

428 FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-1 Intent and Purpose

The following siting standards apply to all new dwellings and structures in the EFC District. The purpose of the following standards is to ensure that structures are sited in a manner compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands.

428-2 Applicability

The forest structure siting and the fire safety standards of this section apply to all new dwellings and structures, including but not limited to replacement dwellings and accessory structures (including residential, agricultural, and forestry accessory structures). The standards of this section are not applicable to the restoration of existing dwellings or structures or to building additions. New dwellings and structures which do not meet the Type I standards in Section 428-3 shall be reviewed through a Type II procedure and shall comply with the applicable standards in Section 428-4. A variance or hardship relief request to reduce the dimensional standards of Section 428-3 shall not be permitted.

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that are reviewed through a Type I procedure shall comply with the following standards. If the Type I standards are not met on a property, the Type II standards of Section 428-4 shall apply. In order to qualify under the Type I standards below, the property shall be located within the boundaries of a Fire Protection District (does not include Oregon Dept. of Forestry).

428-3.1 Forest Structure Siting Standards For Dwellings and Structures

A. Dwellings, including replacement dwellings not permitted by Sections 428-3.1 B. or 428-3.1 C., shall comply with the following standards:

- (1) The subject site shall have frontage on a public road and access to the dwelling shall be obtained either directly from the subject property or via a recorded easement from this public road.
- (2) Part or all of the dwelling shall be located within three-hundred (300) feet of the public road from which access is taken.
- (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire dwelling shall be located two-hundred (200) feet or more from the property line. The dwelling shall be located near the property line that is closest to fire protection services. See Figure 1.
- (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the dwelling shall be located within five-hundred (500) feet of the existing dwelling. The

dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District and the fire break requirements of Section 428-3.4 D. However, in no case shall the dwelling be located more than three-hundred (300) feet from the public road providing access to the dwelling. See Figure 2.

- (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian corridor as defined in Sections 422-3.3 and 106-185.
- B. A replacement dwelling, that will be sited at the same location as the existing dwelling, shall comply with the following standards:
- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) The dwelling shall meet the primary and secondary fire break area requirements of Section 428-3.4 D. to the extent the existing building setbacks permit.
- C. A replacement dwelling that will not be sited at the same location as the existing dwelling, but part or all of the replacement dwelling will be sited within two-hundred (200) feet of the location of the existing dwelling, shall meet the following standards:
- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) Part or all of the replacement dwelling shall be located within three-hundred (300) feet of the public or private access road to the extent the setbacks of the existing dwelling permit. If the existing dwelling is located more than three-hundred (300) feet from the road, the replacement dwelling shall not be located a greater distance from the access road than the existing dwelling. See Figure 3.
 - (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire replacement dwelling shall be located two-hundred (200) feet or more from the property line to the extent permitted by the location of the existing dwelling.
 - (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the replacement dwelling shall be located within five-hundred (500) feet of the existing nearby dwelling to the extent permitted by the location of the existing nearby dwelling. The replacement dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District, the fire break requirements of Section 428-3.4 D., and the setback requirement of (2) above. See Figure 3.
 - (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian zone as defined in Sections 422-3.3 and 106-185.
- D. Non-dwelling structures, including accessory structures shall:

- (1) Be located so that part or all of the structure is within two-hundred (200) feet of the dwelling, and part or all of the structure is located between the dwelling and the public or private road which provides access to the dwelling to the extent permitted by the location of the existing dwelling (see Figure 4); or
- (2) Meet the siting standards for new dwellings in Section 428-3.1 A. (1, 2, 3, and 4).

Structures that do not meet the standards in (1) or (2) above shall be reviewed through a Type II procedure and shall comply with the applicable standards of Section 428-4.

428-3.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule [OAR 629-24-101(3)].
- B. For the purposes of Section 428-3.2, evidence of a domestic water supply means:
 - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (2) A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or
 - (3) Verification from the Oregon Department of Water Resources that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

428-3.3 Stocking Requirements For Dwellings

All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A. Pursuant to ORS 215-730, approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

428-3.4 Fire Siting Standards for Dwellings and Structures

The following fire siting standards shall apply to dwellings and structures, including replacement dwellings and accessory structures:

A. Residential Fire Protection Requirements For Dwellings, Including Replacement Dwellings

Dwellings, including replacement dwellings, shall be located upon a parcel within a fire protection district (does not include the Oregon Department of Forestry) or be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the application shall be reviewed via a Type II procedure for forest structure siting and fire safety standards.

B. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least four-thousand (4,000) gallons or a stream that has a minimum flow of at least one (1) cubic foot per second. The applicant shall provide verification from the Oregon Department of Water Resources that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.

