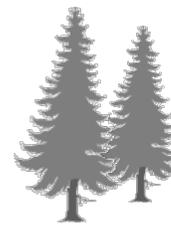


CITY OF ASHLAND

TREE COMMISSION AGENDA December 3, 2015



CALL TO ORDER

6:00 p.m. in the Siskiyou Room of the Community Development and Engineering Services building located at 51 Winburn Way.

APPROVAL OF MINUTES

Approval of November 5, 2015 regular meeting minutes.

ANNOUNCEMENTS & LIAISON REPORTS

- City Council Liaison
- Parks & Recreation Liaison
- Community Development Liaison

PUBLIC FORUM

Welcome Guests

TYPE I REVIEWS

PLANNING ACTION: PA-2015-01892
SUBJECT PROPERTY: 432 Wimer Street
APPLICANT: Advantage Building and Design
OWNER: Steven and Wendy Clouse
DESCRIPTION: A request for Physical and Environmental Constraints Review and Exceptions to Hillside Design Standards and Street Standards in order to construct a single family residence. The proposal includes a request to remove 11 trees.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10;
ASSESSOR'S MAP: 39 1E 05CD; **TAX LOTS:** 502.

PLANNING ACTION: PA-2015-01987
SUBJECT PROPERTY: 0 Morton Street
OWNER/APPLICANT: Charlie Hamilton/Suncrest Homes
DESCRIPTION: A request for a Physical and Environmental Constraints Review permit and Variance to lot coverage in order to construct a single family residence. The proposed building footprint may impact trees on the site. However, no tree removals are requested.
COMPREHENSIVE PLAN DESIGNATION: Low Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 16AC; **TAX LOTS:** 442.

PLANNING ACTION: PA-2015-02071
SUBJECT PROPERTY: 219 Granite Street
OWNER/APPLICANT: Len Eisenberg
DESCRIPTION: A request for Site Design Review and a Variance to lot coverage in order to construct a single family residence and detached Accessory Residential Unit. The site has several trees that will be impacted by the applicant's proposal. However, no tree removal permits have been requested because the trees to be removed are too small to be regulated.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10;
ASSESSOR'S MAP: 39 1E 08DA; **TAX LOTS:** 900.

PLANNING ACTION: PA-2015-02202
SUBJECT PROPERTY: 111 Third Street
APPLICANT: Kerry Kencairn
OWNER: Don and Elizabeth Olson
DESCRIPTION: A request to remove a 23-inch diameter at breast height Douglas-fir (*psuedotsuga menziesii*) to accommodate a grade correction for the historic house on the property.
COMPREHENSIVE PLAN DESIGNATION: Multi-family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOTS:** 8800.

TYPE II REVIEWS

PLANNING ACTION: PA-2015-01856
SUBJECT PROPERTY: 229 W. Hersey St.
OWNER/APPLICANT: RW Signature Properties LLC
DESCRIPTION: A request for Site Design Review approval to construct 11 multi-family residential units for the property located at 229 West Hersey Street. Also included are requested for an Exception to Street Standards to construct a five-foot sidewalk and five-foot bio-swale parkrow where a six-foot sidewalk and seven-foot parkrow planting strip are required, and a Tree Removal Permit to remove three trees greater than six-inches in diameter at breast height (d.b.h.).
COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT:** #9900.

PLANNING ACTION: PA-2015-02038
SUBJECT PROPERTY: 85 Winburn Way
APPLICANT: Carlos Delgado, *Architect*
OWNER: Bryan & Stephanie DeBoer
DESCRIPTION: A request for a Physical and Environmental Constraints Review Permit for the development of Hillside Lands with Severe Constraints to allow the construction of a single family residence on the property located at 85 Winburn Way. The application includes requests for an Exception to the Development Standards for Hillside Lands (18.3.10.090.B Hillside Grading & Erosion Control) to allow structural retaining walls along the west side of the property to exceed seven feet in height and for Tree Removal Permits. 18 of the site's 21 trees are proposed for removal, including three significant trees 18-inches or more in diameter which require Tree Removal Permits.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 09 BC; **TAX LOT:** 3000.

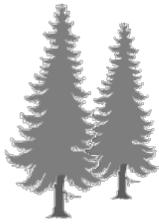
NEW BUSINESS/ITEMS FROM COMMISSIONERS

DISCUSSION ITEMS

- Development Standards for Wildfire Lands ordinance amendments
- Tree of the Year Announcement
 - Tree of the Year process
- Arbor Day 2016
- Street Tree Guide

ADJOURNMENT

Next Meeting: January 7, 2015



CITY OF ASHLAND



TREE COMMISSION MINUTES - DRAFT November 5, 2015

CALL TO ORDER

6:00 p.m. in the Siskiyou Room of the Community Development and Engineering Services building located at 51 Winburn Way.

Commissioners	Council Liaison
Ken Schmidt	Carol Voisin (<i>absent</i>)
Gregg Trunnell	Staff
Casey Roland	Zechariah Heck, <i>Staff Liaison</i>
Maureen Battistella	Pete Baughman, <i>Parks Liaison (absent)</i>
Russell Neff	
Christopher John (<i>absent</i>)	
Mike Oxendine	

APPROVAL OF MINUTES

Trunnell/Oxendine m/s to approve October 8, 2015 regular meeting minutes. The motion passed unanimously.

ANNOUNCEMENTS & LIAISON REPORTS

- City Council Liaison
- Parks & Recreation Liaison
- Community Development Liaison

Heck updated the Commission on Code of Ethics for Commissioners and explained that Commissioners shall not present a project in front of a body they are appointed to, whether they received payment or not for the project. Heck also gave the Commission an update on Planning Actions reviewed last month.

PUBLIC FORUM

Nobody from the audience provided public comments.

TYPE I REVIEWS

PLANNING ACTION: PA-2015-01894

SUBJECT PROPERTIES: 263 and 267 Granite Street

OWNER: Robert and Susan Cain

APPLICANT: Kerry Kencairn

DESCRIPTION: A request to modify a previous subdivision approval and a Physical and Environmental Constraints Permit in order to build a single family residence with an accessory residential unit. Included in the application is a proposal to relocate a public path and pedestrian easement.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential and Woodland; **ZONING:** R-1-10 and WR; **ASSESSOR'S MAP:** 39 1E 08DA; **TAX LOTS:** 1902; 1900.

Commissioners Trunnell/Oxendine m/s to recommend approval of the plans as submitted with the following recommended condition. The motion was unanimously supported.

- 1) That the applicant provides an updated tree inventory identifying the *Zelkova serratas* located on the inside of the second driveway, east of the proposed property line. These trees should have protective fencing around them during all construction on site and be inspected/approved by Staff prior to the beginning of work on site.

PLANNING ACTION: PA-2015-01981
SUBJECT PROPERTY: 624 & 640 A Street
APPLICANT/OWNER: Jim & Cheryl Lewis
DESCRIPTION: A request for a Tree Removal Permit to remove four Black Cottonwood Trees situated between 624 & 640 A Street. The project arborist notes that limbs or tops of the trees have unexpectedly broke and fell to the ground resulting in damage to structures on the property.
COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AB; **TAX LOT:** 4800 & 4900.

Commissioners Neff/Roland m/s to recommend approval of the plans as submitted. The motion was unanimously supported.

PLANNING ACTION: PA-2015-02003
SUBJECT PROPERTY: 35 South Second Street
OWNER/APPLICANT: MPM Investments
AGENT: Kistler, Small & White, Architects
DESCRIPTION: A request for a Modification of Planning Action #2015-01496 to allow the removal of two trees, a 12-inch diameter at breast height (d.b.h.) Birch and a 4-inch d.b.h. Maple that were not identified for removal in the original approval which included a Conditional Use Permit, Site Design Review, Tree Removal Permit to remove two trees, and an Exception to Street Standards to allow new kitchen and bar additions to the Winchester Inn located at 35 S. Second St. The removal of the Birch tree requires a Tree Removal Permit because the tree is over six-inches in diameter.
COMPREHENSIVE PLAN DESIGNATION: Commercial Downtown; **ZONING:** C-1-D;
ASSESSOR'S MAP: 39 1E 09BD; **TAX LOTS:** 5600-5700.

Commissioners Oxendine/Trunnell m/s to recommend approval of the plans as submitted with the following recommended conditions. The motion was unanimously supported.

- 1) That three (3) apple trees, as proposed by the applicant, are planted on site as mitigation trees. Two (2) of the mitigation trees should be seen as a punitive measure for removing a tree without a permit that was previously listed as being preserved.

PLANNING ACTION: PA-2015-02022
SUBJECT PROPERTIES: 670 C Street
OWNER: Mike and Laura Murphy
APPLICANT: Canopy LLC
DESCRIPTION: A request to remove one scots pine tree (*Pinus sylvestris*) that is described as a problematic tree for various reasons.
COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; **ZONING:** R-2;
ASSESSOR'S MAP: 39 1E 09AC; **TAX LOTS:** 8400.

Commissioners Oxendine/Neff m/s to recommend a decision on the Planning Action be postponed in order to allow the applicant to substantiate their case for removal, citing the points below, and request the applicant present their case in front of the Commission during their next meeting. The motion was unanimously supported.

- 1) That the arborist report speak to whether the tree is a hazard tree or not;
- 2) That the application include evidence of the tree affecting the foundation of the house, if determined to be a “hazard tree”;
- 3) And that the arborist report speaks specifically to the Approval Criteria for tree removal (either Hazard or Non-Hazard).

TYPE II REVIEWS

PLANNING ACTION: PA-2015-01284
SUBJECT PROPERTY: 474 Russell Street
OWNER/APPLICANT: Laz Ayala/Ayala Properties, LLC
DESCRIPTION: A request for Site Design Review approval to construct two mixed-use buildings for the property located at 474 Russell Street. “Building A” will be a two-story, mixed use 8,688 square foot building consisting of commercial space and garages on the ground floor, and four residential condominiums on the second floor; “Building B” will be a two-story 12,617 feet commercial building consisting of commercial space with six residential condominiums on the second floor.
COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR’S MAP:** 39 1E 09AA; **TAX LOTS:** 2805

Commissioners Oxendine/Schmidt m/s to recommend approval of the plans as submitted with the following conditions and recommendations. The motion was unanimously supported.

- 1) That the project landscaper signs off on specification notes on the planting plans before installation;
- 2) That, as a recommendation, the applicant selects locally adapted trees for the site;
- 3) And, as a recommendation, the applicant uses structural soil and provides sun protection to increase the longevity of the newly planted trees.

PLANNING ACTION: PA-2015-01517
SUBJECT PROPERTY: 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St. (*And shared driveway partially on 237-239 Oak St.*)
OWNER/APPLICANT: Spartan Ashland Natalie Real Estate, LLC
AGENTS: Kistler, Small & White, Architects
DESCRIPTION: A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and the sidewalk; an Exception to the Site Development and Design Standards to allow

the placement of a new residence on proposed Lot #9 to be placed behind the setback line of adjacent historic buildings; and a Tree Removal Permit to remove two trees which are within the footprints of proposed buildings. (The proposal involves use of the existing driveway which is partially located on the adjacent property to the north at 237-239 Oak Street; this property's owner has signed to allow the application to move forward using the shared driveway.) **COMPREHENSIVE PLAN**

DESIGNATION: Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15600, 15700, 15900 and 16000.

Commissioners Trunnell/Battistella m/s to recommend approval of the plans with the following conditions and recommendations. The motion was unanimously supported.

