

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
STUDY SESSION  
FEBRUARY 23, 2016  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street.
  
- II. **ANNOUNCEMENTS**
  
- III. **AD-HOC COMMITTEE UPDATES**
  
- IV. **PUBLIC FORUM**
  
- V. **DISCUSSION ITEMS**
  - A. **Development Standards for Wildfire Lands ordinance amendments.**
  
- VI. **ADJOURNMENT**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

# Memo

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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 15<sup>th</sup>, 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.

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#### **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



**Planning Commission Study Session**  
**DISCUSSION DRAFT AMENDMENTS**  
**February 23, 2016**

**18.3.10.100 Development Standards for Wildfire Lands**

It is the purpose of the Development Standards for Wildfire Lands to provide supplementary development regulations to underlying zones to reduce or minimize the potential impacts of wildfire on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to manmade structures by firefighters in the event of a wildfire.

**A. Requirements for Subdivisions, Performance Standards Developments, Site Design Review or Partitions.**

1. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, Site Design Review or land partition.
2. The Staff Advisor shall forward two copies of the Fire Prevention and Control Plan to the Fire Code Official within three days of the receipt of a completed application. The Fire Code Official shall review the Fire Prevention and Control Plan, and submit a written report to the Staff Advisor no less than 10 days before a scheduled hearing, or notice of decision in the case of a Partition or Site Design Review process through a Type I procedure. The Fire Code Official's report shall be a part of the record of the Planning Action.
3. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall include the following items:
  - a. The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.
  - b. The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property.
  - c. The location and dimensions of all structures upon adjoining properties located within 30 feet of a shared property line.
  - d. The location of all existing and proposed fire hydrants.
  - e. Site contours showing two foot intervals detailing elevation and slope.
  - d. A tree and vegetation management plan showing:
    - i. Trees to be retained including the species, location and diameter at breast height (DBH),
    - ii. Trees to be removed including the species, location and diameter at breast height (DBH),
    - iii. New trees to be planted,

- iv.. Areas to be thinned to reduce interlocking tree canopies,
  - v. Shrubs and bushes to be retained, including the species, location and expected size at maturity,
  - vi. New shrubs and bushes to be planted,
  - vii. Dead, dying, or severely diseased, shrubs, bushes and trees to be removed.
  - viii. Heavily forested parcels greater than one acre in size may show on the Fire Prevention and Control Plan only trees, shrubs, and bushes requested for removal, upon approval of the Staff Advisor in consultation with the Fire Code Official.
- h. The location of and information addressing required general fuel break setback areas as described in subsection 18.3.10.100.B.
  - i. A schedule and timetable for vegetation removal and thinning shall be included in the Fire Prevention and Control Plan. An exception to the implementation schedule may be granted by the Fire Code Official.
4. Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found 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, enhancement of water resources, and aesthetics.
5. In order to meet the purpose and standards of this chapter the hearing authority, in consultation with the Fire Code Official, may require the following requirements through the imposition of conditions attached to the approval.
- a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
  - b. Clearing of sufficient vegetation to reduce fuel load.
  - c. Removal of all dead and dying trees.
  - d. Relocation of proposed structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.
7. The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the

requirements of the Fire Prevention and Control Plan approved by the hearing authority.

**B. Requirements for Construction of All Structures.**

1. A fuel break covering the full extent of the property, as defined below, shall be required for the following:

- a. All new structures, including decks and accessory structures, that increase lot coverage by 200 square feet or greater
- b. Additions to existing buildings which increase the gross floor area by 200 square feet or greater.
- c. Conversions of existing detached buildings into new habitable floor area.

2. General Fuel Break Requirements. A fuel break is defined as an area where the overall intensity of wildfire is reduced through fuels control and that is free of dead or dying vegetation, and has a reduced concentration of flammable plant species and ladder fuels which would promote the spread of fire. Establishment of a fuel break does not involve stripping the ground of all native vegetation. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel break is required as follows:

- a. All standing dead and dying vegetation shall be removed from the property, except when approved to carry out ecological functions considered beneficial within water resource protection areas.
- b. Within three feet of a structure existing vegetation which is identified on the City's Fuel Break Prohibited Plant List shall be removed, with the following exceptions;
  - i. Significant trees as defined in part 18.6
  - ii. Established landscaping installed prior to the effective date of this ordinance in conformance with a landscape plan approved as part of a Site Design Review or Performance Standards Subdivision.
- c. Within three feet of a structure combustible man-made and natural materials are prohibited including but not limited to bark mulch, and accumulation of dry leaves and needles.
  - i. Fire resistant shrubs and ground covers, which are free of dead or dying material, may be maintained within 3 feet of a structure.
  - ii. Combustible materials may be permitted within three feet of a structure when approved by the Staff Advisor in consultation with the Fire Code Official, provided the structure has a fire resistant exterior, and is constructed of stucco, brick, tile, adobe, concrete block, metal siding or comparable fire and ignition resistant materials.
- d. Existing trees which are identified on the City's Fuel Break Prohibited Plant List, shall be maintained to provide a clearance from structures as follows:

