

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
MAY 13, 2014
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. April 8, 2014 Regular Meeting.
2. April 22, 2014 Study Session.
- IV. **PUBLIC FORUM**
- V. **TYPE II PUBLIC HEARING**
A. **PLANNING ACTION: 2014-00307**
SUBJECT PROPERTY: 777 Oak Street
OWNERS: Martha Howard-Bullen
DESCRIPTION: A request for a Physical and Environmental Constraints Review and Water Resource Protection Zone Reduction Permit approval to construct a new 3,414 square foot, single-story single family residence. The application also requests a Conditional Use Permit approval for a 615 square foot Accessory Residential Unit for the property located at 777 Oak Street. The property is subject to the Physical Constraints and Water Resource permits due to the location of the proposed development within the adopted floodplain for Ashland Creek. The existing approximately 720 square foot residence on the site is proposed to be retained and added onto with the new construction. The application includes a request to remove 13 trees on site. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5; ASSESSOR'S MAP/TAX LOTS: 39 1E 04CA 2707.
- VI. **LEGISLATIVE PUBLIC HEARING**
A. **PLANNING ACTION #: 2014-00539**
DESCRIPTION: A proposal to amend the Ashland Land Use Ordinance Chapter 18.08 [Definitions], Chapter 18.32 [C-1 Retail Commercial District], Chapter 18.40 [E-1 Employment District], and Chapter 18.52 [M-1 Industrial District] regarding the establishment of medical marijuana dispensaries.
- 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
April 8, 2014

CALL TO ORDER

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

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Melanie Mindlin
Tracy Peddicord
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

Debbie Miller

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Commissioner Kaplan provided an update on the Downtown Parking Management and Circulation Committee meeting. Community Development Director Bill Molnar announced the Planning Commission's annual retreat will be held on Saturday, May 10, 2014.

CONSENT AGENDA

- A. Approval of Minutes.
1. February 25, 2014 Study Session.
 2. March 11, 2014 Regular Meeting.
 3. March 25, 2014 Study Session.

Commissioner Mindlin requested the recusal statement be removed from page 2 of the March 11, 2014 minutes.

Commissioners Thompson/Peddicord m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion Passed. [Commissioners Brown and Kaplan abstained from approval of March 25, 2014 minutes]

PUBLIC FORUM

No one came forward to speak.

LEGISLATIVE PUBLIC HEARING

- A. PLANNING ACTION #: PL-2013-01858

DESCRIPTION: A proposal to amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, and Ashland Land Use Ordinance and to implement the Normal Neighborhood Plan. *[Continued from March 11, 2014 meeting; public hearing is closed]*

Commissioner Mindlin shared her comments and questions regarding the Normal Neighborhood Plan:

- Is the lack of curbs and gutters on the shared streets in order for water to run off into the natural areas? Mr. Goldman clarified this is one design option and stated the expectation is that shared streets adjacent to riparian areas will not have curbs.

- What does it mean to include East Main Street as a planned roadway project? Mr. Goldman stated this will include the project in the City's Transportation System Plan and allow systems development charges to be applied. Commissioner Mindlin recommended the Commission include an additional comment to the Council regarding the funding of the transportation improvements for this plan.
- Why is cluster housing identified as a new housing type when this already exists elsewhere in the City, and why is the statement "...yet with a lower profile retaining the appearance of traditional single family homes" used in the staff report? Commissioner Mindlin commented that this statement might raise false expectations. Mr. Goldman clarified the proposed code amendment states "*Pedestrian Oriented Cluster residential units are multiple dwellings grouped around common open space that promote a scale and character compatible with single family homes.*" Mindlin suggested staff prepare a statement that clarifies the Commission's intent.
- Suggestion was made that the Commission's recommendation to the City Council should emphasize that the purpose of the greenway and open space is to retain the neighborhood character and to preserve this contiguous piece of land, regardless of the individual wetland delineations.
- Concern was expressed regarding the statement "*The use of rear lane alleys helps to reduce the extent of paved alleys.*" Mr. Goldman clarified this statement has already been flagged for removal.
- Recommendation was made for page 14 of the framework document to include language regarding open space and neighborhood character.
- Recommendation was made to modify 18-3.13.040(2) to make it consistent with the framework document.
- Recommendation was made to modify 18-3.13.060(A-3a) to include "*where possible.*" Mr. Goldman stated this correction is already included on the proposed amendment list.
- Suggestion was made to include parking requirements for neighborhood serving commercial. Mr. Molnar clarified in the NN-03 zone ground floor commercial is permitted, and when a plan comes forward it will be evaluated to ensure sufficient on-street parking is available.
- Suggestion was made to add a placeholder for future public transit stops on East Main Street.
- Suggestion was made for the Commission to allow three stories in the NN-03 zone. Commissioner Mindlin noted the high level of density being required and stated increasing the height limit from 2.5 to 3 stories would provide more latitude and creativity to designers. The Commission discussed this idea and consensus was reached to allow up to 40 ft. (three stories) in the NN-03 zone with a conditional use permit.

Deliberations & Decision

Commissioner Dawkins strongly recommended this plan not move forward until East Main Street has been improved from Walker to Clay Street, and also requested a thorough clarification of how the railroad crossing improvements will be handled. He advocated that it would be irresponsible for the City to allow this level of density without first improving the transportation system. The Commission discussed Dawkins' recommendation and several members questioned if this meant the full financing burden would be placed on the City. Comment was made that an advanced financing district is only good for 10 years and it would not make sense to form this now, but rather should occur when the first annexation application is approved. Dawkins clarified his position and stated the improvements don't need to happen at this moment, but should be completed as soon as development begins. Commissioner Mindlin suggested a recommendation to the Council that financing plans for the East Main Street and railroad crossing improvements be in place prior to annexation or development. Dawkins restated his position for the transportation system improvements to occur when development begins.

Commissioners Thompson/Kaplan m/s to recommend Council's adoption of the Normal Neighborhood Plan with the modifications proposed by staff in the April 8 Memo, and to include the modifications discussed by the Planning Commission tonight. DISCUSSION: Mr. Goldman clarified the Commission's modifications that will be included in the Council recommendation are: 1) Recommend amending page 14 of the framework document to incorporate language defining the open space as an important character element of the plan, 2) Recommend amending 18-3.13.040 to provide consistency with the definition and description of pedestrian oriented cluster housing, 3) Recommend amendment to 18.3.13.060(A), which is already included as a staff recommendation, 4) Recommend adding a placeholder for transit stops on East Main Street, 5) Recommend a conditional use permit process to allow properties in the NN-03 and NN-03-C zones to go up to three stories and 40 ft. in height, 6)

Recommend that East Main Street (on the south side from Walker to Clay Street) be improved to arterial street standards in connection with annexation and development proposals, including an appropriate financing plan, and 7) Recommend that prior to annexation and development obtain a final determination that the railroad crossing can become a public crossing and for a financing plan for the improvements to be provided. **Roll Call Vote: Commissioners Dawkins, Brown, Peddicord, Kaplan, Thompson, and Mindlin, YES. Motion passed 6-0.**

Commissioner Mindlin left the meeting.

DISCUSSION ITEMS

A. Short Term Rentals on Owner Occupied Properties in Single Family Zoning Districts.

Mr. Molnar provided a brief re-cap from the March 11, 2014 Planning Commission meeting. He stated the Planning Commission held discussion on this issue and provided general direction that should the City Council approve an amendment to allow short term rentals in single family zoning districts, that it only apply to owner occupied units, to use the conditional use permit process for approval, and to allow one or two bedrooms within the footprint of the residence and accessed from the main entrance. Mr. Molnar stated the outstanding issues staff needs clarification on are: 1) would they allow bedrooms accessed from a private entrance to be used as short term rentals, 2) would they allow detached structures to be used as short term rentals, 3) does the Commission wish to set a maximum square footage or maximum occupancy that could be rented, and 4) should eligible properties be limited to those that are within 200 ft. of an arterial or major street?

Public Input

Annie Dunn/150 N Main/Stated she is the co-owner of the Ashland Hostel and wants the community to maintain its charm and integrity. Ms. Dunn provided a description of the hostel accommodations and disagreed with the public input shared at the last meeting that short term rentals were filling a niche not otherwise offered in Ashland. She noted they receive many inquiries about long term housing and stated there is a clear trend of an abundance of long term rentals in the winter months that quickly evaporate come spring.

Sidney Taylor/150 N Main/Stated she is the other co-owner of the Ashland Hostel and commented on the shortage of affordable long term housing in Ashland. Ms. Taylor stated their guests are thrilled with their rates and the accommodation types they offer, and stated the R-2 or R-3 zones would be a great place to start similar businesses. Ms. Taylor stated using the claim that there is a shortage of short term lodging in Ashland to justify a change in zoning laws makes no sense. She stated the R-1 districts are zoned residential and owners pay more for homes in these zones. She questioned why the City would sacrifice the integrity of Ashland's R-1 zones and further exacerbate the shortage of long term rentals in the interest of those who want to turn a quick profit. Ms. Taylor stated the City should encourage those who have been operating short term rentals in the R-1 zone to instead offer what is already needed and legal in Ashland, long term housing.

Abby Hogge/1700 Parker/Read aloud written statement (See Exhibit 2014-01 attached).

Tom DuBois/690 S Mountain/Read aloud written statement (See Exhibit 2014-02 attached).

Abi Maghamfar/Stated he represents the Ashland Lodging Association, which represents 60% of the licensed, legally operating lodging businesses in Ashland. Mr. Maghamfar stated they are not in favor of establishing travelers accommodations in the R-1 zone and commented that the City needs to stay true to the purpose of the R-1 zone as defined in the municipal code and consider the impacts to the rental housing supply and prices. Mr. Maghamfar stated there is no unmet lodging demand in Ashland and the Chamber of Commerce's latest statistics show an average occupancy of 50% year-round. He added the results of a three year study they conducted on home occupation businesses showed that while the ordinance allows up to eight visitors per day, the average was less than one visitor per day.

Helen Orr/407 Clinton/Expressed concern that real estate values in the R-1 zone will be impacted and feels like she has been gyped. Ms. Orr stated single family residential neighborhoods will be impacted if the City allows this and

fully disagrees with short term rentals in this zone. She added there is enough property in Ashland to support this use and it does not belong in the R-1 zone.

John Baxter/831 Liberty/Stated he has lived in Ashland for 34 years and owns a long term rental in town and until recently operated a HOST type unit. Mr. Baxter encouraged the Commission to allow short term rentals in the R-1 zone and shared his experience with long term renters. He stated long term renters have no stake in their neighborhoods, and commented that his short term renters generated no complaints and property owners have a built in incentive to ensure that the operation of their guest suite does not bother the neighbors.

Deliberations & Decision

Mr. Molnar noted the areas that staff needs clarification on and the commissioners took turns sharing their comments.

Commissioner Dawkins stated he is not in favor of allowing anything other than single bedrooms that do not have kitchen facilities, as noted these types of rooms are not likely to become long term rentals. He added the house needs to be owner occupied and is fine with either the main entrance or a separate entrance for the rental. He also stated he does not believe the City Council will allow accessory residential units (ARUs) to be short term rentals and commented on the history of accessory units and how they were intended for long term rentals.

Commissioner Thompson stated she is not certain the impact of short term rentals is inconsistent with residential zoning, but is worried about protecting existing businesses in town. She stated under certain circumstances she is comfortable with allowing short term rentals as a permitted use. She stated she is not concerned about kitchen facilities or allowing more than one bedroom, but agrees that ARUs should not be allowed to operate as short term rentals. Thompson also voiced her support for utilizing the conditional use permit approval process.

Commissioner Kaplan stated one bedroom in a hosted home is not much different than having a relative visit and the fact that these short term rentals will be hosted and are limited in size makes a difference for him.

Commissioner Brown agreed with one bedrooms and supports setting a size limit. He stated he is not in favor of allowing short term rentals in the single family zone, but if the Council decides to pursue this he believes they have set appropriate parameters to control it. Brown also commented on the 200 ft. rule and stated he sees no reason to change this requirement.

The Commission held discussion on the 200 ft rule. Comments were made that the R-1 zone is not the place to revisit this issue, and that this issue is controversial enough as it is and they should not entertain removing this requirement. Comments regarding encouraging guests to walk and not drive were also shared. General consensus was reached to limit these rentals to those that are within 200 ft. of an arterial or major street.

Staff asked for clarification about whether the Commission would support the rental of accessory residential units that are within the buildings footprint (such as a basement within a home). Commissioner Thompson stated she would support this and cautioned them about getting overly complex. She added she does not feel compelled to set a limit on the number of bedroom or a size limit, or define the entrance type. Commissioner Brown disagreed and stated the amendment should be as clear and specific as possible so that it is workable and enforceable. Commissioner Peddicord suggested a maximum occupancy and stated establishing an allowable number of people and gets more to the impacts on the neighborhood. Mr. Molnar stated staff would pull together the Commission's input and bring back a final recommendation for their approval.

Commissioner Mindlin rejoined the meeting.

B. Medical Marijuana Dispensaries.

Mr. Molnar explained on April 1, 2014 the City Council passed first reading of an ordinance that would place a limited moratorium until May 2015 on marijuana dispensaries. He stated the state legislature allowed this so that communities would have time to adjust their zoning codes and clarified the City's moratorium will prohibit

dispensaries on E-1 lots that are within 100 ft. of residential zoning districts and all lots in the C-1-D zone (downtown commercial overlay).

Commissioner Thompson noted she researched how other cities have handled this issue and recommended Ashland limit the number of dispensaries in the City, not allow marijuana to be smoked or consumed on the premises, to curtail business hours, to not allow dispensaries in temporary or portable structures, and require trash dumpsters to be enclosed.

Commissioner Mindlin recommended they treat dispensaries like a pharmacy, rather than a club, café, or liquor store. She added her opinion is that dispensaries should not be located within 100 ft. of a residence.

Commissioner Dawkins stated he would prefer to see dispensaries located in high traffic areas, and disagreed with the city administrator that these should be prohibited downtown.

Public Input

Carol Kim/422 Rogue Place/Read aloud written statement (See Exhibit 2014-03 attached).

William Clary/460 Williamson/Stated buffer zones should be based on traffic flow and suggested a requirement for dispensaries to be placed on main arterial streets or in areas that can handle high levels of traffic.

Deliberations & Decision

Mr. Molnar clarified if the Commission wants to encouraged dispensaries in certain areas, they could make the approval process less rigorous in those locations.

Suggestion was made to limit dispensaries to C-1 zones that front arterials, or at least make it easier to be located in these areas, and to not go against the city administrator's direction regarding the C-1-D zone. The Commission discussed whether dispensaries were an appropriate use in the downtown, including whether or not this poses traffic concerns, and whether this puts tourists' opinions before residents' needs. A straw poll vote was taken on whether dispensaries should be allowed in the downtown area and the majority felt this should not be permitted.

Comment was made that if the City only allows these in the C-1 zone, and with the state's 1,000 ft. from a school law and 1,000 ft. from another dispensary, this would be self limiting.

The Commission discussed buffer zones for parks, public libraries and residences and no support was expressed for establishing these. Comment was made that limiting hours of operation was preferable to setting buffers and suggestion was made for 7 am to 7 pm.

Commissioner Dawkins suggested the City allow dispensaries in the railroad district along A Street. The group discussed this but there was not a majority to move this forward.

Mr. Molnar clarified this issue will be reviewed again at the April Study Session.

ADJOURNMENT

Meeting adjourned at 10:30 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

If your concern is neighborhood impact: then yes, my home and operating as a STR have greatly impacted my neighborhood: We bought a dilapidated foreclosed rental which has an ADU. We have poured money into our property, transforming the curb appeal and it was because of the income from our STR which allowed us to do so. We were motivated to make our home look as best as we could and our neighbors have praised us for it. We've had ZERO complaints regarding our home and visiting guests.

The cabin was occupied just 2-3 days per week and our guests were rarely there as they were out exploring the very city they came to see. We had the power to choose who stays and for how long. We had the security of knowing that if there were ever a disruption, we have the right to make them leave. **I would strongly argue that Operating as a STR has a lesser neighborhood impact than operating as a long term rental. As hosts, we are committed to being good neighbors!**

Now, we have a long term renter. The tenant lives there 100% of the time- day in and day out. We have no control of who comes and goes to the cabin or if they are noisy or disruptive. We cannot ask them to vacate immediately and terminated their stay. We lose those rights as landlords.

If your concern is housing stock: According to the 2010 census: **Almost 1/2 of the dwellings in Ashland are rentals. There are an astounding 5000 rental units in our rental stock.** Just today on craigslist there were 63 rentals on the market all of various prices. If every single legal ADU were to convert, it would only diminish approximately 1% of the stock. **That's 1%.** According to the City, it was merely a small handful of ADUs operating, not enough to make a dent in the housing stock. Renting long term is an easy hands off approach to earn some extra money and I would argue that most choose this route. It takes commitment and time to operate a STR and it is not for everyone.

I ask that if ADUs are a concern for recommendation, perhaps you consider a 1 year trial period to study this further or even limiting the number of ADUs allowed as STRs.

This type of local host accommodation is the new "shared economy" and it is not going anywhere. We can be a city that produces more, without

more waste, We can support our local families without the need for corporate hotels. With proper permitting, proper regulation, and taxation, we can add value to our community while still protecting the integrity of our neighborhoods.

HOUSING TENURE		
Occupied housing units	11,292	100.0
Owner-occupied housing units	6,339	56.1
Population in owner-occupied housing units	13,698	(X)
Average household size of owner-occupied units	2.16	(X)
Renter-occupied housing units	4,953	43.9
Population in renter-occupied housing units	9,790	(X)
Average household size of renter-occupied units	1.98	(X)

United States Census Bureau 2010

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1

4/8/14 Planning Commission Testimony: Tom DuBois 690 S Mountain Ave.

Let me tell you about a typical day in my home business: It's four in the afternoon, a nice car pulls into my driveway with a couple in their fifties. I greet them with a smile, show them into their room, and give them my warm "Welcome to Ashland" speech. At around 5 or 6, they head into town for some shopping, some dinner, and a show. They return at around 10 and... go to sleep! At around 10 in the following morning they hit the road, or maybe repeat their day of Ashland fun. This is hardly neighborhood ruination!

This is why Planning Director Molnar & his staff can verify: There has never been a single documented complaint to the City about host occupied rental activity. NOT ONE!

This is why City Administrator Dave Kanner and staff went on record about HOSTS....

Our impact on long-term rentals? **none**.

Our impact on parking?...**none**.

Our impact on neighborhood character?... **even less** than other home businesses.

And what about our impact on Home values? Well, home values have risen 300% since 1994 when Ashland allowed its first home businesses. One thing Ashland doesn't have is a problem with dropping home values.

Who are the other people who operate home based businesses in R1? They are your neighbors & friends! Your kids take language, music, and art lessons from them. You visit a counselor, massage therapist, accountant or lawyer. I imagine everyone in this room knows someone who operates a business out of their home, or has patronized one.

As HOSTS, we want what YOU want! We want to be regulated like any other home business... mom & pops that have thrived in R-1 neighborhoods for over 20 years.

We want to have healthy, happy relationships with our neighbors!

We want to be inspected!

We want to collect and remit lodging taxes...

We want to be just like any other home based business...but with one difference: . They can have 8 visitors a day! We are asking for one! And my visitor's going to sleep 10 hours!

So I'm going to urge you tonight: we do **not** have to re-invent the wheel. Start with the home-business ordinance...it's simple! Let's fine tune it!

Let's put an end to all this scary speculation. Let's take a year to test drive this idea. One year, use it as a trial period, do a *fact based analysis*, not opinion based, that will answer the pros and cons of allowing HOSTS in R-1.

Let's give our visitors the wonderful option to stay with a friendly Ashland family in a welcoming Ashland home in a beautiful Ashland neighborhood.

Exhibit 2014-02

Dear Planning Commission,

My name is Carol Kim and I live at 422 Rogue Pl. I am wondering : How can we maintain Ashland's charm and unique neighborhoods, while still providing access to medical marijuana?

At present, businesses such as dispensaries, nightclubs, bars, liquor stores, or even crematoriums can all be put in an E-1 zone. The traffic generated and the hours of operation as well as other factors would have negative effects on any neighborhood. Should such businesses be placed next to neighborhoods simply because existing codes allow it?

I believe businesses like dispensaries should be established in areas that can handle large volumes of traffic and people at all hours. Cities like San Diego have confined medical marijuana dispensaries to light industrial and commercial use, keeping them at least 600 feet from homes and other sensitive areas like parks and playgrounds.

As you examine medical marijuana dispensaries and possible locations, please consider the following questions:

1. How many dispensaries are needed and will be allowed in Ashland?
2. What are the best locations for them?
3. Will legalization be on the ballot as early as November in Oregon? How will medical marijuana dispensaries be handled? Will they automatically be allowed to sell recreational marijuana? If so, please consider all the ramifications of this, especially on neighborhoods.
4. How can you protect neighborhoods from the negative impacts of dispensaries? Perhaps keep them on arterial streets or in shopping centers, buffer zones, out of E-1 areas with residences next to them, away from parks, etc.
5. Why does the city currently not want dispensaries downtown? What will be the impact there?

Please take this time to examine what other cities are doing, visit affected neighborhoods and downtown, and make your usual good study of all the issues. Thank you.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
April 22, 2014

CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Commissioners Present:

Troy J. Brown, Jr.
Richard Kaplan
Debbie Miller
Melanie Mindlin
Michael Dawkins
Tracy Peddicord
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Brandon Goldman, Senior Planner

Absent Members:

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director announced the City Council will hold the public hearing on the Normal Neighborhood Plan on May 6, 2014. He also noted Commissioner Miller has been reappointed to a 4-year term, and announced that Michael Grubbs has resigned from his position as City Building Official. Commissioner Brown provided a brief update on the SDC Committee meeting, and Commissioner Dawkins commented on the Downtown Beautification Committee.

PUBLIC FORUM

No one came forward to speak.

DISCUSSION ITEMS

A. Review of Planning Commission's recommendation to Council on the Normal Neighborhood Plan.

Senior Planner Brandon Goldman noted the Planning Commission held the public hearing on the Normal Neighborhood Plan on March 11, 2014 and made their formal recommendation to the City Council April 8, 2014. He stated what is presented tonight is the Commission's final report for their review.

The following suggestions were issued regarding the draft final report:

- Page 2 – Mobility Framework. Suggestion was made to include input from RVTD regarding the future transit stop on East Main Street. Mr. Goldman suggested the wording be changed to *"A future transit stop **coordinated with RVTD**, in the immediate vicinity of the NN-03 Land Use Zone, should be incorporated into the East Main Street roadway design and development."* The Commission voiced support for this change.
- Page 2 – Mobility Framework. Suggestion was made for the railroad crossing language to clearly specify whether a crossing somewhere else in the City will need to be closed in order to make this a public crossing. The Commission shared their comments on this suggestion. Mr. Goldman explained that ODOT Rail has stated they will not prepare a final determination until a crossing application has been submitted. Comment was made expressing concern about putting this application and engineering process on the first annexation applicant. Recommendation was made to edit the language to read *"~~A final determination~~ That the proposed public railroad crossing can be installed without necessitating the closure of any existing public crossing within the City."* The Commission voiced support for this change.

Mr. Goldman stated the report will be amended as requested and forwarded to the City Council for their public hearing on May 6, 2014.

B. Review elements of a draft ordinance related to Medical Marijuana Dispensaries.

Planning Manager Maria Harris explained staff has prepared a discussion draft based on previous meeting discussions and will take the input that comes out of tonight's discussion and prepare an ordinance for the public hearing on May 13, 2014. Ms. Harris stated during previous discussions the Planning Commission has determined that: 1) dispensaries will be a special permitted use in the C-1 and E-1 zones, 2) dispensaries must be located on streets classified as a boulevard, 3) hours of operation will be from 7 am to 7 pm, 4) dispensaries must be enclosed in a permanent building, and no outside storage of materials is permitted, 5) any modification to the site or exterior of the building must be consistent with the Site Design and Use Standards and security bars are prohibited on windows and doors, 6) dispensaries must provide for secure disposal of any marijuana remnants, and 7) dispensaries must conform to the state requirements.

Comment was made questioning if consumption on site will be prohibited. Ms. Harris stated consumption on the premises is already prohibited by state law and clarified staff will check with the state regarding the definition of "premise". The Commission agreed that their intent is to prohibit consumption both inside and outside the building.

Suggestion was made to allow dispensaries on A Street, however Commissioner Mindlin noted that this was voted down by the group at the last meeting. Another suggestion was made to potentially allow dispensaries to be located within one block of a boulevard. The Commission discussed keeping these uses away from residential neighborhoods and that placing these on busier streets would provide natural surveillance and limit increased traffic. No support was voiced for allowing dispensaries further off the boulevard.

Ms. Harris handed out code language from other cities and asked for the Commission's input. The group agreed to not allow drive-thru dispensaries, and also agreed to not place any additional buffer for parks, libraries, and other places where children congregate.

Staff thanked the Commission for their input and noted they will have one more chance to discuss this issue when it comes back for the public hearing on May 13, 2014.

C. Ideas for upcoming Planning Commission Retreat on May 10th.

Staff and the Commission briefly discussed potential retreat topics. Suggestions were made to discuss infill strategies, look at where redevelopment can occur, and assess the qualities that exist downtown and in the railroad district that are lacking on Ashland Street and Siskiyou Blvd. Additional suggestions were made to visit previous controversial applications (such as the house at Gresham/Allison) and see how they turned out, and to review the updated Uniform Policies for Commissions and Committees.

Commissioner Mindlin left the meeting.

D. Clarification of recommendation to Council on Short Term Rentals.

Mr. Molnar stated staff does not know whether the City Council will want to make changes to allow short term rentals in the single family zone, but if they do decide to move forward with changes, the Planning Commission has recommended the following: 1) properties must be owner occupied and located within 200 ft. of a major city street, 2) rentals can be a one-bedroom or two-bedroom suite located within the residence footprint, 3) rentals may be accessed from either the main entrance or a separate private entrance, 4) a conditional use permit is required, and 5) there will be an annual or biennial review of the operation.

Comment was made questioning the fee structure and whether using the same fee as an accessory residential unit (\$649) was appropriate. It was noted that those who apply for travelers accommodation approval in the R-2 or R-3 zones are charged a higher rate of \$998. Mr. Molnar commented on the staff time and noticing requirements for these types of applications and explained it is comparable to the ARU process. Comment was made that they should not be making it harder for those in the zones where they want to encourage this use, and suggesting the City charge the same fee for all the zoning districts. Additional recommendations were made to only permit a single reservation (although the accommodation could be two

bedrooms) and to not allow independent kitchen facilities, as allowing these units to be converted to short term rentals could reduce the City's long term rental housing stock.