C. Road access to a water supply shall be provided to within fifteen (15) feet of the water's edge for fire-fighting equipment, including pumping units. The road (driveway) access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

D. Fire Break Area Requirements

The owner(s) of dwellings and structures, including replacement dwellings and accessory structures, shall:

- (1) Maintain a minimum thirty (30) foot primary fuel-free fire break area around the dwelling or structure. As slopes increase, the distance of the primary fire break area shall be increased around the dwelling or structure in accordance with the dimensional requirements in Table A;
- (2) Maintain an additional one-hundred (100) foot secondary fuel-free fire break area around the primary firebreak encircling the dwelling or structure; and
- (3) Any required fire break shall be on land that is owned or controlled by the owner of the subject property.
- (4) A replacement dwelling permitted by Section 428-3.1 B. shall meet the fire break area requirements in (1) and (2) above to the extent the existing building setbacks permit.

TABLE A		
SIZE OF PRIMARY FIRE BREAK AREA BY PERCENT OF SLOPE		
Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- E. Dwellings and structures shall not be sited on a slope greater than forty (40) percent.
- F. Dwellings and structures shall have a fire retardant roof.
- G. If the dwelling or structure has a chimney or chimneys, each chimney shall have a spark arrester.

428-3.5 Fire Safety Design Standards for Roads and Driveways

- A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- B. Prior to the issuance of a building permit or a Development Compliance Permit for a dwelling or structure, including replacement dwellings and accessory structures, an applicant shall provide written confirmation from the appropriate fire protection agency that preliminary construction of the road or driveway is adequate to provide access for fire fighting equipment; and
- C. Prior to final building inspection approval or occupancy/use of a dwelling or structure, whichever occurs first, an applicant shall provide written confirmation from the appropriate fire protection agency that final construction of the road or driveway complies with its standards.
- D. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that do not comply with the standards in Section 428-3 shall be reviewed through a Type II procedure and shall comply with the following standards:

428-4.1 Forest Structure Siting Standards

A. Dwellings and structures shall be sited on the parcel so that:

- (1) They have the least impact on nearby or adjoining forest or agricultural lands;
- (2) The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;
- (3) The siting ensures that adverse impact on forest operations and accepted farming practices on the tract will be minimized;
- (4) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- (5) The risks associated with wildfire are minimized.

B. Siting considerations satisfying Section 428-4.1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

428-4.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule [OAR 629-24-101(3)].

B. For the purposes of Section 428-4.2, evidence of a domestic water supply means:

- (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
- (2) A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or
- (3) Verification from the Oregon Department of Water Resources that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

428-4.3 Stocking Requirements For Dwellings

All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A. Pursuant to ORS 215-730, approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract (except for required firebreaks) to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

428-4.4 Fire Siting Standards for Dwellings and Structures

The following fire siting standards shall apply to all new dwellings and structures, including replacement dwellings and accessory structures:

A. Residential Fire Protection Requirements for Dwellings

Dwellings, including replacement dwellings, shall be located upon a parcel within a fire protection district or be provided with residential fire protection by contract from a public fire protection district. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district. If the Review Authority determines that inclusion within a fire protection district or contracting for fire protection is impracticable, the Review Authority may provide an alternate means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall submit a letter from a professional forestry consultant or from a professional fire protection consultant recommending what alternate means of fire protection should be utilized.

- B. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least four-thousand (4,000) gallons or a stream that has a minimum flow of at least one (1) cubic foot per second. The applicant shall provide verification from the Oregon Department of Water Resources that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.
- C. Road access to a water supply shall be provided to within fifteen (15) feet of the water's edge for fire-fighting equipment, including pumping units. The road (driveway) access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

D. Fire Break Area Requirements

The owner(s) of dwellings and structures, including replacement dwellings and accessory structures, shall:

- (1) Maintain a primary fuel-free fire break area surrounding all structures in accordance with the provisions in Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads, dated March 1, 1991, and published by the Oregon Department of Forestry;
- (2) Clear and maintain a secondary fuel-free break area in accordance with the provisions in Recommended Fire Siting Standards for Dwellings and

