

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 9, 2010
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **CONSENT AGENDA**
A. **Approval of Minutes**
1. January 12, 2010 Planning Commission Minutes
2. January 26, 2010 Planning Commission Minutes
- IV. **PUBLIC FORUM**
- V. **TYPE II PUBLIC HEARINGS**
A. **PLANNING ACTION: #2009-00726**
SUBJECT PROPERTY: 720 Grandview Drive
APPLICANT: McDonald, Lynn & Bill
DESCRIPTION: Appeal by Bonnie Brodersen of the Staff Advisor's decision to approve a request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval already in place in order to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP #:** 39 1E 05 CD; **TAX LOT:** 500.
- VI. **UNFINISHED BUSINESS**
A. **PLANNING ACTION: #2009-01292**
APPLICANT: City of Ashland
DESCRIPTION: A request to amend the Ashland Land Use Ordinance (ALUO) creating a new Chapter 18.53 Croman Mill, to amend the multiple chapters of the Ashland Land Use Ordinance to provide consistency with the new Chapter 18.53 Croman Mill (ALUO 18.08, 18.12.020, 18.61.042, 18.68.050, 18.70.040, 18.72.030, 18.72.080, 18.72.110, 18.72.120, 18.72.140, 18.72.180, 18.84.100, 18.88.070, 18.106), to amend the Ashland Comprehensive Plan Map and Zoning Map to include the Croman Mill District, and to adopt the Croman Mill Site Redevelopment Plan as a supporting document to the City's Comprehensive Plan. **(Public Hearing Closed on January 12, 2010)**
- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
January 12, 2010

CALL TO ORDER

Chair Pam Marsh called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Larry Blake
Michael Dawkins
Dave Dotterer
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris
John Rinaldi, Jr.

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
Richard Appicello, City Attorney
April Lucas, Administrative Assistant

Absent Members:

None

Council Liaison:

Eric Navickas

ANNOUNCEMENTS

Commissioner Marsh announced the vacancy on the Planning Commission and encouraged interested citizens to submit applications to the Mayor's Office.

Community Development Director Bill Molnar indicated the Commission's March Study Session falls over spring break and if a Study Session is needed they will meet on March 30th instead.

Commissioner Rinaldi provided a brief update on the Economic Development Technical Advisory Committee. He stated the group is currently working on a SWOT analysis and if the commissioners have any questions they can contact him later. Commissioner Marsh recommended adding this to a future agenda so that Rinaldi can provide a more thorough update.

CONSENT AGENDA

A. Approval of Minutes

1. December 8, 2009 Planning Commission Minutes

Commissioners Dotterer/Blake m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 8-0.

PUBLIC FORUM

No one came forward to speak.

TYPE III PUBLIC HEARINGS

A. PLANNING ACTIONS: #2009-01292

APPLICANT: City of Ashland

DESCRIPTION: A request to amend the Ashland Land Use Ordinance (ALUO) creating a new Chapter 18.53 Croman Mill, to amend the multiple chapters of the Ashland Land Use Ordinance to provide consistency with the new Chapter 18.53 Croman Mill (ALUO 18.08, 18.12.020, 18.61.042, 18.68.050, 18.70.040, 18.72.030, 18.72.080, 18.72.110, 18.72.120, 18.72.140, 18.72.180, 18.84.100, 18.88.070, 18.106), to amend the Ashland Comprehensive Plan Map and Zoning Map to include the Croman Mill District, and to adopt the Croman Mill Site Redevelopment Plan as a supporting document to the City's Comprehensive Plan.

Commissioner Marsh read aloud the public hearing procedures and noted the commissioners have been asked to disclose ex parte contact. Mr. Molnar clarified the commissioners will need to report any conversations they had outside the meetings where they were exposed to factual information that they will use to deliberate towards a recommendation.

Declaration of Ex Parte Contact

Commissioner Dawkins stated he attended the staff organized site visit and has had conversations with Dr. Morris about the plan in general and the cost of the infrastructure.

Commissioner Rinaldi stated he had a briefing on the Croman plan with Planning Manager Maria Harris after he was appointed to the Commission.

Commissioner Miller disclosed that she had spoken with the man who runs the Village Farm and he had voiced his concern with a road going through his garden. She also had a conversation with an individual who indicated their preference for the land to remain mostly manufacturing.

Commissioner Dotterrer stated he attended the staff organized site visit.

Commissioner Mindlin stated she has had many conversations over the past year; however her exposure to factual information was very limited. She stated she has spoken with Mark DiRienzo but they did not discuss anything that was not in his letter. She has also spoken with the people at the Village Farm and members of the City Council.

Commissioner Blake stated he attended the site visit and has been spoken to by Huelz.

Commissioner Morris stated he attended the site visit and has also been spoken to by Huelz. He disclosed he has spoken to his parents about the plan and noted his family received notice because their business is near the site. He added nothing was discussed that changes his views.

Commissioner Marsh stated she has spoken with Huelz about energy efficiency and solar orientation. She has also spoken with representatives from SOREDI, attended the Council Study Session on this plan, spoke with an Airport Commissioner about the FAA and height limitations, and has also spoken with Mark Knox.

Commissioner Marsh noted that she will be discussing the issue of quasi-judicial procedures for legislative items further with staff.

Staff Report

Planning Manager Maria Harris stated the Commission is being asked to make a recommendation on the Croman Mill District implementation plan, which: 1) creates the new CM zoning district, 2) establishes development standards for the CM district, 3) revises existing Land Use Ordinance for consistency, and 4) adopts the 2008 Redevelopment Plan as a supporting document to the City's Comprehensive Plan. Senior Planner Brandon Goldman provided a brief overview of the Plan goals and objections. He reviewed the street framework, the central boulevard phasing, the Tolman Creek Road realignment, the pedestrian and bicycle framework, the transit framework, the natural and open space areas in the plan, and the parking framework. Ms. Harris noted the project webpage (www.ashland.or.us/croman) and stated there is an extensive amount of documentation posted if anyone is looking for more information.

Ms. Harris explained the proposal before the Commission redistributes allowed uses in the district boundary, focuses on land efficient/high employment uses, increases the residential density in the neighborhood center, and adds residential uses in mixed use areas. She stated most of the Croman Mill District is within the city limits and the bulk of it is comprised of the former Croman Mill site. Ms. Harris stated the current M-1 industrial title is somewhat misleading because this zoning district allows for a wide range of commercial and employment uses in addition to what most would consider typical industrial uses. She elaborated that retail, restaurants, offices, nightclubs/bars, and hotels/motels would all be allowed in the M-1 zone, in addition to industrial uses like manufacturing/assembly warehouses, junk yards, and outside storage. Ms. Harris explained the proposed Croman Mill District is really a redistribution of many of those uses.

Ms. Harris reviewed the planning application process and stated applicants will still have to go through site review approval; however proposals in the compatible industrial district will be subject to a smaller set of standards (similar to basic site review), while projects in the neighborhood commercial, office employment zone, mixed use area, and those located along active edge streets will go through a process comparable to detail site review. Ms. Harris noted the green development standards, which focus on site infrastructure, green parking, green streets, and building orientation, and also commented briefly on the major and minor amendment process.

Community Development Director Bill Molnar noted there have been 15 meetings on this topic, and tonight's meeting is for the public to see the whole package and present their comments. He explained the goal is for the Commission to work on formulating their recommendation to the City Council, and highlighted the following three areas where the Commission could consider issuing sub-recommendations: 1) inclusion of property outside the district boundary, 2) east-west orientation alternative, and 3) alignment alternative for the central boulevard. Mr. Molnar reviewed these three items in further detail. In regards to their first option, he clarified staff is recommending the front of the property on Mistletoe Rd (Mistletoe Storage) be included in the district boundary in order to keep continuity. In regards to option two, Mr. Molnar displayed the east-west alternative and stated recommending this layout would provide more opportunity for southern building exposure, but it would impact block lengths and would require staff to make slight modifications to the minimum lot size requirements. Lastly, option 3 explores a potential realignment of the central boulevard during phase 2 that would look at ways to work around the two existing buildings.

Mr. Molnar noted the Transportation Commission will be holding a meeting to further explore some of the transportation issues and will be forwarding their comments to the Commission. As such, the Transportation Commission has requested that the Planning Commission not make a formal recommendation to the Council until they have received their comments. Mr. Molnar recommended the Planning Commission hear public testimony and hold a discussion on the options, but to wait and finalize their motion(s) at the February 9th Planning Commission meeting.

Public Testimony

David Wick/2560 Eagle Creek Lane/Submitted information on bringing the "Triple Bottom Line" concept to the Croman plan. Mr. Wick stated this approach is in line with Ashland's values and the idea is for businesses to pay attention to the following three bottom lines as the key to enhanced prosperity and lasting sustainability: 1) Profit – your established traditional measures of financial performance, 2) People – commitment to your employees, customers, suppliers and community, and 3) Planet – reduction of your carbon footprint, resource consumption and pollution. Mr. Wick cited various cities that are using this approach and requested Ashland incorporate Triple Bottom Line as the framework for the Croman site.

Mike Montero/4497 Brownridge Terrace, Suite 105, Medford/Stated he represents the property owners of the Croman site and stated the revised plan is wholly acceptable to his clients. He stated the plan will provide sufficient flexibility to deal with current and future economic challenges, and he urged the Planning Commission to issue a favorable recommendation to the City Council.

Mark DiRienzo/700 Mistletoe Road/Clarified he owns Mistletoe Road Business Park and shared his concerns with the proposed plan. Mr. DiRienzo stated the new Croman Mill code language will be impossible to interpret and will create cost-prohibited developments that businesses cannot practically use. He stated the site will build out slowly, if at all, and stated no one will be happy with the results. Mr. DiRienzo explained that he has approved plans for a 10,000 sq. ft distillery building for Organic Nation Vodka and just found out that his land is now proposed to be included in the district boundary and rezoned as office employment. He added he is also in talks with an energy efficiency engineering company that wants a 15,000 sq. ft. design and assembly space on his south lot. Mr. DiRienzo stated the new zone prohibits Organic Nation's distillery building, and he will also lose his other prospective tenant. He stated the proposed road alignment would create a deadly corner directly in front of his office building on Mistletoe Rd., and the new zoning will make his existing building non-conforming and they will not be able to build their planned office building. He stated the current M-1 zoning designation of his property provides freedom to accommodate the needs of actual tenants who are looking for space, not just possible future tenants. He stated this plan would make his property partially in the Croman Mill District and partially out. Mr. DiRienzo stated he cannot accept this short notice inclusion of his property into the Croman Mill District without adequate time to review its impacts and strongly urged the Commission to delay this plan's approval until a review of the practical implementation is completed. He stated the project has taken this long to assemble, a few more months to ensure they get it right is appropriate.

Staff pointed out the location of Mr. DiRienzo's property and clarified this is the property referenced in staff option 1. It was noted that up until recently, this area was not included in the plan and staff has presented options to include either all of Mr. DiRienzo's property, or just the front portion.

Mr. DiRienzo clarified he owns three tax lots along the Mistletoe Rd. frontage and including the frontage of his property in the Croman District would split the zoning for the middle lot which houses the existing office building and mini-storage complex. He added the two lots on either side would become office employment and he already has prospective tenants for both of these lots which are currently zoned M-1. Mr. DiRienzo also clarified his concerns with the blind corner and stated the proposed angle of the road could create an unsafe transportation issue.

Commissioner Marsh noted Mr. DiRienzo's suggestion to have the feasibility of the plan looked at and asked if there is any reason why local professionals cannot take what was presented tonight and provide staff with some analysis. She noted tonight's hearing is just one step in the process and stated there is still time for the professionals in the field to submit their input.

Marilyn Briggs/590 Glenview Drive/Stated six years ago the Planning Commission voted to keep the Croman property as light industrial and voiced her disapproval of the proposed plan. Ms. Briggs stated the plan takes away from infill and there are office spaces downtown that could be utilized instead of constructing new office buildings on the Croman site. She voiced her concerns with the firm Crandall Arambula and felt they were not open to public input, and asked that the Commission deny this proposal.

John Weber/295 Mistletoe Road/Voiced his concern with a proposed bike path and stated it would be located directly behind his house. He stated there are a lot of homeless people in this area and would prefer to not have them wandering behind his house.

Commissioner Marsh noted the written testimony that was handed out at the beginning of the meeting and read the letters aloud. Letters were received from **Mark Knox, Stark & Hammond P.C., Knecht Family Trust, Historic Commission Staff Liaison Derek Seversen, and Transportation Commission Chair Colin Swales.**

Commissioner Marsh closed the Public Hearing at 8:35 p.m.

Commissioner Marsh noted the public record will remain open and at this point deliberations will be deferred to their February 9, 2010 meeting.

Advice from Legal Counsel and Staff

City Attorney Richard Appicello recommended the Commission not begin their deliberations since the record is not closed. He added the Commission is allowed to identify issues for staff.

Commissioner Dawkins shared his concerns with the plan. He stated they are being asked to up-zone a piece of property and does not believe a new start up company is going to be able to pay for all the required infrastructure and stringent site review standards.

Staff commented briefly on the proposed lot sizes and stated the intent was to give businesses room to grow. Ms. Harris provided examples of existing companies in the area and stated Blackstone Audio is on a one-acre sized lot, and Modern Fan is just under 2-acres.

Commissioner Dotterrer acknowledged the concerns expressed during the public forum and questioned if the plan places too high of a standard. He commented on the LEED standards and asked if this would make the Croman plan economically unviable. Staff clarified the LEED standards only come into effect if an applicant wants a height bonus; however there are other sustainable standards that are required.

Commissioner Mindlin shared her concerns with minimum building size and the costs involved with developing a phased concept for start-up businesses. She noted the public concerns raised about parking and asked if they have created a "catch

22". She also asked if it is possible to obtain more input from local professionals as suggested during the public forum. Mr. Molnar clarified if they would like to pursue this they could recommend that the City Council work with a group of local professionals and stated it would be most helpful if the Commission could identify specific aspects they would like evaluated. Commissioner Morris commented that implications are site specific and will depend on the individual lots. He stated he would be surprised if they could get the type of general comments they desire since there are site specific concerns. Commissioner Dotterrer questioned if it would be possible to get some type of read-out on whether this plan precludes development. City Attorney Richard Appicello noted the public hearing has been closed, however the record remains open and the Commission could ask staff to prepare something that helps them make a judgment about the feasibility of the regulations.

Commissioner Marsh requested staff come back with evidence as to the feasibility of actually developing under the proposed plan. Commissioner Rinaldi suggested staff instead address the specific concerns raised this evening by Mr. DiRienzo and in the letter from Mr. Knox (what would this plan do to their development plans?) Mr. Molnar stated that focusing on Mr. DiRienzo and Mr. Knox's property may be the best approach. He stated in order to bring in a team to evaluate the standards the Commission would need to identify specific objectives.

Commissioner Marsh clarified it is the Commission's choice as to whether they want to recommend Mr. DiRienzo and Mr. Knox's property be included in the Croman district boundary. Commissioner Dotterrer asked if staff could elaborate on the rational for including this property and what the impact would be for not including it.

Commissioner Mindlin noted that the central boulevard would pass through someone's property and asked how this would be accomplished. Mr. Molnar clarified at this point the roads are not being designed and it is not uncommon for master plans to identify general areas of connections. Commissioner Marsh noted the staff report indicates the final design of the central boulevard could fall under Phase 2 and be further evaluated at that time.

Mr. Molnar clarified the City's land inventory and use needs are identified in the Economic Opportunities Analysis and this information has been provided to the Commission. Ms. Harris added a land inventory of where less restricted manufacturing uses could go has also previously been provided. Commissioner Marsh requested staff email their previous presentation that contains this information to the group. Commissioner Miller stated she is also interested in vacant E-1 property that is currently available.

Commissioner Mindlin voiced her concern with the land at the southern end of the Croman site (Village Farm). Staff clarified this area was included in the district boundary in the previous version of the plan that was presented to the Council and the Planning Commission at the beginning of last year. Mr. Molnar questioned why they would want to exclude this area and stated it is within the City's urban growth boundary, is adjacent to the site and is owned by the same owner as the rest of the property. He added the plan recommends to not annex this property, but it is included in the plan area. He noted if the Commission wants to see this area remain as a certain use, they could recommend to the Council that this land be put in a different zoning designation.

Commissioner Marsh provided clarification on the concept of minority reports. She stated her hope is that one cohesive minority report be issued to the Council along with their formal recommendation. She added members of the commission who want to do a minority report should get together and do this. Mr. Appicello clarified the Commission will have to make a motion for the minority view to be forwarded to the Council, and that motion must pass.

Staff clarified if a property owner has already received planning approval for a project, then their plans are still valid until the approval period expires.

Commissioner Rinaldi suggested that changes to the proposed accessways should be allowed under the minor approval process.

Commissioner Dotterrer/Morris m/s to continue the public hearing to the February 9, 2010 Planning Commission Meeting. DISCUSSION: Marsh clarified the record is still open and asked individuals to submit their written testimony by February 2nd so that it can be included in their meeting packet. **Voice Vote: all AYES. Motion passed 8-0.**

NEW BUSINESS

A. Selection of 2010 Hearings Board Members.

A sign-up sheet was passed around the table. Commissioners Morris, Blake and Dotterer will serve on the Hearings Board January through April; Commissioners Miller, Rinaldi and Dawkins will serve May through August; and Commissioners Marsh and Mindlin will serve along with the newly appointed member September through December.

ADJOURNMENT

Meeting adjourned at 9:35 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
January 26, 2010

CALL TO ORDER

Chair Pam Marsh called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Larry Blake
Michael Dawkins
Pam Marsh
Debbie Miller
Melanie Mindlin
Mike Morris

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Amy Gunter, Assistant Planner
Richard Appicello, City Attorney
April Lucas, Administrative Assistant

Absent Members:

Dave Dotterrer
John Rinaldi, Jr.

Council Liaison:

Eric Navickas, absent

ANNOUNCEMENTS

Commissioner Marsh announced the vacancy on the Planning Commission and encouraged interested citizens to submit applications to the Mayor's office.

Community Development Director Bill Molnar noted a review of the City's 2007 Economic Opportunities Analysis has been completed and the report is now available on the City's website. Commissioner Marsh requested this report be distributed to the Planning Commission at their next meeting. She also noted Commissioner Rinaldi is a member of the Economic Development Technical Advisory Committee and he will be providing an update at a future meeting.

PUBLIC FORUM

No one came forward to speak.

TYPE III PUBLIC HEARINGS

A. PLANNING ACTION: #2009-01610 (Part 1)

APPLICANT: City of Ashland

DESCRIPTION: Public Hearing regarding amendments to the Ashland Land Use Ordinance (ALUO) chapters 18.108.070 and 18.112 concerning timetable tolling.

Senior Planner Brandon Goldman stated the Planning Commission previously reviewed this, however the following revisions have been made to the ordinance that is before them: 1) the appeal tolling period will be equal to the exact number of days the project is under appeal (not to exceed 24 months), 2) to obtain a tolling period extension an application must be filed, and 3) there are three conditions that must be met in order to receive the extension. Mr. Goldman elaborated on the three conditions and stated an extension can only be granted if the Staff Advisor determines that the following conditions are met: 1) a one time extension no longer than 18 months is allowed, 2) the Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completing the development within the original time limitation, and 3) Land Use Ordinance requirements applicable to the development have not changed since the original approval; however an extension may be granted if the requirements have changed and the applicant agrees to comply with any such changes. Mr. Goldman clarified applications that would need substantial changes to bring them into compliance with current code requirements would not be eligible for an extension. He also clarified the extension application will be deemed complete (pending application review) at the time it is submitted.

B. PLANNING ACTION: #2009-01610 (Part 2)

APPLICANT: City of Ashland

DESCRIPTION: Public Hearing regarding amendments to the Ashland Land Use Ordinance (ALUO) chapters 18.108.070 and 18.112 concerning timetable extensions.

Senior Planner Brandon Goldman explained the two proposed ordinances address the same sections of the Ashland Land Use Ordinance, however the recession extension is an extension that applies to planning applications approved during a specific timeframe. He stated the most recent revisions to the ordinance language include: 1) the recession extension period is for a maximum of 18-months, 2) an application shall be filed for the extension, and 3) the same three conditions (listed above) as the tolling extension apply. Mr. Goldman clarified in order to be eligible for the recession extension, the planning application approval has to be currently valid.

Mr. Goldman stated the Commission has two options in terms of which applications will be eligible. Option 1 allows all current planning applications approved up to the effective date of the ordinance to be eligible, while Option 2 allows current applications approved prior to July 1, 2009 to be eligible.

Mark Knox/485 W Nevada/Stated under typical economic times, the proposed emergency extension ordinance would not be necessary; however these are not ordinary times. Mr. Knox voiced his support for the proposed ordinance and stated the vast majority of applicants that would be impacted by this are average citizens, not developers. He commented on the local land use process and stated not only do applicants have to deal with various City departments, the Planning Commission, and neighbors; they also have to contend with banks and private consultants. Mr. Knox asked the commissioners to put themselves into an applicant's shoes and stated what is going on is very much out of the control of the applicants and stated recommending approval of the ordinance is fair.

Commissioner Marsh noted the article that was passed out at the beginning of the meeting from Colin Swales titled "Myriad ideas to fill void of empty lots." She also read aloud the written testimony submitted by **Mark DiRienzo** and **Philip Lang**. Marsh stated all three documents will be added to the record and forwarded to the Council.

Commissioners Morris/Miller m/s to recommend the City Council approve the timetable tolling ordinance. Voice Vote: all AYES. Motion passed 6-0.

In regards to the extension ordinance, Commissioner Marsh re-stated their two options. Commissioner Miller asked how soon an applicant might know whether or not they are going to receive funding. Mr. Goldman noted the upfront costs that are required and stated most applicants would want some assurance that funding is available, however they don't really need to be approved for funding until they are ready to break ground. Mr. Molnar agreed and stated most applicants would want a commitment from a bank during the initial design states, but it varies.

Mr. Goldman commented briefly on the two options and stated under Option 1, 41 applications would be eligible; and under Option 2, 35 are eligible. Commissioner Marsh voiced her support for the ordinance with Option 1. Commissioner Morris agreed and stated the financing rules have changed and many applicants did not know this going in.

Commissioners Morris/Blake m/s to recommend the City Council approve the timetable extension ordinance with Option 1. DISCUSSION: Mr. Molnar clarified this is currently scheduled for a Council Hearing on February 16, 2010 and if approved the ordinance will likely have an effective date in April. Commissioner Dawkins stated he would have felt better about the ordinance if it had addressed extensions as a whole. He stated everyone knew that a bubble was being created and does not support making another rule because people invested and it didn't turn out well. Commissioner Miller voiced her hesitancy with the ordinance and stated she would be more supportive of Option 2. Commissioner Marsh acknowledged the suggestion to look at extensions in general, but stated granting this extension is the least they can do. **Roll Call Vote: Commissioners Morris, Mindlin, Marsh and Blake, YES. Commissioners Miller and Dawkins, NO. Motion passed 4-2.**

UPDATE

A. FEMA Flood Insurance Rate Map Modernization.

Assistant Planner Amy Gunter and Senior Planner Brandon Goldman provided a presentation on the FEMA Flood Insurance Rate Map modernization. Ms. Gunter listed the six FEMA recognized flood plains in the City (Ashland Creek, Bear Creek,

Kitchen Creek, Neil Creek, Clay Creek and Hamilton Creek) and stated this flood map modernization project has been going on for many years at the federal level and reexamines the flood zones to develop detailed digital flood hazard maps. Ms. Gunter stated FEMA recently released revised preliminary digital flood insurance rate maps (DFIRMs) for the City of Ashland and these preliminary maps reflect current flood risks in areas of recent growth. She noted the existing maps are 27 years old and are no longer accurate, and the new maps will provide property owners with up to date, reliable and internet accessible information about their flood risks.

Ms. Gunter explained the City of Ashland is a participant in the National Flood Insurance Program and by being a participant citizens are able to purchase federal flood insurance which is mandatory if you live in a flood zone. In addition, the City participates in the community rating system which qualifies citizens to receive a 15% discount on the standard insurance rates. Ms. Gunter stated the most challenging part of this process is that it is out of the City's hands, and if Ashland does not adopt the revised maps within the established timeline, it will cause a suspension of insurance for the entire community and Ashland citizens will lose their discount.

Mr. Goldman stated the modernized maps include some areas that were not previously included in the 100-year flood plain and explained how this may impact property owners in terms of the City's land use code and building code. Staff clarified all property owners that will be impacted by the new maps will be informed and invited to participate in the public hearing process. The timeline for this process was briefly outlined and it was noted the final maps will be available later this spring and the Planning Commission and City Council will hold public hearings in June and July.

UNFINISHED BUSINESS

Mr. Molnar explained the Commission's 4-2 vote on the timetable extension ordinance is not valid because of a provision that states a majority of the members on the commission (5) need to agree in order to issue a recommendation to the Council. He stated this provision is in the process of being removed and is not included in the updated Boards and Commission ordinance currently before the Council. Mr. Molnar explained the Commission has two options: 1) to reconsider their vote and see if there are five members that are willing to agree, or 2) bring this issue back in March when the recommendation provision is no longer relevant.

Commissioners Blake/Mindlin m/s to reconsider the vote. Voice Vote: all AYES. Motion passed 6-0.

Commissioners Mindlin/Blake m/s to recommend the City Council approve the timetable extension ordinance without specifying which option is best. DISCUSSION: Dawkins indicated he is not willing to change his vote. Miller indicated she would switch her vote, but urged applicants to think before they act and felt this ordinance was abetting people to not be very responsible. **Roll Call Vote: Commissioners Blake, Marsh, Miller, Mindlin and Morris, YES. Commissioner Dawkins, NO. Motion passed 5-1.**

ADJOURNMENT

Meeting adjourned at 8:05 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*



For packet material relating to the previous approval and subsequent LUBA appeal, see:

<http://www.ashland.or.us/GrandviewAppeal>

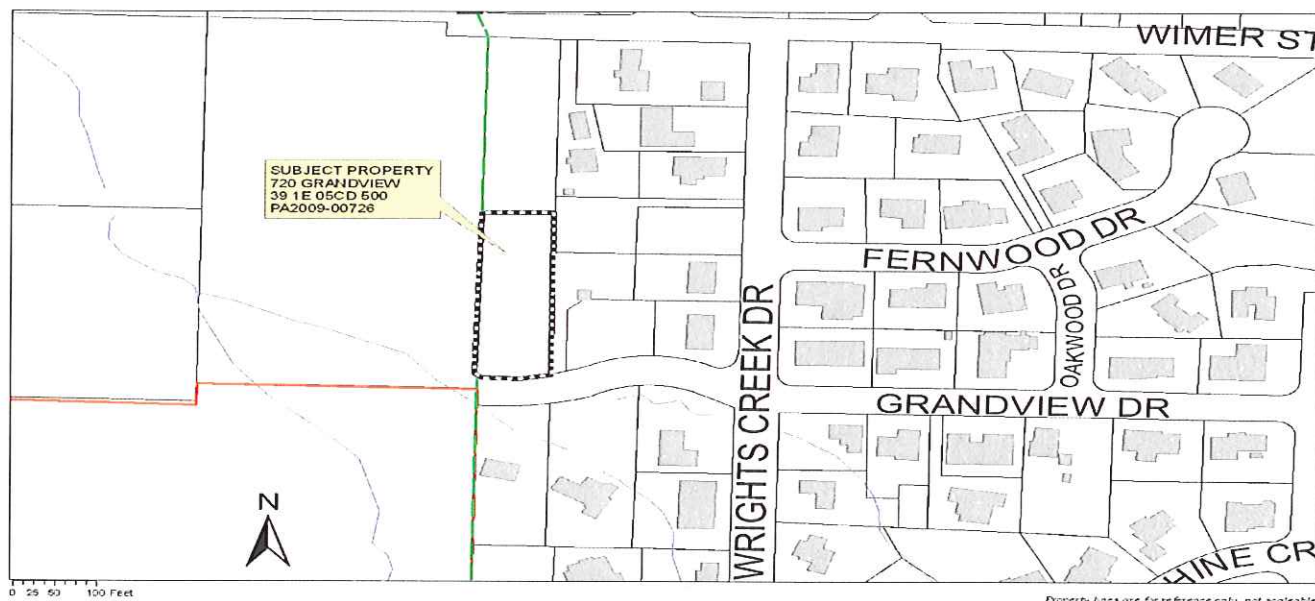


PLANNING ACTION: 2009-00726
SUBJECT PROPERTIES: 720 Grandview Drive
APPLICANT: McDonald, Lynn & Bill

DESCRIPTION: Appeal by Bonnie Brodersen of the Staff Advisor's decision to approve a request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval already in place in order to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10;
ASSESSOR'S MAP #: 39 1E 05 CD; **TAX LOT:** 500

ASHLAND PLANNING COMMISSION MEETING: *February 9, 2010 at 7:00 PM, Ashland Civic Center*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.62.040.I Criteria for Approval

A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

(ORD 2808, 1997; ORD 2834, 1998; ORD 2951, 2008)

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

(ORD 2951, 2008; ORD 2883, 2002)

ASHLAND PLANNING DIVISION
STAFF REPORT
February 9, 2010

PLANNING ACTION: PA-2009-00726

APPLICANT: Lynn and Bill McDonald

LOCATION: 720 Grandview Drive

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

APPLICATION DEEMED COMPLETE: September 23, 2009

120*-DAY TIME LIMIT: March 22, 2010 (* - with a 60-day extension from applicants)

ORDINANCE REFERENCE:	18.20	R-1 Single Family Residential District
	18.61	Tree Preservation and Protection
	18.62	Physical & Environmental Constraints
	18.72.030.B	Site Design Review, Exemptions
	18.108.020.A.9	Ministerial Actions, Extension of Time
	18.108.022	Ministerial Action Time Limits
	18.112.030	Revocation – permit expiration

REQUEST: A request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval already in place in order to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

I. Relevant Facts

A. Background - History of Application

Planning Action #2008-01250, an 18-month extension of Planning Action #2006-01784 was approved ministerially in August of 2008 as allowed in AMC 18.112.030, to extend the original approval until February 7, 2010.

Planning Action #2006-01784, a Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive was approved by the City Council in August of 2007. The approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement and widening of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the

installation of a private storm drain and the extension of utilities to serve a new single-family residence. This application had initially been approved by the Planning Commission in March of 2007, and that approval was appealed to the City Council by neighbor Bonnie Brodersen. In August of 2007, the Council upheld the Planning Commission's approval of the project and Brodersen subsequently appealed the Council decision to the Oregon Land Use Board of Appeals (LUBA). Brodersen made eight assignments of error in her brief to LUBA. Of those eight assignments of error only four of them challenged the City's findings that the applicant complied with the Physical & Environmental Constraints Review Permit criteria. LUBA agreed with the City that there was substantial evidence to support the City's interpretation on each one of those assignments of error, and the City's approval of the project was affirmed by LUBA. *(In addition to those arguments, Brodersen had included four additional assignments of error that did not involve the criteria for a Physical & Environmental Constraints Review Permit. LUBA found that the argument that Chapter 18.62 was in violation of state land use Goal 5 was a collateral attack and that argument was therefore barred. LUBA then stated it did not have to decide the three remaining errors because those arguments were not specific to a Physical & Environmental Constraints Review Permit.)*

The applicants initially applied for and received a building permit (BD-2004-00284) to construct a single family residence in 2004. Neighbor Bonnie Brodersen appealed the issuance of the building permit to the Oregon Land Use Board of Appeals (LUBA) alleging that certain land use approvals were required. The applicants chose a "voluntary remand" of the permit decision and the City agreed to address Brodersen's assignments of error. At this level, because of the voluntary remand, the appeal was not reviewed by LUBA and no errors were adjudicated or determined by LUBA. Because the original decision was not a land use decision but rather a building permit, the applicants were required to submit a land use application for the proposed development and to address the alleged assignments of error.

B. Detailed Description of the Site and Proposal

Site Description

The subject property is a vacant, approximately 0.54-acre rectangular lot located on the north side of Grandview Drive. This portion of Grandview Drive is the western terminus of the city street, and is located west of the intersection with Wrights Creek Drive. Grandview Drive in this vicinity is a gravel road.

The subject property contains slopes of approximately a 14-percent grade sloping downhill in an easterly and northeasterly direction. The application survey identifies three trees on the site including a cluster of plum trees and two poplar trees that are eight- and ten-inches in diameter-at-breast-height (d.b.h.). The two poplars are identified as being dead. The remainder of the site is covered primarily in native grasses. One of the forks of Wrights Creek, a Riparian Preservation Creek, runs to the south of the subject property. The creek is culverted to the south of Grandview Drive and daylights at the edge of the Grandview Drive right-of-way near the southwestern corner of the parcel. The top of the creek bank, and the associated protection zone extending 20-feet beyond the top of bank, are partially located in the southwest corner of the parcel and is identified on the Topographic Survey included in the application.

The subject parcel as well as the surrounding properties to the east, north and south are located in the R-1-10 Single-Family Residential zoning district. The Ashland city limits are located on the western border of the property. As a result, the properties to the west of the parcel are under the jurisdiction of Jackson County. There are several parcels to the north and to the east of the subject property that are also vacant.

A segment of the Wrights Creek drainage runs generally parallel to and south of Wrights Creek Drive in this vicinity, and is culverted at driveway crossings for properties on the south side of the road. The creek turns north and is culverted under Wrights Creek Drive, daylighting approximately 22 feet southwest of the subject property's southwestern-most corner.

An existing driveway currently provides access to the subject parcel as well as the parcel to the west at 507 Grandview Drive. This shared driveway splits off from Grandview Drive within the right-of-way approximately 40 feet east of the subject property, and Grandview Drive continues to the southwest. The driveway splits again shortly after entering the subject property, with one driveway going to the north onto the subject property, and the other driveway continuing west to serve the residence located at 507 Grandview Drive. The driveway is surfaced in gravel and varies from nine to 15 feet in width. The property located at 507 Grandview Drive contains an existing single-family residence and is located outside of the Ashland city limits. The portion of the driveway serving 507 Grandview Drive is located within a 20-foot wide access easement that traverses the southern portion of the subject parcel.

This shared driveway also crosses the corner of the vacant property to the east of the subject property (39 1E 05 CD Tax Lot #411). The previous owner of Tax Lot #411 had authorized the applicants to proceed with their original application in anticipation of granting an access easement. However subsequent to the approval of Planning Action #2006-01784, Tax Lot #411 was sold and the new owner (the appellant) has been unwilling to allow the applicants an access easement over the corner of this lot. The modifications making up the current application are proposed by the applicants as a response to the loss of this access, which requires that the proposed driveway be extended further into the right-of-way and consequently further towards Wrights Creek in order to provide access from the street right-of-way to the subject property.

Amendment/Modification of Physical & Environmental Constraints Review Permit Proposal

It is important to first clarify that the scope of review for the Physical Constraints Review Permit, both in the original application and the proposed modification here, is limited to the development of the portion of the driveway and utility trenches located within the floodplain. The single-family home and most of the driveway are not located in the Wrights Creek Floodplain, and as a result are not subject to the Physical Constraints Review Permit. The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires only a building permit, and does not require a land use action in and of itself.

Planning Action #2006-01784, the previously approved Physical and Environmental Constraints Review Permit, allowed for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, the re-grading of the transition of the driveway to Grandview Drive, the installation of a private storm drain, and the extension of utilities to serve a new single-family residence. The applicants are now proposing to modify this approval in order to accommodate changes in vehicular access, as the neighboring property to the east was sold subsequent to the previous approval and the new owner (the appellant here) has been unwilling to provide the access easement over the corner of the parcel which is necessary to access the subject property in a manner consistent with the existing approval.

