

Council Business Meeting

August 21, 2018

Title: Amendments to the Wildfire Lands Map, Wildfire Development Standards, Fencing Requirements, Tree Removal Permit Requirements, and establishment of a Prohibited Flammable Plant List.

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Summary:

The draft wildfire ordinance presented to the City Council this evening contains amendments from the version presented on July 17th, 2018 meeting to correct Scribner's errors, add clarifications in the Fire Prevention and Control Plan, add a highlight for discussion in the roofing section, and address an omission relating to the spacing of highly flammable shrubs within a General Fuel Modification area as described below. This Communication includes information previously presented at the July 17, 2018 Council meeting.

Fire Prevention and Control Plan

The Fire Prevention and Control Plan requirements (18.3.10.100.A.1) have been clarified to note that a Plan is required for Commercial developments and Multi-family residential developments of three units or more. Previously this section explicitly exempted Accessory Residential Units where two dwelling units exist on one parcel. By clarifying the threshold numerically, the requirement to prepare a Fire Prevention and Control Plan would not apply to similar developments such as two units on a multifamily zoned property (duplex) or other projects that may not otherwise require a landscape plan. Such smaller order projects would still be required to implement the General Fuel Modification Area requirements, but would not have to develop a separate Fuel Prevention and Control Plan.

General Fuel Modification Area

The General Fuel Modification Area applicability section (18.3.10.100.B.1.a) has been modified to clarify that only new buildings on vacant property will trigger fuel modification for the full-extent of the property. The spacing separation requirements for shrubs (18.3.10.100.B.2.h-j) have been amended to clarify that existing, listed prohibited flammable shrubs have to be separated from one another by at least two times the shrub's height within the General Fuel Modification Area for existing shrubs, and shall be spaced accordingly for any new highly flammable shrubs planted outside the General Fuel Modification Area. Additionally, new language has been included to stipulate that newly planted flammable shrubs cannot be located directly under listed flammable trees. These provisions were previously included in a 2016 draft of the ordinance and

were subsequently unintentionally deleted. As such the Planning Commission and Tree Commission did not review this section at their recent hearings on the draft ordinance.

Roofing

The roofing section (18.3.10.100.3) is highlighted for discussion as it could be amended to eliminate the requirement for a zoning permit prior to re-roofing a building. The provision for a zoning permit is part of the currently adopted land use code, and is intended to provide an opportunity to verify that appropriate ignition resistant roofing is being proposed prior to the installation. The Community Development Staff reviews proposed roofing projects in the Wildfire Overlay over the counter to simply verify the roofing material is Class B or better in cases where more than 50% of the roof is being replaced. Without the provision requiring a zoning permit, re-roofing would typically occur without a permit (if no new sheeting or structural alterations are needed), and in the event an ignition prone material were used such as wood shingles (Class C), then it would be a code enforcement action to require the new roof to be removed and replaced with a Class A or B roof at considerable expense to the property owner.

Prohibited Flammable Plant List

Due to the timing of discussions with interested parties, the Prohibited Flammable Plant list will not be forwarded to the City Council until, and if there is a second reading of the two related Ordinances on September 4.

Actions, Options, or Potential Motions:

Two Ordinances are presented to the City Council for consideration. Two separate potential motions are provided to address each of the legislative actions:

I move to approve first reading of an ordinance titled, “An ordinance amending Chapters 18.3.10, 18.4.3.080, 18.4.4, 18.5.1, 18.5.3.060, 18.5.5.020, 18.5.7 and 18.6.1 of the Ashland Land Use Ordinance to amend development standards for wildfire lands. This ordinance also amends the official Physical and Environmental Constraints Map to expand the boundary of Ashland’s designated Wildfire Lands to include all properties within the city limits,” and to move the ordinance to second reading.

I move to approve first reading of an ordinance titled, “An ordinance amending Chapter 9.04 of the Ashland Municipal Code to declare prohibited flammable plants a nuisance”, and to move the ordinance to second reading.

Staff Recommendation:

Staff recommends approval of first reading of the ordinance amendments as presented.

Information hereafter was presented at the July 17th Council Business Meeting and includes the Prohibited Flammable Plant Resolution that is scheduled to be presented at the September 4 Council Business Meeting.

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.

Citywide administration of the proposed code amendments will require additional staff time to address inquiries and review development proposals for conformance with the proposed standards. The increases in staff time needed to review building permits, and to evaluate Fire Prevention and Control Plans submitted with planning action requests, will be covered with existing Community Development Department and Ashland Fire & Rescue staff resources. Site inspections to verify completion of General Fuel Modification Area requirements relating to new construction, and responses to code violation cases relating to newly planting prohibited flammable plants, can continue to be covered with existing Ashland Fire & Rescue staff resources.

Policies, Plans and Goals Supported:

The project addresses a variety of City Council goals and strategies, adopted City plans and State requirements.

The *2015-2017 Council Goals and Objectives* also identified a goal to “*Complete the expansion of the city’s wildfire hazard zone to accurately reflect risk (8.4)*” and an objective to “*Update the Wildfire Hazard Zone ordinance to allow for Citywide application and schedule for Council consideration.*”

Statewide Planning Goal 7 requires cities to protect people and property from natural hazards. The amendments to the Ashland Land Use Ordinance regarding mitigating wildfire hazards through reduction of fuels in immediate proximity of new structures addresses this goal. Additionally, the establishment of a General Fuel Modification Area Prohibited Plant List as proposed, will ensure that highly flammable species are not newly introduced within areas that pose the greatest risk of spreading wildfire to structures within the City.

The Ashland Comprehensive Plan includes a goal to “*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*” (4.25 Wildfire Hazards).

The *2018 Draft Multi-Jurisdictional Natural Hazard Mitigation Plan [Ashland Addendum]* includes a goal to “*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.*”

The City of Ashland’s *2017 Climate Energy Action Plan* includes a goal to “*Prepare the city’s communities, systems, and resources to be more resilient to climate change impacts*” and includes the specific strategy to “*Support more climate-ready development and land use. Regulate new development in the Wildfire Lands Overlay part of the urban growth boundary (Strategy ULT-4.)*”.

The City of Ashland's *2014 Wildfire Hazard Zone Evaluation* demonstrated that the Wildfire Lands overlay boundary established in 1997 does not incorporate all areas within the City that meet the criteria to be considered a Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044, and found that expansion of the Wildfire Lands boundary to include all properties in the City was warranted.

The *2004 Ashland Community Wildfire Protection Plan* includes a goal to “Write and adopt a fire safe landscaping ordinance to regulate plantings around new structures.”

Background and Additional Information:

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] and AMC Chapter 9.04 [Weeds and Noxious Vegetation], which identifies highly flammable plants that pose a fire hazard. 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. The [City of Ashland Wildfire Hazard Zone Evaluation](#) completed in 2014 found that many areas outside of the existing Wildfire Lands boundary possess the same hazard values as those areas currently within the overlay and met the criteria to be considered a Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044. 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).

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 discussed a multi-faceted approach to reducing risks throughout the City. The Commissions and the ad-hoc group have made a concerted effort to address the community's risk of wildfire comprehensively while being considerate of the potential costs to property owners.

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.
- Expanding the voluntary fuels reduction programs that started in 2001 and have been funded by the National Fire Plan, Secure Rural Schools Title III, and Firewise USA.

- 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, except as described in the list and resolution or approved by staff during a planning action process.
- Supporting discussion of adopting structural wildfire safety standards, known as Appendix W, of the Oregon Fire Code once approved by the State Building Codes Division.

A. Wildfire Development Standards Amendments (Chapter 18.3.10)

It is the purpose of updating the Development Standards for Wildfire Lands 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 as proposed 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, and Accessory Residential Unit, or an addition.

A *General Fuel Modification Area* 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, 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, with certain outlined exceptions (see prohibited plant list attached).
- Removal of existing highly flammable plants within 5' of a new building or addition and meeting spacing requirements within the General Fuel Modification Area.
- Combustible materials shall not be located within 5' 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' 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' 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 proposed standards for both *Fire Prevention Control Plans*, and *General Fuel Modification Areas*, 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.

B. Fencing and Walls Amendments (18.4.4.060)

The ordinance amendments include new provisions (18.3.10.100.A.4 & 18.4.4.060) that address fencing materials to reduce the risk of fire spreading along a fence to an adjacent structure. These provisions would require that the section of fencing that is attached to a building or deck shall be made of non-combustible materials within five feet of the connection to the structure. A fence running parallel to a structure, even if located within 5 feet of the building, could be constructed of wood except where it connects to the building, at which point it shall be constructed of non-flammable materials. The newly proposed section further clarifies what constitutes non-flammable fencing (metal, hog wire, concrete planks etc), and that it only applies to existing fencing when the fence is retrofitted to attach to a new building or structure.

C. Tree Removal Permit Amendments (18.3.10.020.A, 18.3.10.090.D, 18.5.7.020 .C)

The ordinance amendments include potential changes to the Tree Removal Permit chapter, as well as clarifying the definition of “Significant Trees”. Although in some cases these amendments go beyond the scope of wildfire fuels mitigation, they are being proposed in conjunction with the Wildfire Ordinance to address issues of interest to the Tree Commission, and to provide internal consistency in various sections of the Land Use Ordinance.

The proposed amendments to the Tree Removal Permit requirements and exemptions (18.5.7) would newly require a tree removal permit to remove trees greater than 6” DBH, when the lot is large enough to be partitioned or subdivided. Currently lots occupied by a *single family dwelling* are exempt from obtaining a tree removal permit regardless of the lot size. The intention of this proposed change is to address situations in which a site occupied only by a single dwelling is cleared of trees under the exemption, in advance of an application to subdivide or partition.

Another amendment to the Tree Removal Permit section would be to include the HC (Health Care) zone in the exemption for when the lot is only occupied by a single family home, and could not be further subdivided or partitioned. Currently within Mountain Meadows there are a large number of small-lot single family homes on HC zoned property that are subject to the tree removal permit process due to the underlying zoning. The amendment proposed would treat HC zoned properties which are occupied only by a single family home in the same manner as comparable residentially zoned properties (R-1, R-1-3.5, NM, R-2, R-3) and thus provide uniform application of the exemption citywide.

The Land Use Ordinance currently defines a Significant Tree as one “having a trunk 18 caliper inches or larger in diameter at breast height (DBH)”. Another proposed clarification in the code presented this evening for consideration is to amend various sections within the Land Use Ordinance to classify regulated conifers as those greater than 18” DBH. Presently the Tree Removal section of the Physical Constraints Chapter (18.3.10.020A.3) establishes that conifers of 24” DBH proposed for removal require review and approval. In order to provide consistency between the Physical Constraints Chapter, Flood Plan Lands, Hillside Lands the Wildfire Standards, and the existing definition of Significant Tree, the proposed code amendments would newly establish that conifers that are 18”DBH would be regulated consistently in each overlay.

D. Prohibited Flammable Plants

The proposed ordinance amending Chapter 9.04 -Weeds and Noxious Vegetation, of the municipal code would define specific highly flammable plant species as a fire hazard. These listed plants could not be newly planted within a General Fuel Modification Area anywhere in the City. The ordinance adopting the prohibited planting would therefore 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 list identifying these highly flammable plants is proposed to be adopted by resolution, which would allow the City Council to amend the list as needed without requiring an amendment to the ordinance.

Public Comments

The Planning Commission received oral and written public comments from the public during the public hearing. Written comments received are included in the record and attached to this Council Communication.

These comments included requests the City should consider requiring the removal of listed Prohibited Flammable Plants throughout the City within established landscapes, even those which are not subject to development activity or newly planted. Such a citywide vegetation management strategy is something the City Council could consider; however, it would go beyond the scope of the proposed amendments to the Land Use Code as it would be unrelated to development activity.

Public comments were received that suggest the *Fire Prevention and Control Plan*, *General Fuel Modification Area* requirements, and *Prohibited Flammable Plant List* included in the proposed ordinance would limit design flexibility and add expense to developments, and as such should not be mandated. These comments advocated that the City should continue to provide education and assistance for voluntary fuels reduction.

The public comments received were considered by the Planning Commission throughout the development and refinement of the draft ordinances. The Commission found that the proposed prohibition against newly planting highly flammable plants within 30’ of any structure going forward, in combination with a continuation of voluntary programs and potential financial incentives to encourage the removal of fire hazardous species on developed properties, will continue to advance the objective of mitigating fire risk within the community without introducing a significant cost burden to existing developed properties.

Commission Recommendations

The Planning Commission has recommended approval of the two ordinances and resolution as presented in the Planning Commission Report dated 7/10/2018. Additionally the Wildfire Mitigation Commission ([3/21/2018 meeting](#)) and Tree Commission ([3/08/2018 meeting](#)) have each recommended the Council approve the proposed ordinances as described in the [Planning Division Staff Report dated 6/26/2018](#).

