

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

**ASHLAND PLANNING COMMISSION
STUDY SESSION
February 27, 2018
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street.
- II. **ANNOUNCEMENTS**
- III. **PUBLIC FORUM**
- IV. **DISCUSSION ITEMS**
 - A. **Update on Wildfire Lands Ordinance Revisions**
- V. **UPDATES**
 - A. **Accessory Residential Unit Standards**
- VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

Memo

DATE: 2/27/2018

TO: Planning Commission

FROM: Brandon Goldman, Senior Planner

RE: Development Standards for Wildfire Lands ordinance amendments

SUMMARY

General discussion regarding modification of the adopted Wildfire Lands boundary map, and potential amendments to the Development Standards for Wildfire Lands (Chapter 18.3.10.100)

Currently requirements for Fire Prevention and control Plans, and Fuel Breaks, only apply to properties within the existing Wildfire Lands area. It is the recommendation of Ashland Fire & Rescue that all areas within the city limits be declared a wildfire lands, amending the current Wildfire Lands boundary as set forth in 1992.

BACKGROUND

Ashland Fire and Rescue originally presented a proposal to the City Council on April 15th, 2014 requesting staff prepare a modification of the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City (*attached map*). Such a map amendment is a legislative Land Use action requiring the approval of an ordinance, with public hearings before the Planning Commission and City Council.

In review of the existing development standards for Wildfire Lands, Ashland Fire and Rescue identified a number of potential changes to the existing code to be considered as part of the legislative amendment process underway. Proposed code revisions would serve to both clarify the submittal requirements for a Fuel Prevention and Control Plan, as well as establish new requirements for the implementation of required fuel breaks not presently codified within the currently adopted Land Use Ordinance (18.3.10.100 attached).

The Planning Commission discussed the expansion of the Wildfire Lands boundary at Study Sessions on June 24, 2014, February 24, 2015, November 24, 2015, and February 23, 2016. Following the Planning Commissions last study session the Mayor convened an ad-hoc wildfire hazard committee (comprised of City staff, representatives from the Tree, Planning, and Wildfire Mitigation Commissions).



Ashland Fire and Rescue, and the wildfire hazard committee, 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 report is attached to this memo.

In consideration of the wildfire risk facing the community, the ad-hoc wildfire hazard committee is developing a multi-faceted approach to reducing risks throughout the City. This approach includes:

- creating a community information program where residents can review a new parcel based wildfire risk assessment map to determine and address their individual risk factors,
- establishing a voluntary fuels reduction program facilitated by the City,
- expanding the existing wildfire overlay zone to newly include all properties 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,
- adopting land use ordinance amendments 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.

Wildfire Development Standards

The expansion of the Wildfire Lands boundary would have development implications for all properties within the City Limits that due to their inclusion they would become regulated under AMC Chapter 18.3.10.100 [Development Standards for Wildfire Lands].

- A Fire Prevention and Control Plan would be required with applications to partition properties, subdivisions, or to obtain site review approval (commercial or multi-family developments) with the exception of Accessory Residential Units.
- A Fuel Break would be required of all properties obtaining building permits for new construction.
- New or re-roofed structures could not use combustible roofing material as defined by the Oregon Revised Specialty building code.

The version of the ordinance presented to the Planning and Tree Commission at prior study sessions has been substantially modified to address vegetation management standards in consideration of the potential impacts upon small parcels within the City. Specifically a number of revisions to the draft fuel modification area standards aim to establish fuels reduction requirements that more clearly distinguish between the risk posed by highly flammable plants and trees and those shrubs and trees that are more fire resistant, as well as to provide flexibility to address specific site conditions.

- Trees that are fire resistant trees (e.g. Oak, Madrone):
 - The 10' separation between fire resistant trees and structures has been eliminated, now it simply requires limbs not be in direct contact with the roof or structure, with the exception of a required 10' clearance from a chimney.