In response to this change in vehicular access, the proposed modification places the access drive in closer proximity to the creek by approximately 13 feet in order to avoid the corner of the neighbor's property while providing the necessary driveway width and clearance. Previously approved improvements would have resulted in approximately 324 square feet of disturbance within the riparian zone, and avoided disturbance between the top of bank and the centerline of the creek. With the current proposal, the disturbed area has been increased to 743 square feet, and 275 square feet of this disturbance is below the identified top of bank.

Tree Removal Proposal

The application includes a request to remove two poplars (*populus nigra*) identified as Tree #4 and Tree #5 on the tree inventory provided. These trees are located on the southern portion of the subject property, roughly near the centerline of the lot. Both trees are located more than twenty feet from the top of the creek bank identified in the application in an area with a slope of less than 25 percent according to city geographic information system (GIS) data, and as such their removal is not subject to review under the Physical & Environmental Constraints Ordinance.

Tree #4 is described as being nine-inches in diameter-at-breast-height (d.b.h.) and is identified as dead; Tree #5 is described as being six-inches d.b.h. and is also identified as being dead. Tree removal on vacant, residentially-zoned property is subject to permitting only for the removal of significant trees (i.e. those having a trunk 18 caliper inches or larger in diameter at breast height) as noted in AMC 18.61.042.D.1.c. In addition, the removal of dead trees is specifically exempted from regulation in AMC 18.61.035.G.

Given the trees' locations, their sizes and the fact that they are dead, staff determined in the initial administrative approval that no tree removal permit were required for the applicants to remove these two poplars.

Site Review Proposal

The application submittal includes a request for Site Review approval as the question of whether Site Review approval was required for the proposed home was raised during an appeal of the original application. On appeal, the Site Review requirement was ultimately rejected by the City Council, and that rejection upheld by the Land Use Board of Appeals. Ordinance modifications made subsequent to the original approval also specifically address this issue in AMC 18.72.030 in listing exemptions:

B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.

- 1. Detached single family dwellings and associated accessory structures and uses.*

The proposal is not subject to requirements for Site Review approval.

II. Project Impact

The Land Use Ordinance provides for amendments or modifications to the conditions of approval of previously approved 'Type I' planning actions as a miscellaneous action subject to 'Type I' review (i.e. administrative approval) under AMC 18.108.040.A.2.a. The application was initially approved administratively on November 6, 2009, with the decision specifically addressing the elements of the proposal which were subject to modification and the whole record of the previously approved action being modified adopted by reference. Neighbor Bonnie Brodersen subsequently appealed the approval on November 20, 2009. The applicants requested that the hearing of the appeal be delayed as their attorney was unavailable at the next regularly scheduled Planning Commission meeting on December 8, 2009, and with this request, the applicants granted a 60-day extension to the 120-day time limit.

Physical & Environmental Constraints Review Permit

As noted above, the scope of review for the Physical Constraints Review Permit, both in the original application and the proposed modification here, is limited to the development of the portion of the driveway and utility trenches located within the Wrights Creek floodplain. The single-family home and most of the driveway are not located in the floodplain and are not subject to the Physical Constraints Review Permit review. The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires a building permit, and does not require a land use action in and of itself.

Planning Action #2006-01784, the previously approved Physical and Environmental Constraints Review Permit, allowed for development in the Wrights Creek floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, the re-grading of the transition of the driveway to Grandview Drive, the installation of a private storm drain, and the extension of utilities to serve a new single-family residence. The applicants are now proposing to modify the approval to accommodate changes in vehicular access, as the neighboring property to the east was sold subsequent to the previous approval and the new owner (the appellant) has been unwilling to provide the access easement over the corner of the parcel which is necessary to access the subject property in a manner consistent with the existing approval.

The proposed modification places the access drive in closer proximity to the creek by approximately 13 feet in order to avoid the corner of the neighbor's property while providing the necessary driveway width. The previously approved improvements would have resulted in approximately 324 square feet of disturbance within the riparian zone, and avoided disturbance between the top of bank and the centerline of the creek. With the current

proposal, the disturbed area has been increased to 743 square feet, and 275 square feet of this disturbance is below the identified top of bank.

The submittals note that all imported material to be used for driveway construction is to be placed at the original ground elevation, so that there is no additional fill which would impede floodwaters. A Grading Plan prepared by Thornton Engineering, Inc. has been provided by the applicants to demonstrate how the grading necessary to accommodate the proposed driveway is to be accomplished, to specifically delineate the disturbed area within the Riparian Preservations Lands and to illustrate the relationship of the disturbance to the creek, top of bank, and to existing improvements already in place.

The applicants have proposed to utilize permeable asphalt for the driveway surface to control drainage and filter possible pollutants through the driveway's sand and gravel base, and they have also proposed to plant riparian-appropriate ground cover and shrubs in the area to curb erosion and assist in screening the creek. In addition, the applicants propose to utilize a combination of silt fencing, hay bales, "V" ditches and underground drainage pipes to convey drainage. Drainage and Erosion Control Plans prepared by the project civil engineers, Thornton Engineering, Inc. have been provided.

A Tree Protection Plan and arborist's reports have been provided to address protection of the trees to be retained on and adjacent to the site. These materials note that Tree #1, a 28-inch Ponderosa Pine within the Grandview Drive right-of-way and the Riparian Protection Zone, merits special attention given the proximity of the driveway access to the tree's trunk. The project arborist, Tom Myers of Upper Limb-It, notes that Grandview Drive and associated gravel driveways are already within the tree's protection zone. He indicates that the standard tree protection fencing around the protection zone will need to be adjusted to the edge of the existing road improvement rather than the typical installation which would fence to the full extent of the 28-foot radius of the tree protection zone. Myers also indicates that an arborist will need to be on-site when paving begins to ensure that all necessary precautions are taken to protect the tree. Myers recommends that paving of the driveway be done with minimal grading to minimize root damage, noting that it would be preferable to raise the grade of the road surface within the tree's protection zone rather than cutting and filling to achieve the desired road surface. Myers also recommends that equipment be kept away from the trees trunk in order to avoid structural damage, and he indicates that if these precautions are taken the tree should survive the proposed construction without damaging its health. The application materials note that the engineered design proposed was developed based on these recommendations.

The Tree Commission reviewed arborist Myers' recommendations at their meeting of October 8, 2009. They were in general concurrence, emphasizing that a permeable material should be used within the tree protection zone and that the driveway be installed at surface grade within the tree protection zone. The Commission also recommended that the tree be pruned to 13-feet 6-inches above the finished driving surface prior to site work to provide adequate vehicular and fire apparatus clearance. In their discussion, Tree Commissioners noted that Ponderosa Pines are generally better able to handle construction and compaction when traffic is concentrated closer to the trunk where stabilizing roots are located, and that this could be preferable to having traffic and compaction concentrated more to the outer,

smaller feeder roots. The Tree Commission had additional recommendations with regard to the project's Tree Protection, specifically that tree protection fencing be provided along the west property line to protect trees on the property to the west, at 507 Grandview Drive, from impacts relating to driveway construction and that tree preservation and protection measures listed in the arborist's recommendations be followed during driveway construction adjacent to this property. A condition has been included below requiring that a revised Tree Protection and Preservation Plan be provided incorporating the recommendations of the Tree Commission.

The Development Standards for Riparian Preservation Lands require that trees over six inches be retained to the greatest extent feasible and limit fill to streets, access and utilities, noting that any crossings shall occur at right angles to the creek channel to the greatest extent possible. Fill is to be kept to a minimum and the general topography of the Riparian Preservation lands is to be retained. As proposed, the applicants have provided a plan for retaining and protecting Tree #1, the Ponderosa Pine located on the Riparian Preservation Lands affected here. The work proposed is limited to that necessary to provide access and utilities to a single family home on a single family residentially-zoned lot and is to be installed within existing Grandview Drive street right-of-way. While no new crossing of Wrights Creek is being proposed, the angle of the transition from the existing street to the new driveway improvements minimizes the disturbance within the Riparian Preservation Lands while responding to applicable driveway standards, avoiding the neighboring property to the east, and retaining and protecting the Ponderosa Pine. The application notes that imported fill materials for driveway construction are to be placed at the original ground elevation, generally retaining the existing topography to the extent possible and avoiding additional fill that would impede floodwaters. In considering these impacts, staff noted that the existing topography is located within existing street right-of-way and already accommodates established driveways in the immediate vicinity. The applicable Development Standards for Flood Plain Corridor Lands set limits for fill, but expressly allows outside fill material associated with public and private street and driveway construction as proposed herein provided that it is "kept to a minimum." In staff's view, the proposed installation of a driveway at the minimum allowed width from the only available adjacent right-of-way, installed to the original ground elevation so as not to impede flood waters and limited to permeable materials, can be found to be kept to a minimum.

The applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development. Specifically, the applicant has proposed grading, drainage and erosion control measures as well as the placement of improvements, use of permeable paving materials, minimization of fill and revegetation to minimize the impacts of the proposal. While these impacts have increased over the original approval, the applicants' response to changes in available vehicular access is the minimum necessary to provide vehicular access to the site from the only available adjacent right-of-way while avoiding impacts to the adjacent Tax Lot #411 or the large Ponderosa Pine, and appropriate mitigation measures have been proposed in detail in the application materials.

The section of Grandview Drive from the intersection with Wrights Creek Drive to the subject parcel is located within 20 feet from the top of bank of a fork of Wrights Creek, and

therefore is located in Floodplain Corridor Lands. Grandview Drive is a public street right-of-way and the section of Grandview Drive from the intersection with Wrights Creek Drive to the southeast corner of the subject parcel was dedicated as street right-of-way in 1971. The portion of the Grandview Drive right-of-way adjacent to the southern boundary of the subject parcel was dedicated as part of the land partition process that created the parcel in 1979. Chapter 18.62, Physical and Environmental Constraints including development standards for riparian corridor lands was adopted in 1986.

The floodplain was obviously altered at some time in the past in the construction of Grandview Drive and the adjacent driveways. The section of the driveway that serves the subject property is an existing driveway that is improved with a gravel surface. In review of the Land Partition file that created the subject parcel, Grandview Drive was in place and was required to be re-graded as a condition of the planning approval. This indicates that the gravel driving surface that constitutes Grandview Drive was in place at least as far back as 1979. The applicants cannot control the location of Grandview Drive, nor can they change the fact that it was platted adjacent to and in a riparian corridor. Furthermore, the applicants did not have any influence over the location of Grandview Drive. The previously established location of the street right-of-way dictates the location of the driveway access and utility connections to serve the subject parcel. Given the location of the Grandview Drive right-of-way, there are no alternative locations available for the driveway or private storm drain line located outside of the Wrights Creek floodplain.

An alternative access to the subject parcel is not available because the subject property is not adjacent to any other street right-of-ways, nor does it have any other available access easements. In staff's opinion, the impact to the Wrights Creek floodplain occurred prior to the current proposal when Grandview Drive and the existing shared driveway were located and constructed. Furthermore, regardless of the development of the subject parcel, the existing gravel driveway will continue to serve the existing home on the adjacent parcel to the west at 507 Grandview Drive.

In staff's view, the applicants have taken all reasonable steps to reduce adverse impacts on the environment. Their proposal preserves and protects the large Ponderosa Pine, and the improvements proposed are limited to those necessary to provide access and utilities to a single family home on a single family residentially-zoned lot from the only adjacent, existing street right-of-way available to provide utilities and vehicular access. The driveway is proposed at the minimum widths and clearances allowed by city standard, is to be installed in permeable materials, and grading and erosion control plans have been provided demonstrating the efforts to be made to minimize fill and control erosion.

Initial Concerns Raised by Bonnie Brodersen

During the initial comment period prior to administrative approval, neighbor Bonnie Brodersen met with staff on-site and submitted comments identifying ten issues of concern as detailed in her letter of October 8, 2009. These concerns were carefully considered in reviewing the proposed modifications. The concerns and staff responses thereto are briefly summarized below:

- 1) That there are not code provisions for amending a previously approved application, and the current application must be processed as a new action.

As noted in the narrative above, the Land Use Ordinance provides for amendments or modifications to the conditions of approval of previously approved Type I planning actions as a miscellaneous action subject to Type I review (i.e. administrative approval) under AMC 18.108.040.A.2.a.

2) That the applicants' proposed driveway will negatively effect entry onto the public street from TL #411 because the proposal places the driveway in part in the right-of-way.

Imported materials for driveway construction are to be placed at original ground elevation, as noted and illustrated on the grading plan provided. With these improvements installed at the original ground level, and within public right-of-way, it does not appear that physical access to the parcel would be negatively impacted. While the driveway improvements proposed are to be installed to provide access to the applicants' parcel, they are located within public street right-of-way and no easement would be required for the owners of tax lot #411 to cross them in gaining access to their property.

Landscape improvements within the right-of-way just south of the frontage of tax lot 411 outlined in the applicants landscape plan submittal could present a barrier to future vehicular access to that site, and as such, a condition of approval has been added to require that these plant materials be removed from a revised landscape plan to be provided before building permit approval.

3) That the applicants' proposal changes the topography and natural state of the Riparian Preservation area within the City-owned right-of-way.

The City-owned right-of-way predates current regulations and provides the only available access to the subject property. As indicated on the applicants' grading plan, the proposal generally maintains the existing grade and topography. As noted in the Council findings for the previous approval, absolute *in situ* preservation of Riparian Preservation Lands is not required the Code and alteration is permitted under many specific elements within the Development Standards for Flood Plain Corridor Lands and to require otherwise would render the standards themselves moot.

4) That the 28-inch Ponderosa Pine may not survive the proposed development in the riparian area; A Tree Protection Plan prepared by a local certified arborist has been provided. This plan includes specific recommendations intended to preserve and protect the Ponderosa Pine given the development proposed, and notes that the tree should survive the construction process without damage to its health. This plan was reviewed by the City's Tree Commission, and they made recommendations in support of the plan.

5) That the applicants' utility plan shows storm water being piped directly into Wrights Creek which flows into Bear Creek, protected as a water quality limited creek, and may be a violation of Ashland's DEQ-approved TMDL plan.

In the original application, the Planning Commission determined that direct discharge into Wrights Creek may not be appropriate given its Riparian Preservation designation. A condition (#5) was added to the original approval requiring pre-treatment measures; this

condition was reviewed and accepted as appropriate by the Council on appeal and was agreed to by the applicants. The condition remains in effect, and the applicants will need to address the requirements of the condition prior to permit issuance.

6) That there is no estimate of the amount of fill required or whether the project can be feasibly completed using only on-site fill.

The Development Standards for Flood Plain Corridor Lands expressly provide for the use of off-site fill within the limitations of AMC 18.62.070.A.3. Off-site fill in the form of aggregate base, paving materials, and fill associated with approved public and private street and driveway construction are expressly permitted. All fill proposed within the Riparian Preservation and Flood Plain Corridor Lands in the application is limited to these purposes.

7) That the AMC requires applications for all permits required of the development to be submitted simultaneously, and that the city should require findings that the applicant can meet all requirements of the zoning district and for issuance of an encroachment permit simultaneously.

The requirement that other applications be filed simultaneously and reviews conducted simultaneously within AMC 18.62.040.E and G refers to Site Review, Performance Standards Development, Conditional Use Permits, Subdivisions, Partitions, master site plans or other planning actions and does not apply to other permits such as encroachments which have other reviewing authorities and/or may require that land use approval be in place prior to review. In this instance, the applicants have submitted for the applicable planning action approvals, and a building permit application has also been made although the building permit review is on hold pending land use approval.

8) That there is no documentation in the Planning Department file that the MacDonald's property was legally created and is a legal lot of record.

This argument was considered and rejected by the Council during the last appeal of the original approval, and that rejection was upheld by the Land Use Board of Appeals. The lot status is not an applicable approval criterion; however in the Council findings for the original approval the City Council previously found that the lot was legally created pursuant to a 1981 partition plat, and that the plat was valid.

9) That the proposal places a driveway in the middle of a riparian area where Wrights Creek daylight within the city right-of-way, that the riparian area is elevated from approximately one to four feet, and that there is no information on how the topography of the riparian preservation area will be retained while placing a driveway through the daylighted area.

The applicants have provided a grading plan from a licensed professional engineering firm illustrating the proposed driveway installation. Plan details and notes illustrate installation of the driveway at original ground elevation and identify both the existing and proposed finish grades.

10) That there are no studies of how run-off from a driveway in excess of 250 feet, a required turnaround, and large home site will affect the floodplain corridor which flooded in 1997.

The scope of review for the Physical Constraints Review Permit, both in the original application and the modifications proposed here, is limited to only that portion of the

driveway and utility trenches located in the floodplain. The single-family home and most of the driveway are not located in the Wrights Creek Floodplain, and as a result are not subject to the Physical Constraints Review Permit. The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires only a building permit, and does not require a planning action in and of itself.

Appeal Issues Raised by Bonnie Brodersen

Following a November 6, 2009 administrative approval, neighbor Bonnie Brodersen appealed the application. The issues she raised and staff responses thereto are provided below:

1) The City states the application is a "modification of conditions of approval." This is not a modification but a new application which more than doubles the square footage of construction, places driveway in a new location, adds new proposals, e.g. drainage ditches et al, the changes proposed are the "meat" of the original application. This is an error because the applicable criteria or procedure in the Ashland Municipal Code §18.108.040A requires that this be reviewed as a new application.

As noted in the narrative above, the Land Use Ordinance explicitly provides for amendments or modifications to the conditions of approval of previously approved Type I planning actions as a miscellaneous action subject to Type I review (i.e. administrative approval) under AMC 18.108.040.A.2.a.

2) There can be no "modification" of a permit that is revoked. The City ignores the AMC which is clear on its face. This is an error because the applicable criteria or procedure in the Ashland Municipal Code §18.112.030 requires that the permit was revoked on 8/07/08.

The "error" referred to is in fact an attempt to appeal a previously approved ministerial action which extended the applicants' original land use approval, and which was not appealed - or what is often referred to as a "collateral attack." AMC 18.112.030 notes that planning actions are deemed revoked if not used within one year from the date of approval, unless another time period is specified in another section of the Land Use Ordinance. The previous land use approval was extended as a ministerial action as specified in another section of the ordinance, in AMC 18.108.020.A, which empowers the Staff Advisor to review and approve the extension of time limits of approved planning actions as provided in AMC 18.112.030. The applicants made application for an 18-month extension as Planning Action #2008-01250 on July 30, 2008 and paid the required fee for a ministerial action on August 6, 2008 - prior to the previous approval's expiration on August 7, 2008. This extension request was reviewed and approved by the Staff Advisor. On August 20, 2008 - within 21 days of the extension being requested, and thus within the timeframe allowed by ordinance - written notice of the extension's approval was provided to the applicants. As explained in AMC 18.108.070.A, ministerial actions are effective on the date of the decision of the Staff Advisor and are not subject to appeal. To challenge a ministerial action, the appellant would need to have raised the issue before the Land Use Board of Appeals or in Circuit Court within 21 days of becoming aware of what she believed to be an error. While this issue was raised by the appellant in her hearing request to the city in November, indicating that she was aware of it, no attempt has been made to address that error through proper legal channels.

within the time limits prescribed by law and as such the ministerial action's approval by the Staff Advisor may not be challenged through this hearing.

3) This application is for a severe constraints land and the city has failed to apply the review required for development on said land. This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.62.050 requires that the city apply provisions for severe constraints land.

Severe constraints lands are defined in AMC 18.62.050.D as "Lands with severe development characteristics which generally limit normal development. The following lands are classified as Severe Constraint Lands: 1) All areas which are within the floodway channels, as defined in Chapter 15.10; and 2) All lands with a slope greater than 35 percent."

While the Physical & Environmental Constraints Ordinance (AMC 18.62) classes all lands within 20 feet of any creek designated for Riparian Preservation as Flood Plain Corridor Lands, the floodway channel is much more narrowly defined to those lands defined as such under AMC 15.10.

AMC 15.10.050(I) defines the flood-way as, "... that channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot." 15.10.050(D) further defines a base floods as, "... the flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the '100-year flood'. Designation on flood maps always includes the letters A or V." Under the general provisions for that chapter, AMC §§ 15.10.060.A. further clarifies that "This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Ashland, Oregon." The basis for establishing the areas of special flood hazard is explained in AMC §15.10.060.B as "The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study: City of Ashland, Oregon, Jackson County", dated June 1, 1981, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study and accompanying maps (as updated) are on file at City Hall, Ashland, Oregon." No area of special flood hazard, floodplain, floodway or floodway channel was identified for Wrights Creek or its tributaries in this vicinity as part of the study cited (see Staff Exhibit S-1 taken from "Floodway Flood Boundary and Floodway Map for the City of Ashland, Oregon, Jackson County Community Panel 1 of 3 Community-Panel Number 410090 0001 Effective Date June 1, 1981" showing no areas of special flood hazard.)

In the absence of the requisite federal study, the applicants' engineer Mike Thornton of Thornton Engineering, Inc. has prepared a "Flood Analysis" and delineated the 100-year flood boundary, concluding that, "The improvements comply with both sections 15.10 (Flood Damage Prevention Regulations) and 18.62.070 (Development Standards for Flood Plain Corridor Lands). The proposed improvements are more than 20 feet beyond the flood plain boundary and are not located within a flood hazard area or within a floodway." (See July 20, 2009 letter from Thornton and applicants' supporting sheet C-3.) Based on both Chapter 15.10 and the flood analysis by Thornton Engineering, the area of disturbance is outside of the floodway channel.

Based on City of Ashland Geographic Information System (GIS) data (see Staff Exhibit S-2) and on-site observations by staff, there are no lands with slopes greater than 35 percent in the area proposed for disturbance, and as such the area in question is not classified as "Severe

Constraints Lands” and is not subject to the development standards associated with those lands.

4) Piping of stormwater directly into Wrights Creek, an historically fish-bearing creek, violates Ashland's Master Stormwater & Drainage Plan, the Bear Creek Watershed TMDL's (as applied to the City) & it's NPDES Phase 2 permit and the federal Clean Water Act. Dumping of large amounts of water at one time creates erosion of the creek bank at the point of entry. Best Management Practices and required state permits have not been addressed. Further, the City is approving the dumping of stormwater runoff from a City property into Wrights Creek where it is located outside of the city and in the county. The City has not addressed how county ordinances/approvals come into play.

In the original application, the Planning Commission determined that direct discharge into Wrights Creek may not be appropriate given its Riparian Preservation designation. A condition (#5) was added to the original approval requiring pre-treatment measures; this condition was reviewed and accepted as appropriate by the Council on appeal and was agreed to by the applicants. The condition remains in effect, and the applicants will need to address the requirements of the condition prior to permit issuance as well as obtaining any necessary permits or approvals from other jurisdictions which may have authority, such as Jackson County.

5) The City has failed to enforce Street Standards requirements: (See for example, AMC 18.88.050(B). With the proposed development, Grandview Drive will provide access to four or more homes. Four driveways within a few feet of each other will enter Grandview Drive. Implementation of mandatory Street Standards will fall within the riparian/floodplain corridors requiring a physical and environmental constraints review.

The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires only a building permit and is not subject to a land use action which would require street improvements to comply with Street Standards. The application involves the construction of a private driveway within the Grandview Drive right-of-way, and because of its length the driveway is subject to, and complies with, the width and paving standards for a flag drive found in AMC 18.76.060.B. Where serving two lots or being shared by adjacent properties, the flag drive must have a 20-foot width with a 15-foot paved driving surface. Where the drive serves only one lot it may be reduced to a 15-foot width with a 12-foot paved driving surface.

6) The City's findings are inadequate when the City states "imported fill materials for driveway construction are to be placed at the "original ground elevation" and Applicants Narrative provides no info on how a 20-foot wide paved driveway will be placed at the original ground elevation when Grandview Drive sits anywhere between 2-9 feet below the elevated riparian/wetland.

The applicants have provided a grading plan from a licensed professional engineering firm, Thornton Engineering, Inc., illustrating the proposed driveway installation. The grading plan details and notes illustrate installation of the driveway at the original ground elevation and identify both the existing grade and proposed finish grades. Based on this plan, the area of disturbance within Grandview Drive is at most one to four feet above the existing grade at the tree – not two to nine feet below it - and finished grade details and section drawings are

provided to demonstrate how the driveway installation is to be accomplished. (See applicants' Sheet C-1.)

7) City's Order violates the Tree Ordinance when Applicant's arborist recommends the "paving of the new road should be done with a minimum of grading in order to keep root damage to a minimum," yet there are no findings on how close to the surface the tree root system is, how the root system will be protected, how the driveway's sand and gravel base will affect the root system, how compaction from heavy construction equipment will affect the significant pine and oak trees and how a permanent paved driveway extending from the trunk of the pine and over its drip line will affect its long-term survival and the long-term survival of the riparian area.

A Tree Protection Plan and arborist's reports have been provided to address protection of the trees to be retained on and adjacent to the site. These materials note that Tree #1, a 28-inch Ponderosa Pine within the Grandview Drive right-of-way and the Riparian Protection Zone, merits special attention given the proximity of the driveway access to the tree's trunk. The project arborist, Tom Myers of Upper Limb-It, notes that Grandview Drive and associated gravel driveways are already in use within the tree's protection zone. He indicates that the standard tree protection fencing around the protection zone will need to be adjusted to the edge of the existing road improvement rather than the typical installation which would fence to the full extent of the 28-foot radius of the tree protection zone. Myers also indicates that an arborist will need to be on-site when paving begins to ensure that all necessary precautions are taken to protect the tree. Myers recommends that paving of the driveway be done with minimal grading to minimize root damage, noting that it would be preferable to raise the grade of the road surface within the tree's protection zone rather than cutting and filling to achieve the desired road surface. Myers also recommends that equipment be kept away from the trees trunk in order to avoid structural damage, and he indicates that if these precautions are taken the tree should survive the proposed construction without damaging its health. The application materials note that the engineered design proposed was developed based on these recommendations.

The Tree Commission reviewed arborist Myers' recommendations at their meeting of October 8, 2009. They were in general concurrence, emphasizing that a permeable material should be used within the tree protection zone and that the driveway be installed at surface grade within the tree protection zone. The Commission also recommended that the tree be pruned to 13-feet 6-inches above the finished driving surface prior to site work to provide adequate vehicular and fire apparatus clearance. In their discussion, Tree Commissioners noted that Ponderosa Pines are generally better able to handle construction and compaction when traffic is concentrated closer to the trunk where stabilizing roots are located, and that this could be preferable to having traffic and compaction concentrated more to the outer, smaller feeder roots. The Tree Commission had additional recommendations with regard to the project's Tree Protection, specifically that tree protection fencing be provided along the west property line to protect trees on the property to the west, at 507 Grandview Drive, from impacts relating to driveway construction and that tree preservation and protection measures listed in the arborist's recommendations be followed during driveway construction adjacent to this property. A condition has been included below requiring that a revised Tree Protection and Preservation Plan be provided incorporating the recommendations of the Tree Commission.

8) The City violates ALUO 18.62.075 requiring that "the general topography of riparian preservation lands shall be retained" because, among other things, the new proposals (placing 743 square feet of driveway in the protected riparian corridor and 275 square feet below the top of the bank of the creek) will decimate the topography of the riparian area which is in the city-owned right-of-way. It's incomprehensible that the City spends time/money/energy restoring the fish-habitat of lower Wrights Creek, while at the same time relinquishing the City-owned (right-of-way) Wrights Creek riparian corridor at Grandview Drive, to destructive private development, which development will cause irretrievable harm by reducing shade and wildlife habitat, increasing sediment flow into the Creek and increasing water temperature, among other things.

The City-owned right-of-way predates current regulations and provides the only available access to the subject property. As indicated on the applicants' grading plan, prepared by a licensed professional engineer, the proposal generally maintains the existing grade and topography. As noted in the Council findings for the previous approval, absolute *in situ* preservation of Riparian Preservation Lands is not required the Code and alteration is permitted under many specific elements within the Development Standards for Flood Plain Corridor Lands and to require otherwise would render the standards themselves moot.

9) The City fails to enforce ALUO 18.62.070 and violates the NDES Phase II permit when it fails to find that the toe of the fill will be kept at least 10 feet out of floodway channels and when it fails to determine how much fill is being used. Is a removal/fill permit required? There is no finding about how the development will affect flow of surface waters and bank erosion.

As noted above, no floodway channel is defined for this tributary of Wrights Creek as determined by the scientific and engineering studies conducted by FEMA and referenced as the basis for a floodway determination in AMC Chapter 15.10. An analysis by the applicants' engineer, Thornton Engineering, Inc. has determined that the area of disturbance is more than 20 feet beyond the flood plain boundary, which would also place it more than 20 feet from the floodway channel.

The Development Standards for Flood Plain Corridor Lands expressly provide for the use of off-site fill within the limitations of AMC 18.62.070 (A)(3). Off-site fill in the form of aggregate base, paving materials, and fill associated with approved public and private street and driveway construction are expressly permitted without a specific limitation on the amount of fill used for these purposes beyond that it be "kept to a minimum". In this instance, all fill proposed within the Riparian Preservation and Flood Plain Corridor Lands in the application is limited to these purposes and is being used to construct a paved driveway to minimum city standards within existing right-of-way which already accommodates a gravel driveway. This fill is to be installed to existing ground level except within the tree protection zone to accommodate the tree protection recommendations of the project arborist, which were supported by the Tree Commission in their review and which were a basis of the engineered plans. The engineered plans provided detail the proposed driveway installation and associated grading and erosion control, and in staff's view clearly demonstrate that the proposed fill in the Flood Plain Corridor has been kept to a minimum.

10) The City engages in an unconstitutional taking of property when it allows applicant's proposed driveway to be constructed over a public city-owned right-of-way, which right-of-way provides in part, unobstructed access to tax lot #411. Ingress and egress for tax lot #411 onto Grandview Drive was approved by

the City when tax lot #411 was created by partition years ago. Further, because Applicant's property is located to the west and sits significantly below tax lot #411, there is a blind area at the point where a vehicle from tax lot #411 will enter the public right-of-way. In other words, both driveways will meet at a "V". If the applicant's driveway is constructed as proposed this will create a dangerous intersection where a vehicle from applicant's property could collide with a vehicle entering from tax lot #411 because of vision clearance issues. Other issues the City hasn't addressed include: who will be liable in the event of an injury on that area of the driveway located in the public right-of-way which would have to be used for ingress and egress to both tax lot #411 and applicants' property. Who will be responsible for maintaining that area of the driveway? Note that the City found "problems with access to the lot," in 1982 in advising a minor land partition. The City is compounding the problem it was instrumental in causing by previous code-violating actions.

Imported materials for driveway construction are to be placed at original ground elevation, as noted and illustrated on the grading plan provided. With these improvements installed at the original ground level, and within public right-of-way, it does not appear that physical access to tax lot #411 would be obstructed beyond any already existing topographic obstruction. While the driveway improvements proposed are to be installed to provide access to the applicants' parcel, they are located within public street right-of-way and no easement would be required for the owners of tax lot #411 to cross them in gaining access to their property.

Landscape improvements within the right-of-way just south of the frontage of tax lot #411 outlined in the applicants landscape plan submittal could present a barrier to future vehicular access to that site, and as such, a condition of approval has been recommended to require that these plant materials be removed from a revised landscape plan to be provided before building permit approval.

The driveway installation would be subject to a demonstration of compliance with the vision clearance requirements of the ordinance at building permit. This would limit the height of obstructions within a ten foot triangle around the property corner, and it would be the applicants' responsibility to maintain the driveway as approved. In the event of an accident, the police and/or the court system would make an ultimate determination of liability following investigation of the specifics of the incident in light of applicable laws in place at the time.

11) All assignments of error appeal to LUBA which LUBA did not decide or which LUBA denied because said assignments of error were not ripe for decision or were considered dicta for appeal (Final Order for LUBA No. 2007-162) are hereby incorporated by reference and considered part of this appeal to the Planning Commission.

Neighbor Bonnie Brodersen, the appellant, made eight assignments of error in her brief to the Land Use Board of Appeals (LUBA). Of those eight assignments of error, only four challenged the City's findings that the applicant complied with the Physical & Environmental Constraints Review Permit criteria. LUBA agreed with the City that there was substantial evidence to support the City's interpretation on each one of those assignments of error.

Ms. Brodersen had challenged whether the plan submittal requirements detailed in AMC 18.62.040(H)(1)(m), (n) and (q) were met. Those provisions require:

- m. Accurate locations of all existing natural features including, but not limited to, all trees as required in 18.62.080.D.1, including those of a caliper equal to or greater than six inches d.b.h., native shrub masses with a diameter of ten feet or greater, natural drainage, swales, wetlands, ponds, springs, or creeks on the site, and outcroppings of rocks, boulders, etc. Natural features on adjacent properties potentially impacted by the proposed development shall also be included, such as trees with driplines extending across property lines. In forested areas, it is necessary to identify only those trees which will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature.*
- n. The proposed method of erosion control, water runoff control, and tree protection for the development as required by this chapter.*
- q. Location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas. Indicate total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill.*

LUBA denied this assignment of error, noting that the application was limited in scope and did not apply to the development of the entire subject property but rather only the limited portion within the riparian/floodplain area that was subject to the Physical & Environmental Constraints Review Permit. LUBA then concluded that the appellant had failed to explain why more information was needed to address specific approval criteria than was provided on the plans.

With the current modification proposal, the applicants have provided a site plan and supporting topographic surveys identifying trees and natural features on and adjacent to the site, and a tree protection plan and supplementary recommendations from the project arborist detailing measures necessary to provide tree protection, so the requirements of AMC 18.62.040(H)(1)(m) have been satisfied. To comply with 18.62.040(H)(1)(n), Erosion Control plans have also been provided from the project engineer specifying construction entrance preparations, inlet protection, sediment fencing placement, drainage ditches, and wattle/fiber roll installation necessary to address erosion and run-off. The Grading Plan meets the requirements of AMC 18.62.040(H)(1)(q) because it clearly specifies the area of disturbance as 743 square feet within the Riparian Protection Zone, although this is not specified as a percentage of the site area because the bulk of this disturbance is within the right-of-way rather than on the site. The plan notes further address 18.62.040(H)(1)(q) as well as the Development Standards for Flood Plain Corridor Lands in 18.62.070(A)(3) because they clearly indicate that all imported material is to be placed at the original ground elevation so that there will be no excess fill which would impede flood waters, and this is supported with the grading details and section drawings provided.

In addition to those arguments the appellant included four additional assignments of error that did not involve the criteria for a Physical & Environmental Constraints Review permit. LUBA found that appellant's argument that Chapter 18.62 of the Land Use Ordinance was in violation of the state's Goal 5 was a collateral attack and the argument was therefore barred. LUBA then stated that it did not have to decide the three remaining assignments of error because the arguments made were not specific to a Physical & Environmental Constraints Review permit. Because the current appeal request is again a challenge to a Physical & Environmental Constraints Review permit, these assignments of error are not related to the request being considered by the Commission, or the applicable approval criteria, and are not

further addressed here.

