

# Council Study Session

May 14, 2018

<b>Title:</b>	Wildfire Mitigation Strategies and Development Standards	
<b>Item Type:</b>	Update	
<b>Requested by Council?</b>	Yes	
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## **Discussion Questions:**

General discussion regarding citywide wildfire mitigation strategies, modification of the adopted Wildfire Lands boundary map, proposed amendments to the Development Standards for Wildfire Lands section of the Ashland Municipal Code (Chapter 18.3.10.100), and the adoption of a fuel modification area prohibited plant list to disallow the planting of highly flammable plants within 30 feet of a structure.

## **Resource Requirements:**

There is no direct cost to the City relating to expanding the Wildfire Lands boundary, adoption of amendments to the Development Standards for Wildfire Lands, or the adoption of a general fuel modification area prohibited plant list. The comprehensive administration of the planned code amendments citywide will require additional allocation of existing staff resources to review development proposals for conformance with the proposed standards.

## **Suggested Next Steps:**

The Planning Commission is scheduled to hold a public hearing on the proposed ordinance updating the Development Standards for Wildfire Lands on June 12, 2018. The Tree Commission and Wildfire Mitigation Commission have already reviewed the proposed ordinance and have provided recommendations for consideration at the upcoming public hearings as part of the formal adoption process. The City Council is tentatively scheduled to hold hearings on the proposed ordinance in the summer of this year.

## **Policies, Plans and Goals Supported:**

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]. The intent of amending the Wildfire Lands boundary is to better manage the wildfire threat for all areas within the City of Ashland.

The City defined the current Wildfire Lands overlay boundary in 1997. Currently, many areas that are outside of the designated Wildfire Lands boundary possess the same hazard values as areas within the

overlay. Additionally, history has shown that areas far outside of the current Wildfire Lands are extremely vulnerable to ignition and promote extreme fire behavior.

Areas within a Wildfire Lands overlay fall under Section 304.1.2 of the Oregon Fire Code, Sections 603 and 604 of the Wildland Urban Interface Code, Section 18.3.10.100 of the Ashland Municipal Code, and Section 324 of the Oregon Residential Specialty Code. These codes regulate landscaping, roof construction, defensible space and fuel modification areas (fuel breaks).

The City Council set a strategic goal in 2015 that specifically relates to the proposed wildfire lands ordinance update:

*Goal: Complete the expansion of the city's wildfire hazard zone to accurately reflect risk (8.4). Update the Wildfire Hazard Zone ordinance to allow for Citywide application and schedule for Council consideration.*

The Ashland Comprehensive Plan Environmental Resources Chapter (4.25 Wildfire Hazards) includes the following goal:

*Goal: Protect life, property and environmental resources in Ashland's suburban/wildland interface area from the devastating effects of wildfire. Lessen the possibility of wildfire spreading to the Ashland watershed from the urban/wildland interface area*

Ashland Community Wildfire Protection Plan (2004) Chapter 5 Action Items:

*Goal: Write and adopt a fire safe landscaping ordinance to regulate plantings around new structures.*

Draft 2018 Multi-Jurisdictional Natural Hazard Mitigation Plan [Ashland Addendum] :

*Goal: Reduce the threat of loss of life and property from natural hazards by incorporating information on known hazards and providing incentives to make hazard mitigation planning a priority in land use policies and decisions, including plan implementation.*

Climate and Energy Action Plan 2017

*Goal: Prepare the city's communities, systems, and resources to be more resilient to climate change impacts.*

*Strategy ULT-4. Support more climate-ready development and land use.*

*Regulate new development in the Wildfire Lands Overlay part of the urban growth boundary.*

### **Background and Additional Information:**

In consideration of the wildfire risk facing the community an ad-hoc wildfire hazard working group comprised of the Mayor, City staff, representatives from the Tree, Wildfire Mitigation and Planning Commissions have been developing a multi-faceted approach to reducing risks throughout the City. This approach includes:

- Creating a community information program where residents can review a new wildfire risk assessment map to understand their property's individual risk factors,
- Establishing a voluntary fuels reduction program.
- Expanding the existing wildfire overlay zone to newly include all properties within the City.
- Adopting land use ordinance amendments [Development Standards for Wildfire Lands] that establish standards for fire prevention and control plans, and fuel management requirements, that are to be carried out in conjunction with new development activities within the City.
- Adopting by ordinance a prohibited flammable plant list, which would preclude such highly flammable plants from being newly planted within 30 feet of any structure within the City.