- The separation between the canopies of fire resistant trees has been eliminated, thereby allowing such trees to have interlocking canopies.
- Trees that are on the prohibited plant list (e.g. Fir, Pine):
 - The previously proposed 5' separation between the tree canopy and structures was increased to 10' per the wildfire hazard committee and Fire Department's recommendations.
- Plants identified on the City's proposed Prohibited Flammable Plant List, shall not be newly planted within 30' of a building or deck, and when planted further than 30' from a structure they are to be separated by a minimum of two times the shrub's height at maturity.
- Fire resistant shrubs and bushes have no separation requirement so could form hedges and privacy screens.
- The vertical clearance between the top of understory vegetation and the lowest tree limbs shall be at least three times the height of vegetation where either the tree or vegetation is listed on the City's Prohibited Flammable Plant list. If both the tree and the shrub are fire resistant, then no ladder fuel vertical clearance would be required.
- The prior draft ordinance's prohibition of any combustible natural or manmade material within three feet of a structure. This provision has been amended to allow fire resistant shrubs and ground covers within this area. Plants listed on the prohibited flammable plant list would still be prohibited within this high risk area, which was increased to 5 feet of a structure. However, in the event the structure has a fire resistant exterior (i.e. stucco, brick, concrete block, metal siding, etc), then combustible material such as bark could be located within this area under a demonstration that it would not pose a risk.
- The requirement to complete fuel management within for the full extent of a property when a new building (sfr, mfr, commercial) is developed is still required, as was the case in the prior version of the ordinance. In the event an addition, deck, or detached accessory structure over 200 sq.ft. is to be built, the required fuel management area in this draft has been reduced to apply only in the areas within 30' of the new construction, not the full extent of the property.
- The draft ordinance newly includes a mechanism to allow general fuel management area standards, and fire prevention and control plan requirements, to be waived or reduced if the Staff Advisor, in consultation with the Fire Code Official, provided it can be determined that the nature of the development proposed in the project application does not constitute an increased risk to the spread of wildfire. This section introduces more flexibility than was provided in the 2016 draft ordinance to consider the existing conditions on a case by case basis.

Prohibited Flammable Plant List

The proposed Prohibited Flammable Plant List is presented to identify which plants should not be newly planted, would need to be thinned, or potentially removed within a general fuel management area in conjunction with the issuance of a building permit. This limitation



regarding species that could be included in landscape plan would apply to construction activity that triggers the fuel management area requirements (18.3.10.100.B) and would have to be addressed on a required Fire Prevention and Control Plan. The prohibition on newly planting such highly flammable plants would apply city-wide, as codified the Public Health and Safety chapter (Ch..9) of the Municipal Code, if so approved by Council as a new policy. The draft Prohibited Flammable Plant List was reviewed by the conservation division, AFR, and the ad-hoc wildfire hazard committee. The revised list is attached.

Next Steps

The materials presented to the Planning Commission at this evenings study session remain a work in progress. This study session provides an opportunity for initial review and discussion in anticipation of another study session on this topic with the Planning Commission scheduled for March 27th, 2018. Following Study Sessions with the Tree Commission and City Council, a formal hearing on the proposed amendments is expected to be scheduled before the Planning Commission on June 12, 2018.

Attachments:

- Draft Amendments to 18.3.10.100 - Development Standards for Wildfire Lands
- Draft Amendments to other sections of the Ashland Land Use Ordinance relating to Wildfire development standards:
 - Draft Amendments to 18.3.10.090 - Development Standards for Hillside Lands
 - Draft Amendments to 18.4.3.080 - Vehicle Area Design
 - Draft Amendments to 18.5.3.060 - Additional Preliminary Flag Lot Partition Plat Criteria
 - Draft Amendments to 18.5.7 –Tree Removal Permits
- Draft Prohibited Flammable Plant List
- Community Planning Assistance for Wildfire (CPAW) Memo dated January 2017
- Community Planning Assistance for Wildfire (CPAW) Best Practices Report dated April 2017



DRAFT
Wildfire Ordinance Amendments
February 27, 2018

18.3.10.100 Development Standards for Wildfire Lands

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

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

1. Applicability. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, Site Design Review (except for Site Design Review of Accessory Residential Units) or land partition.
2. Submission Requirements. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall address the General Fuel Modification Area Requirements outlined in 18.3.10.100.B and include the submission materials listed below. The Staff Advisor may waive a submission requirement if the Staff Advisor determines it is not reasonably necessary in order to make a decision on the application.
 - a. The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.
 - b. The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property.
 - c. The location and dimensions of all structures upon adjoining properties located within 30 feet of a shared property line.
 - d. The location of all existing and proposed fire hydrants.
 - e. Site contours showing two foot intervals detailing elevation and slope.
 - f. A tree and vegetation management plan showing:
 - i. Areas where shrubs and bushes will be removed including a description of the species and size,
 - ii. Areas where trees will be removed to reduce interlocking tree canopies including a description of the species and diameter at breast height (DBH),
 - iii. New trees, shrubs and bushes to be planted including the species, location and size at maturity,