III. Procedural - Required Burden of Proof

The criteria for a Physical & Environmental Constraints Review Permit are described in AMC Chapter 18.62.040 as follows:

- I. *Criteria for approval. A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:*
 1. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
 2. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
 3. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*
(Ord 2834 S1, 1998)
(ORD 2951, amended, 07/01/2008; Ord. 2834, Amended, 11/03/1998, Section 18.62.040 J "deleted"; Ord 2808, Added, 12/02/1997)

The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080 as follows:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
 1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
 2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*
 1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor*

- may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
 3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

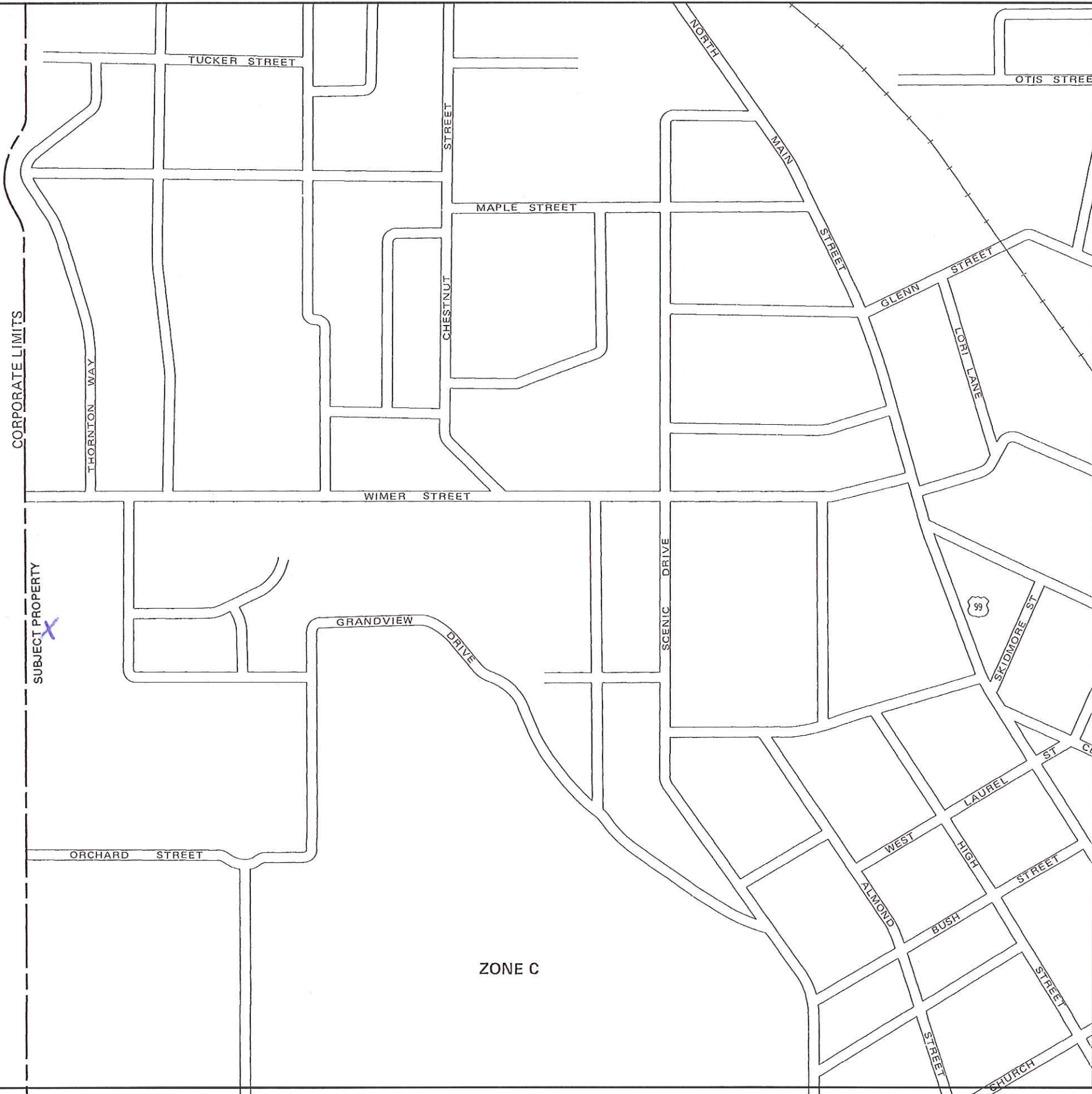
IV. Conclusions and Recommendations

As noted above, in staff's view the applicants have carefully considered the proposal in terms of the potential impacts to the property and nearby areas, and adverse impacts have been minimized. Potential hazards that the development may create have been identified and considered, and the plans submitted identify measures to mitigate any potential hazards that might otherwise be created. The applicants have taken all reasonable steps to reduce the adverse impacts of the proposal on the environment. The proposal preserves and protects the large Ponderosa Pine, and the improvements proposed are limited to those necessary to provide access and utilities to a single family home on a single family residentially-zoned lot from the only adjacent, existing street right-of-way available to provide utilities and vehicular access. The driveway is proposed at the minimum widths and clearances allowed under city standards, is to be installed in permeable materials, and grading and erosion control plans have been provided demonstrating the efforts to be made both to minimize fill and control erosion. In addition, the applicants have provided a flood analysis prepared by a licensed professional engineer to demonstrate that the area to be disturbed is more than 20-feet beyond the 100-year flood plain boundary, is not located within a flood hazard area or floodway, and has been designed not to impede floodwaters regardless of the frequency of the flood-event. Staff would accordingly recommend approval of the application with the following six conditions attached:

- 1) That all conditions of Planning Action #2006-01784 shall be conditions of approval unless otherwise modified herein.
- 2) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 3) That a revised landscape and irrigation plan shall be submitted with the building permit. Plant materials which would impede vehicular access to Tax Lot 411 shall be removed from this plan. The landscaping shall be installed and irrigated prior to issuance of the certificate of occupancy.
- 4) That the recommendations of the Tree Commission's October 8th, 2009 meeting shall be

incorporated in a revised Tree Protection Plan to be submitted for the review and approval of the Staff Advisor prior to issuance of a building permit. These recommendations are: 1) that the applicants install tree protection fencing along the west property line where proposed driveway is adjacent to the trees on the neighboring property directly west; 2) that the measures outlined in narrative of the Tree Protection and Preservation Plan shall be implemented during excavation and construction of the driveway near west property line at location of neighbor's shed to where driveway turns back east; 3) that the Ponderosa Pine tree within public right-of-way shall be pruned prior to sitework to provide adequate vehicular clearance (13-feet 6-inches above driving surface); 4) that a paver system, cold-mix asphalt/concrete mix, gravel or similar material shall be used under the dripline of the Ponderosa Pine where the driveway encroaches into the dripline area; and 5) that the driveway shall be installed at surface grade within the dripline of the Ponderosa Pine. In addition, unless the applicants can provide evidence of agreement from the neighbors to the north and east allowing the installation of the proposed tree protection fencing for Trees #7 and #8 on their respective properties, the Tree Protection Plan shall be modified to reflect placement of the fencing necessary to protect these two trees solely on the applicants' property.

- 5) That prior to the issuance of a Certificate of Occupancy, the requirements of the Fire Department shall be satisfactorily addressed including: approved addressing; fire apparatus access including angle of approach, shared access agreements, turn-around, and approval of any gates or fences; firefighter access pathway; fire flow; fire hydrant distance to structures; and fire department work area. Temporary addressing must be in place prior to any sitework, and an approved "fuel break" must be in place prior to bringing combustible materials onto the site.
- 6) That a Tree Verification inspection shall be applied for and approved by the Staff Advisor prior to site work, storage of materials or building permit issuance. This Verification Permit is to inspect the correct identification of the two dead poplar trees to be removed and the installation of tree protection fencing for the trees to remain on and adjacent to the site. The tree protection shall consist of chain link fencing six feet tall and installed in accordance with 18.61.200.B. Property lines shall be clearly identified within and adjacent to the tree protection zones at the time of inspection.



APPROXIMATE SCALE
400 0 400 FEET

NATIONAL FLOOD INSURANCE PROGRAM

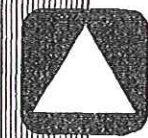
FIRM
FLOOD INSURANCE RATE MAP

CITY OF
ASHLAND, OREGON
JACKSON COUNTY

PANEL 1 OF 3
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
410090 0001 B

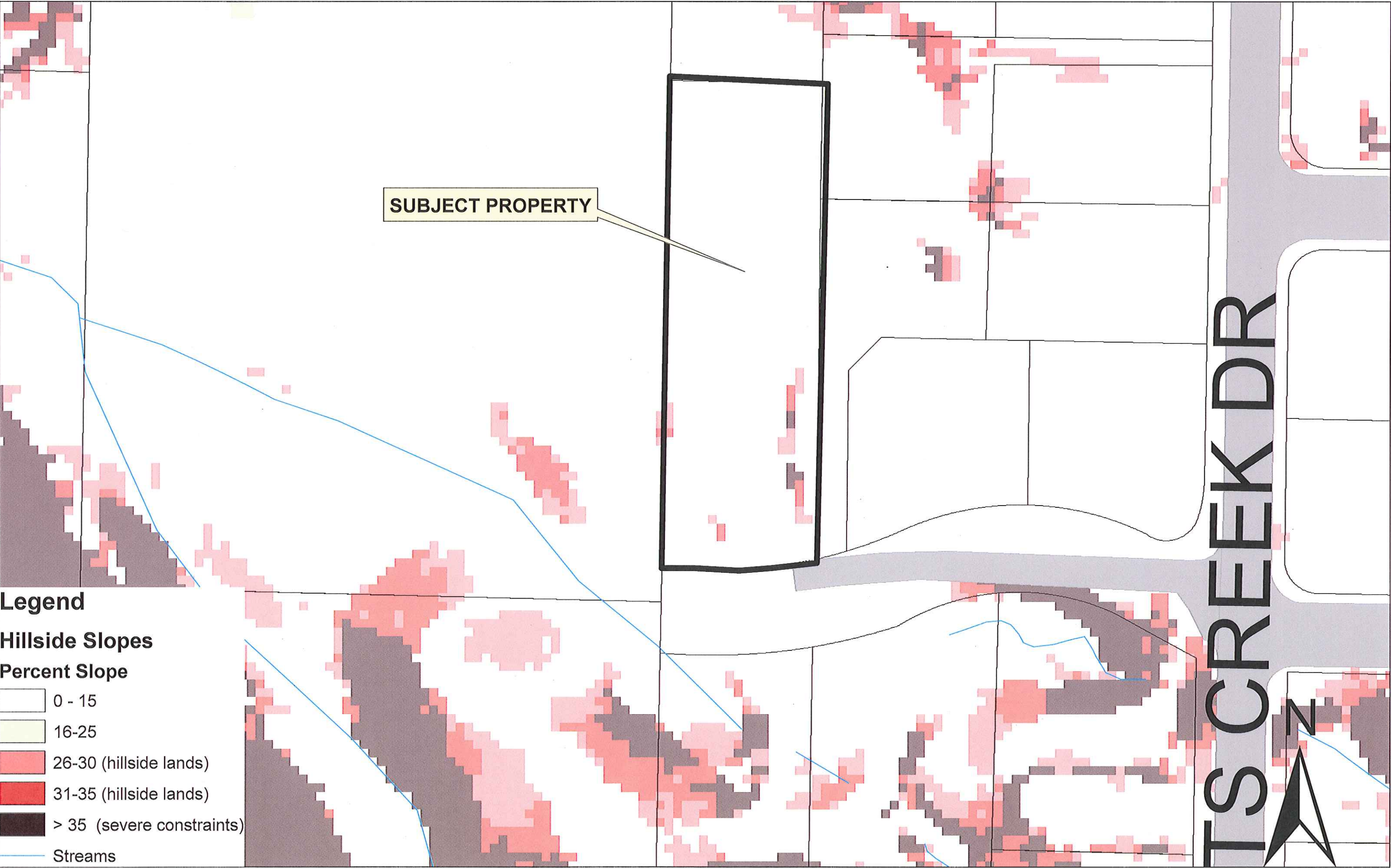
EFFECTIVE DATE:
JUNE 1, 1981



federal emergency management agency
federal insurance administration

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov


STAFF EXHIBIT S-2 720 GRANDVIEW DRIVE SLOPE MAP





IN THE MATTER OF PLANNING ACTION #2009-00726 , a request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval already in place in order to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.))))))))	REQUEST FOR AN EXTENSION OF THE TIME LIMIT ORS 227.178(1)
APPLICANTS: Lynn and Bill McDonald		

Applicants request a 60-day extension to the time limit set forth in ORS 227.178(1).


Applicant

11/25/09
Date


Applicant

11-25-09
Date

RECEIVED

NOV 30 2009

City of Portland
Community Development

[Note: ORS 227.178(5) provides that the "120-day period set in (ORS 227.178(1)) may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 245 days."]

RECEIVED

DEC 20 2009

4:02

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Notice of Land Use Appeal – Type I **City of Ashland**
(Ashland Municipal Code § 18.108.070.B.2.c)

A. Name(s) of Person Filing Appeal:	B. Address(es):
1. <i>Bonnie Brodersen</i>	<i>635 Wrights Creek Dr</i>
2.	<i>Ashland</i>

Attach additional pages of names and addresses if other persons are joining the appeal.

C. Decision Being Appealed

Date of Decision: <i>11-06-09</i>	Planning Action #: <i>2009-00726</i>	Title of planning action: <i>Physical & Environmental Constraints Review Permit</i>
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D. How Person(s) Filing Appeal Qualifies as a Party

(For each person listed above in Box A, check the appropriate box below.)

The person named in Box A.1. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input checked="" type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.
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The person named in Box A.2. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.
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Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.

E. Specific Grounds for Appeal

1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *The City states the application is a "modification of conditions of approval." This is not a modification but a new application which more than doubles the sq ft of construction, places driveway in a new*
 This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.108.040A or other law in § requires that (attach additional pages if necessary): *This has been reviewed as a New Application.*

2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *There can be no "modification" of a permit that is revoked. The City ignores the AMC which is clear on its face.*
 This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.112.030 or other law in § requires that (attach additional pages if necessary): *The permit was revoked on 8/29/08*

3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *This application is for a Severe Constraint Land & the City has failed to apply the review required for development on said land.*
 This is an error because the applicable criteria or procedure in the Ashland Municipal Code § 18.67.050 or other law in § requires that (attach additional pages if necessary): *The City apply provisions for Severe Constraint Land.*

(over) →

1. location, add new proposals, e.g. drainage intakes et al,
The changes proposed are the "meat" of the orig. application

4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

Appeal Fee

With this notice of appeal I(we) submit the sum of **\$0.00** which is the appeal fee required by § 18.108.110.A of the Ashland Municipal Code.

Date: 11/19/09

Signature(s) of person(s) filing appeal (attach additional pages if necessary):



Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the Community Development Department, Attn: Planning Commission Secretary, 20 E Main St, Ashland, OR 97520, telephone 541-488-5305, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.108.070.

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DEC 20 2009

City of Ashland

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DEC 20 2009

City of Ashland

Notice of Land Use Appeal – Type I

Nov. 20, 2009

Appellant: Bonnie Brodersen

Attachment

4. Piping of stormwater directly into Wrights Creek, an historically fish-bearing creek, violates Ashland's Master Stormwater & Drainage Plan, The Bear Creek Watershed TMDL's (as applied to the City) & its NPDES Phase 2 permit and the federal Clean Water Act. Dumping of large amounts of water at one time creates erosion of the creek bank at the point of entry. Best Management Practices and required state permits have not been addressed. Further, the City is approving the dumping of stormwater runoff from a City property into Wrights Creek where it is located outside of the city and in the county. The City has not addressed how county ordinances/approval come into play.

5. The City has failed to enforce Street Standards requirements: (See for example, AMC 18.88.050(B). With the proposed development, Grandview Drive will provide access to four or more homes. Four driveways within a few feet of each other will enter Grandview Drive. Implementation of mandatory Street Standards will fall within the riparian/floodplain corridors requiring a physical and environmental constraints review.

6. The City's findings are inadequate when the City states "imported fill materials for driveway construction are to be placed at the "original ground elevation" and Applicants Narrative provides no info on how a 20' wide paved driveway will be placed at the original ground elevation when Grandview Drive sits anywhere between 2-9 feet below the elevated green riparian/wetland.

7. City's Order violates the Tree Ordinance when Applicant's arborist recommends the "paving of the new road should be done with a minimum of grading in order to keep root damage to a minimum," yet there are no findings on how close to the surface the tree root system is, how the root system will be protected, how the driveway's sand and gravel base will affect the root system, how compaction from heavy construction equipment will affect the significant pine and oak trees and how a permanent paved driveway extending from the trunk of the pine and over its drip line will affect its long-term survival and the long term survival of the riparian area.

8. The City violates ALUO 18.62.075 requiring that "the general topography of riparian preservation lands shall be retained" because, among other things, the new proposals (placing 743 sq ft of driveway in the protected riparian corridor and 275

sq ft below the top of the bank of the creek) will decimate the topography of the riparian area which is in the city-owned ROW. It's incomprehensible that the City spends time/money/energy restoring the fish-habitat of lower Wrights Creek, while at the same time relinquishing the City-owned (ROW) Wrights Creek riparian corridor at Grandview Drive, to destructive private development, which development will cause irretrievable harm by reducing shade and wildlife habitat, increasing sediment flow into the Creek and increasing water temperature, among other things.

9. The City fails to enforce ALUO 18.62.070 and violates its NDES Phase II permit when it fails to find that the toe of the fill will be kept at least 10 feet out of floodway channels and when it fails to determine how much fill is being used. Is a removal/fill permit required? There is no finding about how the development will affect flow of surface waters and bank erosion.

10. The City engages in an unconstitutional taking of property when it allows applicant's proposed driveway to be constructed over a public city-owned ROW, which ROW provides in part, unobstructed access to TL 411. Ingress & egress for TL 411 onto Grandview Dr. was approved by the City when TL 411 was created by partition years ago. Further, because Applicant's property is located to the west, and sits significantly below TL 411, there is a blind area at the point where a vehicle from TL 411 will enter the public ROW. In other words, both driveways will meet at a T. If the applicant's driveway is constructed as proposed this will create a dangerous intersection where a vehicle from applicant's property could collide w/ a vehicle entering from TL 411 b/c of vision clearance issues. Other issues the City hasn't addressed include: who will be liable in the event of injury on that area of the driveway located in the public ROW which would have to be used for ingress and egress to both TL 411 and applicants property. Who will be responsible for maintaining that area of the driveway? Note that the City found "problems w/ access to lot," in 1982 in advising on a minor land partition. The City is compounding the problems it was instrumental in causing by previous code-violating actions.

11. All assignments of error appealed to LUBA which LUBA did not decide or which LUBA denied b/c said assignments of error were not ripe for decision or were considered dicta for that appeal (Final Order for LUBA No. 2007-162) are hereby incorporated by reference and considered part of this appeal to the Planning Commission.

RECEIVED

DEC 20 2009

City of Ashland

CITY OF ASHLAND

November 9, 2009

Bill & Lynn McDonald
8621 Oak Branch Avenue
Bakersfield, CA 93311

Notice of Final Decision

On November 6, 2009, the Staff Advisor for the Ashland Planning Division administratively approved your request for the following:

A modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10;
ASSESSOR'S MAP #: 39 1E 05 CD; **TAX LOT:** 500

The Staff Advisor's decision becomes final and is effective on the 13th day after the Notice of Final Decision is mailed.

Prior to that date, anyone who was mailed this Notice Of Final Decision may request a reconsideration of the action by the Staff Advisor as set forth in the Ashland Land Use Ordinance (ALUO)

18.108.070(B)(2)(b) and/or file an appeal to the Ashland Planning Commission as provided in the ALUO 18.108.070(B)(2)(c).

An appeal may not be made directly to the Land Use Board of Appeals. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to LUBA on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at no cost at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

If you have any questions regarding this decision, please contact the Department of Community Development between the hours of 8:00 am and 4:30 pm, Monday through Friday at (541) 488-5305.

cc: Parties of Record

DEPT. OF COMMUNITY DEVELOPMENT
20 E. Main Street
Ashland, Oregon 97520
www.ashland.or.us

Tel: 541-488-5305
Fax: 541-552-2050
TTY: 800-735-2900



ASHLAND PLANNING DIVISION

FINDINGS & ORDERS

PLANNING ACTION: 2009-00726

SUBJECT PROPERTIES: 720 Grandview Drive

APPLICANT: McDonald, Lynn & Bill

DESCRIPTION: A request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval already in place in order to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10;

ASSESSOR'S MAP #: 39 1E 05 CD; **TAX LOT:** 500

SUBMITTAL DATE:	June 5, 2009
DEEMED COMPLETE DATE:	September 23, 2009
STAFF APPROVAL DATE:	November 6, 2009
FINAL DECISION DATE:	November 22, 2009
APPROVAL EXPIRATION DATE:	November 22, 2010

DECISION

The proposal is a request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation of a private storm drain and the extension of utilities to serve a new single-family residence. PA-2008-01250, an 18-month extension of Planning Action #2006-01784 was approved ministerially as allowed in AMC 18.112.030, and the original approval thus remains valid until February 7, 2010. The proposed modification involves alterations to the approval to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

The subject property is a vacant, approximately 0.54-acre rectangular lot located on the north side of Grandview Drive. This portion of Grandview Drive is the western terminus of the city street, and is located west of the intersection with Wrights Creek Drive. Grandview Drive in this vicinity is a gravel road.

The subject property contains slopes of approximately a 14 percent grade sloping downhill in an easterly and northeasterly direction. The application survey identifies three trees on the site including a cluster of plum trees and two poplar trees that are eight- and ten-inches in diameter-at-breast-height (d.b.h.). The two poplars are identified as being dead. The remainder of the site is covered primarily in native grasses. One of the forks of Wrights Creek, a Riparian Preservation Creek, runs to the south of the subject property. The

creek is culverted to the south of Grandview Drive and daylighted at the edge of the Grandview Drive right-of-way near the southwestern corner of the parcel. The top of the creek bank, and the associated protection zone extending 20-feet beyond the top of bank, are partially located in the southwest corner of the parcel and is identified on the Topographic Survey included in the application.

The subject parcel as well as the surrounding properties to the east, north and south are located in the R-1-10 Single-Family Residential zoning district. The Ashland city limits are located on the western border of the property. As a result, the properties to the west of the parcel are under the jurisdiction of Jackson County. There are several parcels to the north and to the east of the subject property that are also vacant.

A segment of the Wrights Creek drainage runs generally parallel to and south of Wrights Creek Drive in this vicinity, and is culverted at driveway crossings for properties on the south side of the road. The creek turns north and is culverted under Wrights Creek Drive, daylighting approximately 22 feet southwest of the subject property's southwestern-most corner.

An existing driveway currently provides access to the subject parcel as well as the parcel to the west at 507 Grandview Drive. This shared driveway splits off from Grandview Drive within the right-of-way approximately 40 feet east of the subject property, and Grandview Drive continues to the southwest. The driveway splits again shortly after entering the subject property, with one driveway going to the north onto the subject property, and the other driveway continuing west to serve the residence located at 507 Grandview Drive. The driveway is surfaced in gravel and varies from nine to 15 feet in width. The property located at 507 Grandview Drive contains an existing single-family residence and is located outside of the Ashland city limits. The portion of the driveway serving 507 Grandview Drive is located within a 20-foot wide access easement that traverses the southern portion of the subject parcel.

This shared driveway also crosses the corner of the vacant property to the east of the subject property (39 1E 05 CD Tax Lot #411). The previous owner of Tax Lot #411 had authorized the applicants to proceed with their original application in anticipation of granting an access easement. However subsequent to the approval of Planning Action #2006-01784, Tax Lot #411 was sold and the new owner has been unwilling to allow the applicants an access easement over the corner of this lot. The modifications making up the current application are proposed by the applicants as a response to the loss of this access, which requires that the proposed driveway be extended further into the right-of-way and consequently further towards Wright's Creek in order to provide access from the street right-of-way to the subject property.

Modification

The Land Use Ordinance provides for amendments or modifications to the conditions of approval of previously approved Type I planning actions as a miscellaneous action subject to Type I review (i.e. administrative approval) under AMC 18.108.040.A.2.a. The whole record of the original approval is thus adopted here by reference, with the decision below to address those elements of the proposal which are subject to modification with the request.

Physical & Environmental Constraints Review Permit

It is important to first clarify that the scope of review for a Physical Constraints Review Permit, both in the original application and the proposed modification here, is limited to the development of the portion of the driveway and utility trenches located in the floodplain. The single-family home and most of the driveway are not located in the Wrights Creek Floodplain, and as a result are not subject to the Physical Constraints

Review Permit. The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires a building permit, and does not require a planning action in and of itself.

Planning Action #2006-01784, the previously approved Physical and Environmental Constraints Review Permit, allowed for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, the re-grading of the transition of the driveway to Grandview Drive, the installation of a private storm drain, and the extension of utilities to serve a new single-family residence. The applicants are now proposing to modify this approval in order to accommodate changes in vehicular access, as the neighboring property to the east was sold subsequent to the previous approval and the new owner has been unwilling to provide the access easement over the corner of the parcel which is necessary to access the subject property in a manner consistent with the existing approval.

In response to this change in vehicular access, the proposed modification places the access drive in closer proximity to the creek by approximately 13 feet in order to avoid the corner of the neighbor's property while providing the necessary driveway width. Previously approved improvements would have resulted in approximately 324 square feet of disturbance within the riparian zone, and avoided disturbance between the top of bank and the centerline of the creek. With the current proposal, the disturbed area has been increased to 743 square feet, and 275 square feet of this disturbance is below the identified top of bank.

The materials provided note that all imported material to be used for driveway construction is to be placed at the original ground elevation, so that there is no additional fill which would impede floodwaters. A Grading Plan prepared by Thornton Engineering, Inc. has been provided by the applicants to demonstrate how the grading necessary to accommodate the proposed driveway is to be accomplished, to specifically delineate the disturbed area within the Riparian Preservations Lands and to illustrate the relationship of the disturbance to the creek, top of bank, and the existing improvements already in place.

The applicants have proposed to utilize permeable asphalt for the driveway surface to control drainage and filter possible pollutants through the driveway's sand and gravel base, and they have also proposed to plant riparian-appropriate ground cover and shrubs in the area to curb erosion and assist in screening the creek. In addition, the applicants propose to utilize a combination of silt fencing, hay bales, "V" ditches and underground drainage pipes to convey drainage. Drainage and Erosion Control Plans prepared by the project civil engineers, Thornton Engineering, Inc. have been provided.

A Tree Protection Plan and arborist's reports have been provided to address protection of the trees to be retained on and adjacent to the site. These materials note that Tree #1, a 28-inch Ponderosa Pine within the Grandview Drive right-of-way and the Riparian Protection Zone, merits special attention given the proximity of the driveway access to the tree's trunk. The project arborist, Tom Myers of Upper Limb-It, notes that Grandview Drive and associated gravel driveways are already within the tree's protection zone. He indicates that tree protection fencing around the protection zone will need to be adjusted to the edge of the existing road improvement rather than the typical fencing to the full extent of the 28-foot radius of the tree protection zone. Myers also indicates that an arborist will need to be on-site when paving begins to ensure that all necessary precautions are taken to protect the tree. Myers recommends that paving of the driveway be done with minimal grading to minimize root damage, noting that it would be preferable to raise the grade of the road surface within the tree's protection zone rather than cutting and filling to achieve the desired road surface. Myers also recommends that equipment be kept away from the trees trunk in order to avoid

structural damage, and he indicates that if these precautions are taken the tree should survive the proposed construction without damaging its health. The application materials note that the engineered design proposed was developed based on these recommendations. The Tree Commission reviewed Myers' recommendations at their meeting of October 8; they were in general concurrence, emphasizing that a permeable material should be used within the tree protection zone and that the driveway be installed at surface grade within the tree protection zone. The Commission also recommended that the tree be pruned to 13-feet 6-inches above the finished driving surface prior to site work to provide adequate vehicular and fire apparatus clearance. In their discussion, Tree Commissioners noted that Ponderosa Pines are generally better able to handle construction and compaction when traffic is concentrated closer to the trunk where stabilizing roots are located, and that this could be preferable to having traffic and compaction concentrated more to the outer, smaller feeder roots. The Tree Commission had additional recommendations with regard to the project's Tree Protection, specifically that tree protection fencing be provided along the west property line to protect trees on the property to the west, at 507 Grandview Drive, from impacts relating to driveway construction and that tree preservation and protection measures listed in the arborists recommendations be followed during driveway construction adjacent to this property. A condition has been included below requiring that a revised Tree Protection and Preservation Plan be provided incorporating the recommendations of the Tree Commission.

The Development Standards for Riparian Preservation Lands require that trees over six inches be retained to the greatest extent feasible and limit fill to streets, access and utilities, noting that any crossings shall occur at right angles to the creek channel to the greatest extent possible. Fill is to be kept to a minimum and the general topography of the Riparian Preservation lands is to be retained. As proposed, the applicants have provided a plan for retaining and protecting Tree #1, the Ponderosa Pine located on the Riparian Preservation Lands affected here. The work proposed is limited to that necessary to provide access and utilities to a single family home on a single family residentially-zoned lot and is to be installed within the existing Grandview Drive street right-of-way. While no new crossing of the Wright's Creek is being proposed, the angle of the transition from the existing street to the new driveway improvements minimizes the disturbance within the Riparian Preservation Lands while responding to applicable driveway standards, avoiding the neighboring property to the east, and retaining and protecting the Ponderosa Pine. The application notes that imported fill materials for driveway construction are to be placed at the original ground elevation, generally retaining the existing topography to the extent possible and avoiding additional fill that would impede floodwaters. In considering these impacts, staff noted that the existing topography is located within existing street right-of-way and already accommodates established driveways in the immediate vicinity. The applicable Development Standards for Flood Plain Corridor Lands set limits for fill, expressly allowing outside fill material associated with public and private street and driveway construction, as proposed herein.

The applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development. Specifically, the applicant has proposed grading, drainage and erosion control measures as well as the placement of improvements, use of permeable paving materials, minimization of fill and revegetation to minimize the impacts of the proposal. While these impacts have increased over the original approval, the applicants response to changes in available vehicular access is the minimum necessary to provide vehicular access to the site while avoiding impacts to the adjacent Tax Lot #411 or the large Ponderosa Pine and appropriate mitigation measures have been proposed.

The section of Grandview Drive from the intersection with Wrights Creek Dr. to the subject parcel is located within 20 feet from the top of bank of a fork of Wrights Creek, and therefore is located in Floodplain Corridor Lands. Grandview Drive is a public street right-of-way and the section of Grandview Drive from the intersection with Wrights Creek Drive to the southeast corner of the subject parcel was dedicated as street right-of-way in 1971. The portion of the Grandview Drive right-of-way adjacent to the southern boundary of the subject parcel was dedicated as part of the land partition process that created the parcel in 1979. Chapter 18.62, Physical and Environmental Constraints including development standards for riparian corridor lands was adopted in 1986.

The floodplain was obviously altered at some time in the past in the construction of Grandview Drive and the adjacent driveways. The section of the driveway that serves the subject property is an existing driveway that is improved with a gravel surface. In review of the Land Partition file that created the subject parcel, Grandview Drive was in place and was required to be re-graded as a condition of the planning approval. This indicates that the gravel driving surface that constitutes Grandview Drive was in place at least as far back as 1979. The applicants cannot control the location of Grandview Drive, nor can they change the fact that it was platted adjacent to and in a riparian corridor. Furthermore, the applicants did not have any influence over the location of Grandview Drive. The previously established location of the street right-of-way dictates the location of the driveway access and utility connections to serve the subject parcel. Given the location of the Grandview Drive right-of-way, there are no alternative locations available for the driveway or private storm drain line located outside of the Wrights Creek floodplain.

An alternative access to the subject parcel is not available because the subject property is not adjacent to any other street right-of-ways, nor does it have any other available access easements. In staff's opinion, the impact to the Wrights Creek floodplain occurred prior to the current proposal when Grandview Drive and the existing shared driveway were located and constructed. Furthermore, regardless of the development of the subject parcel, the driveway will continue to serve the home on the adjacent parcel to the west at 507 Grandview Drive.

In staff's view, the applicants have taken all reasonable steps to reduce the adverse impact on the environment. Their proposal preserves and protects the large Ponderosa Pine, and the improvements proposed are limited to those necessary to provide access and utilities to a single family home on a single family residentially-zoned lot from the only adjacent, existing street right-of-way available to provide utilities and vehicular access. The driveway is proposed at the minimum widths and clearances allowed by city standard, is to be installed in permeable materials, and grading and erosion control plans have been provided demonstrating the efforts to be made to minimize fill and control erosion.

Concerns Raised by Bonnie Brodersen

During the comment period, neighbor Bonnie Brodersen met with staff on-site and submitted comments identifying ten issues of concern as detailed in her letter of October 8, 2009. These concerns were carefully considered in reviewing the proposed modifications. The concerns and staff responses thereto are briefly summarized below:

- 1) That there are not code provisions for amending a previously approved application, and the current application must be processed as a new action.

As noted in the narrative above, the Land Use Ordinance provides for amendments or modifications to the conditions of approval of previously approved Type I planning actions as a miscellaneous action subject to Type I review (i.e. administrative approval) under AMC 18.108.040.A.2.a.

2) That the applicants' proposed driveway will negatively effect entry onto the public street from TL #411 because the proposal places the driveway in part in the right-of-way.

Imported materials for driveway construction are to be placed at original ground elevation, as noted and illustrated on the grading plan provided. With these improvements installed at the original ground level, and within public right-of-way, it does not appear that physical access to the parcel would be negatively impacted. While the driveway improvements proposed are to be installed to provide access to the applicants' parcel, they are located within public street right-of-way and no easement would be required for the owners of tax lot #411 to cross them in gaining access to their property.

Landscape improvements within the right-of-way just south of the frontage of tax lot 411 outlined in the applicants landscape plan submittal could present a barrier to future vehicular access to that site, and as such, a condition of approval has been added to require that these plant materials be removed from a revised landscape plan to be provided before building permit approval.

3) That the applicants proposal changes the topography and natural state of the Riparian Preservation area within the City-owned right-of-way.

The City-owned right-of-way predates current regulations and provides the only available access to the subject property. As indicated on the applicants' grading plan, the proposal generally maintains the existing grade and topography. As noted in the Council findings for the previous approval, absolute *in situ* preservation of Riparian Preservation Lands is not required the Code and alteration is permitted under many specific elements within the Development Standards for Flood Plain Corridor Lands and to require otherwise would render these standards moot.

4) That the 28-inch Ponderosa Pine may not survive the proposed development in the riparian area;

A Tree Protection Plan prepared by a local certified arborist has been provided. This plan includes specific recommendations intended to preserve and protect the Ponderosa Pine given the development proposed, and notes that the tree should survive the construction process without damage to its health. This plan was reviewed by the City's Tree Commission, and they made recommendations in support of the plan.

5) That the applicants' utility plan shows storm water being piped directly into Wrights Creek which flows into Bear Creek, protected as a water quality limited creek, and may be a violation of Ashland's DEQ-approved TMDL plan.

In the original application, the Planning Commission determined that direct discharge into Wrights Creek may not be appropriate given its Riparian Preservation designation. A condition (#5) was added to the original approval requiring pre-treatment measures; this condition was reviewed and accepted as appropriate by the Council on appeal and was agreed to by the applicants. The condition remains in effect, and the applicants will need to address the requirements of the condition prior to permit issuance.

6) That there is no estimate of the amount of fill required or whether the project can be feasibly completed using only on-site fill.

The Development Standards for Flood Plain Corridor Lands expressly provide for the use of off-site fill within the limitations of AMC 18.62.070.A.3. Off-site fill in the form of aggregate base, paving

materials, and fill associated with approved public and private street and driveway construction are expressly permitted. All fill proposed within the Riparian Preservation and Flood Plain Corridor Lands in the application is limited to these purposes.

7) That the AMC requires applications for all permits required of the development to be submitted simultaneously, and that the city should require findings that the applicant can meet all requirements of the zoning district and for issuance of an encroachment permit simultaneously.

The requirement that other applications be filed simultaneously and reviews conducted simultaneously within AMC 18.62.040.E and G refers to Site Review, Performance Standards Development, Conditional Use Permits, Subdivisions, Partitions, master site plans or other planning actions and does not apply to other permits such as encroachments which have other reviewing authorities and/or may require that land use approval be in place prior to review. In this instance, the applicants have submitted for the applicable planning action approvals, and a building permit application has also been made.

8) That there is no documentation in the Planning Department file that the MacDonald's property was legally created and is a legal lot of record.

This argument was considered and rejected by the Council during the last appeal of the original approval, and that rejection was upheld by the Land Use Board of Appeals. The lot status is not an applicable approval criterion, however in the Council findings for the original approval the City Council previously found that the lot was legally created pursuant to a 1981 partition plat, and that the plat was valid.