Attachments:

- Draft Chapter 18 Ordinance amendments relating to Development Standards for Wildfire Lands
- Draft Chapter 9 Ordinance amendments relating to establishment of a Prohibited Flammable Plant List
- Atch 1: Draft Physical and Environmental Constraints Map - Wildfire Lands overlay
- Atch 2: Planning Division Staff Report: PA-L-2018-0003 dated 6/26/2018
- Atch 3: Planning Commission Report dated 7/10/2018
- Atch 4: City of Ashland 2014 Wildfire Hazard Zone Evaluation (not attached due to length). Refer to www.ashland.or.us/wildfireanalysis
- Atch 5: Community Planning Assistance for Wildfire (CPAW) Memo
- Atch 6: Community Planning Assistance for Wildfire (CPAW) Best Practices Report
- Atch 7: Ashland Fire & Rescue letter dated 6/26/2018
- Atch 8: Public Comments
 - Letter from Daniel Dawson (5/16/2018)
 - Letter from Tom Sager (5/30/2018)
 - Letter from Ravenwood Townhouses HOA (6/20/2018)
 - Letter from Jason & Kelly Eaton, Julie O'Dwyer, & Michael Hodgins (6/21/2018)
 - Letter from Helen Burd (6/25/2018)
 - Letter from Jason & Kelly Eaton, Julie O'Dwyer, Michael Hodgins, Milo Shubat, & Josh Barnes (6/28/2018)
 - Letter from David Lane (8/6/18)
 - Letter from Helen Burd (8/8/18)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.3.10, 18.4.3.080, 18.4.4, 18.5.1, 18.5.3.060, 18.5.5.020, 18.5.7 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE TO AMEND DEVELOPMENT STANDARDS FOR WILDFIRE LANDS. THIS ORDINANCE ALSO AMENDS THE OFFICIAL PHYSICAL AND ENVIRONMENTAL CONSTRAINTS MAP TO EXPAND THE BOUNDARY OF ASHLAND'S DESIGNATED WILDFIRE LANDS OVERLAY TO INCLUDE ALL PROPERTIES WITHIN THE CITY LIMITS.

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Council finds that the Ashland 2014 Wildfire Hazard Zone Evaluation demonstrated that the Wildfire Lands overlay boundary established in 1992 does not incorporate all areas within the City that meet the criteria to be considered a Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044, and

WHEREAS, the City Council has determined that the expansion of the Wildfire Lands overlay boundary to include all properties within the City Limits will enhance several elements of the fire safety strategy of the city and will assist in mitigating the threat of wildfire to the community which is a legitimate and beneficial goal; and

WHEREAS, the City of Ashland has determined that the application of development standards for wildfire lands, and regulation of landscape profiles for new construction, supports the following City Comprehensive Plan Environmental Resources 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", and

WHEREAS, the City of Ashland has determined that implementation of this ordinance will assist in preparing the City to be more resilient to climate change impacts, including wildfire, as expressed in the 2017 Climate Energy Action Plan, and

WHEREAS, the Planning Commission of the City of Ashland conducted on June 26, 2018 a duly advertised public hearing on amendments to the Ashland Municipal Code and Land Use Ordinances concerning the establishment of standards to reduce or minimize the potential impacts of wildfire on properties, the occupants of properties and the occupants of adjacent properties; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 18.3.10.100 [Development Standards for Wildfire Lands] of the Ashland Land Use Ordinance is hereby repealed in its entirety and replaced as follows:

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, land partition, ~~or Commercial~~ Site Design Review increasing a building's footprint by 200 square feet or greater, ~~or Residential Site Design Review for developments of three units or greater. (except for Site Design Review of Accessory Residential Units).~~
2. Plan 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 plan submittal

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 upon demonstration of compliance with the standards required by this chapter.
 - 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 **located on a vacant lot,** that increase lot coverage by 200 square feet or greater, shall have a **General Fuel Modification Area** ~~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 General 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 Standards. 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, except when permitted as follows:
 - 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 pruning a tree to meet 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 pruned to maintain a ground clearance 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. Existing trees which are identified on the City's Prohibited Flammable Plant List shall be pruned to provide a ground clearance of a minimum eight feet above the ground, or 1/3 of the tree height, whichever is less.
 - i. Existing shrubs which are identified on the City's Prohibited Flammable Plant list shall be maintained to provide a clearance from new structures and other flammable vegetation as follows:
 - i. Five (5) feet clearance from the furthest extension of a new building, addition or deck.
 - ii. Separation from other listed flammable shrubs within the General Fuel Modification Area shall be a minimum of two times the shrub's height at maturity.
 - j. Newly planted shrubs which are identified on the City's Prohibited Flammable Plant list, shall be:
 - i. A minimum of 30 feet from the furthest extension of any building, or addition or deck.
 - ii. Separated from other listed flammable shrubs by a minimum of two times the shrub's height at maturity.
 - iii. Located outside of the drip line of a tree which is listed on the City's Prohibited Flammable Plant list.

~~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 above the ground, or 1/3 of the tree height, whichever is less.~~

~~jk.~~ 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.

~~kl.~~ 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.

~~lm.~~ 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.

~~mn.~~ The General Fuel Modification Area standards 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

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 provide 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 construction of buildings and decks 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 standards shall be verified. The property owner, or subsequent property owners, shall be responsible for maintaining the property in accord with the General Fuel Modification Area standards as defined in 18.3.10.100.B.2.

D. 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.

E. Exceptions to a Fire Prevention and Control Plan and General Fuel Modification Area Standards.

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 as a minor amendment under 18.3.10.100 D.1
- 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.

SECTION 2. Chapter 18.3.10.020.A.3 [Physical Constraints Review Permit, Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.10.020.A. Physical Constraints Review Permit

- 1. *[18.3.10.020.A.1 is unchanged]*
- 2. *[18.3.10.020.A.2 is unchanged]*
- 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 a conifer with a trunk of less than 18 caliper inches in diameter at breast height (DBH), or a broadleaf tree having a trunk of less than 12 caliper inches 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 standards consistent with 18.3.10.100.**
- c. *Commercial Logging.* Commercial logging in areas identified as Flood Plain Corridor Land, Hillside Land, or Severe Constraints Land.

SECTION 3. Chapter 18.3.10.040. [Physical Constraints Review Permit, Application Submission Requirements] of the Ashland Land Use Ordinance is hereby amended as follows:

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.**

[The remainder of 18.3.10.040 is unchanged]

SECTION 4. Chapter 18.3.10.090.D [Physical Constraints Review Permit, Development Standards for Hillside Lands] of the Ashland Land Use Ordinance is hereby amended as follows:

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. *[18.3.10.090.D.1 is unchanged]*

2. *[18.3.10.090.D.2 is unchanged]*

3. Tree Conservation in Project Design. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH) (two feet 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 Area 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. *[18.3.10.090.D.4 is 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.

7. *[18.3.10.090.D.7 is unchanged]*

SECTION 5. Chapter 18.4.3.080.E [Parking and Circulation, Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended as follows:

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.

1. *[18.4.3.080.E.1 is unchanged]*

2. *[18.4.3.080.E.2 is unchanged]*

3. *[18.4.3.080.E.3 is unchanged]*

4. *[18.4.3.080.E.4 is unchanged]*

5. *[18.4.3.080.E.5 is unchanged]*

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.

7. *[18.4.3.080.E.7 is unchanged]*

8. *[18.4.3.080.E.8 is unchanged]*

SECTION 6. Chapter 18.4.4.030. [Landscaping, Lighting and Screening, Landscaping and Screening] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.4.030 Landscaping and Screening

A. *[18.4.4.030.A is unchanged]*

B. *[18.4.4.030.B is unchanged]*

C. Landscape Design and Plant Selection. The landscape design and selection of plants shall be based on all of the following standards.

1. *[18.4.4.030.C.1 is unchanged]*

2. *[18.4.4.030.C.2 is unchanged]*

3. *[18.4.4.030.C.3 is unchanged]*

4. [18.4.4.030.C.4 is unchanged]

5. **Screening**

- a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.
- b. Where a hedge is used as a screen, **fire-resistant and drought tolerant** evergreen shrubs shall be planted so that not less than 50 percent of the desired screening is achieved within two years and 100 percent is achieved within four years. Living groundcover in the screen strip shall be planted such that 100 percent coverage is achieved within two years.

D. [18.4.4.030.D is unchanged]

E. [18.4.4.030.E is unchanged]

F. [18.4.4.030.F is unchanged]

G. [18.4.4.030.G is unchanged]

H. [18.4.4.030.H is unchanged]

I. Water Conserving Landscaping. [Section description and narrative is unchanged]

1. **Landscaping Design Standards**

- a. *Landscaping Coverage.* Water conserving designs shall have plant coverage of not less than 90 percent with five years of planting, but are not required to meet the standard of 50 percent coverage within one year.
- b. *Plant Selection.* At least 90 percent of plants in the non-turf areas shall be listed as drought tolerant and fire-resistant in the City's Water-Wise Landscaping website, or be similarly well-suited for this climate of region as determined by the Staff Advisor. Up to ten percent of the plants may be of a non-drought tolerant variety or species as long as they are grouped together and are located in a separate irrigation zone.
- c. *Screening.* Plant screening hedges to attain 50 percent coverage after two years.
- d. *Mulch.* Add a minimum of two inches of mulch in non-turf areas to the soil surface after planting, **with the exception of within five (5) feet of a building or deck where bark mulch and other combustible materials are not permitted per the General Fuel Modification Area standards in**

18.3.10.100. Neither large nuggets nor fine bark may be used for mulch. Non-porous material shall not be placed under the mulch.

- e. *Turf and Water Areas.* Limit combined turf or water areas (i.e., pools, ponds, and fountains) to 20 percent of the landscaped areas. Turf limitations do not apply to public parks, private common open space, required outdoor recreation areas, golf courses, cemeteries, and school recreation areas.
- f. *Fountains.* Design all fountains to recycle their water.
- g. *Turf Location.* Turf is restricted to slopes less than ten percent grade.
- h. *Berms and Raised Beds.*
 - i. No more than five percent of landscaped area of any lot or project may be berms or raised beds higher than one foot unless there is demonstrated need for sound or safety barrier. If allowed, berms must be no taller than 1/6 of their width.
 - ii. All plantings on berms one foot or greater in height must be drought tolerant.
 - iii. Only drip irrigation is allowed on berms more than one foot in height.
- i. *Soil Quality.* When new vegetation is planted, soils shall be amended for plant health and water absorption. Add mature compost at a rate of three cubic yards of compost per 1,000 square feet of area to be landscaped, and work soil and amendment(s) to a depth of four to six inches. This requirement may be waived for one or more of the following circumstances.
 - a. The area to be landscaped is fenced off to fully protect native soil from disturbance and compaction during construction.
 - b. Soil tests document an organic content of a least three percent based on a representative core sample taken at a rate of one test per 20,000 square feet, based on a minimum of three core sample per test. Samples shall be taken at least 40 feet apart to a depth of six inches following attainment of rough grade.
 - c. The area to be landscaped will be used to capture and treat storm water runoff, and is subject to separate design standards.

2. [18.4.4.030.1.2 is unchanged]

3. [18.4.4.030.1.3 is unchanged]

SECTION 7. Chapter 18.4.4.060.B [Landscaping, Lighting and Screening, Fences and Walls] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.4.060.B Design Standards.

Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. *[18.4.4.060.B.1 is unchanged]*
2. *[18.4.4.060.B.2 is unchanged]*
3. *[18.4.4.060.B.3 is unchanged]*
4. *[18.4.4.060.B.4 is unchanged]*
5. *[18.4.4.060.B.5 is unchanged]*
6. *[18.4.4.060.B.6 is unchanged]*
7. *[18.4.4.060.B.7 is unchanged]*

8. Wildfire Lands Overlay. Fencing attached to a building or deck within the Wildfire Lands Overlay shall be made of non-combustible materials within five (5) 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 to be retrofitted to attach to a new building, addition, or deck, subject to the General Fuel Modification Area standards per 18.3.10.100.B, shall 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.**

SECTION 8. Chapter 18.5.1.010.B [General Review Procedures, Purpose and Applicability], Table 18.5.1.010, of the Ashland Land Use Ordinance is hereby amended as follows:

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure

Planning Actions	Review Procedures	Applicable Regulations
Access to a Street/Driveway Approach	Ministerial	Chapter 18.4.3
Annexation	Type III	Chapter 18.5.8; See Oregon Revised Statute 222.
Ordinance Interpretation	Type I or II	Chapter 18.1.5
Ordinance Text Amendment	Type III	Chapter 18.5.9
Comprehensive Plan Amendment	Type III	Chapter 18.5.9
Conditional Use Permit	Type I or II	Chapter 18.5.4
Conversion of Multifamily Dwelling Units into For-Purchase Housing	Ministerial	Section 18.2.3.200
<u>Exception to Fire Prevention and Control Plan and General Fuel Modification Area Standards</u>	<u>Type I</u>	<u>Subsection 18.3.10.100.E</u>
Exception to Site Development and Design Standards	Type I	Subsection 18.5.2.050.E
Exception to Street Standards	Type I	Subsection 18.4.6.020.B.1
Extension of Time Limit for Approved Planning Action	Ministerial	Section 18.1.6.040
Fence	Ministerial	Section 18.4.4.060
Hillside Standards Exception	Type I	Subsection 18.3.10.090.H
Home Occupation Permit	Ministerial	Section 18.2.3.150
Land Use Control Maps Change	Type II or III	Chapter 18.5.9
Legal Lot Determination	Ministerial	Chapter 18.1.3
Modification to Approval Minor Modification Major Modification	Ministerial Per original review	Chapter 18.5.6
Non-Conforming Use or Structure, Expansion of	Ministerial or Type I	Chapter 18.1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat Minor Amendment	Type I Ministerial Ministerial	Chapter 18.5.3 Chapter 18.5.3 Subsection 18.5.3.020.G
Performance Standards Option Outline Plan Final Plan Minor Amendment	Type II Type I Ministerial	Chapter 18.3.9 Chapter 18.3.9 Subsection 18.5.3.020.G

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure		
Planning Actions	Review Procedures	Applicable Regulations
Physical and Environmental Constraints Permit	Type I	Chapter 18.3.10
Property Line Adjustments, including Lot Consolidations	Ministerial	Chapter 18.5.3
Sign Permit	Ministerial	Chapter 18.4.7
Site Design Review	Type I or II	Chapter 18.5.2
Solar Setback Exception	Type I	Chapter 18.4.8
Subdivision or Replat of >3 lots Preliminary Plat Final Plat Minor Amendment	Type II Ministerial Ministerial	Chapter 18.5.3 Chapter 18.5.3 Subsection 18.5.3.020.G
Tree Removal Permit	Type I	Chapter 18.5.7
Variance	Type I or II	Chapter 18.5.5
Water Resources Protection Zone – Limited Activities and Uses	Type I	Section 18.3.11.060
Water Resources Protection Zone Reduction	Type I or II	Section 18.3.11.070
Water Resources Protection Zone – Hardship Exception	Type II	Section 18.3.11.080
Zoning District Map Change	Type II or III	Chapter 18.5.9

[With the exception of the amendment to Table 18.5.1.010 above, the remainder of Chapter 18.5.1 is unchanged]

SECTION 9. Chapter 18.5.3.060.N [Land Divisions and Property Line Adjustments, Additional Preliminary Flag Lot Partition Criteria] of the Ashland Land Use Ordinance is hereby amended as follows:

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

[18.5.3.060.A-M and O-P are unchanged]

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.~~

SECTION 10. Chapter 18.5.5.020 [Variances, Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

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).

SECTION 11. Chapter 18.5.7.020 [Tree Removal Permits, Applicability and Review Procedure] of the Ashland Land Use Ordinance is hereby amended as follows:

A. *[18.5.7.020.A is unchanged]*

B. *[18.5.7.020.B is unchanged]*

- 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 where the property is **less than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided**, 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 occupied only by a single family detached dwelling and associated accessory structures where the property **cannot be further developed with additional dwelling units other than an accessory residential unit**, 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 standards 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.

D. *[18.5.7.020.D is unchanged]*

SECTION 12. Chapter 18.6 [Definitions] of the Ashland Land Use Ordinance is hereby amended to include the following definitions, and amend existing definitions as follows:

Fire Code Official: The Fire Chief or other designated authority charged with the administration and enforcement of the fire code, or a duly authorized representative.

Fire and Ignition resistant materials: Materials or assemblies that will not ignite and burn when subjected to fire including but not limited to masonry, concrete, stone, metal, and fire-retardant-treated wood identified for exterior use.

Fire Resistant Exterior: Exterior building materials or assemblies that restrict or retard the spread of fire through the use of fire and ignition resistant materials.

Fire Resistant Plants: Plants that are not listed on the Prohibited Flammable Plant List. Fire Resistant Plants do not readily ignite from a flame or other ignition source, and are maintained to be free of dead material. Fire-resistant plant have the ability to store water in leaves or stems, have low levels of volatile oils or resins, and contain high levels of salt or other non-resinous compounds within the plant tissues that can contribute to fire resistance.

Fire-retardant-treated wood. Wood products that, when impregnated with chemicals by a pressure process or other means during manufacture, exhibit reduced surface-burning characteristics and resist propagation of fire.

Highly Flammable Plants: A plant species that has characteristics which make it more volatile by encouraging easy ignition and the spread of fire through its foliage due to low moisture content, dense dry leaves, needles, grass-like leaves, or volatile resins and oils. Highly flammable plants are specifically those species listed on the adopted Prohibited Flammable Plant List.

Prohibited Flammable Plant List: A listing of specific highly flammable plants which are considered nuisances per Chapter 9.04 of the Ashland Municipal Code and are prohibited from being planted within a General Fuel Modification area.

Significant Tree: A conifer tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH), or a deciduous tree having a trunk 12 caliper inches in diameter at breast height.

SECTION 13. Savings. Notwithstanding this amendment, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 14. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 15. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 13-15) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ___th day of _____, 2018, and duly PASSED and ADOPTED this ___th day of _____, 2018,

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2018,.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9.04 OF THE ASHLAND MUNICIPAL CODE TO DECLARE PROHIBITED FLAMMABLE PLANTS A NUISANCE.

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City of Ashland has determined that it is in the best interest of its residents, business and visitors to encourage fire resistant vegetation when it comes to landscape design; and

WHEREAS, the City of Ashland has determined that the prohibition of highly flammable plants from being newly planted within General Fuel Modification Areas within the City of Ashland, supports the following City Comprehensive Plan Environmental Resources 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”, and

WHEREAS, the City of Ashland has determined that implementation of this ordinance will assist in preparing the City to be more resilient to climate change impacts, including wildfire, as expressed in the 2017 Climate Energy Action Plan, and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code Health and Sanitation ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.04 [Weeds and Noxious Vegetation] of the Ashland Municipal Code is hereby amended as follows:

9.04.002 Purpose

The purpose of this chapter is to reduce the risk of damage to property and persons by fire due to weeds, and to reduce hazards to public health, agriculture, recreation, and wildlife by controlling the growth of weeds and noxious vegetation. Ashland Fire and Rescue and the City's Code Compliance Officers intend to prioritize enforcement and abatement under this chapter based upon the degree of fire risk or other hazard caused by the violation and the availability of resources. (Ord. 3009, added, 04/20/2010)

9.04.005 Definitions

- A. Code Compliance Officer: all individuals designated as such pursuant to AMC 1.08.005, including specifically the Fire Chief.
- B. Fire Chief: the City of Ashland Fire Chief or his/her authorized designee.
- C. Fire hazard: a written determination from the Fire Chief that the quality, condition, and/or location of vegetation creates a risk of fire.
- D. Noxious vegetation: all vegetation listed on the noxious weed list promulgated by the Oregon Department of Agriculture's Plant Division.
- E. Owner: owner of real property, agent of the owner, and/or occupant of any lot or parcel of land. In the case of property subject to foreclosure as a result of bankruptcy or default of the legal owner, the City may deem the "Owner" to be the person, other than the legal owner, who has a primary lien, security, or mortgage interest in possession or control of the property or who is the deed of trust beneficiary of the property.

F. Prohibited Flammable Plants: all vegetation listed on the Prohibited Flammable Plan List as approved by Resolution of the City Council.

F. G. Summer season: between May 15 and September 30 of any year, or the end of fire season as declared by the Oregon Department of Forestry, whichever is later.

G. H. Weed:

- 1. Vegetation, grass, shrubbery, and round wood that is less than 1/4 inch in diameter and more than four inches (4") high, and
- 2. Vegetation that is a:
 - a. Health hazard, such as providing harborage for vermin;
 - b. Fire hazard due to the quantity and/or location; or
 - c. Traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous

9.04.010 Weeds Declared Nuisance

The growth or maintenance of weeds upon lots and parcels of land, and abutting rights-of-way in the City during the summer season, or at any other time of year when deemed a fire, health or traffic hazard, is declared to be a nuisance.

9.04.011 Prohibited Flammable Plants Declared Nuisance

The planting of species identified on the Prohibited Flammable Plant List within a General Fuel Modification Area in the City is declared to be a nuisance.

9.04.012 Noxious Vegetation Declared Nuisance

The growth or maintenance of noxious vegetation upon lots and parcels of land, and abutting rights-of-way in the City at any time is declared to be a nuisance.

9.04.015 Exemptions to Nuisance

- A. The term “weed” does not include vegetation that constitutes an agricultural crop or decorative residential landscaping, unless that vegetation is a fire, health, or traffic hazard.
- B. It shall not be a violation of this chapter for property owners to maintain wetland or upland native vegetation in its natural state either on their property or in common areas when required to do so pursuant to the requirements of state law, city ordinance or land use approval. Nothing herein prohibits a property owner from preserving native vegetation in its natural state in excess of the requirements of state law or city ordinance, provided the owner prepares and implements a management plan for maintenance of the natural area and said plan is approved and on file with the community development department.
- C. It shall not be a violation of this chapter for property owners to maintain Prohibited Flammable Plants which were established prior to the effective date of this ordinance on their property or in common areas, unless the plants are subject to removal through implementation of an approved Fuel Prevention and Control Plan or General Fuel Modification Area on file with the community development department.**

9.04.020 Responsibility of Owner - Removal of Weeds

The owner of any lot or parcel of land within the limits of the City of Ashland shall cut and/or remove weeds growing thereon, and on adjacent and abutting rights-of-way, between May 15th and June 15th of each year. It shall be the duty of an owner to continue to cut and remove the weeds throughout the summer season, or any other time of year when deemed a fire, health, or traffic hazard.

9.04.022 Responsibility of Owner - Prohibited Flammable Plants

The owner of any lot or parcel of land within the limits of the City of Ashland shall not permit species identified on the Prohibited Flammable Plant List to be newly planted on their property within a General Fuel Modification Area as defined in Chapter 18.3.10.100.B. It shall be the duty of an owner to cut down and remove any new seedlings and volunteer plants of listed prohibited flammable plants as often as needed to prevent them from posing an increased fire hazard.

9.04.024 Responsibility of Owner - Removal of Noxious Vegetation

The owner of any lot or parcel of land within the limits of the City of Ashland shall not permit noxious vegetation to grow upon their property and on adjacent and abutting rights-of-way. It shall be the duty of an owner to cut down or to destroy and remove all noxious vegetation as often as needed to prevent it from becoming a fire, health or traffic hazard, from becoming unsightly, or maturing, spreading, and going to seed.

9.04.028 Abatement Process

The Uniform Abatement Process set forth in chapter AMC 2.31 shall apply to nuisances identified in this Chapter and may be used to abate continuing violations.

Notwithstanding any other AMC provisions, a code compliance officer may order the minimum abatement necessary to abate a fire, health or traffic hazard, (e.g. creation of an adequate fire break to protect adjacent property from fire exposure). Abatement of the nuisance shall not prohibit the City from seeking any other remedy or sanction provided by law.

9.04.030 Violation Penalty

Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class I violation.

9.04.040 Notice to Abate – Contents

In case of failure or neglect of any such agent, owner or occupant to cut weeds and grass and shrubbery as herein provided, the City Recorder shall cause to be served on such agent, owner, and/or occupant a notice, describing the property with convenient certainty by its legal description or by the street number of the house, requiring such owner or agent and/or occupant to cut said weeds, grass, and shrubbery within ten (10) days from the service thereof, or that the City will require the same to be done, and the cost thereof charged as a lien against said property.

9.04.050 Notice to Abate – Service – Removal by City – Lien

Such notice shall be served upon such owner, agent, and/or occupant in person if found upon said premises or within the City, and in case said owner, agent, and/or occupant

cannot be found in person within the City after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known post office address of such owner, agent, or occupant, if any such address is known, and return of service shall be filed with the Recorder; and if at the end of ten (10) days from the giving of such notice, such owner, agent, and/or occupant, has failed and neglected to cut and remove such vegetation, the Fire Chief shall cause the same to be done and shall file with the Council a verified itemized statement of the expenditure occasioned thereby, and the Recorder shall cause notice to be served upon the owner, agent, or occupant in the manner hereinbefore described, such statement will be considered and determined by the Council and a lien declared upon the property involved, the time of which meeting shall be specified in the notice, more than ten (10) days from the giving of the same, and the Council shall at such meeting hear any objections to such statement, and by ordinance determine the correctness of the same, and declare such corrected amount a lien upon the property benefitted and instruct the Recorder to enter the same upon the City docket of liens in the same manner and with the same effect that street improvement liens and sewer liens are entered, and said lien shall have the same force and effect as such street improvement and sewer liens, and shall be certified to the county assessor in the same manner.

SECTION 2. A Prohibited Flammable Plant List shall be maintained by the City of Ashland and approved by Resolution of the City Council.