- i. 10 feet horizontal clearance from a chimney. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
  - ii. 5 feet above the roof.
  - iii. 5 feet from the furthest extension of the structure.
  - iv. In circumstances where meeting the clearance from structures requirements of 18.3.10.100.B.2.d. i-iii, would compromise the health and survival of existing trees, at a minimum the trees shall be maintained consistent with 18.3.10.100.B.2.h.
- e. Canopy spacing of the outermost limbs of trees identified on the City's Fuel Break Prohibited Plant List shall be separated by at least 5 feet at mature size.
  - i. Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Staff Advisor in consultation with the Fire Code Official.
  - ii. Canopy spacing requirements do not apply to significant trees, as defined in part 18.6, or trees that are not listed on the City's Fuel Break Prohibited Plant List.
- f. Fire resistant trees, those not listed on the City's Fuel Break Prohibited Plant List, shall be maintained to provide clearance from structures as follows:
  - i. 10 feet horizontal clearance from a chimney. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
  - ii. Tree limbs shall be pruned to ensure they do not touch any part of a structure including but not limited to roofs, eaves, and decks.
- g. 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.
- h. Existing trees which are identified on the City's Fuel Break Prohibited Plant List shall be pruned up to a minimum eight feet, or 1/3 of the tree height, whichever is less.
- i. The vertical clearance between the top of understory vegetation within the drip line of a tree, 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.
- j. Newly planted vegetation within 30 feet of any structure shall not include species listed on the City's Fuel Break Prohibited Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.
- k. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may

be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.

- I. Fuel breaks in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.
  - m. Fuel breaks may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
  - n. Properties may limit the fuel break area to lands within 130 feet of any structure consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.
3. Roofing. Where 50% or more of a structure's roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit.

### **C. Implementation.**

1. For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the plan shall be complied with prior to bringing combustible materials onto the property.
2. For all other structures, the general fuel break requirements of subsection 18.3.10.100.B, above, shall be complied with before bringing combustible materials onto the property.
3. The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision, partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.
  - a. The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was

completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.

- b. Final inspection of requisite fuel breaks will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100B.
4. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences, and additions to existing structures greater than 200 square feet, shall comply with all standards for new construction in subsection 18.3.10.100.B.
5. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.

**D. Minor Amendments.** Changes to an approved Fire Prevention and Control Plan and General Fuel Break requirements shall comply with the following procedures:

1. The following minor amendments are subject to ministerial approval by the Staff Advisor with written concurrence from the Fire Code Official:
  - a. A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.
  - b. A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.
  - c. The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.
  - d. A reduction of the requisite fuel break to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.
  - e. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than 5 feet between the outermost limbs of trees which are identified on the City's Fuel Break Prohibited Plant List.
  - f. The temporary storage of combustible materials on a property prior to completion of a Fuel Fire Prevention and Control Plan or establishment of a required fuel break.
  - g. A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.

**E. Exceptions.** The following exceptions are subject to approval through a Type I Procedure:

1. An action prescribed by 18.3.10.100 that includes the removal of trees designated to be retained as part of an approved Planning Action.
  2. A change that includes the removal of native vegetation within a Water Resources Protection Zone.
  3. A change in the Plan not specifically listed under 18.3.10.100 D1
  4. Tree removal on C-1, C-1-D, E-1, CM, M-1, HC, R-2, R-3, and NN-2, zoned properties subject to Tree Removal Permit requirements set forth in chapter 18.5.7.
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**Ashland Land Use Ordinance Sections to be amended in association with the proposed Wildfire Standards.**

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**18.3.10.090 Development Standards for Hillside Lands**

**D. Tree Conservation, Protection and Removal.**

3. Tree Conservation in Project Design. Significant trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH) (two-foot DBH or greater conifers and one-foot DBH or greater broadleaf), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.
5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.
  - a. The tree is located within the building envelope.
  - b. The tree is located within a proposed street, driveway, or parking area.
  - c. The tree is located within a water, sewer, or other public utility easement.
  - d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
  - e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

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**18.4.3.080 Vehicle Area Design**

**E. Parking and Access Construction.** The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

**6. Walls and Hedges**

- a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen site-obscuring fire resistant hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
  - i. The area between the wall or hedge and street line shall be landscaped.
  - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.

- iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
  - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians, and shall meet the vision clearance area requirements in section 18.2.4.040, **and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.**
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or **evergreen fire resistant** hedge shall be provided, pursuant to the following requirements.
- i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
  - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
  - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
  - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
  - v. The fence, wall, or hedge shall be maintained in good condition.

### **18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria**

**N.** Both sides of the flag drive have been screened with a site-obscuring fence, wall or **evergreen fire resistant** hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed **to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.** ~~at the extreme outside of the flag drive in order to ensure adequate fire access.~~

### **18.5.7 – Tree Removal Permits**

**C. Exempt From Tree Removal Permit.** The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
3. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18-inches DBH on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees **in single family zones**, within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
7. Removal of dead trees.
8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC [13.16](#).

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### **Additional Ordinance amendments or resolutions**

Definition of "Fire Code Official" (18.6)

Definition of "Fire Resistant Landscaping" (18.6)

Definition of "highly flammable landscaping" (18.6 – listed on the Fuel Break Prohibited Plant List.

Definition of "Fuel Break Prohibited Plant List" (18.6)

Ordinance and Resolution adopting Fuel Break Prohibited Plant List per Chapter 9 Health and Safety

Definition of “fire resistant exterior” (18.6)

Definition of “Fire and Ignition resistant materials” (18.6)

Amendments to procedures table 18.5.1.010 (exceptions and minor amendments)

**RESOLUTION NO. 2016-**

**A RESOLUTION ADOPTING THE CITY OF ASHLAND FUEL BREAK PROHIBITED PLANT LIST FOR APPLICATION IN THE WILDFIRE STANDARDS OVERLAY ZONE:**

**RECITALS:**

- A. The Ashland City Council on February \_\_, 2016 adopted Ordinance No. \_\_\_\_, amending development standards within the City of Ashland Wildfire Standards Overlay Zone, which shall be codified as Chapter 18.3.10.100 of the Ashland Municipal Code.
- B. The City of Ashland recognizes the threat that wildfire poses to people, property and infrastructure within our community;
- C. The City of Ashland recognizes establishment of fuel breaks around structures is a vital wildfire mitigation action that will reduce the potential for harmful impacts of wildfire upon properties and the occupants of properties,
- D. The City of Ashland recognizes that specific highly flammable plants can accelerate the spread of wildfire, and may impede fire repression efforts in the event of a wildfire.
- E. The City of Ashland recognizes that the establishment of a Fuel Break Prohibited Plant List will promote landscapes that do not include highly flammable plants in the immediate proximity of structures, which will reduce the risk of the spread of wildfires.

**THE CITY OF ASHLAND RESOLVES AS FOLLOWS:**

SECTION 1. Pursuant to Section 18.3.10.100 of the Ashland Municipal Code, the City Council of the City of Ashland establishes a Fuel Break Prohibited Plant List as follows:

Fuel Break Prohibited Plant List

The use of the following landscape plants is restricted within the City of Ashland Wildfire Lands overlay area per the general fuel break requirements set forth in Chapter 18.3.10.100 of the Ashland Land Use Ordinance.

Trees

- Acacia (*Acacia sp.*)
- Arborvitae (*Thuja sp.*)
- Cedar (*Cedrus sp.*)
- Cedar/Cypress (*Chamaecyparis sp.*)
- Cypress (*Cupressus sp.*)
- Douglas fir (*Pseudotsuga menziesi*)
- Fir (*Abies sp.*)

Hemlock (*Tsuga sp.*)  
Juniper (*Juniperus sp.*)  
Pine (*Pinus sp.*)  
Sequoia (*Sequoia sp.*)  
Spruce (*Picea sp.*)  
Yew (*Taxus sp.*)

Shrubs

Blackberry (*Rubus armeniacus*)  
Bitterbrush (*Purshia tridentata*)  
Juniper (*Juniperus sp.*)  
Laurel sumac (*Malosma laurina*)  
Manzanita\* (*Arctostaphylos sp.*) \*except for *Kinnikinnick*  
Oregon grape\* (*Mahonia aquifolium*) \*except for 'Compacta'  
Rosemary\* (*Rosmarinus sp.*) \*except for 'Prostratus'  
Sagebrush (*Artemisia sp.*)  
Scotch broom (*Cytisus scoparius*)  
Scrub oak (*Quercus sp.*)  
Wild Lilac (*Ceanothus sp.*)

Grasses and Ground Cover

Pampas grass (*Cortaderia selloana*)

This resolution was duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
2016, and takes effect upon signing by the Mayor.

