
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET** October 25, 2017

SITE: North Mountain Avenue
APPLICANT: Fresh Water Trust
REQUEST: Physical & Environmental
Constraints Review, WRPZ Limited Use and
Tree Removal Permits

PLANNING STAFF COMMENTS:

This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.

Summary/General: Staff are generally supportive of the proposal and look forward to its successful implementation. Procedurally, both a Physical and Environmental Constraints Review Permit for Floodplain Development and a Limited Use/Activity Permit within a Water Resource Protection Zone are required. Restoration and enhancement activities *resulting in a net gain in stream bank corridor functions* not otherwise associated with development (*i.e. not involving buildings, grading or paving*) are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor. For staff, a few key considerations to address in a final application are:

- **What are the specific impacts to the banks, trees and other vegetation within the Water Resource Protection Zones? How will these be mitigated?** The materials provided note that 180 trees and shrubs are in the vicinity and that a “*to-be-determined*” number will be “fully-impacted.” Does full impact constitute removal? The application will need to be clear how many trees and of what size and species are proposed for removal and how remaining trees are to be preserved and protected. The removal of significant trees (over 18-inches diameter) from vacant single family residential properties will require Tree Removal Permits, and tree removal is also considered in terms of the overall impacts in the Physical & Environmental and Water Resource permits.
- **What are the potential downstream impacts of the placement of the log structures?** Will these logs displace water downstream? Is there any danger of the log structures catching and holding debris which would exacerbate flooding? Coming loose and creating hazards downstream? How have these issues been addressed in similar recent projects?
- **How are surrounding wetlands being considered?** When some immediately adjacent properties have been looked at recently (*i.e. the Beagle/Spartan property*) a number of small wetlands have been identified mixed in with the creek corridors of Bear and Kitchen Creeks. Have impacts to wetlands been considered/addressed?
- **What mechanisms will be in place to insure the long-term maintenance of the proposed improvements?** The Water Resource Permit typically seeks both mitigation and maintenance plans through the application process.
- **How will the proposed improvements relate to the long-term plans for the properties involved (*i.e. a number of these properties are envisioned for significant additional residential development*)?** The

Ayala, Mace and Spartan properties are all envisioned for residential development, and all of these property owners have had recent conversations and/or pre-application conferences with staff to discuss their possibilities for development in the near future.

Limited Activity within Stream Bank Water Resources Protection Zone: AMC 18.3.11.060.B.1 provides that stream Restoration and enhancement projects resulting in a net gain in stream bank corridor functions require a Limited Uses and Activities Permit subject to the requirements of AMC 18.3.11.060.D, including written findings addressing the approval criteria, plans detailing the work proposed, a mitigation plan as detailed in AMC 18.3.11.111, and a management plan as detailed in AMC 18.3.11.110.C. As noted above, key considerations include:

Bank/Corridor Impacts: What are the specific impacts to the banks, trees and other vegetation within the Water Resource Protection Zones? How will these be minimized and mitigated? The materials provided note that 180 trees and shrubs are in the vicinity and that a “*to-be-determined*” number will be “fully-impacted.” Does full impact constitute removal? The application will need to be clear how many trees and of what size and species are proposed for removal and how remaining trees are to be preserved and protected. The removal of significant trees (over 18-inches diameter) from vacant single family residential properties will require Tree Removal Permits, and tree removal is also considered in terms of the overall impacts in the Physical & Environmental and Water Resource permits.

Wetland Impacts: How are surrounding wetlands being considered? When some immediately adjacent properties have been looked at recently (i.e. the Beagle/Spartan property) a number of small wetlands were identified mixed in with the creek corridors of Bear and Kitchen Creeks. Have impacts to wetlands been considered/addressed?

Maintenance: What mechanisms will be in place to insure the long-term maintenance/management of the proposed improvements? The Water Resource Permit typically seeks both mitigation and maintenance plans through the application process.