- iv. Significant trees to be retained.
 - g. The location of and information addressing required general fuel modification area setback areas as described in subsection 18.3.10.100.B.
 - h. A schedule and timetable for vegetation removal and thinning shall be included in the Fire Prevention and Control Plan. An exception to the implementation schedule may be granted by the Fire Code Official.
- 3. Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, enhancement of water resources, and aesthetics.
 - 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.
- 4. Fire Prevention and Control Plan Maintenance. The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.
 - a. Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, or otherwise recorded in the Jackson County real property records, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.

B. Requirements for Construction of All Buildings and Decks.

- 1. Applicability. A fuel modification area is defined as an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations. Establishment of a fuel modification area does not involve stripping the ground of all native vegetation. A fuel modification area shall be required for the following construction:

- a. All new buildings that increase lot coverage by 200 square feet or greater, shall have a fuel modification area covering the full extent of the property.
 - b. Decks, additions to existing buildings, and detached accessory structures which increase lot coverage by 200 square feet or greater, shall have a fuel modification area extending 30 feet from the furthest extent of the addition, deck, or accessory structure, or to the property line, whichever is less.
2. General Fuel Modification Area Requirements. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel modification area requires the following:
- a. All standing dead and dying vegetation shall be removed from the property, except when considered ecologically beneficial.
 - b. Newly planted vegetation within 30 feet of any building or deck shall not include species listed on the City's Prohibited Flammable Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.
 - c. Within five feet of a new building, addition, or deck, existing vegetation listed on the City's Prohibited Flammable Plant List shall be removed, with the exceptions of significant trees as defined in part 18.6.
 - d. Within five feet of a new building, addition, or deck, combustible man-made and natural materials are prohibited, including but not limited to bark mulch, stored wood, and accumulation of dry leaves and needles, with the following exceptions:
 - i. Combustible materials may be permitted within five feet of a structure when approved by the Staff Advisor in consultation with the Fire Code Official, has determined the portion of the structure adjoining the combustible material is constructed with ignition resistant building materials sufficient to reduce the spread of fire from the combustible materials.
 - e. Existing trees, which are identified on the City's Prohibited Flammable Plant List shall be maintained to provide a clearance from new structures, and additions, as follows:
 - i. Ten (10) feet horizontal clearance from a chimney outlet. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
 - ii. Ten (10) feet above the roof of a new building, or addition.
 - iii. Ten (10) feet from the furthest extension of a new building, or addition or deck.
 - iv. In circumstances where meeting the clearance from structures requirements of 18.3.10.100.B.2.d. i-iii, would compromise the health and survival of existing trees, the Staff Advisor may modify

- those requirements, but at a minimum the trees shall be maintained consistent with 18.3.10.100.B.2.i.
- f. Canopy spacing of the outermost limbs of trees on the City's Prohibited Flammable Plant List shall be separated by at least ten (10) feet at mature size.
 - i. Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Staff Advisor in consultation with the Fire Code Official.
 - ii. Canopy spacing requirements do not apply to significant trees, as defined in part 18.6, or trees that are not listed on the City's Prohibited Flammable Plant List.
 - g. Fire resistant trees, those not listed on the City's Prohibited Flammable Plant List, shall be maintained to provide clearance from structures as follows:
 - i. 10 feet horizontal clearance from a chimney outlet. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
 - ii. Tree limbs shall be pruned to ensure they do not touch any part of a structure including but not limited to roofs, eaves, and decks.
 - h. Shrubs and bushes which are identified on the City's Prohibited Flammable Plant List, shall:
 - i. not be planted within 30 feet of any building or deck;
 - ii. when planted further than 30' from a building or deck they shall be separated by a minimum of two times the shrub's height at maturity.
 - i. Existing trees which are identified on the City's Prohibited Flammable Plant List shall be pruned up to a minimum eight feet above grade, or 1/3 of the tree height, whichever is less.
 - j. The vertical clearance between the top of understory vegetation within the drip line of a tree, and the lowest tree limbs shall be at least three times the height of vegetation where either the tree or vegetation is listed on the City's Prohibited Flammable Plant list.
 - k. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.
 - l. Fuel Modification in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.