- 1) That trees numbered 7, 8, 9, 10 & 11 on the applicant's protection plan meet the criteria for removal;**
- 2) That the Tree Protection Zone is not adequate to protect trees numbered 1, 2, 3 and 4, and, therefore, shall be extended to the maximum extent possible;**
- 3) That the applicant begins a watering regime and applies a mulch to the base of all the site's trees to remain in order to mitigate negative impacts;**
- 4) That the applicant installs street trees per city standards and that are a minimum of three (3) inch caliper specimens;**
- 5) That, as a recommendation, the applicant obtains a second opinion of another arborist in order to determine the likelihood of preserving trees numbered 1 and 3 on the applicant's protection plan.**

NEW BUSINESS/ITEMS FROM COMMISSIONERS

- Tree of the Year nominations to be selected to the Top 5.
The Commissioners had a discussion on the nominees and the overall process of the program. They also reviewed an email submitted by a community member concerned about the benefits of the Tree of the Year program (agenda item below). At the end of the discussion, the Commissioners provided Heck with their votes for the top five finalists. Heck tallied the votes and the top five were determined to be as follows: Magnolia on Oak Street, Japanese Maple on Holly Street, Oak tree at Mt. View Cemetery, Black Walnut at the Nature Center in North Mountain Park, and the Italian Pine on Walker Avenue.
- Letter concerning Tree of the Year

DISCUSSION ITEMS

- Street Tree Guide.

No discussion took place regarding the Street Tree Guide.

ADJOURNMENT

Next Meeting: December 3, 2015

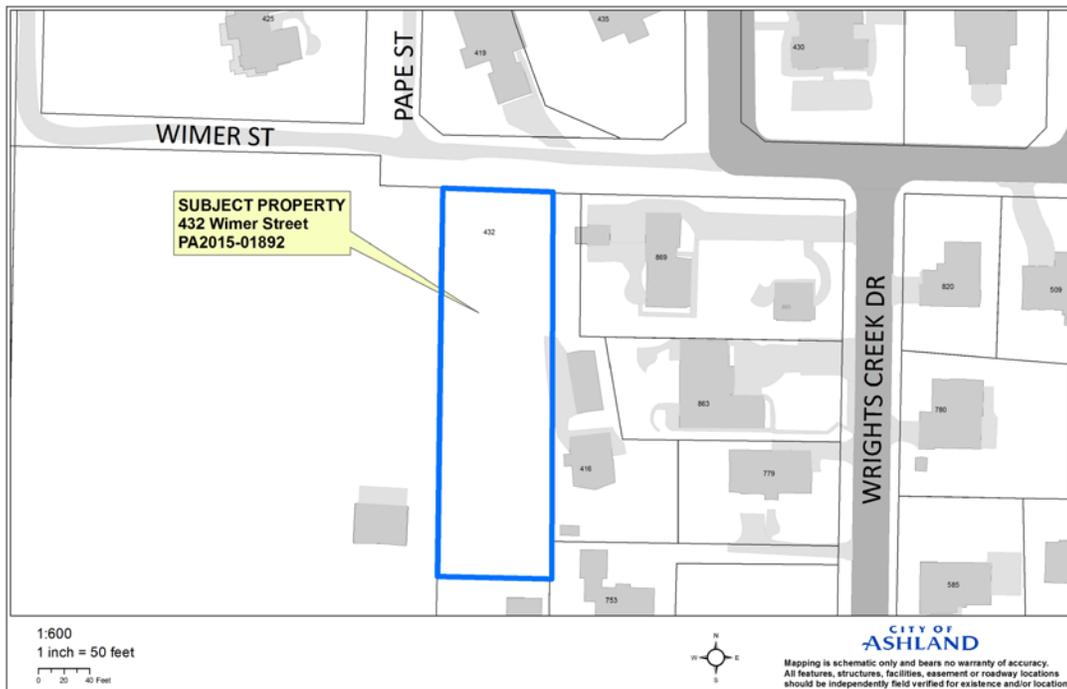


NOTICE OF APPLICATION

PLANNING ACTION: PA-2015-01892
SUBJECT PROPERTY: 432 Wimer Street
APPLICANT: Advantage Building and Design
OWNER: Steven and Wendy Clouse
DESCRIPTION: A request for Physical and Environmental Constraints Review and Exceptions to Hillside Design Standards and Street Standards in order to construct a single family residence. The proposal includes a request to remove 11 trees. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP:** 39 1E 05CD; **TAX LOTS:** 502.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: November 20, 2015
DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 4, 2015



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

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

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

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

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

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

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. 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.
- B. 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.
- C. 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 development permitted by this ordinance.

EXCEPTION TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS

18.3.10.090.H

An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#) Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

Two short terraces constructed of dry stacked landscaping blocks are proposed on the downhill side (west) of the driveway, vehicle maneuvering area and residence.

b. & c. Avoid hazardous or unstable portions of the site.

Based on the Geological Report there are no hazardous or unstable portions of the site.

d. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

More than 77 percent of the lot is in a natural state.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

The final inspection report completed by the geotechnical expert will be provided prior to the issuance of the certificate of occupancy.

C. Surface and Groundwater Drainage.

Due to the distance of the existing storm drain line (Wimer Street near Thornton Way) being so far from the site, alternate methods for stormwater facilities are being explored. Ideally, a dry well with a detention pond and adequate leach field are proposed. The project engineer and geotechnical expert are currently working on a design that complies with the Residential Structural Specialty Code. If difficulties arise in engineering this system, the stormwater will be piped from the site into a new line that would be extended from the site to the existing line at Wimer and Thornton. If the on-site dry well and detention pond are a viable option, they will be the first facilities constructed on site.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees.

See the attached Tree Inventory / Protection Plan (PL 1.0) completed by Kerry KenCairn, Landscape Architect. Details regarding the protection are attached. A large portion of the site is not affected by the proposed development and therefore is not included in the inventory.

2. Evaluation of Suitability for Conservation.

See the attached Tree Inventory / Protection Plan (PL 1.0) completed by Kerry KenCairn, Landscape Architect. The majority of the sites trees are proposed for conservation. The eleven trees proposed for removal are ten-inches in DBH and less.

3. Tree Conservation in Project Design.

All deciduous trees that are more than 12-inches DBH are proposed for preservation. The site layout including utility installation are in the areas of least disturbance and will not have negative impacts on the preserved trees. The minimum number of trees are proposed for removal. The trees proposed for

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removal are smaller in stature and a number are unhealthy with decay, dead limbs, and fences within the trees trunk and / or are multi-stemmed.

4. Tree Protection.

See the attached Tree Inventory / Protection Plan

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.
- c. The tree is located within a water, sewer, or other public utility easement.
- d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
- e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

The access, driveway and vehicle maneuvering area and the placement of the resident are all in response to the site topography and the locations of the trees. The trees are within the building envelope, the driveway, parking areas or will be negatively impacted by proposed cuts to a degree that they will not survive. All of the site trees are Oak which are adverse to construction impacts, the majority of trees, including the biggest, most beautiful trees on the site are all being preserved.

6. Tree Replacement.

Eleven trees are proposed for removal that are subject to the requirements of this chapter. Due to the sites numerous native oaks, the location of the property within the wildfire hazard zone and being located on a south facing slope it is proposed that none of the trees removed be mitigated for on-site. This is because irrigation is not proposed outside of the areas directly adjacent to the residence and in the two terraces below the residence as it would have an adverse impact on the native oak trees.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards.

1. Building Envelopes.

Not applicable, the property was created in 1980.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

- a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet.

A single story residence is proposed that is less than 35-feet in height.

- b. Cut buildings into hillsides to reduce effective visual bulk.

The north wall of the residence is cut into the hillside, the structure 'hugs' the hillside to reduce the effective visual bulk.

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encouraged not only through the hillside design standards but also the tree protection / preservation ordinance.

3. The exception is the minimum necessary to alleviate the difficulty.

The exceptions are the minimum necessary to alleviate the difficulty in meeting the code. Both of the design standards are for aesthetic purposes. There are no properties in the City that will be negatively affected by the proposed walls lengths and height as this is the last lot in the City limits, the structure is below the grade of the adjacent residences that are in the city.

4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

The exception is consistent with the Purpose and Intent of the Physical and Environmental Constraints Overlay and the Development Standards for Hillside Lands. The proposed residence and site layout limit alteration of topography and reduce encroachment upon, or alteration of the natural environment and; to provide for sensitive development in areas that are constrained by various natural features, such as the steep slopes in the front yard and the large oak trees at the front and rear of the proposed residence.

18.3.10.100 Development Standards for Wildfire Lands

B. Requirements for Construction of All Structures.

Compliance with the development standards for wildfire lands will be implemented on-site prior to introduction of combustible construction materials. Class B or better shingles will be used on the roof.

Tree Removal Permit

18.5.7.040 Approval Criteria

B. Tree Removal Permit.

a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.

There are 50 trees greater than six-inches in diameter at breast height (DBH) on the property. Of these 18 trees proposed for removal, seven of which are not subject to the Tree Removal Permit and Physical and Environmental Constraints chapters. These trees are less than 18-inches in diameter at breast height. On vacant R-1 zoned properties in areas that are less than 25 percent slope, trees 18-inches and greater in DBH are not subject to regulation.

There are 11 trees proposed for removal that are on lands greater than 25 percent slope and therefore they are subject to the tree removal criteria and the Physical and Environmental Constraints chapter.

The trees are primarily clustered in the area that is designated as the buildable area and the removal of the trees is necessitated by the proximity of the trees to the proposed construction and because of the Oak trees sensitivity to development.

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

The removal of the trees will not have significant negative impact on erosion or soil stability. There are no surface waters present on the site. The removal will benefit the remaining oaks as competition for light, air and ground water will be lessened. The trees proposed for removal are not part of a windbreak.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

The removal of the trees will not have a significant negative impact on the tree densities, sizes, canopies and species diversity. The site has only Oak trees, the largest, healthiest, and majority of the sites trees removal following removal of eleven trees. The entire hillside in the vicinity is forested with Oak trees.

d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

The residential density of the site is 2.61 units. The site cannot be built out to that density because of other site constraints not particularly the trees. More than 75 percent of the sites trees will remain post development.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

Due to the sites large number of remaining trees, that the remaining trees should not have irrigation introduced and designation as wildfire lands, the applicant is requesting to not mitigate the 11 trees proposed for removal. .

Exception to Street Standards:

18.4.6.020 Applicability

B. Exceptions

a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

The site is located beyond the "improved" section of Wimer Street. The street frontage is narrow, at only 20-feet wide and is gravel. There are slopes in excess of 30 percent along the frontage of the parcel excepting the northwest corner of the property and the Wimer Street right-of-way. The slope at the NW corner of the property, is less than 25 percent allowing for a reasonable access point to the property. This is also the location where the driveway for the adjacent property is located due to topographical constraints to the west of their driveway access. The topography necessitates that the driveways be closer than 24-feet.

b The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.

- i. For transit facilities and related improvements, access, wait time, and ride experience.
- ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.