9) That the proposal places a driveway in the middle of a riparian area where Wrights Creek daylight within the city right-of-way, that the riparian area is elevated from approximately one to four feet, and that there is no information on how the topography of the riparian preservation area will be retained while placing a driveway through the daylighted area.

The applicants have provided a grading plan from a licensed professional engineering firm illustrating the proposed driveway installation. Plan details and notes illustrate installation of the driveway at original ground elevation and identify both existing and finish grades.

10) That there are no studies of how run-off from a driveway in excess of 250 feet, a required turnaround, and large homesite will affect the floodplain corridor with flooded in 1997.

The scope of review for the Physical Constraints Review Permit, both in the original application and the modifications proposed here, is limited to only that portion of the driveway and utility trenches located in the floodplain. The single-family home and most of the driveway are not located in the Wrights Creek Floodplain, and as a result are not subject to the Physical Constraints Review Permit. The property is located in the R-1-10 Single-Family Residential zoning district, and a single-family home is an outright permitted use. As an outright permitted use, the construction of a single-family home requires only a building permit, and does not require a planning action in and of itself.

Tree Removal Permit

The application includes a request to remove two poplars (*populus nigra*) identified as Tree #4 and Tree #5 on the tree inventory provided. These trees are located on the southern portion of the subject property,

roughly near the centerline of the lot. Both trees are located more than twenty feet from the top of the creek bank identified in the application in an area with a slope of less than 25 percent according to city GIS data, and as such their removal is not subject to review under the Physical & Environmental Constraints Review Ordinance. Tree #4 is described as being nine-inches in diameter-at-breast-height (d.b.h.) and is identified as dead; Tree #5 is described as being six-inches d.b.h. and is also identified as being dead.

Tree removal on vacant, residentially-zoned property is subject to permitting only for the removal of significant trees (i.e. those having a trunk 18 caliper inches or larger in diameter at breast height) as noted in AMC 18.61.042.D.1.c. In addition, the removal of dead trees is specifically exempted from regulation in AMC 18.61.035.G. As such, given both their sizes and the fact that they are dead, staff find that no tree removal permit is required for the applicants to remove these two poplars.

Site Review

The application submittal includes a request for Site Review approval as the question of whether Site Review approval was required for the proposed home was raised during an appeal of the original application. On appeal, the Site Review requirement and was ultimately rejected by the City Council, and that rejection upheld by the Land Use Board of Appeals. Ordinance modifications made subsequent to the original approval also specifically address this issue in AMC 18.72.030 in listing exemptions:

- B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.*
 - 1. Detached single family dwellings and associated accessory structures and uses.*

The proposal is not subject to requirements for Site Review approval.

The criteria for a Physical & Environmental Constraints Review Permit are described in AMC Chapter 18.62.040 as follows:

- I. Criteria for approval. A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:*
 - 1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
 - 2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
 - 3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*

(Ord 2834 S1, 1998)

(ORD 2951, amended, 07/01/2008; Ord. 2834, Amended, 11/03/1998, Section 18.62.040 J "deleted"; Ord 2808, Added, 12/02/1997)

The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080 as follows:

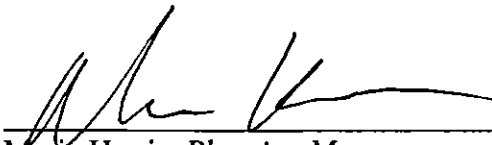
An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
 - 1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
 - 2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*
 - 1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
 - 2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
 - 3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 - 4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

The application with the attached conditions complies with all applicable City ordinances. Planning Action #2009-00726 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action #2009-00726 is denied. The following are the conditions and they are attached to the approval:

- 1) That all conditions of Planning Action #2006-01784 shall be conditions of approval unless otherwise modified herein.
- 2) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 3) That a revised landscape and irrigation plan shall be submitted with the building permit. Plant materials which would impede vehicular access to Tax Lot 411 shall be removed from this plan. The landscaping shall be installed and irrigated prior to issuance of the certificate of occupancy.
- 4) That the recommendations of the Tree Commission's October 8th, 2009 meeting shall be incorporated in a revised Tree Protection Plan to be submitted for the review and approval of the Staff Advisor prior to issuance of a building permit. These recommendations are: 1) that the applicants install tree protection fencing along the west property line where proposed driveway is adjacent to the trees on the neighboring property directly west; 2) that the measures outlined in narrative of the Tree Protection and Preservation Plan shall be implemented during excavation and construction of the driveway near west property line at location of neighbor's shed to where driveway turns back east; 3) that the Ponderosa Pine tree within public right-of-way shall be pruned prior to sitework to provide adequate vehicular clearance (13-feet 6-inches above driving surface); 4) that a paver system, cold-mix asphalt/concrete mix, gravel or similar material shall be used under the dripline of the Ponderosa Pine where the driveway encroaches into the dripline area; and 5) that the driveway shall be installed at surface grade within the dripline of the Ponderosa Pine. In addition, unless the applicants can provide evidence of agreement from the neighbors to the north and east allowing the installation of the proposed tree protection fencing for Trees #7 and #8 on their respective properties, the Tree Protection Plan shall be modified to reflect placement of the fencing necessary to protect these two trees solely on the applicants' property.
- 5) That prior to the issuance of a Certificate of Occupancy, the requirements of the Fire Department shall be satisfactorily addressed including: approved addressing; fire apparatus access including angle of approach, shared access agreements, turn-around, and approval of any gates or fences; firefighter access pathway; fire flow; fire hydrant distance to structures; and fire department work area. Temporary addressing must be in place prior to any sitework, and an approved "fuel break" must be in place prior to bringing combustible materials onto the site.
- 6) That a Tree Verification inspection shall be applied for and approved by the Staff Advisor prior to site work, storage of materials or building permit issuance. This Verification Permit is to inspect the correct identification of the two dead poplar trees to be removed and the installation of tree protection fencing for the trees to remain on and adjacent to the site. The tree protection shall consist of chain link fencing six feet tall and installed in accordance with 18.61.200.B. Property lines shall be clearly identified within and adjacent to the tree protection zones at the time of inspection.


Maria Harris, *Planning Manager*
Department of Community Development

November 6th, 2009
Date

To: Planning Department
From: Bonnie Brodersen
635 Wrights Creek Dr.
482-0180
Re: McDonald Property; P.A. 2009-00726
Date: October 8, 2009

RECEIVED
OCT 08 2009
City of Ashland

Comments Submitted by Bonnie Brodersen: Measurement Correction for #9.

1. There are no code provisions for "amending" a previously approved Physical & Environmental Constraints Permit. The Department appears to be treating the application as a new application for a new permit, but this should be clearly stated.
2. Applicant's proposed driveway will negatively affect entry onto the public street from TL 411 (currently undeveloped but which area for ingress/egress is platted), because Applicant's proposal places it's driveway in part in the ROW that TL 411 would use to access Grandview Drive.
3. Applicants have proposed un-natural man-made additions to the riparian preservation area which change the topography and the natural state of the area. People have chosen to live in this area (on the city/county line) because of its natural beauty and semi-rural feeling. Applicant's proposals not only denigrate the protected riparian area, but will forever alter the natural state or the riparian area that the neighborhood has cherished. Note that the area which will be denigrated is not owned by Applicants but is a city-owned ROW.
4. There is a significant 28" ponderosa pine tree. This tree is in the city-owned ROW (riparian area where the stream daylights). The tree protection zone radius is 28'. The grading plan shows the driveway placed within the protection zone and drip-line. It is noted that the tree may not survive the proposed development in the riparian area. This would be a significant loss to the riparian area; the tree provides shade for the area; it's provides wildlife habitat (e.g., a family of quail has been present in the area for over 15 years) and it is the tallest tree in the area where the water daylights. Its root system helps to stem erosion and further degradation of the riparian area.
5. Applicant's utility plan shows storm water being piped directly into Wrights Creek which flows into Bear Creek, protected as a "water quality limited" creek. Is direct piping of storm water into Wrights Creek a violation of Ashland's TMDL plan, as approved by DEQ.
6. There is no estimate of the amount of fill required to develop the area as required by AMC or whether the project can feasibly be completed using only on-site fill.

ENCLOSURE

To: Planning Department
From: Bonnie Brodersen
635 Wrights Creek Dr.
482-0180

OCT 7 2009

Re: McDonald Property; P.A. 2009-00726
Date: October 7, 2009

City of Ashland
Community Development

Comments Submitted by Bonnie Brodersen:

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NOTICE OF APPLICATION

PLANNING ACTION: 2009-00726

SUBJECT PROPERTIES: 720 Grandview Drive

APPLICANT: McDonald, Lynn & Bill

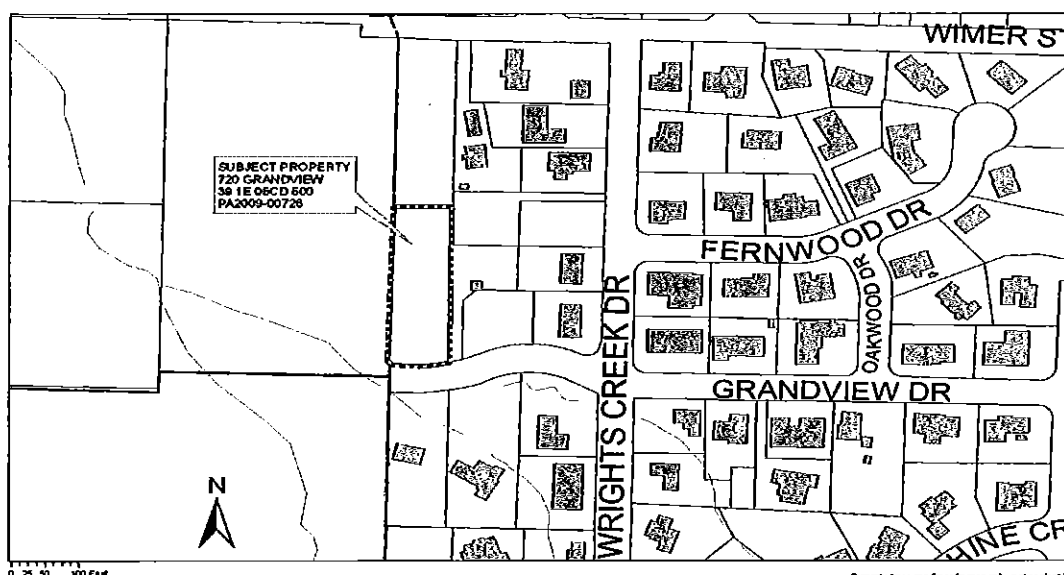
DESCRIPTION: A request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP #:** 39 1E 05 CD; **TAX LOT:** 500

NOTE: The Ashland Tree Commission will also review this Planning Action on **October 8, 2009 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way

NOTICE OF COMPLETE APPLICATION: *September 23, 2009*

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: *October 7, 2009*



The Ashland Planning Division Staff has received a complete application for the property noted above.

Any affected property owner or resident has a right to submit written comments to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown above.

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.108.040)

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Department to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Division, Community Development & Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520.

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division at 541-488-5305.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.62.040.I Criteria for Approval

A Physical Constraints Review Permit shall be issued by the Staff Advisor when the Applicant demonstrates the following:

1. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
2. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
3. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.

(ORD 2808, 1997; ORD 2834, 1998; ORD 2951, 2008)

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. **Hazard Tree:** The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. **Tree that Is Not a Hazard:** The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

(ORD 2951, 2008; ORD 2883, 2002)

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW
October 8, 2009

PLANNING ACTION: 2009-00726

SUBJECT PROPERTIES: 720 Grandview Drive

APPLICANT: McDonald, Lynn & Bill

DESCRIPTION: A request for a modification of a previously approved Physical and Environmental Constraints Review Permit (PA #2006-01784) for the property located at 720 Grandview Drive. The original approval was for development in the Wrights Creek Floodplain and Riparian Preservation Lands for the improvement of a portion of an existing driveway, re-grading the transition of the driveway to Grandview Drive, the installation a private storm drain and the extension of utilities to serve a new single-family residence. The proposed modification involves alterations to the approval to accommodate changes in vehicular access. A request for a Tree Removal Permit to remove two dead poplar trees is also included.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential;

ZONING: R-1-10; **ASSESSOR'S MAP #:** 39 1E 05 CD; **TAX LOT:** 500

Recommendation:

- 1) Install Tree Protection fencing along west property line where proposed driveway is adjacent to the trees on the neighboring property directly west.
- 2) Measures outlined in narrative of Tree Protection and Preservation Plan shall be implemented during excavation and construction of the driveway near west property line at location of neighbor's shed to where driveway turns back east.
- 3) That the Ponderosa pine tree within public right-of-way shall be pruned prior to site work to provide adequate vehicular clearance (13' 6" above drive surface)
- 4) That a paver system, cold mix asphalt / concrete mix, gravel or similar material shall be used under the dripline of the Ponderosa pine where the driveway encroaches into dripline area.
- 5) That the driveway shall be installed at surface grade within the dripline of the Ponderosa pine.

**MCDONALD
PROJECT NARRATIVE/FINDINGS
AUGUST 3, 2009**

PROJECT NAME: McDonald Residence

TYPE OF PLANNING ACTION: A request for a Site Review (Chapter 18.72), Physical and Environmental Constraints Review Permit (Chapter 18.62) and a Tree Removal Review Permit (Chapter 18.61) for a proposed residence in the single family zone district (Chapter 18.20).

PROJECT INFORMATION:

OWNER/APPLICANT:

Lynn and Bill McDonald
8621 Oak Branch Avenue
Bakersfield, CA 93311
Tel: 661-665-2111

LANDSCAPE ARCHITECT / PLANNER:

KenCairn Landscape Architecture
545 A Street
Ashland, Oregon 97520
541-488-3194

BUILDING DESIGNER:

Ken Snelling
1625 Cady Road
Jacksonville, OR 97520
541-899-2925

SURVEYOR:

Terra Survey, Inc.
274 Fourth Street
Ashland, OR 97520
541-482-6474

ARBORIST:

Upper Limb-It
Tom Meyers
Ashland, Oregon 97520
541-482-3667

CIVIL ENGINEER:

Thornton Engineering
1236 Disk Drive
Medford, OR 97504
541-857-0864

PROJECT ADDRESS:

720 Grandview

LEGAL DESCRIPTION:

39-1E-5CD Tax Lot 500

COMPREHENSIVE PLAN DESIGNATION:

Single Family Residential, (10,000 S.F. Lots)

ZONING DESIGNATION:

R-1-10

PROJECT STATISTICS:

Area of Property, Lot 500 - .54 acres (23,522 S.F.)

RECORDED

AUG 3 2009

CLERK OF DISTRICT COURT

BACKGROUND:

In 1979, Tax Lot 500 was divided into three parcels (PA-79-110), see Minor Land Partition Map. Lot 501 remained outside the city limits but within the city's Urban Growth Boundary (UGB). This parcel has a county zone designation of RR-5, which allows for one residential unit per five acres. Lots 500 and 502 are within the city limits and zoned R-1-10, which allows 10,000 S.F. Lots.

The owner of Tax Lot 500 submitted an application for a new residence on February 18, 2004. A Building Permit was issued on October 20, 2004. In November 2004, Bonnie Brodersen, a neighbor, appealed the issuance of the building permit to the city's Planning Commission without success. The neighbor then appealed the application to the State Land Use Board of Appeals (LUBA). LUBA remanded the appeal back to the city to address and resolve each of the assignments of error.

Both the Ashland City Attorney, Mike Franel, and the applicant's attorney, Mark Bartholomew, have determined that the 1979 application for a minor Land Partition and Variance for lot depth was created legally, see attached memo and letter. Except for lot depth, the current application for a Residential Building Permit, in regard to the general regulations for the zone designation (Chapter 18.20.040) will be reviewed by the City for current compliance. Further, a Physical and Environmental Permit (Chapter 18.62) will be reviewed for the area adjacent to the creek in the southwest corner of the lot as well as a Tree Removal Permit (Chapter 18.61) that addresses the treatment of the three existing on-site trees. Although the Land Use Ordinance is unclear to whether a single family home building permit requires a Site Review (Chapter 18.72), the applicant is also providing Site Review Findings.

The applicant and prior owners of Tax Lot 500 have gained access across the corner of the parcel to the east, see Site Plan. A formal easement agreement does not exist; therefore, the applicant had requested an easement from his neighbor.

ADDITIONAL BACKGROUND:

This project has been previously approved through the City of Ashland planning process. It is being resubmitted with a revised access road and driveway. This re-submittal is required because a neighbor, Bonnie Brodersen, purchased an adjacent lot (TL 411). The prior owner of the adjacent lot (Tax Lot 411) agreed to grant an access easement over the property, this easement would have permitted the applicant to minimize access encroachment into the riparian area. After Ms. Brodersen purchased tax lot 411, the applicant requested that Ms. Brodersen provide the easement that had been agreed to by the previous owner, and Ms. Brodersen never responded. If Ms. Brodersen would have honored the previous owner's promise to grant the easement, this application would not be necessary. Ms. Brodersen has appealed the application numerous times, the thrust of her argument is that the proposal would require changes in vehicular access that would encroach too much into the riparian area. In fact, it is the refusal to allow access across the corner of Tax Lot 411, coupled with the legal right of the applicants to build a home on their property, that have pushed the design of the access closer to the riparian zone. This submittal relocates the driveway access point off of Grandview to avoid the

AUG 3 2009

neighbors' property corner, while provided evidence that the relocation will have minimal to no affect on the riparian area and its vegetation.

SITE DESCRIPTION:

Land Use –

Originally the development pattern of the property and neighboring properties was large undeveloped plots of land with some agriculture uses. Over the years this land has been partitioned and subdivided into residential tracts. The present lot sizes in the neighborhood (within city limits) average about 10,000 S.F./.25 acres per lot, see Parcel Map. Most of these existing lots have residences, see aerial photograph.

Land Use and zoning immediately adjacent to the subject property is as follows:

North - Vacant (TL 502), zoned R-1-10

South - Grandview Street, creek drainage and single family residence, zoned R-1-10

East - Vacant and single family residence, zoned R-1-10

West - Single family residence, zoned RR-5 (County)

The subject property is zoned R-10 which allows single family homes at 10,000 S.F. per lot. The allowable density for this property under the Performance Standards Option (Chapter 18.88) is one dwelling unit ($2.4 \times .54 = 1.29$), or two dwelling units under Chapter 18.20.

Physical Characteristics –

The subject property slopes down (to the west) approximately 12.5%, see Survey, Topographic Map. There are no structures on the property; however, there is one structure on Lot 501. There are three trees on the property. These trees are two dead poplars (to be removed) and one small multi trunked plum tree that will be preserved. Off the property, but adjacent to the project are 13 more trees that are addressed by the tree protection and removal plan submitted with this document. A branch of Wright's Creek Channel and riparian vegetation is located off the property to the south, this project requires work to be done in this area (see Site Plan and Survey Topographic Map).

Utility and access to property –

Lot 500 is accessed by Grandview Drive (83.82 feet of frontage) on the south. In this location, Grandview is an unimproved gravel road. A 10 foot wide public utility easement is located on the west boundary of the existing parcel. City utilities are located within the Grandview ROW, see Survey Map. An access easement to Lot 501 is located along the south property line, see Site Plan.

PROJECT DESCRIPTION:

This application is an amendment to the original, approved P and E. The primary alteration is the vehicular access alignment due to changes in land ownership and easements that have occurred since its original approval. This proposal places the access drive in closer proximity to the creek by approximately 13 feet. Previous approved improvements prescribed 324 square feet of disturbance within the riparian zone, and excluded any disturbance between the top of bank and the creek center line. The current proposal prescribes 743 square feet of disturbance, 275 of that total amount is between the top of bank and the center line of the creek. The proposal places road base in this area. The proposal requires a road base at the top of the creek bank. Other than this alteration, the project description findings below are still accurate.

AUG 3 2009

City of Grandview

Request

The applicant desires to construct a 3,273 S.F. (Two Story) single family home and 648 S.F. garage. The City Attorney has determined that the original partition is legal, see Background section above; therefore, the applicant is requesting review of the Physical/Environmental Constraints Permit (Chapter 18.62) and the Tree Preservation, Protection and Removal Permit (Chapter 18.61). Information regarding this review is discussed in the Findings of this document and shown on the Site, Survey and Civil Plans. In addition, the applicant will show compliance with the Zoning Chapter 18.20, the Solar Standards (Chapter 18.70) and Site Review (Chapter 18.72) for the proposed home. The lot has direct frontage on Grandview Drive.

Street Improvements/Access –

The subject property is accessed from Grandview Drive. This street has an existing a 47 serpentine Right of Way see Site Plan and Surveyor's Map. All new paving will be less than 15% grade and comply, in general, with the Flag Lot Partition Standards of Chapter 18.76.060 and the City's Fire Code requirements. The length and thickness of each driveway will vary. There is sufficient area on TL's 500 and 501 to allow easy turning without having to back out on a city street, see Civil Site Plan.

FINDINGS:**COMPLIANCE with CHAPTER 18.20
Residential District**

The permitted use for the R-1-10 Zone District is a single family residence at 10,000 S.F. per dwelling unit. The lot size is .54 acres which would allow one dwelling unit ($2.4 \times .54 = 1.29$) under the Performance Standards Option (Chapter 18.88) or two dwelling units under the minimum lot size ($23,522 \text{ S.F.} \div 10,000 = 2$) allowed by Chapter 18.20.040. The applicant is proposing one single family residence.

The minimum lot width for the R-1-10 Zone District is 75 feet. The existing lot is 84.35 feet, see Site Plan. The maximum lot depth is 150 feet. The existing lot is 275 feet; however, a variance was approved along with the minor land partition which allowed the lot depth to exceed the 150 foot length.

As shown on the applicant's Site Plan (sheet 1), the front and rear setbacks (15 foot and 10 foot per story, respectively) meet or exceed the requirements of this residential zone. The side yard setback is six feet. The Site Plan shows a trellis on the north side yard boundary within the six foot setback. This trellis will be removed from the drawings. The side yard setback on the south boundary exceeds the six foot setback. The maximum building height allowed is 35 feet or two and one-half stories in height, whichever is less. The applicant's west and south Exterior Elevations did not show the building height; however, when these elevations are measured, the height is approximately 28 feet which is far less than the maximum requirement of 35 feet. The height is measured from finish grade to the midpoint of a sloping roof. Further, the proposed home is two stories and therefore less than the $2 \frac{1}{2}$ story maximum requirement.

AUG 3 2009

City of Chicago

COMPLIANCE with CHAPTER 15

Fire Safety

It is the applicant's belief that the access driveway is not required to meet the standards of a Flag Partition (Chapter 18.76.060) because the partition and variance was approved in 1979, see City Attorney Letter; however, the applicant will comply with these standards and certain requirements of the City of Ashland's Fire Department and Fire Code (Chapter 15). These requirements are:

- 1) A fire fuel break
- 2) Driveways sufficient for emergency vehicle access, and
- 3) Amount of water and pressure of other fire suppression system to control fires.

Fuel Break

As mentioned in the Site Description, the site contains three trees, two dead poplars and a plum. The two poplar trees will be removed, see Tree Removal Permit and recommended plant list. These trees will be replaced with city recommended ornamental and native trees and shrubs in the Grandview ROW. The existing grasses and ground cover will be either replaced by suitable plantings or mowed to reduce flame lengths to less than one foot high. The proposed roof for the new home is a metal standing seam which is approved for high fire areas.

Driveways

The Civil Site Plan includes notes and dimensions that specify that the driveway will have a 15 foot wide clear area, except for ground cover, with a 12 foot wide all weather surface (capable of supporting a 44,000 pound vehicle). Further, where the driveway enters the property and shares the driveway to TL 500, the combined driveways (all less than a 15% grade) will have a 20 foot wide 'clear area' and a 15 foot wide all weather surface. Two address signs will be located at the entrance to the lot.

The 12 foot wide driveway connects to a fire turn-around which is approximately 110 feet from the entrance of the property. The fire turn-around is located in front of the retaining wall, see Civil Site Plan. The turn-around will have a surface capable of supporting 44,000 pounds. The turn-around is within 150 feet of the farthest corner of the house/garage, see Civil Site Plan. The applicant will also provide a residential automatic fire sprinkler system instead of providing a "fire work area" and because the height of the house may exceed 24 feet in some locations. Also, no gate is proposed, therefore, a "knox box" will not be necessary.

Access to a Fire Hydrant

The nearest fire hydrant is located at the north west corner of Grandview and Wrights Creek Streets. It is approximately 500 feet from this intersection to the beginning of the 12 foot, on-site driveway, see Civil Drawings. This distance is less than the 600 foot maximum allowed by the Fire Department.

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COMPLIANCE with CHAPTER 18.70

Solar Access -

As shown on the applicant's West Exterior Elevation (sheet 5) and calculations, the proposed house is in compliance with the Solar Access Ordinance.

COMPLIANCE with CHAPTER 18.62 Physical and Environmental Constraints

There are two sections in this Chapter that apply to the proposed project. These sections are Development Standards for Riparian Preservation Lands (Chapter 18.62.075) and Development Standards for Flood Plain Corridor Lands (Chapter 18.62.070). A Physical and Environmental Constraints Permit can be issued when the following criteria have been addressed by the applicant:

- 1) That the development will not cause damage or hazard to persons or property upon or adjacent to the area of development.*
- 2) That the applicant has considered the potential hazards that the development may create and implemented reasonable measure to mitigate the potential hazards caused by the development.*
- 3) That the applicant has taken all reasonable steps to reverse the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted by the Land Use Ordinance.*
- 4) That the development is in compliance with the requirements of the Chapter and all other applicable City Ordinances and Codes.*

The Surveyor's Map shows the location of the top of Creek Bank (TOCB). The TOCB is located on a small portion of the subject property, in the south west corner. The TOCB is also located along the ROW of Grandview Drive. The normal City setback requirement from the TOCB is 20 feet. This proposal will put the road closer to the top of bank than the standard 20 foot setback.. The standard 20 foot wide setback would be impossible due to current location of the existing public roadway and access easement to Tax Lot 501, see Surveyor's Map. The Civil Engineer's drawing shows the location of the proposed driveway (to both TL 500 and 501). There is an existing access easement agreement between TL 500 and 501; much of the proposed driveway is in the 20 foot setback from the top of the creek bank. It is the intent of the Civil Engineer, to minimize adverse impacts of the Creek Channel); therefore, the following measures are shown on the Grading and Drainage Plan:

- 1) Drainage will be directed underground along the west boundary of the subject property and empty into the creek channel. Large rocks (energy dissipater) will be located at the end of the drainage pipe to slow the water and prevent erosion, see Drainage and Grading Plan.

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2) As shown on the grading and Drainage Plan, the 12 foot wide paved portion of the driveway is located as far away from the TOCB as possible, while also crossing the TOCB to gain access from the property to Grandview. Where possible, this area will be planted in riparian ground cover and shrubs which will assist in screening possible pollutants from entering the creek.

3) Further, the applicant will utilize permeable asphalt for the driveway surface to both control drainage as well as filter possible pollutants through the driveway base (sand and gravel).

Chapter 18.62.050 (A) classify flood plain lands as all areas within 20 feet (horizontal distance) of any creek designated for riparian preservation and depicted on such maps adopted by the city council. As mentioned above, the TOCB was located by the Surveyor along the ROW of Grandview Drive and within the subject property. Portions of both the existing gravel paved Grandview Drive and proposed asphalt paved private driveway are within the 20 foot setback. To minimize adverse impacts caused by fill material, the applicant will conform to the standards listed in Section 18.62.070 (A) as well as the development standards for riparian preservation lands, see Civil Drawings.

It is the applicant's belief that the above measures will not cause either damage or hazard to persons or property and mitigate the potential hazards and possible adverse impacts to the creek environment. As stated above, in compliance with the residential district findings and the Background section of this narrative, the proposed single family residence is in compliance with the requirements of this chapter and all other applicable City Ordinances and Codes. In addition, the following grading/drainage and erosion control measures are recommended: **Drainage and Erosion Control** – Where new vegetation is incorporated as part of the erosion control strategy, a temporary and/or permanent irrigation system will be provided to guarantee the establishment of vegetation.

General Erosion and Sediment Control

Grading of the driveway and the revegetation will take place prior to fall rains and will comply with the requirements of the ordinance listed below:

- a. Only grade where necessary*
- b. Preserve and protect existing vegetation wherever possible*
- c. Install/apply bank stabilization measure well in advance for fall rains.*

All slopes created as a result of grading to be planted with ground covers and grasses.

- a. Fill slopes not to exceed 3:1*
- b. Cut slopes that exceed 2:1 to be hydro seeded and inter planted with ground cover*

Where it is necessary to create slopes along road construction exceeding 2 to 1, storm flows above the slope will be directed away from the top of the slope to a point where more gradual slopes allow for controlled traversing into drainage systems.

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- a. Cut slopes exceeding 1.5 to 1, use pinned mats and hydro seeding as stabilization measure.*
- b. Stabilize existing and proposed drainage ways*

Existing drainage ways must be protected during construction. Silt fences can be used to keep sediments out of the system along with hay bales. A combination of a "V" ditch and underground drainage pipes will convey the runoff down the proposed private drive. A Detail Drainage Plan is provided by the Civil Engineer. Further, energy dissipaters in the form of large rocks will be placed at the discharge point of the drainage channels/pipes prior to the water entering Wrights Creek.

COMPLIANCE with (CHAPTER 18.61.080) Tree Removal Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied.

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

Not Applicable

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to these criteria when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

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4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

The Site Plan and Survey Map show the location of the two dead poplar trees # 4 and #5 (to be removed) and plum tree #6 which will be protected. These are the only trees on-site. There are, however, trees that would potentially be impacted that are adjacent to the site, on neighboring property or within the city right of way. These trees would be potentially impacted when the required width and alignment improvements are made to the driveway while providing access to Grandview. We have reviewed our proposed street alignment with the project arborist to determine the best way to incorporate the new driveway with the existing trees. The arborist's comments and recommendations are as follows:

Tree Protection Plan for 720 Grandview with specific recommendations for tree # 1 (A Ponderosa Pine in the riparian zone)

The 28 inch diameter Ponderosa pine tree designated as tree number 1 will require special attention because of the proximity of the access road to the tree's trunk. There is already a dirt road within the tree protection zone of tree # 1. It will be necessary to adjust the protective fencing around the tree to the edge of the existing road rather than the 28 foot radius described by the tree protection zone. A certified arborist should be on the construction site when the road paving begins to insure that all precautions are taken to insure the trees survival. The paving of the new road should be done with a minimum of grading in order to keep root damage to a minimum. It would be preferable to raise the grade of the road surface rather than cutting and filling to achieve the desired road surface. All equipment must be kept away from the trunk of the tree in order to insure that there is no structural damage to the tree trunk. If these precautions are taken, the ponderosa should survive the construction process without damage to its health.

We have designed the new road alignment to comply with these recommendations.

TREES PROPOSED FOR REMOVAL

#4	9" DBH	5' Dia.	Populus, Cottonwood
#5	6" DBH	4' Dia.	Populus, Cottonwood

The two trees listed above are considered by the City of Ashland to be hazard trees and prohibited from use as a street tree. Roots of this type of tree may be damaged by construction, which causes entry for bacteria and disease. Further, these trees can drop limbs periodically through out their life span. Most importantly, however, these two trees are dead, and we are requesting to remove them.

Protection of Existing and Proposed Trees

A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved which are those identified on this plan. All damage caused by construction to existing trees shall be compensated for, before the project will be considered completed.

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B. Trees that are shown on the plans to remain shall be protected with fencing as shown on plans. Fencing shall be 6' tall temporary orange fencing panels installed with metal connections so that all panels are integrated, these fences shall be installed so that it does not allow passage of pedestrians and/or vehicles through it.

C. Exceptions to the tree protection specifications may only be granted in extraordinary circumstances with written approval from owner's representative.

D. Pieces of work that will require disturbance of tree protection fences include the following:

1) When tree roots over 2" are cut due to required site work, cut cleanly at a 90-degree angle to the root.

2) Place damp soil around all cut roots to a depth equaling the existing finish grade within 4 hours of cuts being made.

F. Do not raise the soil level within the drip lines of existing trees to achieve possible drainage, except to match grades with sidewalks and curbs, and in those areas, feather the added topsoil back to existing grade at an approximately 3:1 slope.

G. Inspection schedule:

1) Fencing locations and installation technique shall be approved by owner's representative before demolition or rough grading begins.

2) Routine inspections of fencing and site conditions will occur on a weekly basis, work shall cease if fencing is damaged or moved without written prior approval for specific parts of work.

3) At completion of project to determine ultimate condition of trees.

4) To determine further measure to ensure tree survival or replacement at end of project.

5) If needed, an Arborist, will be retained by the applicant to insure compliance with the above measures. The Arborist can also be available to recommend additional protection measures, such as root pruning and fertilization, during the construction of the driveway and homes.

The applicant is also recommending the following plant list to be considered in the replanting of the site:

Fire Resistant and Retardant Plant List –

The plant list below consists of the plants used in the proposed planting plan.

Trees

Acer macrophyllum

Betula nigra 'Duraheat'

Shrubs and Ground Cover

Acer circinatum

Arctostaphylos densiflora 'Howard McMinn'

Arctostaphylos 'Emerald Carpet'

Mahonia aquifolium

Mahonia repens

Pennisetum a. 'Hameln'

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6/11/09 11:11 AM

COMPLIANCE with (CHAPTER 18.72)

Site Review

The Planning Staff/Planning Commission can approve a Site Review when the following criteria have been addressed:

A. All applicable City Ordinances have been met or will be met by the proposed development.

The above Narrative and Findings address the applicable city ordinances regarding the proposed house. The applicant, however, believes the Site Design and Use Standards were not intended for a single family home on a single lot but were for a multi-family performance standard, employment, commercial and industrial type developments. In fact, page 13 to 16 of the Site Design and Use Standards only address design guidelines for multi-family residential development and there are no single family guidelines. However, Chapter 18.72.040 (B) does mention that a Type 1 procedure approval is necessary for all new structures or additions greater than 2,500 S.F. except for developments included in section 18.72.040 (A); therefore, the applicant will provide the findings. Also see above findings regarding compliance with all other applicable city ordinances and codes.

B. All requirements of the Site Review Chapter have been met or will be met.

See Project Description in narrative and the information below.

The applicant is providing a written Narrative and Findings as well as a Site Plan, Civil Engineering Plans, Topographic Survey, Aerial Photograph, Parcel Map, photographs of the site and Building Elevations drawings. This information is provided in the Application Package and addresses the submittal requirements of Chapter 18.72.060.

The Landscape Standards of Chapter 18.72.110 requires a minimum of 45% of the total developed lot to be landscaped. The applicant is providing a minimum of 55%.

The applicant will locate a trash/recycle area within the garage and/or parking areas. This area will be screened from view. Covered bicycle parking areas are provided in the garage. All site and building lighting will be directed away from adjacent properties. Also, see the approval standards below.

C. The development complies with the Site Design Standards adopted by the City Council for the implementation of this Chapter.

b. Multi-Family Development.

As mentioned above, the approval standards are for multi-family residential development; however, the applicant will respond to these standards where applicable.

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Approval Standards: Multi-family residential development shall conform to the following design standards

II-B-1) Orientation

II-B-1a) Residential buildings shall have their primary orientation toward the street when they are within 20 to 30 feet of the street.

II-B-1b) Buildings shall be set back from the street according to ordinance requirements, which is usually 20 feet.

II-B-1c) Buildings shall be accessed from the street and the sidewalk. Parking areas shall not be located between buildings and the street.

The proposed house is oriented toward Grandview Drive. The proposed setback is 175 feet which is greater than the 15 foot minimum (or 20 feet for garages). The guest parking area (one space required) is located behind the house at the end of the driveway, see Site and Civil Plans.

II-B-2) Streetscape

II-B-2a) One street tree for each 30 feet of frontage, chosen from the street tree list, shall be placed on that portion of development paralleling the street. Where the size of the project dictates an interior circulation street pattern, a similar streetscape with street trees is required.