ADJOURNMENT

Meeting adjourned at 9:30 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

**TYPE II
PUBLIC HEARING**

**PA-2014-00307
777 Oak Street**



PLANNING ACTION: 2014-00307

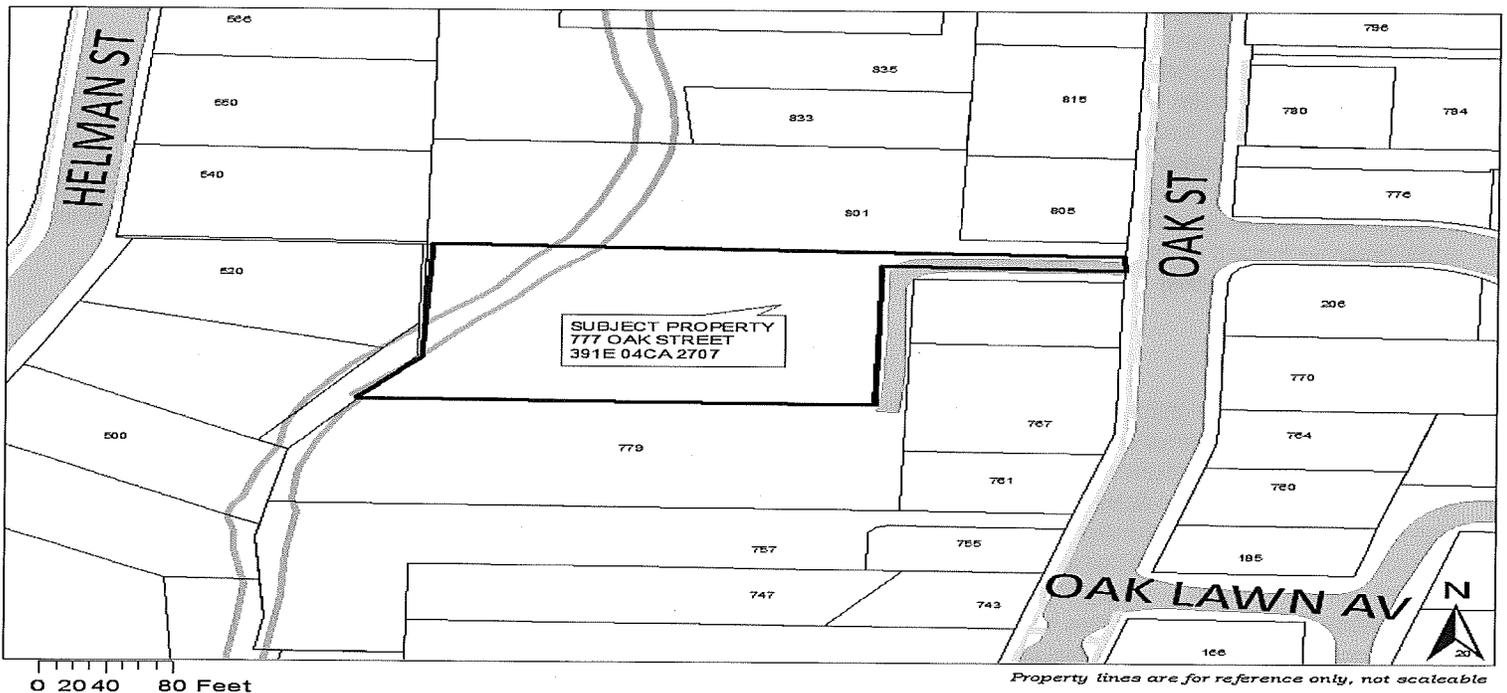
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OWNER/APPLICANT: Martha Howard-Bullen

DESCRIPTION: A request for a Physical and Environmental Constraints Review and Water Resource Protection Zone Reduction Permit approval to construct a new 3,414 square foot, single-story single family residence. The application also requests a Conditional Use Permit approval for a 615 square foot Accessory Residential Unit for the property located at 777 Oak Street. The property is subject to the Physical Constraints and Water Resource permits due to the location of the proposed development within the adopted floodplain for Ashland Creek. The existing approximately 720 square foot residence on the site is proposed to be retained and added onto with the new construction. The application includes a request to remove 13 trees on site. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP/TAX LOTS:** 39 1E 04CA 2707

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, May 8, 2014 at 6:00 p.m.** in the Community Development and Engineering Services building (Lithia Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *May 13, 2014 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).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 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)

Water Resource Protection Zone Reductions

Criteria for Approval 18.63.080

- A. The proposed use or activity is designed to avoid intrusion into the Water Resource Protection Zone through the use of up to a 50% reduction of any dimensional standards (e.g. required front, side and rear yard setbacks; required distance between buildings) to permit development as far outside or upland of the Water Resource Protection Zone as possible. Such adjustment to any applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Variance application under Chapter 18.100. Reductions to dimensional standards may not be used to reduce required Solar Access setbacks without evidence of agreement by the effected property owner(s) to the north through a concurrent Solar Access Variance application as described in Section 18.70.060.
- B. The alteration of the Water Resource Protection Zone is the minimum necessary to efficiently perform the proposed activity and/or use. The proposed development shall minimize disturbance to the Water Resource Protection Zone by utilizing the following design options to minimize or reduce impacts of development.
 1. Multi-story construction shall be considered.
 2. Parking spaces shall be minimized to no more than that required as a minimum for the use.
 3. Pavement shall be minimized, and all pavement used shall be installed and maintained in a pervious paving material.
 4. Engineering solutions shall be used to minimize additional grading and/or fill.
- C. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement and mitigation measures. The structures, functions and values of the Water Resource will be restored through the implementation of a restoration and enhancement strategy set forth in a mitigation plan prepared in accordance with the standards and requirements described in Section 18.63.120.
- D. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in Section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.
(Ord 3000, Added, 12/15/2009)

CONDITIONAL USE PERMITS

18.104.050 Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

ACCESSORY RESIDENTIAL UNITS

18.20.030.H Approval Criteria

H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:

1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
2. The maximum number of dwelling units shall not exceed 2 per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.

**ASHLAND PLANNING DIVISION
STAFF REPORT
May 13, 2014**

PLANNING ACTION: 2014-00307

APPLICANT: Martha Howard-Bullen

LOCATION: 777 Oak Street

ZONE DESIGNATION: R-1-5

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

APPLICATION DEEMED COMPLETE: April 4, 2014

120-DAY TIME LIMIT: August 2, 2014

ORDINANCE REFERENCE:

- 18.20 R-1 Single Family Residential District
- 18.62 Physical and Environmental Constraints
- 18.63 Water Resource Protection Zone
- 18.104 Conditional Use Permits

REQUEST: A request for a Physical and Environmental Constraints Review permit and Water Resource Protection Zone Reduction approval to construct a new 3,414 square foot, single-story single family residence with an approximately 775 square foot garage. The application also requests a Conditional Use Permit approval for a 615 square foot Accessory Residential Unit for the property located at 777 Oak Street. The existing approximately 720 square foot vacant residence on the site is proposed to be retained and added onto with the new construction. The application includes a request to remove 13 trees on site.

I. Relevant Facts

A. Background - History of Application

In February 1982, the Planning Commission approved a Minor Land Partition to divide the property at 779 Oak Street; this created the subject parcel, 777 Oak Street (PA82-06).

In January 1990, an application was made for Outline approval for a four-lot subdivision under the Performance Standards Option. The application included a request for a variance to allow four lots access off of the flag-driveway rather than the three allowed by ordinance. The application was modified in February to subdivide three lots instead of four and was approved by the Planning Commission in March 1990 (PA90-019).

In March 1991, the final plan application was made for the above referenced three-lot subdivision (PA91-023). The final survey plat was never filed and the approval expired.

In December 2010, a Boundary Line Adjustment (BLA) for the subject property, 779 Oak, 757 Oak and 500 Helman Street was filed. This BLA modified the rear property line of the subject property (PA2010-733)

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

The subject property is a flag-lot located on the west side of Oak Street accessed via a 145 foot long flag driveway. The flag driveway has historically been known as Tolliver Lane. The subject site is 44,524 square feet in area. The subject property and surrounding properties are zoned single family residential (R-1-5).

Most of the property is within floodplain and riparian protection areas. Ashland Creek runs diagonally from the southwestern corner of the property to the northeast near the rear property line. The majority of the lot is covered by the Ashland Floodplain Corridor this encompasses the Federal Emergency Management (FEMA) Floodplain and the Water Resource Protection Zone for Ashland Creek.

There is a dry, water storage pond which was created by a previous property owner near the south (side) property line. The site has a slope of approximately four percent downhill to the north. There are a number of trees throughout the site. Riparian species such as Aspen, Cottonwood are along the creek with upland species of Oak, Maple, Fir and Pine are found throughout the site.

There is a 720 square foot, vacant, single story residence on the site. The residence was constructed in the early 1980s.

The application suggests that the new 4,191 square foot house and garage will incorporate the existing 720 square foot residence. The site will be accessed via the existing driveway. The applicant has proposed five parking spaces. Included in the proposal is a request for a Conditional Use Permit for a 615 square foot, single story Accessory Residential Unit.

1. Physical and Environmental Constraints for Floodplain Development

The proposed development is occurring on land identified as the Ashland Floodplain Corridor. It encompasses approximately 36,044 square feet of the property. The applicant has proposed to remove 13 trees; all but three are within the Ashland Floodplain.

2. Water Resource Protection Zone

Ashland Creek is a federal, state and locally protected fish bearing stream. It is the highest order of stream in the City of Ashland and has a 50-foot Riparian Protection Zone from the top of bank, from here on described as the Water Resource Protection Zone (WRPZ). The proposal includes a request to reduce the WRPZ by 12 percent. The existing residence is located in the WRPZ , and the new areas of encroachment are new patio areas at the rear of the structure.

3. Conditional Use Permit for Accessory Residential Unit

The applicant has requested a Conditional Use Permit for a 615 square foot Accessory Residential Unit (ARU). The ARU is proposed to be located near the front property line outside of the Ashland Floodplain.



II. Project Impact

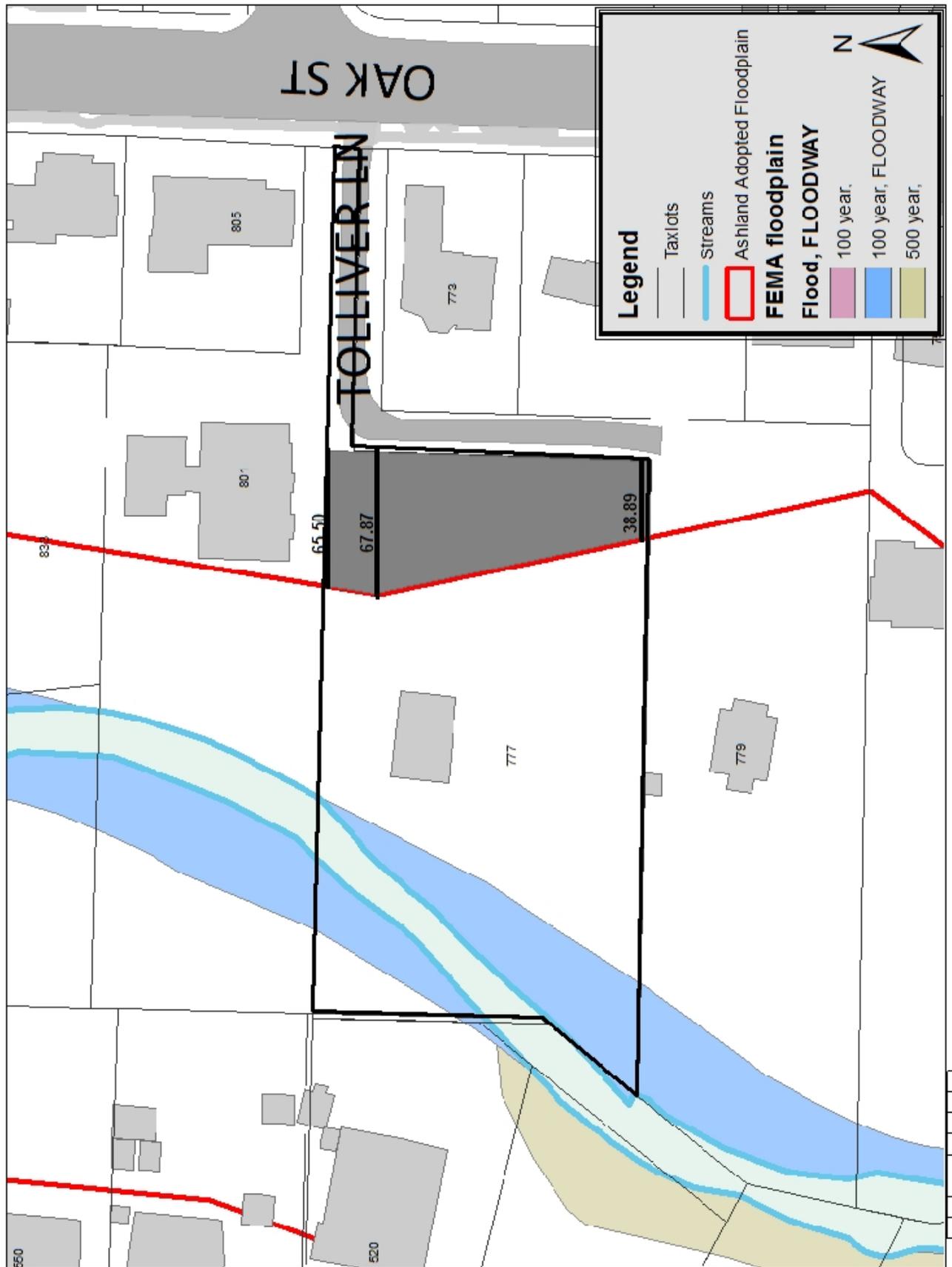
The adoption of development regulations for the Floodplain Corridors was in response to life safety issues posed by development in proximity to creeks with potential for flooding. The Comprehensive Plan section 4.17 Flood Plains & Stream Flooding provides detailed information regarding the adoption of additional regulations (Ashland Floodplain Corridor) beyond the floodplain boundaries as identified by FEMA. The additional regulated area was due to substantial evidence that the FEMA study was not accurate because the federal flood zone bypassed areas of significant risk and that the basic regulations regarding protection zones to reduce or eliminate risk of flooding were inadequate. The Comprehensive Plan outlines the goal of protecting life and property from flooding and flood hazards, and managing the areas subject to flooding to protect the public's interest. A number of policies were developed to support the goal including; Development in any flood prone area is not a guaranteed right, but depends upon whether the benefits to the public outweigh problems which would be caused by development.

This project requires a Physical and Environmental Constraints Review Permit for development in the Floodplain Corridor. A tree removal permit is requested to remove 13 trees greater than six-inches in diameter at breast height. A Water Resource Protection Zone reduction approval is required to allow for a 12 percent reduction of the WRPZ. A Conditional Use Permit is required for the proposed Accessory Residential Unit in the Single-Family Residential zone.

The application was scheduled for a public hearing at the Planning Commission because the proposal does not clearly meet the approval criteria for a Physical and Environmental Constraints Review Permit and the Water Resource Protection Zone reduction. The land use ordinance allows the application to be approved at an administrative level using the Type I review procedure. The ordinance also gives the Staff Advisor the ability to schedule any Type I application for a public hearing at the Planning Commission.

A. Physical and Environmental Constraints Review for Floodplain Development

The property is subject to the Physical and Environmental Constraints Review permit due proposed development occurring within the boundaries of the Floodplain Corridor Lands for Ashland Creek. The lot is approximately 44,524 square feet. Of that, approximately 36,044 square feet is within the Floodplain Corridor and 8,480 square feet is outside of the Floodplain Corridor. The area shaded gray in Figure 1 on the following page depicts the area of the property which is outside of the Floodplain Corridor Lands. The area that is outside of the Floodplain Corridor is the width of the front property line (east) and is approximately 40-feet wide near the south property line and approximately 70-feet wide near the north property line. The elevation of the Ashland Floodplain Corridor is 1793 feet above sea level.



Legend

- Taxlots
- Streams
- Ashland Adopted Floodplain

FEMA floodplain Flood, FLOODWAY

- 100 year.
- 100 year, FLOODWAY
- 500 year.

Property lines are for reference only, not scaleable

Figure 1

1. Placement of Structures

The development standards for existing parcels with buildable area outside the Floodplain corridor require that to the maximum extent feasible, all residential structures are placed outside Floodplain corridor lands. The buildable area on the subject property is the grey area depicted in Figure 1. In the case where development is permitted in the Floodplain corridor, the development is limited to that area which would have the shallowest flooding. The new residence is proposed to be located and constructed on lands entirely within the Ashland Creek Floodplain Corridor.

The Ashland Floodplain Corridor was adopted in 1989 by the City Council, and the decision to include area on either side of the FEMA Floodplain was to minimize risk to life and damage to private property and public infrastructure. The decision was based on documented accounts which depicted erratic behavior of floodwaters. The erratic flooding is due to the high velocity of the floodwaters that carry large pieces of debris which plugged culverts and redirected floodwaters. Water naturally follows the path of least resistance and meanders to create that course. Ashland's Floodplain takes into account the natural meandering forces of waters which were not accounted for when FEMA created the original Floodplain maps. The Floodplain Corridor is not merely about the elevation but also the setback from the flood source.

Based on site visits and consultation with the Building Official, staff does not concur with the applicants findings that 64.7 percent of the existing structure will be retained. The proposal states that the structure will be elevated in order to allow for the floor to be two-feet above the Base Flood Elevation. The elevation drawings of the structure show a modified roof-line. These two issues coupled with the need to "fir" out the studs in order to comply with today's energy codes and other structural modifications, it seems questionable whether the structure can be retained and more likely that in the process of construction the existing home will be removed and replaced.

The application does no address why the proposed residence cannot be located in the approximately 8,500 square foot area outside of the Floodplain (gray area on Figure 1). The proposal locates the primary residence, garage, parking and outdoor areas entirely within the Floodplain corridor.

Staff Concern/Recommendation – *The new residence does not meet the floodplain development standards for placing the structure in the buildable area outside the floodplain to the maximum extent feasible. In addition, it is questionable whether the retention of the existing structure is feasible and is justification for locating the proposed home in the floodplain.*

2. Tree Removal

The application includes a request to remove 13 trees on site. Ten of the trees

proposed for removal are within the Ashland Floodplain Corridor including four within the Water Resource Protection Zone and the FEMA Floodplain. The trees proposed for removal have been evaluated by a Certified Arborist. The four trees most near the creek have dead tops and are in decline, the other nine are within the proposed building footprint or in the driveway and parking area.

B. Water Resource Protection Zone reduction -

Ashland Creek is a federal, state and locally protected fish bearing stream. It is the highest order of stream in the City of Ashland and has a 50 foot from the top of bank Riparian Protection Zone, from here on described as the Water Resource Protection Zone (WRPZ).

The applicant has requested a Water Resource Protection Zone reduction to reduce the WRPZ by 12 percent. The area of encroachment includes the existing structure which is proposed to be retained and the construction of new poured concrete patios at the rear of the residence. The proposed encroachment in the WRPZ is 252 square feet.

The applicant has proposed to restore and enhance the remaining WRPZ by eliminating a previously constructed holding pond area, removal of non-native noxious plant material and the removal of dead/dying trees. The applicant's landscape architect has provided a detailed landscaping plan for the site showing re-vegetation of the site utilizing a mixture of native, riparian zone appropriate plant materials.

The applicant's findings state that since they are adding to the existing residence, they comply with the section regarding expansion. The Water Resource Protection Zone chapter of the Ashland Municipal Code allows nonconforming homes located in a WRPZ to be maintained and replaced if the building footprint is not changed in size and shape and additional surface area in the protection zone is not disturbed (18.63.060.A.3). Chapter 18.63 also allows the expansion of the footprint of a nonconforming structure within or partially within a WRPZ if the expansion of the footprint occurs outside of the WRPZ and additional surface area in the WRPZ is not disturbed (AMC 18.63.060.A.3.a and b). The application does meet either of these exemptions because the proposal includes new construction and surface area disturbance in the WRPZ.

Due to the proposal to encroach into the WRPZ with new construction, the applicant has requested a reduction of the WRPZ. The code allows for reductions of the protection zone when the alteration by the construction of the proposed home and associated development is the minimum necessary to efficiently perform a single-family residential use. The development is required to minimize the surface disturbance of the protected riparian area by utilizing various design options to limit the impacts. The design options are using multi-story construction, minimizing parking spaces, and minimizing pavement. The proposal has not utilized any of these options.

There is ample lot area outside of the WRPZ where the residence could be located and, the intent is for new construction to move away from the WRPZ.

Staff Concern/Recommendation – *The viability of retaining the existing structure does not appear feasible, therefore there does not appear to be strong justification for encroaching into the WRPZ. There is ample lot area outside of the WRPZ where the residence and associated outdoor areas could be located.*

C. Accessory Residential Unit

The proposed Accessory Residential Unit (ARU) is proposed to be located near the front property line outside of the Ashland Floodplain. The ARU is proposed to be 615 square feet, less than 50 percent of the gross habitable floor area of the primary residence which is proposed to be 3,414 square feet. The proposed ARU complies with setbacks including the solar setback ordinance and lot coverage. Utilities are available to service the ARU. The applicant has proposed to provide two parking spaces for the ARU in addition to the three required for the primary residence. The unit is architecturally compatible with the variety of residences found in the vicinity. The parcel is zoned R-1-5 and is greater than 5,000 square feet, a 615 square foot ARU will not have adverse impacts on the neighborhood when considering the target use of the property.

III. Procedural - Required Burden of Proof

The criteria for Physical and Environmental Constraints approval are described in 18.62.040 as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)

The criteria for an reduction to the Water Resource Protection Zone are described in 18.72.090 as follows:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;
- B. Approval of the variance will not substantially negatively impact adjacent properties;
- C. Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and
- D. The variance requested is the minimum variance which would alleviate the difficulty.

The criteria for a Conditional Use approval are described in AMC Chapter 18.72.070, as follows:

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

The criteria for an Accessory Residential Unit are described in AMC Chapter 18.20.030.H, as follows:

- H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:
 1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
 2. The maximum number of dwelling units shall not exceed 2 per lot.
 3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.

IV. Conclusions and Recommendations

The primary issue with the proposal is the building placement. Based on the condition of the existing residence it seems unlikely the structure can be incorporated into the new construction and the applicant's main argument is that the existing non-conforming structure is the reason for the choice of placement. The placement of the proposed residence is completely within the Floodplain Corridor lands and partially encroaches into the Water Resource Protection Zone Area. There is developable area outside of the Floodplain Corridor which the application does not address. Additionally, there is ample area outside of the Water Resource Protection Zone and all new construction could be achieved outside of the protected area.

Staff recommends that the application be continued. If the Commission believes that legitimate concerns have been raised regarding the building placement and the resulting encroachments into the Ashland Floodplain Corridor and the Water Resource Protection Zone, general direction should be provided to the applicant regarding possible modifications to the proposal.

If the application is continued, the Planning Commission needs to obtain agreement from the applicant for an extension to the 120-day time limit. The item is time sensitive because the 120-day limit expires on August 2, 2014. Staff recommends the applicant grant a 60-day extension which would extend the time limit to October 2014. The extended time line would allow for the Planning Commission to make a decision at the June 10th meeting, the Planning Commission to adopt findings at the July 8 meeting, and sufficient time should the action be appealed to the City Council.

Should the Commission believe adequate information and facts are provided to approve the project, Staff recommends the following conditions.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That building permit submittals shall include:
 - a) Structural engineering demonstrating the single family residence can be retained and added on-to shall be provided at the time of building permit submittals.
 - b) The new residence shall demonstrate compliance with Solar Setback Standard A. The building permit submittals shall include identification of the highest shadow producing point, identification of the height of the shadow producing point from natural grade and the solar setback measurement called out to the north property line.
 - c) That individual lot coverage shall not exceed 50 percent of the lot area in accordance with the lot coverage regulations of the zoning district. Lot coverage calculations including all impervious surfaces shall be provided with building permit submittals.

- d) That the Fire Department requirements for Fire Apparatus Access shall be complied with either through the installation of a fire truck turnaround or fire sprinklers. Evidence of compliance shall be provided for with the building permit submittals.
- 3) That prior to the issuance of a building permit:
- a) Tree protection fencing shall be installed according to the approved Tree Protection Plan prior to any site work, storage of materials or permit issuance. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.61.200.B.
 - b) A Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to permit issuance, site work, building demolition, and/or storage of materials. The Verification Permit is to inspect installation of tree protection fencing for the trees to be retained on site, and on adjacent properties.
 - c) The FEMA Floodplain boundary shall be identified on site and protected with silt fencing, and the installation of this silt fencing at the Floodplain line shall be inspected and approved by the Staff Advisor prior to the issuance of a building permit.
- 4) That prior to the issuance of a certificate of occupancy:
- a) That the lowest habitable floor elevation shall be a minimum of two feet above the 100 year Floodplain level and shall be certified (by a registered surveyor) at two-feet above the FEMA base flood elevation or at or above the City of Ashland Flood Plain Corridor elevation, whichever is greater, in compliance with 18.62.070.D.
 - b) There shall be at least three off-street parking spaces situated in such a manner as to eliminate the necessity for backing out installed on site. These parking spaces shall be shown on the building permit submittals for the primary residence, and shall be installed prior to the issuance of a certificate of occupancy for the new primary residence.
 - c) Two additional parking spaces shall be installed on site in such a manner to eliminate the necessity for backing out prior to the issuance of the certificate of occupancy for the Accessory Residential Unit.
 - d) The driveway area shall be signed as a no parking, fire apparatus access land if deemed necessary by the Fire Department and the building official to maintain required fire apparatus access. The vegetation along the driveway shall be pruned to achieve a width of 20-feet wide and 13.6-foot vertical clearance.

- e) That a separate electric meter for the accessory residential unit shall be installed in accordance with Ashland Electric Department requirements prior to issuance of the certificate of occupancy.
- f) That an opportunity to recycle site shall be located on the site, or an individual recycle bin shall be provided to the accessory residential unit in conformance with 18.72.040 prior to issuance of the certificate of occupancy for the accessory residential unit.

**Findings of Fact
for
Physical & Environmental Constraints Review Permit
for
Development in Flood Plain Corridor
Water Resource Protection Zone
Conditional Use Permit for Accessory Residential Unit**

Subject Property:
777 Oak Street
Assessor's Map 391E 04CA Tax Lot 2707
Zoning R-1-5

Proposed Use:
Single family residence & Accessory Residential Unit

Submitted to:
City of Ashland Planning Department

Submitted for:
Martha Howard-Bullen

Prepared by:

Carlos Delgado
Carlos Delgado Architect LLC
217 Fourth Street
Ashland, Oregon 97520
541.552.9502

February 28, 2014

MAR 4 2014

City of Ashland
Planning Department

Project Proposal:

Currently there exists a 720 SF single family residence on the property that currently is situated within the required Water Resource Protection Zone setback of 50 feet from top of creek bank. 2 other existing residences (680 SF and 280 SF respectively) were recently demolished after deeming the structures unsafe and hazardous that were located adjacent to the Water Resource Protection Zone (WRPZ). The remaining residence is the principal structure non-conforming within the Flood Protection Zone. A portion of the structure's walls and foundation encroach into the required WRPZ 50 foot buffer 12 Feet and the existing patio encroaches 22 feet (350 SF in area). Other existing man made site grading on the subject property within and outside the WRPZ is proposed to be restored and enhanced in the flood protection zone and WRPZ in this application.

The applicant is proposing a minimal Water Resource Protection Zone reduction to bring the existing non-conforming structure into conformance as well as provide development to mitigate, restore, and enhance the riparian area. This application demonstrates allowable development outside the existing Water Resource Protection Zone resulting in a renovation and addition into a viable single family residence with an attached 3 car garage. Additionally, the applicant is proposing a 615 SF accessory residential unit on the property above the "City of Ashland Flood Protection Zone" boundary line. Refer to submitted Site Plan AS1.1 for graphics on pre-existing structures, existing structure, and proposed additional structure on the property.

RECEIVED

MAR 4 2014

City of Ashland
Development Department

Findings of Fact for Physical & Environmental Constraints Review Permit & Conditional Use Permit

This application demonstrates compliance to Development Standards for Flood Plain Corridor and Water Resource Protection Zone pursuant to Section 18.62 and 18.63 of the City of Ashland Land Use Ordinance. Sections of the Ordinance and the Design Standards as deemed applicable, in whole or in part, are described in the following 'Findings of Fact.' Findings by the Applicant/Agent are inserted immediately following each section of the ordinance.