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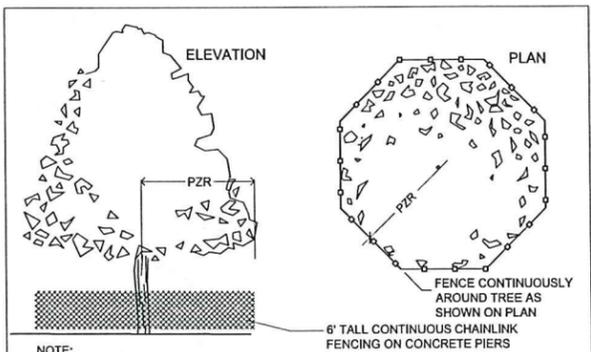
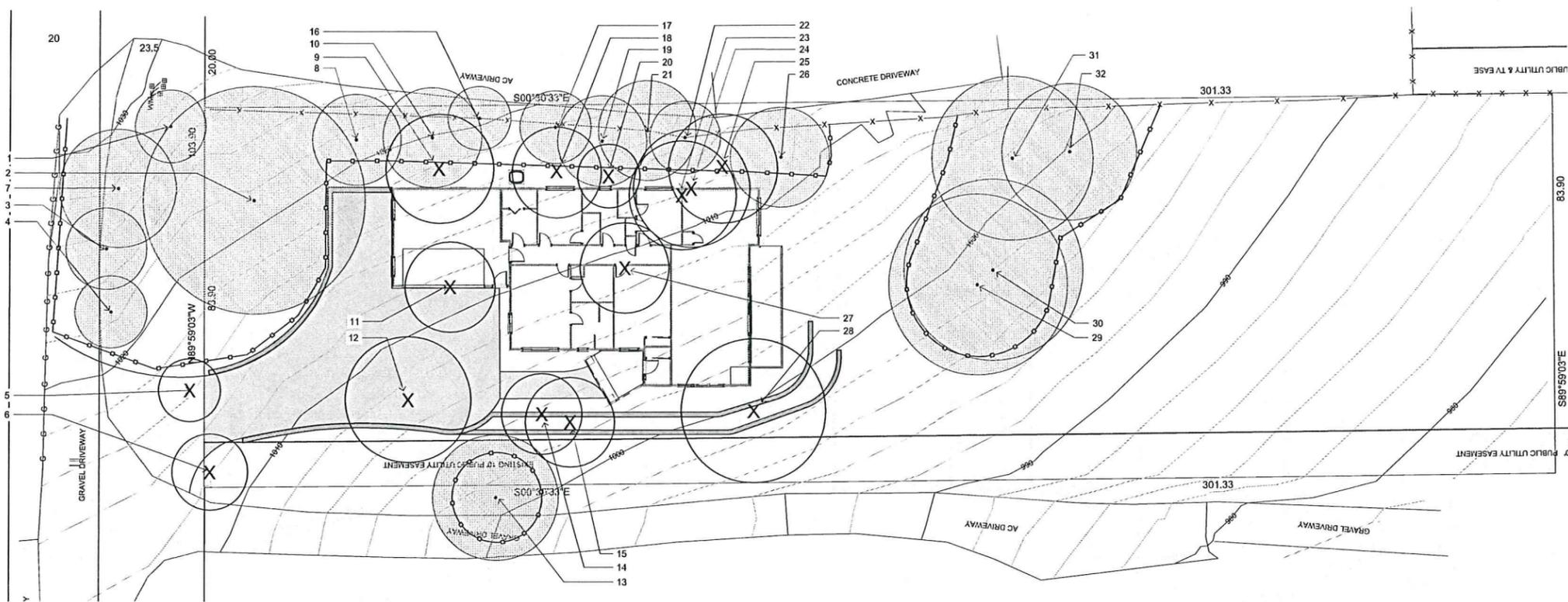
07 02 2015

City Of Ashland



Drawn By:
STAFF

SCALE 1" = 30'-0"

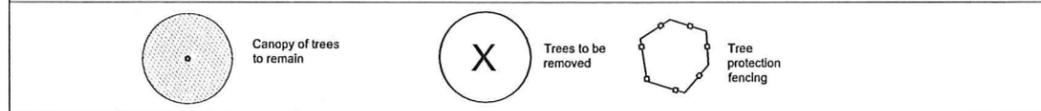


- NOTE:**
1. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO START OF CONSTRUCTION AND SHALL REMAIN IN PLACE THROUGH COMPLETION OF PROJECT.
 2. FENCING SHALL ONLY BE REMOVED TEMPORARILY FOR WORK TO BE DONE WITHIN DRIPLINE AND REPLACED AT THE END OF EACH WORK DAY.
 3. ALL EXCAVATION WITHIN DRIPLINE OF TREES SHALL BE DONE BY HAND. IF ROOTS OVER 2" IN DIAMETER ARE ENCOUNTERED, CONTRACTOR SHALL CONSULT WITH LANDSCAPE ARCHITECT OR ARBORIST BEFORE PROCEEDING.
 4. TREE ROOTS ENCOUNTERED DURING CONSTRUCTION, SHALL BE CUT CLEANLY AT A 90 DEGREE ANGLE AND PACKED WITH DAMP SOIL IMMEDIATELY.
 5. DURING CONSTRUCTION ALL TREES TO REMAIN SHALL BE IRRIGATED ON A WEEKLY BASIS OR AS NECESSARY WITH LEAKY PIPE ENCIRCLING THE TREE FROM TRUNK OUT TO DRIP LINE.

1 TREE PROTECTION

TREE LEGEND

#	Species	DBH (Inches)	Height in Feet	Crown Radius in Feet	Tree Protection Zone Radius in Feet	Tolerance to Construction	Condition	Notes
1	Quercus kelloggii	7	25	8	8.75		Fair	
2	Quercus kelloggii	13,17,18,21	35	25	25		Excellent	Multi-Stem
3	Quercus kelloggii	10	23	9	12.5		Fair	Barbed Wire in trunk
4	Quercus kelloggii	8	30	8	10		Poor	Some Dead, Leaning
5	Quercus kelloggii	9	28	7	11.5		Fair	REMOVE
6	Quercus kelloggii	9	25	8.5	11.5		Good	REMOVE
7	Quercus garyana	16	30	13	20		Good	
8	Quercus kelloggii	6,9	30	10	11.5		Good	Multi-stem
9	Quercus kelloggii	10	33	12	12.5		Fair	REMOVE
10	Quercus kelloggii	10	30	11	12.5		Good	
11	Quercus garyana	7,7	28	10	8.75		Fair	Multi-stem, REMOVE
12	Quercus garyana	9,10,11	35	14	12.5		Good	Multi-stem, REMOVE
13	Quercus garyana	5,6,6,7,8	25	14	10		Good	Multi-stem
14	Quercus kelloggii	7	30	9	8.75		Fair	REMOVE
15	Quercus kelloggii	10	28	10	12.5		Poor	Some dead, REMOVE
16	Quercus garyana	8	30	7	10		Poor	Sparse, Fence in trunk
17	Quercus garyana	6.5	25	8	8.125		Fair	Fence in trunk, Multi-stem
18	Quercus kelloggii	9	32	10	11.5		Good	REMOVE
19	Quercus kelloggii	10	30	10	12.5		Fair	
20	Quercus kelloggii	6,6	23	7	7.5		Good	Multi-stem, REMOVE
21	Quercus kelloggii	9	30	11	11.5		Good	Fence in trunk
22	Quercus garyana	8	30	8	10		Fair	Fence in trunk
23	Quercus garyana	9	30	12	11.5		Fair	Lower dead, REMOVE
24	Quercus kelloggii	9	33	13	11.5		Fair	Lower dead, fence in trunk, REMOVE
25	Quercus kelloggii	8	25	12	10		Good	REMOVE
26	Quercus kelloggii	9	30	11	11.5		Fair	Fence in trunk
27	Quercus garyana	6	25	10	7.5		Good	REMOVE
28	Quercus kelloggii	8,10,10,10	40	16	12.5		Good	Multi-stem, REMOVE
29	Quercus kelloggii	12,13	40	20	16.25		Excellent	Multi-stem
30	Quercus kelloggii	12	40	20	15		Excellent	Leaning
31	Quercus garyana	8,9,12	40	18	15		Fair	Fence in trunk, Multi-stem
32	Quercus kelloggii	10	35	15	12.5		Fair	Fence in trunk



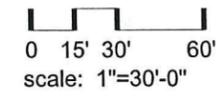
TREE PROTECTION AND REMOVAL NOTES

1. BEFORE BEGINNING WORK, THE CONTRACTOR IS REQUIRED TO MEET WITH THE LANDSCAPE ARCHITECT AT THE SITE TO REVIEW ALL WORK PROCEDURES, ACCESS ROUTES, STORAGE AREAS, AND TREE PROTECTION MEASURES.
2. FENCES MUST BE ERECTED TO PROTECT TREES TO BE PRESERVED AS SHOWN IN DIAGRAM. FENCING SHALL BE 6' TALL TEMPORARY CHAIN LINK PANELS INSTALLED WITH METAL CONNECTIONS TO ALL PANELS AREA INTEGRATED, THESE FENCES SHALL BE INSTALLED SO THAT IT DOES NOT ALLOW PASSAGE OF PEDESTRIANS AND/OR VEHICLES THROUGH IT. FENCES DEFINE A SPECIFIC PROTECTION ZONE FOR EACH TREE OR GROUP OF TREES. FENCES ARE TO REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED. FENCES MAY NOT BE RELOCATED OR REMOVED WITHOUT THE PERMISSION OF THE LANDSCAPE ARCHITECT.
3. CONSTRUCTION TRAILERS AND TRAFFIC AND STORAGE AREAS MUST REMAIN OUTSIDE FENCED AREAS AT ALL TIMES.
4. ALL PROPOSED UNDERGROUND UTILITIES AND DRAIN OR IRRIGATION LINES SHALL BE ROUTED OUTSIDE THE TREE PROTECTION ZONE. IF LINES MUST TRANSVERSE THE PROTECTION AREA, THEY SHALL BE TUNNELED, BORED UNDER THE TREE ROOTS, OR DUG BY HAND.
5. NO MATERIALS, EQUIPMENT, SPOIL, OR WASTE OR WASHOUT WATER MAY BE DEPOSITED, STORED, OR PARKED WITHIN THE TREE PROTECTION ZONE (FENCED AREA).
6. ADDITIONAL TREE PRUNING REQUIRED FOR THE CLEARANCE DURING CONSTRUCTION MUST BE PERFORMED BY A QUALIFIED ARBORIST AND NOT BY CONSTRUCTION PERSONNEL.
7. ANY HERBICIDES PLACED UNDER PAVING MATERIALS MUST BE SAFE FOR USE AROUND TREES AND LABELED FOR THAT USE.
8. IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION, THE TREE CONSULTANT SHOULD EVALUATE IT AS SOON AS POSSIBLE SO THAT APPROPRIATE TREATMENTS CAN BE APPLIED. ALL DAMAGE CAUSED BY CONSTRUCTION TO EXISTING TREES SHALL BE COMPENSATED FOR, BEFORE THE PROJECT WILL BE CONSIDERED COMPLETE.
9. THE PROJECT LANDSCAPE ARCHITECT MUST MONITOR ANY GRADING, CONSTRUCTION, DEMOLITION, OR OTHER WORK THAT IS EXPECTED TO ENCOUNTER TREE ROOTS.
10. ALL TREES REMAINING SHALL BE IRRIGATED ON A WEEKLY BASIS WHEN WORK OCCURS BETWEEN JUNE 1st THROUGH OCTOBER 1st. IRRIGATION SHALL WET THE SOIL WITHIN THE TREE PROTECTION ZONE TO A DEPTH OF 30 INCHES.
11. EROSION CONTROL DEVICES SUCH AS SILT FENCING, DEBRIS BASINS, AND WATER DIVERSION STRUCTURES SHALL BE INSTALLED TO PREVENT SILTATION AND/OR EROSION WITHIN THE TREE PROTECTION ZONE.
12. BEFORE GRADING, PAD PREPARATION, OR EXCAVATION FOR THE FOUNDATIONS, FOOTINGS, WALLS, OR TRENCHING, ANY TREES WITHIN THE SPECIFIC CONSTRUCTION ZONE SHALL BE ROOT PRUNED 1 FOOT OUTSIDE THE TREE PROTECTION ZONE BY CUTTING ALL ROOTS CLEANLY AT A 90 DEGREE ANGLE TO A DEPTH OF 24 INCHES. ROOTS SHALL BE CUT BY MANUALLY DIGGING A TRENCH AND CUTTING EXPOSED ROOTS WITH A SAW, VIBRATING KNIFE, ROCK SAW, NARROW TRENCHER WITH SHARP BLADES, OR OTHER APPROVED ROOT-PRUNING EQUIPMENT.
13. ANY ROOTS DAMAGED DURING GRADING OR CONSTRUCTION SHALL BE EXPOSED TO SOUND TISSUE AND CUT CLEANLY AT A 90 DEGREE ANGLE TO THE ROOT WITH A SAW. PLACE DAMP SOIL AROUND ALL CUT ROOTS TO A DEPTH EQUALING THE EXISTING FINISH GRADE WITHIN 4 HOURS OF CUTS BEING MADE.
14. SPOIL FROM TRENCHES, BASEMENTS, OR OTHER EXCAVATIONS SHALL NOT BE PLACED WITHIN THE TREE PROTECTION ZONE, EITHER TEMPORARILY OR PERMANENTLY.
15. NO BURN PILES OR DEBRIS PILES SHALL BE PLACED WITHIN THE TREE PROTECTION ZONE. NO ASHES, DEBRIS, OR GARBAGE MAY BE DUMPED OR BURIED WITHIN THE TREE PROTECTION ZONE.
16. MAINTAIN FIRE-SAFE AREAS AROUND FENCED AREA. ALSO, NO HEAT SOURCES, FLAMES, IGNITION SOURCES, OR SMOKING IS ALLOWED NEAR MULCH OR TREES.
17. DO NOT RAISE THE SOIL LEVEL WITHIN THE DRIPLINE 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 APPROXIMATELY 3:1 SLOPE.
18. REMOVE THE ROOT WAD FOR EACH TREE THAT IS INDICATED ON THE PLAN AS BEING REMOVED.
19. EXCEPTIONS TO THE TREE PROTECTION SPECIFICATIONS MAY ONLY BE GRANTED IN EXTRAORDINARY CIRCUMSTANCES WITH WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT.