II-B-2b) Front yard landscaping shall be similar to those found in residential neighborhoods, with appropriate changes to decrease water use.

There is approximately 84 feet of frontage on Grandview Drive. The applicant will provide three trees (one per 30 feet) along this frontage. These trees will be native riparian types since this location is adjacent to the drainage channel. See Planting Plan.

II-B-3) Landscaping

II-B-3a) Landscaping shall be designed so that 50% coverage occurs within one year of installation and 90% landscaping coverage occurs within 5 years.

II-B-3b) Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

II-B-3c) As many existing healthy trees on the site shall be saved as is reasonably feasible.

II-B-3d) Buildings adjacent to streets shall be buffered by landscaped areas of at least 10 feet in width.

II-B-3e) Parking areas shall be shaded by large canopied deciduous trees and shall be adequately screened and buffered from adjacent uses.

AUG 3 2009

II-B-3f) Irrigation systems shall be installed to assure landscaping success. Refer to parking lot landscaping and screening standards for more detail.

Upon approval of the land use action, and prior to issuance of a Building Permit, the applicant will submit a Landscape Plan and Irrigation Plan for the home site. Landscape and Irrigation submitted with this proposal are for the land use action only, revegetating the roadway and providing the required street trees.. The Landscape/Irrigation Plan will conform to the above findings. The above Tree Removal/Protection Plan addresses the existing trees. Also, the suggested plant list, above, can be used. The applicant intends to utilize as many native plants as possible and locate these plants in appropriate locations to encourage healthy plant development, to utilize natural climate control, and to enhance suitable plant communities.

II-B-4) Open Space

II-B-4a) An area equal to at least 8% of the lot area shall be dedicated to open space for recreation for use by the tenants of the development.

II-B-4b) Areas covered by shrubs, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.

II-B-4c) Decks, patios, and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units that are designed to include families.

The applicant is providing most of the site for private recreation open space. The private recreation/open space areas include the front porches, patios, and second story decks. The common open space requirement for tenants is not applicable.

II-B-5) Natural climate control

II-B-5a) Utilize deciduous trees with early leaf drop and low bare branch densities on the south sides of buildings which are occupied and have glazing for summer shade and winter warmth.

See Finding II-B-3, above

II-B-6) Building materials:

II-B-6a) Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neo-type paint colors which attract attention to the building or use are unacceptable.

The materials used for the proposed home are shown on the Exterior Elevations. These materials are indicative of a craftsman style. The colors selected by the applicant (body, trim and windows) will be earth tones. Sample materials and colors will be presented to the city planning staff for review and approval prior to receiving a Building Permit.

E. STREET TREE STANDARDS

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APPROVAL STANDARD: *All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees found in this section.*

II-E-) Location for Street Trees

Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater shall include irrigation, root barriers, and generally conform to the standard established by the Department of community Development.

II-E-2) Spacing, Placement, and Pruning of Street Trees

1) All tree spacing may be made subject to special site conditions which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall be as follows:

a) Street trees shall be placed the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variation to the spacing permitted for specific site limitations, such as driveway approaches.

b) Trees shall be planted close than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

c) Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

d) Trees shall not be planted closer than 2 ½ feet from the face of the curb except at intersections where it shall be 5 feet from the curb, in a curb return area.

e) Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

f) Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 10 square feet, however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

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City of San Jose
Department of Public Works

g) Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

h) Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing trees, subject to approval by the Staff Advisor.

II-E-3) Replacement of Street Trees

1) Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor.

II-E-4) Recommended Street Trees

1) Street trees shall conform to the street tree list approved by the Ashland Tree Commission.

The above approval standards (II-B-1 to II-B-6) also address these standards.

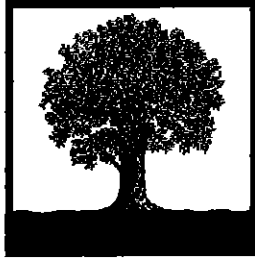
D. The adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, adequate transportation can and will be provided to and through the subject property.

The Civil Engineering Drawings show the existing and proposed utility lines that connect the proposed home to the city services in the ROW of Grandview Drive. This ROW is 47 foot wide. Paved access on Grandview Drive is neither necessary nor desirable because: 1. the existing gravel road has a 10% or less slope and therefore for public works standards does not need to be surfaced with asphalt, 2. a gravel surface will minimize runoff into the creek environment, 3. the gravel road is capable of supporting emergency vehicles (44,000 pounds) and 4. paving of the road would necessitate land acquisition of neighboring properties along Grandview Drive to accommodate the serpentine ROW, see Survey Map. Also see Physical Constraints Findings above.

The proposed home would only generate ten more vehicle trips per day which is insignificant even when the five possible and existing homes using Grandview are added (60 vehicle trips per day total)

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Upper Limb-it Tree Service

PO Box 881
Ashland, OR 97520
Phone: 541-482-3667

JUN 5 2009

City of Ashland
Community Development

Kerry KenCairn
545 A Street
Ashland, OR 97520

1/30/09

Tree Protection Plan for 720 Grandview

The Tree Protection Plan for 720 Grandview is designed to address the needs of all existing trees within the project. The trees should be identified by number on the plan as well as by numbered tag attached to the tree in the field. The specified tree protection zones (as stipulated in the enclosed tree inventory) will be drawn on the plans as well as delineated on the site by approved fencing. Trees with protection zones that extend within the foundation lines of the building, as well as trees that are within the area of the foundation will need to be removed. All other trees within the building project borders will need protection. The enclosed specifications detail exactly how the trees are to be protected. The building contractor and subcontractors will meet with a certified arborist before and during construction to insure that the correct measures are in place. A certified arborist must supervise any work done within the specified tree protection zone. A certified arborist will conduct an inspection of the trees during and after construction. If you have any questions regarding this tree protection plan please call me at 482-3667.

Tom Myers, Certified Arborist

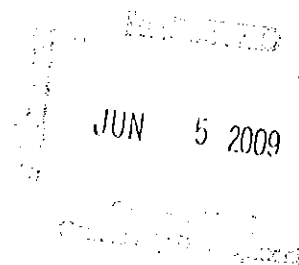
DBA Upper Limb-it





Upper Limb-it Tree Service

PO Box 881
Ashland, OR 97520
Phone: 541-482-3667



Kerry KenCairn
545 A Street
Ashland, OR 97520

1/30/09

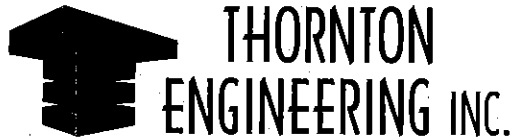
Tree Protection Plan for 720 Grandview specific recommendations for tree # 1

The 28 inch diameter Ponderosa pine tree designated as tree number 1 will require special attention because of the proximity of the access road to the trees trunk. There is already a dirt road within the tree protection zone of tree # 1. It will be necessary to adjust the protective fencing around the tree to the edge of the existing road rather than the 28 foot radius described by the tree protection zone. A certified arborist should be on the construction site when the road paving begins to insure that all precautions are taken to insure the trees survival. The paving of the new road should be done with a minimum of grading in order to keep root damage to a minimum. It would be preferable to raise the grade of the road surface rather than cutting and filling to achieve the desired road surface. All equipment must be kept away from the trunk of the tree in order to insure that there is no structural damage to the tree trunk. If these precautions are taken, the ponderosa should survive the construction process with out damage to its health.

Tom Myers, Certified Arborist

DBA Upper Limb-it





July 20, 2009

Derek Severson, Associate Planner
City of Ashland, Department of Community Development
20 East Main Street
Ashland OR 97520 P.O. Box 828

Subject: 720 Grandview – McDonald P&E Application – Flood Analysis

Dear Derek:

This letter presents my analysis and findings with regards to the subject application and the City's land use ordinances regulating flood damage prevention. The proposed improvements comply with both sections 15.10 (Flood Damage Prevention Regulations), and 18.62.070 (Development Standards for Flood Plain Corridor Lands). The proposed improvements are more than 20 feet beyond the flood plain boundary and are not located within a flood hazard area or within a floodway (See Sheet C3, 100-year Flood Boundary enclosed).

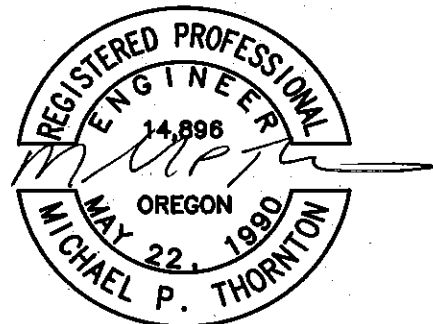
In addition, the improvements have been designed to not impede floodwaters regardless of the frequency of the event required to inundate project site.

Please contact me if you have any questions or any further needs.

Sincerely,

Thornton Engineering, Inc.

By 
Michael P. Thornton, President



RENEWAL DATE: 6/30/2010

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JAN 29 2010

City of Ashland
Field ☐ Office ☐ Etc

CITY OF ASHLAND

August 20, 2008

William J. and Lynn J. McDonald
8621 Oak Branch Ave.
Bakersfield, CA 93311

RE: Ministerial Action #2008-01250

Notice of Ministerial Decision

On August 20, 2008, the Ashland Planning Department granted ministerial approval of your request for an extension of the Physical & Environmental Constraints Review Permit approved under Planning Action #2006-01784 for the property located at 720 Grandview Drive -- Assessor's Map #39 1E 05CD Tax Lot #500. This approval is based upon the fact that delays related to the appeal of the approval prevented completion of the development within the original time limitation.

This extension is valid for a period of 18-months from the date of the original approval's expiration (August 7, 2008). The conditions of the original approval remain in effect, and shall be met prior to project completion. As required under Ashland Municipal Code Section 18.112.030.3, the building permit application or any modifications to the land use approval will be subject to review under the revisions to our Land Use Ordinance adopted as Ordinance #2951.

If you have any questions regarding this decision, please contact the Community Development Department between the hours of 8:00 am and 4:30 pm, Monday through Friday at (541) 488-5305.

cc: Hornecker, Cowling, Hassen & Heysell, LLP
Attn: Mark S. Bartholomew FILE #26116
717 Murphy Rd.
Medford, OR 97504



HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.**Attorneys at Law**

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B. Kent Blackhurst 1922-2007
Ervin B. Hogan 1927-2000

*Also admitted in California
**Also admitted in Idaho

FAX TRANSMITTAL SHEET

DATE: July 30, 2008
TO: Adam Hanks
FAX NO: 541-488-6006
FROM: Mark S. Bartholomew
RE: William and Laynn McDonald
FILE #: PA 2006-01 784

PAGES: 4 (Includes cover sheet. If you do not receive all pages, please
contact the above as soon as possible.)

MEMO:

Please see attached. Original with check to be mailed today.

-
- ☒ An original is being mailed.
☐ An original is being delivered.
☐ An original is available upon request.
☐ Facsimile transmittal only.

If you do not receive all of the described material, please telephone 779-8900 immediately.

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PA 2008-01250

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.**Attorneys at Law**

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman
James A. Wallan
Benjamin M. Bloom
Charles E. Bolen
Ryan J. Vanderhoof

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 773-2635
<http://www.roguelaw.com>

*Stefanie L. Burke
Richard L. Billin
Mark S. Bartholomew
Eric B. Mitton
**Erik C. Larsen, L.L.M.
Stephen L. Brown

B. Kent Blackhurst 1922-2007
Ervin B. Hogan 1927-2000

*Also admitted in California
**Also admitted in Idaho

July 30, 2008

Adam Hanks /
City of Ashland
20 E. Main
Ashland, OR 97520

RE: William and Lynn McDonald
Our File No. 26116

Dear Mr. Hanks:

We are requesting an extension of 12 months on the above-captioned matter, by way of a staff permit procedure, pursuant to Ashland Municipal Code 18.108.030(A)(5). Events beyond the control of the applicants make this extension necessary. The application was approved on August 7, 2007. Bonnie Brodersen appealed the approval--December 26, 2007. Therefore, nothing could be done in furtherance of the approval while it was on appeal, leaving the applicants with substantially five months less time than most applicants to act on the approval. We are unaware of any changes to the requirements since approval, other than the fact that this application (extension) is now ministerial. Please accept this letter as findings of compliance with the extension requirements.

We are mailing a hard copy of this today, along with the required payment. However, in the interest of time, we are faxing it as well.

Very truly yours,


MARK S. BARTHOLOMEW

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
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*Stefanie L. Burke
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Stephen L. Brown

June 27, 2008

B. Kent Blackhurst - 1922-2007
Ervin B. Hogan 1927-2000

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Adam Hanks
City of Ashland
20 E. Main
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It does not appear that there is a fee associated with this extension. However, in the event there is such a fee, please contact me immediately, and we will remit payment.

Very truly yours,


MARK S. BARTHOLOMEW

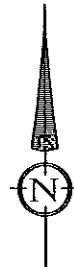
:gmr
cc: Richard Appicello
Bill Molnar

Called 6/27/08 - No signed app, no fee
Follow up 7/17/08 - " "

TOPOGRAPHIC SURVEY

720 GRANDVIEW DRIVE
ASHLAND, OREGON 97520

FOR
LYNN & BILL McDONALD
8621 OAK RANCH AVENUE
BAKERSFIELD, CALIFORNIA 93311



REVISED: 6-20-2007
REVISED: 5-09-2007
REVISED: 06-01-2006
SCALE: 1" = 20'
CONTOUR INTERVAL: 2'

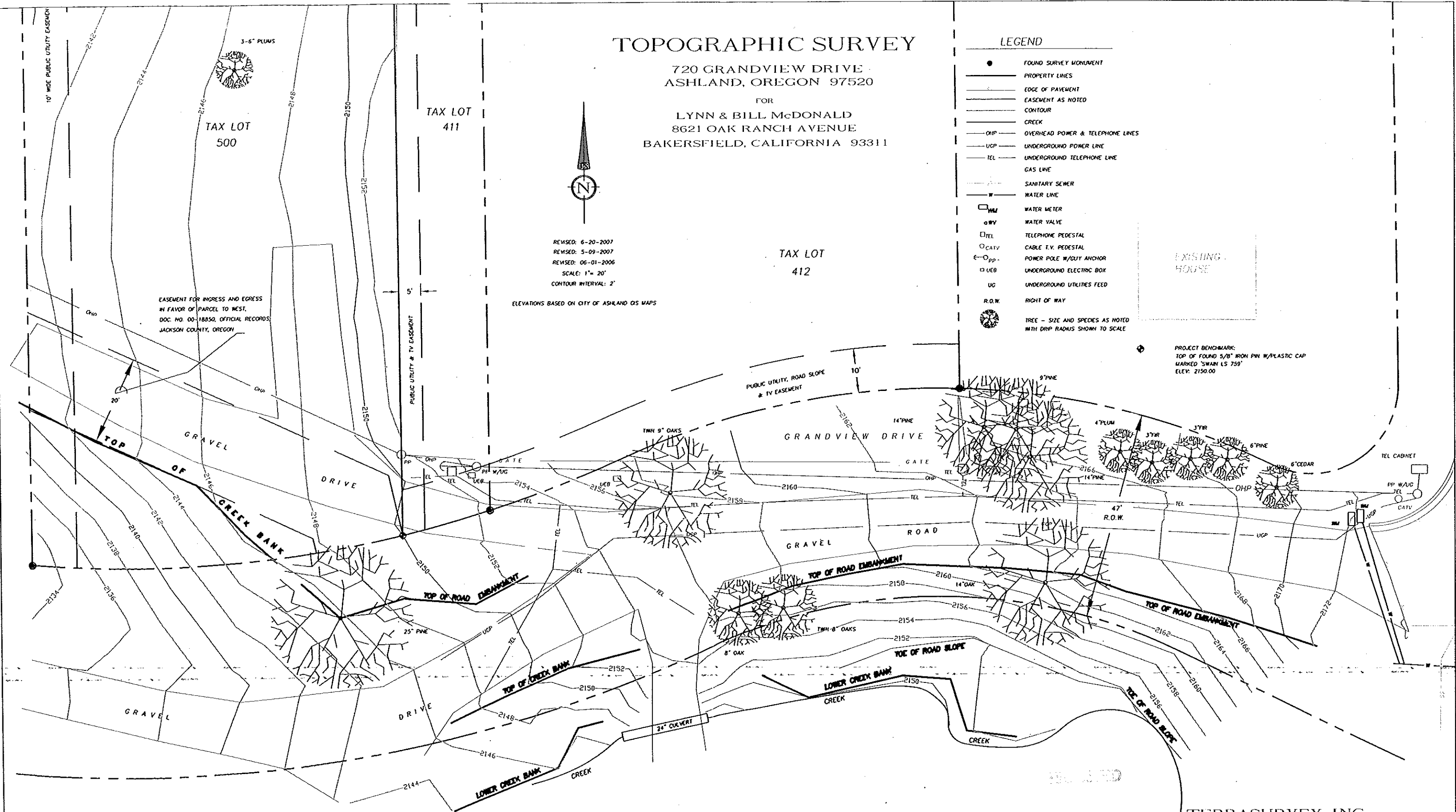
ELEVATIONS BASED ON CITY OF ASHLAND GIS MAPS

LEGEND

- FOUND SURVEY MONUMENT
- PROPERTY LINES
- EDGE OF PAVEMENT
- EASEMENT AS NOTED
- CONTOUR
- CREEK
- OHP — OVERHEAD POWER & TELEPHONE LINES
- UCP — UNDERGROUND POWER LINE
- TEL — UNDERGROUND TELEPHONE LINE
- GAS LINE
- SANITARY SEWER
- WATER LINE
- WM WATER METER
- WV WATER VALVE
- TEL TELEPHONE PEDESTAL
- CATV CABLE T.V. PEDESTAL
- PP POWER POLE W/ GUY ANCHOR
- UEB UNDERGROUND ELECTRIC BOX
- UG UNDERGROUND UTILITIES FEED
- R.O.W. RIGHT OF WAY
- TREE — SIZE AND SPECIES AS NOTED WITH DRP RADIUS SHOWN TO SCALE

EXISTING
HOUSE

PROJECT BENCHMARK:
TOP OF FOUND 5/8" IRON PIN W/ PLASTIC CAP
MARKED "SWAN LS 759"
ELEV: 2150.00



NOTE 1: PORTION OF UNDERGROUND UTILITIES ARE BASED ON LOCATED PAINT MARKS. NO WATER AND SEWER LINES WERE SHOWN IN THE AREA WEST OF WRIGHTS CREEK DRIVE. THERE ARE AT LEAST TWO OTHER HOUSES WHICH SHARE THIS ACCESS. THE LIKELY ROUTE FOR WATER AND SEWER LINES TO SERVE THESE HOUSES WOULD BE THE ROAD RIGHT OF WAY.

NOTE 2: EASEMENTS SHOWN ARE FROM FILED SURVEY NO. 9119 AND DEED RECORD INFORMATION PROVIDED BY OWNER.

NOTE 3: BOUNDARIES SHOWN ARE FROM RECORD AND ARE NOT THE RESULT OF A DETAILED BOUNDARY SURVEY.

AUG 3 2009

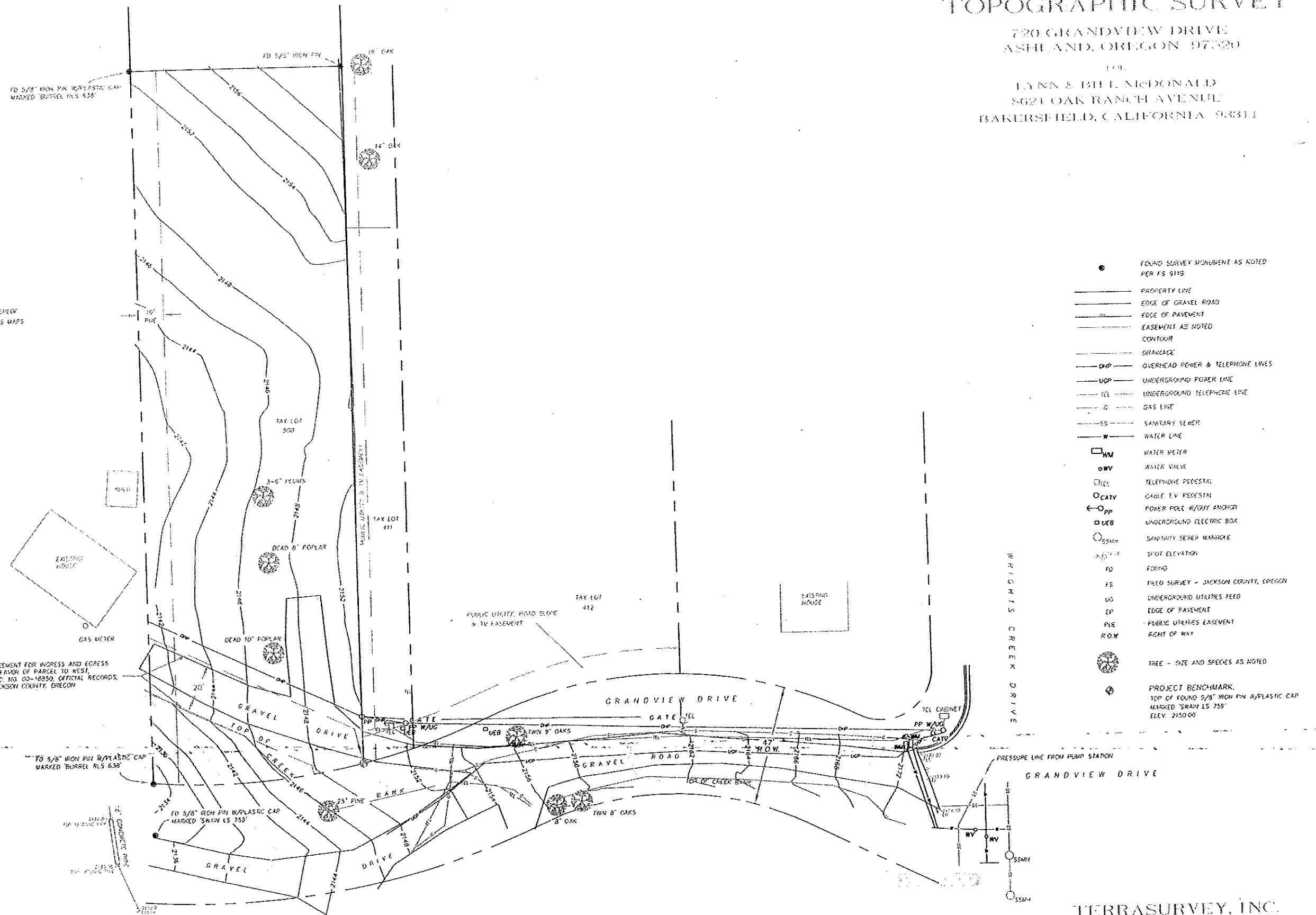
TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terrainsurvey@bisp.net
JOB NO. 544-06

720 GRANDVIEW DRIVE
ASHLAND, OREGON 97520

LYNN & BILL McDONALD
8621 OAK RANCH AVENUE
BAKERSFIELD, CALIFORNIA 93311



REVISED: 5-05-97
REVISED: 06-01-2005
SCALE 1" = 40'
CONTIGUOUS INTERVAL: 2'
DISTANCES ARE IN FEET AND DECIMALS THEREOF
ELEVATIONS BASED ON CITY OF ASBAND GS MAPS



BASIS OF BEARINGS
BEARINGS BASED ON FILED SURVEY NO. 9119

F 34 S. R 1 E SEC OSCD R 500

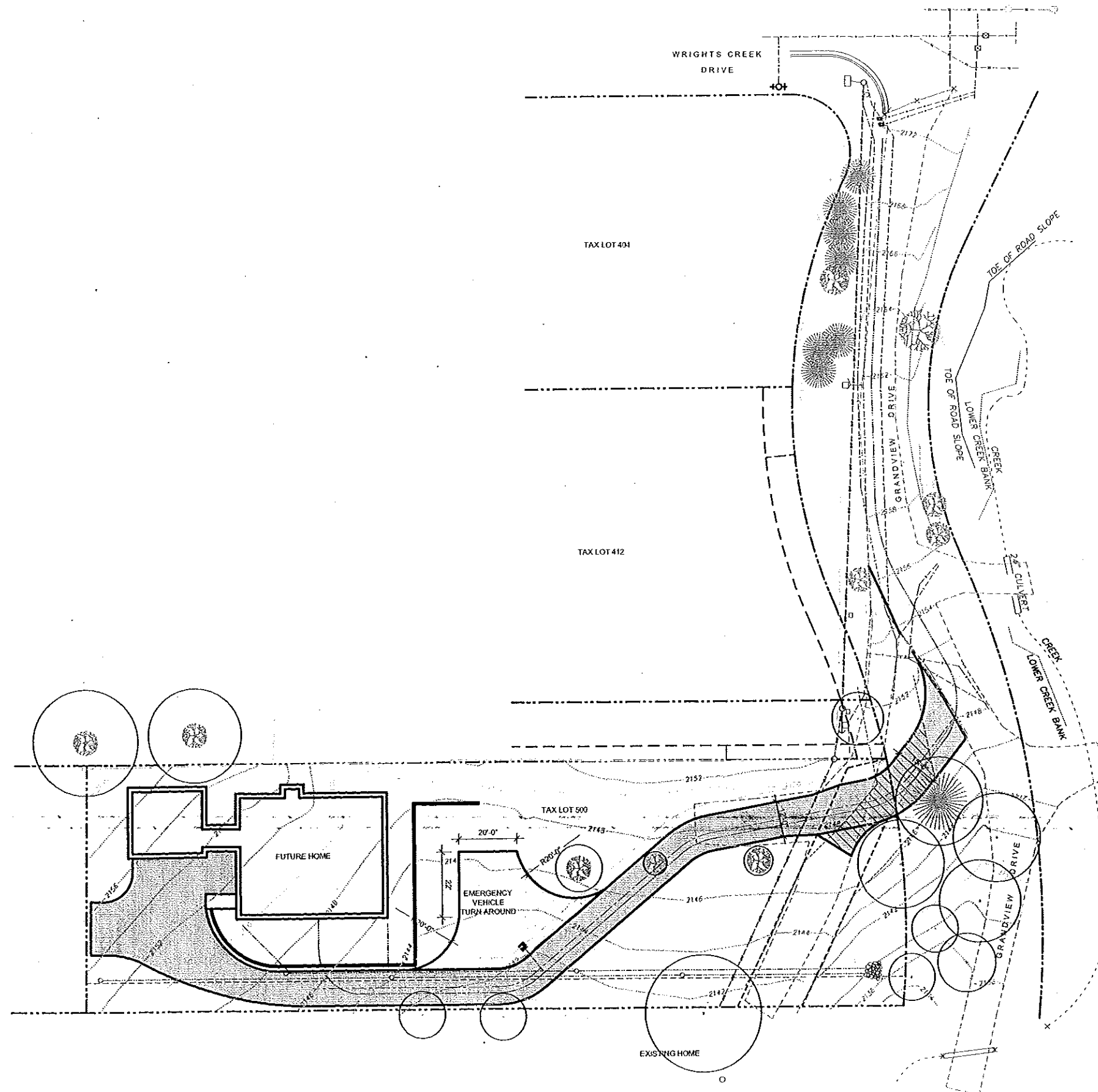
NOTE 1 POSITION OF UNDERGROUND UTILITIES ARE BASED ON LOCATED PAINT MARKS. NO WATER AND SEWER LINES WERE SHOWN IN THE AREA WEST OF BROWN'S CREEK DRIVE. THERE ARE AT LEAST TWO OTHER HOUSES WHICH SHARE THIS ACCESS. THE LINE IT ALIGNS FOR WATER AND SEWER LINES TO SERVE THESE HOUSES WOULD BE THE ROAD RIGHT OF WAY.

NOTE 2: EASEMENTS SHOWN ARE FROM FRED SURVEY NO. 9119 AND DEED RECORD INFORMATION PROVIDED BY OWNER.

NOTE: COORDINATES SHOWN ARE FROM RECORD AND ARE NOT THE RESULT OF A
RECENT BOUNDARY SURVEY

AUG 3 2009

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
74 FOURTH STREET
ASBURY PARK, NEW JERSEY 07721
Tel. (201) 261-1111
Fax (201) 261-1101
JED NO. JED-08



CONTENTS

- S-1 GENERAL SITE PLAN
- C-1 GRADING PLAN
- C-2 PRELIMINARY UTILITY PLAN
- EC-1 EROSION CONTROL PLAN
- EC-2 EROSION CONTROL DETAILS
- L-1 PLANTING AND IRRIGATION
- T-1 TREE PROTECTION AND REMOVAL SURVEY
- SURVEY DETAIL



SITE PLAN

LYNNE McDONALD
 720 GRANDVIEW
 ASHLAND, OREGON

AUGUST 3, 2009



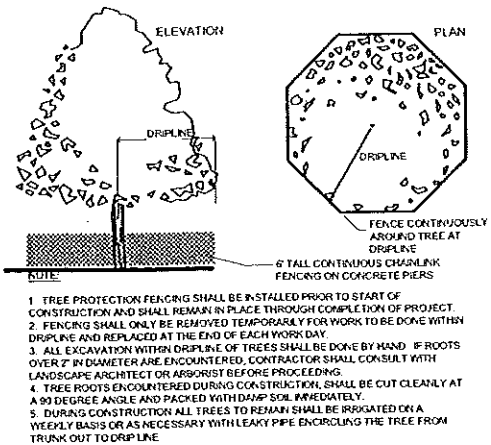
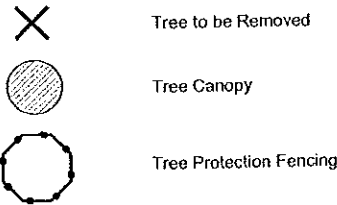
Revision Date:

Drawn By: KK

Scale 1" = 40'-0"

KenCain
 Landscape Architecture
 Tel: 541.488.3194 545 A Street
 Fax: 541.552.9512 Ashland, OR 97520
 Cell: 541.601.5559 kerry@kencainlandscape.com

TREE PROTECTION LEGEND



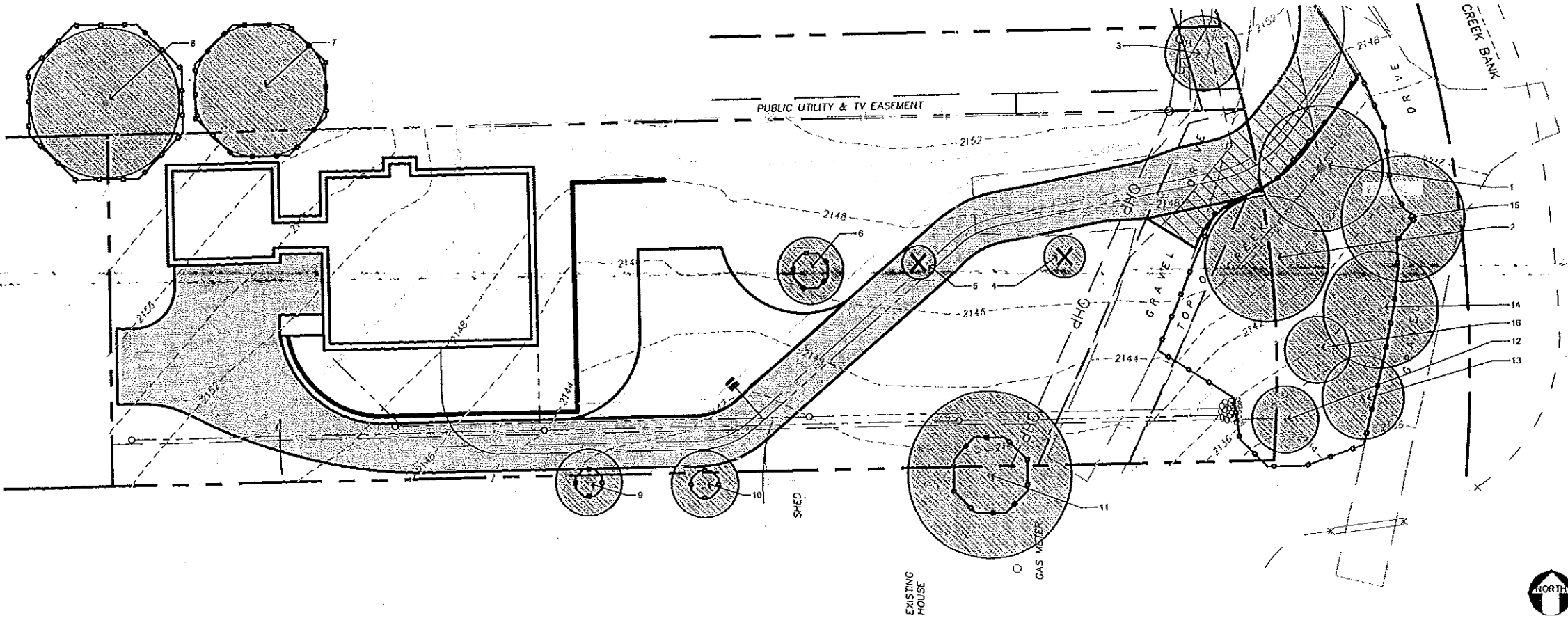
1 TREE PROTECTION

TREE INVENTORY

Tree #	Species	DBH in inches	Height in feet	Crown radius in feet	Tree protection zone radius in feet	relative tolerance to construction	Condition
1	Pinus ponderosa	28	90	15	28	good	good
2	Quercus kelloggii	10	45	15	7.5	moderate	fair
3	Quercus garryana	7	28	9	3.5	good	fair
4	Populus nigra	9	40	5	0	good	dead
5	Populus nigra	6	35	4	0	good	dead
6	Prunus cerasifera	6	24	8	4.5	moderate	fair
7	Quercus kelloggii	17	35	16	17	moderate	fair
8	Quercus kelloggii	20	38	18	20	moderate	fair
9	Populus nigra	7	35	8	3.5	good	good
10	Populus Nigra	7	35	8	3.5	good	good
11	Quercus garryana	13	38	20	9.75	good	good
12	Fraxinus latifolia	12	46	8	12	moderate	fair
13	Fraxinus latifolia	12	45	10	12	moderate	fair
14	Fraxinus latifolia	13	44	14	13	moderate	fair
15	Fraxinus latifolia	14	50	15	14	moderate	good
16	Fraxinus latifolia	7	25	8	5.25	moderate	fair

Specifications for Tree Preservation During Construction

- Before beginning work, the contractor is required to meet with the consultant at the site to review all work procedures, access routes, storage areas, and tree protection measures.
- Fences must be erected to protect trees to be preserved. Fences define a specific protection zone for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without the written permission of the consultant.
- Construction trailers and traffic and storage areas must remain outside fenced areas at all times.
- All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree.
- No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
- Additional tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel.
- Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
- If injury should occur to any tree during construction, the tree consultant should evaluate it as soon as possible so that appropriate treatments can be applied.
- The consulting arborist must monitor any grading, construction, demolition, or other work that is expected to encounter tree roots.
- All trees shall be irrigated on a schedule to be determined by the consultant. Irrigation shall wet the soil within the tree protection zone to a depth of 30 inches.
- Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.
- Before grading, pad preparation, or excavation for foundations, footings, walls, or trenching, any trees within the specific construction zone shall be root pruned 1 foot outside the tree protection zone by cutting all roots cleanly to a depth of 24 inches. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.
- Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
- If temporary haul or access roads must pass over the root area of trees to be retained, a road bed of 6 inches of mulch or gravel shall be created to protect the soil. The road bed material shall be replenished as necessary to maintain a 6-inch depth.
- Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.
- No burn piles or debris pits shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried within the tree protection zone.
- Maintain fire-safe areas around fenced areas. Also, no heat sources, flames, ignition sources, or smoking is allowed near mulch or trees.



