

# Council Business Meeting

September 4<sup>th</sup>, 2018

<b>Agenda Item</b>	Second Reading of an Ordinance Amending Title 18 Land Use and Title 9 Health and Sanitation of the Ashland Municipal Code Relating to the Wildfire Lands Map, Wildfire Development Standards, Fencing Requirements, Tree Removal Permit Requirements, and declaring Prohibited Flammable Plants as a Nuisance.	
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## SUMMARY

The proposed ordinances would amend the Wildfire Overlay Map to expand the boundary of Ashland’s designated Wildfire Lands to incorporate the entire City, and amend the Ashland Municipal Code to implement new standards for fire prevention and control plans and fuels reduction associated with development.

A separate resolution is proposed to identify the specific plant species to be included on the proposed General Fuel Modification Area Prohibited Flammable Plant List for application in Ashland’s designated Wildfire Lands. Additionally, this Prohibited Flammable Plant List distinguishes between plants that are not allowed within 30 feet of structures, and specific flammable plant varieties that can be sparingly planted outside of five feet from structures when following spacing guidelines for General Fuel Modification Areas outlined in Chapter 18.3.10.100.

The proposed ordinance amendments include modifications to Ashland Land Use Ordinance Chapter 18.3.10.100 Development Standards for Wildfire Lands; 18.3.10.020 Physical Constraints Review Permit, 18.3.10.040 Physical Constraints Review Application Submission Requirements, 18.3.10.090 Development Standards for Hillside Lands; 18.4.3.080 Vehicle Area Design; 18.4.4 Landscaping, Lighting, and Screening; 18.5.1 General Procedures; 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria; 18.5.5 Variances; 18.5.7 Tree Removal Permits; 18.6 Definitions; and 9.04 Weeds and Noxious Vegetation.

## POLICIES, PLANS & GOALS SUPPORTED

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

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

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

The Ashland Comprehensive Plan includes a goal to “*Protect life, property and environmental resources in Ashland’s suburban/wildland interface area from the devastating effects of wildfire. Lessen the possibility of wildfire spreading to the Ashland watershed from the urban/wildland interface area*” (4.25 Wildfire Hazards).

The 2018 Draft Multi-Jurisdictional Natural Hazard Mitigation Plan [Ashland Addendum] includes a goal to “*Reduce the threat of loss of life and property from natural hazards by incorporating information on known hazards and providing incentives to make hazard mitigation planning a priority in land use policies and decisions, including plan implementation*”

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

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

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

### **PREVIOUS COUNCIL ACTION**

The City Council passed first reading of the ordinances amending Chapter 18 and Chapter 9 at the August 21, 2018 meeting. The ordinances are scheduled for second reading at the September 4, 2018 meeting. If the Council approves second reading, the ordinance amendments will become effective 30 days after the ordinance is signed.

The Planning Division Staff Report dated June 26, 2018 provides a general summary of each of the ordinance amendments being presented for consideration.

### **BACKGROUND AND ADDITIONAL INFORMATION**

There are no changes to the Chapter 18 and Chapter 9 ordinance amendments approved by the City Council at First Reading on August 21, 2018.

The Resolution establishing a Prohibited Flammable Plant List has been amended to address input received from landscape professionals provided at meetings held on August 15<sup>th</sup> and August 27<sup>th</sup>. The Resolution newly distinguishes dwarf and low-growing varieties of flammable plants that may be located beyond 5 feet from a structure provided they are not mass planted and maintain minimum separation between plantings. The Resolution has been further amended to instruct the Wildfire Mitigation Commission to submit a yearly review of the Prohibited Flammable Plant List, for which a subcommittee has already been established at the August 15<sup>th</sup> commission meeting. The plant list can then be amended by a Resolution of the City Council based on the commission findings.

The Planning Commission recommended approval of the attached ordinance amendments, and resolution, and their report is attached. The Planning Commission held a public hearing on June 26, 2018. Prior to the public hearing, the Planning Commission held study sessions to discuss Wildfire Lands ordinance amendments on [June 24, 2014](#), [February 24, 2015](#), [November 24, 2015](#), [February 23, 2016](#), and [February 27, 2018](#).

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

### **FISCAL IMPACTS**

There is no direct cost to the City relating to expanding the Wildfire Lands boundary, adoption of amendments to the Development Standards for Wildfire Lands, or the adoption of a general fuel modification area prohibited plant list.

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

Over time, we anticipate that the reduction of fire danger will have a fiscal benefit to city government and citizens through reduced impacts to critical infrastructure, fire responses, and loss of personal property.

### **STAFF RECOMMENDATION**

Staff recommends approval of second reading of the ordinance amendments and resolution as presented.

### **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

Two Ordinances are presented to the City Council for second reading, and one Resolution is presented for Council approval. Additionally, the Findings of Fact relating to these legislative amendments are included as an attachment to this Council Communication for Council review and approval.

Four separate potential motions are provided to address each of the legislative actions:

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

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

I move to approve a resolution titled, “A Resolution adopting the City of Ashland General Fuel Modification Area Prohibited Flammable plant list for application in Ashland’s designated Wildfire Lands”.

I move to approve the Findings of Fact and Conclusions of Law in the matter of amendments to Title 18 Land Use, and Title 9 Health and Sanitation, of the Ashland Municipal Code .

## **REFERENCES & ATTACHMENTS**

- Ordinance to Amend AMC Title 18 Land Use relating to Development Standards for Wildfire Lands, Tree Removal Permits, and Fencing Requirements.
- Ordinance to Amend AMC Title 9 Ordinance relating to declaring Prohibited Flammable Plants a nuisance.
- Resolution relating to the establishment of a Prohibited Flammable Plant List
- Findings of Fact and Conclusions of Law, September 4, 2018
- Physical and Environmental Constraints Map - Wildfire Lands overlay
- Planning Division Staff Report: PA-L-2018-0003 dated 6/26/2018
- Planning Commission Report dated 7/10/2018