RECEIVED

OCT 02 2015

City Of Ashland



CLOUSE
RESIDENCE
432 WIMER STREET
ASHLAND, OREGON, 97520

REVISION DATE

TREE INVENTORY/ PROTECTION PLAN

ISSUE DATE:
SEPTEMBER 3, 2015

PL 1.0



NOTICE OF APPLICATION

PLANNING ACTION: 2015-01987

SUBJECT PROPERTY: 0 Morton

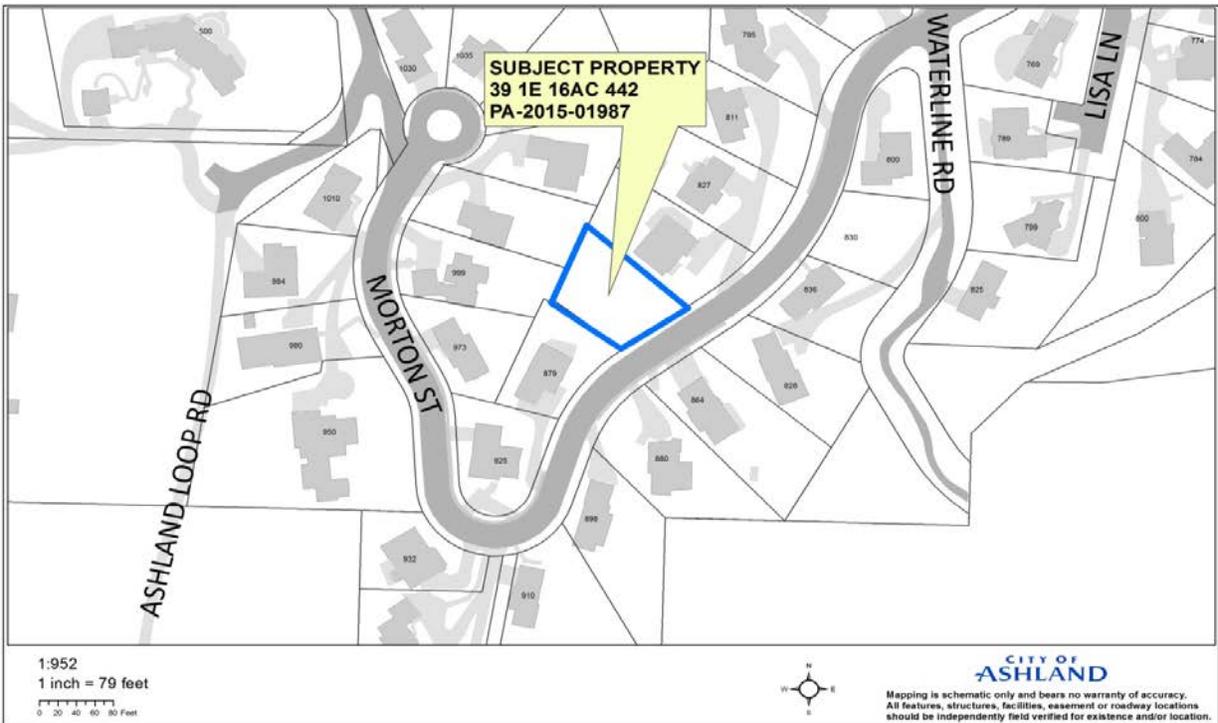
OWNER/APPLICANT: Charlie Hamilton/Suncrest Homes

DESCRIPTION: A request for a Physical and Environmental Constraints Review permit and Variance to lot coverage in order to construct a single family residence. The proposed building footprint may impact trees on the site. However, no tree removals are requested. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential; **ZONING:** RR-.5; **ASSESSOR'S MAP:** 39 1E 16AC; **TAX LOTS:** 442.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: November 20, 2015

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 4, 2015



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

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

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

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

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

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

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050 Approval Criteria

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. 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.
- B. 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.
- C. 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 development permitted by this ordinance.

VARIANCE

18.5.5.050 Approval Criteria

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

Subject Property

Address: 0 Morton Street
Map & Tax Lots: 39 1E 16AC #442
Property Owner: Samantha Steele
1020 Wildwood Way
Ashland, OR 97520

Applicant: Charlie Hamilton
Suncrest Homes
328 Talent Ave.
Talent, OR 97535

Geotechnical Expert: Marquess & Associates
Rick Swanson
1120 E Jackson, Medford OR 97504
Medford, OR 97501

Comprehensive Plan Designation: Rural Residential

Zoning: RR-.5

Lot Area: 10,326.6 / .237 ac.

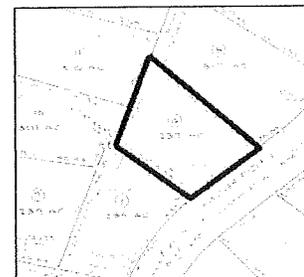
Request:

Request for Physical and Environmental Constraints Review Permit for the construction of a new single family residential home on land that has more than 25 percent slopes. The request includes a Variance request to exceed the maximum permitted lot coverage of 20 percent in the zone.

Property Background:

The subject property is located on the north side of Morton Street, uphill from the intersection of Waterline Road. The property is part of the Park Estates II Subdivision, a Performance Standards Subdivision, created in 1986 (PA84-071). Morton Street is improved with curb and gutter along the frontage of the parcel. The subject property is zoned Rural Residential (RR-.5). All of the properties in the vicinity are also zoned RR-.5. The adjacent properties are occupied by single family homes and associated accessory structures.

The property is 10,326 square feet in area and is vacant of structures.



The lot slopes uphill away from the street. The average slope of the property is between 25 - 28 percent. The area of proposed development is in areas of the property where the slope ranges from 26 to 33 percent. For the purposes of the solar setback calculations, the lot is subject to solar setback standard A and has a 14.5 percent slope uphill to the north.

There are five trees on the site. There are three larger stature Ponderosa Pines (*Pinus ponderosa*) along the north property line that were required to be preserved as part of the subdivision. These trees measure 22-inches, 18-inches, and 13-inches in diameter at breast height (DBH). The two largest trees are moderately healthy, the smaller tree is in moderate-poor health. There is also a small, 5-inch DBH Douglas fir (*Pseudotsuga menziesii*) close the proposed residence which will be removed. It is less than the regulated DBH. There is a 12-inch DBH Madrone (*Arbutus menziesii*) in the front yard setback near the street that will be preserved as part of the site development and will be utilized as the street tree. In addition, there are a number of stump sprouted madrone and oak clumps in the middle of the buildable area. These stumps appear to have been created around the time the lot was being marketed for sale in the 1980s but then after 30 years, have grown multi-stemmed trees.

Project Proposal:

The request is to construct a new single family residential home on the vacant lot located between 879 and 843 Morton Street (tl #442). The site is one of the last vacant lots in the Park Estates II Subdivision.

The proposed residence is a 1,856 square foot single story structure cut into the hillside with a 498 square foot side-loading garage in the basement level. The driveway access is proposed to utilize the existing driveway curbcut. The subject property has slopes of more than 25 percent and is therefore subject to the Physical and Environmental Constraints section of the Ashland Unified Land Use Ordinance for Hillside Development.

Additionally, a Variance to the lot coverage standards is requested. The maximum lot coverage in the zone is 20 percent. The requested lot coverage is 23 percent. This is consistent with other lot coverages on the adjacent properties that are in the vicinity of the property.

Findings addressing the approval criteria for Hillside Development and the approval criteria for a Variance to lot coverage are addressed below.

Physical and Environmental Constraints Review Permit for Hillside Development:

18.3.10.050 Approval Criteria

A. 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.

C. Surface and Groundwater Drainage.

The surface and groundwater drainage on the site will be directed into the city's storm drain system. When the subdivision was developed, all necessary infrastructure was constructed to sustain all of the lots in the subdivision.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees.

See the attached Tree Inventory and report completed by Christopher John, Arborist from Canopy LLC. Details regarding the protection and the excavation methods around the trees to be preserved is addressed in the report. A large portion of the site is not affected by the proposed development and therefore is not included in the inventory.

2. Evaluation of Suitability for Conservation.

See the attached Tree Inventory and report completed by Christopher John, Arborist from Canopy LLC. Details regarding the protection and the excavation methods around the trees to be preserved is addressed. A large portion of the site is not affected by the proposed development and therefore is not included in the inventory.

3. Tree Conservation in Project Design.

All conifer trees that are near the proposed residence are proposed for preservation. The site layout including utility installation are in the areas of least disturbance and will not have negative impacts on the preserved trees. The minimum number of trees are proposed for removal. The trees proposed for removal are smaller in stature, not subject to the hillside or tree removal ordinances.

4. Tree Protection.

A six-foot chain link fence is proposed to be installed at or near the dripline of the three Ponderosa Pine trees and the 12-inch madrone tree. The arborist report has a general tree protection zone identified that speaks to one foot per inch DBH. The arborist report details the construction methods in the areas adjacent to the trees.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.
- c. The tree is located within a water, sewer, or other public utility easement.

- d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.
- e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

The site access, driveway and the placement of the resident are all in response to the site topography and the locations of the trees. The clumps of small diameter oak and madrone trees that are stump sprouts, the five inch pine are within the building envelope for the new structure. The three larger stature Pine trees near Morton Street are going to be preserved as part of the development.

There are numerous oak, madrone and pine trees within 200-feet of the subject property. The trees are within the buildable area and following removal the structure will be constructed therefore there will be no erosion from the tree removals. There are no surface waters present that would be affected by the tree removal and the trees are not part of a wind break.