\_\_\_\_\_  
Barbara Christensen, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David H. Lohman, City Attorney



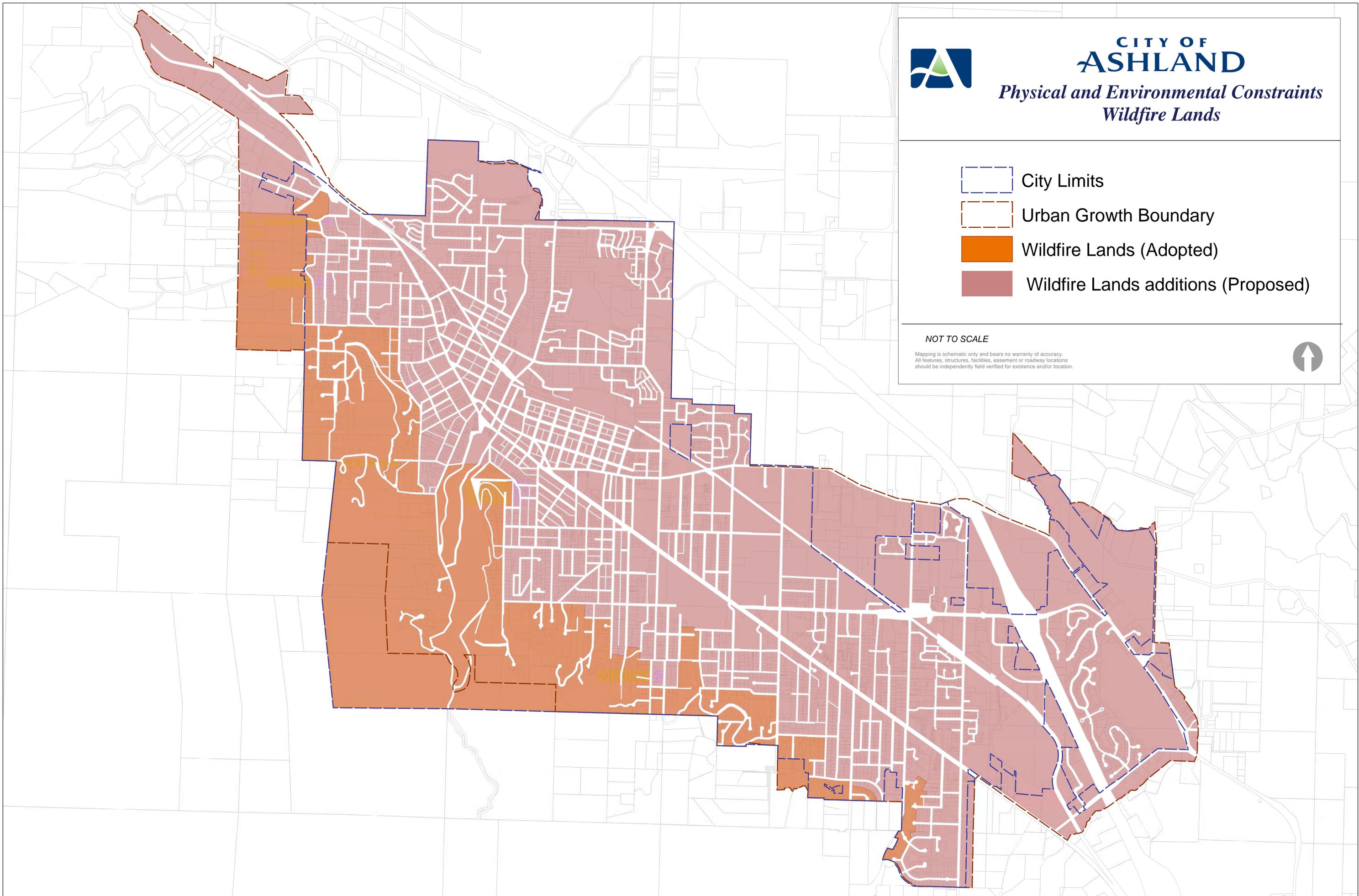
# CITY OF ASHLAND

## Physical and Environmental Constraints Wildfire Lands

-  City Limits
-  Urban Growth Boundary
-  Wildfire Lands (Adopted)
-  Wildfire Lands additions (Proposed)

NOT TO SCALE

Mapping is schematic only and bears no warranty of accuracy.  
All features, structures, facilities, easement or roadway locations  
should be independently field verified for existence and/or location.