It is the purpose of updating the Development Standards for Wildfire Lands is to reduce the potential impacts of wildfire on properties throughout the City of Ashland. The proposed standards aim to balance the need to preserve natural habitat, prevent erosion, provide for aesthetic and functional landscaping, and to facilitate access to manmade structures by firefighters in the event of a wildfire.

The development standards for wildfire lands would more clearly distinguish between the risk posed by highly flammable plants and trees, as listed on the General Fuel Modification Area Prohibited Plant List (attached), and those shrubs and trees that are more fire resistant.

- A Fire Prevention and Control Plan would be required with applications to partition or subdivide properties, and for new commercial and multi-family developments. A Fire Prevention and Control Plan would not be required for the construction of a single family dwelling or an addition.
- A General Fuel Modification Area would be required of all properties obtaining building permits for new construction including the following:
  - All new structures, including decks and accessory structures, that increase lot coverage by 200 square feet or greater.
  - Additions to existing buildings, including decks, which increase the building's footprint by 200 square feet or greater.
- The General Fuel Modification Area requirements as proposed include the following requirements:
  - Removal of all dead or dying vegetation.
  - No new planting of highly flammable plants within 30 feet of a structure (see prohibited plant list attached).
  - Removal of existing highly flammable plants within 5 feet of a new building or addition.
  - Combustible materials shall not be located within 5 feet of a structure.
  - Fences are to be constructed with non-flammable material where the fence attaches to a building or deck.
  - Existing highly flammable trees (e.g. evergreen trees such as Cypress, Pine and Fir) shall be pruned to provide a minimum 10 foot clearance from a new building or addition, unless pruning the tree to this extent will compromise its health.
  - Existing fire resistant trees (e.g. deciduous trees such as Oak and Maple) shall be pruned as to not touch a structure and provide a minimum 10 foot clearance from a chimney.
  - Understory growth, vegetation below trees, shall be removed or maintained to reduce the risk of the spread of wildfire
  - Roof Material (new or 50% re-roof) to be fire resistant (Class B).
  - Allowances to preserve vegetation for erosion control, riparian and wetland preservation.
- The proposal includes newly listing specific highly flammable plants as being prohibited within a general fuel modification area. Chapter 9.04 -Weeds and Noxious Vegetation, of the municipal code is to be amended declare such plants as a fire hazard.
  - The ordinance adopting the prohibited planting would preclude newly planting the listed plants within 30 feet of a structure.
  - Pre-existing highly flammable plants on this list would not have to be removed unless a general fuel modification area was to be established as part of proposed development activity.

- The proposed standards for both Fire Prevention Control Plans, and General Fuel Modification Areas, newly include flexibility to allow the Staff Advisor and Fire Code Official to review and approve requested deviations from the requirements when it can be demonstrated that due to specific site conditions, or the nature of the development, that there is no increased risk to the spread of wildfire.





**Attachments:**

- Wildfire Overlay Map
- Draft Amendments to the Ashland Land Use Ordinance relating to Wildfire development standards:
  - Draft Amendments to 18.3.10.100 - Development Standards for Wildfire Lands
  - Draft Amendments to additional Land Use Ordinance Sections to be amended in association with the proposed Wildfire Standards (18.3.10.020; 18.3.10.040; 18.3.10.090; 18.4.3.080; 18.4.4.060; 18.5.3.060; 18.5.5.020; 18.5.7)
- Draft General Fuel Modification Area Prohibited Flammable Plant List