The subject property is within the wildfire hazard zone and the removal of small diameter, interlocking canopy, ladder fuels is encouraged by the City of Ashland and the creation of a defensible space is required by the Oregon Department of Forestry on properties that are within ½ mile for the urban wildfire interface. The removal of these trees achieves wildfire fuel reduction requirements.

6. Tree Replacement.

No trees are proposed for removal that are subject to the requirements of this chapter.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards.

1. Building Envelopes.

The structure is within the building envelope that was proposed as part of the Park Estates subdivision. Additionally, the proposed residence adheres to the yard setbacks allowed by code, by the Public Utility Easements on the property, the Solar Setback ordinance and by the required tree protection zone.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

- a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet.

A single story residence cut into the hillside with a below grade garage is proposed. The proposed residence is less than 35-feet in height.

- b. Cut buildings into hillsides to reduce effective visual bulk.



CANOPY LLC *The Care of Trees*

www.canopyarborcare.com

157 Max Loop Talent, OR 97540

(541) 631-8000

August 19, 2015

Suncrest Homes
328 Talent Ave
Talent, OR 97540

RE: Tree Protection Plan for 843 Morton St, Ashland

Overview

Canopy LLC was contacted to provide recommendations for the protection of established trees at 843 Morton St prior to a proposed construction project on the property.

Trees Affected

There are 3 native ponderosa pine (*Pinus ponderosa*) trees just outside of the building envelope which may be affected by construction activities, especially excavation. They measure 22 inches, 18 inches, and 13 inches in diameter at breast height (DBH). They are all located along the Northeast border of the property. The 2 largest trees are moderately healthy, the smallest is in moderate-poor health. There is also a small (5 inch DBH) Douglas fir tree close the envelope which should be removed.

Construction Management

Tree Protection Zone: It is recommended that a tree protection zone be established around the root zone of these trees before any construction, excavation, land clearing, or grading begins. It is recommended that for every inch DBH, soils should not be greatly disturbed for 1 foot from the trunk of the tree. For example, on an 18" DBH tree, excavation should not occur within 18 feet of the trunk. However, in the course of excavation it may be the case that there are little or no significant roots present at this distance. At which point an arborist may be consulted and may advise that digging closer to the tree will not have negative impacts.

Soil Compaction: To avoid soil compaction, heavy materials should not be stored, vehicles maneuvered or parked, grade changed, or paved surfaces constructed within the tree protection zone. If for construction ease, it is necessary for vehicles or machinery to access the area, a layer of mulch (6"-12" deep) should be applied for vehicles to drive on. This mulch layer should be reduced to a depth of 3"-4" upon project completion.

Root Protection: If excavation is necessary at or near the tree protection area, avoid cutting roots over 1" diameter where possible. If larger roots are severed during construction at the protection area, it is recommended that they be cut "cleanly" with a saw or bypass pruners (as opposed to being left "torn" by machinery). If excavation or trenching needs to occur in the protection area, it is recommended that you contact myself or another certified arborist for additional evaluation and options.

Mulch and Water: A layer of mulch can be of great benefit before, during, and after construction. It is advisable (but should not be considered imperative) that a 3"-4" layer of mulch be added to the root zone of each tree. If construction is occurring during the driest months of August and September, it is recommended that the trees receive a deep watering 1-2x per month, especially if heavy traffic and/or excavation is occurring during this time.

Conclusion

While there can be no guarantees in matters of this nature, due to unknown and uncontrollable factors, the recommendations outlined above should provide a reasonable assurance that the trees will not be critically impacted by construction activities. These recommendations are based on professional standards in the field of arboriculture, scientific study, municipal guidelines, and professional experience. Feel free to contact us should anyone need clarification or guidance about these recommendations.

Sincerely,

Christopher John
Canopy LLC
ISA Certified Arborist: WE-9504A

NOTES:



S.F.D. @
MAP 39 1E 16AC, TL 442
FOR: SUNCREST HOMES

DATE:	CHANGES

TITLE:
SITE PLAN

SCALE: 1/16" = 1'

FILE:
SUNCREST/MORTON ST.

DRAWN BY:
JWT

DATE:
10/12/15

CHECKED BY:
CB

DATE:
10/12/15

DRAWING INDEX NO.
A0.1

SHEET 1 OF 9

PROJECT:
S.F.D. @
MAP 39 1E 16AC, TL 442
FOR: SUNCREST HOMES

CUSTOMER/
GEN. CONTRACTOR
SUNCREST HOMES
328 TALENT AVE.
TALENT, OR 97540
541-944-3976

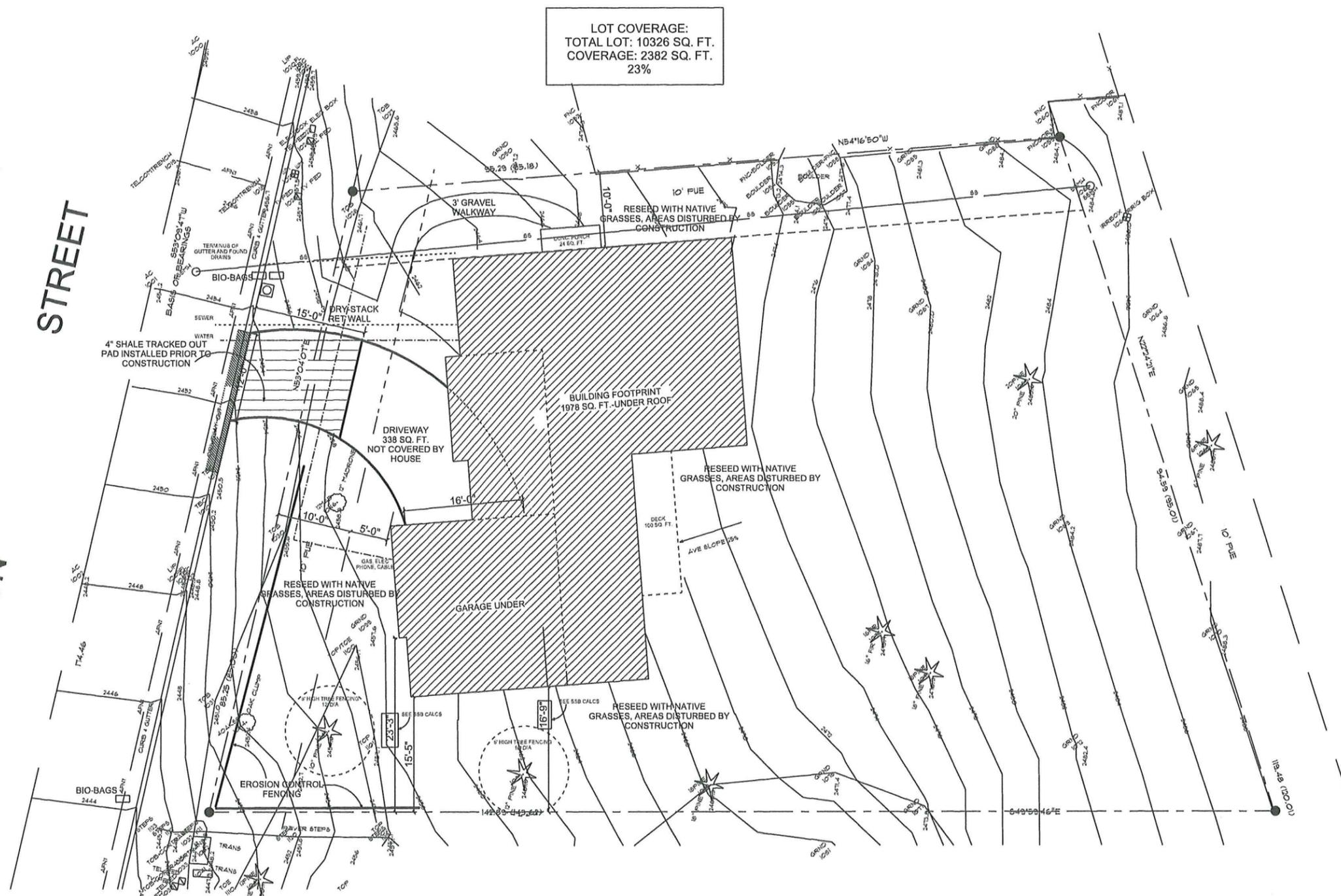
OWNER:
SUNCREST HOMES
328 TALENT AVE.
TALENT, OR 97540



Design Residential, Inc.
P.O. Box 8062
Medford, OR 97501
541-608-3956 / fax: 608-0112
www.designresidential.biz

LOT COVERAGE:
TOTAL LOT: 10326 SQ. FT.
COVERAGE: 2382 SQ. FT.
23%

MORTON STREET





NOTICE OF APPLICATION

PLANNING ACTION: 2015-02071

SUBJECT PROPERTY: 219 Granite

OWNER/APPLICANT: Len Eisenberg

DESCRIPTION: A request for Site Design Review and a Variance to lot coverage in order to construct a single family residence and detached Accessory Residential Unit. The site has several trees that will be impacted by the applicant's proposal. However, no tree removal permits have been requested because the trees to be removed are too small to be regulated. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-10; **ASSESSOR'S MAP:** 39 1E 08DA; **TAX LOTS:** 900.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: November 20, 2015

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 4, 2015



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

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

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

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

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

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

VARIANCE

18.5.5.050 Approval Criteria

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

SITE DESIGN AND USE STANDARDS

18.5.2.050 Approval Criteria

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

REQUEST TO BUILD NEW HOUSE AND ARU AT 219 GRANITE ST. FINDING OF FACT:

Len and Karen Eisenberg of Ashland, Oregon hope to build a single family, one story home and an ARU on a vacant lot next to their home and property at 223 Granite St. in Ashland. The property in question is a 0.27ac lot zoned R-1-10 at 219 Granite St. (Assessor map 39 1E 8DA tax lot 900). Both residences are intended to be rentals. (A site map is attached, with the proposed dwellings.)

Please also see the attached request for a variance for exceeding the impervious surface limit.

18.5.2.040.B.8.b Narrative

- i. Total square footage in the development: 11,731**
- ii. Number of dwelling units: (1) one bedroom, and (1) three bedroom**
- iii. Percentage of lot coverage**

IMPERVIOUS SURFACE CALCULATION	SQ FT	PERCENT
MAIN HOUSE	1877	16
MAIN HOUSE PORCHES	159	1
ARU	494	4
ARU PORCH	49	0
WALKWAYS	324	3
DRIVEWAY AND PARKING	2570	22
TOTAL IMPERVIOUS	5473	47
LANDSCAPING	6258	53
TL 900 TOTAL LOT AREA	11731	100

ASHLAND FIRE AND RESCUE CONCERNS ADDRESSED:

Residential fire sprinkler: An approved fire sprinkler system will be installed in the ARU, as we are unable to meet the requirement for a fire truck turn around.

Addressing: Building addresses will be posted in accordance with fire regulations and the AMC. Temporary signs will be posted at the onset of construction.

Firefighter Access Pathway – An approved footpath around the structure will be installed so that all exterior portions of the structure can be reached with the fire hose.

Fire Hydrant Distance to Structures - Hydrant distance is measured from the hydrant, along a driving surface, to the approved fire apparatus operating location. Hydrant distance exceed 300 feet for the ARU. An approved fire sprinkler systems will be installed.

Gates and Fences: No gates or fences across the property are planned at this time.

Wildfire Hazard Areas: The property is located within the current wildfire hazard zone, and will meet all regulations for fire mitigation.

Vegetation – existing and intentionally planted vegetation will meet the clearance requirements found in the International Wildland-Urban Interface Code. (OFC 304.1.2)

OTHER CONCERNS

Three sheltered bicycle parking spaces will be provided on the porches of the house and ARU.