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Site Design and Use Standards

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Section II – Approval Standards and Policies

A. Ordinance Landscaping Requirements

B. Multifamily Residential Development

D. Parking lot Landscaping and Screening Standards

Section III – Water Conserving Landscaping Guidelines and Policies

ATTACHMENTS:

8.5 x 11 sheets

**Addendum A Geotechnical Investigation and Erosion Control report by
Marquess and Associates Inc. dated Feb 14, 2014**

**Addendum B Arborist Report by
Tom Myers - Certified Arborist dated Nov 25, 2013**

Addendum C Storm water drywell detail

11 x 17 sheets

Sheet AS1.0 Main Site Plan and Vicinity Map
Sheet AS1.1 Architectural Site Plan
Sheet L-1.0 Tree Protection & Removal and Erosion Control Plan
Sheet L-1.1 Tree Protection & Removal Plan Legend
Sheet L-2.0 Landscape Site Plan
Sheet L-3.0 Grading Plan
Sheet L-4.0 Planting & WRPZ Restoration Plan
Sheet L-4.1 Planting & WRPZ Restoration Plan
Sheet A2.1 Building Elevations
Sheet A2.2 Building Elevations

TOPO Polaris Land Surveying, LLC
SITE
SURVEY

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Chapter 15.10 - Flood Damage Prevention Regulations

15.10.040 - Methods of Reducing Flood Losses

In order to accomplish its purpose, this section includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;*
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and*
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards outside of identified flood hazard areas.*
- F. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.*

(Ord. 2925, 2006; Ord. 3045, 2011)

The application complies with methods of reducing flood losses as outlined in this application.

15.10.050 - Definitions

Unless specifically defined below or elsewhere in this Code, words or phrases used in this Chapter shall be interpreted as to give them the meaning they have in common usage and to give this Chapter it's most reasonable application.

F. Below-Grade Crawl Space means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Complies: Per building Section I on sheet A2.1, the elevations of floor, crawlspace, natural grade meet this criteria.

O. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Lowest floor of proposed residence is main level per crawlspace compliance in section F above.

15.10.080 - Provisions for Flood Hazard Protection

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.10.060(B), "Basis for Establishing the Areas of Special Flood Hazard", or Section 15.10.070(C)(2), "Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction:

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet or above base flood elevation. Prior to the issuance of a certificate of occupancy by the City, the property owner shall furnish certification by a registered engineer or surveyor of the actual elevation of the lowest habitable floor, including a basement.

Per ORSC, the structure proposed complies with FEMA standards per City of Ashland flood map, the base flood elevation (BFE) for the structure is 1792.75 feet at the highest point at the structure.

(The lowest point is at 1790 feet.) The lowest floor has been established at 1794.75 feet (2 feet above BFE).

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for entry and exit of flood-waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood-waters.

The proposed renovation and addition to the existing structure will have a fully enclosed area that will the requirements of flood plain construction in this chapter for construction in flood hazard areas. The total net area of the enclosed area below the lowest floor is 3414 SF. The minimum net requirement for 2 openings of an area of 3414 square inches will be specified in the final construction documents submitted for permitting. At this time, the number of proprietary crawlspace vents that comply with section iii "Smartvents" is calculated to be 18. The bottom of the openings will be no higher than 1 foot above grade.

C. Flood-ways: Located within areas of special flood hazard established in Section 15.10.060(B) are areas designated as flood-ways. Since the flood-way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Encroachment of proposed replacement residence does not result in any increase as demonstrated in section 18.62.070 A.(3) with findings that address limiting cut and fill.

The application complies, see Grading Plan (Sheet L-3.0), which proposes a balance of cut and fill within the flood-way.

2. If Section 15.10.080(C)(1) above is satisfied, all new construction, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.10.080, "Provisions for Flood Hazard Protection".

F. Conditions for Variances:

1. Variances shall not be issued within any designated flood-way if any increase in flood levels during the base flood discharge would result.

No variances are requested in this application.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship for the applicant; and,

c. A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Ordinances.

4. Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with any increased risk that may result from development for which the variance is issued.

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Chapter 18.20 - R-1 Residential District

18.20.010 - Purpose

The purpose of the R-1 district is to stabilize and protect the suburban characteristics of the district and to promote and encourage a suitable environment for family life.

18.20.020 - Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single family dwelling, utilizing at least two of the following design features to provide visual relief along the front of the residence:

- 1. Dormers*
- 2. Gables*
- 3. Recessed entries*
- 4. Covered porch entries*
- 5. Cupolas*
- 6. Pillars or posts*
- 7. Bay window (min. 12" projection)*
- 8. Eaves (min. 6" projection)*
- 9. Off-sets in building face or roof (min. 16") (Ord. 2612 S2, 1991)*

Complies: Per sheets A2.1 and A2.2 a minimum of 5 of the above criteria are proposed.

B. through H.

Not applicable – Single Family Renovation and Accessory Residential Unit is being proposed

18.20.030 - Conditional uses

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits.

A. through G. uses:

Not applicable – Single Family Renovation and Accessory Residential Unit is being proposed

H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:

- 1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.*

Complies: Total lot coverage for proposed is 20% (50% is allowed - refer to sheet AS1.0 for tabulations)

- 2. The maximum number of dwelling units shall not exceed 2 per lot.*

Complies: 2 dwelling units are proposed.

- 3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.*

Complies: GHFA of primary res=3414, ARU=615 square feet.

- 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.*

I. through K., M through N. uses

Complies: 3 BDR residence requires 2 off street parking spaces, ARU requires 2 off street parking spaces. 5 off street parking spaces are proposed: Refer to section 18.92 for calculations.

L. Nonconforming use or structure changes required by Section 18.68.090.

The applicant is requesting a maximum Water Resource Protection Zone reduction of 25% to bring the structure into conformance in the flood protection zone. Refer to section 18.63.070

18.20.040 - General regulations

A. Minimum lot area: Basic minimum lot area in the R-1 zone shall be five thousand (5,000) square feet, except six thousand (6,000) square feet for corner lots. R-1 areas may be designed for seventy-five hundred (7,500), or ten thousand (10,000) square foot minimum lot sizes where slopes or other conditions make larger sizes necessary. Permitted lot sizes shall be indicated by a number following the R-1 notation which represents allowable minimum square footage in thousands of square feet, as follows:

R-1-5 5,000 square feet

R-1-7.5 7,500 square feet

R-1-10 10,000 square feet

Existing lot = 44,524 square feet

B. Minimum lot width:

Interior lots 50 feet

Corner lots 60 feet

All R-1-7.5 lots 65 feet

All R-1-10 lots 75 feet

Lot width is 153 feet.

C. Lot Depth: All lots shall have a minimum depth of eighty (80) feet, and a maximum depth of one hundred fifty (150) feet unless lot configuration prevents further development of the back of the lot. Maximum lot depth requirements shall not apply to lots created by a minor land partition. No lot shall have a width greater than its depth, and no lot shall exceed one hundred fifty (150) feet in width. (Ord. 2052, 1979; Ord. 2425 S3, 1988)

Lot depth is 415.70 feet, due to Flood Plain Corridor & Water Resource Protection Zone restrictions further development of back of lot is prohibited.

D. Standard Yard Requirements: Front yards shall be a minimum of, 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of eight feet or the width of any existing public utility easement, whichever is greater, from the front property line. All garages accessed from the front shall have a minimum setback of 20' from the front property line; side yards, six feet; the side yard of a corner lot abutting a public street shall have a ten foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access. (Ord. 2097 S5, 1980; Ord. 2121 Se, 1981, Ord. 2752, 1995)

Front yard setback has been established at 15 feet.

E. Maximum Building Height: No structure shall be over thirty-five (35) feet or two and one-half (2 1/2) stories in height, whichever is less. Structures within the Historic District shall not exceed a height of 30 feet.

Maximum building height is 16 feet and is single story.

Maximum Coverage: Maximum lot coverage shall be fifty (50%) percent in an R-1-5 District, forty-five (45%) percent in an R-1-7.5 District, and forty (40%) percent in an R-1-10 District.

Lot coverage proposed is 20%.

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Chapter 18.61 - Tree Preservation and Protection

18.61.200 - Tree Protection

Tree Protection as required by this section is applicable to any planning action or building permit.

A. Tree Protection Plan Required.

- 1. A Tree Protection Plan approved by the Staff Advisor shall be required prior to conducting any development activities including, but not limited to clearing, grading, excavation, or demolition work on a property or site, which requires a planning action or building permit.*
- 2. In order to obtain approval of a Tree Protection Plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:*
 - a. Location, species, and diameter of each tree on site and within 15 feet of the site;*
 - b. Location of the drip line of each tree;*
 - c. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements;*
 - d. Location of dry wells, drain lines and soakage trenches;*
 - e. Location of proposed and existing structures;*
 - f. Grade change or cut and fill during or after construction;*
 - g. Existing and proposed impervious surfaces;*
 - h. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan; and*
 - i. Location and type of tree protection measures to be installed per AMC 18.61.230.*
- 3. For development requiring a planning action, the Tree Preservation Plan shall include an inventory of all trees on site, their health or hazard condition, and recommendations for treatment for each tree.*

B. Tree Protection Measures Required.

- 1. Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.*
- 2. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any open space tracts, riparian areas, or conservation easements that abut the parcel being developed.*
- 3. The fencing shall be flush with the initial undisturbed grade.*
- 4. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Staff Advisor for the project.*
- 5. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.*
- 6. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or m-off.*
- 7. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.*

C. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

In accordance with AMC 18.61, a Tree Removal & Protection Plan (Sheet L-1.0) is provided, identifying trees to be removed and retained. Thirteen trees are proposed for removal. Nine of these trees are located within the proposed building envelope and driveway areas, or in very close proximity to the proposed. The site's other four trees proposed for removal are located within the riparian zone of the property. These trees have been evaluated by arborist Tom Myers, who has

recommended their removal, based on health. The many remaining trees on the property shall be retained, pruned where necessary and protected with fencing in accordance with AMC 18.61.200.

Chapter 18.62 - Physical and Environmental Constraints

18.62.050 - Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them:

A. Flood plain Corridor Lands - Lands with potential stream flow and flood hazard. The following lands are classified as Flood plain Corridor lands:

- 1. All land contained within the 100 year Flood plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM) adopted by the Council as provided for in Chapter 15.10 of the Ashland Municipal Code.*
- 2. All land within the area defined as Flood plain Corridor land in maps adopted by the Council as provided for in section 18.62.060.*
- 3. All lands which have physical or historical evidence of flooding in the historical past:*
- 4. All areas within 20 feet (horizontal distance) of any stream identified as a Riparian Preservation Creek on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.62.060*
- 5. All areas within ten feet (horizontal distance) of any stream identified as a Land Drainage Corridor on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.62.060.*

Applicable: Property is within the designated Floodplain Corridor lands. The property falls within the C of A's adopted floodplain mapping overlay area as well as within the Water Resources Protection Zone.

D. Severe Constraint Lands - 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.*

Applicable: Property is within the designated Floodplain Corridor lands.

E. Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel.

Applicable: Refer to 18.62.050 above..

18.62.070 - Development Standards for Flood plain Corridor Lands

For all land use actions which could result in development of the Flood plain Corridor, the following is required in addition to any requirements of Chapter 15.10:

A. Standards for fill in Flood plain Corridor lands:

- 1. Fill shall be designed as required by the Oregon Structural Specialty Code (OSSC) and Oregon Residential Specialty Code (ORSC), where applicable.*

Complies: Per Section 1 on SHT A2.1, fill has been minimized to comply with this section

- 2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in section 15.10, and the fill shall not exceed the angle of repose of the material used for fill.*

The application complies with the above standard.

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3. The amount of fill in the Flood plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:

- a. Poured concrete and other materials necessary to build permitted structures on the lot.
- b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.
- c. Plants and other landscaping and agricultural material.
- d. A total of 50 cubic yards of other imported fill material.
- e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.

The application complies with the above standards.

4. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood plain Corridor.

Complies – On site cut and fill amounts within the identified flood plain have been limited to necessary levels to complete the improvement per building code requirements for crawlspace and finish floor levels. The proposed development does not include any off-site fill other than permitted structural fill to build the structures outside the required riparian buffer in the Water Resource Protection Zone.

5. Adequate drainage shall be provided for the stability of the fill.

Complies: Per architects specifications and recommendations of pending geotechnical evaluation drainage will comply (preliminary report submitted as addendum A).

6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood plain Corridor as feasible.

Complies – refer to section 4 above.

D. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in chapter 15.10, or to the elevation contained in the official maps adopted pursuant to section 18.62.060, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.62.060; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.62.060, or one foot above visible evidence of high flood water flow, whichever is greater. The elevation of the finished lowest habitable floor shall be certified to the city by an engineer or surveyor prior to issuance of a certificate of occupancy for the structure.

Complies: Per ORSC, the structure proposed complies with FEMA standards and the more restrictive standard per the City of Ashland flood map. The base flood elevation (BFE) at the most upstream location for the structure is 1792.75 feet. (The furthest downstream location at the structure has a base flood elevation of 1790.00 feet.) The lowest floor has been established at 1794.75 feet (2 feet above BFE).

E. To the maximum extent feasible, structures shall be placed on other than Flood plain Corridor Lands. In the case where development is permitted in the Flood plain corridor area, then development shall be limited to that area which would have the shallowest flooding.

Complies: the additional area of development attached to the existing structure is within the Flood plain corridor area that ranges from an existing grade elevation of 1793.00 FT to 1793.5 FT. This area of development in its entirety is within a Base Flood Elevation ranging from elevation heights

of 1790.00 FT to 1792.75 FT. The design of the building with the shorter walls perpendicular to downstream flow thus allowing better floodway flow around the development. This design strategy as well as its 1794.75 FT floor height being 1.75 FT to 1.50 FT above any existing natural grade within the location allows for very minimal flood impact differences throughout this potential shallow flooding area.

F. Existing lots with buildable land outside the Flood plain Corridor shall locate all residential structures outside the Corridor land, unless 50% or more of the lot is within the Flood plain Corridor. For residential uses proposed for existing lots that have more than 50% of the lot in Corridor land, structures may be located on that portion of the Flood plain corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section 18.62.060. Construction shall be subject to the requirements in paragraph D above.

More than 50% of this lot is within the Flood plain Corridor. All proposed construction meets the requirements in paragraph D above.

K. Fences shall be located and constructed in accordance with section 18.63.060.B. 3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to section 18.62.060. Fences shall not be constructed within any designated floodway.

6 ½' break away fencing panels are proposed along the south property line from the WRPZ boundary to the limit of the Ashland Flood protection zone boundary. These panels will be designed to provide unobstructed flow of flood waters in a flood event.

L. Decks and structures other than buildings, if constructed on Flood plain Corridor Lands and at or below the levels specified in section 18.62.070.C and D, shall be flood-proofed to the standards contained in Chapter 15.10.

The application complies with the above standards.

18.62.100 - Development Standards for Severe Constraint Lands

A. Severe Constraint Lands are extremely sensitive to development, grading, filling, or vegetation removal and, whenever possible, alternative development should be considered.

B. Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the 100 year flood without raising the upstream flood height more than six inches.

C. Development on lands greater than 35% slope shall meet all requirements of section 18.62.080 in addition to the requirements of this section.

D. Development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the City's Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following:

1. Index map.

2. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.

3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.

4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.

5. Suitability of site for proposed development from a geologic standpoint.

6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.

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7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

8. Signature and registration number of the engineer and/or geologist.

9. Additional information or analyses as necessary to evaluate the site.

All excavation, grading, structural footing and wall design, drainage, and erosion control plans shall comply with design conclusions and recommendations as provided in Exhibit A: Geotechnical Investigation and Erosion Control report by Marquess and Associates, Inc. dated Feb 14, 2014.

Chapter 18.63 - Water Resource Protection Zones

18.63.050 - Establishment of Water Resource Protection Zones

A Water Resource Protection Zone is hereby established adjacent to and including all Water Resources to protect their integrity, function and value. The boundaries of the following Water Resource Protection Zones shall be established by an on-site survey based upon the following standards.

A. Stream Bank Protection Zones. The following types of Stream Bank Protection Zones are hereby established to protect streams and their associated riparian resources. The approximate locations of streams are identified on the Water Resources Map.

1. Riparian Corridor – For streams classified as Riparian Corridor fish-bearing streams with an annual average stream flow less than 1,000 cubic feet per second and on the Water Resources Map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 50 feet upland from the top of bank (Figure 3).

Figure 3: Stream Bank Protection Zone for Riparian Corridor Streams (see attachment under this chapter)

18.63.060 - Activities and Uses Exempt from These Regulations

A. Exempt Activities Within Water Resource Protection Zones. The following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Water Resource Protection Zone. Exempt activities and uses may qualify as development as defined in section 18.62.030 (H) and may require a permit for development in Floodplain Corridor Lands Chapter

1. Vegetation Maintenance, Planting and Removal

a. Landscaping Maintenance. Continued maintenance of existing vegetation such as landscaping, lawn, gardens and trees.

b. Lawn. Existing lawn within Water Resource Protection Zones may be maintained, but existing lawn shall not be expanded and new lawn shall not be installed.

c. Tree Pruning. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the Tree Preservation and Protection Chapter 18.61. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, or resource functions (i.e. shade, soil stability, erosion control, etc.)

d. Non-native, Noxious and Invasive Vegetation Removal. Removal of non-native, noxious and invasive vegetation, and replacement with local native plant species. The act of removing non-native, noxious and invasive vegetation shall not result in the removal of native vegetation. Local native plant species for both wetland and stream bank applications are identified on the City of Ashland's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City of Ashland's Prohibited Plant List. Removal and mowing of blackberries shall occur before May 1 or after July 31 to protect nesting birds.

e. Hazardous Tree Removal. Removal of a hazardous tree. A hazardous tree is a tree that is physically damaged to the degree that it is likely to fall and injure persons or property. A permit for Hazardous Tree Removal shall be processed under the procedures and approval criteria described in the Tree Preservation and Protection Chapter 18.61.

f. In-channel Vegetation Removal. Removal of emergent in-channel vegetation that is likely to cause flooding using non-invasive methods such as mowing or weed-whacking that do not disturb the underlying substrate. Mechanized removal of emergent in-channel vegetation that would involve associated removal of soil below the ordinary high water line is not permitted and would otherwise be subject to state and federal wetland permitting requirements.

g. Routine Planting. The planting of local native plant species or the replacement of non-native, noxious and invasive plants with local native plant species. Local native plant species for both wetland and stream bank applications are identified on the City of Ashland's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City of Ashland's Prohibited Plant List.

h. Use of Hand-held Equipment or Machinery. Use of hand-held equipment or machinery for vegetation maintenance, planting and removal within Water Resource Protection Zones.

i. Use of Power-assisted Equipment or Machinery. Use of power-assisted equipment or machinery for vegetation maintenance, planting and removal within Water Resource Protection Zones when soil disturbance and erosion are minimized by all of the following measures.

i. Use of power-assisted equipment or machinery shall occur from May 1 to October 31, and shall not occur during the remaining wet months of the year.

ii. The general topography of the Water Resource Protection Zone shall be retained.

iii. Soil compaction from construction equipment shall be reduced by distributing the weight of the equipment over a large area (e.g. laying lightweight geogrids, mulch, chipped wood, plywood, OSB, metal plats or other materials capable of weight distribution in the pathway of the equipment).

iv. Local native plant species shall not be damaged or removed.

v. Disturbed areas shall be replanted so that landscaping shall obtain 50% coverage after one year and 90% after five years.

The application complies with the above standards. Refer to section 18.63.120 (Mitigation Requirements) below and Sheets L-4.0 and L4.1 (Planting & WRPZ Restoration Plan) that address and meet the above standards.

2. Building, Paving and Grading

3. Nonconforming Activities, Uses and Structures – An activity, use or structure legally established prior to the adoption of this chapter, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter shall be considered a nonconforming activity, use or structure, and may continue subject to the following provisions.

a. Nonconforming Structures. Nonconforming structures within or partially within a Water Resource Protection Zone may be maintained and used.

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b. Expansion of Nonconforming Structures. Expansion of the footprint of a nonconforming structure within or partially within a Water Resource Protection Zone if the expansion of the footprint occurs outside the Water Resource Protection Zone and additional surface area in the Water Resource Protection Zone is not disturbed. Additional stories may be added to nonconforming structures if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed.

The applicant is proposing to renovate and add to the existing nonconforming residence footprint and comply with the intent of the section above. Under AMC section 15.04.210 (Demolition or relocation of structures), the proposed residence in this application has been strategically designed to retain 67% of the structure's external walls in place to classify the proposed construction as reconstruction. The resulting residence has been designed with the existing nonconforming building footprint within the WRPZ to remain unchanged in size or shape. With the exception of improving exterior patio area adjacent to this nonconforming footprint, there will be no disturbance to additional surface area. All disturbances within the required WRPZ are mitigation measures to restore and enhance the riparian area as outlined below in Section 18.63.120 Mitigation Requirements. All other additional building walls, foundations are to be constructed outside the Water Resource Protection Zone.

As indicated in the Project Summary, the location of 2 other demolished pre-existing structures on the property are in the location of the addition to the existing structure as indicated on the site plan (Sheet AS1.1). The design team and applicant believe the reconstruction in this location adds no further disturbance or impact in the WRPZ than the original structures.

There exists 174 SF of structure and 190 SF of patio of the existing 720 SF residence encroaching 12 feet into the Water Resource Protection Zone (WRPZ) within the required 50 foot buffer from the top of bank. It is important to note that the existing covered patio of 190 SF is being permanently removed out of the Water Resource Protection Zone. The encroachment of the existing residence is proposed to remain in the renovation of the residence as it does not further create disturbances to the site's natural features, not create additional flood hazard to the existing condition. Due to this encroachment, the applicant is requesting the minimum WRPZ reduction of 25% at a limited length of 25 feet of riparian frontage on the site (37.5 foot buffer setback from the top of bank) to bring the existing structure into conformance as well as provide for a proposed patio that would comply with the 37.5 foot buffer setback. Sheet AS 1.1 demonstrates this limited buffer setback. Refer to section 18.63.080 in these findings and Sheets L 4.0 – L4.1 for mitigation restoration and enhancements to the WRPZ.

c. Replacement of Nonconforming Principal Buildings in Residential Zoning Districts. Nonconforming principal buildings within or partially within a Water Resource Protection Zone and located in residential zoning districts may be replaced or rebuilt if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations Chapter 15.10.

B. Additional Exempt Activities and Uses within Stream Bank Protection Zones. In addition to the Exempt Activities and Uses in section 18.63.060.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Stream Bank Protection Zone.

1. Fire Hazard Prevention – Cutting or thinning of vegetation for fire hazard prevention provided that the cutting or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in the Physical and Environmental Constraints Chapter 18.62.

2. *Stream Restoration and Enhancement* – Stream restoration and enhancement projects when all of the following are met.

- a. The restoration and enhancement results in a net gain in stream bank corridor functions.
- b. The lot is in a residential zoning district and occupied only by a single-family dwelling and accessory structures.
- c. The property has not undergone stream restoration and enhancement work in the past 12 months.
- d. The restoration and enhancement project does not involve in-stream work.
- e. The restoration and enhancement project may include minor earth moving activities involving excavation or placement of up to five cubic yards of soil and earth-moving activity disturbing a surface area of no more than 1,000 square feet.

No stream restoration nor enhancement is proposed.

3. *Fences* – Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the upland half of the riparian buffer furthest away from the stream. Solid wood fencing is prohibited in Water Resource Protection Zones. Fencing in a designated floodplain shall conform to the requirements of section
No fences are proposed within the Water Resource Protection Zone.

4. *Outdoor Patio Areas*– Outdoor patio areas consisting of porous solid surfaces up to 150 square feet in size per lot, but not including decks, may be constructed in the upland half of the riparian buffer furthest away from the stream.

The proposed development includes an outdoor patio that is 150 SF at the upper boundary of the riparian buffer (refer to Sheet L2.0 for location and configuration). Although this patio area meets the requirements in its location within the riparian setback, it will be entirely out of the buffer with the riparian buffer reduction proposed under section 18.63.080 below.

5. *Public Utility Maintenance and Replacement* - Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs no more total surface area than the area inside the public utility easement and up to an additional five percent surface area of the public utility easement outside of the public utility easement.

6. *Private Utility Maintenance and Replacement* - Routine maintenance and replacement of existing private utilities and irrigation pumps.

7. *Driveway and Street Maintenance and Paving* - Maintenance, paving and reconstruction of existing public and private streets and driveways if work disturbs no more total surface area than the area inside the street right-of-way or access easement and up to an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

C. *Additional Exempt Activities and Uses within Wetland Protection Zones.* In addition to the Exempt Activities and Uses in section 18.63.060.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Wetland Protection Zone.

1. *Fire Hazard Prevention* – Perimeter mowing or thinning of vegetation only within the wetland buffer for fire hazard prevention provided that the mowing or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in the Physical and Environmental Constraints Chapter 18.62.

2. *Fences* – Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the wetland buffer. Solid wood fencing is prohibited in Water Resource Protection Zones. Fencing in a designated floodplain shall conform to the requirements of section 18.62.070.K.

The application complies with the above standards. See the Landscape Site Plan and Planting & Mitigation Plan (Sheets L-2.0 & L-4.0-4.1) for detailed information.

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18.63.070 - Limited Activities and Uses within Water Resource Protection Zone

The following activities and uses within Water Resource Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.

A. Limited Activities and Uses within Water Resource Protection Zones.

1. Use of Power-assisted Equipment or Machinery – Use of power-assisted equipment or machinery for vegetation maintenance unless otherwise exempted in section 18.63.060.A.1.i.
2. Multi-year Maintenance Plans – Multi-year maintenance plans may be authorized as follows for existing areas or storm water treatment facilities in Water Resource Protection Zones which do not have a previously approved management plans.

a. Publicly and Commonly Owned Properties. The routine restoration and enhancement of publicly and commonly owned properties such as public parks and private open spaces.
b. Storm Water Treatment Facilities. The ongoing routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales and constructed wetlands in order to maintain flow and prevent flooding. Routine maintenance of storm water treatment facilities in accordance with an approved management plan is exempted as outline in section 18.63.060.A.2.c.

3. Building, Paving, and Grading Activities - Permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized as follows.

a. New Public Access and Utilities. The location and construction of public streets, bridges, trails, multi-use path connections and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This title, the Comprehensive Plan, Transportation System Plan, adopted utility master plans and other adopted documents shall guide this determination.

b. New Private Access and Utilities. The location and construction of private streets, driveways and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside the Water Resource Protection Zone exists.

c. Storm Water Treatment Facility Installation. Installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales and constructed wetlands.

d. Replacement of Nonconforming Accessory Structures in Residential Districts and Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Outside Historic Districts. Replacement of nonconforming structures located within or partially within the original building footprint, except those nonconforming principal buildings exempted in section 18.63.060.A.3, provided replacement does not disturb additional surface area within the Water Resource Protection Zone.

B. Additional Limited Activities and Uses within Stream Bank Protection Zones. In addition to the Limited Activities and Uses in section 18.63.070.A, the following activities and uses with the Stream Bank Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.

1. Stream Restoration and Enhancement – Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in section 18.63.060.B.2. Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

The application proposes restoration and enhancement within areas of the WRPZ, see Planting and Mitigation Plan (Sheet L-4.0-4.1) for more information. The work proposed within this zone includes; restoring the pond area in the SW corner of the riparian zone to a naturalized gentle slope mimicking the adjacent undisturbed riparian areas, removal of noxious and non native plant species in the areas being restored, seeding disturbed open meadow areas with native grass and enhancing several key riparian areas with native small trees, shrubs, ferns and perennials.