SECTION 3. Savings. Notwithstanding this amendment, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X,
Section 2(C) of the City Charter on the ___th day of _____, 2018,
and duly PASSED and ADOPTED this ___th day of _____, 2018,

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2018.

John Stromberg, Mayor





Reviewed as to form:

David H. Lohman, City Attorney



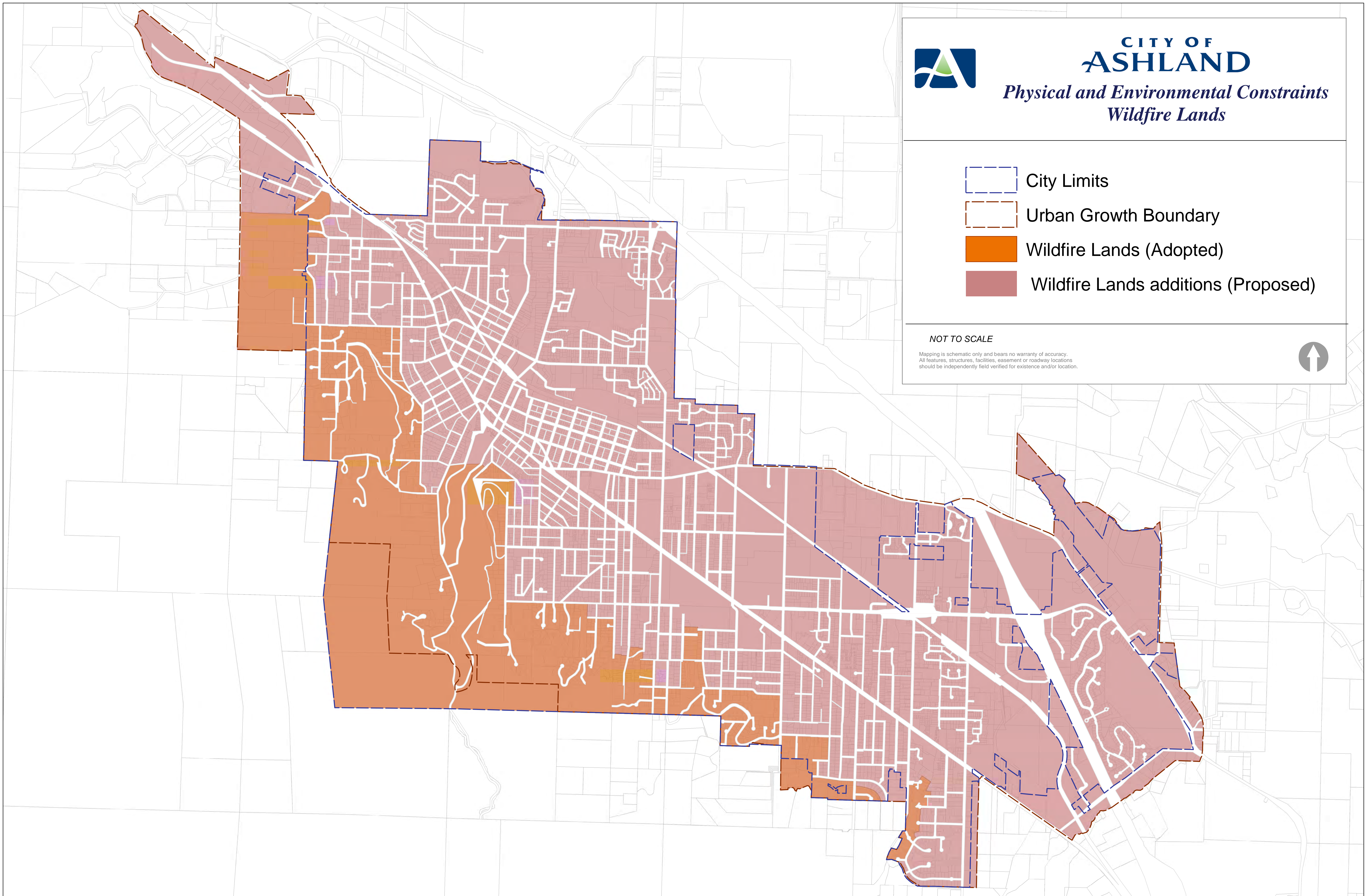
CITY OF ASHLAND

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.



ASHLAND PLANNING DIVISION STAFF REPORT

July 26, 2018

PLANNING ACTION: PA-L-2018-00003

APPLICANT: City of Ashland

ORDINANCE REFERENCES: AMC 18.3.10 Physical and Environmental Constraints
AMC 18.4.3 Parking, Access, and Circulation
AMC 18.4.4 Landscaping, Lighting, and Screening
AMC 18.5.1 General Review Procedures
AMC 18.5.3 Land Divisions and Property Line Adjustments
AMC 18.5.5 Variances
AMC 18.5.7 Tree Removal Permits
AMC 18.6.1 Definitions
AMC 9.04 Weeds and Noxious Vegetation

REQUEST: Amend the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City, and amend the Ashland Land Use Ordinance to implement new standards for fire prevention and control plans and fuels reduction associated with development. The proposed ordinance amendments include modifications to Ashland Land Use Ordinance Chapter 18.3.10.100 Development Standards for Wildfire Lands; 18.3.10.020 Physical Constraints Review Permit, 18.3.10.040 Physical Constraints Review Application Submission Requirements, 18.3.10.090 Development Standards for Hillside Lands; 18.4.3.080 Vehicle Area Design; 18.4.4 Landscaping, Lighting, and Screening; 18.5.1 General Procedures; 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria; 18.5.5 Variances; 18.5.7 Tree Removal Permits; 18.6 Definitions; and 9.04 Weeds and Noxious Vegetation.

I. Relevant Facts

A. Background

On April 15th, 2014 the City Council directed 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.

The Planning Commission discussed the expansion of the Wildfire Lands boundary and amendments to the Development Standards for Wildfire Lands at study sessions on June 24, 2014, February 24, 2015, November 24, 2015, February 23, 2016, and February 27, 2018.

The Tree Commission discussed the amendments during regular meetings on April 9, 2015, December 10, 2015, and March 8, 2018.

The Wildfire Mitigation Commission discussed the amendments during regular meetings on, November 18, 2015, and March 21, 2018.

Mayor Stromberg convened an ad-hoc wildfire hazard committee (comprised of City staff, representatives from the Tree, Planning, and Wildfire Mitigation Commissions) that met numerous times through 2017 and 2018 to discuss a comprehensive approach toward mitigating the risk of wildfire within the City of Ashland. The discussion included evaluation of potential amendments to the development standards for wildfire lands.

Ashland Fire and Rescue, the ad-hoc wildfire hazard committee, and the Wildfire Mitigation Commission also worked with an organization called Community Planning Assistance for Wildfire (CPAW) to evaluate our community's risks and to provide an evaluation of the City's existing and proposed wildfire development standards. CPAW's land use, forestry, and hazard mitigation professionals visited Ashland to inform their recommendations intended to ensure wildfire is considered alongside other community planning priorities. The CPAW draft ordinance review and report titled "Best Practices Compilation for Ashland, Oregon", informed the drafting of the attached ordinance.

The City defined the current Wildfire Lands overlay boundary in 1992. This boundary included hillside properties in close proximity to the forested area south of Ashland. Areas within a Wildfire Lands overlay fall under Section 18.3.10.100 of the Ashland Municipal Code, Section 304.1.2 of the Oregon Fire Code, Sections 603 and 604 of the Wildland Urban Interface Code, and Section 324 of the Oregon Residential Specialty Code. These codes regulate landscaping, roof construction, defensible space and fuel modification areas.

B. Ordinance Amendments

In summary, the amended development standards for wildfire lands would require that applications to partition or subdivide properties, and site review applications for commercial and multi-family developments, provide a Fire Prevention and Control Plan with the planning application. A Fire Prevention and Control Plan would not be required for the construction of a single family dwelling or additions. A General Fuel Modification Area, where highly flammable plants are thinned or removed in proximity to a new structure, would be required to be established on properties obtaining building permits for new construction, and additions to existing buildings, that increase lot coverage 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 is required within 5 feet of a new building or addition.
- Combustible materials, including wood mulch, 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 new building, addition, 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 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.

The proposed amendments to the Tree Permit Review section (18.5.7) and Hillside Development standards (18.3.10.090) of the municipal clarify that a significant conifer tree is one that as having a diameter at breast height (DBH) of at least 18 inches, or is a deciduous tree with a DBH of 12 inches or greater. This amendment provides internal code consistency with the definition for “significant tree”. With the exception of significant trees, the attached ordinance would allow trees greater than 6” in diameter at breast height on hillside lands to be removed without a permit as part of an approved Fire Prevention and Control Plan, or as approved to implement a comprehensive general fuel modification area. The proposed amendment newly requires that when a property is large enough to be partitioned, subdivided or be further developed with multifamily units then a tree removal permit would require to remove trees greater than 6” DBH. Currently lots occupied only by only a single family home, regardless of lot size, are exempt from obtaining a tree removal permit to remove trees. Given this exemption, in recent years the City has seen properties remove numerous significant trees immediately in advance of submitting applications for partitioning or subdividing the property.

The proposal includes the creation of a Prohibited Flammable Plant list. 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 flammable plant list would preclude newly planting the listed plants within 30 feet of any structure unless it were demonstrated that they would not pose additional fire risk.
- Highly flammable plants on this list that were in place prior to the adoption of the proposed ordinance would not have to be removed unless they are within five feet of a new structure or addition, or as proposed for removal as part of an approved Fire Prevention and Control Plan.

Change in Circumstances or Conditions

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The Planning Commission makes a recommendation to the City Council and the City Council makes the final decision.

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 Fire Prevention and Control Plan, as well as establish new requirements for the implementation of required fuel modification areas not presently codified within the currently adopted Land Use Ordinance

The 2017 Climate and Energy Action Plan identified that regulation of new development within the Wildfire Fire Overlay is necessary to be more resilient to climate change impacts.

The City completed a Wildfire Hazard Zone Evaluation in 2014 which demonstrated that the existing Wildfire Lands overlay boundary does not incorporate all areas within the City that meet the criteria to be considered a Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044.

Statewide and Local Goals relating to Planning for Wildfires

Statewide Planning Goal 7 [Areas Subject to Natural Hazards] requires that local governments adopt inventories, policies and implementing measures to reduce risk to people and property from natural hazards including wildfire.

The Ashland Comprehensive Plan's 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

The 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.

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

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

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.

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.

The proposed amendments to the Development Standards for Wildfire Lands aim to reduce the potential impacts of wildfire on properties throughout the City of Ashland. The proposed standards 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.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

Local climatic, geographic, topographic and vegetation profile conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Wildfire poses a risk to persons and property throughout the community and therefore it is found to be reasonably necessary that the wildfire lands overlay boundary, and the development standards for wildfire lands be modified to mitigate the effects of the above conditions.

Wildfire Mitigation Commission

The Wildfire Mitigation Commission reviewed the draft ordinance on March 21st, 2018 and recommend approval of the ordinance and the expansion of the Wildfire Lands overlay to include the entire City.

Tree Commission

The Tree Commission reviewed the draft ordinance on March 8th, 2018 and recommend approval of the ordinance. The Tree Commission did request that the removal of significant trees for fuel removal require a review by the Tree Commission. In consideration of this comment the ordinance presented for adoption now requires a tree removal permit for significant trees. The Tree Commission also noted that there could be exemption included in the ordinance to preserve large native/conifer large trees while noting that large stature conifers can be fire resistant. The ordinance now includes allowances to exempt established conifer trees from the general fuel management requirements when it is demonstrated that pruning the tree to comply with the general fuel modification standards would compromise the health of the tree. Additionally the ordinance allows an applicant to request an exceptions to the prohibition on planting flammable plants when it is demonstrated that the proposed planting will not pose a fire risk. Lastly the Tree Commission recommended that the City should create a new full time Urban Forester position to assist with the implementation of the ordinance.

Planning Commission

The Planning Commission's formal recommendation to the Council regarding the attached map amendment and ordinance will be prepared by Staff and presented to the Commission on July 10th, 2018. Additionally a representative from the Planning Commission is invited to provide the Commissions recommendations to the City Council during the public hearing scheduled for July 17th, 2018.