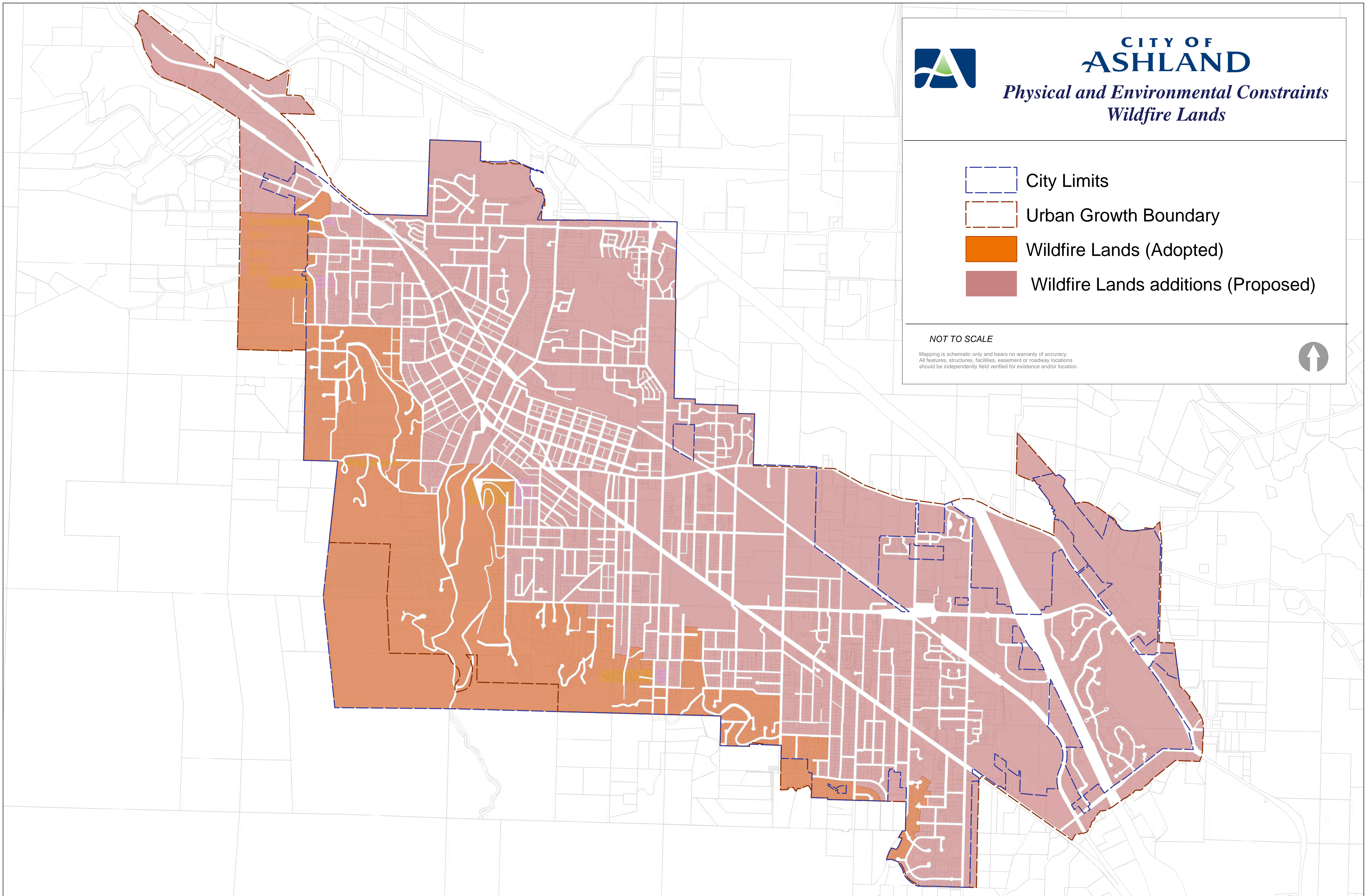
# CITY OF ASHLAND

## *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.



**DRAFT**  
**Wildfire Ordinance Amendments**  
**May 14, 2018**

**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. These standards function to balance the need to preserve natural habitat, prevent erosion, provide for aesthetic and functional landscaping, and 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. Applicability. 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 (except for Site Design Review of Accessory Residential Units) or land partition.
  
2. Submission Requirements. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall address the General Fuel Modification Area Requirements outlined in 18.3.10.100.B and include the submission materials listed below. The Staff Advisor may waive a submission requirement if the Staff Advisor determines it is not reasonably necessary in order to make a decision on the application.
  - 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.
  - f. A tree and vegetation management plan showing:
    - i. Areas where shrubs and bushes will be removed including a description of the species and size,
    - ii. Areas where trees will be removed to reduce interlocking tree canopies including a description of the species and diameter at breast height (DBH),

- iii. New trees, shrubs and bushes to be planted including the species, location and size at maturity,
    - iv. Significant trees to be retained.
  - g. The location of and information addressing required general fuel modification area setback areas as described in subsection 18.3.10.100.B.
  - h. 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.
- 3. 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.
  - a. 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 through the imposition of conditions attached to the approval.
    - i. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
    - ii. Clearing of sufficient vegetation to reduce fuel load.
    - iii. Removal of all dead and dying trees.
    - iv. Relocation of proposed structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
    - v. Preservation or planting a sufficient number of trees and plants for erosion prevention and enhancement of water resources,
- 4. Fire Prevention and Control Plan Maintenance. 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.
  - a. Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, or otherwise recorded in the Jackson County real property records, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.