2. *Driveway and Street Maintenance and Paving - Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs more total surface area than the area inside the street right-of-way or access easement and an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.*

3. *Public Facility Paving and Reconstruction – Paving and reconstruction of public parking areas and walkways if additional surface area in the Stream Bank Protection Zone is not disturbed, the public facilities are deemed necessary to maintain a functional system and upon finding that no other reasonable alternate location outside the Water Resource Protection Zone exists.*

4. *Public Utility Maintenance and Replacement - Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs more total surface area than the area inside the public utility easement and an additional five percent surface area of the public utility easement outside of the public utility easement.*

5. *Erosion Control - Erosion control and stream bank stabilization measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agencies, and that utilize non-structural bio-engineering methods.*

Refer to Sheet L 1.1 for specifications that address this requirement.

6. *Storm Water Outfall - Construction of a storm water outfall discharging treated storm water from an adjacent developed area provided that the discharge meets local, state and federal water quality regulations.*

Downspout and footing drains shall be hard piped to designated drywell locations outside of the WRPZ at the north and south property locations designated on the Site Plan Sheet AS 1.1.

Drywells shall be 4' wide x 5' deep – refer to Addendum C - Storm Water drywell detail.

7. *Bridges - The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.*

8. *Flood Control Measures - Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.*

C. *Additional Limited Activities and Uses within Wetland Protection Zones. In addition to the Permitted Activities and Uses in section 18.63.070.A, the following activities and uses within the Wetland Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.*

1. *Wetland Restoration and Enhancement - Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.*

Not applicable.

2. *Driveway and Street Maintenance and Paving -Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.*

3. *Public and Private Utility Maintenance and Replacement - Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.*

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D. Approval Standards for Limited Activities and Uses within Water Resource Protection Zones. All Limited Activities and Uses within Water Resource Protection Zones described in section 18.63.070 shall be processed as a Type I land use procedure. The approval authority may approve or approve with conditions a request to conduct Limited Activities and Uses in a Water Resource Protection Zone based upon findings that the following standards have been satisfied.

- 1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
- 2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
- 3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25% or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
- 4. Water, storm drain and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
- 5. Stream channel repair and enhancement, riparian habitat restoration and enhancement and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.63.120.*
- 6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

The proposed construction and associated activities are in areas predominantly outside of the floodplain corridor boundary. Less than 150 square feet of construction is proposed within the WRPZ, see Landscape Site Plan (Sheet L-2.0) for more information. To reduce the impacts of the proposed construction encroachment, restoration and enhancement within the WRPZ is proposed and outlined on the Planting and Mitigation Plan (Sheet L-4.0-4.1). A long term management plan for this residentially zoned property is not required.

18.63.080 - Water Resource Protection Zone Reductions

A Water Resource Protection Zone may be reduced by up to 25% through a Type I land use procedure, and by greater than 25% and up to 50% through a Type II land use procedure to allow alteration within the Water Resource Protection Zone based upon findings that the following approval criteria have been satisfied.

- A. The proposed use or activity is designed to avoid intrusion into the Water Resource Protection Zone through the use of up to a 50% reduction of any dimensional standards (e.g. required front, side and rear yard setbacks; required distance between buildings) to permit development as far outside or upland of the Water Resource Protection Zone as possible. Such adjustment to any applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Variance application under Chapter 18.100. Reductions to dimensional standards may not be used to reduce required Solar Access setbacks without evidence of agreement by the effected property owner(s) to the north through a concurrent Solar Access Variance application as described in section 18.70.060.*
- B. The alteration of the Water Resource Protection Zone is the minimum necessary to efficiently perform the proposed activity and/or use. The proposed development shall minimize disturbance to the Water Resource Protection Zone by utilizing the following design options to minimize or reduce impacts of development.*

- 1. Multi-story construction shall be considered.*
- 2. Parking spaces shall be minimized to no more than that required as a minimum for the use.*

3. *Pavement shall be minimized, and all pavement used shall be installed and maintained in a pervious paving material.*

4. *Engineering solutions shall be used to minimize additional grading and/or fill.*

Although this application proposes all new development outside the Water Resource Protection Zone of 50 feet from top of bank, there is a pre-existing patio and structure that extends 12 feet into the WPRZ. This application is requesting a maximum of a 25% WRPZ reduction along a defined length to bring the pre-existing structure into conformance within the flood protection zone. Refer to Sheet AS1.1 for the designated area within the property that demonstrates the minimum reduced riparian buffer of 37.5 feet adjacent to the structure. This reduction in the dimensional standard is approximately 46% of the total setback length parallel to the top of bank. The net effect of the proposed reduction is closer to a 12% reduction in total riparian area. (This application proposes to provided equal or better protection for the WRPZ by enhancing and restoring areas impacted by past construction or in need of enhancement based on site evaluation, see Planting and Mitigation Plan (Sheet L-4.0-4.1) and findings addressed under section 18.63.120.

C. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement and mitigation measures. The structures, functions and values of the Water Resource will be restored through the implementation of a restoration and enhancement strategy set forth in a mitigation plan prepared in accordance with the standards and requirements described in section 18.63.120.

D. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.63.120 - Mitigation Requirements

A. Vegetation Preservation and Construction Staging. The following standards shall be addressed in mitigation plans to protect vegetation identified for preservation and water resources from sedimentation when construction activity is proposed within a Water Resources Protection Zone.

1. Work areas on the immediate site shall be identified and marked to reduce damage to trees and vegetation. Temporary construction fencing shall be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging or stockpiling shall occur outside of designated work areas.

2. Trees shall not be used as anchors for stabilizing equipment.

3. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted in Water Resource Protection Areas on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments are not transported to adjacent surface waters.

4. Temporary erosion control measures shall be installed to prevent encroachment and flow of runoff, material or other debris into the Water Resource. These measures shall be installed prior to the commencement of excavation, grading, site clearing, construction or similar site work resulting in changes to the land. Access roads, staging areas, storage areas and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible, but not more than 90 days after authorized land disturbance. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in place permanently.

B. Options for Satisfying Restoration and Enhancement Requirements in Mitigation Plans. Mitigation plans are required to meet the standards in either the Prescriptive Option or Alternative Option as follows.

1. Prescriptive Option The mitigation plan shall meet the following standards.

a. Re-planting Timeline. Re-planting shall occur within 90 days of authorized land disturbance.

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b. *Restoration Area Ratio.* Disturbed areas shall be re-planted and an additional area restored, re-planted and enhanced at a one square foot to one and a half square feet (1:1.5) ratio (e.g. if 100 square feet of surface area is disturbed, 150 square feet shall be restored, re-planted and enhanced).

c. *Local Native Plant Species Coverage.* The Stream Bank Protection Zone shall be a minimum of 50% plant coverage in local native plant species with the installation of new trees only to consist of native trees (Figures 8, 9 and 10). The Wetland Protection Zone shall be 100% plant coverage in local native plant species and in accordance with local, state and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City of Ashland's Local Native Plant Species List. The use of noxious and invasive plants on the City of Ashland's Prohibited Plant List in Water Resource Protection Zones is prohibited.

Figure 8: Native Plant Requirements for Riparian Corridor Streams (see attachments under this chapter)

Figure 9: Native Plant Requirements for Local Streams (see attachments under this chapter)

Figure 10: Native Plant Requirements for Intermittent and Ephemeral Streams (see attachments under this chapter)

d. *Re-planting Priorities.*

i. Priority shall be given to removal of noxious and invasive vegetation and planting of local native plant species.

ii. Plant materials shall be located in such a manner as to maximize enhancement and restoration of the Water Resource Protection Zone, with particular emphasis on temperature reduction of watercourses, erosion control, bank stabilization and wildlife habitat enhancement.

iii. Nearby riparian plant communities should be used as a guide for developing a re-vegetation plan.

e. *Shrub and Tree Requirements.* Re-planting shall include shrubs and tree canopy layers in accordance with the following coverage and spacing requirements.

i. Shrubs shall be planted and maintained to provide a minimum of 50% total coverage of the restored area within a five year period. The minimum planting size shall be one gallon. Restoration areas that have existing vegetated under-story consisting of healthy riparian shrubs that covers at least 50% of the restoration area are considered compliant with the restoration standards for under-story plantings.

ii. Canopy trees shall be planted at 20-foot intervals. The minimum planting size shall be one inch caliper. All new trees shall be staked and protected by deer/rodent-proof fencing. Restoration areas that have an existing vegetated tree canopy consisting of healthy trees at least four inches d.b.h. and at an average spacing of 20 feet on-center are considered compliant with the restoration standards for trees.

f. *Erosion Control.* Erosion control material such as mulch, hay, jute-netting, or comparable material shall be applied to protect disturbed, re-planted areas. Disturbed areas shall be replanted so that landscaping shall obtain 50% coverage after one year and 90% coverage after five years.

g. *Irrigation.* New plantings shall be irrigated for a period of five years to ensure establishment.

h. *Performance.* Local native plant species that do not survive the first two years after planting shall be replaced.

i. *Landscape and Irrigation Plans.* A mitigation plan shall include landscape and irrigation plans, with details addressing the proposed plant species, variety, size of plant materials, number of plants, timing of plantings, plant spacing and installation methods. The landscape plan shall address the plant coverage by local native plant species after five years.

2. *Alternative Option –* The mitigation plan shall address the following requirements, and shall meet or exceed the standards in the Prescription Option in section 18.63.120.B.1. The Staff Advisor may require the mitigation plan to be prepared by a natural resource professional.

a. *Assessment of Water Resource Protection Zone Structures, Functions and Values.* A mitigation plan shall include an assessment of the structures, functions and values (i.e. water quality, flood control, habitat, etc.) that will be adversely impacted by the proposed alterations of the Water Resource Protection Zone and a clear explanation of how these impacts are to be mitigated.

b. *Objectives and Standards of Mitigation.* A mitigation plan shall state specific plan objectives and establish clear and measurable standards for determining if stated objectives have been accomplished. For example, the objective might be to restore or enhance the shade canopy within a Stream Bank Protection Zone to benefit fish and reduce water temperature, while the standard might be a certain

percentage of shade canopy coverage at the end of one year and 100% shade canopy coverage after three years.

c. *Mitigation Site/Grading Plan.* A statement and detailed plan of the location, elevation, and hydrology of the mitigation area, including a grading plan at two foot contour intervals. For applications involving Wetland Protection Zones, the application shall demonstrate that plants have adequate access to site hydrology. For applications involving Stream Bank Protection Zones, the grading plan shall identify newly planted areas and include slope stabilizing measures to prevent erosion, ensure vegetative coverage and limit plant mortality.

d. *Landscape Plan.* The Stream Bank Protection Zone shall be a minimum of 50% plant coverage in local native plant species with the installation of new trees only to consist of native trees (Figures 8, 9 and 10). The Wetland Protection Zone shall be 100% plant coverage in local native plant species and in accordance with local, state and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City of Ashland's Local Native Plant Species List. The use of noxious and invasive plants on the City of Ashland's Prohibited Plant List in Water Resource Protection Zones is prohibited. The landscape plan shall address the plant coverage by local native plant species after five years, and shall be size and species-specific, with details addressing the timing of plantings, proposed plant placement and plant spacing.

C. *Management Plan.* The applicant shall implement a management plan for the Water Resource Protection Zone and resource areas under the applicant's ownership or control, including the areas restored and enhanced to assure long term conservation and maintenance. The management plan shall detail proposed monitoring and maintenance, and shall include a schedule delineating how completed projects will be monitored and reported to the Staff Advisor. The management plan shall contain the following requirements.

1. The approved mitigation plan.

2. Identification of Water Resources and Water Resource Protection Zone management practices to be conducted and proposed intervals.

3. The following statements.

a. "There shall be no alteration of the Water Resource Protection Zones as delineated and shown on the attached plan" (attach reduced plan).

b. "There shall be no alteration of the size, shape or design of an approved Water Resource Protection Zone without prior approval by the City of Ashland".

c. "There shall be no amendment or change to this Management Plan without prior approval of the City of Ashland".

4. Provisions for the ongoing removal and management of noxious or invasive vegetation and debris.

5. Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies.

6. Specific provisions for city enforcement of the management plan.

7. Any additional measures deemed necessary to protect and maintain the structures, functions and values of the Water Resource Protection Zone (e.g. signage delineating preservation boundaries).

8. Provisions for the perpetual protection and maintenance of the Water Resource and Water Resource Protection Zone including but not limited to the following.

a. Recordation of a conservation easement or Conditions, Covenants, and Restrictions (CC&Rs) which prescribe the conditions and restrictions set forth in the approved planning application, development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.

b. Transfer of the ownership and maintenance responsibilities for the area to a willing public agency, non-profit association or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in the approved planning application, development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.

c. Other mechanisms addressing long-term protection, maintenance and mitigation consistent with the purposes and requirements of this ordinance as deemed appropriate and acceptable by the approval authority.

D. *A Performance Guarantee.* In general, mitigation shall be implemented prior to or concurrently with the project. The approval authority may require a performance bond or similar monetary insurance of up to

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110% of the proposal's cost to guarantee that the mitigation proposal will be carried out as approved, and to ensure that the objectives are met through demonstration of compliance with measurable standards and that the site will be maintained to keep the Water Resource functioning properly.

The enhancement and restoration proposed within the WRPZ shall abide by the applicable provisions outlined in Chapter 18.63.120 – Mitigation Requirements, see Planting and Mitigation Plan (Sheet L-4.0-4.1) for more information. The applicant intends to implement the proposed enhancement and restoration plan at time of landscape installation, upon completion of construction.

Chapter 18.68 - General Regulations

18.68.010 - Fences

Fences, walls, hedges and screen planting shall be subject to the following standards:

A. Height.

- 1. In any required front yard, provided they do not exceed three and one-half (3 ½) feet in height.*
- 2. In any rear or side yard, provided they do not exceed six and one-half (6 ½) feet in height.*
- 3. The height of fences or walls in rear or side yard setback areas abutting a public street shall be four (4) feet or less if said fences or walls are within ten (10) feet of any public street except an alley.*
- 4. The height of a fence is the vertical distance measured from the natural grade to the highest point of the fence, including the structural supports.*
 - a. Below-Grade lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent sidewalk or curb, or, where curbs are absent, from the crown of the adjacent street plus six inches.*
 - b. When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that the solar access of adjacent properties to the north shall be maintained in accordance with AMC 18.70.*

B. Construction

- 1. The framework for newly constructed fences and walls shall face toward the builder's property, except where fences are jointly constructed.*
- 2. Fences shall lean at an angle from the vertical plane no greater than five (5%) percent. In cases where this limitation is exceeded and a written complaint is received by the Planning Department, the property owner shall be notified, in writing, of the problem. The Planning Department shall take action only on the basis of a written complaint, or on its own action.*
- 3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to Section 18.62.070. Fences shall not be constructed within any designated floodway. Fences within water resource protection zones shall be located and constructed in accordance with Section 18.63.060.B.3*

C. Materials

- 1. The use of barbed wire, razor wire, electrified wire and similar security fencing materials shall be limited as follows:*
 - a. shall not be located adjacent to a sidewalk, a public way, or along the adjoining property line of another person;*
 - b. shall not be erected or maintained at less than six and a half (6 ½) feet above grade;*
 - c. may be located in commercial, employment or industrial lands if not visible from the public right of way, or with approval from the Community Development Director on properties deemed to be hazardous or in need of additional safety.*

D. Deer Fencing

- 1. Deer fencing may be attached to a permitted front, side, or rear yard fences provided the area in excess of the allowable fence heights per 18.68.010 is designed and constructed to provide a clear view through the fence.*
 - a. Within required front yards at least eight five percent (85%) of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.*

b. Within required side and rear yards at least eighty percent (80%) , of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.

2. Deer fencing shall have a minimum height of six and a half feet (6 ½) and shall not exceed eight feet (8) above grade.

3. Permitted deer fencing materials may include, woven wire fencing, field fence, "hog panels", wire strand of polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of one and a half (1 ½) square inches.

4. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.

5. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above. (Ord. 3060, 2012)

6 ½' break away fencing panels are proposed along the south property line from the WRPZ boundary to the limit of the Ashland Flood protection zone boundary. These panels will be designed to provide unobstructed flow of flood waters in a flood event. A 6 ½' solid wood fence is proposed along the east property boundary in compliance with Chapter 18.68.010-Fences.

Chapter 18.70 – Solar Access

18.70.030 - Lot Classifications

Affected Properties. All lots shall meet the provisions of this Section and will be classified according to the following formulas and table:

FORMULA I:

Minimum N/S lot dimension for Formula I = 30' 0.445 + S Where: S is the decimal value of slope, as defined in this Chapter.

FORMULA II:

Minimum N/S lot dimension for Formula II = 10' 0.445 + S Lots whose north-south lot dimension exceeds that calculated by Formula I shall be required to meet the setback in Section (A), below.

By parallel offset of the midpoint of the north-south property, the 150 foot extended line to the north gives an average a slope of - .20: -3.0' / 150' = - .20. The lot is 156 feet in the north /south direction. Solar standard A applies to this property.

18.70.040 - Solar Setbacks

A. Setback Standard A. This setback is designed to insure that shadows are no greater than six (6) feet at the north property line. Buildings on lots which are classified as Standard A, and zoned for residential uses, shall be set back from the northern lot line according to the following formula:

SSB = H - 6'/(0.445 + S) WHERE:

SSB = the minimum distance in feet that the tallest shadow producing point which creates the longest shadow onto the northerly property must be set back from the northern property line.

H = the height in feet of the highest shade producing point of the structure which casts the longest shadow beyond the northern property line.

S = the slope of the lot, as defined in this Chapter.

Complies:

The tallest shadow producing point proposed garage roof eave of a 3:12 roof slope) is indicated on the Architectural Site Plan locating the height elevations of 15'-10":

(1803.66' (-) 1793.00') = 10.66'; 10.66' (-) 6' = 4.66' / (.445 (-.02)) = 11'-0" SSB REQUIRED (11'- 3" proposed

MAR 4 2014

Chapter 18.72 - Site Design Review

18.72.070 - Criteria for Approval

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord. 2836 S6, 1999)

Chapter 18.92- Off Street Parking

18.92.030 - Automobile Parking Spaces Required

Uses and standards are as follows:

- A. Residential Uses. For residential uses the following automobile parking spaces are required.
 1. Single family dwellings. Two spaces for the primary dwelling unit and the following for accessory residential units:
 - a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit.
 - b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit.
 - c. 2-bedroom units --1.75 spaces/unit.
 - d. 3-bedroom or greater units -- 2.00 spaces/unit.

A total of 5 parking spaces are proposed. Under this section, 2 parking spaces are required for the 3 bedroom residence, 2 parking spaces are required for the accessory residential unit, and 1 extra parking space is required for all properties that are flag lots.

18.104 - Conditional Use Permits

18.104.050 - Approval Criteria

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
 1. Similarity in scale, bulk, and coverage.

There are a substantial number of small single family dwelling units within the neighborhood that mainly is zoned R1 that reflect similar scale, bulk and coverage of this proposed Accessory Residential Unit. The resulting façade and mass of the single story building mass (bulk) is similar to surrounding single family development within the neighborhood.

2. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*

The changes to the generation of traffic and effects on surrounding streets is well within the target use of this residential zone.

3. *Architectural compatibility with the impact area.*

The scale and small size is a contribution to the neighborhood. The proposed single story hip roof structure facing the east neighbor is proposed to match the existing siding and trim of the proposed residence to blend into the "fabric" of the property. It is characteristic in the Oak Street residential neighborhood to have development similar to this proposed renovation

4. *Air quality, including the generation of dust, odors, or other environmental pollutants.* □

No generation of dust and odors will be present in the proposed use of the building, with the exception of standard construction practices during construction

5. *Generation of noise, light, and glare.*

Generation of light and glare will be contained within the site – similar to prevailing present use.

6. *The development of adjacent properties as envisioned in the Comprehensive Plan.*

The proposed development will have no impact on the development of adjacent properties.

7. *Other factors found to be relevant by the Hearing Authority for review of the proposed use.*

SITE DESIGN AND USE STANDARDS

SECTION II – APPROVAL STANDARDS & POLICIES

A. ORDINANCE LANDSCAPING REQUIREMENTS

The following percentages of landscaping are required for all properties falling under the Site Design and Use Standards.

Applicable: This development is an R-1 zone.

B. MULTI-FAMILY RESIDENTIAL DEVELOPMENT

APPROVAL STANDARDS: Multi-family residential development shall conform to the following design standards:

Not Applicable: This development is not a multi-family residential development.

C. COMMERCIAL, EMPLOYMENT AND INDUSTRIAL DEVELOPMENT

Not Applicable.

D. PARKING LOT LANDSCAPING AND SCREENING STANDARDS

Not Applicable: This development is not proposing a parking lot.

SECTION III - WATER CONSERVING LANDSCAPING GUIDELINES & POLICIES

Complies: Owner agrees to select plants to be drought tolerant. Also, the proposed irrigation for this project is to be designed to minimize inefficient use of water.



YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD, OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

February 14, 2014

Carlos Delgado, AIA
217 Fourth Street
Ashland, Oregon 97520

RECEIVED
MAR 4 2014

**RE: GEOTECHNICAL RECONNAISSANCE REPORT
ADDITION TO 777 OAK STREET
ASHLAND, OREGON
MAI JOB NO. 14-1024**

Dear Mr. Delgado:

Introduction

We are pleased to present our geotechnical reconnaissance report of the property at 777 Oak Street in Ashland, Oregon. The purpose of this investigation was to evaluate the geotechnical conditions at the site and summarize our findings in a letter. A site plan of the property is shown on the attached Drawing 1, Site Plan.

The project will consist of remodeling a portion of the existing residence, constructing a new garage that will be attached to the remodeled portion, constructing a replacement residence, and constructing a detached structure as shown on Drawing 1.

This report has been prepared for the specific use of Carlos Delgado AIA and their client in accordance with generally accepted soil and foundation engineering principles and practices. No other warranty, either expressed or implied, is made.

Site Conditions

A. Surface

The property lies between Tolliver Lane on the east and Ashland Creek on the west. The property is bounded on the north and south by residential properties. A single-story wood framed residential structure with dimensions of about 24' by 30' exists at the site while the rest of the site is vacant except for various trees and shrubs. Two other residential structures that previously occupied the site have been fully removed.

The approximate corners and locations of the new construction were staked at the time of our field visit.

The property slopes gently downward from east to west in the building pad areas. This gentle slope extends westerly from the building pad area for a distance of about 10 feet or more and

MAR 4 2014

then breaks downward to a lower terrace level. The “slope break” is about 3’ in vertical height over a distance of perhaps 12 feet. The lower terrace then slopes gently westward to the creekbanks of Ashland Creek. Based on the information provided on the Site Plan, the proposed new construction is wholly located outside and above the City of Ashland 100-year flood line

Except for the removal of two of the existing structures, there does not appear to be any other disturbance to the grounds at the property.

There appears to be some old fills, probably placed many years ago, along the north edge of the property, along the “slope break” discussed above, and along the creekbank of Ashland Creek. These fills are assumed to be “wedge” shaped and assumed to thin with distance away from the slope edges. Some of this old fill material may extend into the proposed new construction areas. The thicknesses of this old fill in the new construction areas is expected to be thin and on the order of 1’ in thickness.

B. Soils and Geology

No subsurface exploration was performed at the site as part of this evaluation.

The site and adjacent vicinity are mapped by USDA soil maps (issued 1993) as being underlain by the Camas-Newberg-Evans Complex. These soils consist of relatively non-expansive, granitic loams (ML) and sandy loams (SM) with varying gravels and cobbles.

The geologic map reviewed (Beaulieu and Hughes, 1977, Land Use Geology of Central Jackson County, Oregon, Bulletin 94, DOGAMI) indicates the property is underlain by Quaternary alluvial fan deposits. The nearest mapped fault lies about 1.5 miles to the west and is considered inactive.

C. Hazards

We did not observe any signs of geologic hazards at the site nor any geologic hazards off-site that could affect the proposed development. The only concerns that could affect the site development is flooding (the structures, however, will be sited beyond and above the 100-year flood level) and miscellaneous fills (these fills, if present, would be remedied during foundation construction). As such, we believe there is a low probability of hazards affecting the development.

Generalized Conclusions

From a soil and foundation engineering standpoint, it is our opinion that the residential structures can be constructed as generally proposed.

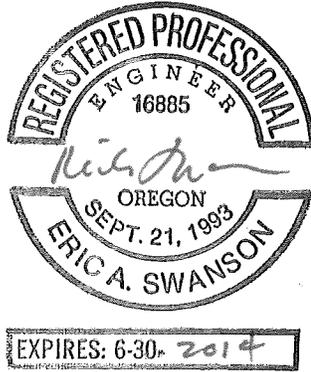
Earthwork. The earthwork requirements are expected to be typical for this kind of development and will involve relatively thin cuts and fills to create flat building pads. The earthwork is expected to be “routine” rather than atypical. Expansive clay soils are not expected to be present; however, if

they are, structural fills for building pads would need to be thicker than if granitic soils underlie the site.

Foundations. Future structures can likely be supported on conventional spread footing foundations and slabs bearing on a pad of structural fill for stable and uniform support. We anticipate the allowable bearing capacity of the site soils would be in the range of 1500 psf to 2500 psf. As is typical of foundation construction, the foundation excavations should be evaluated for weak soils or old fills and, where present, remedied by removal and replacement work.

Additional Geotechnical Engineering. A geotechnical investigation letter or engineering evaluation of sorts should be performed prior to final construction of the foundations. The investigation or evaluation will require exploratory test pits to fully evaluate the soil conditions.

Please contact this office if you have any questions regarding this report.



Very truly yours,

MARQUESS & ASSOCIATES, INC.

A handwritten signature in cursive script, appearing to read "Rick Swanson".

Rick Swanson, P.E., G.E.
Civil Engineer 16885

RS/ler

Copies: Addressee (2)

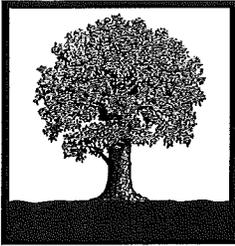
Attachments: Site Plan, Drawing 1

1000000

MAR 4 2014

1000000

ADDENDUM B
SHT 1/2



Tom Myers
Certified Arborist

2040 Ashland Mine Rd
Ashland, OR 97520
Phone: 541-601-2069

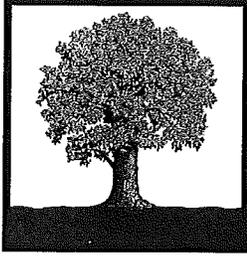
11/25/13

777 Oak St. Tree Protection Plan

The forty-nine trees listed in the enclosed tree inventory need to be protected as stipulated in the enclosed specifications (with the exception of those trees that have been approved for removal). The numbers on their respective tags, placed on each trunk in the field, identify the individual trees and correspond to the tree numbers on the enclosed tree inventory. The radius of the tree protection fencing is specified for each tree in the tree inventory. A certified arborist must supervise any work done within the tree protection zone. If you have any questions regarding this tree protection plan, please call me at 541-601-2069.

Sincerely, Tom Myers, Certified Arborist

MAR 4 2014



Tom Myers
Certified Arborist

2040 Ashland Mine Rd
Ashland, OR 97520
Phone: 541-601-2069

777 Oak St Arborist Report

The willow tree at the northwest corner of the property (tree #21) needs to be removed. There is a large rotting wound where half of the trunk was severed that will eventually lead to the failure of the entire trunk. The tree is in poor health and does not provide a significant contribution to the existing canopy.

The large Poplar at the southwest corner of the property (tree #6) is in fair health although the tree structure is compromised by the weakness of a multi-trunk at its base. There are signs of slime flux in one of the trunk intersections that could indicate a developing weakness in the attachment. The roots of the tree are sound, however they are lifting an existing power box, and this could be cause for concern. I would be cautious in building near this tree because Poplars are notoriously weak limbed and prone to wind throw.