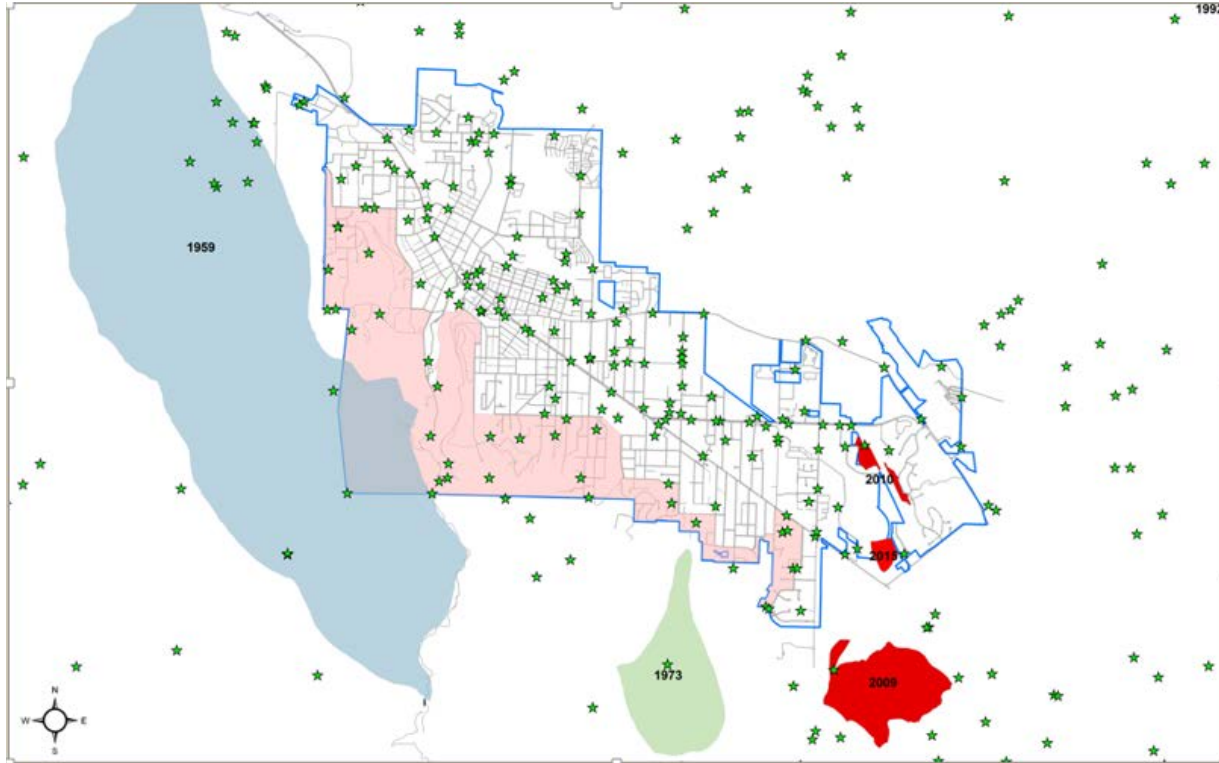
Planning Commission Report

DATE: July 10, 2018
TO: Ashland City Council
FROM: Ashland Planning Commission
RE: Planning Commission Recommendation
Ordinance Amendments for Wildfire Development Standards Ordinance
(PA-L-2018-00003)

Summary

The Planning Commission unanimously recommends approval of Planning Action PA-L-2018-00003. This legislative action includes proposed amendments to the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City; amendments to the Ashland Land Use Ordinance to implement new standards for fire prevention and control plans and fuels reduction associated with development; amendments to the Tree Removal permit requirements; and a Resolution to establish a Prohibited Flammable Plant list and a Municipal Code amendment to designate that such plants are a fire hazard.

The Commission found that wildfire poses a risk to persons and property throughout the entire community and therefore determined that the designated wildfire lands boundary, and the development standards for wildfire lands, should be applied city wide to mitigate for the potential adverse effects of wildfire. The commission found that the Wildfire Hazard Zone Evaluation in 2014 demonstrated that the existing Wildfire Lands overlay boundary does not incorporate all areas within the City that meet the criteria to be considered a Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044, and the frequency, spread, acceleration, intensity, and size of fires that have occurred outside the existing wildfire lands overlay demonstrates that the expansion of the wildfire lands overlay boundary is warranted. Ashland Fire and Rescue presented a map to the Commission that identified where individual fire ignition points and larger wildfires have occurred since 1959. This map showed that the risk of wildfire has not been isolated to the existing wildfire lands overlay area.



Ashland wildfires and ignitions:

Pink polygon = Existing wildfire lands designation

Green stars = ignitions

Blue, green, and red polygons = wildfires occurring in 1959, 1973, 2008, 2010

In review of the existing development standards for Wildfire Lands, the Planning Commission identified a number of potential changes to the existing code to be considered as part of the legislative amendment process. Draft code revisions were presented at numerous study sessions throughout 2017 and 2018, and were discussed by the Planning Commission, Tree Commission, Wildfire Mitigation Commission, and an ad-hoc wildfire hazard committee convened by the Mayor (comprised of City staff, representatives from the Tree, Planning, and Wildfire Mitigation Commissions). Through these study sessions the Commissions aimed to clarify the submittal requirements for a Fire Prevention and Control Plan, as well as revise or establish requirements for the implementation of required General Fuel Modification Areas not presently codified within the currently adopted Land Use Ordinance.

The Planning Commission found that if approved the proposed ordinance amendments, and expansion of the Wildfire Lands boundary, would address Statewide Planning Goal 7 as a local effort to “*implement measures to reduce risk to people and property from natural hazards including wildfire*”. Further the Commission found that the 2017 Climate and Energy Action Plan (CEAP) identified that regulation of new development within the Wildfire Fire Overlay was considered necessary to be more resilient to climate change impacts, and that adoption of the proposed ordinances would address this CEAP goal. The Commission further acknowledges that the City Council had an established an explicit goal to “*Complete the expansion of the city’s*



wildfire hazard zone to accurately reflect risk. Update the Wildfire Hazard Zone ordinance to allow for Citywide application and schedule for Council consideration”. This Council goal is directly addressed through the ordinances and a resolution being forwarded for Council’s consideration.

The Commission held a public hearing and deliberations on the proposed amendments on June 26th, 2018. Prior to the public hearing, the Planning Commission held study sessions to discuss Wildfire Lands ordinance amendments on [June 24, 2014](#), [February 24, 2015](#), [November 24, 2015](#), [February 23, 2016](#), and [February 27, 2018](#).

Recommendation

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. As discussed earlier, the Planning Commission finds the proposed amendments to the land use ordinance relating to wildfire development standards and the wildfire lands overlay map are necessary and are supported by the [Planning Staff Report dated June 26, 2017](#), the [2014 City of Ashland Wildfire Hazard Zone Evaluation](#), the [Community Planning Assistance for Wildfire \(CPAW\) Ashland Ordinance Review](#) (dated January 10, 2017), the [CPAW report titled Best Practices Compilation for Ashland](#) (dated April 2017), and the minutes from the prior study sessions as included in the record.

The Planning Commission reviewed the recommendations of the City of Ashland Tree and Wildfire Mitigation Commissions as included in the Planning Staff Report dated June 26, 2018, and considered the public testimony and written comments provided at the public hearing.

After careful thought and consideration, the Commission voted to recommend the City Council approve first reading of the ordinances and resolution as follows:

- Approval of the proposed map amendment to the Physical and Environmental Constraints Wildfire Lands Map to designate the entire Urban Growth Boundary and City Limits as Wildfire Lands.
- Approval of the proposed ordinance amending Chapter 18 of the Ashland Land Use Ordinance to amend the development standards for wildfire lands, and the applicability of tree removal permits.
- Approval of the proposed ordinance amending Chapter 9 of the Ashland Municipal Code to declare Prohibited Flammable Plants a nuisance.
- Approval of the resolution establishing the proposed General Fuel Modification Area Prohibited Flammable Plant List for application in Ashland’s designated Wildfire Lands.



Did You Know?

Fire science indicates that the first 5 feet around structures should be free from all combustible material, including flammable vegetation and bark mulch.





FIREWISE PLANTS

Plants typically have high moisture content, are low growing and deciduous or broadleaf evergreen.

EVERGREEN SHRUBS:

-  Mexican Orange, *Choisya sp.*
-  Boxwood, *Buxus sempervirens*
-  Rhododendron, *Rhododendron sp.*
-  Camellia, *Camellia sinensis*
-  Distylium, *Distylium sp.*
-  Portuguese Laurel, *Prunus luisitanica*
-  Silverberry, *Eleagnus sp.*
-  Coffeeberry, *Rhamnus sp.*
-  Abelia, *Abelia sp.*
-  Holly, *Ilex sp.*
-  Silk tassel, *Garrya elliptica*
-  Strawberry Tree, *Arbutus unedo*

DECIDUOUS TREES:

-  Chaste tree, *Vitex agnus-castus*
-  Persian ironwood, *Parrotia persica*
-  Oak, *Quercus sp.*
-  Maple, *Acer sp.*

DECIDUOUS SMALL TREES & SHRUBS:








-  Azalea, *Rhododendron sp.*
-  Hydrangea, *Hydrangea sp.*
-  Japanese Maple, *Acer palmatum*
-  Ninebark, *Physocarpus sp.*
-  Currant, *Ribes sp.*
-  Serviceberry, *Amelanchier sp.*
-  Elderberry, *Sambucus sp.*
-  Pieris, *Japonica sp.*
-  Spirea, *Spiraea thunbergii*
-  Crepe Myrtle, *Lagerstroemia sp.*
-  Daphne, *Daphne sp.*
-  Mock Orange, *Philadelphus sp.*
-  Snowberry, *Symphoricarpos sp.*
-  Cornelian Cherry,* *Cornus mas*
-  Tree Peony, *Paeonia suffruticosa*
-  Redbud, *Cercis sp.*
-  Fruit Trees
-  Dogwood, *Cornus sp.*
-  Hornbeam, *Carpinus sp.*

PLANTS TO USE WITH CAUTION








Avoid mass plantings of dwarf conifers (use sparingly).

Contact Ashland Firewise at 541-552-2231 for specific recommendations and guidelines.

EVERGREEN SHRUBS:

-  Cedar (dwarf), *Cedrus sp.*
-  Pine (dwarf), *Pinus mugo*
-  Japanese Plum Yew, *Cephalotaxus sp.*
-  Oregon grape, *Mahonia sp.*
-  Rosemary, *Rosmarinus sp.*
-  Bottlebrush, *Callistemon sp.*
-  Rockrose, *Cistus prostrates*

GROUNDCOVERS:

-  Creeping Thyme
-  Creeping Oregon Grape, *Mahonia repens*
-  Creeping Strawberry
-  Kinnickinnick, *Arctostaphylos uva-ursi*
-  Phlox, *Phlox subulata*
-  Sweet Woodruff, *Galium odoratum*
-  Rosemary ground cover, *Rosmarinus prostratus*

THIS LIST IS NOT EXHAUSTIVE! Ornamental grasses and herbaceous perennials offer color, and texture, attract beneficials and are typically suitable for Firewise plantings. Additional Firewise plant resources can be found on the back of this pamphlet or your local nursery.

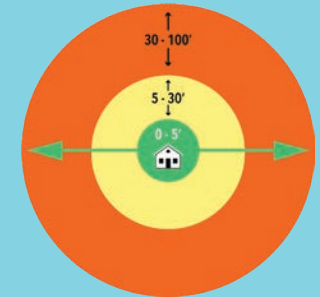
Plant Icon Key

-  Drought Tolerant
-  Pollinator Plants
-  These Plants May Require Deer Protection

Planting Distances

Use this chart to plan your firewise landscaping.

Place firewise plants at least 5' away from house. Flammable plants must be planted a minimum of 30' from any structure.



FLAMMABLE PLANTS

Not to be used within 30' of any structure, including outbuildings and decks. Avoid mass planting.

- 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.*
- Blackberry, *Rubus armeniacus*
- Bitterbrush, *Purshia tridentata*
- Manzanita, *Arctostaphylos sp.* (exception for 'Kinnickinnick')
- Oregon grape, *Mahonia aquifolium* (exception for 'Compacta')
- Sagebrush, *Artemisia sp.*
- Scotch broom, *Cytisus scoparius*
- Wild Lilac, *Ceanothus sp.* (exception for prostrate varieties)
- Pampas grass, *Cortaderia selloana*

NOTES

All plant material should have a minimum of seasonal maintenance to remove dead or diseased plant material.

Characteristics of highly flammable plants include: Dry, dead leaves, twigs or litter, high oil or resin including gums or terpenes & foliage with low moisture content.

Supplemental irrigation (even for drought tolerant plants) is necessary to keep adequate moisture levels in our Rogue Valley climate. In times of drought give preference to irrigating trees and shrubs over lawn and perennials.

OTHER RESOURCES



Waterwise Ashland
www.ashlandsaveswater.org



OSU Extension Service
www.ashland.or.us/privacyscreening



Ashland - Bee City
www.ashland.or.us/beecity

Looking for more information?
www.ashlandfirewise.org

FIREWISE PLANT LIST

Recommendations
for Ashland, OR

This information was produced in 2018 in collaboration with City of Ashland's Wildfire Mitigation Commission and Water Conservation Specialist.