## Development Standards for Wildfire Lands - code amendment comparison matrix

### Fire Prevention and Control Plan requirements

	Potential amendments	Existing Ordinance	Comments
<b>18.3.10.100 A.1 When a plan is required :</b>	A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, Site Design Review or land partition.	Subdivisions, Performance Standards Developments, and Partitions.	Newly adds "Site Review" as threshold for submission of a Fire Prevention and Control Plan due to the addition of Multi-family (R-2, R-3) and Commercially zoned properties (C-1, C-1-D, E-1, CM, NM-C, M-1) within the Wildfire Lands designation.
<b>18.3.10.100 A.2 Fire Department review and report:</b>	Establishes that a Fire Department report on the Fire Control and Prevention Plan shall be submitted to be submitted no less than <u>ten (10) days</u> before a hearing or notice of decision.	Report to be submitted no less than seven (7) days before a hearing.	Advancing the time period for receipt of the completed report, from 7 to 10 days, is necessary to have information in the record to inform Site Review application decisions that may not have a scheduled public hearing.
<b>18.3.10.100 A.3 Plan submission requirements:</b>	Details Fire Control and Prevention Plan requirements to newly include greater specificity including: <ul style="list-style-type: none"> <li>• Location and dimension of all structures on the property and those within 30' of the property;</li> <li>• Grade and elevation details;</li> <li>• Tree and vegetation management plan;</li> <li>• Schedule and timetable for vegetation removal.</li> </ul>	Generally outlines Fire Control and Prevention Plan requirements.	

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendments	Existing Ordinance	Comments
<b>18.3.10.100 A.4 Approval Criteria</b>	<p><i>"Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found 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, <u>enhancement of water resources</u>, and aesthetics."</i></p>	<p><i>"The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made 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."</i></p>	<p>The code amendment newly includes <i>"in consultation with the Fire Code Official"</i> to ensure the hearing authority will consult with the Fire Code Official as part of planning action reviews regarding Fire Prevention and Control Plans.. To acknowledges Ashland Water Resource Protection Zones the amended language inserts <i>"enhancement of water resources"</i> as a factor in evaluating the balance between fire mitigation and vegetation retention</p>
<b>18.3.10.100 A.5 Hearing Authority conditions</b>	<p><i>"In order to meet the purpose and standards of this chapter the hearing authority, in consultation with the Fire Code Official, may require the following requirements through the imposition of conditions attached to the approval.</i></p> <ul style="list-style-type: none"> <li><i>a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.</i></li> <li><i>b. Clearing of sufficient vegetation to reduce fuel load.</i></li> <li><i>c. Removal of all dead and dying trees.</i></li> <li><i>d. Relocation of <u>proposed</u> structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression."</i></li> </ul>	<p><i>"The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.</i></p> <ul style="list-style-type: none"> <li><i>a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.</i></li> <li><i>b. Clearing of sufficient vegetation to reduce fuel load.</i></li> <li><i>c. Removal of all dead and dying trees.</i></li> <li><i>d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression."</i></li> </ul>	<p>The list of the potential conditions that can be attached to an approval is consistent with the existing code</p> <p>The code amendment newly includes <i>"in consultation with the Fire Code Official"</i> to ensure the hearing authority will consult with the Fire Code Official as part of planning action reviews regarding Fire Prevention and Control Plans..</p> <p>The code amendment introduces <i>"proposed structures and roads"</i> to clarify that it is not the intent to condition approval upon the relocation of existing structures or existing roads on the property.</p>
<b>Implementation provisions</b>	<p>The implementation provisions within the existing code were removed from this amended section. They have been incorporated into the Implementation section (18.3.10.100 C)</p>	<p>previously included in 18.3.10.100 A.6 relocated to 18.3.10.100 C <i>relocated</i></p>	<p>Consolidation of implementation provisions into 18.3.10.100 C provides for better consistency within the code.</p>

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendments	Existing Ordinance	Comments
<b>Maintenance provisions to be included in CC&amp;Rs</b>	18.3.10.100 A.6 <i>“Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.”</i>	18.3.10.100 A.7 <i>“In subdivisions or Performance Standards Developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions”</i>	Revisions eliminate wording that limits application to subdivisions and performance standards projects due to the new potential to have CC&Rs on mixed use projects, commercial site reviews, or other actions requiring a Fire Prevention and Control Plan.
<b>Responsible party for maintenance of property</b>	18.3.10.100 A.7 <i>The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.</i>	18.3.10.100 A.8 <i>“On lots created by partitions, the property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.”</i>	Clarifies that an HOA will be responsible for maintenance of common areas where applicable.