The various other trees marked for possible removal will need to be assessed after the building plans have been solidified. If you have any questions regarding this report, please call me at (541) 601-2069

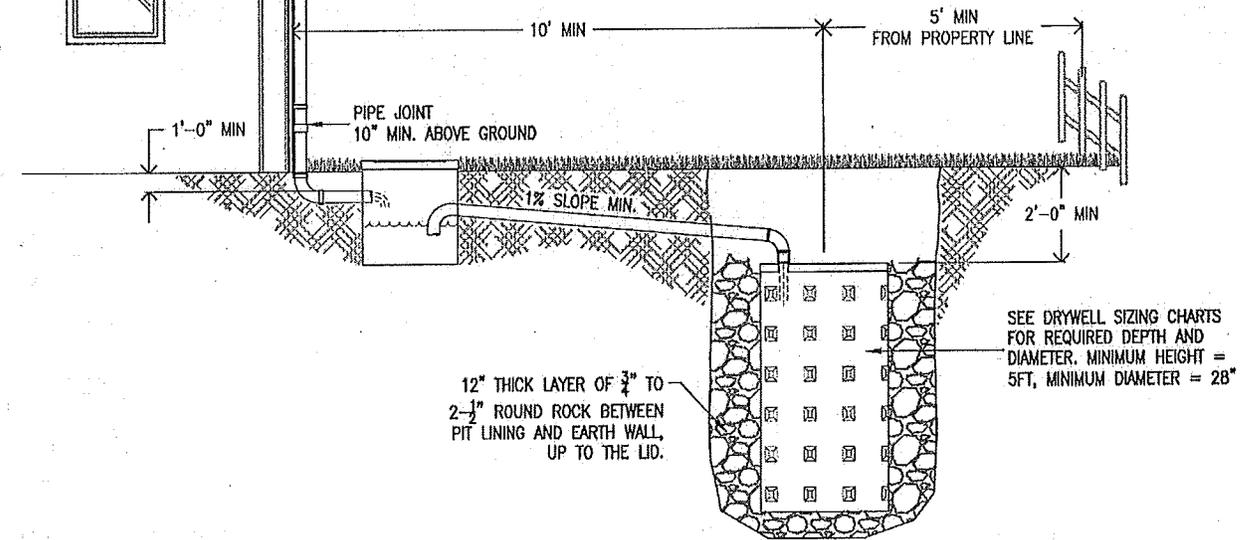
Sincerely, Tom Myers,

Certified Arborist

MAR 4 2014

ADDENDUM C

MAR 4 2014



1. Provide protection from all vehicle traffic, equipment staging, and foot traffic in proposed infiltration areas prior to, during, and after construction.
2. Siting criteria: Gravelly sand, gravelly loamy sand, or other equally porous material must occur in a continuous 5' deep stratum within 12' of the ground surface.
3. Sizing: Exhibit 2-36 is used to appropriately size the drywell(s) based on the amount of impervious area that each drywell is designed to manage. This chart shall be used as guidance, is based on field experience, and should be used as minimums only.
4. Drywell shall not be installed where base of facility has less than 10' of separation to water table.
5. Top of drywell must be below lowest finished floor.
6. Setbacks (from center of facility):
 - a. 10' from foundations
 - b. 5' from property lines
 - c. 20' from cesspools.
7. Piping shall be ABS SCH40, cast iron, or PVC SCH40. 3" pipe must be used for up to 1500sf of impervious area, otherwise 4" minimum. Piping must have 1% grade and must follow current Uniform Plumbing Code.

Exhibit 2-36: Drywell Sizing Table

Once approval has been given by BDS for onsite infiltration of stormwater, the following chart shall be used to select the number and size of drywells. Gray boxes are acceptable.

IMPERVIOUS Area (sq-ft)	28" Diameter				48" Diameter			
	Drywell Depth							
	5'	10'	15'	20'	5'	10'	15'	20'
1000								
2000								
3000								
4000								
5000								
6000								
7000								
8000								
9000								
10000								

- DRAWING NOT TO SCALE -

STORMWATER MANAGEMENT MANUAL TYPICAL DETAILS

- Simplified / Presumptive Design Approach -

Drywell

NUMBER

SW-170



Bureau of Environmental Services



PLANNING SUMMARY

PROPERTY DESCRIPTION:
ZONING DESIGNATION: R-1.5
ASSESSOR'S PARCEL NUMBER: 39-1E-04AC; T.L.# 2707
777 OAK ST, ASHLAND, OREGON 97520

LOT COVERAGE SUMMARY:

PROPOSED BUILDING FOOTPRINTS: (RESIDENCE 4,191, ARU 615)	4,806 SF
PROPOSED COVERED PORCHES:	162 SF
PROPOSED DRIVEWAY & PATIOS:	2,883 SF
PROPOSED TOTAL LOT COVERAGE:	7,851 SF
TOTAL LOT AREA: 44,524 SF (1.02 ACRE)	22,262 SF
TOTAL LOT COVERAGE ALLOWED 50%:	17.6 %
TOTAL PROPOSED LOT COVERAGE (7,851 SF / 44,524 SF):	

BUILDING AREA PLANNING SUMMARY:

GHFA FOR PROPOSED RESIDENCE:	3,414 SF
GHFA FOR PROPOSED ARU:	615 SF
GHFA TOTAL:	4,029 SF
GHFA TOTAL FOR EXISTING RESIDENCE:	720 SF
GHFA TOTAL FOR REMOVED RESIDENCES:	680 SF / 280SF
GHFA TOTAL FOR EXISTING RESIDENCES BEING REPLACED:	1,680 SF

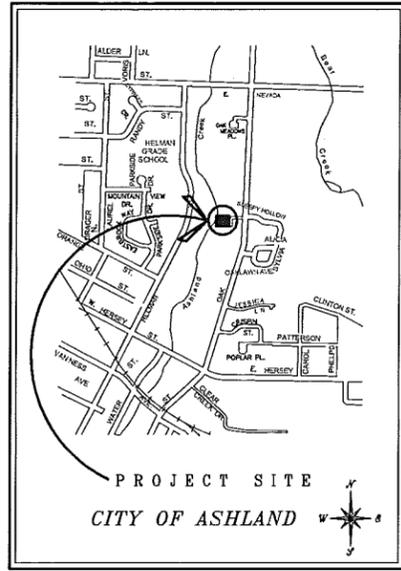
OFF STREET PARKING SUMMARY:

PROPOSED 3 BEDROOM DWELLING REQUIREMENT:	2 SPACES
FLAG DRIVE PARKING REQUIREMENT:	1 SPACE
PROPOSED ARU REQUIREMENT:	2 SPACES
PROPOSED OFF STREET PARKING SPACES PROVIDED:	5 SPACES

HT. OF (N) ROOF: ±15'-10"
TYPE / SLOPE OF ROOF: 3:12 SLOPE
SETBACK STANDARD: TABLE 'A'
SETBACK PER STANDARD:

(1803.66' LESS 1793.00' = 10.66' (-) 6' = 4.66' (.445 + (-.02)) = 11'-0" SSB REQ'D / 11'-3" PROV'D
(1803.41' LESS 1793.00' = 10.41' (-) 6' = 4.41' (.445 + (-.02)) = 10'-5" SSB REQ'D / 51'-6" PROV'D

**AVG. 150' SLOPE TO NORTH IS (-3.00')/150' = -.02
**AVG. NORTH / SOUTH LOT DIMENSION = 154.85'

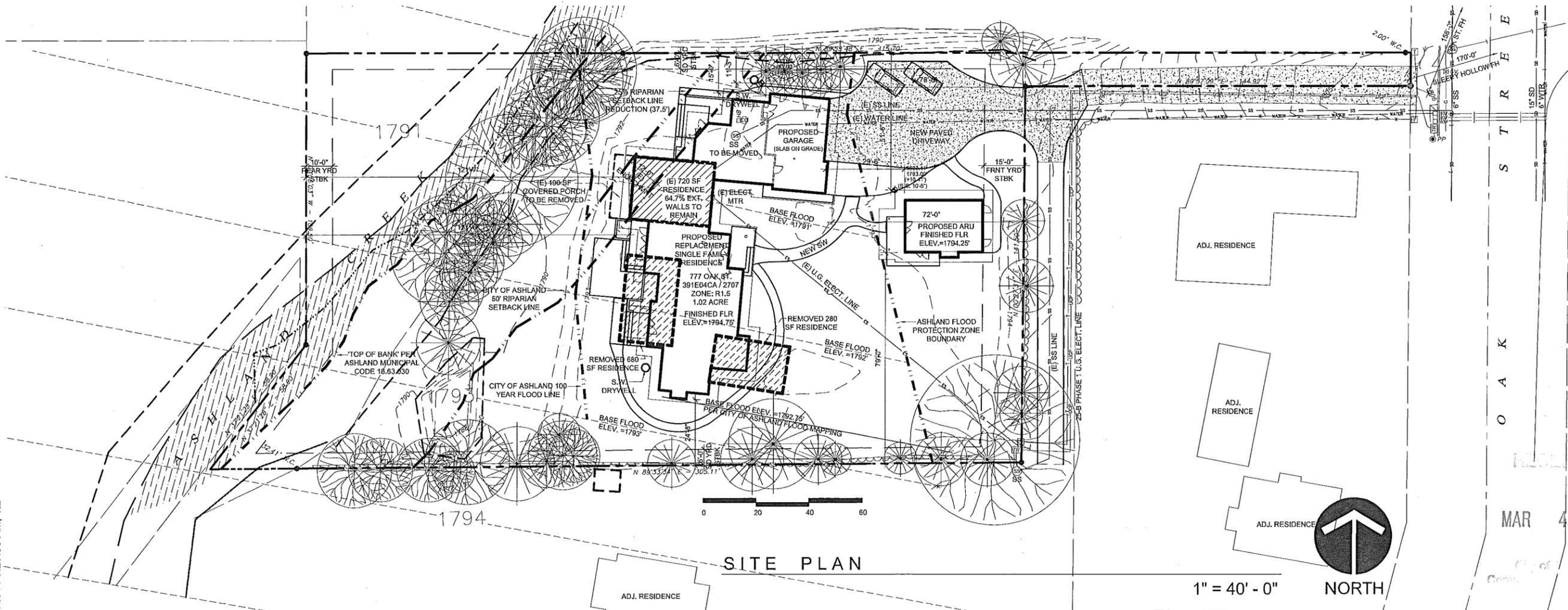


VICINITY MAP

DRAWING INDEX

AS1.0	INDEX, ARCH. SITE PLAN, VICINITY MAP, PLANNING SUMMARY
AS1.1	ENLARGED SITE PLAN
L1.0	TREE PROTECTION, REMOVAL & EROSION CONTROL PLAN
L1.1	TREE PROTECTION, REMOVAL & EROSION CONTROL LEGEND & NOTES
L2.0	LANDSCAPE SITE PLAN
L3.0	GRADING PLAN
L4.0	PLANTING & MITIGATION PLAN
L4.1	PLANTING LEGEND & MITIGATION NOTES
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS

N/A
REFER TO INDEX IN FINDINGS



SITE PLAN

1" = 40' - 0"

NORTH



Carlos Delgado
ARCHITECT
217 Fourth Street • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

REPLACEMENT RESIDENCE
MARTHA HOWARD-BULLEN
777 OAK STREET
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 04CA TAX LOT NO. 2707

NOT FOR CONSTRUCTION

DRAWN : CHECKED:
TS CD

DATE:
02/28/14

PROJECT:
HOWARD-BULLEN

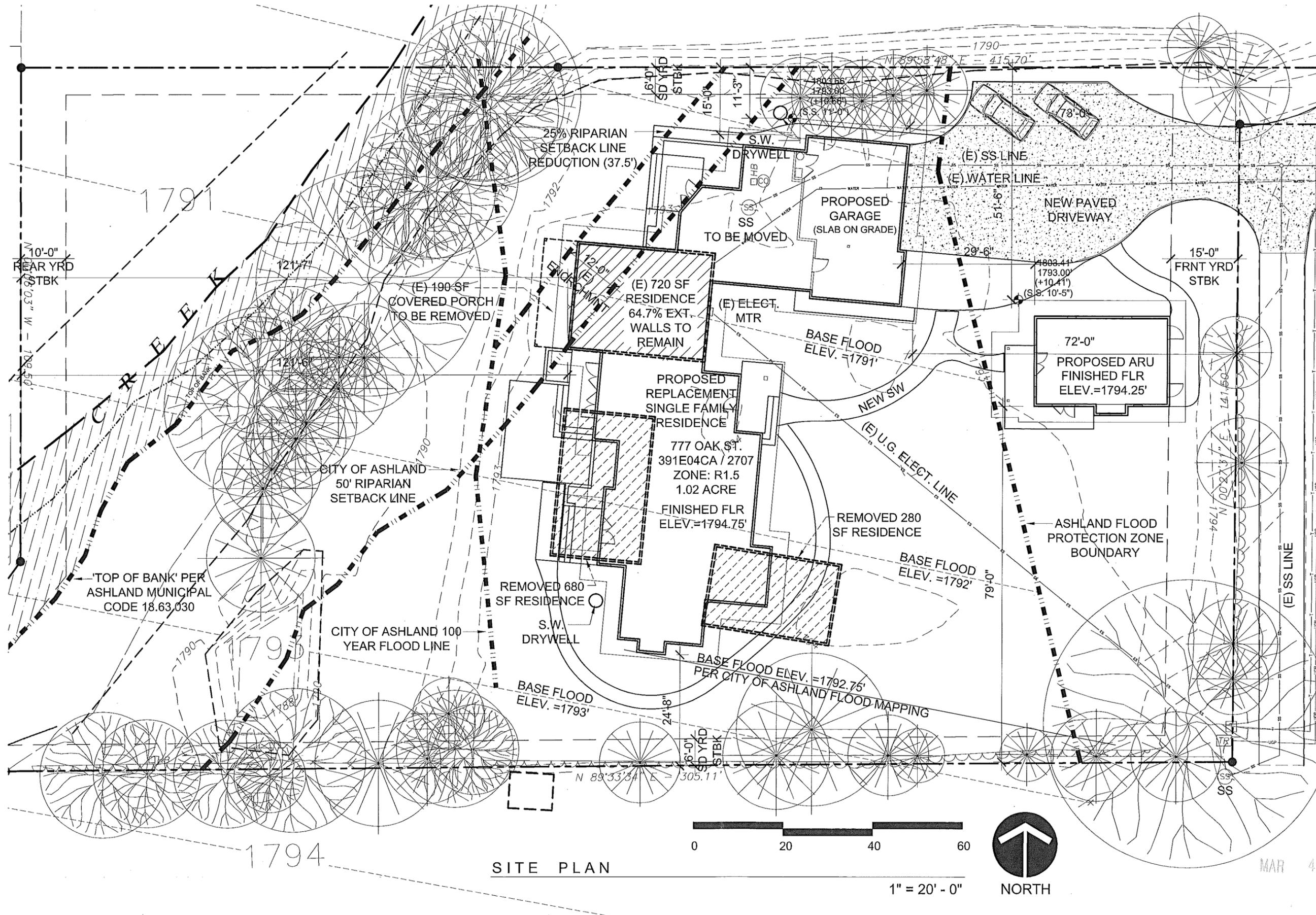
SHEET :

AS1.0

OF - SHEETS

MAR 4 2014

3/4/2014 9:30:11 AM, 1:2



SITE PLAN



Carlos Delgado
ARCHITECT

217 Fourth Street • Ashland, OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

REPLACEMENT RESIDENCE

MARTHA HOWARD-BULLEN
777 OAK STREET
ASHLAND, OR 97520

ASSESSOR'S MAP NO. 391E 04CA TAX LOT NO. 2707

NOT FOR CONSTRUCTION

DRAWN: CHECKED:
TS CD

DATE:
02/28/14

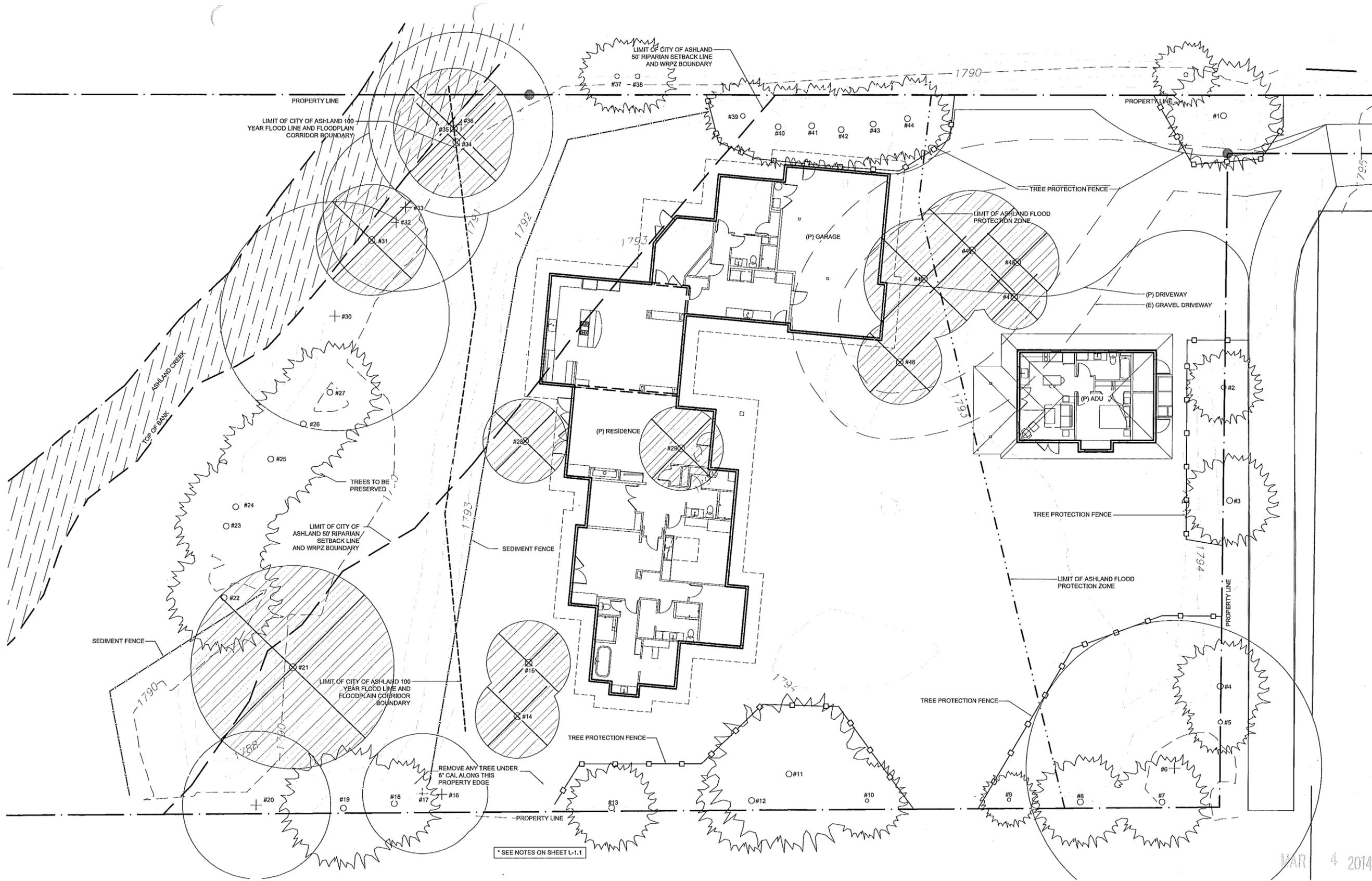
PROJECT:
HOWARD-BULLEN

SHEET:

AS1.1

OF SHEETS

MAR 4 2014



Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:

Drawn By:
 CB

11x17 Scale 1" = 20'-0"
 24x36 Scale 1" = 10'-0"

HOWARD-BULLEN RESIDENCE
 777 OAK STREET
 ASHLAND, OREGON

February 28, 2014

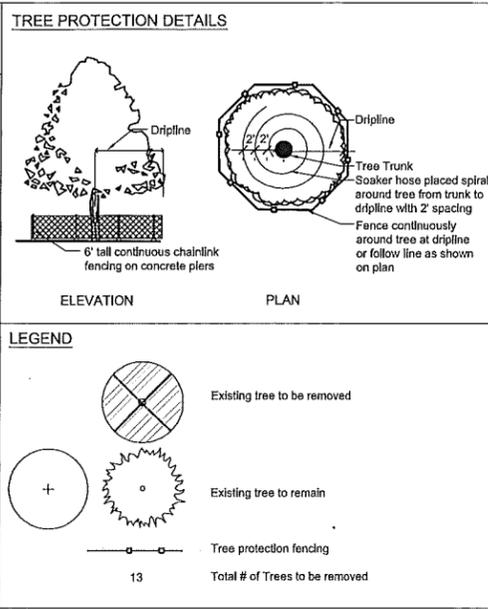
L-1.0



TREE PROTECTION & REMOVAL
 AND EROSION CONTROL PLAN

MAR 4 2014

TREE INVENTORY								
TREE #	SPECIES	DBH IN INCHES	HEIGHT IN FEET	CROWN RADIUS IN FEET	CONDITION	SPECIES TOLERANCE TO CONSTRUCTION	TREE PROTECTION ZONE RADIUS IN FEET	NOTES
1	DOUGLAS FIR	12	32	14	GOOD	MODERATE	9	TO REMAIN
2	INCENSE CEDAR	9	26	12	GOOD	MODERATE	6.75	TO REMAIN
3	INCENSE CEDAR	9	25	12	FAIR	MODERATE	6.75	TO REMAIN
4	INCENSE CEDAR	10	25	11	GOOD	MODERATE	7.5	TO REMAIN
5	DOUGLAS FIR	9	35	13	FAIR	MODERATE	6.75	TO REMAIN
6	BLACK POPLAR	64	60	45	FAIR	POOR	80	MULTI TRUNK W/ SLIME FLUX IN SEAM. LIFTING ELECTRIC BOX / TO REMAIN
7	INCENSE CEDAR	8	22	7	GOOD	MODERATE	6	TO REMAIN
8	INCENSE CEDAR	10	28	9	GOOD	MODERATE	7.5	TO REMAIN
9	INCENSE CEDAR	6	17	5	GOOD	MODERATE	4.5	TO REMAIN
10	INCENSE CEDAR	13	30	12	GOOD	MODERATE	9.75	TO REMAIN
11	BLACK PINE	18	33	15	FAIR	GOOD	13.5	SEVERE LEAN / TO REMAIN
12	INCENSE CEDAR	9	28	8	FAIR	MODERATE	6.75	LEANING, SLAB SIDED / TO REMAIN
13	INCENSE CEDAR	11	30	6	GOOD	MODERATE	8.25	TO REMAIN
14	BLACK LOCUST	9	35	15	FAIR	GOOD	6.75	MULTI TRUNK / TO BE REMOVED
15	AMERICAN ELM	13	42	13	GOOD	GOOD	9.75	TO BE REMOVED
16	BLACK LOCUST	8	32	10	FAIR	GOOD	6	TO REMAIN
17	BLACK LOCUST	10	42	12	FAIR	GOOD	7.5	TO REMAIN
18	DOUGLAS FIR	11	43	9	FAIR	MODERATE	8.25	TO REMAIN
19	DOUGLAS FIR	13	45	10	FAIR	MODERATE	9.75	TO REMAIN
20	ALDER	20	50	21	GOOD	POOR	25	TO REMAIN
21	WILLOW	12	30	18	POOR	MODERATE	9	LARGE ROTTING WOUND AT SEVERED DOMINANT STEM / TO BE REMOVED
22	PONDEROSA PINE	12	48	12	FAIR	GOOD	6	DOMINANT TOP / TO REMAIN
23	INCENSE CEDAR	10	28	10	GOOD	MODERATE	7.5	TO REMAIN
24	DOUGLAS FIR	6	30	6	GOOD	MODERATE	4.5	TO REMAIN
25	INCENSE CEDAR	9	30	8	GOOD	MODERATE	6.75	TO REMAIN
26	DOUGLAS FIR	6	28	8	FAIR	MODERATE	4.5	TO REMAIN
27	DOUGLAS FIR	10	38	9	FAIR	MODERATE	7.5	TO REMAIN
28	DOUGLAS FIR	11	39	10	FAIR	MODERATE	8.25	TO BE REMOVED
29	DOUGLAS FIR	10	37	8	POOR	MODERATE	7.5	TO BE REMOVED
30	ALDER	13	39	14	FAIR	POOR	16.25	CORRECTED LEAN / TO REMAIN
31	ALDER	15	33	12	POOR	POOR	18.75	DEAD TOP AND TRUNK / TO BE REMOVED
32	ALDER	14	45	15	FAIR	POOR	17.5	EIGHT DEGREE LEAN / TO REMAIN
33	ALDER	16	45	17	GOOD	POOR	20	TO REMAIN
34	ALDER	10	38	12	POOR	POOR	12.5	DEAD TOP / TO BE REMOVED
35	ALDER	13	38	13	POOR	POOR	16.25	DEAD TOP / TO BE REMOVED
36	ALDER	17	42	15	POOR	POOR	21.25	DEAD TOP / TO REMAIN
37	BLACK PINE	8	25	8	FAIR	GOOD	4	TO REMAIN
38	BLACK PINE	9	29	9	FAIR	GOOD	4.5	TO REMAIN
39	LELAND CYPRESS	11	40	10	GOOD	GOOD	5.5	TO REMAIN
40	DOUGLAS FIR	9	39	8	GOOD	GOOD	4.5	TO REMAIN
41	LELAND CYPRESS	10	41	9	GOOD	GOOD	5	TO REMAIN
42	LELAND CYPRESS	11	41	10	GOOD	GOOD	5.5	TO REMAIN
43	LELAND CYPRESS	9	36	9	GOOD	GOOD	4.5	TO REMAIN
44	LELAND CYPRESS	14	36	14	GOOD	GOOD	7	TO REMAIN
45	ENGLISH WALNUT	8	29	13	GOOD	POOR	8	TO BE REMOVED
46	DOUGLAS FIR	8	30	9	GOOD	MODERATE	6	TO BE REMOVED
47	DOUGLAS FIR	8	35	7	GOOD	MODERATE	6	TO BE REMOVED
48	LELAND CYPRESS	12	38	10	GOOD	GOOD	6	TO BE REMOVED
49	PONDEROSA PINE	14	40	13	GOOD	GOOD	7	TO BE REMOVED



SPECIFICATIONS FOR DEMOLITION AND SITE CLEARING

A. The demolition contractor is required to meet with the owner's representative at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.

B. A qualified arborist shall be hired to prune all trees to remain, as necessary.

C. Trees to be removed shall be felled so as to fall away from tree protection zones and to avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant requires to first sever the major woody root mass before extracting the trees. This may be accomplished by cutting through the roots by hand, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment.

D. Structures and underground features to be removed within the tree protection zone shall use the smallest equipment possible and operate from outside the tree protection zone.

E. Any damage to trees due to demolition activities shall be reported to the consulting arborist within six hours so that remedial action can be taken. Timeliness is critical to tree health.

F. If temporary haul or access roads must pass over the root area of trees to be retained, a roadbed of 6 inches of mulch shall be created to protect the soil. The roadbed material shall be replenished as necessary to maintain a 6-inch depth.

TREE PROTECTION NOTES

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

B. Trees that are shown to remain shall be protected with fencing as shown in Detail. Fencing shall be 6' tall temporary chain link panels installed with metal connections so that all panels are integrated, these fences shall be installed so that they do not allow passage of pedestrians and/or vehicles through it. If construction occurs more than 2 years from the date of City approval, all tree protection radius shall be re-evaluated and re-established by LA or certified Arborist.