Interested in a FREE
Firewise Home Assessment?
Call 541-552-2231

CITY OF
ASHLAND





To: Margueritte Hickman, Chris Chambers, Alison Lerch (City of Ashland, Fire & Rescue)
Brandon Goldman (City of Ashland, Planning Division)
From: Community Planning Assistance for Wildfire
RE: Preliminary Findings and Recommendations to the Draft Development Standards for
Wildfire Lands and Draft Fuel Break and Prohibited Plant List
Date: January 10, 2017

Overview

The City of Ashland is currently engaged with the Community Planning Assistance for Wildfire (CPAW) program to receive focused technical planning assistance to address the growing threat of wildfire to the City of Ashland. As part of this process, CPAW team members Molly Mowery and Kelly Johnston reviewed key draft planning documents under consideration by the City, including the Draft Development Standards for Wildfire Lands (Section 18.3.10.100, dated February 23, 2016), and the Draft Resolution Adopting the City of Ashland Fuel Break and Prohibited Plant List.

This memo provides preliminary findings and recommendations for consideration by the City's planning division and fire department staff. These findings are intended to facilitate additional discussion; any final recommendations to the City will be based on further discussion and information obtained during an anticipated site visit. For questions regarding this memo, contact: Molly Mowery, Wildfire Planning International, molly@wildfireplanning.com, 303-358-9589.

Preliminary Findings and Recommendations

18.3.10.100

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

A.3.c. It may not be necessary to show the location and dimensions of all structures upon adjoining properties located within 30 ft. of a shared property line in cases where lot sizes are large enough to have an independent defensible space. Instead, we recommend requiring Fire Prevention and Control Plans to show the location and dimensions of all structures within 30 ft. from the primary structure (including accessory structures and structures on neighboring lots within 30 ft.).

A.3.d.vii. The term "heavily forested" seems open for broad interpretation that may cause some confusion. The City should consider setting thresholds that define this term in the document. Alternatively, the City should consider retaining the current definitions of "primary zone" and "secondary zone" by applying subsections 3.d.i to 3.d.vii. to the "primary zone," and reframing subsection 3.d.viii to substitute the term "secondary zone" for "heavily forested". This option allows for an assessment and plan development by a qualified professional which can account for ecosystem and other objectives on large tracts of land.

B. Requirements for Construction of All Structures

B.1. Although “Fuel break” as defined by the City, and consistent with the National Wildfire Coordinating Group’s (NWCG) definition, is a completely acceptable term, it may not be the most appropriate term for these development standards. “Fuel break” may be interpreted by the public as significant vegetation removal, creating the image of a substantial visual “break” in vegetation. Considering the public’s desire to retain trees, along with the “lighter” approach regarding removal, we recommend using a softer term, such as “Fuel Treatment Area” or the synonym “Fuel Modification Area”, in which both are defined by the NWCG as “Manipulation or removal of fuels to reduce the likelihood of ignition and/or to lessen potential damage and resistance to control (e.g., lopping, chipping, crushing, piling and burning).”

B.1.a. The City should consider not including a 200 sq. ft. threshold regarding new construction, additions and conversions, as any addition or new structure within 30 ft. is a hazard to the primary structure, unless mitigated. Alternatively, the City should retain the proposed language, but consider additional language requiring a structure less than 200 sq. ft. be constructed to fire resistant standards, including ignition resistant siding and Class B or better roofing and a horizontal combustible material free zone of five ft. from the furthest horizontal extension of the structure. This will minimize the impact of the new structure contributing to the current fuel complex hazard.

B.2. General Fuel Break Requirements.

Again, we agree with this definition of a fuel break, but are not confident that the current allowances for vegetation retention will result in the creation of fuel breaks. We therefore recommend using the term “Fuel Treatment Area” or the synonym “Fuel Modification Area”, in which both are defined by the NWCG as “Manipulation or removal of fuels to reduce the likelihood of ignition and/or to lessen potential damage and resistance to control (e.g., lopping, chipping, crushing, piling and burning).”

B.2.a. Consider expanding this provision to include exceptions outside of water resource protection areas for cases when a dead or dying tree can provide ecological benefits. For example: “All standing dead and dying vegetation shall be removed from the property, except when approved to be considered ecologically beneficial.”

B.2.b. In general, we recommend the City add an “Acceptable Plant List” to the current “DRAFT Fuel Break Prohibited Plant List”. This will not only provide positive guidance, but will also prevent the use of plants and trees that may have been inadvertently overlooked on the “Fuel Modification Prohibited Plant List”.

We also recommend that all existing vegetation within five ft. of a structure be removed (measured between the furthest horizontal extension of the structure and the closest horizontal extension of the plant). This is based on current wildfire ignition science¹ which establishes minimum distances for vegetation bordering a structure, including attachments. If compromises

¹ This is based on scientific experiments and case studies conducted by National Institute of Science and Technology, USDA Forest Service and Insurance Institute of Business and Home Safety.

are made to reduce this distance, we recommend that the City consider retaining a five ft. non-combustible surface, while allowing "Fire-resistant" plants (or plants identified on the proposed "Acceptable Plant List") to be no closer than three ft. from the closest part of the structure, if siding is "ignition-resistant" or "non-combustible" (meeting testing standards) from grade to eaves (see B.2.c below).

B.2.c. We recommend the City consistently use the term "ignition-resistant," when referencing construction materials, to align with common definitions and provide definable thresholds (meeting testing requirements) on the products that are being used. As recommended above, we also suggest that the City consider expanding the three ft. border to a five ft. non-combustible border. Again, if compromises are made to reduce this distance, we recommend that the City consider retaining the five ft. non-combustible surface, while allowing "Fire-resistant" plants (or plants identified on the proposed "Acceptable Plant List") to be no closer than three ft. from the closest part of the structure, if siding is "ignition-resistant" or "non-combustible".

We also recommend the City consider requiring the removal, or not allowing the placement, of any shrubs within five ft. of windows and the removal of any "Prohibited" plants, shrubs and trees that are within 30 ft. of a window.

Finally, the City should consider requiring the removal of "Prohibited" trees that are within 30 ft. of a window, unless it is a Significant tree, and/or can be pruned so that the crown base is five ft. above the roof deck.

B.2.d. We recommend the City consider adjusting language to require existing "Prohibited" trees within 30 ft. of the structure be removed, with exceptions of those that are significant trees, or where siding is "ignition-resistant" or "non-combustible". In the case of the exceptions, we recommend that all retained "Prohibited" trees within 30 ft. be pruned to a minimum of five ft. above the roof deck or 1/3 of the tree height, whichever is less.

B.2.e. We recommend the City consider changing this distance to a relative distance of "one crown width" between trees at mature size. This provides a simple relative distance based on the crown size and fuel loading (i.e., crown bulk density) and therefore a relative distance to mitigate potential radiant heat energy and flame length produced by the individual crown. We further recommend that the City consider as similar approach for subsection B.2.e.i., where a group of trees is considered "one crown" and therefore a distance of "one crown width" applies to the group.

B.2.n. The rationale behind this provision is unclear in the text. Is there additional information to add to support the distance of 130 ft.? This may be helpful to further clarify.

B.3.Roofing.

What are the requirements if the roof replacement does not occur within the five year timeframe (i.e., exceeds the five year period stated in the provision)? This may be helpful to further clarify.



Best Practices Compilation for Ashland, Oregon: Community Programs and Implementation Practices Across the West



April 2017



Overview

This document provides the City of Ashland with best practices from across the west. Community examples highlight successful mitigation programs, landscaping codes, WUI codes professional qualifications, which may assist in the City's implementation of future regulations and related activities. Additional community examples are also available through [the Community Planning Assistance for Wildfire](#) website.

Case Studies on WUI Code Adoption Process

Wenatchee, Washington

In 2015, the City of Wenatchee experienced the Sleepy Hollow fire, which burned 30 homes on the outskirts of town (due to direct flame impingement and embers) and multiple commercial warehouses in the urban downtown core (due to the transportation of embers from the burning structures). As part of the Fire Code, the City has a [WUI Standard](#) in place. The WUI Standard does delineate the City into two distinct zones, however, the standard does not fully capture the set of conditions that promotes the ignition and spread of fire through the WUI fuel complex (wildland and built fuels). Wenatchee's *current* designation for the WUI is below:

3.36.010 Wildland-Urban Interface Zone Designation

“The code official shall have final authority in determining which properties shall be affected by the WUI zone designation. The determination shall be made based on the property's location and exposure to large tracts of natural vegetation. Property and structures immediately adjacent to undeveloped land with natural vegetation without fuel breaks establish the interface line or primary zone and are subject to all of the provisions of this chapter. Property and structures located to the east, or the developed side, of the primary zone and within 1,500 feet of the interface line are included in the secondary zone.” (Ord. 2011-13 § 1)

While this designation delineates boundaries for enforcement within the WUI, it does not capture the true scope of the City's risk to wildfire. Taking previous fire experiences and risk information into account, the Community Planning Assistance for Wildfire (CPAW) team worked with the City to provide recommendations to improve its WUI approach. Included in the final recommendations was a priority recommendation for the City to redefine the WUI and implement a WUI risk assessment program (currently in the implementation stages) to better prepare for potential wildfire impacts in Wenatchee. As part of this, the CPAW team recommended that the entire City be identified as the WUI, with a re-defined Primary and Secondary Zone. The most stringent WUI Standards are recommended to apply to the Primary Zone, where structures will be potential exposed to radiant and convective heat transfer, as well as burning airborne embers. Less stringent standards are recommended to apply to the Secondary Zone, where structures are potentially exposed to localized radiant and convective heat, as well as short, medium and long range burning embers. (The final report on CPAW's recommendations to Wenatchee can be downloaded [here](#).)

Within the currently adopted [Fire Code WUI Standards \(3.36.160\)](#), Wenatchee provides the definition of defensible space, outlines the responsibilities of the land owner, and references the ICC International WUI Code and the NFPA 1144, Standard for Reducing Structure Ignition



Hazards from Wildland Fire. The Code provides characteristics of fire resistant vegetation according to the Firewise website. The descriptions from the Wenatchee WUI Standards are listed below (note: CPAW also provided recommendations to this section; current language may change based on future revisions):

- (1) Growth with little or no accumulation of dead vegetation (either on the ground or standing upright. Although green, both juniper shrubs and arborvitae accumulate large amounts of dead material).
- (2) Nonresinous plants (willow, poplar or tulip trees).
- (3) Low volume of total vegetation (for example, a grass area as opposed to a forest or shrub-covered land).
- (4) Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).
- (5) Drought-tolerant plants (deeply rooted plants with thick, heavy leaves).
- (6) Stands without ladder fuels (plants without small, fine branches and limbs between the ground and the canopy of overtopping shrubs and trees).
- (7) Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).
- (8) Plants with woody stems and branches that require prolonged heating to ignite.

For reference on specific plants and their characteristics, see <http://firewise.org>. (Ord. 2011-13 § 1)

Flagstaff, Arizona

Located in a Ponderosa Pine forest, Flagstaff Arizona is subject to and familiar with wildland fires and the potential impacts on its community. Following a 1996 fire season, City leaders took action to mitigate against wildfire. Following ten years of education and various programs, the City adopted the WUI code in 2008. The code development and adoption success was a result of a two year public outreach process that familiarized the local stakeholders and residents with wildfire risk reduction measures. The City produced a [Wildland-Urban Interface Code Adoption: How to avoid the agony](#) document to illustrate the community's approach for adopting the International Fire Code and Wildland Urban Interface Code.

Flagstaff also had steep slope and natural resource protection ordinances in place as part of a Resource Protection Overlay Zone. When the WUI code was adopted, language in the planning and zoning documents clearly identified the WUI code to supersede the resource protection documents as identified in [Flagstaff 's Resource Protection Standards \(10-50-90\)](#). Additional Information on the Resource Protection Standards is in the City's Resource Protection Standards [Appendix 5](#) (Additional Information).



Home Ignition Zone: Incentivizing Property Mitigation

Communities seeking to implement WUI codes and regulations often struggle with how to address existing development. Combining regulatory and voluntary approaches can help address this challenge by offering programs which incentivize defensible space and home retrofits. Two Colorado counties serve as examples: the REALFire program (Eagle County, CO) and the Wildfire Partners program (Boulder County, CO).

Both counties have implemented regulations for future development in concert with voluntary programs which incentivize risk reduction practices and provide valuable homeowner education. Programs partner with fire departments, fire districts and other local stakeholders and private organizations to offer property assessments. Each program utilizes the “home ignition zone” concept, introduced by Dr. Jack Cohen (USFS), and further incorporate science from in the Insurance Institute for Business and Home Safety (IBHS) to provide the following:

- An in-depth assessment of a home, property, and accessory structures and other attachments performed by a trained mitigation specialist.
- Landscaping guidance based on the [Colorado State Forestry Service Firewise Guidelines](#).
- A detailed and customized report, including a mitigation checklist to guide the homeowner’s mitigation actions.
- A follow up site visit to verify completion of work.
- A certificate to acknowledge successful completion, which may also be shared with insurance providers to secure or renew coverage.