- m. Fuel Modification Areas may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
3. Roofing. Where 50% or more of a structure's roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit.

C. Implementation.

1. For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the Fire Prevention and Control Plan shall be complied with prior to bringing combustible materials onto the property.
2. The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision, partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.
 - a. The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.
 - b. Final inspection of requisite fuel modification areas will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100 B.
3. For all construction requiring a general fuel modification area, the establishment the fuel modification area provided for in section 18.3.10.100 B shall be completed before bringing combustible materials onto the property. Upon completion of the construction, all general fuel modification area tree and shrub clearance requirements shall be verified. The property owner, or subsequent property owners, shall be responsible for maintaining the property in accord with the requirements of the General Fuel Modification Area as defined in 18.3.10.100.B.2.

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

Adjustments to the requirements of this section may be permitted if the Staff Advisor, in consultation with the Fire Code Official, has determined that the nature of the development proposed in the project application does not constitute an increased risk to the spread of wildfire, and the following conditions are met:

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

E. Minor Amendments. Changes to an approved Fire Prevention and Control Plan and General Fuel Modification Area requirements shall comply with the following procedures:

1. The following minor amendments are subject to ministerial approval by the Staff Advisor with written concurrence from the Fire Code Official:
 - a. A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.

- b. A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.
- c. The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.
- d. A reduction of the requisite fuel modification area to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.
- e. A reduction of the requisite fuel modification area in recognition of the use of fire resistant materials and construction methods that function to provide the structure with reduced exterior wildfire exposure.
- f. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than ten (10) feet between the outermost limbs of trees which are identified on the City's Prohibited Flammable Plant List.
- f. The temporary storage of combustible materials on a property prior to completion of a Fire Prevention and Control Plan or establishment of a required fuel modification area.
- g. A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.

F. Exceptions to a Fire Prevention and Control Plan and General Fuel Modification Area Requirements. The following exceptions are subject to approval through a Type I Procedure:

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

Additional Land Use Ordinance Sections to be amended in association with the proposed Wildfire Standards.

18.3.10.020

A. Physical Constraints Review Permit.

Applicability

3. Tree Removal.

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

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.**

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. **Inventory of Existing Trees.** A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.
2. **Evaluation of Suitability for Conservation.** All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.
 - a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.
 - b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.
 - c. *Species.* Species vary in their ability to tolerate impacts and damage to their environment.
 - d. *Longevity.* Potential longevity.
 - e. *Variety.* A variety of native tree species and ages.
- f. **Size.** Large trees provide a greater protection for erosion and shade than smaller trees.
 3. **Tree Conservation in Project Design.** Significant 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 standards per 18.3.10.100 if the development is located in Wildfire Lands.

- c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

4. Unchanged

- 5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.
- c. The tree is located within a water, sewer, or other public utility easement.
- d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
- e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or as 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 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.
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18.4.3.080 Vehicle Area Design

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

6. Walls and Hedges

- a. Where a parking facility is adjacent to a street, a decorative masonry wall or **evergreen site-obscuring fire resistant** hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians, and shall meet the vision clearance area requirements in section 18.2.4.040, **and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.**
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or **evergreen fire resistant** hedge shall be provided, pursuant to the following requirements.
 - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

- iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
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18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

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

18.5.7 – Tree Removal Permits

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

1. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single family residential zones on lots **ineligible to be partitioned or subdivided, and** occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
3. Removal of trees in multi-family residential **and health care** zones on lots **ineligible to be partitioned or subdivided and** occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters [18.3.10](#) Physical and Environmental Constraints and [18.3.11](#) Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 **caliper inches in diameter at breast height (DBH)** ~~inches DBH~~ on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.

6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management **consistent with the fuel modification area requirements in 18.3.10.100**, and in accord with the requirements of chapters **18.3.10** Physical and Environmental Constraints and **18.3.11** Water Resource Protection Zones.
 7. Removal of dead trees.
 8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
 9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC **13.16**.
-

Additional Ordinance amendments or resolutions

Chapter 9 Health and Safety:

Ordinance and Resolution adopting Prohibited Flammable Plant List

Chapter 18.4.4 Landscaping, Lighting, and Screening

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

Chapter 18.5.1 General Procedures

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

Chapter 18.6 Definitions:

Definition of “Significant Tree”.