### General Fuel Break Requirements

	Potential amendment	Existing Ordinance	Comments
<b>18.3.10.100 B.1 Applicability</b>	1. <i>A fuel break covering the full extent of the property, as defined below, shall be required for the following:</i> <ul style="list-style-type: none"> <li>a. <i>All new structures, including decks and accessory structures, that increase lot coverage by 200 square feet or greater</i></li> <li>b. <i>Additions to existing buildings which increase the gross floor area by 200 square feet or greater.</i></li> <li>c. <i>Conversions of existing detached buildings into new habitable floor area.</i></li> </ul>	<i>“All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.”</i>	Newly establishes a 200 sq.ft. threshold for additions, deck area (coverage), or conversions to habitable space as opposed to “any construction expanding the size of an existing structure”.

## Development Standards for Wildfire Lands - code amendment comparison matrix

<p><b>18.3.10.100 B.2 Fuel Break Requirements</b></p>	<p><u>2. General Fuel Break Requirements.</u> <i>A fuel break is defined as an area where the overall intensity of wildfire is reduced through fuels control and that is free of dead or dying vegetation, and has a reduced concentration of flammable plant species and ladder fuels which would promote the spread of fire. Establishment of a fuel break does not involve stripping the ground of all native vegetation. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel break is required as follows:</i></p>	<p><u>General Fuel Break Requirements.</u> <i>A fuel break is defined as an area that is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation. Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.</i></p> <p><u>18.3.10.100 B.3 Primary Fuel Break.</u> <i>A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by ten feet for each ten percent increase in slope over ten percent. Adjacent property owners are encouraged to cooperate on the development of primary fuel breaks.</i></p> <p><u>18.3.10.100 B.4. Secondary Fuel Break.</u> <i>A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.</i></p>	<p>The amendments consolidate both the “Primary Fuel Break” and “Secondary Fuel Break” subsections into one section. As a number of the fuels reduction strategies are applicable both areas in immediate proximity of a structure (30’ buffer) and the remainder of the property, consolidating the specific requirements into one outlined section aim to provide greater clarity and consistency.</p>
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## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p>a. <i>All standing dead and dying vegetation shall be removed from the property, <u>except when approved to carry out ecological functions considered beneficial within water resource protection areas.</u></i></p>	<p>18.3.10.100 B2 <u>General Fuel Break Requirements.</u>  <i>“A fuel break is defined as an area that is free of dead or dying vegetation...”</i></p>	
	<p>b. <i>Within three feet of a structure existing vegetation which is identified on the City’s Fuel Break Prohibited Plant List shall be removed, with the following exceptions;</i></p> <ul style="list-style-type: none"> <li>i. <i>Significant trees as defined in part 18.6</i></li> <li>ii. <i>Established landscaping installed prior to the effective date of this ordinance in conformance with a landscape plan approved as part of a Site Design Review or Performance Standards Subdivision.</i></li> </ul> <p>c. <i>Within three feet of a structure combustible man-made and natural materials are prohibited including but not limited to bark mulch, and accumulation of dry leaves and needles.</i></p> <ul style="list-style-type: none"> <li>i. <i>Fire resistant shrubs and ground covers, which are free of dead or dying material, may be maintained within 3 feet of a structure.</i></li> <li>ii. <i>Combustible materials may be permitted within three feet of a structure when approved by the Staff Advisor in consultation with the Fire Code Official, provided the structure has a fire resistant exterior, and is constructed of stucco, brick, tile, adobe, concrete block, metal siding or comparable fire and ignition resistant materials.</i></li> </ul>	<p>No such provision in existing code</p>	