Each program also takes advantage of the \$2,500 tax deduction available for Colorado homeowners creating defensible space.

Eagle County, CO

Existing Regulations for New Construction

Regulations in Eagle County are meant to reduce risk, provide a set of strategies to help minimize impact to adjoining properties, and provide firefighter access when wildfires do occur. When possible, development in high-risk locations is avoided altogether. Eagle County’s land use regulations include a section for [Development in Areas Subject to Wildfire Hazards in the Eagle County \(Section 4-430\)](#). This section is applicable to any application for a Special Use Permit, Subdivision or Planned Unit Development. It requires the submittal of a vegetation management plan, and includes detailed language on plan requirements, procedure and standards. The County’s [development standards](#) require:

- A wildfire hazard rating for a plat before any building permit is issued.
- A Vegetation Management Plan for new development be generated by a natural resource professional.
- Fire resistant materials for interior walls and ceilings with a one hour rating (e.g., 5/8” thick gypsum board) along with a non-combustible exterior such as brick or mortar.
- Adequate defensible space around the structure.
- A water supply and access plan identifying adequate turn arounds and dual point access in new developments.



REALFire® Program

The REALFire® program was established by the Vail Board of Realtors® and Eagle County, Colorado. It uniquely engages Realtors in local wildfire risk reduction efforts by engaging their support and expertise in marketing and outreach with local members and other Realtors associations. Eagle County provides assessment data, program coordination and outreach with local fire protection districts. A home assessment app has also been generated based on home ignition zone best practices, which automatically generates a full property assessment report. Each completed assessment is automatically stored in a database for easy access and management of collected information.

The program is funded through Eagle County, Vail Board of Realtors, several Homeowner Associations, and state and federal grants. Assessments were initially offered at \$50 and will be offered at no cost during the 2017 calendar year. Homeowners who successfully complete their wildfire mitigation activities can obtain a wildfire certificate for their individual properties. This certification can be used to enhance real estate transactions by reassuring prospective buyers that wildfire risk reduction has been achieved. More information is available on the REALFire® [website](#).

Boulder County, CO

Existing Regulations for New Construction

In response to multiple wildfires affecting the Boulder County community, the County surveyed and mapped the WUI area to identify the extent of the wildfire hazard (further explanation found in the [County CWPP](#) Pg.65). Over the course of several decades, the County initiated and revised development regulations for new development in the identified WUI hazard area to address:

- Defensible space practices for all new development
- Building material restrictions including roofing, siding, walls, and windows
- [Site Development Standards/site plan reviews](#) addressing site location, building construction and design, landscaping/defensible space/fuel management, access and water availability.

The County's current Wildfire Mitigation program is administered through the County's Land Use Department. Prior to the issuance of a building or grading permit, a wildfire mitigation plan must be submitted to and approved by a County Wildfire Mitigation Specialist. The wildfire mitigation plan must include a [site plan](#) showing the location of structures and other improvements, extent of defensible space management zones, the location of a fire cistern, and a written narrative detailing the site location, construction design and materials, defensible space and forest management, driveway access for emergency vehicles, water supply and maintenance. Prior to a foundation inspection, the majority of defensible space and forest management must be completed.

Wildfire mitigation [forms and publications](#) for landowners are easily accessible online, and include guidance on defensible space, landscaping, building with ignition-resistant materials, fire sprinkler approval form, rock installation around structures, woody material disposal, and a wildfire mitigation timeline for the building permit application process.



Wildfire Partners Program

The Boulder County's Wildfire Partners program has been active for three years and has become a template for communities to engage homeowners in the WUI. The program is run completely by Boulder County and, according to the Wildfire Partners Website, "is funded by Boulder County, a \$1.5 million grant from the Colorado Department of Natural Resources and a \$1.25 million grant from the Federal Emergency Management Agency." These major funding sources have allowed the program to offer reduced assessment rates and financial awards to subsidize work being done by designated contractors or homeowner material costs. Through the partnerships with the insurance companies in the area, receiving a certificate can translate into reductions in insurance premiums and the renewal of insurance policies in wildfire risk areas. More information is available on the Wildfire Partners [website](#).

Language on "Qualified Professional" References

To support the implementation of mitigation programs, communities may rely on qualified professionals to review, develop or submit plans. Examples include:

Larimer County, Colorado

Within Larimer County Colorado's Land Use Code, Chapter 8 Standards for All Development, [Section 3 Hazard Areas](#) outlines the entire development process in identified hazard zones including professional qualifications, stating:

"All maps and reports required by this section must be prepared by or under the responsible direction of a duly qualified expert. Wildfire hazard analysis must be performed by a professional forester with at least two years' experience with wildfire hazards in the Rocky Mountain Region."

Boulder County, Colorado

In Article 3 Application Submittal Requirements, Section 203 Standards for Submittal Requirements of [Boulder County's Land Use Code](#), necessary professional qualifications and details for hiring consultants are outlined:

"B. Professional Qualifications

1. A professional consultant may not be necessary for all applications. Only the following will require professional assistance.

a. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, grading, roads, structures, and other civil engineering work must be certified by a registered Colorado Professional Engineer

b. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor

c. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or an individual registered as a geologist by a state



d. Wildlife impact reports, where required, shall be prepared by an approved wildlife expert retained by the County Parks and Open Space Department and paid for by the applicant

2. All data and plans submitted for review must show the qualifications of the individual in charge of the work.

C. Consultants

1. If the County does not have qualified staff to review certain elements of a proposal or referral agencies are not able to adequately advise the County regarding certain elements of a proposal, the Board of County Commissioners may authorize the review be performed by a consultant engaged or approved by the Land Use Director after discussion with the applicant.

2. A referral agency may impose a fee for the review of the development proposal.

3. The costs of either review are the responsibility of the applicant. No hearings will be held if the consultants fee has not been paid.”



Appendix A: Additional Examples and Resources for Landscaping Regulations

Community Examples

Kittitas County, Washington

Kittitas County adopts the most current ICC WUI code along with Appendix B Vegetation Management Plan in the [Kittitas County Code- Title 20- Fire and Life Safety](#). The county also designated all unincorporated areas to be within the WUI. Further Explanation of Defensible Space is located on their [Building Permit Submittal](#).

Ruidoso, New Mexico

Ruidoso was heavily affected by the Little Bear fire in 2012. The City took it upon themselves to mitigate wildfire risk to the community by integrating multiple ordinances, including a comprehensive description of proper defensible space, into their city code. While some of the language would need to be revised due to differences in fuels, [Ruidoso's Fuel Management Standards \(42-80\)](#) provides an excellent example of what can be done when implementing wildfire landscaping ordinances.

Section 42-80 A3 addresses vacant lots and absentee land owners and is measured based on the risk to neighboring properties. The City will notify the landowner of the situation and give a proper timeline to correct the issue. If not corrected a series of escalating fines are imposed until the problem is corrected.

San Diego, California

San Diego California may be the most regulated area in the country for defensible space landscaping regulations. [Section 142.0412 Brush Management](#) is a helpful example of defensible space being implemented into landscaping regulations.

The code gives the fire chief specific authority to regulate brush management in addition to overriding specific environmental regulations when necessary. The 100ft defensible space area is broken down into Zone 1 and Zone 2 with extremely detailed outlines for necessary actions in both. These zones and actions could easily be manipulated for local use.

Fire Resistant Plant Lists

[Pacific Northwest Fire Resistant Plant List](#)

[Landscaping Network Fire Resistant Plant List](#)

[FireSmart Canada Guide](#)



ICC WUI Code Appendix B- Vegetation Management Plan

APPENDIX B

VEGETATION MANAGEMENT PLAN

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION B101

GENERAL

B101.1 Scope.

Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

B101.2 Plan content.

Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property.

Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.

3. A plan for maintaining the proposed fuel-reduction measures.

B101.3 Fuel modification.

To be considered a *fuel modification* for purposes of this code, continuous maintenance of the clearance is required.

Dear Planning Commission,

Ashland Fire & Rescue and the Wildfire Mitigation Commission would like to formally endorse the revised and updated development standards for Wildfire Lands, expansion of the Wildfire Hazard Zone, and adoption of the Prohibited Flammable Plants List.


Ashland's setting amongst the foothills of the Siskiyou Mountains provides a certain quality of life, however that comes with a high risk of wildfire as demonstrated by the 2009 Siskiyou Fire, 2010 Oak Knoll Fire, and various fires in recent decades that are nearly all outside the current Wildfire Lands boundary. Over the past 10 years, significant work in the watershed and adjacent forested areas has reduced fire danger, but work to make the city itself less susceptible needs to accelerate in the face of climate change and predicted increases in wildfire size and frequency. Expanding the current Wildfire Lands overlay stops the addition of more housing units that do not meet wildfire safety standards and creates an opportunity to gain ground city-wide on the overall proportion of homes meeting these standards. This expansion and update is just one part of a larger approach to increase Ashland's wildfire readiness that will also target existing housing stock, addressing concerns of disproportionality of the current ordinance proposal that was raised by the Planning Commission in February of 2016 and members of the public in letters to the commission. The Wildfire Mitigation Commission voted to formally endorse the expanded Wildfire Lands overlay, updated development standards, and the Prohibited Flammable Plants List at their March meeting.

This package addresses the Ashland Climate and Energy Action Plan (CEAP) goals in Public Health, Safety and Well-Being, Urban Form, Land Use + Transportation, and Natural Systems. Additionally, burning buildings release significant amounts of carbon and create toxic runoff that compromises the City's overall CEAP strategy. This package was also a specific goal (8.4: *Complete the expansion of the city's wildfire hazard zone to accurately reflect risk*) of the City Council from their 2015-2017 strategic planning process. We look forward to answering questions and working with the community to increase safety and protection of Ashland's environment.

Sincerely,


Michael D'Orazi
Fire Chief

City of Ashland Planning Exhibit

Exhibit # S-001
PA# PA-L-2018-00003
Date 6-26-2018
Staff 

ASHLAND FIRE & RESCUE

455 Siskiyou Boulevard
Ashland, OR 97520
(541) 482-2770 • Fax (541) 488-5318
TTY: 800-735-2900



Written Public Comments

Wildfire Ordinance

Planning Action PA-L-2018-0003

- Letter from Daniel Dawson (5/16/2018)
- Letter from Tom Sager (5/30/2018)
- Letter from Ravenwood Townhouses HOA (6/20/2018)
- Letter from Jason and Kelly Eaton, Julie O'Dwyer, and Michael Hodgins (6/21/2018)
- Letter from Helen Burd (6/25/2018)
- Letter from Jason and Kelly Eaton, Julie O'Dwyer, and Michael Hodgins (6/21/2018)
- Letter from Peter Burns Grossman, Steven Sirianni, and Kerry KenCairn (7/12/18)
- Letter from David Lane (8/6/2018)
- Letter from Helen Burd (8/7/2018)

From: Daniel Dawson <administration@ashland.or.us>
Sent: Wednesday, May 16, 2018 5:00 PM
To: City Council
Subject: Council Contact Form - Daniel Dawson - 5/16/2018

Name: Daniel Dawson
Email: danielrdawson@gmail.com
Subject: Proposed update to wildfire ordinance
Message: Mr. Mayor and Honorable Councilors:

I read in the paper about your recent discussion regarding changes to the landscaping and wildfire standards. I applaud you for working on this. I would like to bring to your attention what I believe is a significant gap in ordinances, which you might be able to consider as part of the same package.

Ashland has no ordinance that requires a property owner to maintain fire safe conditions with respect to trees and brush on vacant property. I confirmed this with Chris Chambers at a meeting on May 15. While we require grass to be cut by June 15 each year, we have no way to require a property owner to mitigate dead trees and dense, highly flammable brush on vacant property.

I have 3 vacant lots near my home (well in the city limits) that pose a significant hazard to the surrounding neighbors, and frankly, to the whole city. I have spoken with one property owner and offer to solicit bids and manage the job cleaning up the lot, but they were not interested.

This would seem like the ideal time to consider giving another tool to Chris and his staff. The mere threat of City intervention would get most property owners to abate dangerous conditions. I urge you to discuss this with Chris and Chief D'Orazi and see if they agree. Thank you.

Dan Dawson
818 Liberty St.
Team Ashland "grad"

From: Tom Sager <tom@bisp.net>
Sent: Wednesday, May 30, 2018 2:20 PM
To: Brandon Goldman
Cc: Alison Lerch; Chris Chambers; Julie Smitherman
Subject: Invite to Wildfire Ordinance open house 5/31 at 6:30pm

Hi Brandon, Alison, Chris and Julie,

Thanks for the invite to the open house on this issue. I unfortunately cannot make this meeting, so am writing instead to let you know my thoughts on the matter.