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

Definition of “Fire Code Official”

Definition of “Fire Resistant Landscaping”

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

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

Definition of “fire resistant exterior”

Definition of “Fire and Ignition resistant materials”

Prohibited Flammable Plant List

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

Trees:

Arborvitae (Thuja sp.)

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

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

Cypress (Cupressus sp.)

Douglas fir (Pseudotsuga menziesii)

Fir (Abies sp.)

Hemlock (Tsuga sp.)

Juniper (Juniperus sp.)

Pine (Pinus sp.)

Sequoia (Sequoia sp.)

Spruce (Picea sp.)

Yew (Taxus sp.)

Shrubs

Blackberry (Rubus armeniacus)

Bitterbrush (Purshia tridentata)

Juniper (Juniperus sp.)

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

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

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

Sagebrush (Artemisia sp.)

Scotch broom (Cytisus scoparius)

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

Grasses and Ground Cover

Pampas grass (Cortaderia selloana)

*Single Rosemary plants may be incorporated in gardens



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.

Memo

DATE: February 27, 2018

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Accessory Residential Unit Draft Code Revisions

The Planning Commission discussed providing more flexibility for accessory residential units (ARU) in the single-family zones at the August 22, 2017, October 24, 2017 and November 28, 2017 study sessions.

In summary, the draft revisions to the ARU standards would allow units less than 500 square feet in size that are within or attached to the primary residence as an outright permitted use. As an outright permitted use, the ARUs would be exempt from the planning application process for Site Design Review. This means a property owner could convert existing floor area or construct an ARU with a building permit. Site Design Review approval is normally required for any development that includes two or more dwellings on one tax lot.

The outright permitted ARUs are covered in a new “exemption” section in 18.2.3.040.A. The ARUs would be allowed in the R-1, R-1-3.5, NN and NM zones. These small ARUs would not be required to have additional off-street parking if there is on-street parking within 200 feet of the property. The ARUs could either be built as part of new construction or added to a primary residence at a later date.

The attached draft incorporates revisions with notations that were discussed at the November 28, 2017 study session. Revisions without notations are either unchanged from the last draft or are housekeeping edits and corrections. Grey text is unchanged, ~~strikeout text is deleted~~ and **underline text is new (or moved)** – these changes are shown in relation to the ordinance that is currently in place.

The revisions in this draft include the following items.

- **Exemption Section 18.2.3.040.A** – In the previous draft, the exemption was included in the Site Design Review chapter. The exemption section was moved to the ARU section for clarity and continues to be cross-referenced in the Site Design Review chapter.
- **Off-Street Parking and Driveway Width 18.2.3.040.A.5** – In order for an ARU to be outright permitted and exempt from the planning application process, a requirement was added that the property have the required two off-street parking spaces for a single-family home and a minimum driveway width of nine feet.



- **On-Street Parking** 18.2.3.040.A.6 – Again, in order for an ARU to be outright permitted, a requirement was added that on-street parking is available on at least one side of the street within 200 feet of the property.
- **Density** 18.2.3.040.B.2 – The existing requirement that ARUs are counted in subdivision density was eliminated.
- **Door and Balcony Placement** 18.2.3.040.B. 6 and 7– Staff suggested two new design standards for ARUs regarding front door placement and second story window, door and balcony placement. These were moved from the Site Design Review standards to the ARU standards section. In addition, two changes were made to 18.2.3.040.B.7. First, the previous requirement that windows on a second-story ARU are oriented to the interior of the property was removed so that it only applies to second story doors and balconies. Second, clarification was added for the meaning of orientation toward the interior of the property.
- **RR Zone Requirements** 18.2.3.040.C – The existing requirements that ARUs are located on slopes less than 25 percent and the requirements to have an improved City street were deleted.
- **Normal and North Mountain Overlays** 18.3.4 and 18.3.5 – These zones allow ARUs and were included in the attached draft. The use language was added for consistency in the overlay chapters as well as reformatting the use table in the Normal Neighborhood district. The outright permitted ARUs are included in both of the overlays.
- **Parking Ratios** 18.4.3.040 – The ARU parking standard is changed to match the existing cottage housing standard. The outright permitted ARUs are not required to provide off-street parking.
- **Required Site Design Review and Exemption** 18.5.2.020.B.1 and 18.5.2.020.C.2 – The section covering ARUs that are exempt from the Site Design Review process is cross referenced.