A fenced area will be provided at the east side of the parking area for recycling and trash.

Although we will not be applying for LEEDS certification, the house and ARU will be built with ecological and sustainability concerns in mind. Both houses will have solar hot water, and the main house will have a photo voltaic array on the roof. Both houses will have metal roofs in a light color.

TREES:

The largest tree to be removed is a 14" cedar at the southeast corner of the ARU. All other trees removed are too small to be significant. The large trees P06, P11, P13, P14, and P15, are at distances from areas of excavation that they will not be endangered. See the tree schedule on page one of the plot plan. We will be beyond the drip lines of all of the major trees where the excavation for the foundations and utilities will occur. Some minor trees noted to be removed will be retained if conditions permit at the time of excavation. A tree protection plan will be provided at the time of submittal for building permits.

EROSION CONTROL:

An erosion control plan is not included at this time, but can be submitted prior to construction. The contours require little modification as the entire lot slopes uniformly toward granite streets. Roof and foundation drain will be gravity fed to the curb on the west side of Granite St. and will drain to a catch basin to the north. The new driveway and parking areas will largely follow the existing contours and will only require minimal cut and fill. The main house will step to follow the contours of the slope, and will require little modification of the existing grade.. The ARU will foundation will step to follow the natural grade, and will require little modification of the existing grade.

LANDSCAPING

It is our intention to retain as many of the trees as possible as indicated in the tree schedule included in the plans. No landscaping plan is provided at this time; but can be provided if necessary at the time of building submittal. We have kept impervious surfaces to a minimum possible, as indicated earlier in the narrative.

UTILITIES:

We are currently exploring with Public Works, and City of Ashland Electric the best ways to provide utilities for this lot, and the adjacent lots mentioned above in the most efficient, least invasive way.

COLEMAN CREEK CONSTRUCTION
 MICHAEL HODGGIN
 541-890-2142
 CCB # 160328



219 GRANITE, NEW HOUSE AND
 ARU APPLICATION FOR
 VARIANCE FOR PERCENT
 IMPERVIOUS

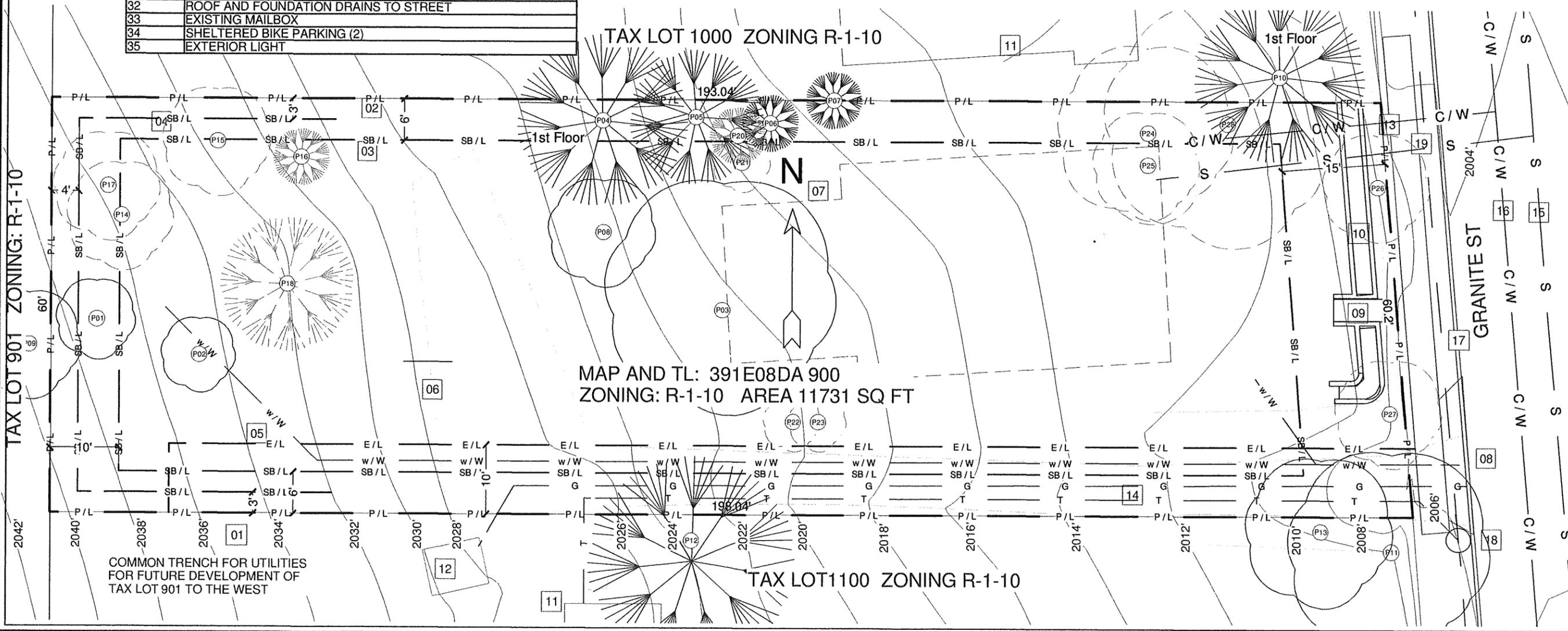
219 GRANITE, NEW HOUSE AND
 ARU APPLICATION FOR
 VARIANCE FOR PERCENT
 IMPERVIOUS

SHEET:
 2/8

KEY NOTES: SITE ANALYSIS AND PROPOSED PLOT PLAN	
NUMBER	LABEL
01	TERRAIN SHOWN IN 2" INCREMENTS
02	PROPERTY BOUNDARY
03	LINE OF SETBACKS
04	LINE OF SETBACKS (18.2.5.060 YARD EXCEPTIONS)
05	E/L (EASEMENT LINE) LINE OF DEEDED ACCESS FOR DRIVEWAY
06	EXISTING GRAVEL DRIVEWAY (SHOWN DASHED)
07	FORMER HOUSE SITE (SHOWN DASHED)
08	182' TO FIRE HYDRANT TO SOUTH
09	EXISTING STONE STEPS
10	EXISTING TWO TIER RETAINING WALL
11	ADJACENT RESIDENCE
12	ADJACENT SHED
13	EXISTING WATER AND SEWER CONNECTION (TO BE ABANDONED)
14	GAS & PHONE FOR TL 1100 TO THE SOUTH
15	CITY SEWER
16	WATER MAIN
17	LINE OF CURB
18	EXISTING UTILITY POLE AND TRANSFORMER
19	OVERHEAD POWER, QWEST, AFN & CHARTER
20	220 V UNDERGROUND SERVICE
21	AVERAGE DRIVEWAY GRADE 16%
22	COMMON TRENCH ALL UTILITIES
23	CONCRETE WALKWAY
24	(3) 9' X 18" PARKING SPACES
25	ENLARGED CURB CUT
26	HOUSE AND ARU ELECTRIC METERS
27	NEW 2" HI DRY STACK RETAINING WALL
28	NEW WATER METERS FOR TL 900 AND 901
29	PHOTO VOLTAIC PANELS
30	SOLAR HOT WATER
31	TRASH AND RECYCLING
32	ROOF AND FOUNDATION DRAINS TO STREET
33	EXISTING MAILBOX
34	SHELTERED BIKE PARKING (2)
35	EXTERIOR LIGHT

PLANT SCHEDULE		
NUMBER	LABEL	COMMENTS
P01	4" APPLE	
P02	3" APPLE	
P03	26" OAK	
P04	20" TRUE CEDAR	
P05	17" CEDAR	
P06	15" CEDAR	
P07	8" CEDAR	
P08	12" MADRONE	
P09	8" APPLE	ON PROPERTY TO THE WEST
P10	24" REDWOOD	ON PROPERTY TO THE NORTH
P11	18" MAPLE	ON PROPERTY TO THE SOUTH
P12	35" CEDAR	ON PROPERTY TO THE SOUTH
P13	12" OAK	ON PROPERTY TO THE SOUTH
P14	4" OAK	TO BE REMOVED
P15	8" OAK	TO BE REMOVED
P16	6" CEDAR	TO BE REMOVED
P17	5" OAK	TO BE REMOVED
P18	14" CEDAR	TO BE REMOVED
P19	8" WALNUT	TO BE REMOVED
P20	1" HOLLY	TO BE REMOVED
P21	ORNAMENTAL	TO BE REMOVED
P22	2" OAK	TO BE REMOVED
P23	ORNAMENTAL	TO BE REMOVED
P24	8" MAPLE	TO BE REMOVED
P25	3" OAK	TO BE REMOVED
P26	3" OAK	TO BE REMOVED
P27	3" OAK	TO BE REMOVED
P28	16" MAPLE	TO BE REMOVED

LINE STYLE LEGEND	
	P/L - PROPERTY LINE
	SB/L - SETBACK LINE
	E/L - EASEMENT LINE
	220V - UNDERGROUND ELECTRIC
	w/W - ROOF AND FOUNDATION DRAINS
	G - GAS LINE
	T - TELEPHONE LINE
	C/W - WATER LINE
	S - SEWER LINE



MAP AND TL: 391E08DA 900
 ZONING: R-1-10 AREA 11731 SQ FT

TAX LOT 1100 ZONING R-1-10

TAX LOT 901 ZONING: R-1-10

COMMON TRENCH FOR UTILITIES
 FOR FUTURE DEVELOPMENT OF
 TAX LOT 901 TO THE WEST

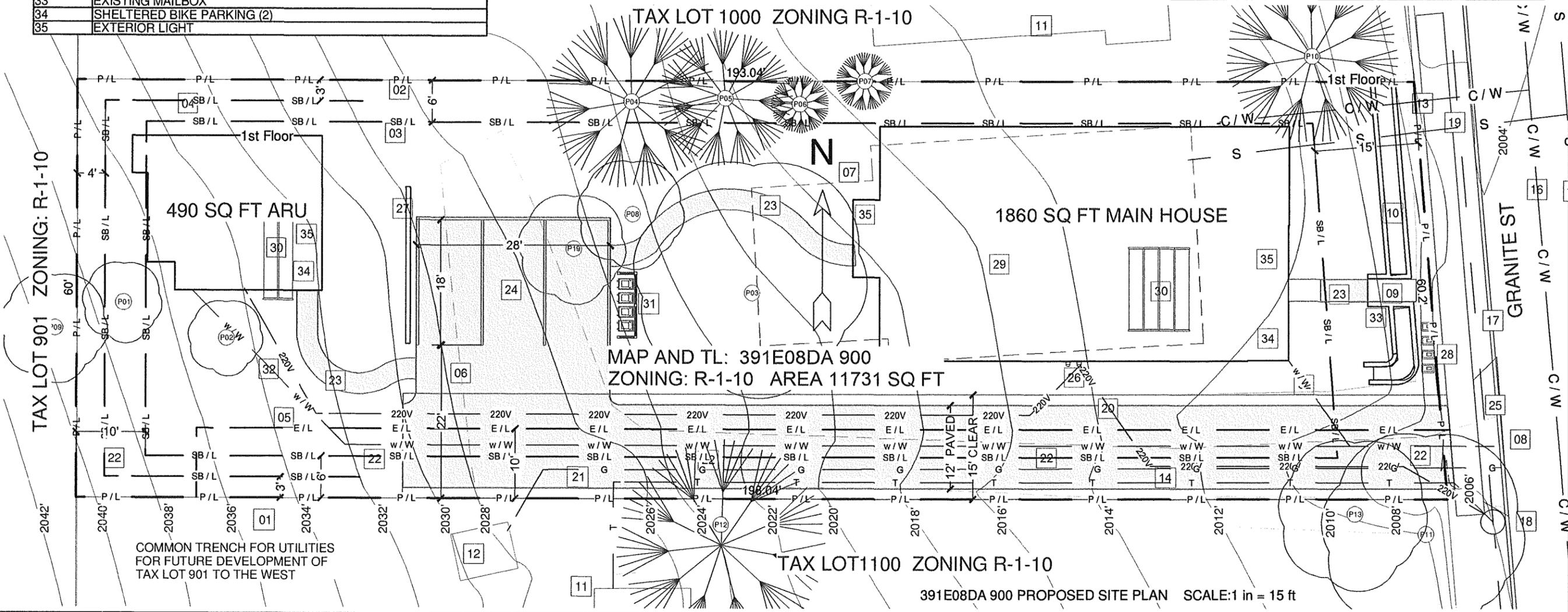
KEY NOTES: SITE ANALYSIS AND PROPOSED PLOT PLAN	
NUMBER	LABEL
01	TERRAIN SHOWN IN 2' INCREMENTS
02	PROPERTY BOUNDARY
03	LINE OF SETBACKS
04	LINE OF SETBACKS (18.25.060 YARD EXCEPTIONS)
05	E/L (EASEMENT LINE) LINE OF DEEDED ACCESS FOR DRIVEWAY
06	EXISTING GRAVEL DRIVEWAY (SHOWN DASHED)
07	FORMER HOUSE SITE (SHOWN DASHED)
08	182' TO FIRE HYDRANT TO SOUTH
09	EXISTING STONE STEPS
10	EXISTING TWO TIER RETAINING WALL
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20	220 V UNDERGROUND SERVICE
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22	COMMON TRENCH ALL UTILITIES
23	CONCRETE WALKWAY
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31	TRASH AND RECYCLING
32	ROOF AND FOUNDATION DRAINS TO STREET
33	EXISTING MAILBOX
34	SHELTERED BIKE PARKING (2)
35	EXTERIOR LIGHT