I am strongly against incorporating the entire city limits into a wildfire hazard designation, I believe the current boundary along with the extreme thinning of the surrounding area are sufficient. I understand the hazard or certain vegetation and of certain types of wood siding, but to mandate and enforce all new construction to this degree is over the top. In this town we already battle enough rules and regulations with new construction, the very last thing we need is to add onto them. While some of the regs involved in the hazard designation make sense, ie requiring the removal of dead trees and bushes, most do not. Examples would be needing to put sheet rock behind any wood siding, No planting of evergreen trees (Seriously?), and wood fences cannot come within a certain amount of feet of a house. (what, it changes to metal?.. really!)

I could go on, but I won't. I think you get the idea and where my leaning is against this 'too far' incorporation. We need to keep our community feeling like a community. I for one am willing to take a wildfire risk than to deforest our City. We have a well equipped Fire Dept. for a reason.

Sincerely,

Tom Sager

June 20, 2018

To the Planning Commission of the City of Ashland,

I went to an informational meeting a few weeks ago to hear about the Wildfire Mitigation Ordinance being formulated for the City of Ashland. We at Ravenwood Townhouses are glad that new construction will have stricter ordinances in place to keep fire-prone plantings away from structures.

However, we are very disappointed that, even with the current fire science, there will not be anything mandatory in the ordinance for existing fire-hazardous plantings near structures. We know that Leyland Cypress (and others) are dangerous trees in a fire situation, and yet there is no effort other than education to eradicate them from our neighborhoods. We would like to see a mandatory ordinance along with education to make our neighborhoods safer.

Combating the threat of fire is a safety issue of utmost importance to the whole community. Please make Mandatory requirements for removing fire-hazardous trees near established dwellings part of the Wildfire Mitigation Ordinance.

Thank you,

Rosemary Murphree,
Secretary of the Board of Ravenwood Townhouses Home Owners Association



Larry Anderson, Board President




Shari Lawrence, Board Treasurer



Mike Richmond, Board Member



Mark Schneider, Board Member



RECEIVED
JUN 22 2018
City Of Ashland

RECEIVED
JUN 21 2018
City Of Ashland

6/15/18

To Whom It May Concern,

Re: The proposed Wildfire Development Standards as well as the proposed Appendix W of the Oregon Residential Code:

We live in the Wildland-Urban Interface where wildfires are a real and valid concern so we understand the need for increased diligence and potentially, additional regulations to keep people and property safe in Ashland.

Our concerns are regarding the extremity of the proposed regulations. We would encourage limiting new regulations on infill construction. Is it realistic that in a town that is almost completely built up that drastic new regulations placed on a tiny fraction of the town will actually decrease the chance of catastrophic wildfire? Are there studies to show the effectiveness of such regulations?

Trees and ornamental plantings are integral to the feel of our town. Drought and drought pressure already limit plant selection. Banning a large number of plants will make this even more difficult.

The Wildfire Development Standards and Appendix W requirements will greatly limit design flexibility. In addition, there can be significant cost increases to building using fire-rated building materials which will impact the aesthetic that defines Ashland building and landscape architecture.

Construction costs have skyrocketed in the last few years. Additional community development requirements like fire protection plans and maintenance schedules further increase the cost of construction and financial barriers to entry for housing.

Alternatively, we would encourage the City of Ashland to focus efforts on community outreach and facilitate citizens understanding of the importance of fire resistant building and landscape design in both new and existing homes. We would support the City putting additional resources towards more site visits and recommendations in regards to building protection, reduction of fuels and creation of fire-resistant landscapes.

We believe it would be more beneficial to help large swaths of the town make incremental fire prevention measures through thoughtful design and landscaping rather than putting a large burden on new homes and substantial remodels which make up a relatively tiny percentage of Ashland's land area.

Thank you for your consideration of these very important issues in our community.

Sincerely,

Jason and Kelly Eaton Conscious Construction Inc.

Julie O'Dwyer Julie O Design

Michael Hodgins Coleman Creek Construction

Helen Burd
339 Ravenwood Place
Ashland OR 97520
541-708-6337

To the City of Ashland – Planning Department

I am writing encourage you to make the Fire Mitigation Ordinance mandatory for existing vegetation; not just for new construction. The Rogue Valley is again in drought conditions, and the prediction is it will be hotter, drier and windier in the future. Ashland is in a wildland-urban interface, and the presence of highly flammable trees scattered around the city puts us and our homes at-risk for the rapid spread of wildfires. It's good to see that the City working on a Fire Mitigation Ordinance following the Firewise recommendation of replacing flammable vegetation with less flammable and fire resistant plants. It's a first step and good as far as it goes; but leaving it voluntary will not get the job done. It continues to leave us exposed to the rapid spread of fire. This is your chance to protect people and property by making it mandatory for the present hazards in our established neighborhoods.

You have a rare opportunity that might never occur again, with funds available to help defray the cost. This is a valuable incentive to undertake action soon. There are added benefits; the work will provide jobs, boost to the local economy, and better protect us from the risk of fire for years to come. If you do not take advantage of this opportunity now, you leave us vulnerable and it will be harder to do in the future.

Offering some financial help for a period of time before making it mandatory will help encourage removal of the target trees. It is evident that people don't think it is important, and they won't until it is too late. I am personally living in a wooden structure, and there are cypress trees located only 5 feet from my walls. Two months ago, my neighbor planted another cypress even closer along the property line! The entire neighborhood has conifers in yards and public spaces adjacent to wooden structures. The risk to the city from wildfires is known, and mitigating action on favorable terms is available. Please don't shirk your responsibility; seize this chance keep us safe by making the removal of flammable vegetation mandatory.

Thank you for your time and attention.

Sincerely,



Helen Burd

RECEIVED

JUN 25 2018

City of Ashland

6/29/18

To Whom It May Concern,

Re: The proposed Wildfire Development Standards as well as the proposed Appendix W of the Oregon Residential Code:

We live in the Wildland-Urban Interface where wildfires are a real and valid concern so we understand the need for increased diligence and potentially, additional regulations to keep people and property safe in Ashland.

Our concerns are regarding the extremity of the proposed regulations. We would encourage limiting new regulations on infill construction. Is it realistic that in a town that is almost completely built up that drastic new regulations placed on a tiny fraction of the town will actually decrease the chance of catastrophic wildfire? Are there studies to show the effectiveness of such regulations?

Conifers and ornamental plantings are integral to the feel of our town. Deer and drought pressure already limit plant selection. Banning such a large number of plants will make this even more difficult.

The Wildfire Development Standards and Appendix W requirements will greatly limit design flexibility. In addition, there can be significant cost increases to building using fire-rated building materials which will impact the aesthetic that defines Ashland building and landscape architecture.

Construction costs have skyrocketed in the last few years. Additional community development requirements like fire protection plans and maintenance schedules further increase the cost of construction and financial barriers to entry for housing.

Alternatively, we would encourage the City of Ashland to focus efforts on community outreach and facilitate citizens understanding of the importance of fire resistant building and landscape design in both new and existing homes. We would support the City putting additional resources towards more site visits and recommendations in regards to building protection, reduction of fuels and creation of fire-resistant landscapes.

We believe it would be more beneficial to help large swaths of the town make incremental fire prevention measures through thoughtful design and landscaping rather than putting a large burden on new homes and substantial remodels which make up a relatively tiny percentage of Ashland's land area.

Thank you for your consideration of these very important issues in our community.

Sincerely,

Jason and Kelly Eaton Conscious Construction Inc.

Julie O'Dwyer Julie O Design

Michael Hodgins Coleman Creek Construction

Milo Shubat Ashland Design Solutions

Josh Barnes Barnes Construction

To Whom It May Concern,

Wildfires are a real danger to our community. It only makes sense to adapt current codes and regulations to reflect our changing environment and the demands it places on our city. Unfortunately the current proposal to expand the existing wildfire overlay zone to encompass the entire city has much larger long term implications; places unfair economic responsibility on those improving the community; and ignores the natural fabric of the place we call home.

The proposal has much broader implications than simply prohibiting certain flammable plants and eliminating plantings around 200 square foot additions. By putting the entire city within a wildfire hazard zone, would we be opening the door for programs and codes adopted by the state and national legislatures to automatically be accepted and enforced at a city level, even though they may not be applicable to our community? Would we be limiting our future options on mitigation strategies, programs, and education to wildfire prevention if we formally declare the entire city a wildfire hazard area?

The properties within city limits are highly developed, and very few build-able lots remain. Most future development would be infill, additions to existing homes, and the occasional new construction. Change has to start somewhere, but the proposed ordinance places the burden on those that want to improve their property. Requiring additional drawings, prevention and control plans, and limiting building/landscaping materials which surround and tie into structures will all add to the construction cost of any new development. Furthermore, what is the proven effectiveness of these requirements if the developed property is the only one in a sea of properties that are not compliant with the proposed ordinance? What sort of time frame are we looking at for the proposed ordinance to be determined 'effective'?

We live in an area where conifers define our landscape, blackberries grow rampant, and the state flower is the Oregon Grape. These plants, along with the majority of vegetation on the proposed prohibited plant list are native to the area. How effective can an ordinance like this be if A) compliance is reliant on future development/improvement, and B) our native habitat is already abundant with the vegetation that will be prohibited? Will the city be responsible for compliance within the public spaces which contain these prohibited plants, and if so, at what cost to the taxpayer?

More education and outreach programs within the community would help citizens understand the importance of wildfire mitigation on their *own* terms. "Firewise Ashland" is a great program, and has proven to be an effective educational tool for neighborhoods throughout Ashland. By putting more resources and energy into programs like this the city would come from an educational and informational approach (bottom up) rather than a code compliance/legislative approach (top down). This would empower members of the community to make the changes needed on their own, rather than being forced to meet criteria which may or may not be applicable to their specific situation.

We all agree that addressing the wildfire hazard is important. This current proposal, however, leaves too many unanswered questions and ultimately will not be effective. We live in a community of forward thinking individuals that value our natural environment. Let's reach out, educate, and organize rather than impose standards which don't fit the fabric of our city.

Respectfully,

Peter Burns Grossmann
Steven Sirianni
Kerry KenCairn

Peter Burns Grossmann Architect, PC
Walls of Time | Creative Building Services
KenCairn Landscape Architecture LLC

From: David Lane [<mailto:2davidlane@gmail.com>]

Sent: Monday, August 06, 2018 12:40 PM

To: City Council <council@ashland.or.us>

Subject: Wildfire ordinance

First, I would like to thank the Council for being proactive regarding the serious wildfire threat our City faces. But, we face the threat today! Enacting an ordinance which won't take effect for several years and then will only cover new construction does nothing to protect our lovely City now. The consequences of wildfires are all too observable on the nightly news. I would urge the Council to enact mandatory measures which will become effective within the next few months and which cover all existing structures and yards, i.e., the entire city. The fire danger is listed as "EXTREME" for Ashland and our response must also be extreme if we are to escape the fate of Redding and other cities in California.

Thank you,

David Lane
541-621-7168

Helen Burd
339 Ravenwood Place
Ashland OR 97520
541-708-6337
sandybu@hotmail.com

August 7, 2018

I attended the Study Session on the Wildlife Mitigation Ordinance last night and there were several things that concern me. It was said that the provisions could be either voluntary or mandatory – but I think there could be a compromise. It could be voluntary for a period of time – something like 3 to 5 years – giving people the opportunity to decide the timing of their compliance efforts. This period should coincide with the availability of financial assistance through the FEMA Grant to help pay for the work. At the end of voluntary period, the Ordinance should become mandatory. I assume that regulations will define terms for enforcement – e.g. no grace period, no monetary help, time-certain requirements and fines for non-compliance.

You'd offer a strong incentive to do it soon, while money is available to defray the cost. Since the aim of all this is to get Ashland ready for the increasing danger of wildfire destroying our property and taking lives, the more quickly we do the necessary mitigation city-wide, the safer we will be.

I also think it essential that the existing highly flammable vegetation should be removed and replaced (if desired). The HOA in my complex has been diligent in removing and replacing vegetation, but we are surrounded by big stands of Leyland Cypress and other very large and highly flammable trees. Education and outreach are not having any effect; in fact, new cypress trees are being planted close to existing homes in spite of the danger. It is well and good to think that everyone will act responsibly if given the chance, but even in Ashland -- it doesn't happen.

There are many benefits to passing a mandatory ordinance besides making the city safer. 1) - It will bring direct awareness of the problem – many are not paying attention to the increasing risk of wildfire here. 2) - By encouraging the work to be done soon, it will provide jobs to local contractors and keep the money circulating in the community. 3) - It will pull the us all together in the joint effort to protect the whole city. Also, with the increase of fire along the west coast, it won't be long before insurance companies raise rates or even refuse to cover fire damage. This has happened in areas where there were yearly floods or frequent seismic shocks. Suddenly, homeowners found that certain coverage disappeared from their policies and they were forced to take out separate and very expensive coverage for possible natural disasters.

Thank you very much for all your excellent work. I appreciate the immense effort that went into and giving the community the opportunity to have input over many years, and crafting this inclusive ordinance. Now is the time to put it into effect and see some results.

Sincerely,
Helen Burd