**B. Requirements for Construction of All Buildings and Decks.**

- 1. Applicability. A fuel modification area is defined as an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations. Establishment of a fuel

modification area does not involve stripping the ground of all native vegetation. A fuel modification area shall be required for the following construction:

- a. All new buildings that increase lot coverage by 200 square feet or greater, shall have a fuel modification area covering the full extent of the property.
- b. Decks, additions to existing buildings, and detached accessory structures which increase lot coverage by 200 square feet or greater, shall have a fuel modification area extending 30 feet from the furthest extent of the addition, deck, or accessory structure, or to the property line, whichever is less.

2. General Fuel Modification Area Requirements. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel modification area requires the following:

- a. All standing dead and dying vegetation shall be removed from the property, except when considered ecologically beneficial.
- b. Newly planted vegetation within 30 feet of any building or deck shall not include species listed on the City's Prohibited Flammable 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.
- c. Within five feet of a new building, addition, or deck, existing vegetation listed on the City's Prohibited Flammable Plant List shall be removed, with the exceptions of significant trees as defined in part 18.6.
- d. Within five feet of a new building, addition, or deck, combustible man-made and natural materials are prohibited, including but not limited to bark mulch, stored wood, and accumulation of dry leaves and needles, with the following exceptions;
  - i. Combustible materials may be permitted within five feet of a structure when approved by the Staff Advisor in consultation with the Fire Code Official, has determined the portion of the structure adjoining the combustible material is constructed with ignition resistant building materials sufficient to reduce the spread of fire from the combustible materials.
- e. Existing trees, which are identified on the City's Prohibited Flammable Plant List shall be maintained to provide a clearance from new structures, and additions, as follows:
  - i. Ten (10) feet horizontal clearance from a chimney outlet. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
  - ii. Ten (10) feet above the roof of a new building, or addition.
  - iii. Ten (10) feet from the furthest extension of a new building, or addition or deck.
  - 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, the Staff Advisor may modify those requirements, but at a minimum the trees shall be maintained consistent with 18.3.10.100.B.2.i.
- f. Canopy spacing of the outermost limbs of trees on the City's Prohibited Flammable Plant List shall be separated by at least ten (10) 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 Prohibited Flammable Plant List.
  - g. Fire resistant trees, those not listed on the City's Prohibited Flammable Plant List, shall be maintained to provide clearance from structures as follows:
    - i. 10 feet horizontal clearance from a chimney outlet. 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.
  - h. Shrubs and bushes which are identified on the City's Prohibited Flammable Plant List, shall:
    - i. not be planted within 30 feet of any building or deck;
    - ii. when planted further than 30' from a building or deck they shall be separated by a minimum of two times the shrub's height at maturity.
  - i. Existing trees which are identified on the City's Prohibited Flammable Plant List shall be pruned up to a minimum eight feet above grade, or 1/3 of the tree height, whichever is less.
  - j. 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 Prohibited Flammable Plant list.
  - 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.
  - l. Fuel Modification 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 Modification Areas may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
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.
  4. Fencing. Where fencing is attached to a building or deck, the fencing shall be made of non-combustible materials within five feet of the connection to the structure in compliance with the requirements in 18.4.4.060.

### **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 Fire Prevention and Control Plan shall be complied with prior to bringing combustible materials onto the property.
2. 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 modification areas will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100 B.
3. For all construction requiring a general fuel modification area, the establishment the fuel modification area provided for in section 18.3.10.100 B shall be completed before bringing combustible materials onto the property. Upon completion of the

construction, all general fuel modification area tree and shrub clearance requirements shall be verified. The property owner, or subsequent property owners, shall be responsible for maintaining the property in accord with the requirements of the General Fuel Modification Area as defined in 18.3.10.100.B.2.

#### **D. Adjustments to a Fire Prevention and Control Plan and General Fuel Modification Area Requirements.**

Adjustments to the requirements for Fire Prevention and Control Plans and General Fuel Modification Areas are intended to allow the Staff Advisor, in consultation with the Fire Code Official, to waive the application of standards for a proposed development when it is demonstrated that the nature of the proposal does not constitute an increased risk to the spread of wildfire, and the following conditions are met:

1. The Fire Prevention and Control Plan Adjustments. Adjustments to the requirements of this section 18.3.10.100.A may be permitted if the following conditions are met:
  - a. A written request is filed with the Staff Advisor giving the reason why requirements for a Fire Prevention and Control Plan should be reduced or waived.
  - b. The Fire Code Official, or designee, has inspected the property and has provided the Staff Advisor with a written evaluation of the properties existing conditions including the following:
    - i. A determination that the existing separation between existing trees and shrubs is sufficient to reduce the risk of fire spread.
    - ii. A determination that the property is free of dead, dying, or severely diseased, shrubs bushes and trees.
    - iii. A determination that existing conditions, including fire apparatus access and hydrant locations, afford firefighters access to manmade structures in the event of a wildfire.
  
