

To: Brandon Goldman, senior planner City of Ashland  
cc: Ashland City Council  
Re: Normal Neighborhood Plan Adoption  
Date: 9/1/2015  
From: John Colwell, representing GracePoint Church Board, 1760 E Main St.

To begin our remarks, we feel it necessary to state that GracePoint Church is not opposed to the general concept of development on the empty lands between East Main and properties to the south. We also wish to protect the wetland on our property and therefore have paid significant funds to have a formal wetland delineation. We desire to be good neighbors and we want to join hands with the City of Ashland in moving forward into the future. However, we have deep concerns about the current plan that is being presented for adoption.

We have carefully followed and participated in this planning process for close to 2 years. We have continued to voice our concerns, register our objections, request minor and major changes as we view these proposed planning actions will affect our property interests. We have been met with courtesy but we cannot recall one substantive response or accommodation to our concerns. While courtesy can go a long way, it is not a substitute for negotiation.

The members and friends of GracePoint Church ask the Ashland City Council to reject the proposed Normal Neighborhood Plan Adoption. The plan is flawed because several of its underlying assumptions were false and led to a gross overestimation of the available wetland space on our property and as a result within the entire planning region. When, during the planning and community discussion process, that fact became evident, there was no capitulation to property owners concerns. Instead, a new designation (renaming) occurred, that changed "wetland" to "open space" and resulted in the inability of property owners to actually challenge the size and extent of the now "open space" on their property. The initial estimates of where wetlands were and their sizes were based on the then registered wetland estimate but buried in the documentation is the fact that during this estimate there was not an onsite visit to view or study even the largest wetland which is on our property. The primary issue is that this definition was out of date and therefore not valid.

To compound this already evident problem the only accommodation to property owners was to allow us to formally request a Major Plan amendment. Recently there has been an attempt to mitigate the severity of these initially faulty wetland sizes by requiring property owners to request changes by a Minor Plan Amendment instead. Both of these possible solutions may seem reasonable until you consider the fact that the wetland sizes, upon which all the density calculations have been based, were wrong and out of date even at the time of their incorporation into this process. It is our belief that the Ashland Planning staff knew this but proceeded, showing a purposeful disregard for owners by using out of date data rather than pay for wetland surveys to collect accurate information. This put the landowners "under the wheel of the bus" and the City at risk legally because a legal challenge argument will point to the faulty and out of date initial estimates. This not only undermines the credibility of the process but exposes a probable true intent, which appears to ensure a desired result by shifting the responsibility of making changes onto the landowners (at landowners expense) rather than starting with accurate sizes of the wetlands.

At one of the public hearings Ashland Gracepoint presented a written recommendation to staff that until a current legitimate wetland survey was done this process was invalid and susceptible to legal challenge. We suggested that by using knowingly out of date and faulty estimates the City was exposed to creating a "public taking" event. We were assailed with the response from Planning Staff that this is not a taking but

a planning process and therefore the taking rules would not apply. We disagree, when our future ability to use this property, whether within the City or out, is severely limited by faulty and knowingly out of date planning assumptions. In support of these initially faulty assumptions, at least two private formal Wetland Delineations have already been performed that challenge these initial assumptions and we have our application before the State Department on Lands at this time. The survey of our property has been done, application submitted and the size of the wetland recommended by a recognized wetland professional is 0.64 acres. This is a far cry from the 2+ acres in the initial information Ashland Planning Staff used for their calculation of the density and open space trades required during this planning process. Some may claim that the delineation was completed during drought conditions, but the most recent delineation is nearly the same size as the delineation performed by the Army Corp of Engineers in the early 1990's.

We have contacted legal counsel to protect our assets but hope this will not escalate to a legal challenge.

Sincerely,

John Colwell for: Ashland GracePoint Church Board  
1760 E Main St. Ashland, Oregon