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p>d. Existing trees which are identified on the City's Fuel Break Prohibited Plant List, shall be maintained to provide a clearance from structures as follows:</p> <ul style="list-style-type: none"> <li>i. 10 feet horizontal clearance from a chimney. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.</li> <li>ii. 5 feet above the roof.</li> <li>iii. 5 feet from the furthest extension of the structure.</li> <li>iv. In circumstances where meeting the clearance from structures requirements of 18.3.10.100.B.2.d. i-iii, would compromise the health and survival of existing trees, at a minimum the trees shall be maintained consistent with 18.3.10.100.B.2.h.</li> </ul>	<p>No such provision in existing code</p>	<p>Ashland Fire and Rescue suggests that the clearance requirements from structures be at least 10 feet from chimneys and 10 feet any part of the structure or roof.</p> <p>Planning Staff has proposed the requisite clearance be 5 feet, other than from chimneys, in consideration of relatively small urban lots with minimum side and rear yards which make a 10' separation problematic.</p>
	<p>e. Canopy spacing of the outermost limbs of trees identified on the City's Fuel Break Prohibited Plant List shall be separated by at least 5 feet at mature size.</p> <ul style="list-style-type: none"> <li>i. Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Staff Advisor in consultation with the Fire Code Official.</li> <li>ii. Canopy spacing requirements do not apply to significant trees, as defined in part 18.6, or trees that are not listed on the City's Fuel Break Prohibited Plant List.</li> </ul>	<p>No explicit canopy spacing provision in existing code , however the General Fuel Break definition above (18.3.10.100 B.2) stipulates the following:</p> <p><i>"...free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation."</i></p>	<p>Ashland Fire and Rescue suggests that the clearance requirements between canopies should be least 10feet.</p> <p>Planning Staff has proposed the requisite canopy separation be 5 feet, in consideration of dense existing canopy coverage on small lots. Planning Staff has been concerned that meeting a 10' separation between canopies of conifers may necessitate tree removal, as opposed to pruning limbs.</p>

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><i>f. Fire resistant trees, those not listed on the City's Fuel Break Prohibited Plant List, shall be maintained to provide clearance from structures as follows:</i></p> <ul style="list-style-type: none"> <li><i>i. 10 feet horizontal clearance from a chimney. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.</i></li> <li><i>ii. Tree limbs shall be pruned to ensure they do not touch any part of a structure including but not limited to roofs, eaves, and decks.</i></li> </ul>	<p>No explicit canopy spacing provision in existing code , however the General Fuel Break definition above (18.3.10.100 B.2) stipulates the following:</p> <p><i>"...free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation."</i></p>	
	<p><i>g. 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.</i></p>	<p>No such provision in existing code</p>	
	<p><i>h. Existing trees which are identified on the City's Fuel Break Prohibited Plant List shall be pruned up to a minimum eight feet, or 1/3 of the tree height, whichever is less.</i></p>	<p>No such provision in existing code</p>	

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><i>i. The vertical clearance between the top of understory vegetation within the drip line of a tree, 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.</i></p>	<p>No such provision in existing code</p>	<p>The proposed "3 times the height of vegetation" distance between limbs and understory vegetation may result in significant pruning of both existing trees and shrubs, or removal in the event this standard could not be met when vegetation is within the drip line of a tree.</p> <p>However, as drafted this standard would only apply in circumstances when either the tree or shrub is identified on the Fuel Break Prohibited Plant List. This ladder fuel standard would not apply when both the shrub and tree are fire resistant species.</p>
	<p><i>j. Newly planted vegetation within 30 feet of any structure shall not include species listed on the City's Fuel Break Prohibited Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.</i></p>	<p>18.3.10.100 B.3 <u>Primary Fuel Break.</u> <i>A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, ...Such a fuel break shall be increased by ten feet for each ten percent increase in slope over ten percent.</i></p>	
	<p><i>k. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.</i></p>	<p>The General Fuel Break section above (18.3.10.100 B.2) includes the following: <i>Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation.</i></p>	

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><i>l. Fuel breaks in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.</i></p>	<p><i>18.3.10.100 B.2 C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands.</i></p>	
	<p><i>m. Fuel breaks may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.</i></p>	<p>The General Fuel Break section above (18.3.10.100 B.2) includes the following:  <i>“Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.”</i></p>	
	<p><i>n. Properties may limit the fuel break area to lands within 130 feet of any structure consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.</i></p>		
<p><b>18.3.10.100 B.3 (new)</b>  <b>18.3.10.100 B.5 (existing)</b>   <b>Roofing</b></p>	<p><u>Roofing.</u> Where 50% or more of a structure’s roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit.</p>	<p><u>Roofing.</u> All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. All re-roofing of existing structures in the Wildfire Lands area for which at least 50 percent of the roofing area requires re-roofing shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City’s building code.</p>	<p>Alternative wood roofing materials that have been tested and approved as fire resistant under the Oregon Specialty Structural Code (in addition to Class B non-wood coverings) would be permissible under State Law.</p> <p>The code needs to be consistent with the Oregon Specialty Structural Code. The inclusion of “non-wood” as requirement would necessitate amendment to the Building Code, not the land use ordinance.</p>

