

18.62.090 Development Standards for Wildfire Lands

A. Requirements for Subdivisions, Performance Standards Developments, or Partitions.

1. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, or application to partition land which contained areas designated Wildfire Hazard areas.
2. The Staff Advisor shall forward the Fire Prevention and Control Plan to the Fire Chief within 3 days of the receipt of a completed application. The Fire Chief shall review the Fire Prevention and Control Plan, and submit a written report to the Staff Advisor no less than 7 days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Planning Action.
3. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall include the following items:
 - a. An analysis of the fire hazards on the site from wildfire, as influenced by existing vegetation and topography.
 - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation.
 - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees.
 - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown.
 - e. The areas of Primary and Secondary Fuel Breaks that are required to be installed around each structure, as required by 18.62.090 B.
 - f. Roads and driveways sufficient for emergency vehicle access and fire suppression activities, including the slope of all roads and driveways within the Wildfire Lands area.
4. Criterion for Approval. The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
5. The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
 - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
 - b. Clearing of sufficient vegetation to reduce fuel load.
 - c. Removal of all dead and dying trees.
 - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The Plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Staff Advisor that

the Plan was completed as approved by the hearing authority.

7. In subdivisions or Performance Standards Developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City of Ashland shall be named as a beneficiary of such covenants, restrictions, and conditions.

8. On lots created by partitions, the property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.

B. Requirements for construction of all structures.

1. All new construction and any construction expanding the size of an existing structure, shall have a "fuel break" as defined below.

2. A "fuel break" is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation. "Fuel Breaks" may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this title.

3. Primary Fuel Break - A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by ten feet for each 10% increase in slope over 10%. Adjacent property owners are encouraged to cooperate on the development of primary fuel breaks.

4. Secondary Fuel Break - A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

5. All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. All re-roofing of existing structures in the Wildfire Lands area for which at least 50% of the roofing area requires re-roofing shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code.

C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in section 18.62.080.

D. Implementation.

1. For land which have been subdivided and required to comply with A. (6) above, all requirements of the Plan shall be complied with prior to the commencement of construction with combustible materials.

2. For all other structures, the vegetation control requirements of section (B) above shall be complied with before the commencement of construction with combustible materials on the lot. (Ord. 2657, 1991)

3. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of section 18.62.090 B.5. above. All new residences shall comply with all standards for new construction in section 18.62.090 B.

4. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in section 18.62.090 A. (Ord 2747, 1994)
(Ord 2808, Added, 12/02/1997)

18.62.130 Penalties

The following sections are in addition to the enforcement actions that may be taken and penalties which may be imposed in chapter 18.112 for a violation of this chapter:

A. Whenever any work is being done contrary to the provisions of this chapter or whenever erosion control measures, tree protection measures, wildfire control measures, or Flood plain corridor development measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the director of community development or the director's designee, may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall immediately stop work until authorized by the director or designee to proceed with the work.

B. All development under this chapter and all work or construction for which a permit is required under this chapter shall be subject to inspection by the director of community development or the director's designee. When an inspection is made under this section or when it is necessary to make an inspection to enforce this code, or when the director or designee has reasonable cause to believe that there exists upon Hillside Lands a condition which is contrary to or in violation of this chapter which makes the premises unsafe, dangerous or hazardous, the director or designee may enter the premises at reasonable times to inspect or to perform the duties imposed by this chapter. The director or designee shall first make a reasonable effort to locate the owner or other person having charge of the premises and request entry.

C. The City may refuse to accept any development permit application, may revoke or suspend any development or building permit, or may deny occupancy on the property until erosion control measures, tree protection measures, wildfire control measures, or Flood plain corridor development measures have been installed properly and are maintained in accordance with the requirements of this chapter.

D. The owner of the property from which erosion occurs due to failure or neglect of erosion control measures, together with any person or parties who cause such erosion shall be responsible to mitigate the impacts of the erosion and prevent future erosion.

(Ord 2808, Added, 12/02/1997)

**The proceeding section is taken from the Tree Preservation Ordinance. Because landowners are often confused about removing trees for wildfire management purposes this section explains activities considered exempt from the tree preservation ordinance.

18.61.035 Exempt Tree Removal Activities

The following activities are exempt from the requirement for tree removal permits:

A. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Ashland 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.

B. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).

C. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).

D. Removal of trees less than 6" 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.

E. Removal of trees less than 18" DBH on any public school lands, Southern Oregon University, and other public land; but excluding Heritage trees and street trees within the public right of way.

F. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of the Physical and Environmental Constraints Chapter- 18.62.

G. Removal of dead trees.

H. 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.

(ORD 2883 added 06/04/2002)

Weed Abatement Ordinance

9.04.010 Weeds Declared Nuisance

The growth of grass, weeds, shrubbery, and vegetation upon vacant and other lots and parcels of land, and the streets and alleys abutting thereon, in the City, during the summer season constitutes a fire menace, and greatly increases the fire hazard in the City, and is declared to be a nuisance.

(Ord. 1141 S1, 1951)

9.04.020 Removal - Responsibility

The owner, agent of owner and/or occupant of any lot or parcel of land within the limits of the City of Ashland shall cut and remove the weeds, grass, bushes and shrubbery, except ornamental bushes and shrubbery, growing thereon, or on adjacent and abutting streets, avenues, and alleys, between May 15th and June 15th of each year and shall, where the same grows a second growth, cut the same a second time during the summer and in case of failure to do so, said person or persons shall be subject to fine and/or imprisonment and the City may cause such vegetation to be cut and removed and the expense incurred on account thereof shall be chargeable as a lien upon said lot or parcel as aforesaid.

(Ord. 1141 S2, 1951)

9.04.030 Violation - Penalty

Any owner, agent of the owner, or occupant of any premises violating any of the provisions of this chapter is punishable as prescribed in Section 1.08.020.

(Ord. 1810 (part), 1974; Ord. 1141 S3, 1951; Ord. 1956, 1978)

9.04.040 Notice to Abate - Contents

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

(Ord. 1141 S4, 1951).

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

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

(Ord. 1141 S5, 1951).