

Case No. PZ-25-00088 – Forest Resource Pilot Program

Provisions that are being deleted are shown in bold ~~text~~.

Provisions that are being added are shown in bold **red** text.

Section 1. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.90: Resource Protection Standards, as follows:

Division 10-50.90:

Resource Protection Standards

Sections:

- 10-50.90.010 Purpose
- 10-50.90.020 Applicability
- 10-50.90.030 Priority for Resource Protection
- 10-50.90.040 Floodplains
- 10-50.90.050 Steep Slopes
- 10-50.90.060 Forest
- 10-50.90.061 Forest Resource Pilot Program**
- 10-50.90.070 Resources Survey Requirements
- 10-50.90.080 Natural Resources Protection Plan
- 10-50.90.090 Resource Protection During Construction
- 10-50.90.100 Activities Allowed in Natural Resources Areas
- 10-50.90.110 Mitigation
- 10-50.90.120 Enforcement

Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.90: Resource Protection Standards, Section 10-50.90.010: Purpose, as follows:

10-50.90.010 Purpose

A. Purpose. This division provides standards for the protection of ~~n~~**Natural** ~~r~~**Resources**, ~~f~~**Floodplains**, steep slopes, and forest. The requirements of this division are intended to maintain ~~n~~**Natural** ~~r~~**Resources** and to **promote public health, safety, and welfare by managing Development** ~~ensure that proposed development is consistent~~ with the character of its natural surroundings. **Flagstaff has a greater wildfire likelihood than many communities in the United States.** Developments **should be designed to advance wildfire resiliency and to coexist with** ~~shall be designed to incorporate~~ native habitats and existing **Natural Resources that** ~~features on-site as they~~ provide important visual, environmental, health, and economic benefits. Standards in this division also protect developed places from **wildfires and other** natural hazards, such as floods, **by integrating risk-reduction measures into a Development's design.** Division 10-30.60, Site Planning Design Standards, **and** Appendix 5 [Additional Information Applicable to Division 10-50.90, Resource Protection Standards] ~~and Appendix 1.1, Design Guidelines~~, provide additional standards, guidelines, and procedures on resource protection and site design.

B. Goals. This division prescribes standards for the preservation and maintenance of ~~n~~**Natural** ~~r~~**Resources** to achieve the following goals:

- 1. Preserve and protect significant Natural Resources characterized by unusual terrain, unique geologic formations, and high value native vegetation before, during, and after the construction of new Development;** ~~Preserve significant natural resources characterized by unusual terrain, scenic vistas, unique geologic formations, and native vegetation;~~
- 2. Limit encroachments into Rural Floodplains;**
- 3. Manage healthy and sustainable forests to reduce the risk of wildfires initiating urban fires;**
- 4. Prioritize wildfire resilience to ensure neighborhoods, sites, and Buildings are designed to be better prepared for the increasing risks of urban fires initiated by wildfires;**
- 5. Enhance air quality, reduce the amount and rate of stormwater runoff, improve stormwater runoff quality, and increase the capacity for groundwater discharge;**
- 6. Prioritize the preservation of significant Natural Resources that maintain wildlife corridors and habitats; and**

72. Preserve and eEnhance the natural environment, visual character, and aesthetic qualities of the City for its citizens' and visitors' enjoyment.

~~3. Preserve and enhance the character and value of all properties;~~

~~4. Preserve wildlife corridors and habitat;~~

~~5. Prevent encroachment into floodplains;~~

~~6. Manage healthy and sustainable forests to reduce fire risk;~~

~~7. Promote and improve the quality of the environment by enhancing air quality, reducing the amount and rate of storm water runoff, improving storm water runoff quality, and increasing the capacity for groundwater recharge; and~~

~~8. Establish regulations for the preservation and protection of natural resources before, during, and after the construction and completion of a new development.~~

Section 3. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.90: Resource Protection Standards, to add Section 10-50.90.061: Forest Resource Pilot Program, as follows:

10-50.90.061 Forest Resource Pilot Program

- A. The purpose of the Forest Resource Pilot Program (FRPP) is:**
- 1. To allow an alternative Forest Resource preservation methodology utilizing technological innovations to inventory existing Forest Resources for both forest stewardship and preservation purposes; and**
 - 2. To implement the Flagstaff Fire Department Forest Management Plan (the “Forest Management Plan”); and**
 - 3. To determine the effectiveness of the program for future revisions to the Forest Resource protection standards in alignment with the purpose and goals of this division for all properties within the Resource Protection Overlay (RPO).**
- B. Program Term. Unless otherwise extended or extinguished by a separate ordinance approved by the City Council, the FRPP shall terminate at 11:59 p.m. on July 31, 2028.**
- C. Applicability. All properties subject to the Resource Protection Overlay both developed and vacant may participate in the FRPP. This pilot program applies only to Forest Resources and does not apply to Slope Resources or other requirements of this division.**
- D. Forest Resource Agreement.**
- 1. The Director shall enter into a Forest Resource agreement with the applicant to allow participation in the pilot program. The agreement shall be in a form satisfactory to the City Attorney or their designee.**
 - 2. The agreement shall be perpetual unless terminated in accordance with the provisions of this section and the agreement.**
 - 3. The agreement shall include, but is not limited to:**
 - a. The City’s commitment to provide any existing data to assist the applicant with the preparation of forest stewardship plan and Natural Resource Protection Plan; and**

b. The applicant's responsibility to supplement available City data as determined by the Director, for the Development Site, including but not limited to information on tree height, tree density, and basal area density calculations; and

c. The applicant's commitment to the purpose and goals of the Forest Management Plan, the purpose and goals of this division, and the priority for Forest Resource protection found in Section 10-50.90.030.B.3. except as modified in the Forest Management Plan.

Failure to comply with the purposes, goals, and priorities can be cause for terminating the use of the pilot program on a Development Site; and

d. The applicant's commitment to achieve residential densities that further the goals of the City's 10-Year Housing Plan and Carbon Neutrality Plan; and

e. An agreement that no tree work shall occur on the Development Site prior to the review and approval of a forest stewardship plan and Natural Resources Protection Plan by City staff; and

f. Permission for City staff and their consultants to access all property affiliated with the Development Site utilizing the FRPP; and

g. Maintenance of Forest Resources before, during, and after the completion of Development; and

h. Violations and remedies; and

i. Any other provision necessary as determined by the City Attorney, Director, or their designee to document the requirements and enforcement of this section and the agreement.

4. The agreement shall be approved and executed by the Director and applicant prior to the submittal of forest stewardship and Natural Resource Protection Plans.

E. Minimum Requirements.

1. A comprehensive digital tree inventory shall be prepared for the Development Site that identifies all Forest Resources, overall tree density and basal area calculations, and high value resources for the Development Site. High value resources include the oldest, largest, and most

fire-resistant trees on a Development Site. The characteristics used to make this determination vary based on the species of tree but may include height, shape, and bark. The digital tree inventory shall also identify any Slope Resources that are required to be preserved subject to Section 10-50.90.050.

2. The proposed Development plan shall preserve to the greatest extent feasible high value resources, as determined by staff from the digital tree inventory and site inspections.

3. Forest Resource preservation shall align with the desired conditions of the Forest Management Plan as determined by the Flagstaff Fire Department and the Development Site is not required to meet the percentages in table 10-50.90.060.B.2.a.

4. This program does not permit the deforestation of a Development Site. Deforestation is when forests are permanently destroyed for the purposes of Development.

5. The termination of the FRPP after the execution of the Forest Resources agreement by the Director and the applicant does not impact the applicant's eligibility to participate in the FRPP so long as Development approvals are completed within 18 months and construction has commenced on site within 24 months from the termination of the FRPP.