zone Requirements

Use	Fire Safety Zones
Description of use and location	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage	Property owner is encouraged to establish Primary to the extent possible
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage	Primary is required to the extent possible within the existing setbacks
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible
Template, Heritage, Large Acreage Dwelling or replaced or restored dwelling over 100 ft. from existing dwelling,	Primary & Secondary required
At least a portion of the Temporary Health Hardship Dwelling or mobile home during construction or reconstruction of a residence is within 100 ft. of existing dwelling	Primary required
Temporary Health Hardship or Mobile home during construction or reconstruction of a residence farther than 100 ft. from existing dwelling	Primary and Secondary required
Accessory structures within 100 ft. of the dwelling	Primary required
Accessory structures located more than 100 ft. from the dwelling	Primary & Secondary required
Addition to an existing structure	Primary is required to the extent possible within the existing setbacks.
Other Structures or Accessory structures	Primary & Secondary required

In addition to these zones, if the land is on a slope of 10% or greater, the primary fire zone must be extended down slope from the dwelling or structure. The increased distance of the safety zone is based on the property's slope. Additionally, a building site cannot have a slope greater than 40% (see Table 2).

Table 2 – Fire safety zones distances in relation to slope

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

COMPARISON WITH STATE REQUIREMENTS

The county’s fire safety zone requirements match most of the requirements outlined by state law and Department of Forestry guidelines. The basic requirements for forestland dwellings are found in ORS 215.730, OAR 660-006-0029 and 0035, and ODF guidelines within, "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads." The county matches the requirements for roofing, chimneys, siting, water supply, and fire protection. The county has also established standards to meet OAR requirements and the recommendations from ODF’s, “Considerations for the Siting of Dwellings on Forest Land. In approving dwellings and other structures on forest lands, the state requires counties to apply the following siting criteria:

4. The risks associated with wildfire are minimized.

The County satisfies these siting criteria by setting standards addressing:

1. Setbacks from adjoining properties
2. Clustering near or among existing structures
3. Siting close to existing roads and siting on that portion of the parcel least suited for growing trees

To meet the state’s fire safety requirements, the county requires fire safety zones as discussed earlier. These requirements are taken verbatim from the OAR and are consistent with ODF rules.

COMPARISON WITH COUNTIES IN OREGON

Multnomah County’s requirements for fire safety zones are similar to other counties in Oregon. Analyzing the development and zoning codes for Clackamas, Washington, Marion and Deschutes counties, the fire safety zones requirements are similar.

CONCLUSION

The County’s requirements for fire safety zone standards align with OAR and Department of Forestry requirements. In addition, the county’s regulations are similar to regulations from other Oregon counties. Therefore, it does not appear that changes are needed to update fire safety zone regulations. Additionally, the Community Advisory Committee has already addressed the topic of strengthening the clustering requirements to reduce potential impacts of wildfire.

From a policy perspective, the Comprehensive Plan and Rural Area Plans have a limited number of policies regarding forest fire hazards. Policy 56 of the East of Sandy Plan requires development to meet fire safety standards, including driveway and access standards. Although County regulations match state requirements, there is the opportunity for the Community Advisory Committee to discuss the need for stronger forest fire protection policy language in the commercial forest use zones or if fire protections should be expanded to cover other zones.