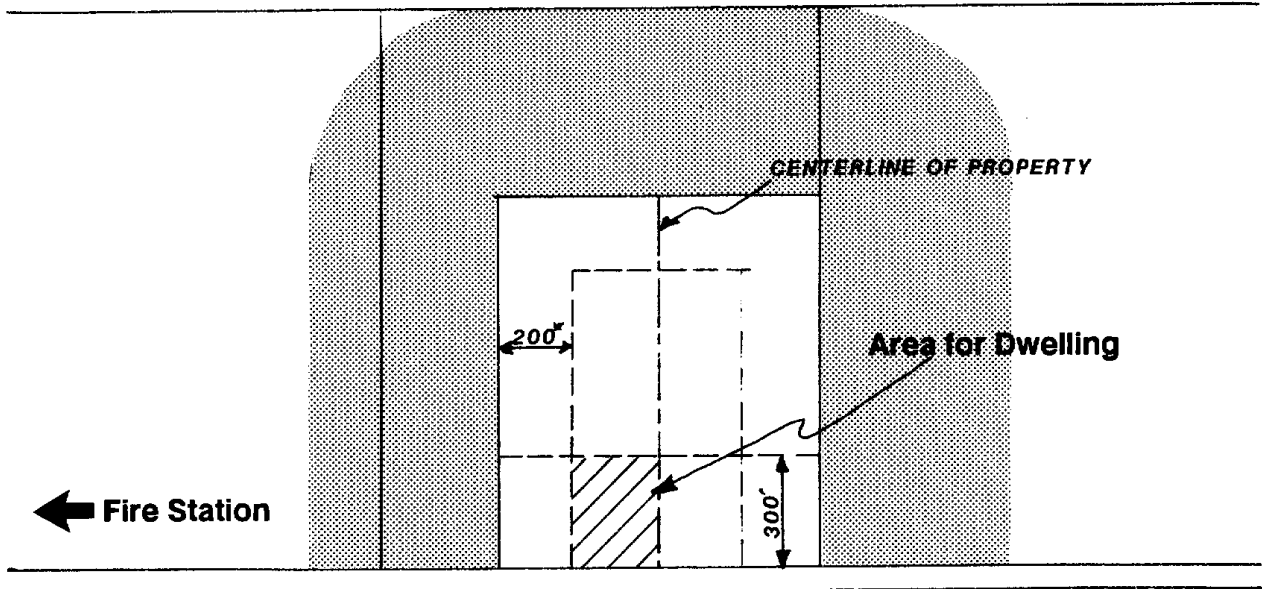
Structures and Fire Safety Design Standards for Roads, dated March 1, 1991, and published by the Oregon Department of Forestry;

- (3) As an alternative to the fire break provisions recommended by the Oregon Department of Forestry, clear and maintain fire break areas that have received approval by the appropriate Fire Marshal or approval by his designee. This alternate option is only available if the provisions recommended by ODF are not possible because of physical site constraints; and
 - (4) Any required fire break shall be on land that is owned or controlled by the owner of the subject property.
- E. Dwellings and structures shall not be sited on a slope greater than forty (40) percent and shall be set back at least thirty (30) feet from the top of slopes greater than forty (40) percent.
 - F. Dwellings and structures shall have a fire retardant roof.
 - G. If the dwelling or structure has a chimney or chimneys, each chimney shall have a spark arrester.

428-4.5 Fire Safety Design Standards for Roads and Driveways

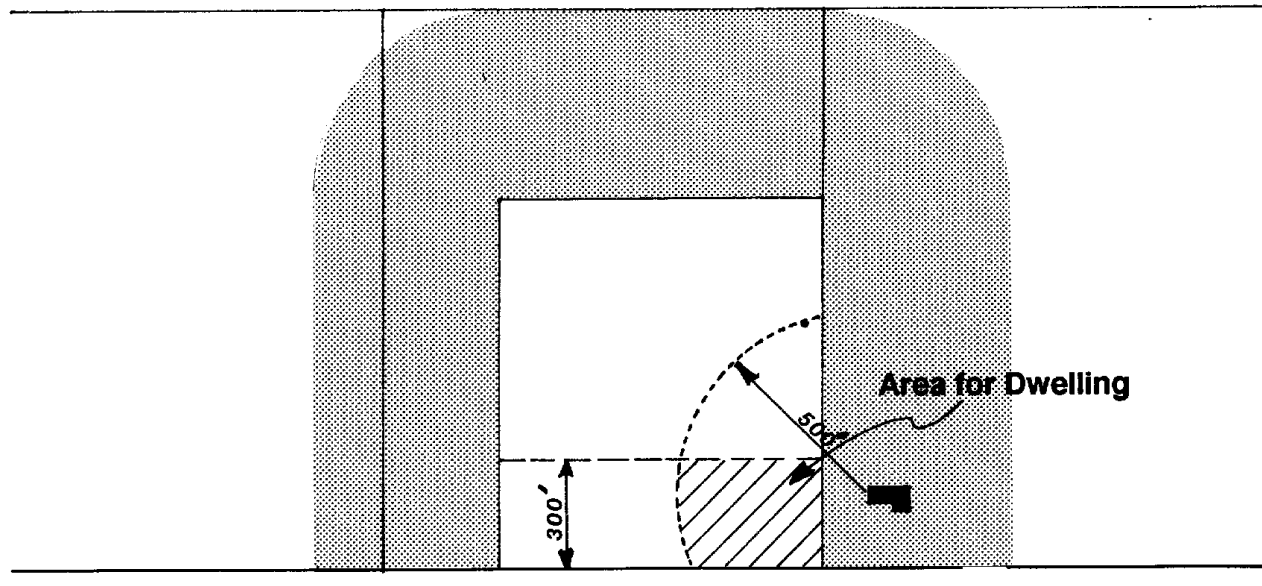
- A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- B. Prior to the issuance of a building permit or a Development Compliance Permit for a dwelling or structure, including replacement dwellings and accessory structures, an applicant shall provide written confirmation from the appropriate fire protection agency that preliminary construction of the road or driveway is adequate to provide access for fire fighting equipment; and
- C. Prior to final building inspection approval or occupancy/use of a dwelling or structure, whichever occurs first, an applicant shall provide written confirmation from the appropriate fire protection agency that final construction of the road or driveway complies with its standards.
- D. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