SOLAR CALCULATIONS:		FEET
LOT DESIGNATION=B		
NORTH/SOUTH LOT DIMENSION		62
NORTH/SOUTH ALLOWABLE LOT WIDTH AT 0 SLOPE		67
MAIN HOUSE ON EAST FACE		
PITCH: 5.5/12 (SOLAR PITCH)		
HEIGHT OF PEAK ABOVE NATURAL GRADE		19.75
N/S DISTANCE TO PROPERTY LINE FROM PEAK.		22.75
N/S DISTANCE REQUIRED TO PROPERTY LINE		7.3
FORMULA (BELOW)		
$(19.25 - 16') / (0.445-0) = 7.3'$ REQUIRED		
MAIN HOUSE AT RAISED FLOOR		
PITCH: 5.5/12 (SOLAR PITCH)		
HEIGHT OF PEAK ABOVE NATURAL GRADE		20.13
N/S DISTANCE TO PROPERTY LINE FROM PEAK.		22.75
N/S DISTANCE REQUIRED TO PROPERTY LINE		10.11
FORMULA (BELOW)		
$(20.5 - 16') / (0.445-0) = 10.11'$ REQUIRED		
ARU AT EAST PEAK		
PITCH: 5.5/12 (SOLAR PITCH)		
HEIGHT OF PEAK ABOVE NATURAL GRADE		18.25
N/S DISTANCE TO PROPERTY LINE FROM PEAK.		19
N/S DISTANCE REQUIRED TO PROPERTY LINE		5.61
FORMULA (BELOW)		
$(18.5 - 16') / (0.445-0) = 5.61'$ REQUIRED		

IMPERVIOUS SURFACE CALCULATION	
MAIN HOUSE	1877
MAIN HOUSE PORCHES	159
ARU	494
ARU PORCH	49
WALKWAYS	324
DRIVEWAY AND PARKING	2570
TOTAL IMPERVIOUS	5473
HALF OF DRIVEWAY	1125
TL 900 TOTAL LOT AREA	11731
PERCENT IMPERVIOUS	47

IT'S INTERESTING TO NOTE THAT IF HALF OF THE SHARED DRIVEWAY (WITH DEEDED ACCESS) IS DEDUCTED; THE PERCENT IMPERVIOUS IS REDUCED TO 37.

LINE STYLE LEGEND	
— P/L	— PROPERTY LINE
— SB/L	— SETBACK LINE
— E/L	— EASEMENT LINE
— 220V	— UNDERGROUND ELECTRIC
— w/w	— ROOF AND FOUNDATION DRAINS
— G	— GAS LINE
— T	— TELEPHONE LINE
— C/W	— WATER LINE
— S	— SEWER LINE



COLEMAN CREEK CONSTRUCTION
 MICHAEL HODGIN
 541-890-2142
 CCB # 160328



219 GRANITE NEW HOUSE AND
 ARU APPLICATION FOR
 VARIANCE FOR PERCENT
 IMPERVIOUS

PROPOSED SITE PLAN
 391308DA TL 900

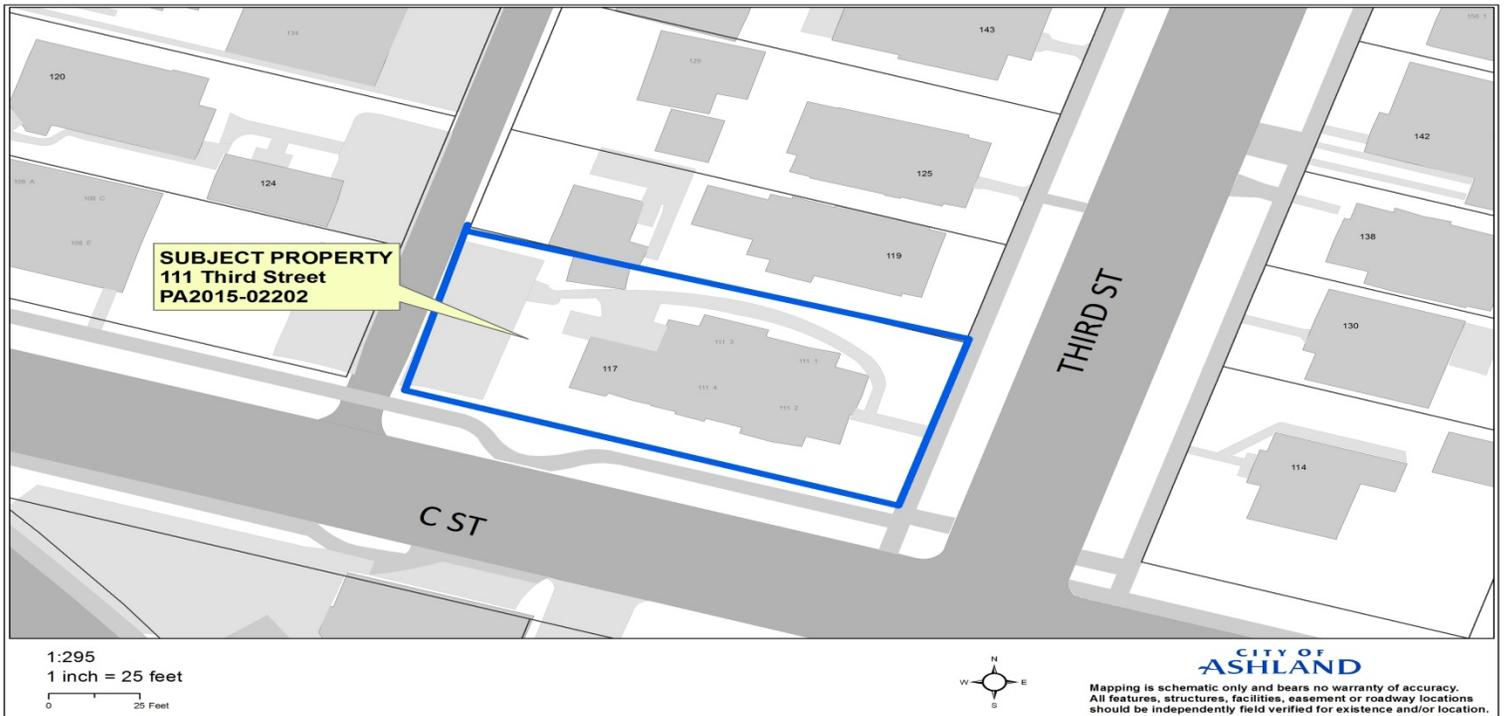


NOTICE OF APPLICATION

PLANNING ACTION: 2015-02202
SUBJECT PROPERTY: 111 Third Street
APPLICANT: Kerry KenCairn
OWNER: Don and Elizabeth Olson
DESCRIPTION: A request to remove a 23-inch diameter at breast height Douglas-fir (*psuedotsuga menziesii*) to accommodate a grade correction for the historic house on the property. **COMPREHENSIVE PLAN DESIGNATION:** Multi-family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOTS:** 8800.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: November 24, 2015
DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: December 8, 2015



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

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

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

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

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

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

TREE REMOVAL PERMIT

18.5.7.040.B

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
 - d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

18.5.7.030 Application Submission Requirements

An application for a Tree Removal Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.

B. Plan Submittal. An application for all Tree Removal Permits shall include the following.

1. Plans drawn to scale containing the number, size, species, and location of the trees proposed to be removed or topped on a site plan of the property.

Plan containing this information is attached and labeled as L 1.0

2. The anticipated date of removal or topping.

As soon as approval is obtained (if obtained) the tree will be removed to allow for remodel work to begin on the home.

3. A statement of the reason for removal or topping. If a prior planning approval requires that the subject tree(s) be preserved, a modification request, pursuant to chapter 18.5.6, may also be required.

There are no prior planning approvals associated with the removal of this tree. The reason for removal is stated clearly by the project arborist and the project general contractor. The base of the tree is 18" above soil to wood contact on the home; the tree is five feet away from the corner of the home. There is no way to correct the grade issue of the historic structure without removal of the tree.

4. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed.

With the remodel of the home the applicant is proposing a complete renovation of the landscape. The applicant would be happy to submit a proposed landscape for review plan prior to removal of the tree.

5. Evidence that the trees proposed for removal or topping have been clearly identified on the property for visual inspection.

This is the only tree greater than 6" d.b.h. on the property.

6. A Tree Protection Plan that includes trees located on the subject site that are not proposed for removal, and any off-site trees where drip lines extend into proposed landscaped areas on the subject site. Such plans shall conform to the protection requirements under section 18.4.5.030.

There are no trees that meet these criteria.

7. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit
- An arborist report is included with this application*

RECEIVED

NOV 18 2015

City of Ashland

18.5.7.040 Approval Criteria

B. Tree Removal Permit.

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

- a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.

The tree is currently creating a damaging situation to a historic home in the Railroad District. This home, recently purchased, has seen years of deferred maintenance. The owners would like to renovate the home for both aesthetic and preservation reasons. The unfortunate location of this tree prevents the opportunity to properly preserve and protect the home.

- b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

The applicant would be happy to mitigate on site and will include a large stature tree in the landscape plans. It should be noted that the property is flanked on two sides by large mature shade trees that are in the public right of way; the applicant has just gone through the process of having an arborist thin and prune these trees for health and safety.

18.5.7.050 Mitigation Required

One or more of the following shall satisfy the mitigation requirement.

A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. Suitable species means the tree's growth habits and environmental requirements are conducive to the site, given existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

The applicant would be happy to mitigate on site and will include a large stature tree in the landscape plans. It should be noted that the property is flanked on two sides by large mature shade trees that are in the public right of way; the applicant has just gone through the process of having an arborist thin and prune these trees for health and safety.