KenCairn
Landscape Architecture

REGISTERED
STATE OF
OREGON
REG. # 40
Kerry KenCairn
11.12.99
LANDSCAPE ARCHITECT

Revision Date:

Drawn By: AM

Scale 1" = 30'-0"

LYNNE MCDONALD
720 GRANDVIEW
ASHLAND, OREGON

AUGUST 3, 2009

T-1

Tel: 541.488.3194 545 A Street
Fax: 541.552.9512 Ashland, OR 97520
Cell: 541.601.5559 kerry@kencairnlandscape.com

WRIGHTS CREEK DRIVE

EXIST. FIRE HYDRANT < 600' FROM STRUCTURE
ALONG DRIVEWAY ROUTE

EXISTING
RESIDENCE

39 1E 5CD
T.L. 404

ALL FILL MATERIAL USED FOR DRIVEWAY
CONSTRUCTION AND UTILITY INSTALLATION
SHALL BE AT ORIGINAL GROUND ELEVATION
(I.E. NO FILL WILL IMPEDE FLOODWATERS).

PROPOSED UTILITY
TRENCH

PUBLIC UTILITY, ROAD
SLOPE & TV EASEMENT

39 1E 5CD
T.L. 412

ALL IMPORT MATERIAL USED FOR UTILITY
INSTALLATION SHALL BE PLACED AT
ORIGINAL GROUND ELEVATION (I.E. NO FILL
WILL IMPEDE FLOODWATERS).

39 1E 5CD
T.L. 411

PUBLIC UTILITY & TV EASEMENT

PROPOSED UTILITY
TRENCH

39 1E 5CD
T.L. 500

PROPOSED RESIDENCE

CONNECTION TO ROOF
DOWNSPOUTS

CONNECTION TO ROOF
DOWNSPOUTS

10' P.U.E.

PROPOSED UTILITY
TRENCH

NEW 6" PRIVATE STORM DRAIN

NEW SUBSURFACE DRAIN, SEE
CROSS SECTION 1/1

EXISTING
RESIDENCE

39 1E 5CD
T.L. 501

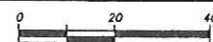
OUTLET OF PRIVATE S.D. &
SUBSURFACE DRAIN WITH ROCK
ENERGY DISSIPATOR

EXISTING 18" DRAINAGE CULVERT

39 1E 5CD T.L. 500



PRELIMINARY UTILITY PLAN - MCDONALD RESIDENCE



SCALE: 1"=20'

DRAWN:	JP
DATE:	1/20/2009
	REVISIONS

THORNTON ENGINEERING INC.
1236 disk drive, suite i
medford, oregon 97501
(541) 857-0864 (541) 857-1947 fax

PRELIMINARY UTILITY PLAN

MCDONALD RESIDENCE
720 GRANDVIEW DRIVE
ASHI AND OREGON

SHEET
C2



RENEWAL DATE: 6/30/2010

AUG 3 2009

JOB NO. C6-034
FILE: BASEMAP.DWG

1. This study provides approximate 100 year flood information in conformance with "Engineering Methods for Estimating Base Flood Elevations in Unnumbered A Zones (Approximate Study Areas)" published by FEMA, October 1995. This analysis provides flood information based on "theoretical methods." Actual flooding conditions may vary significantly from the information provided.

5. The FIRM information is for flood insurance purposes only. Our study does not alter the FIRM zone A boundary. The FIRM boundary may be amended by applying to FEMA and satisfying all requirements for amendment.

OREGON WATER RESOURCES DEPARTMENT⁽¹⁾:

$$Q_{100} = 10^{1.503} A^{0.9114} S^{0.4591} 0.6252$$

**AREA DETERMINED BY OWRD AUTO-DELINEATION APPLICATION (ONLINE)

2-YEAR 24-HOUR PRECIPITATION INTENSITY, IN (I) = 1.580

$Q_{100} = 37.1$ CFS LOWER LIMIT

$Q_{100} = 160$ CFS UPPER LIMIT

$Q_{100} = 77.1$ CFS

(1) Oregon Water Resources Department estimates of peak discharge – autodelineation program:
http://qls.wrd.state.or.us/apps/map/owrd_map/Default.aspx
 Based the following study:
 Cooper, R.M., 2005, Estimation of peak discharges for rural, unregulated streams in Western Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5116, 134 p.

FLOOD PLAIN DATA:	Typical Cross-Section
Manning's <i>n</i>	0.055
Bottom Width	1 foot
Side Slope	1:1
Channel Slope	5 percent
Channel Depth	3 feet
Flow Capacity	85 cfs > 77.1 cfs

Notes: - Flow Capacity is the calculated channel capacity at the given normal depth.



SCALE: 1"=20'

39 1E 5CD T.L. 500

A.C.	ASPHALTIC CONCRETE	MAX	MAXIMUM
B.C.	BACK OF CURB	MIN	MINIMUM
B.C.R.	BEGINNING OF CURB RETURN	M.H.	MANHOLE
C.I.	CURB INLET	R	PROPERTY LINE
C.	CENTER LINE	P/UE	PUBLIC UTILITY EASEMENT
C/W	CONCRETE	R/W	RIGHT-OF-WAY
D/W	DRIVEWAY	SS	SANITARY SEWER
E.C.R.	END OF CURB RETURN	SSL	SANITARY SEWER LATERAL
EL	ELEVATION	S/W	SIDEWALK
EXIST	EXISTING	STD	STANDARD
OG	ORIGINAL GRADE	SD	STORM DRAIN
FG	FINISH GRADE	TC	TOP OF CURB
FH	FIRE HYDRANT	UON	UNLESS OTHERWISE NOTED
INV	INVERT OF PIPE	WM	WATER METER
L/S	LANDSCAPING	WV	WATER VALVE

SCHEDULE OF DRAWINGS

C3	100 YEAR FLOOD BOUNDARY
----	-------------------------

JAN 29 2010

City of Ashland
Field ☐ Office ☐ CC ☐



RENEWAL DATE: 6/30/2010

JOB NO. 06-034
FILE: BASEMAP.DWG



EROSION & SEDIMENT CONTROL PLAN

720 GRANDVIEW DRIVE

CONTACTS

OWNER

WILLIAM & LYNN McDONALD
8621 OAK BRANCH AVENUE
BAKERSFIELD, CALIFORNIA 93311
(541) 482-6474

SURVEYOR

TERRASURVEY, INC.
274 FOURTH STREET
ASHLAND, OR 97520
(541) 482-6474

ENGINEER

THORNTON ENGINEERING, INC.
P.O. BOX 476
JACKSONVILLE, OR 97530
(541)-899-1489
(541)-899-3419 FAX

PLANNING CONSULTANT/ LANDSCAPE ARCHITECT

KENCAIRN LANDSCAPE ARCHITECTURE
545 "A" STREET, STE. 3
ASHLAND, OREGON 97520
(541) 488-3194
(541) 552-9512 (FAX)
CONTACT: KERRY KENCAIRN

NARRATIVE DESCRIPTIONS

PROPERTY LOCATION/DESCRIPTION 39 1E 05CD, TAX LOT 500
WILLAMETTE MERIDIAN, CITY OF
MEDFORD, JACKSON COUNTY,
OREGON

LATITUDE/LONGITUDE 42° 12' 08"N, 122° 43' 53"W

EXISTING SITE CONDITIONS 0.54 Undeveloped acres
with 9%-13% slopes.

DEVELOPED CONDITIONS Residence

SITE SOIL CLASSIFICATION 164D - SHEFFLEIN LOAM,
7 TO 20 PERCENT SLOPES

ON-SITE SOILS HAVE A MODERATE TO HIGH EROSION POTENTIAL. ALL
FILL MATERIAL SHALL BE GENERATED ON-SITE FROM GRADING EXCAVATION
AND UTILITY TRENCH SPOILS.

RECEIVING WATER BODY Wrights Creek to Bear Creek

SITE INSPECTION INFORMATION

PERMITEE'S SITE INSPECTOR:

COMPANY/AGENCY:

PHONE:

FAX:

E-MAIL:

DESCRIPTION OF EXPERIENCE

INSPECTION SCHEDULE

SITE CONDITION	MINIMUM FREQUENCY
ACTIVE PERIOD	DAILY WHEN STORMWATER RUNOFF, INCLUDING RUNOFF FROM SNOW MELT, IS OCCURRING.
PRIOR TO THE SITE BECOMING INACTIVE OR IN ANTICIPATION OF SITE INACCESSIBILITY	ONCE TO ENSURE THAT EROSION AND SEDIMENT CONTROL MEASURES ARE IN WORKING ORDER. ANY NECESSARY MAINTENANCE AND REPAIR MUST BE MADE BEFORE LEAVING THE SITE.
INACTIVE PERIODS GREATER THAN SEVEN (7) CONSECUTIVE CALENDAR DAYS	ONCE EVERY TWO (2) WEEKS.
PERIODS DURING WHICH THE SITE IS INACCESSIBLE DUE TO INCLEMENT WEATHER	IF PRACTICAL, INSPECTIONS MUST OCCUR DAILY AT A RELEVANT AND ACCESSIBLE DISCHARGE POINT OR DOWNSTREAM LOCATION.

HOLD A PRE-CONSTRUCTION MEETING OF PROJECT CONSTRUCTION
PERSONNEL THAT INCLUDES THE EC INSPECTOR. ALL INSPECTIONS
MUST BE MADE IN ACCORDANCE WITH DEQ 1200-C PERMIT
REQUIREMENTS.

INSPECTION LOGS MUST BE KEPT IN ACCORDANCE WITH DEQ'S 1200-C
PERMIT REQUIREMENTS.

CHANGES TO THE APPROVED ESC PLAN MUST BE SUBMITTED TO DEQ IN
THE FORM OF AN ACTION PLAN.

GENERAL NOTES

1. Hold a pre-construction meeting of project construction personnel that includes the inspector to discuss erosion and sediment control measures and construction limits. (Schedule A.5.b.i.(3))
2. The ESCP must be kept onsite and all erosion and sediment control measures shown on the plan must be installed in such a manner to ensure that sediment or sediment laden water that enters or is likely to enter surface waters or conveyance systems leading to surface water, roadway, or other properties does not occur. (Schedule A.3.a.) and (Schedule B.3.b.)
3. The implementation of the ESCP and construction, maintenance, replacement, and upgrading of the erosion and sediment control measures is the responsibility of the permit registrant until all construction is completed and approved by the local development agency and vegetation/landscaping is established. The permit registrant shall be responsible for maintenance after the lots are approved, until the lots are sold and the 1200-C permit is terminated. (Schedule A.4.a.) and (Schedule D.3.)
4. The permit registrant must be responsible for proper installation and maintenance of all erosion and sediment control measures, in accordance with local, state, or federal regulations. (Schedule A.5.a.) and (Schedule A. 6.a.)
5. Erosion and sediment control measures including perimeter sediment control must be in place before vegetation is disturbed and must remain in place and be maintained, repaired, and promptly implemented following procedures established for the duration of construction, including protection for active storm drain inlets and catch basins and appropriate nonstormwater pollution controls. (Schedule A.5.b.ii.(2)), (Schedule A.5.b.ii.(7)), (Schedule A.7.d.i.(2)) & (Schedule A.7.f.)
6. Begin land clearing, excavation, trenching, cutting or grading and earthwork-surface roughing after installing applicable sediment, erosion prevention and runoff control measures not in the direct path of work. (Schedule A.5.b.ii.(5)(a)), (Schedule A.7.c.i.(1)) and (Schedule A.7.c.ii.(1))
7. Apply temporary and/or permanent soil stabilization measures immediately on all disturbed areas as grading progresses and for all roadways including gravel roadways. (Schedule A.5.b.ii.(5)(b), Schedule A.5.b.ii.(5)(c) & Schedule A.5.b.ii.(6).)
8. Wet Weather BMPs: Construction activities must avoid or minimize excavation and creation of bare ground on slopes greater than five (5) percent from October 1 through May 31 each year. (Schedule A.7.a.i.)
9. Wet Weather BMPs: Temporary stabilization of the site must be installed at the end of the shift before a holiday or weekend or at the end of each workday if rainfall is forecast in the next 24 hours and each weekend and holiday. (Schedule A.7.a.ii.)
10. Identify, mark, and protect (by fencing off or other means) critical riparian areas and vegetation including important trees and associated rooting zones and vegetation areas to be preserved. Identify vegetative buffer zones between the site and sensitive areas (e.g., wetlands), and other areas to be preserved, especially in perimeter areas. Preserve existing vegetation and revegetate open areas when practicable before and after grading or construction. (Schedule A.5.b.i.(1) & (2)) and (Schedule A.7.c.iii.(1))
11. Provide permanent erosion prevention measures on all exposed areas to prevent from becoming a source of erosion and remove all temporary control measures, unless local ordinances require otherwise, as areas are stabilized. (Schedule A.5.b.ii.(8)) and (Schedule A.7.c.ii.(2))
12. All temporary sediment controls must remain in place until permanent vegetation or other permanent covering of exposed soil is established. Identify the type of vegetative seed mix used. (Schedule A.7.c.iii.(3)) & (Schedule A.7.c.iii.(4))
13. Sediment controls must be installed and maintained along the site perimeter on all down gradient sides of the construction site and at all active and operational internal storm drain inlets at all times during construction. (Schedule A.7.d.i.(1) - (2))
14. Prior to any land disturbing activities each site must have graveled, paved, or constructed entrances, exits and parking areas with exit tire wash to reduce the tracking of sediment onto public or private roads. (Schedule A.7.d.iii.(1))
15. When trucking saturated soils from the site, either watertight trucks must be used or loads must be grained on-site until dripping has been reduced to minimize spillage on road. (Schedule A.7.d.iii.(3))
16. Temporary stabilization or covering of soil stockpiles and protection of stockpile located away from construction activity must occur at the end of each workday or other BMPs, such as diversion of uncontaminated flows and installation of sediment fences around stockpiles, must be implemented to prevent turbid discharges to surface waters. (Schedule A.7.e.i.(1)) & (Schedule A.7.e.ii.(1) - (3)).
17. BMPs that will be used to prevent or minimize stormwater from being exposed to pollutants from spills, no discharge of concrete truck wash water, vehicle and equipment cleaning, vehicle and equipment fueling, maintenance, and storage, other cleaning and maintenance activities, and waste handling activities. These pollutants include fuel, hydraulic fluid, and other oils from vehicles and machinery, as well as debris, leftover paints, solvents, and glues from construction operations. (Schedule A.7.e.i.(2))
18. Any use of toxic or other hazardous materials must include proper storage, application, and disposal. (Schedule A.7.e.iii.(2))
19. Solid Waste and Hazardous Materials Management: Follow project written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures; regular maintenance schedule for vehicles and machinery; and material delivery and storage controls, training and signage, material use, covered storage areas for waste and supplies. (Schedule A.7.e.iii.(3))
20. The permittee must properly manage hazardous wastes, used oils, contaminated soils, concrete waste, sanitary waste, liquid waste, or other toxic substances discovered or generated during construction and meet all state and federal regulations and approvals. (Schedule A.7.e.iii.(4))
21. The ESCP measures shown on this plan are minimum requirements for anticipated site conditions. During the construction period, these measures must be upgraded as needed to comply with all applicable local, state, and federal erosion and sediment control regulations. Changes to the ESCP must also be submitted in the form of an Action Plan to DEQ or its Agent for approval. (Schedule A.7.f.)
22. Significant amounts of sediment, which leaves the site, must be cleaned up within 24 hours and placed back on the site and stabilized or properly disposed. The cause of the sediment release must be found and prevented from causing a recurrence of the discharge within the same 24 hours. Any in-stream clean up of sediment shall be performed according to the Oregon Division of State Lands required time frame. (Schedule A.7.f.i.(1))
23. Vacuuming or dry sweeping must be used to clean-up released sediment and must not be intentionally washed into storm sewers, drainage ways, or water bodies. (Schedule A.7.f.i.(2))
24. The application rate of fertilizers used to reestablish vegetation must follow manufacturer's recommendations to minimize nutrient releases to surface waters. Time-release fertilizers should be used with care within any waterway riparian zone. (Schedule A.7.f.i.(3))
25. Sediment must be removed from behind a Sediment Fence when it has reached a height of 1/3 the height of the fence aboveground and before fence removal. (Schedule A.7.f.ii.(1))
26. Sediment must be removed from behind Bio Bags and other barriers it has reached a height of two (2) inches and before BMP removal. (Schedule A.7.f.ii.(2))
27. Removal of trapped sediment in a Sediment Basin or Sediment Trap or Catch Basins must occur when the sediment retention capacity has been reduced by fifty (50)% and at completion of project. (Schedule A.7.f.ii.(3) & (4))
28. DEQ must approve of any treatment system and operational plan that may be necessary to treat contaminated construction dewatering or sediment and turbidity in stormwater runoff. (Schedule A.7.f.iii.)
29. Should all construction activities cease for thirty days or more, the entire site must be temporarily stabilized using vegetation or a heavy mulch layer, temporary seeding, or other method. (Schedule A.8.a.)
30. Should construction activities cease for fifteen (15) days or more on any significant portion of a construction site temporary stabilization is required for that portion of the site with straw, compost, or other tackified covering that prevent soil or wind erosion until work resumes on that portion of the site. (Schedule A.8.b.)
31. Daily inspections when rainfall and runoff occurs of the BMPs and discharge outfalls must be the project ESCP Inspector. These inspections and observations must be recorded in a log that is available on site. (Schedule A.6.b.i.) & (Schedule B.1.b.(1))
32. BMPs must be inspected before, during, and after significant storm events. (Schedule A.7.f.)
33. All ESCP controls and practices must be inspected visually once to ensure that BMPs are in working order prior to the site becoming inactive or in anticipation of site inaccessibility and must be inspected visually once every two (2) weeks during inactive periods greater than seven (7) consecutive calendar days. (Schedule B.1.b.(2)-(3))
34. If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location during periods which the site is inaccessible due to inclement weather. (Schedule B.1.b.(4)).

BMP MATRIX FOR CONSTRUCTION PHASES

REFER TO DEQ GUIDANCE MANUAL FOR A COMPREHENSIVE LIST
OF AVAILABLE BMP'S.

	CLEARING	MASS GRADING	UTILITY INSTALLATION	PAVEMENT CONSTRUCTION	FINAL STABILIZATION	BMP TIMING	
						(OCT. 1 - MAY 31)	(JUNE 1 - SEPT. 31)
EROSION PREVENTION							
GROUND COVER					X	X	
MULCHING		X			X	X	
DUST CONTROL	X	X	X	X	X	X	X
TEMPORARY/ PERMANENT SEEDING		X	X		X	X	X
OTHER:							
SEDIMENT CONTROL							
SEDIMENT FENCE (PERMETER)	** X	X	X	X	X	X	X
STRAW MATS	** X	X	X	X	X	X	X
INLET PROTECTION	** X	X	X	X	X	X	X
OTHER:							
RUN OFF CONTROL							
CONSTRUCTION ENTRANCE	** X	X	X	X	X	X	X
SURFACE ROUGHENING					X		
OTHER:							
POLLUTION PREVENTION							
PROPER SIGNAGE	X	X	X	X	X	X	X
HAZ WASTE MGMT	X	X	X	X	X	X	X
SPILL KIT ON-SITE	X	X	X	X	X	X	X
CONCRETE WASHOUT AREA	X	X	X	X	X	X	X
OTHER:							

** SIGNIFIES BMP THAT WILL BE INSTALLED PRIOR TO ANY GROUND
DISTURBING ACTIVITY.

RATIONALE STATEMENT

A COMPREHENSIVE LIST OF AVAILABLE BEST MANAGEMENT PRACTICES (BMP) OPTIONS BASED ON DEQ'S GUIDANCE MANUAL HAS BEEN REVIEWED TO COMPLETE THIS EROSION AND SEDIMENT CONTROL PLAN. SOME OF THE ABOVE LISTED BMP'S WERE NOT CHOSEN BECAUSE THEY WERE DETERMINED TO NOT EFFECTIVELY MANAGE EROSION PREVENTION AND SEDIMENT CONTROL FOR THIS PROJECT BASED ON SPECIFIC SITE CONDITIONS, INCLUDING SOIL CONDITIONS TOPOGRAPHIC CONSTRAINTS, ACCESSIBILITY TO THE SITE, AND OTHER RELATED CONDITIONS, AS THE PROJECT PROGRESSES AND THERE IS A NEED TO REVISE THE ESC PLAN, AN ACTION PLAN WILL BE SUBMITTED.

15,973

AUG 3 2009



RENEWAL DATE: 12/31/2009

JOB NO. 06-034
FILE: BASEMAP.DWG

DRAWN:	KJD
DATE:	1/20/09
REVISIONS	

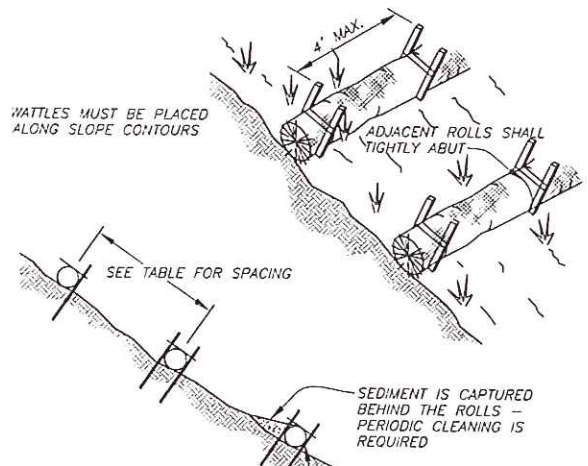
THORNTON ENGINEERING INC. p.o. box 476 • 260 north 3rd street
jacksonville, oregon 97530
(541) 899-1489 (541) 899-3419 fax

EROSION CONTROL COVER SHEET SHEET

720 GRANDVIEW DRIVE
ASHLAND, OREGON

EC1

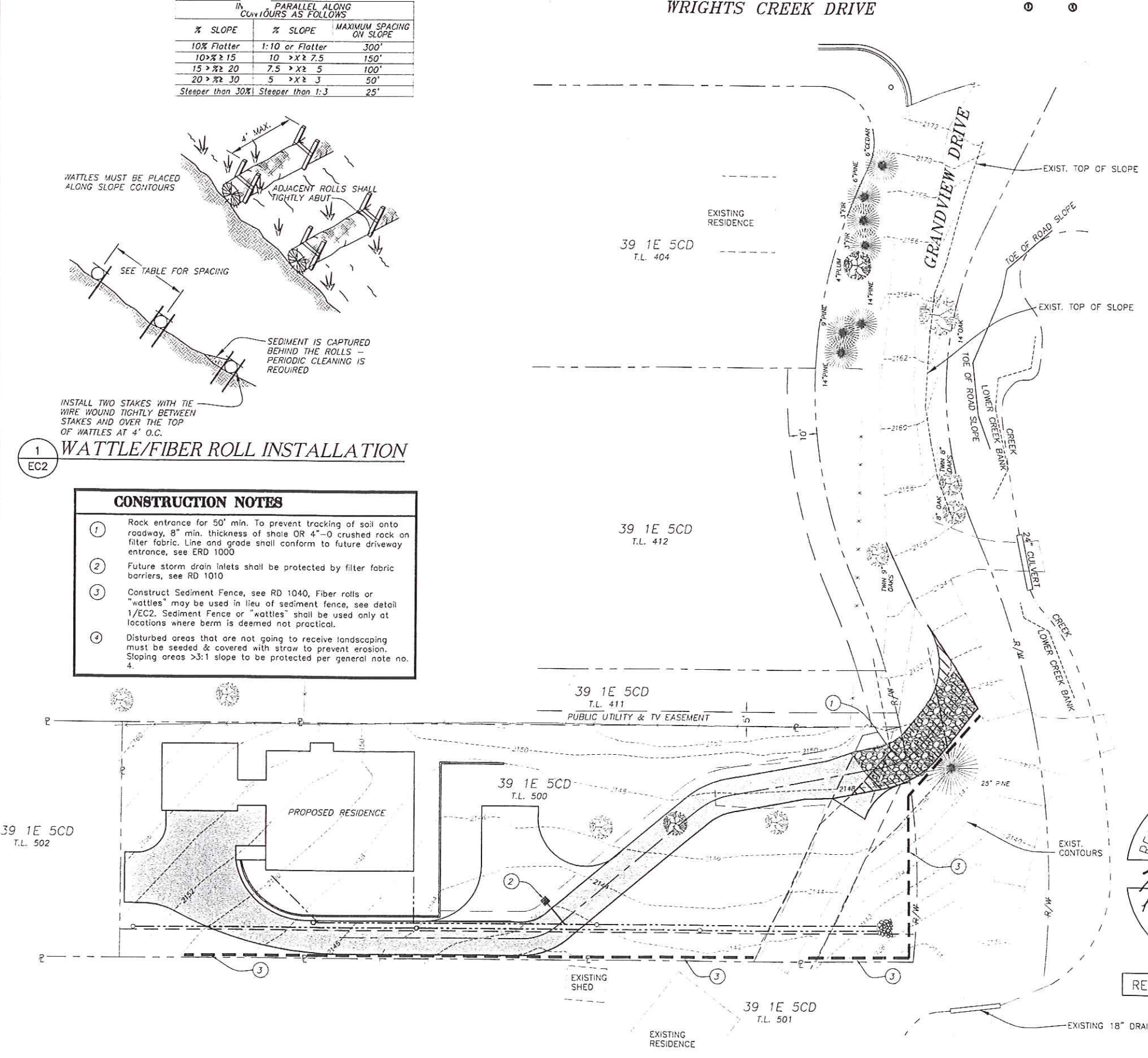
RRIER SPACING ERIAL APPLICATION IN PARALLEL ALONG CONTOURS AS FOLLOWS		
% SLOPE	% SLOPE	MAXIMUM SPACING ON SLOPE
10% Flatter	1:10 or Flatter	300'
10 > % ≥ 15	10 > X ≥ 7.5	150'
15 > % ≥ 20	7.5 > X ≥ 5	100'
20 > % ≥ 30	5 > X ≥ 3	50'
Steeper than 30%	Steeper than 1:3	25'



INSTALL TWO STAKES WITH TIE WIRE WOUND TIGHTLY BETWEEN STAKES AND OVER THE TOP OF WATTLES AT 4' O.C.

1 EC2 WATTLE/FIBER ROLL INSTALLATION

- CONSTRUCTION NOTES
- Rock entrance for 50' min. To prevent tracking of soil onto roadway, 8" min. thickness of shale OR 4"-0 crushed rock on filter fabric. Line and grade shall conform to future driveway entrance, see RD 1000
 - Future storm drain inlets shall be protected by filter fabric barriers, see RD 1010
 - Construct Sediment Fence, see RD 1040, Fiber rolls or "wattles" may be used in lieu of sediment fence, see detail 1/EC2. Sediment Fence or "wattles" shall be used only at locations where berm is deemed not practical.
 - Disturbed areas that are not going to receive landscaping must be seeded & covered with straw to prevent erosion. Sloping areas >3:1 slope to be protected per general note no. 4.



AT DITCH SECTION OR LOW AREAS

TURNED ENDS

POST SPACING OVERLAP

GEOTEXTILE END CONNECTIONS

ERD1040

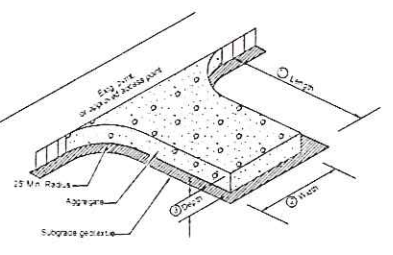
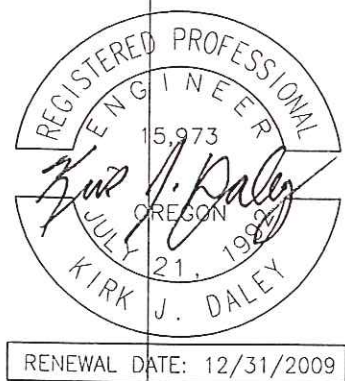
ERD1040

PLAN

ELEVATION

INLET PROTECTION

INLET PROTECTION



AUG 3 2009

EROSION CONTROL PLAN-MCDONALD RESIDENCE

DRAWN:	kjd
DATE:	1/20/09
REVISIONS	

THORNTON ENGINEERING INC.

p.o. box 476 • 260 north 3rd street
jacksonville, oregon 97530
(541) 899-1489 (541) 899-3419 fax

EROSION CONTROL PLAN

MCDONALD RESIDENCE

ASHLAND, OREGON

SHEET

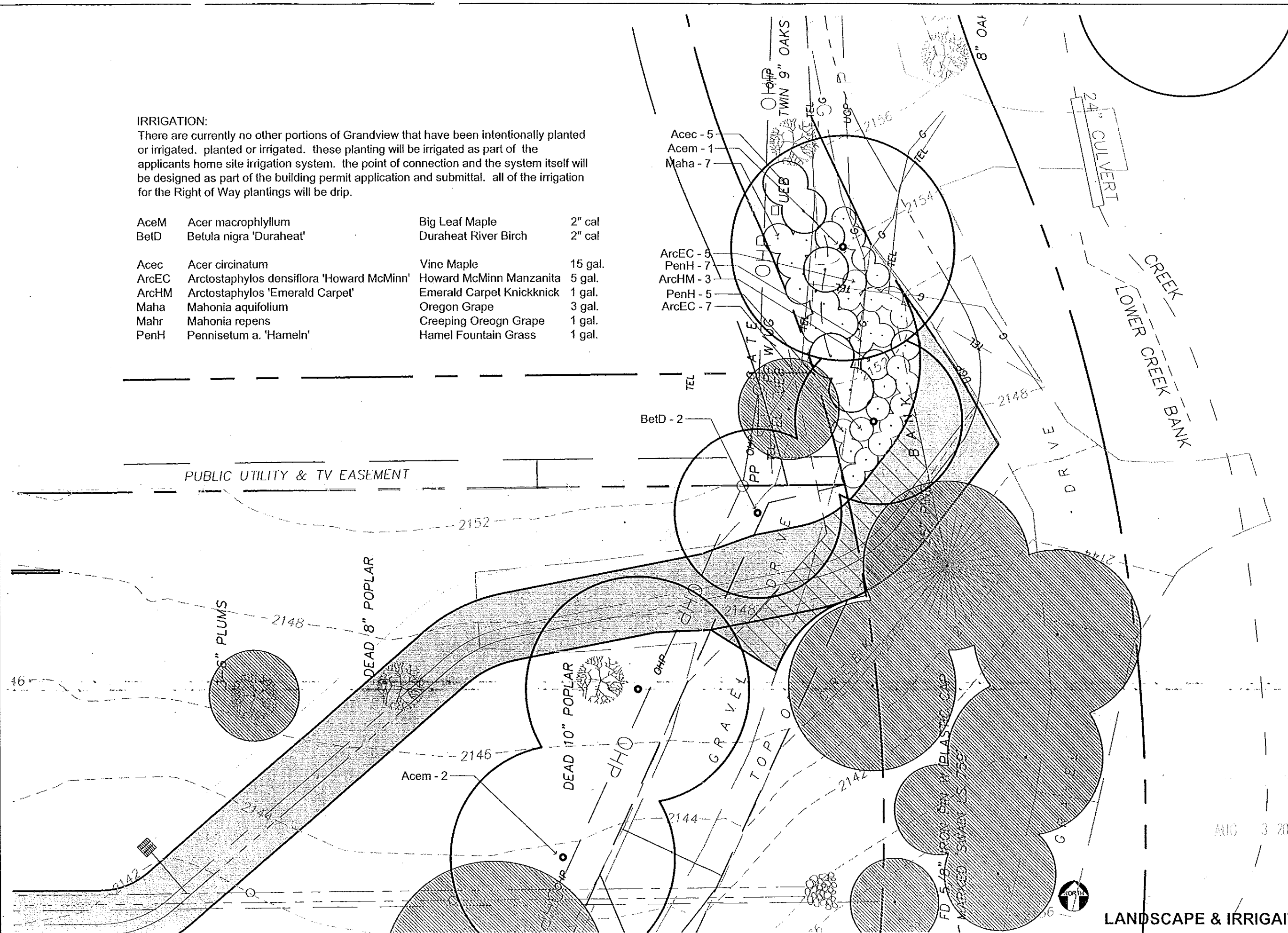
EC2

JOB NO. 06-034
FILE: BASEMAP.DWG

IRRIGATION:

There are currently no other portions of Grandview that have been intentionally planted or irrigated. planted or irrigated. these planting will be irrigated as part of the applicants home site irrigation system. the point of connection and the system itself will be designed as part of the building permit application and submittal. all of the irrigation for the Right of Way plantings will be drip.

AceM	Acer macrophyllum	Big Leaf Maple	2" cal
BetD	Betula nigra 'Duraheat'	Duraheat River Birch	2" cal
Acec	Acer circinatum	Vine Maple	15 gal.
ArcEC	Arctostaphylos densiflora 'Howard McMinn'	Howard McMinn Manzanita	5 gal.
ArchM	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Knickknick	1 gal.
Maha	Mahonia aquifolium	Oregon Grape	3 gal.
Mahr	Mahonia repens	Creeping Oreogn Grape	1 gal.
PenH	Pennisetum a. 'Hameln'	Hamel Fountain Grass	1 gal.



Revision Date:

Drawn By:

Scale 1" = 8'-0"

LYNNE MCDONALD
720 GRANDVIEW
ASHLAND, OREGON

AUGUST 3, 2009

L-1

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Cell: 541.601.5559 kerry@kencairnlandscape.com

KenCairn
Landscape Architecture

www.KenCairnLandscape.com

LANDSCAPE & IRRIGATION

Memo

DATE: February 3, 2010

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager
Brandon Goldman, Senior Planner

RE: Issues from January 12, 2010 Planning Commission Meeting
Croman Mill Site Redevelopment Plan

At the January 12th Planning Commission meeting, the Commission requested information on the following issues. In addition, the Oregon Department of Transportation (ODOT) submitted a comment letter which is included in the packet. The items in the letter are briefly addressed at the end of this memo.

Inclusion of 650 – 750 Mistletoe Road (Mini-Storage Site) in Croman Mill District

At the January 12th Planning Commission meeting, the Commission requested information about the rationale for including the street frontage of the properties located at 650 – 750 Mistletoe Road in the Croman Mill District (see map below). The properties at 650 – 750 Mistletoe Road are also known as the mini-storage site because the easterly portion of the triangular site is developed as a mini-storage facility. The portion of the mini-storage site located adjacent to the street is included in the Croman Mill District plan area and designated in the Office Employment (OE) zoning overlay.



The idea to include the properties in the Croman Mill District was initially raised by the Planning Commission at study sessions, with specific suggestions regarding the inclusion of the site in the Croman Mill District as a potential extension of the neighborhood center and as a way to encourage redevelopment of the mini-storage buildings on the site.

From Staff's perspective, there are several reasons for including the portion of the site adjacent to the street in the planning area. First, the site physically connects the neighborhood center to the central employment area, and the inclusion would provide some continuity as people coming into the site travel along the central boulevard. Second, the area adjacent to the street is largely vacant, and the development of street frontage under the Croman Mill District Standards would insure a similar character of development and level of architecture as the bulk of the plan area. Finally, future development of the site outside of the existing planning approvals would be subject to the Croman Mill District Green Development Standards.

An alternative to including the property frontage in the Croman Mill District would be to retain the M-1 Industrial zoning, but change the Comprehensive Plan designation to the Croman Mill District Plan. This would recognize the pre-existing uses, current planning approvals and address the property owner's concerns regarding the change in zoning, but would allow future requests for the rezoning the property to be included in the district. Additionally, Staff would recommend including the portion of the site adjacent to the street in the Detail Site Review Zone. This would require future development adjacent to the street, outside of the existing planning approvals, to meet a similar level of site planning and building design to that of the properties fronting the central boulevard in the Croman Mill District. Under this scenario, the future development adjacent to the street, outside of the existing planning approvals, would not be subject to the Croman Mill District Green Development Standards.