Federal & State Permitting: It may be helpful if the application makes clear what federal and state permit approvals are being sought in conjunction with the proposal and the status of these approvals.

Physical and Environmental Constraints Permit: A Physical and Environmental Constraints (P&E) Review Permit is required because the restoration involves work constituting development within a designated Flood Plain Corridor. By ordinance, the threshold levels that qualify as development and require a P&E Permit are earth moving involving 20 cubic yards or more, or 1,000 square feet of surface disturbance; any construction of a building, road, driveway or “other structure”; or culverting or diversion of any stream. In large part, the standards for floodplain development speak to fill, crossings, structures, streets and utilities while the criteria for approval speak more broadly to how impacts have been considered, any adverse impacts minimized, and any hazards mitigated to reduce adverse environmental impacts.

Downstream Impacts: For staff, a key issue to consider in terms of the floodplain is what are the potential downstream impacts of the placement of the log structures? Will these logs displace water downstream? Is there any danger of the log structures catching and holding debris which would exacerbate flooding? Is there a chance of a structure coming loose, flowing downstream and creating a hazards? In-stream debris catching at the Winburn Bridge contributed to flood damage in Ashland in 1997 and this is likely to be a concern in some residents' minds, particularly given that the surrounding properties are intended to develop further. The application would be well-served to address how these issues have been addressed in similar recent projects.

Tree Removal and Tree Preservation/Protection Plan: Applications are typically required to identify all trees of six-inches or more in diameter on the property and on adjacent property within 15 feet of the property line and detail their health, ability to tolerate proposed development, whether they are to be removed or protected, and what protective measures will be enacted. The materials provided note that 180 trees and shrubs are in the vicinity and that a “*to-be-determined*” number will be “fully-impacted.” Does full impact constitute removal? The application will need to be clear how many trees and of what size and species are proposed for removal and how remaining trees are to be preserved and protected. The removal of significant trees (over 18-inches diameter) from vacant single family residential properties will require Tree Removal Permits, and tree removal is also considered in terms of the overall impacts in the Physical & Environmental and Water Resource permits. (The application may also wish to detail where locally harvested logs for the in-stream structures are to come from.)

Neighborhood Outreach: As the applicants are aware, projects involving changes to established patterns can be a concern for neighbors, and staff always recommends that applicants approach the affected neighbors, make them aware of the proposal, and try to address any concerns as early in the process as possible. Notices for any applications are sent to neighbors within a 200-foot radius of the property.

Written Findings/Burden of Proof: Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required (*scalable*) plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

Site Visit: In the (*hopefully unlikely*) event that a hearing was to be requested, it would be beneficial to arrange a site visit for the Planning Commission to see the areas involved and/or view the nearby completed work described at river mile 24.7.

OTHER DEPARTMENTS' COMMENTS

BUILDING DEPT: No comments provided at this stage; please contact the Building Division for any Building Codes-related information at 541-488-5305.

CODE COMPLIANCE: For any compliance-related information, please contact Planning at 541-488-5305.

CONSERVATION: For information on available Conservation Programs, including potential rebates, tax credits, and financial or technical assistance with energy efficiency improvements, please contact the City of Ashland Conservation Division at 541-488-5305.

ENGINEERING: The Public Works/Engineering Department had no comments at this time. Please contact Karl Johnson at (541) 552-2415 or e-mail: karl.johnson@ashland.or.us for any Engineering-related questions (utilities, streets, storm drainage, etc.).

FIRE DEPARTMENT: The Fire Department had not comments at this time. Please contact Division Chief & Fire Marshal Ralph Sartain of Ashland Fire & Rescue for Fire Code-related information at (541) 552-2229.

WATER AND SEWER SERVICE: The Water Department had no comments at this time. Please contact Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC SERVICE: The Electric Department had no comments at this time. Please contact Dave Tygerson at [541-552-2389](tel:541-552-2389) or e-mail tygersod@ashland.or.us with any questions regarding electric utilities.