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
<b>18.3.10.100 C (new)</b> <b>18.3.10.100 D (existing)</b>  <b>Implementation</b>	18.3.10.100 C. 1. <i>For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the plan shall be complied with prior to bringing combustible materials onto the property..</i>	18.3.10.100 D. 1. <i>For land that have been subdivided and required to comply with subsection 18.3.10.100.A.6, above, all requirements of the plan shall be complied with prior to the commencement of construction with combustible materials.</i>	Amended to include “site design review” due to the addition of Multi-family and Commercial properties within the Wildfire Lands designation.  Modifies section to require compliance “prior to bringing combustible materials onto the property” rather than “commencement of construction” as existing.
<b>Implementation</b>	2. <i>For all other structures, the general fuel break requirements of subsection 18.3.10.100.B, above, shall be complied with before bringing combustible materials onto the property.</i>	2. <i>For all other structures, the vegetation control requirements of subsection 18.3.10.100.B, above, shall be complied with before the commencement of construction with combustible materials on the lot.</i>	Modifies section to require compliance “prior to bringing combustible materials onto the property” rather than “commencement of construction” as existing.

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
<b>Implementation</b>	<p>3. <i>The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision, partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.</i></p> <p>a. <i>The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.</i></p> <p>b. <i>Final inspection of requisite fuel breaks will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100B.</i></p>	<p>18.3.10.100 A.6  <i>The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority.</i></p>	

## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
<b>Implementation</b>	<p>4. <i>As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. <u>All new residences, and additions to existing structures greater than 200 square feet</u>, shall comply with all standards for new construction in subsection 18.3.10.100.B.</i></p> <p>5. <i>Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.</i></p>	<p>3. <i>As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences shall comply with all standards for new construction in subsection 18.3.10.100.B.</i></p> <p>4. <i>Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.</i></p>	

## Development Standards for Wildfire Lands - code amendment comparison matrix

<p><b>Exceptions and Minor Amendments.</b></p>	<p><b>18.3.10.100. D Minor Amendments.</b>  <i>Changes to an approved Fire Prevention and Control Plan and General Fuel Break requirements shall comply with the following procedures:</i></p> <ol style="list-style-type: none"> <li>1. <i>The following minor amendments are subject to ministerial approval by the Staff Advisor with written concurrence from the Fire Code Official:</i> <ol style="list-style-type: none"> <li>a. <i>A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.</i></li> <li>b. <i>A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.</i></li> <li>c. <i>The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.</i></li> <li>d. <i>A reduction of the requisite fuel break to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.</i></li> <li>e. <i>A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than 5 feet between the outermost limbs of trees which are identified on the City's Fuel Break Prohibited Plant List.</i></li> <li>f. <i>The temporary storage of combustible materials on a property prior to completion of a Fuel Fire Prevention and Control Plan or establishment of a required fuel break.</i></li> <li>g. <i>A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.</i></li> </ol> </li> </ol>	<p>No such provision in existing code</p>	<p>Existing standards are not as clear and objective as those proposed. With fairly prescriptive standards it is essential to allow for changes to an approved plan or fuel break standard to accommodate unique circumstances on individual properties in consideration of actual fire risk.</p> <p>Enacting an expedited minor amendment procedure (ministerial approval) affords the applicant the flexibility to request in writing relief from a specific requirement.</p>
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## Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><b>E. Exceptions.</b>  <i>The following exceptions are subject to approval through a Type I Procedure:</i></p> <ol style="list-style-type: none"> <li>1. <i>An action prescribed by 18.3.10.100 that includes the removal of trees designated to be retained as part of an approved Planning Action.</i></li> <li>2. <i>A change that includes the removal of native vegetation within a Water Resources Protection Zone.</i></li> <li>3. <i>A change in the Plan not specifically listed under 18.3.10.100 D1</i></li> <li>4. <i>Tree removal on C-1, C-1-D, E-1, CM, M-1, HC, R-2, R-3, and NN-2, zoned properties subject to Tree Removal Permit requirements set forth in chapter 18.5.7.</i></li> </ol>	<p>No such provision in existing code</p>	<p>This section was newly added to clarify that in the event trees were identified to be kept as part of an approved planning action that those trees could not then be subsequently removed without review and approval through a Type I planning action. Additionally as the Wildfire Lands overlay would newly include multifamily and commercially zoned properties, the Tree Removal Permit requirements within those zones would remain in effect due to E.4</p>



**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.

<b>Commissioners</b>	<b>Council Liaison</b>
Ken Schmidt (absent)	Carol Voisin (absent)
Gregg Trunnell	<b>Staff</b>
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