City of Ashland

Accessory Residential Unit Revisions

Draft Ordinance Amendments – 2/27/18

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	<u>P</u> S	<u>P</u> S	S	S	<u>P</u> S	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+ S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements. Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.~~

A. Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.

1. The accessory residential unit is located in the R-1, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except for the off-street parking requirements.
3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
5. The property must have two off-street parking spaces and a driveway a minimum of nine feet in width in conformance with the off-street parking provisions for single-family dwellings in sections 18.4.3.040 and 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
6. Additional off-street parking is not required for the accessory residential unit if on-street parking is available within 200 feet of the property on at least one side of the street. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

AB R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements unless exempted in subsection 18.2.3.040.A, above

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000 square feet GHFA.

Commented [MH1]: In previous draft, this information was in the Site Design Review chapter under exemptions (18.5.2.020.C). Staff moved it here with the rest of the ARU standards for clarity. Cross referenced in 18.5.2.020.C.

Commented [MH2]: This was suggested at the 11/28/2017 PC study session.

Commented [MH3]: This was suggested at the 11/28/2017 PC study session.

Commented [MH4]: This was suggested at the 11/28/2017 PC study session.

Commented [MH5]: In the interest of encouraging studio and 1-bedroom units as identified as a need in the 2012 Housing Needs Analysis, staff recommends keeping the existing size limitations. Previously, staff had contemplated allowing the size of the ARU to be allowed to go to 75% of the GHFA of the primary residence to address large homes, sometimes with daylight basements.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D** and paving requirements in subsection 18.4.3.080.E.1.

6. The entrance or door to the accessory residential unit shall be subordinate to the entrance or door to the primary residence by being recessed or stepped back at least six feet from the entrance or door to the primary residence, or located on a different building façade than the entrance or door to the primary residence.

7. New exterior doors and outdoor living areas (e.g., balconies or decks) on the second story shall be oriented towards the interior of the property rather than the side or rear yards.

Commented [MH6]: Moved 6 and 7 from Site Design Standards in 18.4.2.030 in previous version.

Commented [MH7]: Added to clarify "interior of the property." This issue came up at the 11/28/2017 PC study session.

CD RR Zone. In addition to the standards in subsection 18.2.3.040.A, accessory residential units in the RR zone shall meet the following requirements **unless exempted in subsection 18.2.3.040.A, above.**

1. If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.

2. The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.

Commented [MH8]: This was suggested at the 11/28/2017 study session.

31. No on-street parking credits shall be allowed for accessory residential units.

42. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

CD R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. Accessory residential units in the Normal Neighborhood District under Chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.A unless exempted in subsection 18.2.3.040.A, above.

F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.A unless exempted in subsection 18.2.3.040.A, above, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.

Commented [MH9]: E and F added for cross reference and consistency between overlay chapters.

Commented [MH10]: North Mountain Neighborhood has different size limitations in place. Language moved to this section from 18.3.5.050.1.d – language is not changed.

18.3.4.040 Use Regulations

A. Plan Overlay Zones. There are four Land Use Designation Overlays zones within the Normal

Neighborhood Plan are intended to accommodate a variety of housing opportunities, preserve natural areas and provide open space.

1. Plan NN-1-5 zone. The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around common open space promoting a scale and character compatible with single family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
3. Plan NN-1-3.5-C zone. The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.
4. Plan NN-2 zone. The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal-Neighborhood Plan.

B. Normal Neighborhood Plan Residential Building Types. The development standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.

1. Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.
2. Accessory Residential Unit. An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.
3. Double Dwelling Residential Unit (Duplex). A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units must share a common wall or a common floor/ceiling and are similar to a Single Dwelling Unit in appearance, height, massing and lot placement.
4. Attached Residential Unit. (Townhome, Row house) An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. Private open space may take the form of front yards, backyards, or upper level terraces. The dwelling unit may be set back from the public street or common green by a front yard.

- 5. Clustered Residential Units - Pedestrian-Oriented. Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.
- 6. Multiple Dwelling Residential Unit. Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.
- 7. Cottage Housing. [Reserved]

C. General Use Regulations Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- 1. Permitted Uses.** Uses listed as “Permitted (P)” are allowed.
- 2. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
- 3. Conditional Uses.** Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
- 4. Prohibited Uses.** Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

D. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

E. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Commented [MH11]: Added for consistency with other overlay chapters (i.e., North Mountain Neighborhood).