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

D. A certified arborist shall be consulted if any pruning is necessary during construction, on trees to remain.

E. Work within dripline of trees to remain may require disturbance of tree protection fences. Contractor shall obtain authorization from owner's representative prior to moving fence. Contractor shall remove the fence temporarily to complete work, and replace at the end of each work day. No storage of equipment or materials shall occur within dripline of trees. After the proposed work within dripline is completed, fencing shall be reinstalled. Note: Where protection fencing overlaps proposed construction, the following measures shall be followed:

- 1) Hand dig to required depth of final work.
- 2) Roots under 2" in diameter may be hand cut at a 90° angle.
- 3) Where roots greater than 2" in diameter are encountered, contractor shall notify Landscape Architect or arborist for direction.

F. Contractor shall not disturb roots of trees when removing sod or plant material.

G. Contractor shall not raise the soil level within the dripline of existing trees to achieve positive 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.

H. Inspection Schedule:

- 1) Tree protection fencing placement shall be approved by owner's representative before demolition begins.
- 2) Routine inspections of fencing and site conditions will occur during the course of construction, work shall cease if fencing is damaged or moved without prior approval or as outlined above.
- 3) Final inspection at completion of project to determine condition of trees.

I. Irrigation of trees to remain:

- 1) All existing trees to remain that have been irrigated prior to construction shall be deep watered once a month for 8 hours throughout the dry season.
- 2) Do not irrigate trees that have not received irrigation prior to construction unless directed by arborist or Landscape Architect.
- 3) Use soaker hose per diagram.

EROSION CONTROL NOTES

1. Hold pre-construction meeting with construction personnel to discuss erosion and sediment control measures and construction limits.
2. Construct sediment fence per approved DSL and US Army Corps details prior to start of construction.
3. Avoid disturbance to existing vegetation where feasible until the time of landscaping installation.

LAURIE SAGER
AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:

Drawn By:
CB

11x17 Scale 1" = 20'-0"
24x36 Scale 1" = 10'-0"

HOWARD - BULLEN RESIDENCE
 777 OAK STREET
 ASHLAND, OREGON

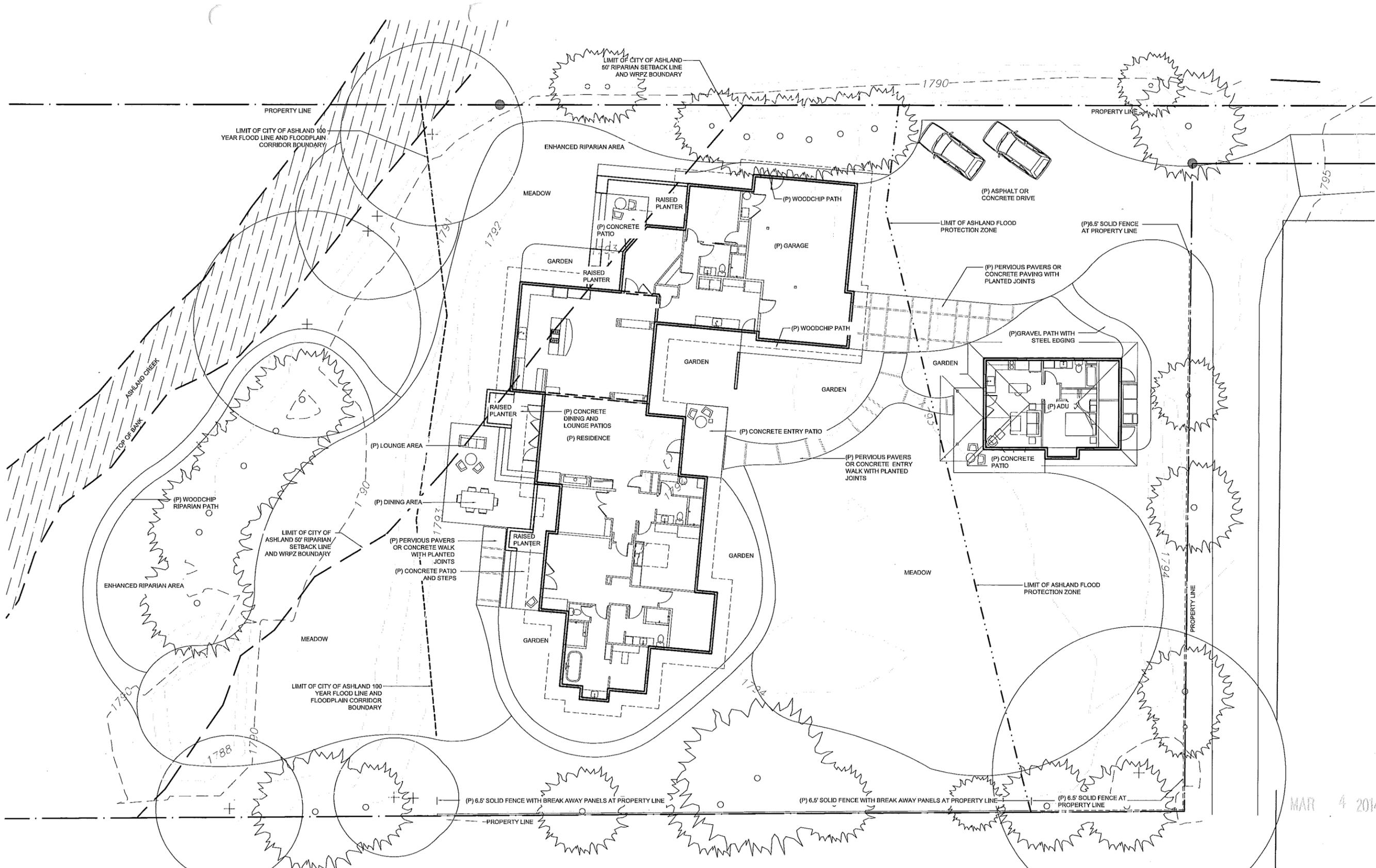
February 28, 2014

L-1.1



TREE PROTECTION & REMOVAL AND
EROSION CONTROL PLAN LEGEND AND NOTES

MAR 4 2014



Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:

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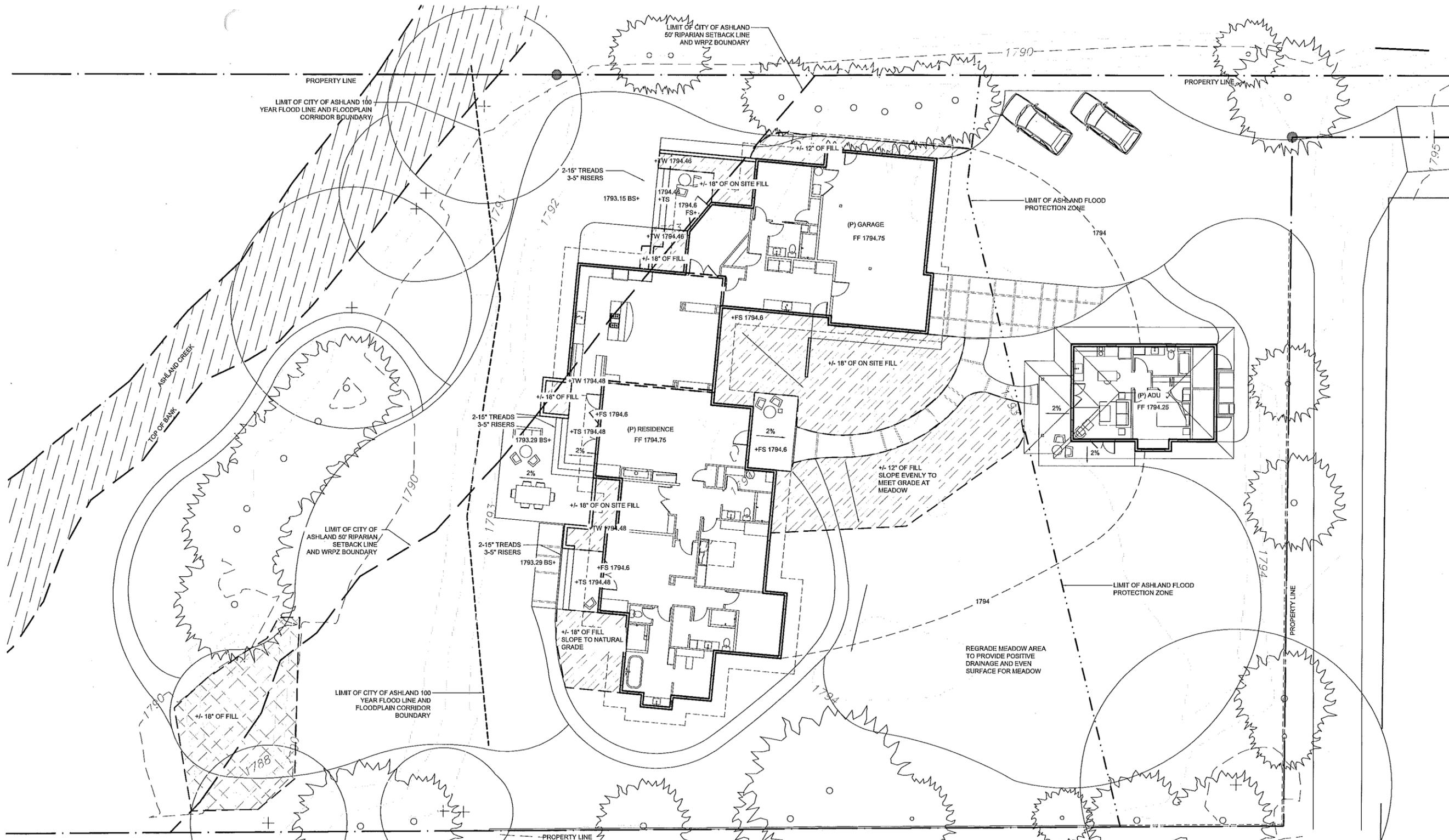
February 28, 2014

L-2.0



LANDSCAPE SITE PLAN

MAR 4 2014



GRADING CALCULATIONS FOR AREAS WITHIN THE ASHLAND CREEK FLOOD PROTECTION ZONE

BUILDING CONSTRUCTION AREA	
151.8 CY	STRUCTURAL FILL PROPOSED TO BE IMPORTED FOR BUILDING FOUNDATION AREA
75.5 CY	STRUCTURAL FILL AND PAVING PROPOSED TO BE IMPORTED FOR AREAS OUTSIDE OF THE BUILDING FOOTPRINT ON SITE FILL (GENERATED FROM BUILDING EXCAVATION) TO BE REUSED FOR NON-STRUCTURAL GRADING
106.1 CY	
331.4 CY	TOTAL PROPOSED FILL FOR DEVELOPED CONSTRUCTION SITE
357.8 CY	CUT PROPOSED FOR BUILDING FOUNDATION AREA
26.4 CY	REMAINING FILL GENERATED FROM BUILDING EXCAVATION
RESTORATION POND AREA	
26.4 CY	ON SITE FILL (REMAINING FILL GENERATED FROM BUILDING EXCAVATION)
17.2 CY	ON SITE FILL FROM REGRADING SURROUNDING CUT AREAS
PROJECT TOTALS	
227.3 CY	HAUL OFF GENERATED FROM BUILDING EXCAVATION
0 CY	NET CUT / FILL

LEGEND:

— (P) 225+ —	PROPOSED CONTOUR MINOR
— (P) 2250 —	PROPOSED CONTOUR MAJOR
FS	FINISH SURFACE
FG	FINISH GRADE
TW	TOP OF WALL
TS	TOP OF STEP
BS	BOTTOM OF STEP
LP	LOW POINT



Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520



Revision Date:

Drawn By:
 CB

11x17 Scale 1" = 20'-0"
 24x36 Scale 1" = 10'-0"

Howard - Bullen Residence
 777 Oak Street
 Ashland, Oregon

February 28, 2014

L-3.0

MAR 4 2014



Revision Date: _____

Drawn By: CB

11x17 Scale 1" = 20'-0"
 24x36 Scale 1" = 10'-0"

HOWARD - BULLEN RESIDENCE
777 OAK STREET
ASHLAND, OREGON

February 28, 2014

L-4.1



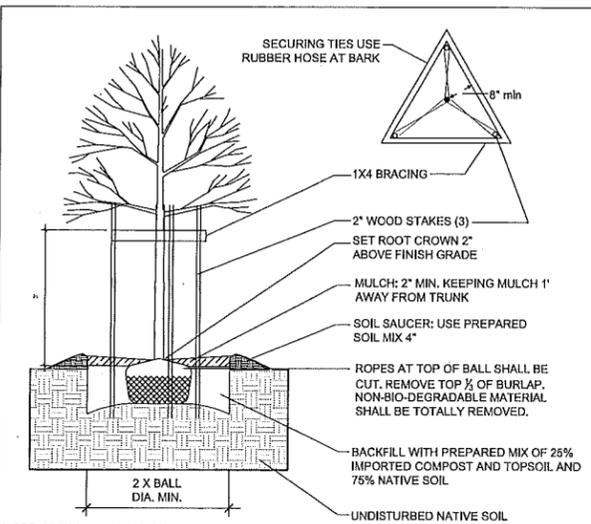
PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES				
	ACEC	ACER CIRCINATUM	VINE MAPLE	6-8' MULTI BRANCH
	ACEP	ACER PALMATUM	JAPANESE MAPLE	8' MULTI BRANCH
	ACES	ACER PALMATUM 'SHISHIGASHIRA'	SHISHIGASHIRA JAPANESE MAPLE	4-6' MULTI BRANCH
	CALC	CALOCEDRUS CEDAR	INCENSE CEDAR	8-10' TALL
	CORE	CORNUS 'EDDIE'S WHITE WONDER'	EDDIE'S WHITE WONDER DOGWOOD	2' CAL
	CORN	CORNUS NUTTALLI	PACIFIC DOGWOOD	2' CAL
	MAGS	MAGNOLIA X S. 'DARK PURPLE'	DARK PURPLE STAR MAGNOLIA	4-6' MULTI BRANCH
SHRUBS, PERENNIALS AND GRASSES				
	ARCT	ARCTOSTAPHYLOS COLUMBIANA	HAIRY MANZANITA	5 GAL
	CHAE	CHAENOMELES SPP.	FLOWERING QUINCE	5 GAL
	CHOT	CHOISYA TERNATA	MEXICAN ORANGE	5 GAL
	DAPO	DAPHNE 'ODORA'	WINTER DAPHNE	5 GAL
	PAEO	PAEONIA SPP.	PEONY - RED, YELLOW, WHITE	1 GAL
	PANS	PANICUM 'SHENANDOAH'	SHENANDOAH SWITCHGRASS	1 GAL
	PIEJ	PIERIS JAPONICA 'PRELUDE'	PRELUDE LILY OF THE VALLEY	1 GAL
	PRUN	PRUNUS LUSITANICA	PORTUGAL LAUREL	3 GAL
	RHAC	RHAMNUS CALIFORNICA 'EVE CASE'	EVE CASE COFFEEBERRY	4' TALL
	RHOC	RHODODENDRON SPP. RED	RED RHODODENDRON	5 GAL
	RHOD	RHODODENDRON OCCIDENTALIS	WESTERN AZALEA	5 GAL
	RHOS	RHODODENDRON SPP. ORANGE	ORANGE RHODODENDRON	5 GAL
	RIBS	RIBES SANGUINEUM	FLOWERING CURRANT	2 GAL
	TRAJ	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE VINE	1 GAL VINE
	ZANT	ZANTEDESCHIA AETHIOPICA	CALLA LILY	1 GAL
MIXES/ GROUNDCOVER				
	SUN COLOR MIX 1: 	ECHINACEA 'RUBY STAR', LAVANDUA 'GROSSO', ERICA 'WHITE', HEMEROCALLIS SPP., AGASTACHE 'TUTTI FRUTTI'	RUBY STAR CONEFLOWER, FAT BUD FRENCH LAVENDER, WHITE HEATH, DWARF YELLOW & RED DAYLILIES, TUTTI FRUTTI AGASTACHE	1 GAL @ 30" O.C.
	SUN COLOR MIX 2: 	IRIS 'SNOW WHITE', AGAPANTHUS 'PETER PAN', SALVIA 'CARADONNA', ECHINACEA 'WHITE SWAN', ERICA 'WHITE'	SNOW WHITE IRIS, DWARF LILY OF THE NILE, CARADONNA SALVIA, WHITE SWAN CONEFLOWER, WHITE HEATH	1 GAL @ 30" O.C.
	MEADOW MIX: 	FESTUCA ROEMERI	ROEMER'S FESCUE	SEED / INSTALL PER MANUFACTURERS SPECIFICATIONS
	ANNUAL COLOR MIX: 	ZINNIAS, ETC.	BY OWNER	
	SHADE COLOR MIX: 	ACANTHUS MOLLIS, ASTILBE SPP., GERANIUM 'JOHNSON'S BLUE', HELLEBORUS SPP., PULMONARIA SPP.	BEAR'S BREECHES, ASTILBE, JOHNSON'S BLUE GERANIUM, HELLEBORUS, PULMONARIA	1 GAL @ 36" O.C.
	NATIVE SHADE MIX: 	DICENTRA FORMOSA, WOODWARDIA FIMBRIATA, ASARUM CAUDATUM, POLYSTICHUM MUNITUM	PACIFIC BLEEDING HEART, GIANT CHAIN FERN, WILD GINGER, WESTERN SWORD FERN	1 GAL @ 36" O.C.
* BULBS SUCH AS..... CROCUS, SNOWDROPS, GRAPE HYACINTH AND SMALL DAFFODILS BY OWNER				

WATER RESOURCED PROTECTION ZONE(WRPZ) MITIGATION NOTES

- CONTRACTOR SHALL IDENTIFY AND ESTABLISH WRPZ BOUNDARY. SET UP TREE PROTECTION AND EROSION CONTROL AND SEDIMENT MEASURES PER DWGS PRIOR TO ANY WORK ON SITE.
- STOCKPILING OF SOIL IS NOT PERMITTED WITHIN WATER RESOURCE PROTECTION ZONE(WRPZ).
- REMOVE NOXIOUS AND INVASIVE VEGETATION WITHIN DISTURBED AREA OF WRPZ PRIOR TO PLANTING.
- PROPOSED NATIVE GRASS SEED PLANTING SHALL OCCUR AT FIRST OPPORTUNITY AFTER COMPLETION OF CONSTRUCTION PER MANUFACTURERS SPECIFICATIONS.
- PROPOSED PLANTING WITHIN WRPZ SHALL PROVIDE A MINIMUM OF 50% COVERAGE AFTER ONE YEAR AND 90% COVERAGE AFTER FIVE YEARS.
- PROPOSED NATIVE GRASS SHALL BE IRRIGATED ONLY AS NEEDED PER MANUFACTURERS SPECIFICATIONS. TREES AND SHADE MIX WITHIN WRPZ SHALL BE PERMANENTELY IRRIGATED WITH DRIP IRRIGATION AND MULCHED WITHIN A 3' RADIUS.
- PROVIDE TEMPORARY FENCING TO ALL (P) TREES OUTSIDE OF FENCE TO PROTECT FROM DEER. REMOVE AFTER 2 YEARS.
- ALL PLANTED MATERIAL WITHIN THE WRPZ SHALL BE EVALUATED YEARLY TO ASSESS HEALTH. TREE AND SEEDED AREAS THAT DO NOT GERMINATE AND THRIVE/SURVIVE AFTER TWO YEARS SHALL BE REPLACED BY OWNER.
- UNPAVED TRAIL THROUGH RIPARIAN ZONE SHALL NOT EXCEED 36" AND SHALL BE UNDER 20% SLOPE.
- IN AREAS PROPOSED FOR PLANTING ENHANCEMENT, NATIVE PLANT MATERIAL SHALL BE LOCATED TO ENHANCE RIPARIAN ZONE, STABILIZE THE CREEK BANK AND ENHANCE WILDLIFE HABITAT.

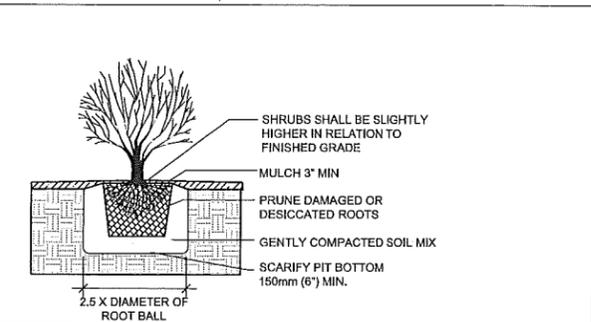
PLANTING NOTES FOR AREAS OUTSIDE WRPZ

- PLACE 6" COMPOST/TOPSOIL BLEND, TBD, IN ALL TREE & SHRUB PLANTING AREAS.
- INSTALL SOIL IN 3" LIFTS AND TILL THOROUGHLY TO BLEND W/ EXISTING SOIL.
- REMOVE NOXIOUS AND INVASIVE VEGETATION PRIOR TO PLANTING.
- PLANT ALL TREES AND SHRUBS PER DETAIL 1 & 2.
- PROVIDE PERMANENT AUTOMATED IRRIGATION TO ALL NEW PLANTING AREAS EXCEPT IN SEEDED MEADOW AREAS, WHICH SHALL BE IRRIGATED ONLY AS REQUIRED PER MANUFACTURERS SPECIFICATIONS.
- MULCH PLANTING AREAS - THAT ARE NOT SEEDDED AFTER INSTALLATION OF PLANT MATERIAL WITH 3" OF DARK MULTIBARK, OR EQUAL.
- PROVIDE TEMPORARY FENCING TO ALL (P) TREES TO PROTECT FROM DEER. REMOVE AFTER 2 YEARS.



NOTE: STAKE TREES ONLY IF NEEDED AND REMOVE AFTER 2 YEARS MAXIMUM

1 TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL



Carlos Delgado
ARCHITECT
217 Fourth Street • Ashland, OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

REPLACEMENT RESIDENCE
MARTHA HOWARD-BULLEN
777 OAK STREET
ASHLAND, OR 97520
ASSESSOR'S MAP NO. 391E 04CA TAX LOT NO. 2707

NOT FOR CONSTRUCTION

DRAWN : CHECKED:
TS CD

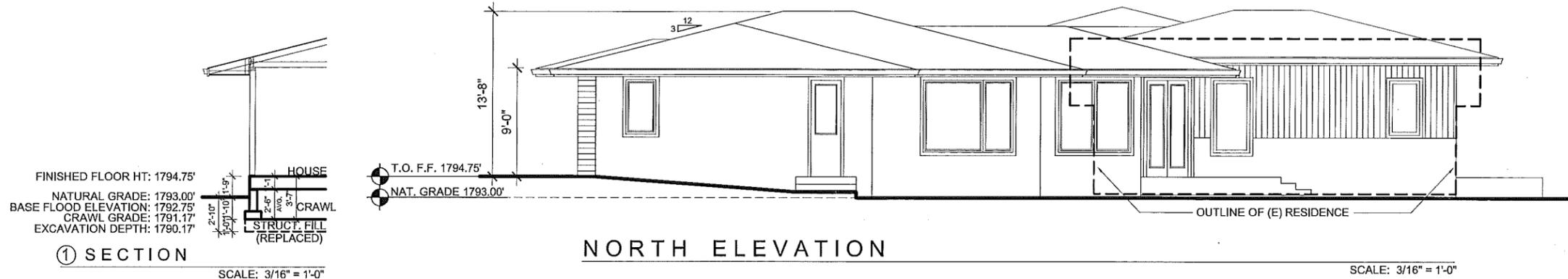
DATE:
02/28/14

PROJECT:
HOWARD-BULLEN

SHEET:

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OF . SHEETS



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

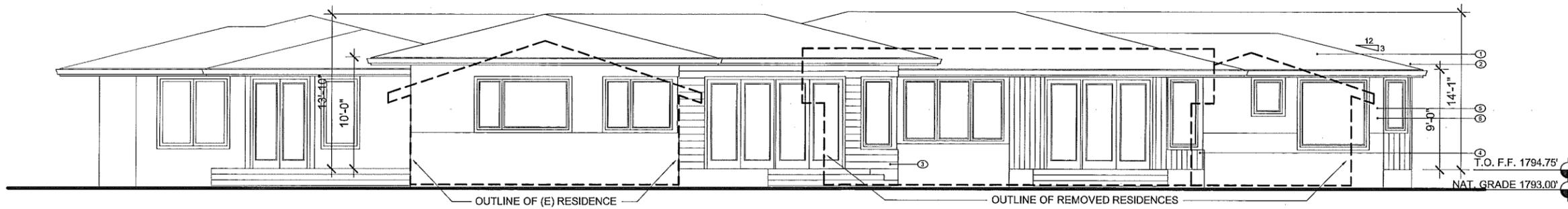
FINISHED FLOOR HT: 1794.75'
NATURAL GRADE: 1793.00'
BASE FLOOD ELEVATION: 1792.75'
CRAWL GRADE: 1791.17'
EXCAVATION DEPTH: 1790.17'

SECTION 1

SCALE: 3/16" = 1'-0"

ELEVATION KEY NOTES

- ① ARCH. COMPOSITION ASPHALT SHINGLE ROOFING
- ② HIP ROOF WITH LOW 3:12 PITCH
- ③ HORIZONTAL SIDING
- ④ VERTICAL SIDING
- ⑤ STUCCO SIDING
- ⑥ COLORS TO BE ALL NATURAL TONES



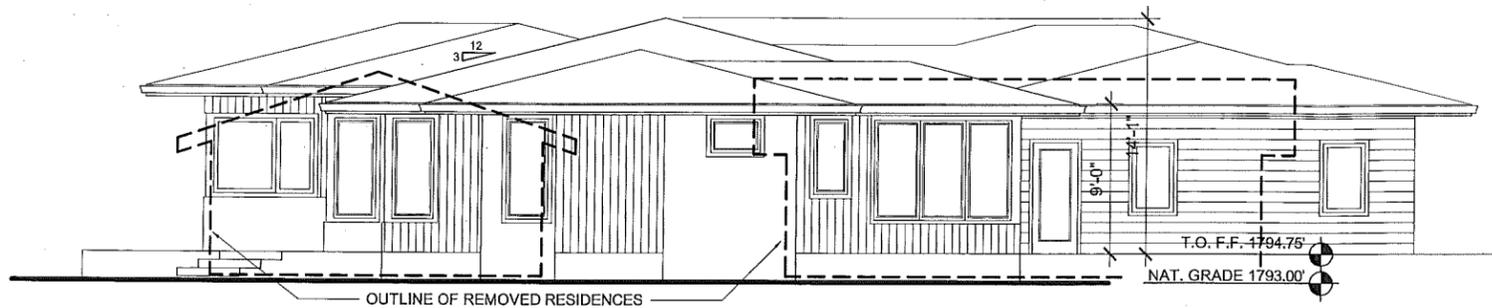
WEST ELEVATION

SCALE: 3/16" = 1'-0"

MAR 4 2014



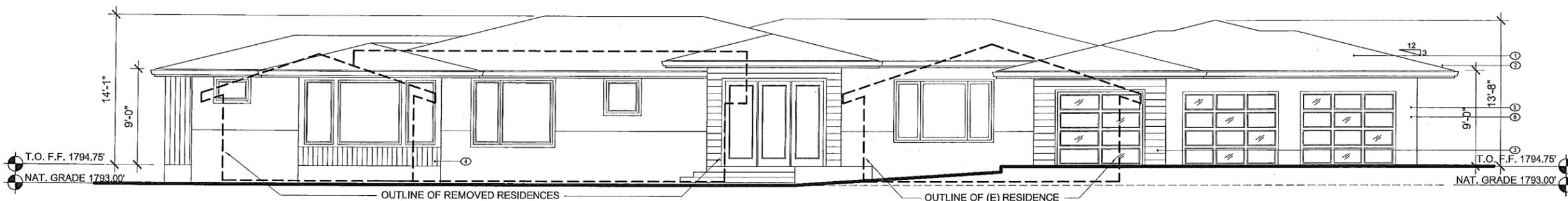
Carlos Delgado
ARCHITECT
217 Fourth Street • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com