FIGURE 1. No Dwelling within 500 feet of Site



 Area within 500 feet of Site

FIGURE 2. Dwelling(s) within 500 feet of Site



 Area within 500 feet of Site

FIGURE 3. Replacement Dwelling within 200 feet of Existing Dwelling Location and an Existing Dwelling within 500 feet of a side, street side or rear property line of the site.

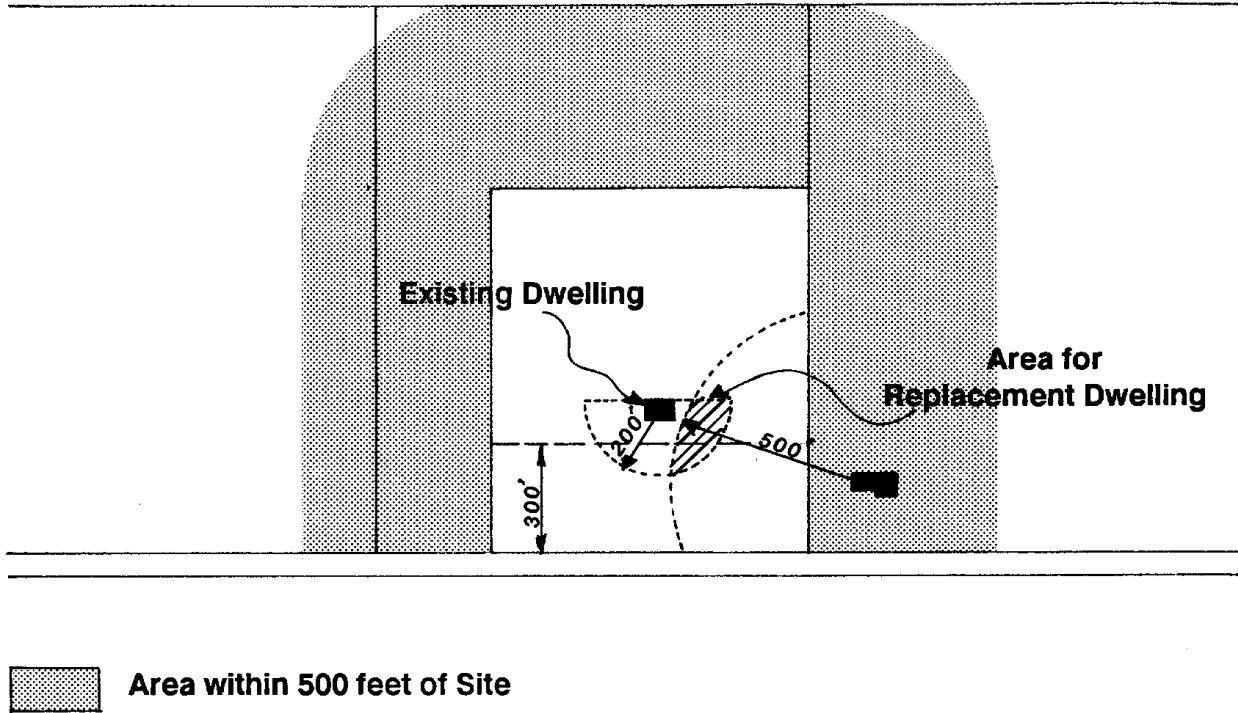


FIGURE 4. Location of Accessory Structure