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ZONING DISTRICT REQUIREMENTS

See **AMC 18.2.5.030.A** for the applicable “Standards for Urban Residential Zones”

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PROCEDURE: Both Physical & Environmental Constraints Review Permits and Limited Use and Activity Permits are “Type I” applications (see the process flowchart available on-line at: http://www.ashland.or.us/SIB/files/Flowchart_Type%20I_Revised%207_2017.pdf), and could be reviewed administratively with a staff decision, with notice provided to surrounding properties and the potential for appeal to the Planning Commission.

Type I Application Requirements (AMC 18.5.1.050.A)/Administrative Decision with Notice

1. Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.
2. Submittal Information. The application shall include all of the following information.
 - a. The information requested on the application form (application form available on-line at: <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf>).
 - b. Plans and exhibits required for the specific approvals sought.
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
 - d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
 - e. The required fee.

The Ashland Land Use Ordinance in its entirety is available on-line at:

<http://www.codepublishing.com/OR/Ashland/#!/LandUse/index.html#NT>

Plan Requirements

Two (2) *readable* copies of the plans below on paper no larger than 11-inches by 17-inches are required, in addition to at least one full-sized set of plans. Note: The 11x17 copies are used for the Planning Commission packets and for the notices mailed to neighbors. Please submit clear, reproducible copies drawn to a standard scale. **The final application submittal need to include scalable drawings with a graphic scale to facilitate review by staff, commissioners and the public.**

- **Two (2) copies of the plans required for a Limited Uses and Activities Permit as detailed in AMC 18.3.11.100.**
- **Two (2) copies of plans required for a Physical and Environmental Constraints Permit as detailed in AMC 18.3.10.040.**
- **Two (2) Copies of a Tree Protection Plan as required in chapter 18.4.5.030 (*if the application will involve any site disturbance that would impact trees*).**
- **Two (2) Copies of the plans required for a Tree Removal Permit as required in chapter 18.5.7.030 (*if tree removal is proposed*).**

Narrative Submittal Requirements:

Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are referenced below:

- **Two (2) copies of written findings addressing the criteria from Chapter 18.3.11.060.D for a Limited Uses and Activities Permit.**
- **Two (2) copies of written findings addressing the criteria from Chapter 18.3.10.050 for a Physical & Environmental Constraints Permits.** (These findings should also address *relevant* Development Standards for Flood Plain Corridor Lands in AMC 18.3.10.080).
- **Two (2) copies of written findings addressing the following criteria from chapter 18.5.7.040.B.2. for Tree Removal Permit to remove a tree that is not a hazard (if applicable to the final proposal).**

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UPCOMING APPLICATION DEADLINES:

First Friday each month

UPCOMING PC MEETINGS:

Second Tuesday each month

FEES:

Physical & Environmental Constraints Permit	\$1,046*
Limited Use & Activity Permit	\$1,046*
Tree Removal Permits/Exceptions	\$0

***NOTE:**

- *AMC 18.3.11.060.B.1 provides that Stream Restoration and enhancement activities resulting in a net gain in stream bank corridor functions not otherwise associated with development are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor. Staff would be open to considering a request for fee waiver on this basis.*
- *Applications are accepted on a first come-first served basis.*
- *All applications received are reviewed by staff, and must be found to be complete before being processed or scheduled at a Planning Commission meeting.*
- *Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment.*
- *Applications are reviewed for completeness in accordance with ORS 227.178.*
- *Applications submitted are processed in the order received, and complete actions are scheduled at the next available Planning Commission meeting.*

For further information, please contact:

Derek Severson, *Senior Planner*
 City of Ashland, Department of Community Development
 Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us

October 25, 2017

Date

B. Additional Limited Activities and Uses within Stream Bank Protection Zones.

1. Stream Restoration and Enhancement. Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in subsection [18.3.11.050.B.2](#). Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.