SOUTH ELEVATION

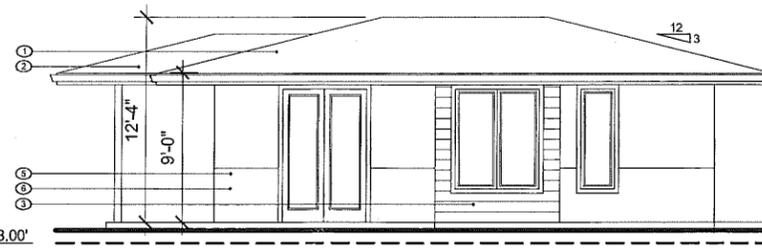
SCALE: 3/16" = 1'-0"

- ELEVATION KEY NOTES**
- ① ARCH. COMPOSITION ASPHALT SHINGLE ROOFING
 - ② HIP ROOF WITH LOW 3:12 PITCH
 - ③ HORIZONTAL SIDING
 - ④ VERTICAL SIDING
 - ⑤ STUCCO SIDING
 - ⑥ COLORS TO BE ALL NATURAL TONES



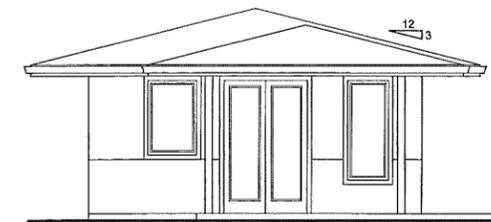
EAST ELEVATION

SCALE: 3/16" = 1'-0"



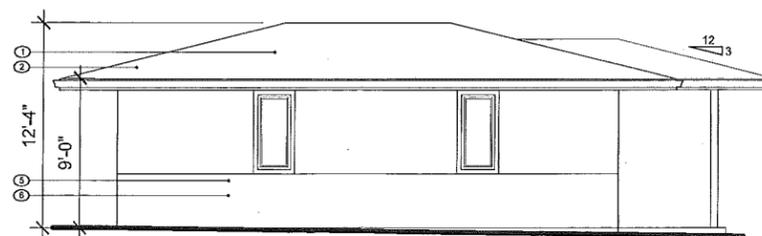
SOUTH ARU ELEVATION

SCALE: 1/4" = 1'-0"



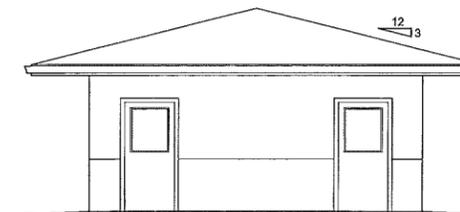
WEST ARU ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ARU ELEVATION

SCALE: 1/4" = 1'-0"



EAST ARU ELEVATION

SCALE: 1/4" = 1'-0"

DESCRIPTION	DATE

REPLACEMENT RESIDENCE

MARTHA HOWARD-BULLEN
777 OAK STREET
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 04CA TAX LOT NO. 2707

NOT FOR CONSTRUCTION

DRAWN : CHECKED:
TS CD

DATE:
02/28/14

PROJECT:
HOWARD-BULLEN

SHEET :

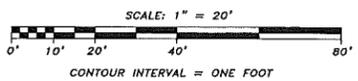
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OF SHEETS

MAR 4 2014

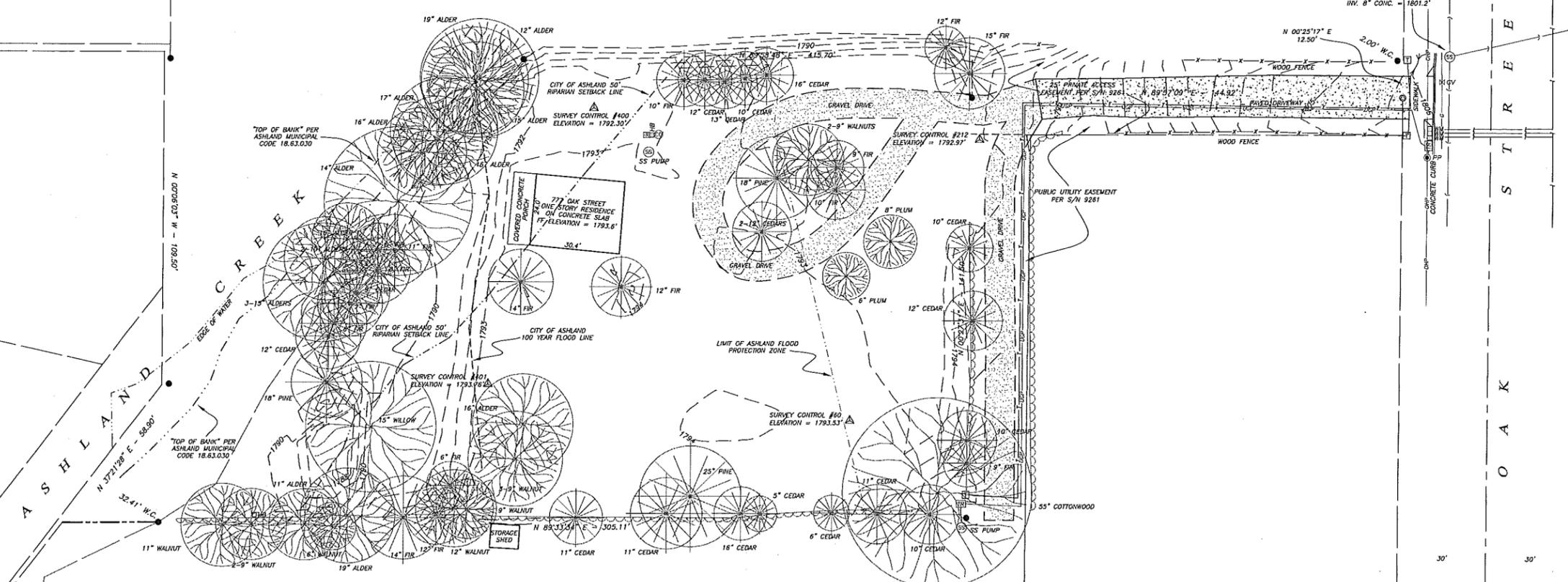
TOPOGRAPHIC SITE SURVEY

LOCATED AT
777 OAK STREET
ASHLAND, OREGON
 LYING SITUATE WITHIN
 SOUTHWEST QUARTER OF SECTION 4,
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
 CITY OF ASHLAND, JACKSON COUNTY, OREGON
 FOR
MARTHA HOWARD BULLEN
 777 Oak Street
 Ashland, Oregon 97520



LEGEND

- BRASS CAP MONUMENT FOUND
- ▲ IRON PIN MONUMENT FOUND
- SURVEY CONTROL POINT
- PROPERTY BOUNDARY LINE
- - - PROPOSED LOT LINE
- BOUNDARY LINE
- CENTERLINE
- - - EASEMENT LINE
- - - FENCELINE
- - - FLOWLINE
- WATER LINE
- - - BURIED NATURAL GAS LINE
- - - BURIED PHONE LINE
- - - STORM DRAIN LINE
- - - SANITARY SEWER LINE
- - - OVERHEAD POWER LINE
- - - BURIED POWER LINE
- - - BURIED CABLE TV
- ROCK WALL
- CONTOUR LINE
- GUY ANCHOR
- PP POWER POLE
- WM POWER PEDESTAL
- WM WATER METER
- WV WATER VALVE
- FH FIRE HYDRANT
- HB HOSE BIBB
- CB CATCIBASIN
- CI CURB INLET
- SM SANITARY SEWER MANHOLE
- SM STORM SEWER MANHOLE
- C CLEANOUT
- PM PHONE MANHOLE
- PD PHONE PEDESTAL
- PV GAS VALVE
- GV IRRIGATION VALVE
- SP SIGN POST
- DT DECIDUOUS TREE AS NOTED
- CT CONIFER TREE AS NOTED



SURVEY NOTES

1. THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS A CITY OF ASHLAND BENCHMARK BRASS DISC IN MONUMENT WELL AT THE CENTERLINE PT. ON OAK STREET. BENCHMARK ELEVATION = 182.918' BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1956 (NGVD 2956).
2. EXPOSED UTILITY SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES, ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 POLARIS LAND SURVEYING, LLC
 OREGON
 JULY 14, 1999
 SHAWN KAMPFMAN
 2005 LS

RENEWAL DATE: 6/30/2015

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009

DATE: OCTOBER 7, 2013
 PROJECT NO. 785-13

**LEGISLATIVE
PUBLIC HEARING**

**PL-2014-00539
Medical Marijuana Dispensaries**

**ASHLAND PLANNING DIVISION
STAFF REPORT
May 13, 2014**

PLANNING ACTION: #2014-00539

APPLICANT: City of Ashland

ORDINANCE REFERENCES: **AMC 18.08** Definitions
 AMC 18.32 C-1 Retail Commercial District
 AMC 18.40 E-1 Employment District
 AMC 18.52 M-1 Industrial District

REQUEST: Amendments to the Ashland Municipal Code establishing medical marijuana dispensaries as a special permitted use in the C-1, E-1, and M-1 zones.

I. Relevant Facts

A. Background

Oregon has allowed physicians to prescribe marijuana for medicinal purposes since 1999. The 2013 Oregon Legislature passed House Bill 3460 that provides a system for registration and regulation of medical marijuana dispensaries (“dispensaries”). The new regulations make the siting and operation of registered dispensaries legal in areas zoned for commercial, industrial, mixed use, or agricultural land. Additional requirements include a 1,000 feet separation from another dispensary and from a public or private elementary, secondary, or career school attended primarily by minors. The law went into effect on March 1, 2014.

In 2014, the Legislature approved Senate Bill 1531 granting local jurisdictions the clear authority to establish local restrictions for dispensaries and the ability to put into effect a temporary dispensary moratorium to allow cities and counties additional time to enact restrictions. The additional regulations went into effect March 19, 2014.

At the January 21 meeting, the City Council discussed the possibility of restricting dispensaries in the downtown area, as well as requiring a more discretionary review process for dispensaries immediately adjacent to or across the street from a residential zone. At the February 4 meeting, the Council passed an ordinance removing the “unlawful activity” provision of the business license code (AMC 6.04), thus relieving City staff of the responsibility of monitoring dispensaries that are explicitly legal and regulated under state law. Dispensaries are an unlawful activity under federal law, and the business license code change did not preclude the possibility of federal prosecution of such a business.

At the March 18 meeting, the Council directed staff to draft ordinance amendments as soon as possible to address the location and review process for

dispensaries for the Planning Commission consideration and recommendation. Specifically, the Council outlined an ordinance amendment that would: 1) permit dispensaries in the C-1 and M-1 zones, 2) prohibit dispensaries in the C-1-D zone (downtown), and 3) require a conditional use permit for dispensaries in the employment zone.

Subsequently, the Council approved an ordinance imposing a temporary moratorium on dispensaries at the April 15 meeting. Specifically, the moratorium temporarily prohibits medical marijuana dispensaries in the C-1-D zone (downtown) and E-1 zones. However, lots that are located in E-1 zones and front boulevards are not subject to the moratorium. The moratorium is effective from March 1, 2014 until May 1, 2015.

B. Ordinance Amendments

The proposed Land Use Code amendments address the requirements for establishing and operating a dispensary in the C-1, E-1, and M-1 zones. The amendments are based on the direction from the Council and the Commission's discussions at the March 25, April 8, and April 22 meetings.

The draft ordinance amendments add dispensaries as a special permitted use in the C-1, E-1, and M-1 zones. Under the draft ordinance amendments, a proposed dispensary is required to meet the following special permitted use standards:

- Property location on a street classified as a boulevard.
- Hours of operation between 7 a.m. and 7 p.m.
- Enclosed in a permanent building, and no outside storage of materials.
- Modifications to the site or exterior of the building must be consistent with the Site Design and Use Standards, and security bars are prohibited on windows and doors.
- Cannot have a drive-up use.
- Provide for secure disposal of any marijuana remnants.
- Conforms to state requirements for medical marijuana dispensaries and is registered with the State.

As staff understands the issues, the Commission supports allowing medical marijuana dispensaries in the community, and believes individuals purchasing medical marijuana need legal and safe retail establishments. The Commission's primary concern is the lack of experience with the impacts associated with dispensaries. Dispensaries are a relatively new permitted retail use in Oregon as well as several other states, and the states allow different types of use (e.g., medical vs. recreational) with varying levels of regulation and administration. As a result, information about the impacts of dispensaries is lacking. While the Commission believes medical marijuana dispensaries should be allowed in Ashland, the Commission recommends initially using a more cautious approach so local experience can be established regarding the operation and impacts of dispensaries.

The Commission recommends making dispensaries a special permitted use that must meet a specific set of performance measures. The Commission feels that dispensaries are most appropriately located on the busiest boulevard streets where high volume retail uses are currently located. The location combined with several operational requirements will limit impacts to neighboring residential zones, and provide clear land use requirements and a predictable planning approval process for business owners and neighbors.

The special permitted use is used for dispensaries because it utilizes an objective set of standards. If the operational requirements are satisfied, a dispensary as a special permitted use would be allowed in the green “eligible” areas shown on the attached map. In contrast, dispensaries as a conditional use would be evaluated individually on a case-by-case basis using the discretionary conditional use permit criteria and review process. In addition to the additional time and expense, a common concern is the perceived uncertainty of the conditional use permit review process.

Many of the recommended special use standards, including location, hours of operation, drive-up use prohibition, and disposal, address potential security issues raised by the public and the Commission, and are covered in other cities’ regulations (e.g., Boulder, Central Point, Tucson). The requirements that dispensaries be located in a permanent building and that the building meet the Site Design and Use Standards are to ensure dispensaries look like other retail uses in Ashland.

In regards to the recommendation to limit dispensaries to properties located on boulevards, the concern is twofold – security and traffic impacts. The Commission discussed the additional security and natural surveillance provided by locating dispensaries on boulevard streets with continuous traffic. In addition, the Commission discussed the potential vehicle trips generated by dispensaries and the desire to direct the traffic to the busy boulevard streets. Information regarding the number of vehicle trips generated by dispensaries is not available because it is a relatively new legal use. For comparison, the following trip generation numbers are provided for a variety of uses.

- a single-family home generates ten trips per day
- a general office building generates 1.5 to 2 trips per hour for every 1,000 square feet of gross floor area
- a medical office generates 3.5 to 4.5 trips per hour for every 1,000 square feet of gross floor area
- a pharmacy without a drive-through window generates 8 to 11 trips per hour for every 1,000 square feet of gross floor area

II. Procedural

18.108.170 Legislative amendments

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

III. Conclusions and Recommendations

If the Commission recommends approval of the attached ordinance, staff will prepare a formal recommendation to the Council for the Commission's review. The public hearing is scheduled at the Council on June 17, 2014.

Attachments:

- Draft Ordinance
- Map – Eligible Locations for Medical Marijuana Dispensaries (Downtown Design Standards zone prohibited)
- Map – Eligible Locations for Medical Marijuana Dispensary (C-1-D zone prohibited)
- Written Public Comments Received to Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING 18.08, 18.32.025, 18.40.030, AND 18.52.020 OF THE ASHLAND MUNICIPAL CODE ESTABLISHING MEDICAL MARIJUANA DISPENSARIES AS A SPECIAL PERMITTED USE IN THE COMMERCIAL (C-1), EMPLOYMENT (E-1), AND INDUSTRIAL (M-1) ZONING DISTRICTS

Annotated to show deletions and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the Oregon Legislature enacted House Bill 3460 in 2013 (ORS 475.314) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction limits except when such action has specifically preempted by state statute; and

WHEREAS, the City Council determined it is necessary to establish rules and regulations permitting medical marijuana dispensaries as a new land use within the City and minimizing the potential impacts to nearby residential neighborhoods; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to Title 18 Land Use of the Ashland Municipal Code on May 13, 2014, , and following deliberations, recommended approval of the amendments by a unanimous vote; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on June 17, 2014 and, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the public health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 18.08 [Definitions] is hereby amended to include the following new definition:

SECTION 18.08.486 Medical Marijuana Dispensaries.

Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 that dispenses marijuana pursuant to ORS 475.314.

SECTION 3. Section 18.32.025 [C-1 Retail Commercial District – Special Permitted Uses] is hereby amended to read as follows:

SECTION 18.32.025 Special Permitted Uses.

The following uses and their accessory uses are permitted outright subject to the requirements of this section and the requirements of Chapter 18.72, Site Design and Use Standards.

A. Commercial laundry, cleaning and dyeing establishments.

1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
2. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

B. Bowling alleys, auditoriums, skating rinks, and miniature golf courses. If parking areas are located within 200' of a residential district, they shall be shielded from residences by a fence or solid vegetative screen a minimum of 4' in height.

C. Automobile fuel sales, and automobile and truck repair facilities. These uses may only be located in the Freeway Overlay District as shown on the official zoning map.

D. Residential uses.

1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.
2. Residential densities shall not exceed 30 dwelling units per acre in the C-1 District, and 60 dwelling units per acre in the C-1-D District. For the

purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying C-1 or C-1-D District.
4. Off-street parking shall not be required for residential uses in the C-1-D District.
5. If the number of residential units exceeds 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

E. Drive-up uses as defined and regulated as follows:

1. Drive-up uses are defined as any establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods other than automobile fuel, or be entertained while remaining in their motor vehicles. The components of a drive-up use include kiosks, canopies or other structures; windows; stalls; queuing lanes and associated driveways. Drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.
2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan. The four existing non-conforming financial institution drive-up use in operation in the Historic Interest Area as of August 7, 2012 may redevelop or relocate within the C-1 and C-1-D zoned portions of Ashland Historic Interest Area subject to the following requirements:
 - a. Relocation or redevelopment of a drive-up use within the C-1 or C-1-D zoned portions of the Historic Interest Area shall be subject to a Type II Site Review procedure as a Special Permitted Use.
 - b. Relocated or redeveloped drive-up uses may only be placed on a secondary building elevation, and only accessed from an alley or driveway. A secondary building elevation is defined as a building's side or rear elevation which does not face a street, other than an alley.
 - c. Driveways serving relocated or redeveloped drive-up uses shall not enter from or exit to a higher order street frontage or through a primary elevation of the building, and driveways or queuing lanes shall be not placed between a building and the right-of-way other than an alley.
 - d. No demolition of or exterior change to a building considered to be a historic resource shall be permitted to accommodate the relocation or redevelopment of a drive-up use.
 - e. Regardless of the number of drive-up windows/lanes in use in the current location, with a relocation or remodel the number of windows/lanes shall be reduced to one (1).
3. Drive-up uses are subject to the following criteria:
 - a. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.
 - b. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or

provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.

- c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
- d. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.
- e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
- f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
- g. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.
- h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed 1 per location, even if the transferred use had greater than one stall.
- i. A separate ministerial "Drive-Up Transfer" permit shall be obtained for the transfer of any drive-up use when such transfer is not associated with a Site Review or Conditional Use permit application in order to formally document transfer of the use.
- j. Drive-up uses which are discontinued without a properly permitted transfer shall be deemed to have expired after unused for six (6) months. Discontinuation of a drive-up use is considered to have occurred when the drive-up use is documented as having ceased on site through a ministerial, Site Review or Conditional Use permit review, or upon on-site verification by the Staff Advisor.
- k. All components of a drive-up use shall be removed within sixty (60) days of discontinuation of the use through abandonment, transfer, relocation or redevelopment.

F. Kennel and veterinary clinics where animals are housed outside, provided the use is not located within 200' of a residential district.

G. Medical marijuana dispensaries meeting all of the following requirements:

- 1. The dispensary is located on a property with a boundary line adjacent to a boulevard, except that such use shall not be permitted in the Downtown Design Standards zone.**
- 2. Operating hours shall be no earlier than 7:00 a.m. or later than 7:00 p.m. of the same day.**
- 3. The dispensary shall be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary is prohibited.**
- 4. Any modifications to the subject site or exterior of a building housing the dispensary shall be consistent with the Site Design Use Standards, and obtain Site Review approval if required by section 18.72.030. Security bars or grates on windows and doors are prohibited.**
- 5. The dispensary shall not have a drive-up use.**
- 6. The dispensary shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the dispensary's' exterior refuse containers.**

7. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300 – ORS 475.346, and meets the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.

SECTION 4. Section 18.40.030 030 [E-1 Employment District – Special Permitted Uses] is hereby amended to read as follows:

SECTION 18.40.030 Special Permitted Uses.

The following uses and their accessory uses are permitted outright subject to the requirements of this section, including all requirements of 18.72, Site Design and Use Standards.

- A. Bottling plants, cleaning and dyeing establishments, laundries and creameries.
 - 1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
 - 2. The use shall comply with all requirements of the Oregon Department of Environmental Quality.
- B. Wholesale storage and distribution establishments. Provided, however, that for the uses specified in subsection A and B above, no deliveries or shipments shall be made from 9pm to 7am where the property on which the use is located is within 200 feet of any residential district.
- C. Recycling depots, provided the use is not located within 200' of a residential district.
- D. Kennels and veterinary clinics where animals are housed outside, provided the use is not located within 200' of a residential district.
- E. Residential uses. As indicated as R-Overlay on the official zoning map, and in conformance with the Overlay Zones chapter 18.56.
- F. Cabinet, carpentry, machine, and heating shops, if such uses are located greater than 200' from the nearest residential district.
- G. Manufacture of food products, but not including the rendering of fats or oils. For any manufacture of food products with 200' of a residential district:
 - 1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected. Odors which are in violation of this section include but are not limited to the following:
 - a. Odors from solvents, chemicals or toxic substances.
 - b. Odors from fermenting food products.
 - c. Odors from decaying organic substances or human or animal waste.
 - 2. Mechanical equipment shall be located on the roof or the side of a building with the least exposure to residential districts. Provided, however, that it may be located at any other location on or within the structure or lot where the noise emanating from the equipment is no louder, as measured from the nearest residential district, than if located on the side of the building with least exposure to residential districts. Mechanical equipment shall be fully screened and buffered.

- H. Cold Storage Plants, if such uses are located greater than 200' from the nearest residential district.
- I. Automobile and truck repair facilities, excluding auto body repair and paint shops. All cars and trucks associated with the use must be screened from view from the public right-of-way by a total sight obscuring fence. Facilities of 3 bays or larger shall not be located within 200' of a residential district.

J. Medical marijuana dispensaries meeting all of the following requirements:

- 1. The dispensary is located on a property with a boundary line adjacent to a boulevard.**
- 2. Operating hours shall be no earlier than 7:00 a.m. or later than 7:00 p.m. of the same day.**
- 3. The dispensary shall be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary is prohibited.**
- 4. Any modifications to the subject site or exterior of a building housing the dispensary shall be consistent with the Site Design Use Standards, and obtain Site Review approval if required by section 18.72.030. Security bars or grates on windows and doors are prohibited.**
- 5. The dispensary shall not have a drive-up use.**
- 6. The dispensary shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the dispensary's exterior refuse containers.**
- 7. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300 – ORS 475.346, and meets the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.**

SECTION 5. Section 18.52.020 [M-1 Industrial District –Permitted Uses] is hereby amended to read as follows:

SECTION 18.52.020 Permitted Uses.

The following uses and their accessory uses are permitted outright:

- A. Any manufacturing, processing, assembling, research, wholesale or storage use.
- B. Railroad yards and freight stations, trucking and motor freight stations and facilities.
- C. Public and public utility service buildings, structures and uses.
- D. **Permitted, special permitted and C**conditional uses in the Employment District listed in Section **18.40.020**, 18.40.030 and 18.40.040 of this Chapter, except residential uses. **Medical marijuana dispensaries shall meet the special use requirements of 18.40.030.J.**
- E. Building materials sales yards.
- F. ~~**Permitted uses in the Employment District listed in Section 18.40/020 of this Chapter.**~~

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2014, and duly PASSED and ADOPTED this ____ day of _____, 2014.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2014.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

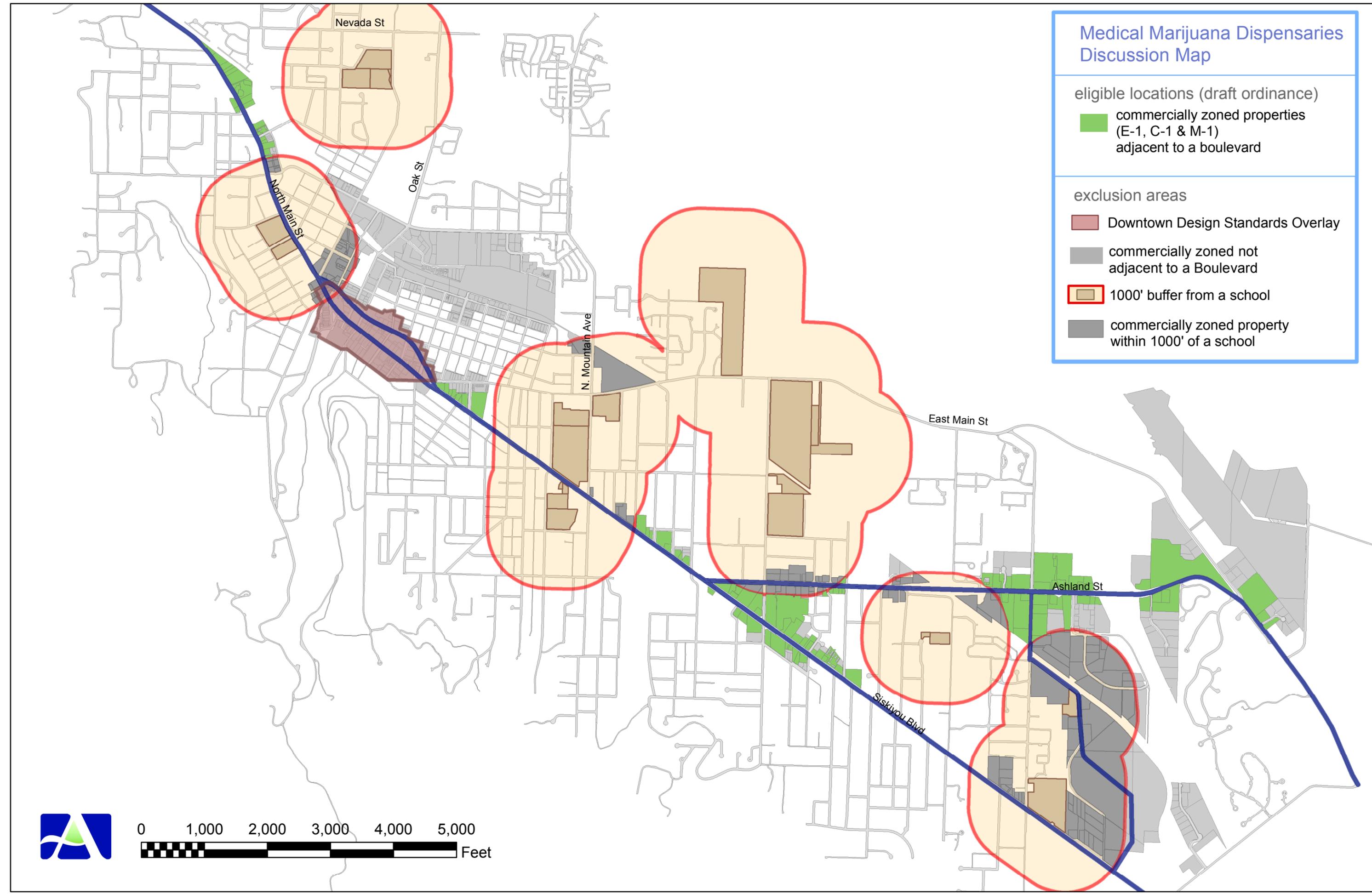
Medical Marijuana Dispensaries Discussion Map

eligible locations (draft ordinance)