2. Fuel Modification Area Reduction. The General Fuel Modification Area requirements outlined in 18.3.10.100.B.2 may be reduced or waived when approved by the Staff Advisor in consultation with the Fire Code Official, provided it is demonstrated that the fire risk has been reasonably reduced such as in cases where ignition resistant materials and construction methods, or vegetation type and separation, function to enhance the structure's protection from exterior wildfire exposure

#### **E. Minor Amendments.**

Changes to a previously approved Fire Prevention and Control Plan are subject to ministerial approval by the Staff Advisor with written concurrence from the Fire Code Official when it is demonstrated that the proposed amendments do not constitute an increased risk to the spread of wildfire. .

1. Minor amendments to an approved Fire Prevention and Control Plan include the following:
  - 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 trees or shrubs, or planting of new non-fire resistant trees or shrubs, within thirty (30) feet of a structure.
  - d. A reduction of the requisite fuel modification area to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.
  - e. A reduction of the requisite fuel modification area in recognition of the use of fire resistant materials and construction methods that function to provide the structure with reduced exterior wildfire exposure.
  - f. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than ten (10) feet between the outermost limbs of trees which are identified on the City's Prohibited Flammable Plant List.
  - f. The temporary storage of combustible materials on a property prior to completion of a Fire Prevention and Control Plan or establishment of a required fuel modification area.
  - 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.

#### **F. Exceptions to a Fire Prevention and Control Plan and General Fuel Modification Area Requirements.**

The approval authority may approve exceptions to the Development Standards for Wildfire Lands to meet the purpose of this chapter subject to approval through a Type I procedure for the following:

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 Fire Prevention and Control Plan not specifically listed under 18.3.10.100 D.1 or 18.3.10.100 D.2
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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**Additional Land Use Ordinance Sections to be amended in  
association with the proposed Wildfire Standards.**

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**18.3.10.020**

**A. Physical Constraints Review Permit.**

**Applicability**

3. Tree Removal.

- a. *Flood Plain Corridor Land.* The following tree removal activities in areas identified as Flood Plain Corridor Land. See also, subsection 18.3.11.050.A.1 for tree pruning and removal standards in water resource protection zones.
  - i. The removal of three or more living trees of over six inches DBH, or the removal of five percent of the total number of living or dead trees over six inches DBH, whichever is greater, on any lot within five year period, or any form of commercial logging.
  - ii. The removal of one or more living conifers having **a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger at breast height (DBH).** ~~greater than two feet DBH, or living broadleaf trees greater than one foot DBH.~~
- b. *Hillside Land and Severe Constraints Land.* Tree removal, in areas identified as Hillside Land and Severe Constraint Land, except that a permit need not be obtained for tree removal that is not associated with development, and done for the purposes of wildfire management and carried out in accord with a Fire Prevention and Control Plan, approve by the Fire Chief. **provided one or more of the following conditions is met:**
  - i. **The tree removal is carried out in accord with an approved Fire Prevention and Control Plan.**
  - ii. **The tree is not a living conifer with a trunk 18 caliper inches or larger in diameter at breast height (DBH), or a broadleaf tree having a trunk 12 caliper inches or larger at breast height (DBH), and the removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100.**

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**18.3.10.040 Application Submission Requirements**

The following information is required for a Physical Constraints Review Permit application; **except where the Staff Advisor determines a submission requirement is not reasonably necessary in order to make a decision on the application.**

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### **18.3.10.090 Development Standards for Hillside Lands**

**D. Tree Conservation, Protection and Removal.** All development on Hillside Lands shall conform to the following requirements.

1. **Unchanged**
2. **Unchanged**
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.
  - a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in
  - b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the general fuel modification standards per 18.3.10.100 if the development is located in Wildfire Lands.
  - c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.
4. **Unchanged**
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.