Options

- Retain the M-1 Industrial zoning for 650 – 750 Mistletoe Road, change the Comprehensive Plan designation to Croman Mill, and include the portion of the site adjacent to the street in the Detail Site Review Zone.
- Include the portion of the site adjacent to the street in the Croman Mill District as shown in the January 12, 2010 draft.

Review of Approvals for 650 and 700 Mistletoe Road

Mark DiRienzo testified at the January 12th Planning Commission meeting regarding perceived conflicts between the approved projects on 650 and 700 Mistletoe Road and the proposed zoning and design standards. Additionally, a written comment from Mark Knox was submitted regarding the same properties.

The planning approvals for 650 and 700 Mistletoe Road are current and valid, but have not been completed. If the proposed ordinance revisions for the Croman Mill District Plan are adopted, the projects could be developed as approved even if the approved projects do not meet the newly adopted Croman Mill District Standards. The planning approvals in place for the site include: 1) the development of a second two-story office building approximately 7,000 square feet in size and located to the north of the existing office building at 700 Mistletoe Road, and 2) the development of a 10,100 square foot building with a partial second story that is comprised of light industrial and office uses



including an organic distillery with smaller areas identified for a retail space and a restaurant located at 650 Mistletoe Road (see attached site plans). The second office building was approved with an open floor plan on each level which was described as potentially being used for retail or light manufacturing. The distillery occupies approximately 2/3 of the ground floor with a production area, office and retail space, while the remainder of the building is for separate uses and includes a restaurant space, and flexible area for light manufacturing and offices.

In terms of context, there are several factors regarding the 650 – 750 Mistletoe Road site that are worth noting. First, more than half of the site acreage is developed with the mini-storage and existing two-story office building – of the total acreage of 5.6 acres in size, just over two acres of land remains undeveloped. The vacant two acres on the mini-storage site represents two percent of the overall land area included in the Croman Mill District plan.

Second, Staff believes the majority of the developable land in the Croman Mill District is situated in a planned street network in a manner that allows the division into lots which will meet the dimensional, parking and access requirements of the proposed standards. In contrast, the mini-storage site which was divided and planned prior to the proposed requirements includes three lots of which the developable areas adjacent to Mistletoe Road are configured in such away that the lots are considerably wider than deep. This shallow lot orientation predisposes the buildable areas to also being wide and not deep, and focuses more of the parking and access to the sides of the buildings. Additionally, the mini-storage site is somewhat physically isolated because a lack of side streets adjacent to the property. In contrast, the Croman Mill District includes a grid street network which sets the stage for lot configurations that integrate the development standards. Also, by providing local streets throughout the bulk of the property, there are opportunities to design shared accesses within each block, and at the same time keeping access points focused on local streets with less traffic.

Staff has reviewed the approved developments for 650 and 700 Mistletoe Road, and compared the approved site plan and building designs to the proposed requirements for the Croman Mill District. Staff's analysis of the approved site plans and building designs for 650 and 700 Mistletoe Road is focused on identifying areas that would not meet the Croman Mill District standards if the applications were submitted after the standards are adopted, and adjustments that could be made to improve the plan to benefit the entire plan area in the context of the goals and objectives of the Croman Mill Site Redevelopment Plan.

Based on Staff's analysis, the existing planning approvals for 650 and 700 Mistletoe Road largely meet the proposed requirements for the Croman Mill District including the use and dimensional standards included in Chapter 18.53 as well as the Croman Mill District Standards. Staff identified four areas of inconsistencies between the approved plans and the Croman Mill District requirements including limitations on manufacturing and retail uses in the Office Employment zone, limitations on on-site surface parking, the minimum number of stories and the minimum Floor Area Ratio (FAR).

1. Manufacturing and Retail Uses:

The approved industrial/office building at 650 Mistletoe Road (includes organic distillery) would not meet the use requirements of the Office Employment (OE) zoning overlay in terms of manufacturing food products and the amount of square footage dedicated to manufacturing. The distillery component of the application would not meet the use requirements for the OE zoning



overlay because manufacture of food products is not permitted. In contrast, the Compatible Industrial (CI) zoning overlay allows the manufacture of food products as a permitted use. Additionally, the square footage dedicated to manufacturing exceeds the maximum for the OE zone by 14 percent (maximum manufacturing in OE is 50 percent of the ground floor area). Again, the area dedicated to manufacturing would meet the requirements of the CI zoning overlay.

An adjustment could be made to the OE zoning overlay allowing the manufacture of food products as a special permitted use. Currently, manufacturing, assembly, fabrication or packaging is allowed in the OE zoning overlay as a special permitted use.

Options

- Expand the special permitted uses in the OE zoning overlay to include manufacture of food products.

Whether the mini-storage site is included in the Office Employment (OE) zoning overlay or the Compatible Industrial (CI) zoning overlay, the approved retail and restaurant space included in the distillery building exceeds the square footage limitation for “limited stores, restaurants and shops.” The approved plan for the distillery building includes a retail space for the distillery. Also included on the ground floor is an area for restaurant space, which appears not to be associated with the distillery. The total area for these two spaces is a little over twice as large as the area allowed for limited stores, restaurants and shops in the Croman Mill District. The approved retail and restaurant represents 22 percent of the ground floor area (the maximum limited store, restaurant and shop area is 10 percent of the ground floor area, or 1,500 square feet, whichever is less).

Staff recommends retaining size limitations for limited stores, restaurants and shops in the OE, CI and MU zoning overlays. The Croman Mill Site Redevelopment Plan identifies project objectives of providing for a large number of family wage jobs, allowing for light industrial and manufacturing and not creating uses that compete with downtown. With a little over 30 acres dedicated to each of the OE and CI overlays, and 16 acres dedicated to the MU overlay, increasing the square footage for stores, restaurants and shops will decrease the available land area dedicated to office and manufacturing uses. Limited stores, restaurants and shops are included throughout the plan area in an effort to create a walkable, pedestrian-oriented employment center. However, a greater amount of retail and restaurants may begin to tip the balance towards a service center rather than a job center.

2. On-Site Surface Parking Limitation:

The approved buildings at 650 and 700 Mistletoe Road would potentially have difficulties meeting the Croman Mill District requirement which limits the number of surface lot parking spaces provided on site to 50 percent of the required off-street parking. For the distillery building at 650 Mistletoe Road, 64 percent of the required off-street parking would be provided as surface parking on site, and for the office buildings at 700 Mistletoe Road, 82 percent of the required off-street parking would be provided as surface parking on site.



The Croman Mill Site Redevelopment Plan includes code language regarding the 50 percent limitation on on-site surface parking to address efficient use of land for job creation as well as to address sustainable development practices focused on increasing pedestrian, bicycle and transit options and decreasing land and resources dedicated to automobiles. This requirement is in part designed to operate in combination with a district wide parking plan that would involve providing payment towards shared parking areas and/or a parking structure in-lieu-of required parking spaces. Other options available to developments are reducing the parking demand through parking management strategies, constructing on-site parking structures and constructing off-site parking at designated shared parking.

Staff recommends revising the automobile parking standard VIII-B-3.2 so that a higher percentage of the required off-street parking can be constructed as surface parking on individual sites until a parking management plan is established for the Croman Mill District, and retaining the 50 percent requirement once the parking management plan is in place. At the onset of the plan, a significant reduction of on-site surface parking may prove difficult to achieve through parking management strategies, private parking structures and shared parking areas without a system established to contribute towards the construction of public surface parking lots and/or a parking structure in lieu of required parking spaces.

Options

- Revise automobile parking standard VIII-B-3.2 so that a higher percentage of the required off-street parking can be constructed as surface parking until a parking management plan is established for the Croman Mill District, and retaining the 50 percent requirement once the parking management plan is in place.
- No change to maximum of 50 percent for required off-street parking that can be constructed as surface parking.

3. Minimum Number of Stories:

The approved distillery building at 700 Mistletoe Road is one and a half stories, and would not meet the two-story minimum for the OE overlay zone. However, the distillery building would meet the minimum story requirement for the CI zoning overlay which requires a second story that is a minimum of 20 percent of the gross floor area – the second story of the approved distillery building is 29 percent of the gross floor area of the approved building.

The approved second office building at 700 Mistletoe Road is two stories and would meet the minimum two-story requirement.

Staff recommends retaining the requirements for the minimum number of stories as proposed for the OE and CI zoning overlays. The distillery building and use is more consistent with the CI zoning overlay. Staff believes the project demonstrates that the approach used for the minimum number of stories for the CI zone works well.

4. Minimum Floor Area Ratio (FAR):

The approved buildings at 650 and 700 Mistletoe Road would not meet the minimum Floor Area Ratio (FAR) requirements for the Croman Mill District. The distillery building at 650 Mistletoe



is approved at .36 FAR, and the office buildings at 700 Mistletoe are approved at .51 FAR. The minimum FAR for the CI overlay is .50, and for the OE zoning overlay is .60.

For comparison, the FAR for the recently approved Modern Fan expansion, a light manufacturing use on Washington Street is .45 FAR. Additionally, along the main streets in Ashland (North Main, Siskiyou Boulevard and Ashland Street), the Site Design and Use Standards currently require a minimum of .35 FAR in non-residential developments.

Staff recommends retaining the FAR requirements as proposed for the OE and CI zoning overlays. In Staff's opinion, a reduction of the minimum FAR to the level of the approved proposals for distillery building and office buildings on the mini-storage site would result in developments in the Croman Mill District that are similar to existing development throughout Ashland. Again, in an effort to meet the project objective of creating a large number of family wage jobs, a slight increase in FAR is intended to intensify land use and thereby increase job creation.

Central Boulevard and 700 Mistletoe Road Driveway Locations

The installation of the Central Blvd., as proposed in the District Plan, would necessitate acquisition of the ODOT property, and obtaining access through existing properties including the removal of a portion of an existing building. This is identified as Phase II of the plan.

In the January 12th Public Hearing before the Planning Commission Mark DiRienzo and Mark Knox raised questions as to whether this proposed alignment would create an unforeseen situation with existing driveways that would make them inaccessible or dangerous. As the proposed road has not been engineered, and as such the measure of changes necessary to existing driveways can not be conclusively determined. However in mapping the proposed road in consort with the existing impervious surfaces at this location it demonstrates that the existing access points to the DiRienzo property can be largely maintained in their current locations. The existing northern driveway access point would intersect with a "Local Commercial Street" and the southern vehicular access point would intersect with the Central Blvd as shown in the map right. In terms of the safety of these access points the final engineering for this improvement would identify any visibility or maneuvering issues and design the street to incorporate any needed mitigation measures.



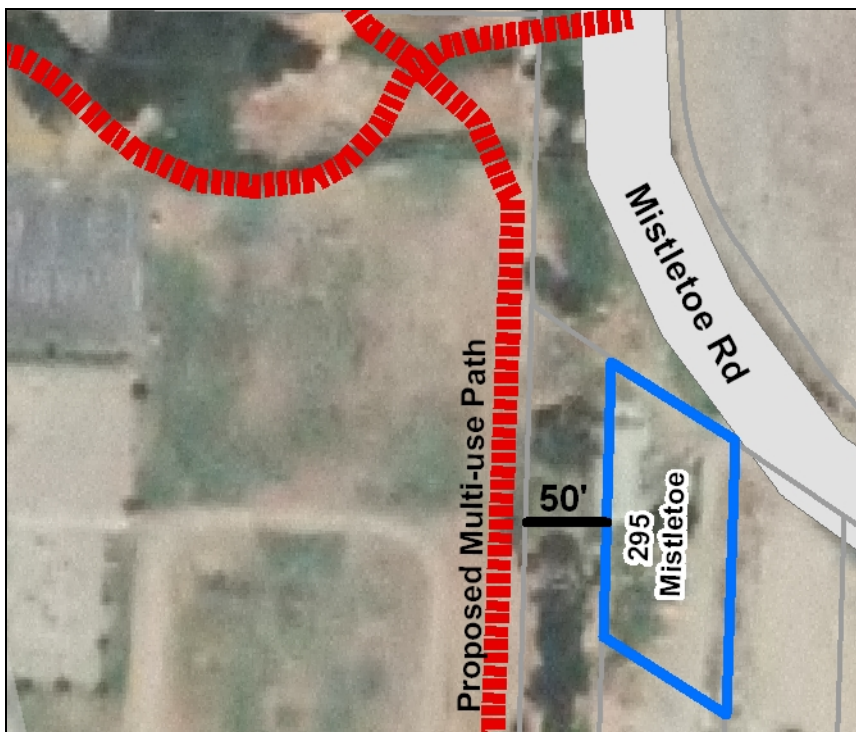
Regarding the property in the southeast corner of the map, it is evident the access would be directly onto the Central Blvd or through an easement on the developed DiRienzo property. Additionally the property shown in the southwest of the map would have no other means of access other than onto the Central Blvd directly. The Limited Auto Access Street standards proposed in the plan prohibit driveway accesses and thus an exception to this standard may be necessary to allow for future curb cuts.

295 Mistletoe Road and Hamilton Creek Multi-Use Path

At the Jan 12th Public Hearing a concern was raised by an adjacent property owner concerning the proximity of the proposed multi-use path located along on the Bellview School property to his property at 295 Mistletoe Rd. It is important to note that currently no easement exists relating to the final location of this proposed path. As identified in the Croman Mill District plan a bike-pedestrian connection through this property would be anticipated, however its final location can not be determined until either an easement is obtained or a development proposal triggers its installation.

In examining the conceptual location presented in the plan, the path in question would be located a minimum of 50' from this neighboring residential property. A 50' wide flag pole, which is part of the Blackstone Audio property, separates the residential property and the school district property. The property at 295 Mistletoe Rd is currently outside the City Limits and occupied by a single family dwelling, however it has a comprehensive Plan Designation as Employment and therefore would ultimately develop as a commercial use upon annexation to the City.

There is currently vacant land available to shift the multi-use path location west, however doing so locates it closer to the newly constructed school building and would bisect existing school grounds with a public path. Elimination of this Multi-use Path in its entirety would significantly diminish bike and pedestrian connectivity in the Plan area as it is centrally located to align with the Croman Mill District center and provides direct access to the School property and Siskiyou Blvd.



Buildable Employment Lands

The Industrial zone (M-1) presently allows a variety of uses including offices, restaurants, retail (all uses permitted in E-1) and more traditional industrial uses. In developing the Croman Mill District Plan it was recognized that it would be appropriate to more clearly delineate these uses, creating separate overlay zones that allowed for both light industrial and office employment. Throughout the process it has been recognized that market forces of agglomeration tend to further focus the concentration of like businesses to be adjacent to one another. Physical requirements such as topography, proximity to rail and freeway access, combine with market demand, visibility, land cost, and workforce availability help determine locations of various business types.

Ultimately the mix of uses that can be developed on the former Croman Mill site in aggregate is not so different as those uses that can currently be developed within the M-1 zone. The primary distinction is in regulating their distribution to specific areas of the site.

Some opportunity for non-industrial activities such as small employee serving restaurants and minimal retail opportunities may be important amenities for tenants in industrial overlay zones. Through the development of the permitted and special permitted uses within the proposed CM-CI zoning overlay, care has been taken to ensure that the predominate use of the lands in this overlay is light industrial and manufacturing. In recognition that some industrial lands are irreplaceable given their size, topography and access to transportation and freight facilities, such considerations were incorporated into the Croman Mill Redevelopment plan through provisions that help retain the integrity of the industrial CM-CI zone including the following.

- The location of the industrial overlay zone is on land that is essentially level, adjacent to both the existing Rail line, and including frontage on the Central Blvd
- Large-lot parcel requirements have been proposed in the dimensional table to avoid incremental reductions, such as the creation of small lots not suitable for larger scale industrial uses
- Limited retail or other non-industrial space within these special districts
- Flexibility that accommodates a range of industrial uses

These limitations do not exist in M-1 zones and as such 100% of a site may currently be developed with non-industrial Employment uses. The application of the CM-CI overlay zone thus preserves the industrial land base in the Croman Mill District for manufacturing, fabrication and assembly uses.

Industrial Lands

The Buildable Lands Inventory (2005) shows approximately 75 gross acres of land currently vacant or partially vacant that has an Industrial designation within the City's Urban Growth Boundary. Of this total, 64 gross acres are currently zoned M-1 within the Croman Mill District Plan area as shown in the table below.

Croman Mill District Gross Acreages

	Existing Comprehensive Plan	Original Croman Mill District Plan (Crandall-Arambula)	Current Proposal	East-West Street Alignment Alternative
Industrial	64	42	33	31
Employment	25	40	31*	31*



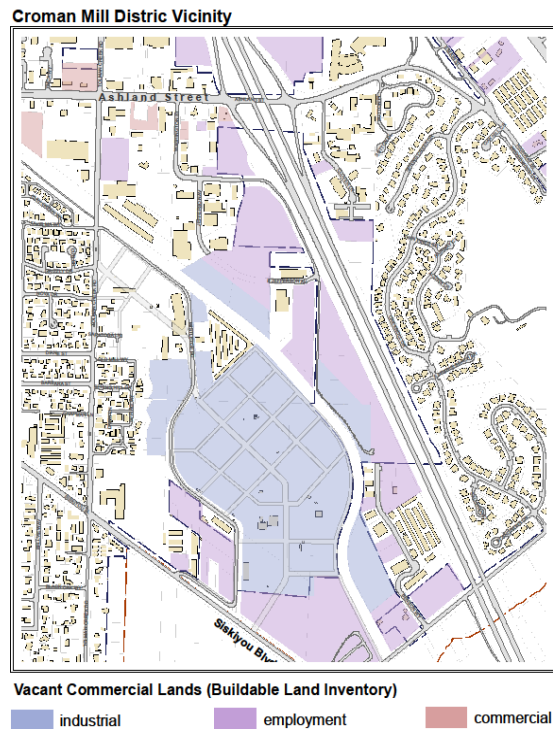
Mixed Use	0	0	16	16
OpenSpace	0	8	7.5**	7.5**
Neighborhood Center	0	6	6	6
Residential (R-1-5)	7	0	0	0

Approximate Gross acreage, rounded to the whole acre. Net acreage would include an approximate 25% reduction to account for public facilities)

*Does not include 2 acres of E-1 land identified in the original Plan but unchanged by the current proposal (Blackstone Audio properties);

** Does not include 3.5 acres of School ground property identified in the original Plan as open space, but does includes an enlarged open space area in the vicinity of the pond along Siskiyou Blvd).

-
-



- Approximately 11 acres of vacant developable Industrial land are outside of the Croman Mill District plan area. These properties are primarily adjacent to the district east of the railroad tracts and are unaffected by the Croman Mill District Plan.
- Approximately 16 gross acres currently located outside the City Limits along Siskiyou Blvd are presently designated to be annexed to the City as Employment (E-1) per the City's Comprehensive Plan map.
- 33 gross acres within the district would be retained as Industrial, and per the requirements of the proposed CM-CI zone would be specifically reserved for industrial uses.
- A combined 47 gross acres would be designated as either Mixed Use (CM-MU) or Employment (CM-OE).

- Four acres adjacent to Hamilton Creek currently zoned industrial (M-1) would be within the proposed Mixed Use Overlay (CM-MU).
- In total 31 of 64 gross acres presently zoned M-1 would be located within the CM-OE overlay.
- As proposed 50% of the ground floor of building developed in the CM-OE overlay can be occupied by industrial Uses. As such, in effect this provision supplies the equivalent of an additional 15.5 acres (half of the 31 acres zoned CM-OE) as land available for industrial uses such as assembly and manufacturing.
- The block areas proposed for the CM-CI overlay range from 1.4 acres to 5 acres in size, with limitations on divisions to ensure a minimum lot size of nearly 1 acre. *(note the 2007 EOA stated "The Croman site is approximately 70 acres; it is unlikely that any individual user would require more than five acres. Many will need less than one acre" pg5-12)*

The 2007 Economic Opportunities Analysis included the following table addressing 'net' buildable acres by Comprehensive Plan Designation. Net acreage includes up to a 25% reduction from gross acreage to account for future public facilities (IE Street right of ways).

Table 5. Vacant and partially vacant industrial and other employment land by plan designation and lot size

Plan Designation	Lot Size (Net Buildable Acres)						10.00 ac or larger	Total
	<0.25	0.25-0.49	0.50-0.99	1.00-1.99	2.00-4.99	5.00-9.99		
Acres								
Commercial	0.6	1.1	2.1	1.9	0.0	0.0	0.0	5.7
Downtown	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Employment	2.6	5.4	6.1	20.4	32.2	9.8	15.9	92.4
Health Care	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.2
Industrial	0.3	1.5	1.9	5.3	16.7	0.0	31.0	56.7
Total Acres	3.7	8.1	10.1	27.6	49.0	9.8	46.9	155.1
Number of Tax Lots								
Commercial	4	3	3	1	0	0	0	11
Downtown	1	0	0	0	0	0	0	1
Employment	18	17	9	15	10	1	1	71
Health Care	1	0	0	0	0	0	0	1
Industrial	4	4	2	3	4	0	2	19
Total Tax Lots	28	24	14	19	14	1	3	103
Percent of Acres	2.4%	5.2%	6.5%	17.8%	31.6%	6.3%	30.2%	100.0%
Percent of Tax Lots	27.2%	23.3%	13.6%	18.4%	13.6%	1.0%	2.9%	100.0%

Source: Ashland buildable lands inventory update, 2005; analysis by ECONorthwest

Minor and Major Amendment Distinction for Street Layout Modifications

At the January 12th Planning Commission meeting, a concern was regarding the distinction between the minor and major amendment for street layout modifications. Additionally, a suggestion was remove the elimination of an accessway from the major amendment process.

To address the ambiguity between the minor and major amendment for street layout modifications, Staff suggests the language under Major Amendments concerning location of streets as shown below.



B. Major and minor amendments to the Croman Mill District Plan shall comply with the following procedures:

1. Major and Minor Amendments.

- a. Major amendments are those which result in any of the following:
 - (1) A change in the land use overlay.
 - (2) A modification to the street layout plan that necessitates a street or other transportation facility to be eliminated ~~or located in a manner inconsistent with the Croman Mill District Plan.~~
 - (3) A change not specifically listed under the major and minor amendment definitions.
- b. Minor amendments are those which result in any of the following:
 - (1) A change in the Plan layout that requires a street, access way, multi-use path or other transportation facility to be shifted more than 25 feet in any direction, as long as the change maintains the connectivity established by the Croman Mill District Plan.
 - (2) Changes related to street trees, street furniture, fencing, or signage.
 - (3) A change in the design of a street in a manner inconsistent with the Croman Mill District Standards.
 - (4) A modification of a driveway access location in a manner inconsistent with the Croman Mill District Standards.
 - (5) A site layout, landscaping or building design which is inconsistent with the Croman Mill District Standards.
 - (6) A change in a dimensional standard requirement in section 18.53.060, but not including height and residential density.

Staff has concerns with revising the proposed ordinance so the elimination of an accessway requires a minor amendment rather than a major amendment. The accessways were included in the original plan to provide circulation for pedestrians and bicycles throughout the site and to preserve a grid network that shapes the form of land uses. Staff believes the accessways and the completion of the grid street network are critical in making the built form, scale and character result in a walkable, pedestrian scale employment center that fits Ashland, rather than the suburban office park that so many people reacted negatively to in the original public workshops.

Green Building Bonus

At the January 12th Planning Commission meeting, a concern was raised regarding the bonding and penalty sections of the Green Building Bonus.

The Green Building Bonus is a voluntary performance standard that allows an increase in building height in exchange for the construction of a high performance green building standard. The height of the existing zoning in the plan area has been maintained in the Croman Mill District so that property owners can construct a building to the maximum height permitted under the current zoning. For example, a building can currently be built to 40 feet in height in the M-1 Industrial zoning district. If the property is located in the CI overlay in the Croman Mill District, the maximum height without a bonus is 40 feet. However, if an applicant chooses to construct a LEED certified building in the CI overlay, the



height can be increased by up to two stories, depending on the level of LEED certification (i.e. silver, gold).

The bonding section of the ordinance requires the applicant who has an approved building with a Green Building Bonus to submit a lien or bond to the city prior a building permit being issued based on the value of the additional stories granted through the bonus. The purpose of the bond is ensure that a project obtaining the Green Building Bonus is built in a manner compliant with LEED standards in that there is a monetary incentive (release of the bond or lien) for the applicant to achieve the energy efficiency objectives and obtain certification. The penalty section provides a mechanism for retaining the lien or bonus with an additional penalty fee if the project ultimately fails to attain LEED certification. The purpose of the penalty section is to provide a deterrent to building additional stories without following through on the construction of a high performance green building.

Concern has been raised that the imposition of such a bond or lien as currently proposed would constitute a significant upfront development cost that could prove to be a disincentive for developers to apply for the Green Building Bonus. Elimination of the performance bond and penalty sections at this time would not prohibit the City from adding similar provisions at a future date if it were determined that developments had benefited from the Green Building Bonus and had failed to achieve the necessary energy efficiency objectives as demonstrated through LEED certification.

Options

- No change to the Green Building Bonus performance bond and penalty sections.
- Reduce the Green Building Bonus performance bond and or penalty amounts.
- Delete the Green Building Bonus performance bond and or penalty sections.

Menu for Green Standards

At the January 12th Planning Commission meeting, a question was raised regarding the previously discussed suggestion that several of the Green Development Standards be combined to provide a menu of items the applicant could chose from. Specifically, standards VIII-C-8 through VIII-C-12 (p 26) were originally part of list of standards that were recommendations rather than requirements. For the latest draft, those items were separated into individual standards and strengthened to be requirements rather than recommendations. However, in reviewing the original redevelopment plan, Staff found one of the project objectives was to “develop standards for ‘dark skies’”. As a result, Staff believes standard VIII-C-12 regarding down-shielded light fixtures should be retained as a stand alone requirement for consistency with the original plan objectives. This would leave four standards available for the menu of items to choose from. Staff felt the four remaining items (i.e. potable water reduction for irrigation, solar orientation, building shading and recycled materials) are somewhat unrelated, and therefore included standards VIII-C-8 through VIII-C-11 as separate requirements. However, the alternative of creating an option of allowing applicants to choose one or two of the four items could be easily accommodated.

ODOT Comments

The Oregon Department of Transportation (ODOT) submitted a written comment on February 1, 2010 regarding the Croman Mill District Plan. The letter addresses several items from the perspective of ODOT as the property owner of the maintenance yard located on Tolman Creek Road, and comments



regarding the findings document meeting the requirements of the Transportation Planning Rule (OAR 660-012-0060). Staff has had discussions with ODOT staff, and believes all of the concerns raised in the letter can be addressed.

In terms of the ODOT maintenance yard, the issues raised by ODOT are the need to clearly state in the plan that the ODOT yard would need to move in the second phase of the project, and addressing the ability of ODOT to rebuild structure on the maintenance site in the case of a fire or natural hazard destroying the structures. Additionally, a concern is raised regarding having to meet the proposed design standards in the case a destroyed maintenance yard structure needs to be rebuilt. Staff believes minor revisions can be made to the plan to address the concerns raised by ODOT as the property owner of the maintenance yard.

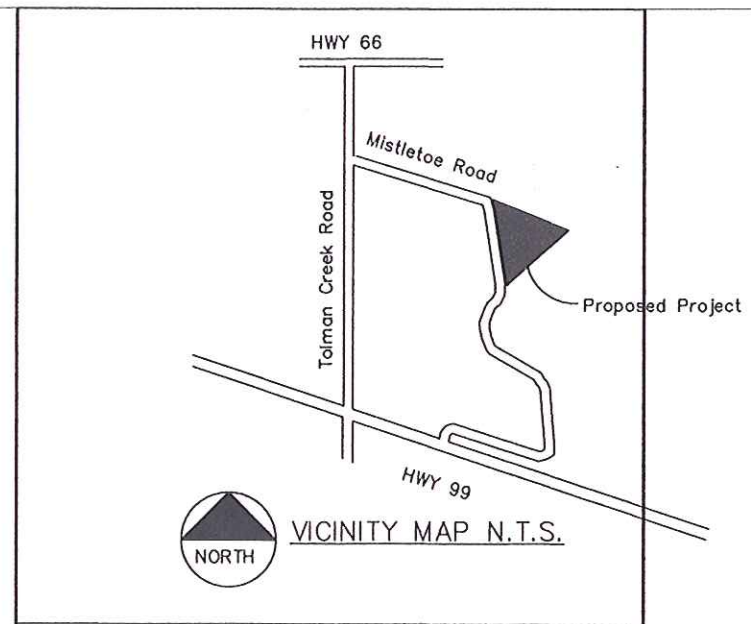
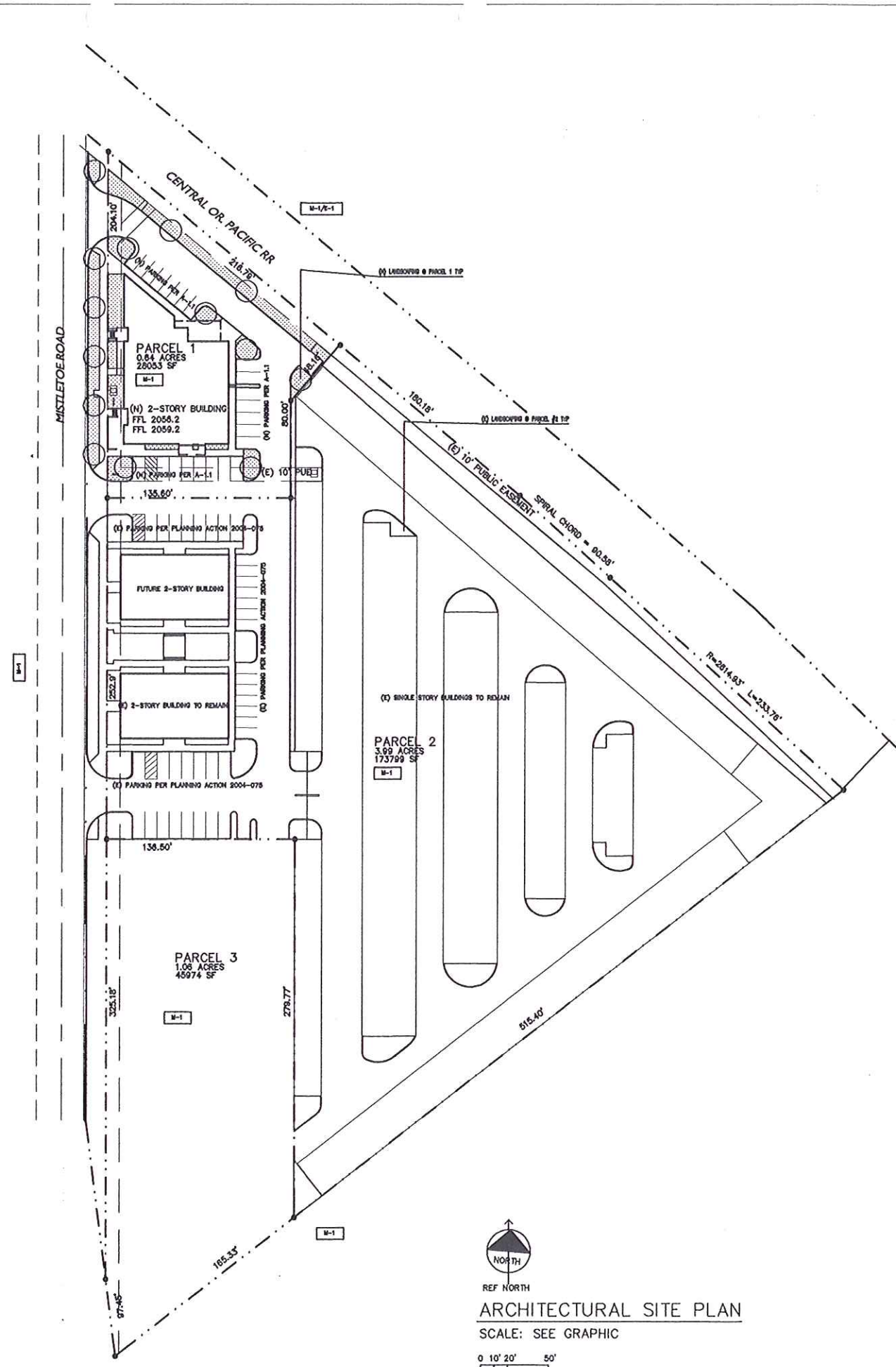
The traffic analysis revisions and findings for the Transportation Planning Rule will be addressed in the findings prepared for the City Council's decision. Staff is in the process of working to have the transportation analysis updated to address ODOT's concerns. To address the Transportation Planning Rule, the adopted findings may need to include an update to the Transportation System Plan (TSP) project list identifying several transportation projects associated with the Croman Mill District.

Staff recommends the Planning Commission continue the public hearing on the Croman Mill District Implementation Package to the February 23, 2010 Planning Commission meeting so that Staff can bring back revisions to address the concerns raised by ODOT.