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹				

Commented [MH12]: Table reformatted for consistency with other overlay chapters (i.e., North Mountain Neighborhood). Content was not changed except under ARU's.

¹ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Normal Neighborhood District Zones²				
	NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
A. Residential Uses (cont.)				
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing <i>[Placeholder]</i>	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

Commented [MH12]: Table reformatted for consistency with other overlay chapters (i.e., North Mountain Neighborhood). Content was not changed except under ARU's.

Commented [MH13]: Allows exemption for attached units under 500 in the Normal Neighborhood zones.

² **Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; NN-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.**

1. ~~Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.~~
2. ~~Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
3. ~~Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

Commented [MH14]: Moved under C above.

18.3.5.050 Allowed Uses

~~A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. **Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.** All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.~~

1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.
2. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.
3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

~~CB. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. **For regulations applying to the City’s overlays zones, please refer to part 18.3.**~~

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Commented [MH15]: Added for consistency with other overlay chapters (i.e., Normal Neighborhood District).

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ³					
	North Mountain Neighborhood Zones ⁴				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, see Sec. 18.2.3.040	<u>P or S</u>	<u>P or S</u>	<u>N</u>	<u>P</u>	<u>N</u>
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

Commented [MH16]: Allows exemption for attached units under 500 in the North Mountain Neighborhood zones.

³ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

⁴ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. **Special Use Standards.** The uses listed as "Permitted with Special Use Standards (S)" in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**

- ~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~
- ~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~
- ~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~
- ~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~
- ~~e. Additional parking shall be provided in conformance with the off street parking provisions for single family dwellings in section 18.4.3.040.~~

- 2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
- 3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
- 4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
- 5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
- 6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
- 7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 10. Religious Institution, Houses of Worship. The same use cannot be located on a

Commented [MH17]: All of these standards are identical to main ARU section in special use standards 18.2.3.040 except for size under d. d. is moved up to 18.2.3.040.

contiguous property, and there must be no more than two such uses in a given zone.

11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

18.4.2.030 Residential Development

- A. Purpose and Intent. For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

1. Crime Prevention and Defensible Space.

- a. ~~Parking Layout. Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.~~
- b. ~~Orientation of Windows. Windows should be located so that vulnerable areas can be easily surveyed by residents.~~
- c. ~~Service and Laundry Areas. Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.~~
- d. ~~Hardware. Reliance solely upon security hardware in lieu of other alternatives is discouraged.~~
- e. ~~Lighting. Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.~~
- f. ~~Landscaping. Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.~~

- B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards

Commented [MH18]: Moved below under standards – see “I”

Commented [MH19]: This was suggested at the 11/28/2017 PC study session.

in 18.4.2.050 also apply.

- C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.
1. Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
 2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.
 3. Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.
- D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.
1. Alleys and Shared Drives. Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
 2. Setback for Garage Opening Facing Street. The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.
- E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.
- F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.
- G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.
- H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.
1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.
 2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not

provide suitable surface for human use may not be counted towards this requirement.

3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.
4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.

I. Crime Prevention and Defensible Space.

1. **Parking Layout. Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.**
2. **Orientation of Windows. Windows should be located so that vulnerable areas can be easily surveyed by residents.**
3. **Service and Laundry Areas. Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.**
4. **Hardware. Reliance solely upon security hardware in lieu of other alternatives is discouraged.**
5. **Lighting. Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.**
6. **Landscaping. Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.**

Commented [MH20]: Moved from above, no changes to wording.

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-Family Dwellings	<p>2 spaces for the primary dwelling unit and the following for accessory residential units</p> <p>a. Studio units or 1-bedroom units less than 500 sq. ft. – 1 space/unit.</p>