**f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or with the exception of significant trees the tree removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100 B.**

- 6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, ~~or~~ a hazard, **or to comply with general fuel modification area requirements**, shall be replaced in compliance with the following standards.
  - a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.
  - b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.
  - c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

### **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 **fire resistant broadleaf** evergreen **site-obscuring** 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 **fire resistant broadleaf evergreen site-obscuring** 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.

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## **Chapter 18.4.4 Landscaping, Lighting, and Screening**

### **18.4.4.030 Landscaping and Screening**

Ordinance currently under review to address “highly flammable landscaping”, “fire resistant landscaping” and “prohibited flammable plants” to ensure consistency with the proposed wildfire ordinance standards.

### **18.4.4.060 Fences and Walls**

**Fencing. Within the Wildfire Lands Overlay fencing shall comply with the requirements in 18.4.4.060 and where fencing is attached to a building or deck, the fencing shall be made of non-combustible materials within five feet of the connection to the structure.**



- a. A fence with wood framing and steel mesh or other non-combustible infill panels shall be considered to comply with this section.
- b. A metal gate, a minimum of three feet in width, that is installed within a wood framed fence immediately adjacent to a building or deck shall be considered to comply with this section.
- c. Existing wood fences that are attached to a building or deck should be retrofitted so the fence ends with a noncombustible material like masonry or metal to keep fire from spreading to the building or deck.
- d. Combustible fencing materials may be permitted within five feet of a building or deck when the Staff Advisor, in consultation with the Fire Code Official, has determined the portion of the structure adjoining the combustible material is constructed with ignition resistant building materials sufficient to reduce the spread of fire from the combustible fencing materials.

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### **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 broadleaf evergreen site-obscuring 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.

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## **Chapter 18.5.5 – Variances**

### **18.5.5.020 Applicability**

This chapter may not be used to allow a use that is not in conformity with the uses specified by this ordinance for the district in which the land is located. Chapter 18.5.5 does not apply where this ordinance specifically provides for exceptions to development standards (e.g., exceptions to the site development and design standards, solar setback, street standards, hillside lands development standards, wildfire lands development standards, water resource protection zone standards).

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## **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 **ineligible to be partitioned or subdivided, and** 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 **and health care** zones on lots **ineligible to be partitioned or subdivided and** 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 **caliper inches in diameter at breast height (DBH)** inches-DBH on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
  6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management **consistent with the fuel modification area requirements in 18.3.10.100**, 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**

### **Chapter 9 Health and Safety:**

Ordinance and Resolution adopting Prohibited Flammable Plant List

### **Chapter 18.5.1 General Procedures**

Amend the procedures table 18.5.1.010 to add Fire Prevention and Control Plan Minor Amendments (ministerial) and Exceptions (Type I)

### **Chapter 18.5.5 – Variances**

#### **18.5.5.020 Applicability**

This chapter may not be used to allow a use that is not in conformity with the uses specified by this ordinance for the district in which the land is located. Chapter 18.5.5 does not apply where this ordinance specifically provides for exceptions to development standards (e.g., exceptions to the site development and design standards, solar setback, street standards, hillside lands development standards, **wildfire lands development standards**, water resource protection zone standards).

### **Chapter 18.6 Definitions (Pending):**

Definition of “Significant Tree”.

A tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH).

Definition of “Fire Code Official”

Definition of “Fire Resistant Landscaping”

Definition of “highly flammable landscaping” : listed on the Prohibited Flammable Plant List.

Definition of “Prohibited Flammable Plant List” (Reference to adopted Ch 9 list)

Definition of “fire resistant exterior”

Definition of “Fire and Ignition resistant materials”

## **General Fuel Modification Area Prohibited Flammable Plant List**

The use of the following landscape plants are 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:**

Arborvitae (Thuja sp.)

Cedar (Cedrus sp.) *exception for prostrate or dwarf variety*

Cedar/Cypress (Chamaecyparis sp.) *exception for prostrate or dwarf variety*

Cypress (Cupressus sp.)

Douglas fir (Pseudotsuga menziesii)

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.)

Manzanita (Arctostaphylos sp.) *exception for 'Kinnikinnick'*

Oregon grape (Mahonia aquifolium) *exception for 'Compacta'*

\*Rosemary (Rosmarinus sp.) *exception for 'Prostratus'*

Sagebrush (Artemisia sp.)

Scotch broom (Cytisus scoparius)

Wild Lilac (Ceanothus sp.) *exception for prostrate varieties*

### **Grasses and Ground Cover**

Pampas grass (Cortaderia selloana)

\*Single Rosemary plants may be incorporated in gardens