-  commercially zoned properties (E-1, C-1 & M-1) adjacent to a boulevard

exclusion areas

-  Downtown Design Standards Overlay
-  commercially zoned not adjacent to a Boulevard
-  1000' buffer from a school
-  commercially zoned property within 1000' of a school



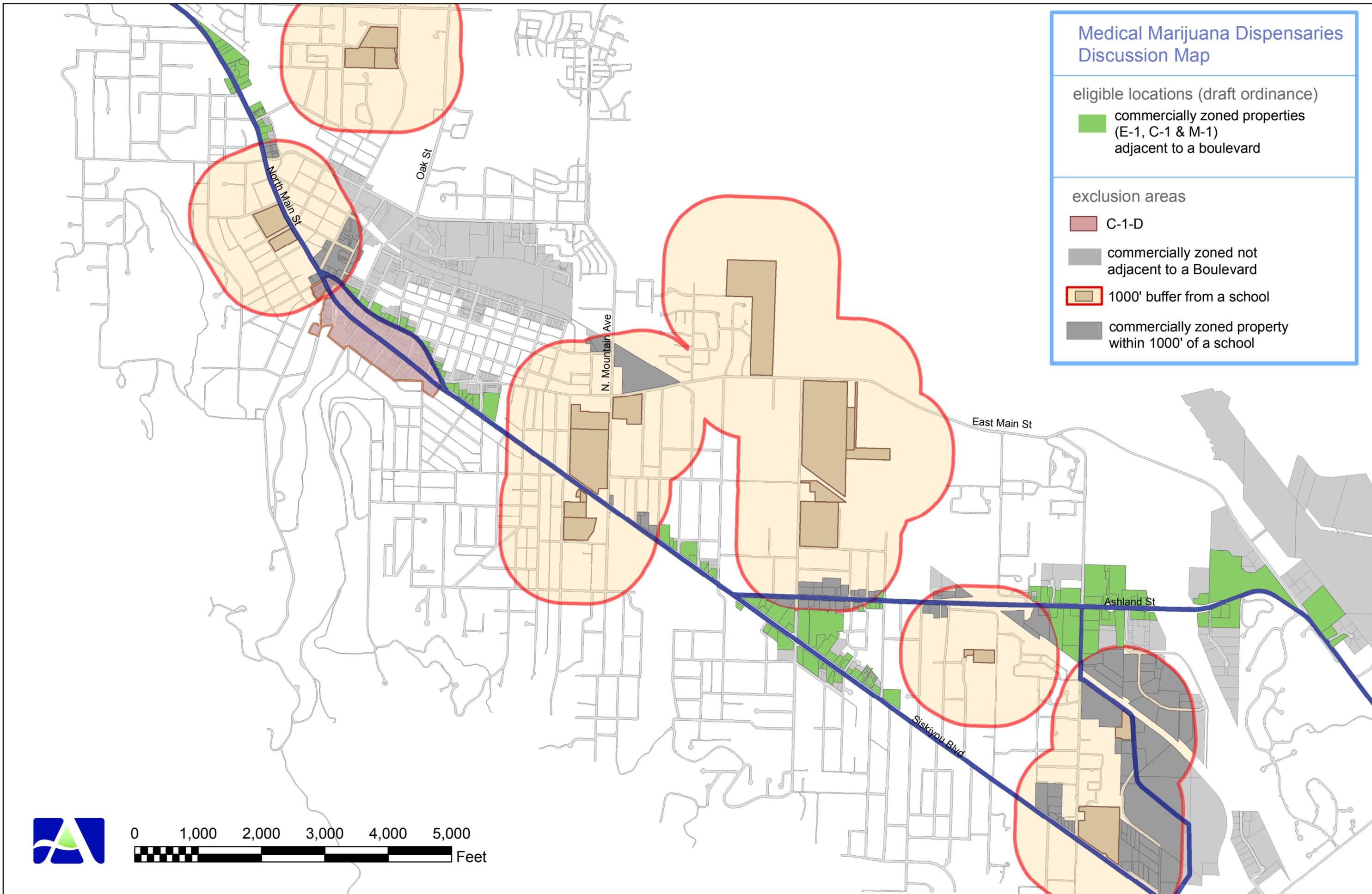
Medical Marijuana Dispensaries Discussion Map

eligible locations (draft ordinance)

-  commercially zoned properties (E-1, C-1 & M-1) adjacent to a boulevard

exclusion areas

-  C-1-D
-  commercially zoned not adjacent to a Boulevard
-  1000' buffer from a school
-  commercially zoned property within 1000' of a school



RECEIVED

MAR 14 2014

From: Betty J. Drake [<mailto:pelly7@msn.com>]
Sent: Friday, March 14, 2014 4:26 PM
To: council@ashland.or.us
Subject: Council Contact Form - Betty J. Drake - 3/14/2014

Name: Betty J. Drake

Email: pelly7@msn.com

Subject: Medical Marijuana Dispensary, 400 Williamson Way, Ashland

Message: I have just learned that a medical marijuana dispensary is planned for property at 400 Williamson Way, Ashland. I am very concerned about this for this property is located right by a residential neighborhood and is a mere driveway's distance from my teenage granddaughters home. There is only a tree hedge separating the properties, plus a parking bay right by their house would likely be used by customers of the dispensary. In the other direction - perhaps 100 yards - is the location of a youth hostel which provides housing for high school students visiting Ashland to see OSF plays.

I think this is a very bad move and I urgently ask you to bring it before your council for attention and action to stop it. Thank you very much!!

RECEIVED

MAR 17 2014

From: Carol Kim [<mailto:horacekim@hotmail.com>]
Sent: Saturday, March 15, 2014 5:28 PM
To: council@ashland.or.us
Subject: Council Contact Form - Carol Kim - 3/15/2014

Name: Carol Kim
Email: horacekim@hotmail.com
Subject: Medical marijuana dispensary 400 Williamson Way

Message: Dear Mayor and Councilors,

We have just learned, as of a newspaper article published 3/13/14, that a medical marijuana dispensary is going in at 400 Williamson Way. I live at 422 Rogue Pl. My daughter's bedroom looks right at this. It is about a driveway's length away. We are a dead end with a very narrow street. Yes, that building is commercial but really it is right next to family housing. I am protesting this and asking you to consider taking a look at that particular property and also at additional restrictions for location of these dispensaries. I worry for my children's safety (they will be fine at school but can come home to marijuana smoke in their bedrooms?) and for the reality that housing values will plummet. We have lived here for 13 years. The city says we can call the police if consumption occurs outside. Reassuring. They say no one can drive under the influence. Let's be realistic. There is also a hostel nearby - Ashland Commons- where students come from out of town to attend the OSF. I am sure they will lose business should this dispensary be established. A family practice doctor is right next door. She has many pregnant women and young children as patients. This is new territory for all. Please reexamine this issue of letting the state ok a business license and then not denying it unless it is by a school or doesn't have enough parking. Someone needs to ensure the locations are appropriate and well-regulated. Who is doing this? Would you like your children living across the street? Would you like to buy my house because I will be glad to sell it to you if you don't mind a dispensary in your front yard? My oldest daughter is so distraught that she plans to write the paper. We would like to appear before you to address this issue, along with any others concerned in our neighborhood. Please give us this opportunity. Thank you very much. We were given no prior notification of this and apparently it isn't required unless major changes are being made to the building. That needs to be changed. People deserve warning of such big changes, especially as this issue is very controversial at this time. Medford is not allowing these dispensaries, nor is Grants Pass, or Jacksonville. Medford is happy to send everyone to Ashland, as mentioned in the Mail Tribune. This may be good business for some but what does it say about our city and what about the safety issues that will undoubtedly occur?

RECEIVED

MAR 17 2014

From: Char & Michale Hersh [<mailto:hummingbird@jeffnet.org>]
Sent: Monday, March 17, 2014 2:05 PM
To: council@ashland.or.us
Subject: Council Contact Form - Char & Michale Hersh - 3/17/2014

Name: Char & Michale Hersh
Email: hummingbird@jeffnet.org
Subject: Medical Marijuana dispensary

Message: WE are apposed to a medical marijuana dispensary on Williamson in Ashland. The area does currently have a few professional establishmenst but marijuana dispensing is not the same as having a dentist or doctor located adjacent to a large residential area. There are children of all ages very near this location and North Mount ain is on ly and short distance away.
WE are not opposed to a dispensary in Ashland but strongly feel it should be in a non-residential area

Dear Planning Commission,

March 20, 2014

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MAR 20 2014

My name is Carol Kim. I live at 422 Rogue Place, approximately 40-50 feet from the proposed medical marijuana dispensary at 400 Williamson Way. I cannot be at the meeting on 3/25/14.

I want to urge you to recommend that the council impose a moratorium on medical marijuana dispensaries in this city at its April 1st meeting. All of the other cities around us, as well as the county have done this. **It is the only possible way to give you enough time to thoroughly investigate this new issue and make wise recommendations that the city can impose.** I know that you are bound by a legal process of public hearings, notifications, etc. and that this is a study session only. **If businesses are allowed to open before you can enact regulations or impose any conditional use standards, I do not know if they could be applied retroactively, unless the council does enact a moratorium April 1st.**

I am very encouraged to see that you are considering options, such as:

- A 500 foot buffer zone between residential areas and dispensaries (similar to what Central Point has just enacted)
- Limitations on hours of operation
- Locations of dispensaries by other public areas

In our case, 400 Williamson Way is at the very edge of an E-1 area and is quite literally, within the neighborhood, rather than out of it. It is separated from our home by a narrow street (not standard size) and a hedge. Though on paper, according to current state and city rules, it probably looks good, if you could see the site, you might question the appropriateness of the location. We have two children in our home, as do others in the neighborhood.

You also may not be aware that 437 Williamson Way lodges students of middle and high school age. They come in school groups to attend the OSF. They can often be seen excitedly chatting away as they walk on Williamson Way. As a parent, I would not allow my child to go off on a school trip and stay in lodgings so close to a medical marijuana dispensary. Many of you are parents yourselves and you know how hard it is to let them go on those first trips away from home.

I am also very concerned that **this business is already misrepresenting itself.** Living so close, I can assure you that it is not yet open. They are working on the building. **Yet you can go on-line to www.weedmaps.com and type in Top Shelf Meds and they list operating hours of 10-6 Monday-Saturday, ask for reviews, and list a phone number.** When you call, there is a message making it sound as if they are helping customers and will get back to you. **Some of the city council actually believes this is an operating business, and this is incorrect. They want to appear to be in business so they will not be limited by any city guidelines, should they be enacted.**

Thank you so much for looking into this new issue. I anxiously wait to see to see what you will recommend!

Sincerely,

Carol Kim

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MAR 21 2014

From: "Alan Ives" <loonmates@lithiawater.com>

Date: March 21, 2014, 10:26:18 AM PDT

To: rpkaplan46@gmail.com

Subject: Hearing re: marijuana dispensaries

Richard

I am a resident at 465 Williamson Way and aware of the planned location of a marijuana dispensary at 400 Williamson Way. I realize this location is at the fringe of a commercial zone with adjacent medical practices located there.

What I would like the Commission to be aware of is that there is no buffer between the 400 street building and a residential area. But more importantly to me is that although there is no school within 1000 feet of the building it is approximately 1300 feet to North Mountain Park where elementary and high school sports teams practice and play regularly scheduled games with schools in the area. In addition North Mountain Park conducts many children's programs and is intended for their use and education.

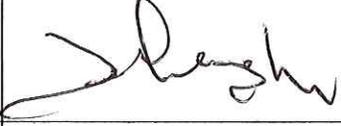
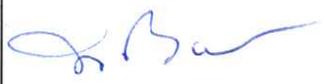
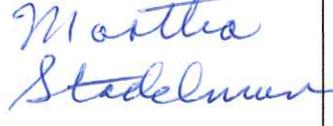
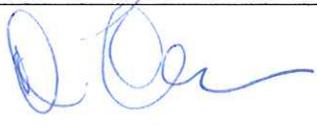
I think this is just too close and convenient with all of the parking at the park to think that the handling of drugs obtained at 400 Williamson Way would not find their way to the park. I would appreciate you sharing this information with the other commissioners.

Alan H. Ives
465 Williamson Way
541-482-7124

We, the undersigned, are neighbors of a proposed dispensary at 400 Williamson Way. We urge the City of Ashland to implement a temporary moratorium on medical marijuana dispensaries on April 1st, 2014. This will give our city Planning Commission needed time to carefully consider the following factors: buffer zones between residential areas and dispensaries (preferably of 500 feet or so) to adequately separate neighborhoods and these businesses, hours of operation, appropriate screening, and other issues in connection with this new presence in our community.

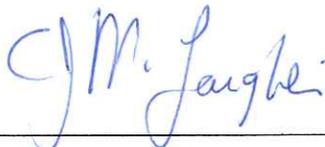
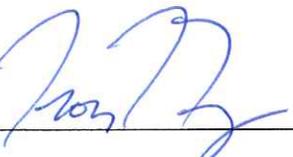
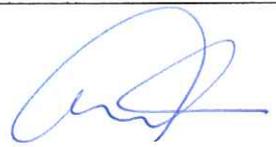
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Date MAR 24 2014

	Name (Printed)	Signature	Address	Date
1.	Linda Stickle		492 Rogue Pl. Ashland, OR 97520	3/22/14
2.	Ed Colson		442 Rogue Pl. ASHLAND, OR 97520	3/22/14
3.	Jennifer Hauff		442 Rogue Pl. ASHLAND, OR 97520	3/22/14
4.	ALEX LUKACS		457 WILLIAMSON WAY ASHLAND, OREGON 97520	3/22/14
5.	Fross Barker		459 Williamson Way Ashland, OR 97520	3/22/14
6.	Martha Stadelman		463 Williamson Ashland Way 97520 etc.	3/22/14
7.	GARY DODDS		464 WILLIAMSON ASHLAND	3/22/14
8.	PATRICIA MICHELS		466 Williamson Way Ashland, OR 97520	3/22/14
9.	Dave Helmich		468 Williamson Way Ashland 97520	3/22/14

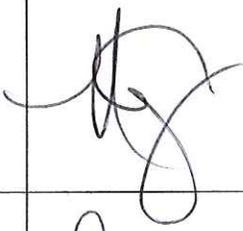
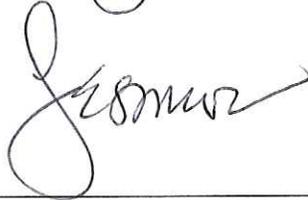
RECEIVED

MAR 24 2014

	Name (Printed)	Signature	Address	Date
10.	Surya Bolon		470 Williamson Ave	3/22/14
11.	CJ McLaughlin		471 Williamson Way	3/22/14
12.	JOHN A. KLUG		471 Williamson Way	3/22/14
13.	Troy FERGUSON		475 WILLIAMSON WAY	3/22/14
14.	Allyn Stone	Allyn Stone	474 Williamson	3/22/14
15.	Arden Gregorio	Arden Gregorio	474 Williamson	3/22/14
16.	Jane Holmes	Jane Holmes	357 Starflower Ln	3/22/14
17.	Carol Kim	Carol Kim	422 Rogue Pl. Ashland, OR 97520	3/22/14
19.	Andrew Kim		422 Rogue Place Ashland	3/22/2014

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MAR 24 2014

	Name (Printed)	Signature	Address	Date
20.	Edward HUNGERFORD	Edward Hungerford	456 Williamson Way	3/23/14
21.	Sheila Hungerford	Sheila Hungerford	456 Williamson Way	3-23-14
22.	Mary Canfield	MARY CANFIELD	465 Williamson Way	3/23/14
23.	Alan Ives	ALAN IVES	465 Williamson Way	3/23/14
24.	Michelle Clary		460 Williamson Way	3/23/14
25.	Craig Jesmer		422 Williamson Way	3/23/14
26.	Mary T Martin	Mary T Martin	469 Williamson Way	3-24-14
27.	William Clary		460 Williamson Way	3-24-14

From: Surya Bolom <sbolom@ccountry.net>

To: tbrownpc@gmail.com, rpkaplan46@gmail.com, hmillers@jeffnet.org, sassetta@mind.net,
molnarb@ashland.or.us, tmeddicord@gmail.com, lthompson@hotmail.com

Cc: mike@council.ashland.or.us

Sent: Sun, 23 Mar 2014 17:47:23 -0700 (PDT)

Subject: Medical Marijuana Dispensaries

RECEIVED
MAR 24 2014

Dear Planning Commission:

RE: Request for a moratorium on Medical Marijuana Dispensaries until a more thorough evaluation is done and new rules are put in place.

I am in favor of full legalization of both medical and recreational marijuana. This is a very complicated issue and finally the health benefit and legitimacy of marijuana is coming to light.

However:

We are all walking on a new ground concerning this issue. Most of the surrounding towns are more cautious, which in this case I think is wise. With more forethought, we can make this change a positive and welcome one. I appreciate the more progressive ideals of Ashland yet hesitate to let ideals release too much freedom in an area that is still an unknown.

My Concerns:

- 1) How many dispensaries are suitable for Ashland..shouldn't there be a limit? Do we want to become the only place around...what will this do to our town, without going more slowly and observing the effects of this valuable change?
- 2) Where would these dispensaries best serve the customers and not cause a disruption for the surrounding area? I am near a proposed dispensary that seems to be already advertising itself on Williamson Way. Although it is E-1 usage really it is 40-50 feet from our homes. I am opposed to this location. I was informed that the Council didn't want one downtown, so why is it okay in our very quiet low trafficked residential area?
- 3) I can see these businesses in well used sites where numerous businesses are open 6-7 days a week and operate am-pm, ie Albertsons, Market of Choice, Printfast. Here there are lots of folks, lots of parking.
- 4) Friends might meet here and hang out some, another whole change in a residential area, where in populated businesses area this wouldn't be a problem.
- 5) The place on Williamson Way has been quietly hiding this from us, the neighbors for sometime. So it is apparent that any of our concerns have not been considered. This causes even further suspicion that any of our concerns would not be heeded if this place gets the green light.
- 6) I favor taking time to evaluate where these places are best suited, how many, and what conditions would be positive for the customers and community rather than rushing into a potentially disruptive and antagonistic change.

Please consider more thoroughly how to handle these dispensaries.

Thank you

Surya Bolom
470 Williamson Way

RECEIVED

MAR 27 2014

From: Bill Clary <BClary@dadco.com>
Date: March 27, 2014, 11:40:36 AM PDT
To: "rpkaplan46@gmail.com" <rpkaplan46@gmail.com>
Subject: Medical Marijuana Dispensaries

Dear Commissioner Kaplan,

Having attended the recent Planning Commission study session and an informational meeting with the City Administrator, a recurrent theme has emerged that compares a Medical Marijuana Dispensary to a state run liquor store. With this theme in mind, it would make sense to apply similar OLCC guidelines for the location of liquor stores to the location of Medical Marijuana dispensaries. The OLCC has determined at this time, that there is a need for only one liquor store in Ashland. I believe a topic for discussion should be how many Medical Marijuana dispensaries are necessary. If the OLCC is any guide, only one dispensary is needed at this time. Please take this into consideration along with the need for a proper residential buffer zone and special use permits for residential overlays in E-1 zones. Proper planning and forethought at this time could greatly reduce future controversies, especially if the use of marijuana is eventually fully legalized by the state. Thank you for your time and consideration on this issue.

Sincerely,

William Clary, 460 Williamson Way, Ashland

William E. Clary, CFP®
Vice President, Financial Consultant
The Wright Financial Group
Consultants with D. A. Davidson & Co.

541-608-4377
866-236-3156
3210 Hillcrest Park Drive, Suite 200
Medford, OR 97504
wclary@dadco.com
www.thewrightfinancialgroup.com

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APR - 3 2014

Dear Commissioners,

I am writing you in the hope of providing a reasonable solution for the location of Medical Marijuana dispensaries within the city of Ashland.

I do want to make it clear that I am not opposed to Medical Marijuana dispensaries. I believe that there are many appropriate medicinal uses of marijuana, especially in cancer treatment and pain management.

Due to the popularity and need for dispensaries, it is very important that they are located in areas of the city that can accommodate their current level of traffic, and the exponential increase in traffic that would occur if recreational marijuana use is legalized in the state of Oregon.

The harmony and sustainability of a neighborhood like Williamson Way would be in jeopardy if a dispensary or other high volume business is allowed to operate in its vicinity. In conversations with the owner of Puffs Smoke Shop, he indicated that the traffic to his dispensary can be over 100 cars a day. Our neighborhood accommodates more pedestrians, dogs and bicyclists than cars. Neighborhoods like Williamson Way are designed to encourage walking and bicycling with paths and trails throughout the neighborhood. This design is in direct conflict with what is needed to accommodate a dispensary.

At the April 1st City Council meeting, the seeds of a very practical solution were planted: Medical Marijuana dispensaries should be located off of main arterial streets. The issue regarding the amount of traffic from a business within or bordering a residential zone, could be easily addressed by requiring direct access to a street that can accommodate the volume of traffic the business would generate. Streets such as Siskiyou Boulevard, North Main, Highway 66, and Lithia Way would be able to handle the traffic of a Medical Marijuana dispensary location (or future retail operation).

Please consider the merits of this proposal as you debate this very complex issue. Your commitment to providing well thought out solutions to these issues is very much appreciated.

Sincerely,

William Clary, 460 Williamson Way

William E. Clary, CFP®
Vice President, Financial Consultant
The Wright Financial Group
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Dear Planning Commission,

My name is Carol Kim and I live at 422 Rogue Pl. I am wondering : How can we maintain Ashland's charm and unique neighborhoods, while still providing access to medical marijuana?

At present, businesses such as dispensaries, nightclubs, bars, liquor stores, or even crematoriums can all be put in an E-1 zone. The traffic generated and the hours of operation as well as other factors would have negative effects on any neighborhood. Should such businesses be placed next to neighborhoods simply because existing codes allow it?

I believe businesses like dispensaries should be established in areas that can handle large volumes of traffic and people at all hours. Cities like San Diego have confined medical marijuana dispensaries to light industrial and commercial use, keeping them at least 600 feet from homes and other sensitive areas like parks and playgrounds.

As you examine medical marijuana dispensaries and possible locations, please consider the following questions:

1. How many dispensaries are needed and will be allowed in Ashland?
2. What are the best locations for them?
3. Will legalization be on the ballot as early as November in Oregon? How will medical marijuana dispensaries be handled? Will they automatically be allowed to sell recreational marijuana? If so, please consider all the ramifications of this, especially on neighborhoods.
4. How can you protect neighborhoods from the negative impacts of dispensaries? Perhaps keep them on arterial streets or in shopping centers, buffer zones, out of E-1 areas with residences next to them, away from parks, etc.
5. Why does the city currently not want dispensaries downtown? What will be the impact there?

Please take this time to examine what other cities are doing, visit affected neighborhoods and downtown, and make your usual good study of all the issues. Thank you.

April Lucas

From: Bill Clary [BClary@dadco.com]
Sent: Tuesday, April 15, 2014 3:03 PM
To: lucasa@ashland.or.us
Subject: Zoning for Medical Marijuana Dispensaries

RECEIVED

APR 15 2014

Dear Ms. Lucas,

Could you please provide this email to Commissioner Dawkins.

Dear Commissioner Dawkins,

As a follow on to my commentary at the April 8th meeting regarding Medical Marijuana Facilities, I would ask that you consider an ordinance prohibiting dispensaries on any lot located in an E-1 zone that does not front a boulevard. A 100 foot buffer from a residential zone would do little to reduce the potential traffic nightmare in neighborhoods like Williamson Way. If Medical Marijuana Dispensaries operate similar to a pharmacy, the Institute of Transportation Engineers Trip Generation Manual would imply 8 - 11 vehicle trips per hour for every 1,000 square feet of gross floor area. The building at 400 Williamson Way is 4,400 SF. So with 10-12 hours of operation, the potential traffic count would be 400-500 cars per day. That level of traffic would clearly overwhelm our neighborhood. Restricting dispensaries to areas of the city that are designed for heavy traffic flow would provide the necessary access to Medical Marijuana and greatly reduce the impact to residential neighborhoods. Please consider this proposal as the Planning Commission deliberations potential zoning regulations. Thank you for the time and effort that has been applied to this issue so far. Your leadership is appreciated.

William Clary, 460 Williamson Way

Thank you very much.

William E. Clary, CFP®
Vice President, Financial Consultant
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April Lucas

From: Bill Clary [BClary@dadco.com]
Sent: Wednesday, April 16, 2014 1:11 PM
To: lucasa@ashland.or.us
Subject: Medical Marijuana Dispensaries & E-1 Zoning

RECEIVED

APR 16 2014

Dear Ms. Lucas,

Could you again please provide the following email to Commissioner Dawkins:

Dear Commissioner Dawkins,

As a resident of the Williamson Way neighborhood, I want to make it clear that our opposition to a dispensary at the 400 Williamson Way address is not due to the product and/or service they intend to provide as was implied during the recent City Council meeting's public testimony. Our neighborhood would be equally opposed to any business that would generate similar traffic. We would be opposed to a traditional pharmacy, a bar, a restaurant, a grocery store, a gas station, etc. Basically any business that would impact the quiet, pedestrian oriented nature of our neighborhood. The businesses that have operated on Williamson Way have been lower traffic, medical office or traditional office oriented, that typically hold M-F, 9am-5pm hours. These are ideal businesses for the mixed use E-1 zone that our neighborhood borders. The situation that has developed at 400 Williamson Way has been a wakeup call to the neighborhood regarding the need for well thought out zoning regulations, especially in E-1 zones. As the Planning Commission considers appropriate zoning regulations for medical marijuana dispensaries, I would ask you consider appropriate restrictions in E-1 zones on any business that generates a significant amount of traffic. An example would be any business generating an ITE anticipated trip generation in excess of 5 trips per hour for every 1000 square feet of gross floor area would have to front a boulevard and/or require a conditional use permit based on the traffic impact. Our goal is to maintain the quality and integrity of our neighborhood, and have thriving E-1 Zone businesses that work within the traffic constraints of Williamson Way. I know our neighborhood is rather unique in its configuration, so your guidance and leadership in developing a workable solution is very much appreciated.

Sincerely,

William Clary, 460 Williamson Way

Thank you very much.

William E. Clary, CFP®
Vice President, Financial Consultant
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APR 22 2014

From: "Carol Kim" <horacekim@hotmail.com>

To: tbrownpc@gmail.com, rpkaplan46@gmail.com, hmillier@jeffnet.org, sassetta@mind.net, molnarb@ashland.or.us, tmpeddicord@gmail.com, lkthompson@hotmail.com

Sent: Monday, April 21, 2014 7:30:52 PM

Subject: April 22nd & medical marijuana dispensaries

Dear Commissioners & Staff,

My name is Carol Kim. I want to thank you for listening patiently to me at your last meeting as I spoke on behalf of the Williamson Way neighborhood. I am not gifted in public speaking. I would very much like to attend your April 22nd study session to hear more of your discussion but I will either be late or unable to attend due to one of my children's school activities. Instead, I am sending this short e-mail. I really appreciate how hard you are working on the medical marijuana dispensary issue. It is so new, with so many unknowns, that it isn't an easy situation to figure out. I looked over your packet and was very impressed with what you have already come up with, especially having to work under time constraints. Your current ideas really address our neighborhood's concerns, as well as leaving plenty of options for new businesses to develop, in much better and more accessible locations.

Thank you very much for your continued hard work on this. Having now been to several city meetings, I am seeing firsthand how much hard work, including long hours!, goes into city planning and governance! I can say with sincerity that I appreciate your willingness to tackle the many different city planning issues, carefully examining all of the positions.

Carol Kim, 422 Rogue Pl., Ashland