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	<p>b. 1-bedroom units 500 sq. ft. or larger – 1.50 spaces/unit.</p> <p>c. 2-bedroom units – 1.75 spaces/unit.</p> <p>d. 3-bedroom or greater units – 2.00 spaces/unit.</p>
Accessory Residential Units	<p><u>a. Units less than 800 sq. ft. – 1 space/unit, except, as exempted in subsection 18.2.3.040.A.</u></p> <p><u>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.</u></p>
Multi-family Dwellings	<p>a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit.</p> <p>b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit.</p> <p>c. 2-bedroom units -- 1.75 spaces/unit.</p> <p>d. 3-bedroom or greater units -- 2.00 spaces/unit.</p> <p>e. Retirement complexes for seniors 55-years or greater -- One space per unit.</p>
Cottage Housing	<p>a. Units less than 800 sq. ft. -- 1 space/unit.</p> <p>b. Units greater than 800 square feet<u>sq. ft.</u> and less than 1000 square feet<u>sq. ft.</u> -- 1.5 spaces/unit.</p> <p>c. Units greater than 1000 square feet<u>sq. ft.</u> -- 2.00 spaces/unit.</p> <p>d. Retirement complexes for seniors 55-years or greater -- One space per unit.</p>
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter <u>18.3.9</u> .
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet <u>sq. ft.</u> of the first 10,000 square feet <u>sq. ft.</u> of gross land area; plus 1 space per 5,000 square feet <u>sq. ft.</u> for the excess over 10,000 square feet <u>sq. ft.</u> of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainments uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.

Commented [MH21]: Moved ARU's to separate row or clarity.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

18.4.3.080 Vehicle Area Design

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.
6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

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

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions

made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen 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.
 - b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen 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. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.
 8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.
-

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

- A. **Commercial, Industrial, Non-Residential, and Mixed Uses**. Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.
 1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
 2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
 3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.
 4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
 5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
 6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
 7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or a change in use that requires a greater number of parking spaces.
 8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
 9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
 10. Installation of wireless communication facilities in accordance with section 18.4.10.
- B. **Residential Uses**. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, ~~on a lot in any zoning district~~ **unless exempt from Site Design Review per subsection 18.2.3.040.A.**
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

Commented [MH22]: Clarifies that ARU's need site review unless exempted.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

1. Detached single-family dwellings and associated accessory structures and uses, ~~except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.~~
- 2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.**
- ~~32~~ **32.** Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
- ~~43~~ **43.** The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
 - d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.

Commented [MH23]: Exempts attached ARU's under 500 square feet and cross references the standards for exemptions.

- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

18.6.1.030 Definitions

The following definitions are organized alphabetically.

D

Days. Calendar days, unless specifically states as working days. Working days included Monday through Friday, excluding Federal holidays. See also, **sub**section 18.5.1.090.C Time Periods.

Dead Tree. A tree that is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Decorative. Treatment applied to the surface of a building or structure to enhance its beauty.

Deer Fence. An open fence used to prevent entry by deer or other wildlife for the purpose of protecting gardens, vegetation, and yards.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land. A common standard is dwelling units per acre.

Designer. A person not registered as an architect or engineer, approved to plan and design single family homes and other buildings that area defined as exempt by the building code.

Develop. To construct or alter a structure or to make a physical change to the land including excavation, clearing, dredging, fill, or paving.

Development. All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

Diameter at Breast Height (DBH). The diameter of the trunk at its maximum cross section, measured 54 inches (4 ½ feet) above ground level at the base of the trunk. On sloped lands, the measurement is taken on the uphill side of tree.

Disc Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such devices may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but is not limited to, what are commonly referred as satellite earth stations, TVROS, and microwave antennas.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a

use terminated at the end of a lease or contract. See also, chapter [18.1.4](#) Nonconforming Situations.

District. A part, zone, or geographic area in the City within which certain zoning or development regulations apply. See also, chapter [18.2.1](#) Zoning Regulations and General Provisions.

Drainage Ditch or Channel. Roadside ditches that carry only storm water runoff from the adjacent road and the immediate surrounding area. (Drainage ditches do not include historically altered streams or channels that convey surface water flows. These features are still classified as streams for the purpose of this ordinance.); or a constructed channel designed as part of the storm water infrastructure that drain directly from storm water facilities or storm pipe systems.

Dripline. An imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

Drive-Up Uses. Drive-up uses are defined as any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods other than automobile fuel, or be entertained while remaining in their motor vehicles. The components of a drive-up use are regulated as part of such facility and include kiosks, canopies, or other structures; windows; stalls; and queuing lanes and associated driveways.

Driveway. The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site.

- Drive, Flag. A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular access to a flag lot(s). See also, section [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria.
- Driveway, Shared. A driveway used to access two or more lots or parcels.

Driveway Apron. The edge of a driveway where it meets a public right-of-way.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way.

Driving Surface. A paved access capable of supporting up to 44,000 lbs. gross vehicle weight.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).

- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.