Attachments

1. Approved Site Plan for 650 Mistletoe Road
2. Approved Site Plan for 700 Mistletoe Road





NOTES: 39 1E 14A, TL 2302

1. PROPERTY SUBJECT TO PRIOR PLANNING ACTION 2004-075
2. PARCEL #1
PROPOSED LOT AREA 28053 SF
TOTAL LANDSCAPED AREA 4012 SF (14%)
PARKING LOT AREA 11388 SF
LANDSCAPED AREA AT PARKING AREA 3092 (27%)
FOR PROPOSED LANDSCAPING, SEE LANDSCAPE PLAN
PROPOSED (N) MISTLETOE NORTH BUILDING - 2 STORIES, 10100 SF
APPROXIMATE FOOTPRINT 7150 SF
APPROXIMATE SECOND FLOOR 2950 SF
FOR PROPOSED (N) UTILITIES, SEE CIVIL
FOR (E) UTILITIES, SEE SURVEY
3. PARCEL #2
PROPOSED LOT AREA 173799 SF
TOTAL LANDSCAPED AREA 17424 SF (10%)
LANDSCAPING @ PARKING LOT PER PLANNING ACTION 2004-075
APPROX 68,000 SF (E) SELF-STORAGE, SGL STORY
APPROX 6800 SF (E) 2-STORY BUILDING
APPROX 6800 SF FUTURE 2-STORY BUILDING
(E) BUILDINGS, FENCES, LANDSCAPING, PARKING TO REMAIN
4. PARCEL #3 PROPOSED LOT AREA 45794 SF
LANDSCAPING N/A w/ THIS PLANNING ACTION 2004-075
(E) PARKING PER PRIOR PLANNING ACTION 2004-075
5. (E) STORM DRAINAGE SYSTEM w/ CAPACITY FOR ENTIRE SITE
INSTALLED w/ RECENT PRIOR PROJECT
6. PROPERTIES TO SE & W ARE M-1
PROPERTY TO N IS RR R.O.W.
PROPERTY N OF RR TRACKS IS E-1/M-1
7. SEE SHEET A-1.1 FOR SITE DEVELOPMENT AT PARCEL 1

RECEIVED

AUG 10 2007

City of Ashland
Community Development

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the spirit of place
in sustainable design

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ARCHITECTURE

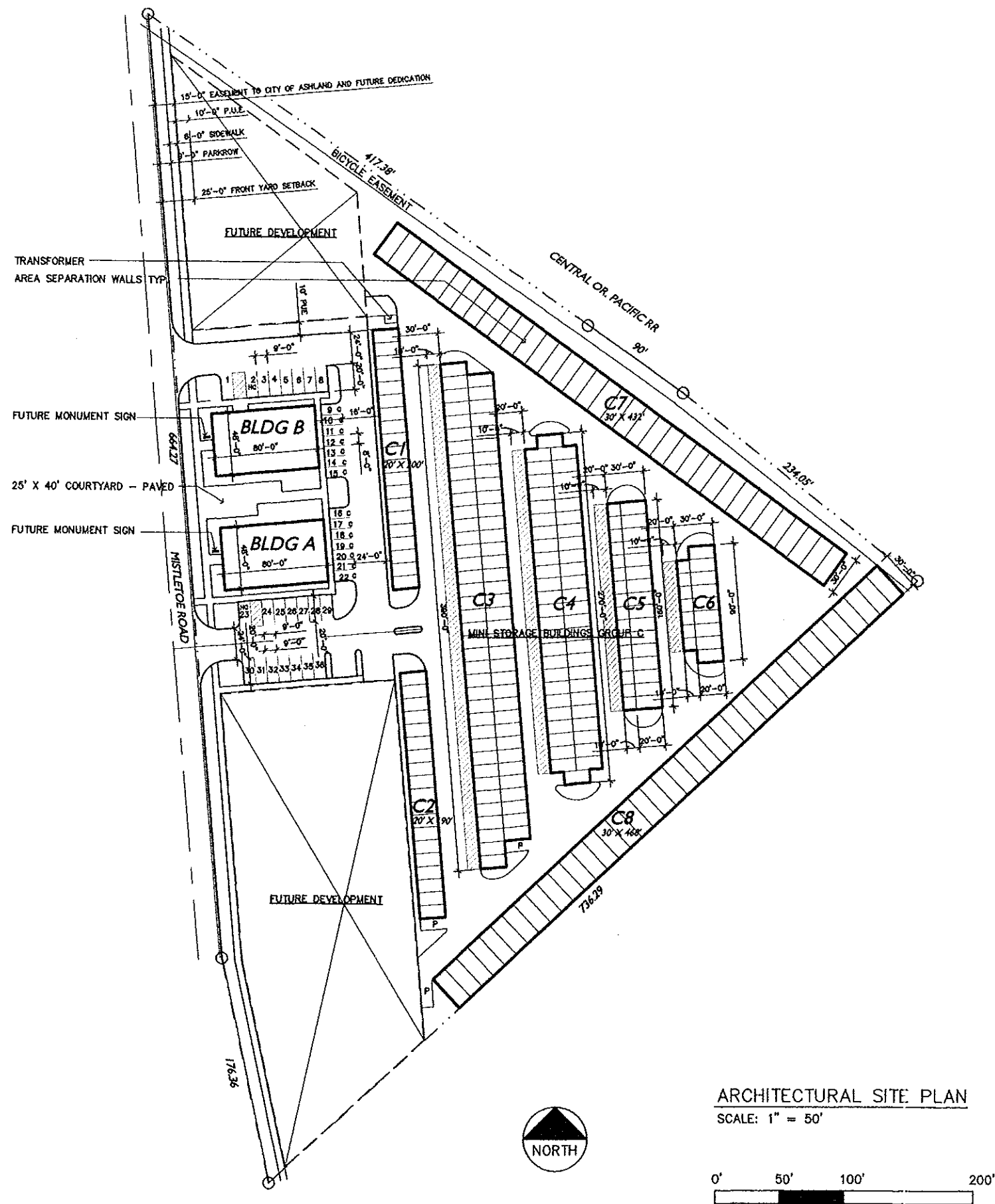
340 A Street, #106
Ashland, OR 97520
Ph: 541-482-6548
Fx: 541-482-6150

REVISIONS	
△	DESCRIPTION
	DATE

3-Lot MINOR LAND PARTITION
& MISTLETOE NORTH NEW BUILDING @
700 MISTLETOE ROAD / ASHLAND, OR 97520
FOR ASHLAND SOUTH HOLDINGS, LLC
MARK DIRIENZO, REPRESENTATIVE

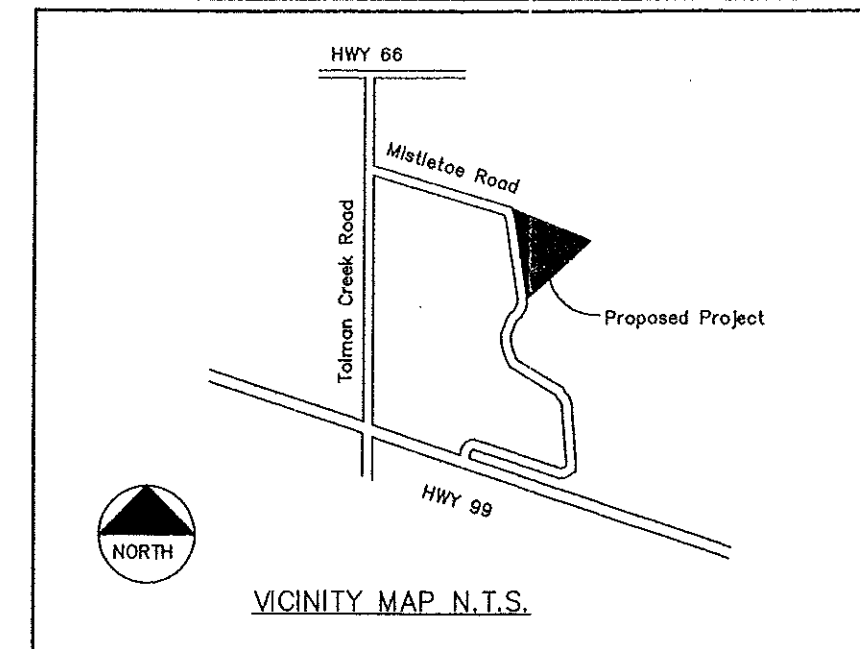
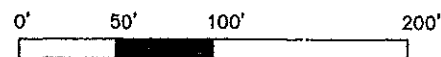
DRAWN	DATE 08/10/07
CHECKED	PROJECT NO. A0703
FILE NAME A0703_NMist_SiteRev	
SHEET NUMBER A-0.1 Architectural Site Plan print date 08/09/07	

copyright madrona architecture 2007



ARCHITECTURAL SITE PLAN

SCALE: 1" = 50'



NOTES:

1. SEE SURVEY FOR BEARINGS OF LOT LINES.
2. SEE SURVEY FOR EXISTING FEATURES - STRUCTURES TO BE REMOVED.
3. SEE CIVIL FOR UTILITIES
4. SEE CIVIL FOR DRAINAGE & PUE'S.
5. SEE CIVIL FOR FIRE HYDRANTS
6. SEE CIVIL FOR NEW TOPOGRAPHY
7. SEE CIVIL FOR EXISTING NATURAL FEATURES.
8. SEE PLANTING AND IRRIGATION PLANS FOR PLANTING AND IRRIGATION.
9. COMPACT SPACES ARE 8'X16' TYP.
10. REGULAR PARKING SPACES ARE 9'X20' TYP.
11. SQUARE FOOTAGE AT BUILDINGS REPRESENTS FOOTPRINT
12. EXTERIOR MINI STORAGE & AREA SEPARATION WALLS ARE 8" CMU, GROUTED SOLID (4 HOUR)

LEGEND:

- PROPERTY BOUNDARIES
- BUILDING FOOTPRINT
- ▨ NO PARKING ZONE (HANDICAPPED AISLE OR FIRE LANE)

BLDG FOOTPRINTS -- SF OF IMPERVIOUS SURFACE @ BLDGS:

A.	3,480
B.	3,480
(SUB TOTAL A,B)	7,680
C1	4,000
C2	3,800
C3	15,000
C4	10,400
C5	4,800
C6	2,500
C7	12,960
C8	14,040
(SUB TOTAL GROUP C)	67,500
TOTAL	75,180

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MADRONA
ARCHITECTURE

340 A Street, #108
Ashland, OR 97520
Ph: 541-482-8548
Fx: 541-482-6150

REVISIONS

DESCRIPTION	DATE
X	X

SITE REVIEW
MIXED USE PROJECT PHASE 1
FOR BURL BRIM
550 MISTLETOE ROAD
ASHLAND, OR 97520

DRAWN JMK	DATE May 1, 2006
--------------	---------------------

CHECKED JMK	PROJECT NO. 0401
----------------	---------------------

FILE NAME 0401AS1SiteRev

SHEET NUMBER

A-S1
Architectural Site Plan

PUBLIC INPUT

From: wendy eppinger <wendye@mind.net>
To: <lucasa@ashland.or.us>
Date: 2/9/2010 2:48 PM
Subject: hold off.....

RECEIVED

FEB - 9 2010

please don't make any decisions about the Croman property until it works for everyone! We need jobs for our town... so spend some more time; listen to the objections and make it work!

City of Ashland
Council

RECEIVED

April Lucas - Traffic - PA 2009-01292

FEB - 9 2010

From: Colin Swales <colinswales@gmail.com>
To: Mike Faught <faughtm@ashland.or.us>
Date: 2/9/2010 10:33 AM
Subject: Traffic - PA 2009-01292
CC: Bill Molnar <bill@ashland.or.us>, Nancy Slocum <nancy@ashland.or.us>, April Lucas <lucasa@ashland.or.us>

City of Ashland
Community Development

Mike,
(cc Bill, Nancy, April.)

[For the Record PA 2009-01292 note - I am not representing other than my own views herein)

I never did thank you for preparing to brief the Transportation Commission on the comprehensive Traffic Impact Analysis [TIA] for the Croman Master Plan for our last meeting. Sadly due to the time constraints, and the feeling by some commission members that any input into the process was a bit late, your interesting briefing was cut rather short.

Being out of town, I have now have only just had a chance to take a look at the last month's PC minutes and the PC meeting packet for tonight's meeting and apart from some suggestions in a memo from ODOT [pages 114/5] regarding the TIA, I cannot see any other information provided for the Planning Commissioners regarding the overall traffic analysis and the various mitigation elements required, as was provided to the TC Will you be briefing the PC tonight on the TIA?

At the Transportation Workshop recently held by Dr. Mojie Takallou Ph.D., P.E., some of the ODOT reps there suggested that once a property is re-zoned it is considered that the surrounding infrastructure is then deemed sufficient for all permitted development. (Makes me think of the ongoing Wal-Mart debacle in Medford)

As the applicant for this re-zone etc. is not in fact the Croman property owner but is instead the City itself, will the Ashland taxpayers be responsible for paying for all the infrastructure mitigation? I only mention this as the consultants Crandall Arambula told us that upfront infrastructure costs of perhaps \$5 million might be needed. It would be good to have some idea of how the overall financing of this project, so far presumably paid for by the public by way of grant funds, is going to work in practice. As the profits flowing from the property upzoning will be going to the private landowners, what is their share of the infrastructure/master planning costs?

I note that the Council in Nov 2009 had it as one of their Goals "*..develop an implementation strategy for funding and infrastructure for Croman...*" [www.ashland.or.us/Files/Goal_Setting_2010_Atch.pdf - 2009-11-25] . I have heard of possible things such as an urban renewal zone, but so far nothing concrete.

Seems like the cart is before the horse....

Does Staff have any more ideas on this?

Do Staff have any updated estimate of what possible capital costs might be involved?

How are such costs to be apportioned between the various stakeholders?

I sincerely hope the PC can be given all the information needed to come to an informed decision and recommendation to Council on this matter.

thanks

Colin Swales
Jalisco, MX

April Lucas - Fwd: comments on Croman Mill planning

From: Brandon Goldman
To: April Lucas
Date: 2/3/2010 4:22 PM
Subject: Fwd: comments on Croman Mill planning
CC: Bill Molnar; Maria Harris

RECEIVED

FEB - 3 2010

Letter from Neil Smith (Airspace) for the Commissioner packet & record.

City of Ashland
 Community Development

On 02/01/2010 08:10 PM, neil wrote:

Pam,

I am writing this email to you as a business owner, who until recently had seriously considered expansion within the city of Ashland.

Although I understand that as the chairman of the City of Ashland Planning Commission, you are certainly not responsible for my decision to put move my business elsewhere, I was encouraged to make my opinions known.

In particular I would like to address how the Croman Mill Plan has changed my views on whether or not Ashland is the business friendly city that I previously envisioned. You may be thinking business friendly –“what's he thinking”. To illuminate that point, be aware that I moved up here to create a new business, and have been doing business here for about 2 years. Business friendly to me, does not mean inexpensive, dirty, or ugly. In fact, business friendly, to my mind, means a town that is pleasant to live and work in, allows me to conduct business, makes and upholds laws in a just manner, and continually strives to improve the quality of life.

Delivering a business and people friendly city is not a trivial task, and yet such an environment and culture has to be delivered for a reasonable price.

Perhaps I am misinformed, but the plan that has been developed for the Croman Mill site seems to be comprised of many different agendas, and in doing so it becomes overly expensive, most likely bureaucratically constrained, and more damning yet, just a copy of California's suburbs.

After reading the plan, I would like to communicate my perspective with some isolated points.

If your plan has references to quality and aesthetics that require city interpretation, you will scare away any businessperson who has heard about the difficulty of working with the city of Ashland's permit process.

Between the rail spur easement, the commuter rail platform easement, the open space, the tree-lined streets, the restrictions on buildings, what's left? What customer will pay for all this? I am not a planning expert, but this plan looks very much car-centric with an overlay of “green”.

I strongly encourage you to NOT require Leed certification. This is a proprietary system and although it attempts to provide environmental guidance, government should use open standards. There is a better way.

I would encourage you take the perspective of the type of entrepreneur who will potentially relocate to Ashland. You should respect the cost constraints of business, and also be aware that past successes are almost certainly not to be repeated. Just as the timber and house building industries

have waxed and waned, you have to direct your attention future industries and occupations. And here is a hint. The future will have to deliver more value for less money.

Neil Smith

AirScape Inc.
www.airscapfans.com

April Lucas - Re: Fwd: DiRienzo - Additional input on Croman**RECEIVED**

From: April Lucas
To: Maria Harris
Subject: Re: Fwd: DiRienzo - Additional input on Croman

FEB - 2 2010

City of Ashland
 Community Development

>>> "Mark D" <markd@mind.net> 02/02/10 3:48 PM >>>

Hi Bill, I write to re-iterate my serious concerns about two things. A. The status of the Croman Mill plan overall and B. The sudden inclusion of Mistletoe Road Business Park (my 6 acre property including the completed office building and storage space) and it's proposed downzoning to O/E.

A. The plan overall if approved will create the unintended consequences of:

1. Further restricting economic development with the City of Ashland by making it cost prohibitive and complicated to move ones business here.
2. Creating impractical buildings that may not meet the dimensional needs of potential users or the reality of every day use required by businesses.
3. Complicating the design and construction process as it relates to street frontage and actual grade changes on the Croman Site, leaving buildings floating in the air on one end or buried on another.
4. Creating structures which no business can afford to rent. For the past ten years (and possibly more) the commercial rents in Ashland have not supported the costs of new construction. This proposed plan simply adds more barriers to development and adds significant costs per sq. ft to any project being proposed. Rents will have to rise and business will leave and others will never come. It's happened already, Aircscape, a potential 15,000 sq ft user has waited patiently to see what the plan will be for Croman and is so disappointed with the results of the planning process that they are now moving from Ashland to Medford in the next two months. They moved to Ashland 2 years ago and wanted to grow their business in Ashland, the process failed them.
5. Exposing the City to legal action that will further delay the possibilities of economic development at Croman Mill.

B. The sudden inclusion of my property into this plan and the proposal by staff to downzone this 6 acre property from M-1 to the new O/E is unacceptable to me. I've been involved in the Croman Mill public process for 2 years and my property was never discussed as being subject to a potential downzone until 2 weeks ago, the day before the planning commission was supposed to approve the plan to move on to Council. I am in the middle of a previously approved multi-phased development and have built a 7,500 sq ft office building and a 70,000 sq ft storage business to date. Additionally, I have a building pad prepped and parking lot installed for our next building as well as an approved and "current" land use approval for a 10,000 sq. ft. building that has uses that will no longer be allowed within the "new" O/E zone. I urge you to remove my property from the proposed masterplan. Some reason include but are not limited to:

1. You are removing 6 acres of M-1 from the city industrial land inventories. M-1 zoning is a flexible zone, it allows office and employment uses as well as assembly and fabrication in % that business can realistically use), why downzone my property to restrict it's use, aren't we trying to attract businesses by offering flexible zoning.
2. The most successful businesses in Ashland tend to require mixed activities. Blackstone, Modern Fan, Dream Saks, Massiff, Adroit, OSF, Hakatai, all of these businesses require high level office for professionals combined with warehousing/fabrication/assembly spaces. The proposed zones O/E and C/I segregate these uses making it practically challenging to design and construct a useable building. My current M-1 zoning would allow for any of these business to move to my property right now and the proposed down-zoning would prohibit them from moving to my property. This is bad for businesses, bad for the City, and bad for my property.
3. I believe I have a vested rights to develop in current zone as proven by the millions of dollars I have spent improving the site, constructing buildings based on recent land use approvals, further obtaining approved site design applications for future buildings that comply with M-1 zone, for donating land to the city of Ashland to widen Mistletoe Road, paying to improve Mistletoe Road, gifting the City a 10' wide bike easement along our north property line, and building everything on that site in compliance with the M-1

zone.

Lastly, I have attached a pdf document of my comments made before the Planning Commission at the January 12th, 2010 meeting so that they can be made part of the written record rather than just the video record.

Please consider my input.

Regards,

Mark DiRienzo
700 Mistletoe Road #106
Ashland, OR 97520
541-621-8393

DiRienzo, 700 Mistletoe Road
January 12, 2010 Planning Commission Comments

I own Mistletoe Road Business Park, a 6 acre M-1 zoned property on Mistletoe Road. Having helped to design the site, build the buildings, and worked in the office building so I have some understanding of the issues out there. I've attended the public meetings and the site visit on the Croman project from the beginning (although having young kids makes it a challenge to be at every single meeting).

I support the idea of developing a flourishing business area for Ashland to improve our economic situation, but I feel strongly that there must be the utmost care in drafting this code and that to date this process has been hampered by a series of separate dialogues that staff is now required to somehow compile into a clear, useable code.

I feel that the proposed code needs a review from people in the private sector that have built projects in Ashland and have professional expertise in engineering, construction, and architecture. Also we should include business owners and real estate brokers who truly understand the needs of commercial users. Each of these reviewers can assist our staff in understanding exactly how this code can be used and the pitfalls that lie in it today.

Without this review, I believe we will end up with another section of code that is impossible to interpret and one that creates cost prohibitive developments that businesses cannot practically use. The site will build out slowly, if at all, and no-one will be happy with results.

Brandon kindly sent me an email yesterday pointing to the most recent proposed language, I was able to look through the documents briefly and have found a number of problem areas. EXAMPLES:

1. The Majority of parking must be in the rear of the building with a minority along the side. This will generate buildings that are wider along the street and narrow front to back, creating TWO significant problems:
 - a. Grade change. The properties on Croman slope significantly from south to north along the existing and proposed street frontage on Mistletoe. To keep a level floor inside, and to meet ADA sidewalk standards, buildings will either have to be buried into the uphill side or be built up on the downhill side.
 - b. Access into the building: parking in the rear and walking clear around a building to get inside is impractical. The buildings will be wide so the front door will be ½ way around the building just to walk inside.

I don't have time to go through all of this since there is a personal element to my comments tonight.

In phase 1 of our business park project we built the brick and glass office building and the self storage facility. For phase 2, we have approved plans for a 10,000 sq. ft. distillery building for Organic Nation Vodka on our north vacant ½ acre (the company is

DiRienzo, 700 Mistletoe Road
January 12, 2010 Planning Commission Comments

awaiting financing for this project) and we are in talks with a energy efficiency engineering company that wants a 15,000 design and assembly space on our south lot. All of this fits perfectly with our plans to develop a world class business park on our M1 zoned land.

I just found out yesterday from staff that my project is suddenly being wrapped into the Croman Plan and being rezoned as Office/Employment from M-1. After all these public meetings, walking the Mill site with commissioners and staff, and being told that my property was not part of the master plan, I feel blindsided.

- I can no longer build for Organic Nation because the new zone prohibits it, so their investment in the planning approval completely lost.
- I have to call my prospective tenant and tell them that my property no longer is zoned to accommodate his business.
- I also have to tell my employees at the office building that the road realignment will be creating a deadly corner directly in front of our office building.
- I also have to tell my New Zealand business partner on this project that this new zoning will make our property non-conforming.
 - That we cannot build our planned office building next to the one we've built because the new rules don't allow that same design and layout even though we've already installed the parking lot and sidewalks.
 - That we've lost the flexibility of M-1 zoning which gives us some freedom to accommodate the needs of the actual tenants who are looking for space on Mistletoe Road, not just some possible future tenant that someone says will someday show up, but the actual prospective tenants that exist today.
- I will now own a property that is partially in the Mill district and partially out of it, will our lender approve this, will this be practical for the M1 industrial zone behind my office buildings when industrial users drive through my office area?

I cannot accept this short notice inclusion of my property into the Croman site without adequate time to review its impacts. I request time to discuss these impacts with staff and appropriate master planning time for my site too.

Lastly, consider delaying this approval, encourage a review of the practical implementation of this code, so that we all know how it will be implemented before moving ahead. The project has been delayed any what is another month or two to get it right this time?

Mark DiRienzo
700 Mistletoe Road #106
Ashland, OR 97520
541-621-8393



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

District 8

100 Antelope Road

White City, OR 97503

Telephone (541) 774-6299

FAX (541) 774-6349

February 1, 2010

Bill Molnar
Community Development Director
City of Ashland
20 East Main Street
Ashland, OR 97520

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File Code:

City of Ashland
Community Development

RE: Croman Mill Site Redevelopment Plan

Dear Bill,

We appreciate the work the city has put into redevelopment of the Croman Mill Site and understand the city's desire to revitalize this area. Redevelopment is expected to increase employment and provide needed housing options for city residents. We also appreciate your willingness to work with us in relation to the Ashland Maintenance Yard located within the proposed Croman Mill District. As we discussed on the phone, we would like to share some of our comments as they relate to State transportation facilities.

First, the redevelopment plan indicates development of a "signature street" referenced in the document as Central Boulevard. As currently written, the plan assumes that this road will traverse through the Maintenance Yard via an easement. We understand that the plan is being revised to remove any reference to easements through the property, and will instead add language indicating the need to purchase the property for planned development to occur.

We were also concerned that with our ability to reconstruct the maintenance buildings should a fire or other disaster occur, necessitating their replacement. We are concerned with our ability to rebuild and meet the new design standards contained in the proposed neighborhood commercial zone. You have indicated that city staff is working to develop language that will allow replacement of these buildings should a catastrophic event occur. With these two changes (purchase of property and allowing building replacement), ODOT is satisfied, but would like to review actual language before final adoption.

Alternately, one solution perhaps not considered that would allow building replacement and increase the likelihood of redevelopment would be the "down zoning" of our property. As currently proposed, the maintenance yard zoning will change to allow commercial development. This is expected to greatly increase the value of the property. Instead, the city might consider changing our zoning to public reserve and making the property less costly to redevelop.

Secondly, we understand the city will be updating the traffic analysis completed for the Croman Mill District. One suggestion would be to phase the traffic analysis consistent with expected redevelopment. For example, the current traffic analysis relies upon the new Central Boulevard to distribute traffic both north and south of the site to Ashland Street and Siskiyou Boulevard. Since it is unknown when ODOT will be able to relocate, the traffic analysis should indicate impacts to Siskiyou Boulevard as opposed to diverting some of the traffic northward.

As DLCD pointed out in their November letter, the traffic analysis will be important to make findings consistent with the transportation-planning rule. We would be happy to offer our assistance as you develop these findings. Findings will need to identify planned improvements as well as their funding.

We look forward to working with you further as this plan moves forward. Please enter this letter into the record. If you have any questions, I can be reached at 541-957-3658.

Sincerely,

Michael Baker
ODOT Principal Planner

Attachment: DKS Traffic Impact Analysis (Croman Mill) Review

STATE OF OREGON**INTEROFFICE MEMO**

Department of Transportation
Region 3, District 8 Development Review
Traffic Engineering Section
100 Antelope Road
White City, Oregon 97503
P: (504) 774-6316 F: (504) 774-6349

Date: January 29, 2010

TO: Shawn Stephen
Assistant District 8 Manager

FROM: Wei "Michael" Wang, P.E. & M.S.
Development Review Traffic Engineer

SUBJECT: Review of Croman Mill Transportation Report
Dated January 2, 2009

No.	Page	Paragraph	Comment
1	4	Figure 2	The peak hour volumes are not balanced in Figure 2. There is no information about truck percentage, peak hour factor, pedestrian, bike volume, and bus percentage in this analysis.
2	6,14,16, 17,18,19 20,21	Table 1,7, 8, 9, 10, 11, 12,13	Please provide 95 th percentile queue length for all the intersections. Region 3 Traffic would like to review the related Synchro files and default settings for these intersections.
3	12,16		<p>On page 12, the TIA indicates that the realignment of Tolman Road has the potential to divert 24 % or between 50-100 peak hour trips due to a less direct north/south route to connect to/from OR 99 and Hwy 66. Please provide detailed analysis to show the fact that the 50-100 diverted trips are included in the new Signature Street & OR 99 intersection v/c calculation.</p> <p>On page 16, the TIA discusses changing the peak hour factor from 0.81 to 0.92 for future analysis based on the commuter rail service. Region 3 Traffic are not aware of the commuter rail system in Rogue Valley area. Please provide the detailed information and verify this mitigation measurement.</p>
4	17	Paragraph 3	<p>Based on Figure 6 mitigation, there will be an EB left turn and a WB right turn mitigation at the intersection of Hwy 66 & I5 NB Alternative B.</p> <p>Change the phrase "In addition, a separate westbound right turn pocket would be..." to "In addition, a separate eastbound left and a westbound right turn pocket would be..."</p>
5	21	Paragraph 3	<p>Based on Figure 6, there will be an EB left turn and a WB right turn mitigation at the intersection of Hwy 66 & I-5 NB Alternative D.</p> <p>Change the phrase "This consisted of signalization and adding a separate westbound right turn pocket." to "This consisted of signalization and adding a separate eastbound left and a westbound right turn pocket."</p>

6	General	Mitigation	<p>ODOT is planning to rebuild the Exit 14 interchange. The proposed interchange will have a four lane cross road with ramps in a diamond configuration. The intersections of Hwy 66 & I-5 NB, Hwy 66 & I-5 SB will be signalized. Please coordinate with ODOT for the 2030 Croman Mill mitigation at these two intersections.</p>
7	General	Mitigation	<p>At the intersection of Hwy 66 & Washington Street, Region 3 Traffic is not willing to support the signalization of this intersection due to its proximity to the Hwy 66 & I-5 SB intersection, which will be signalized with the interchange reconstruction project.</p> <p>A non-traversable median will be installed along the west side of the interchange from the ramp terminals to Tolman Creek Road as outlined in the I-5 interchange 14 IAMP.</p>
8	General	Mitigation	<p>There is not enough sight distance for turning movement from OR 99 to Mistletoe Road and from Mistletoe to OR 99. Region 3 Traffic would like to seek the opportunity to close the Mistletoe approach due to this safety issue. Mistletoe should become a cul-de-sac. The traffic will access to OR 99 via the proposed Signature Street.</p>
9	General	Mitigation	<p>The mitigation for the intersection of Tolman Creek & Mistletoe is proposed to be a signalized intersection with the lane configuration changed to a tee intersection. Please notify the ODOT Rail department of these proposed changes and get approval with this mitigation.</p>
10	General	Mitigation	<p>The Signature Street proposal indicates the street will go through the existing ODOT maintenance facility. Is the developer proposing to purchase ODOT's property for the new street? Please indicate any additional mitigation if this connection is not completed.</p>

If you have any questions regarding my comments, please call me at (541) 774-6316.

cc: Shyam Sharma, Region 3
Ron Hughes, Region 3
Jerry Marmon, Region 3

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February 1, 2010

To: April Lucasa

City of Ashland
Community Development

For: Ashland Planning Commissioners

Regarding: Amended Land Use Ordinance and Croman Mill Site Development

Dear Commissioners:

I watched your meeting as you struggled with the approval of the Croman site development and plan. I was glad to hear your reservations about the plan and that a few of you noticed that no public showed up to comment. There was a request for anyone to give you some feedback so here are my comments.

I tried initially to attend all the meetings. This project will dramatically affect my business and home properties located on Tolman Creek Rd. Having lived in this area for over 40 years, I felt I had something to contribute and a selfish interest in what you do in my area.

The initial meetings brought constructive along with ridiculous comments from the audience as we each tried to explain our concerns in the short time allotted. From the start, I felt that since the firm that was hired was not from our area it was not familiar enough with the area to handle this project. I got the feeling that they were putting up with the public meetings for a "head count" for the records to establish a preconceived plan for the project. It was not clear to me why the City of Ashland would spend all this time and money to develop private property for my neighbors. Our project experience with Ashland has been difficult and expensive, so I wondered why Croman's owners allowed their project to be handled by the city.

The project looks extremely expensive and the area involved far exceeds Croman property. I presume the City will someday reap revenues from crowded in-fill development. (Hopefully, it turns out better than our Fiber Network venture). The landowners, on the other hand, finally were able to break up the only large industrial zoned land in town and with Ashland Planners help establish housing in their plans which flatly was denied previously when the owners applied.

From the negative attitude Ashland has shown toward large manufacturing and what it brings to an area, I'm afraid any business of value would waste little time once they saw what they had to confront. So I agree there is little chance to develop large industry in Ashland.

Our developments have kept a few older businesses from leaving by supplying them with expansion buildings. Like our company, they are established in Ashland and a move would be costly. In the 70's and 80's, when we came to town, we were welcomed like the town cared that we chose Ashland. Those were different times, and most of us are still here.

I doubt that many of the commissioners know of me or our family printing company on Tolman Creek Rd. Over the 40 years we have been in Ashland we have quietly gone about our business

creating jobs, training employees, expanding our own business and slowly developing our 13 acres of employment property keeping much needed service and manufacturing jobs in Ashland.

This has been done without grants or special treatment from any government entities. Quite to the contrary, we have payed dearly for fees and assessments along with a major L.I.D. expenditure when Ashland used the Albertson's development as an excuse to up-grade Hwy. 66 and Tolman Creek Rd. at my and other landowner's expense.

I have explained all this because, although I am leery of my city developing my neighbor's property to compete with mine, I am most concerned about the in-fill and if it will cost me monetarily or degrade my property and location in the process.

I do not want to do anything to cause trouble for the development, but I saw from the last meeting a few of you realized there could be problems that should be discussed before approval. I will list the major issues I believe should be fully answered before you breakdown Ashland's only Industrial zoned property that is in a good location.

1. You should all agree there is no desire to have, or chance to get, a large industrial company to locate at the Croman site in Ashland.
2. A guarantee should be made that citizens will not have to pay **any** money, taxes, or bankrofts to build this project.
3. At no city expense, an accurate cost analysis should be produced, that will be followed, for infrastructure adequate to handle the biggest possible standards and development at Croman.
4. Hamilton Creek runs through our property and others below Croman. Most people do not realize our city pipes untreated street storm water from developments not even attached to these waterways and uses them as storm drains. To build on my land, I have had to produce 100 year flood plain studies and maps for the city which become meaningless as Ashland pipes water into Hamilton Creek above me. Fifty acres will create a lot of run off; do not allow it into Hamilton Creek.
5. When infrastructure is being analyzed, make sure that those of us that may develop after Croman will still have adequate water, sewer, and utilities at our locations. Through the years we have made underground improvements anticipating future development. Those improvements must not be lost during this project.
6. Thus far I have been completely ignored about a major flaw in the Croman design. As I see it, bringing any more traffic onto Tolman Creek Rd. is disastrous, especially converging at a railroad crossing on a street with no right turn lane at the intersection on Ashland St. If the development ever happens, there will be a steady line of traffic all day. Before I go any further, please note I will not give up any property frontage and will never pay another L.I.D. charge on that road.

There is a simple solution that no one in charge of this project will consider. That is to create a complete ingress/egress interchange on Siskiyou Blvd. and I-5.

After I was ignored by City Planners, I called O.D.O.T. and the gentleman I phoned said it was an interesting idea and that he'd mention it to his superiors. Next year, exit 14 will be re-vamped. Why not ask for some stimulus money and drastically improve traffic flow to and from our town.

Not only will the Croman Plan ruin any movement along Tolman, but once traffic finally gets to I-5, there is an inadequate 2-lane road you would be pushing all the traffic into. Siskiyou Blvd. is an open road to work with compared to the mess your plan offers.

If Siskiyou would be considered, I would hope that the rural atmosphere would be maintained for those who reside along that road. From what I envision, I see space for some expansion and possibly the winery and some locations may find the change beneficial. I truly hope this idea causes no grief for any land owners in that area, but until this traffic issue is resolved, the Croman development should be put on hold.

That's my "feedback". I wish someone would consider my concerns. I know my area well or I would not spend my time bringing these issues to your attention. To my knowledge I've heard none of these items discussed, so I consider them ignored. If there's a reason, set me straight so I can shut up like everyone else seems to be doing.

Sincerely,

Zach Brombacher
IPCO Development
640 Tolman Creek Rd.
Ashland, OR 97520

541-482-4711

Memo

CITY OF
ASHLAND

Date: January 25, 2010
From: Colin Swales, Transportation Commission Chair
To: Planning Commission
Re: Transportation Comments on Croman Plan

The Transportation Commission held their regularly scheduled meeting on Thursday, January 21, 2010. A discussion of the transportation-related elements of the Croman Plan was on the agenda. Brandon Goldman, Senior Planner and Mike Faught, Public Works director were in attendance to present details of the plans and answer questions.

The Planning Department, after having noted some of the Commission's previous concerns over possible future modifications of the street design as it relates to subsequent review and/or adoption of the Transportation System Plan, had already revised the proposed draft of Chapter 18.53.020 relating to Minor Amendments. The Commission was in favor of these revisions and looked forward to reviewing the street design as part of the upcoming TSP update process.

After the presentation, discussion and deliberations were held, the following motion was made: Commission recommends to the Planning Commission and the City Council that the final design of Central Boulevard be reviewed by the Transportation Commission before it is finalized and constructed. The motion passed unanimously.

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JAN 25 2010

City of Ashland
Community Development

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To: Mayor, City Council, Planning Commissioners and City Administrator
From: Marilyn Briggs (Please enter as testimony)
Regarding: Croman Property Proposal
January 15, 2010

I urge the denial of the existing Croman Property Proposal for the following reasons:

1. It makes a mockery of all our touted efforts at "sustainability" and "infill".
 - It reverses an earlier Planning Commission decision that was unanimously for keeping ALL the Croman Property in a light industrial zone. About five years ago, when "Mac" was head of the Planning Department and I was still serving my eight year appointment on the Planning Commission, an extensive survey was made for alternative sites for industrial zoning. THERE WERE NONE within our stated goals of livability.
 - It makes no sense to extend and fragment our core communities of housing and commercial zones when there is an excess of existing vacant properties within the core. Our administrators tout the theme of "sustainability"; this proposal negates it.
2. It is not a "WELCOME TO OUR COMMUNITY" document.
 - It disrespects existing property owners/businesses by overlaying their properties with new regulations and running roads through existing buildings.
 - It negates our goal of establishing family-wage jobs---it contains ordinances that make it financially difficult for business to WANT to locate here
3. The Portland architectural consultants who devised this "MIXED USE" concept, proceeded with blatant disregard for public input. Yes, there were public meetings, three at the Hotel which showcased, repetitively, handsome projects they did in other cities. But they didn't take audience suggestions. I had to ask them to take a survey of what the audience wanted. They left doing that up to us, which our current Mayor and I tabulated ourselves. And during the initial project presentation at the Grange, questions and suggestions from the local audience were passed over. Any infatuation with out-of-town consultants who disregard our own stated goals is not tenable.
4. The property owners are probably happy with this existing proposal because they surely want to move ahead. But it would be short sighted to aim for any quick build-out that fractures our own GOALS of good land use planning.
5. Suggestions.
 - ONE ZONE, light industrial. Apart from negating the "infill" goal, any commercial/living quarters could provoke conflicts about noise, odors or traffic that the industrial facilities might make. They are totally incompatible with the goal of providing infrastructure for family-wage job opportunities.

• Space for railroad terminal.

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City of Ashland
Community Development

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