RECEIVED

NOV 18 2015

City of Ashland

The Downey Company Inc.
Homebuilders

Re: 111 3rd Street

To whom it may concern,

The Douglas Fir tree at the southwest corner of the house presents a hazard to the long term durability of the structure. At the southwest corner there is presently a condition of wood to earth contact. The grade there needs to be lowered by 6". The grade at the base of the fir tree, five feet from the house, is currently 12" above wood level on the house. In order to create a level grade the soil at the base of the fir tree would need to be lowered by 18". Ideally more than that should be removed to create slope away from the house. In general I recommend that large trees be kept a minimum of ten feet from any structure. In my opinion this tree should be removed.

Sincerely,
Sean Downey

RECEIVED

NOV 18 2015

915 Oak St. Ashland, Oregon (541) 488-8804
CCB#112442

City of Ashland

CANOPY LLC
The Care of Trees

157 Max Loop
Talent, OR 97540
(541) 631-8000



October 16, 2015

Liz Olson
111 N 3rd St
Ashland, OR 97520

Dear Liz,

Regarding the tree on the Southwest corner of your home, it is a Douglas fir (*Pseudotsuga menziesii*). It measures 23 inches in diameter at breast height and is approximately 70 feet tall. For a tree of this species, it is just getting going, provided it is well-suited to its site.

Overall, I would consider it to be of moderate health. There is evidence of boring beetle activity, evidenced by small exit holes in the bark. There is a small amount of branch dieback, but almost exclusively in the lower crown. There is some asymmetry in the crown which may have been due to some limb breakage in the past. The top appears healthy and vigorous. Continue to monitor the boring activity and watch for signs of continued dieback. I recommend cultural care as a means to combat the boring population. There are pesticide treatment options for this, but I find they work better as a preventative than a curative. Best to do what you can to boost the health of the tree through root zone enhancement and occasional deep watering in the dry season. I can provide you with more specifics on this if you wish.

Of concern is the amount of available root space. The trunk is about 5 feet from the corner of the house on one side and about 3 feet from the short retaining wall on the other. The mulched beds are an ideal growing medium, the compacted walkway and home foundation are not. Roots are most likely growing laterally under the walkway. Which is fine, just less than ideal for providing nutrients and oxygen for the roots. I would also recommend having your foundation inspected. With its proximity to the tree, there are most likely roots there. Roots won't generally directly cause cracks in foundations, but they often take advantage of cracks present. Given the age of your home, it would be worth inspecting.

In the short term I don't see a compelling reason to remove the tree now, although active damage to your foundation would be cause to reevaluate this. I would strongly advise against any activity that would necessitate the cutting roots or otherwise damage the immediate root zone.

Please feel free to contact me if you have any further questions.

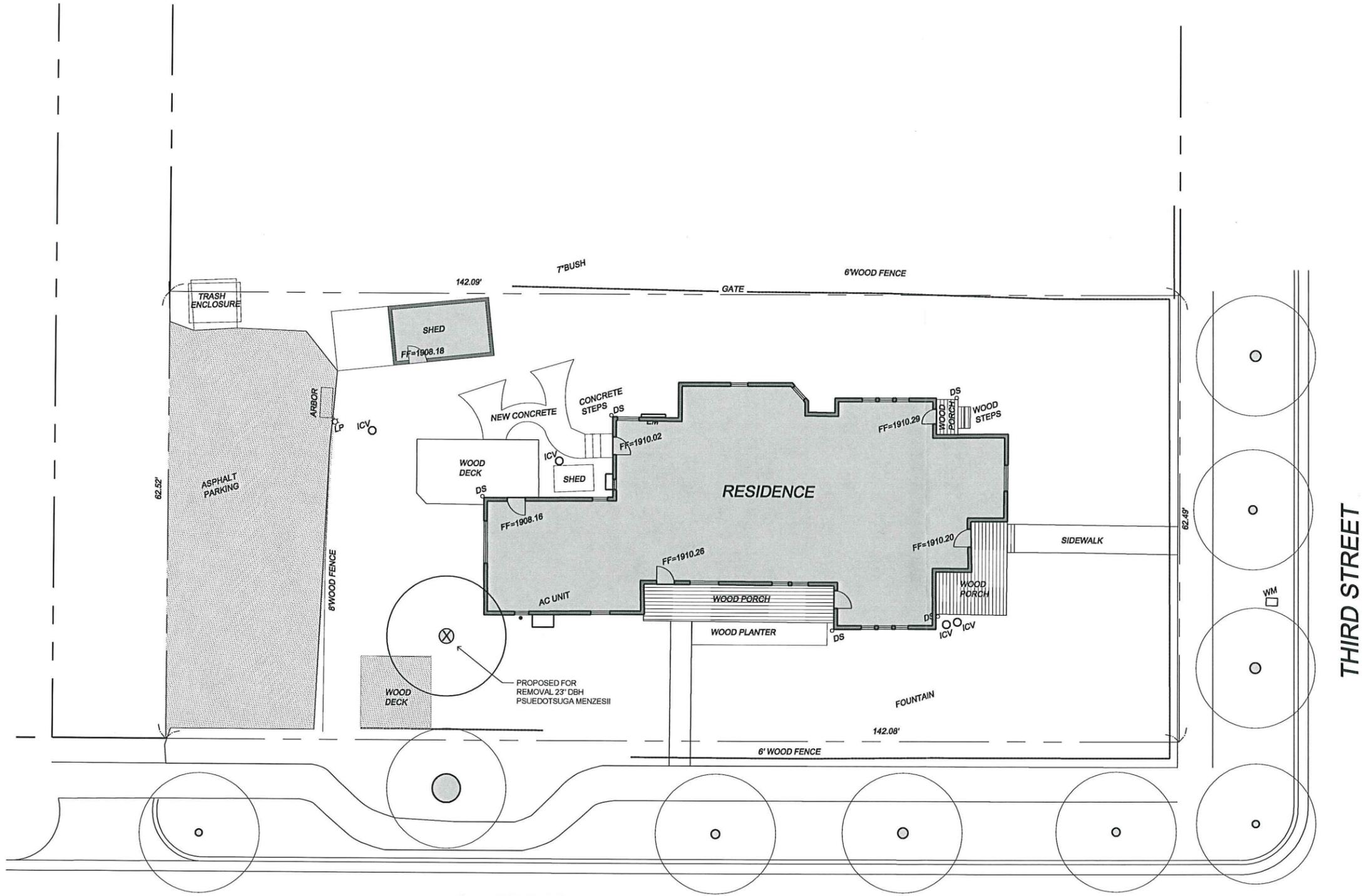
Sincerely,

Christopher John
Arborist, Canopy LLC
ISA Certification #WE-9504A

RECEIVED

NOV 18 2015

City of Ashland



C STREET

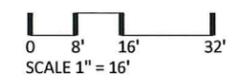
THIRD STREET



SCALE: 1" = 8'

DATE OF SURVEY: SEPTEMBER 24, 2015
CITY OF ASHLAND VERTICAL DATUM

RECEIVED
NOV 18 2015
City of Ashland



KenCairn
Landscape Architecture

545 A ST, STE 3, ASHLAND, OR 97520
541.545.1465



Drawn By:
STAFF

SCALE 1" = 16'-0"

OLSON RESIDENCE
111 NORTH THIRD STREET
ASHLAND, OREGON, 97520

REVISION DATE

**TREE
REMOVAL
APPLICATION**

ISSUE DATE:
NOVEMBER 16, 2015

L 1.0



PLANNING ACTION: 2015-01856

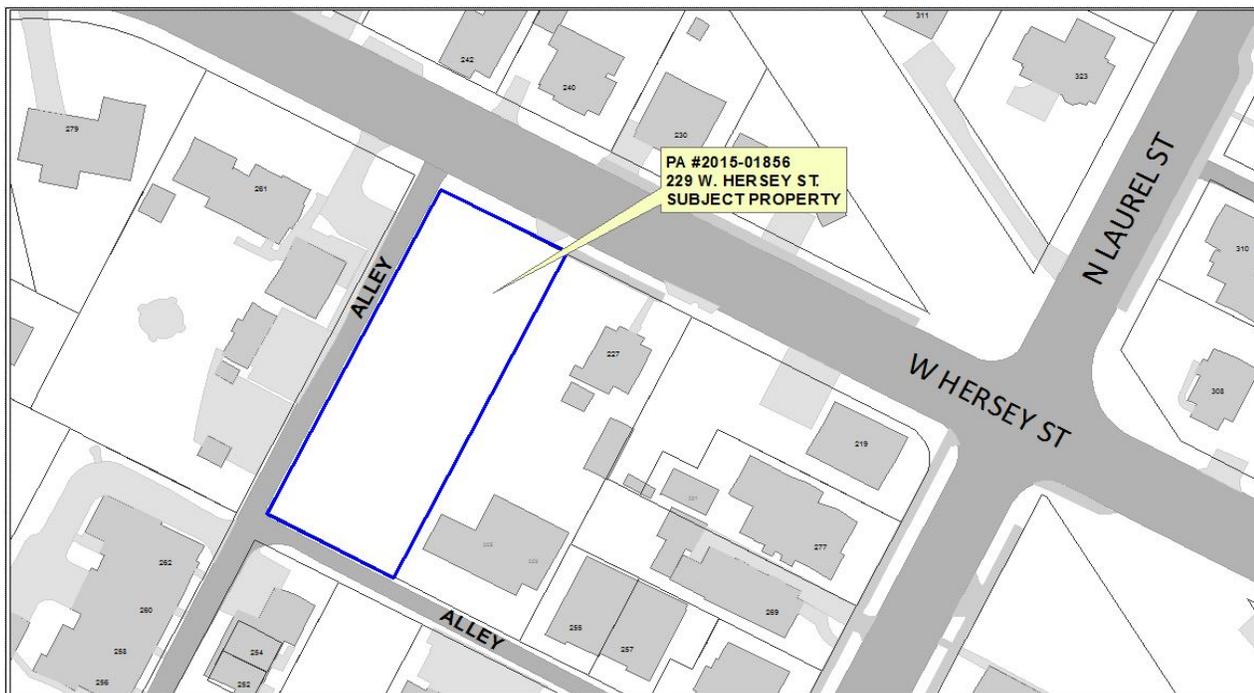
SUBJECT PROPERTY: 229 W. Hersey

OWNER/APPLICANT: RW Signature Properties LLC

DESCRIPTION: A request for Site Design Review approval to construct 11 multi-family residential units for the property located at 229 West Hersey Street. Also included are requested for an Exception to Street Standards to construct a five-foot sidewalk and five-foot bio-swale parkrow where a six-foot sidewalk and seven-foot parkrow planting strip are required, and a Tree Removal Permit to remove three trees greater than six-inches in diameter at breast height (d.b.h.). **COMPREHENSIVE PLAN DESIGNATION:** High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT:** #9900

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *December 8, 2015 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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.

SITE DESIGN AND USE STANDARDS

18.5.2.050 Approval Criteria

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

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1. Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

TREE REMOVAL PERMIT

18.5.7.040.B

B. Tree Removal Permit.

1. **Hazard Tree.** A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. **Tree That is Not a Hazard.** A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
 4. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

Subject Property

Address: 229 W Hersey Street
Map & Tax Lot: 39 1E 09CC; 9900
Comprehensive Plan Designation: Multi-Family Residential
Zoning: R-3
Lot Area: .34 / 14,997.95 sf

Request:

The request is to construct a multiple family development of eleven total units at 229 W Hersey Street.

Exception to Street Standards is requested to not meet the current sidewalk standards and to match the existing sidewalk pattern. Additionally, the request includes a Tree Removal Permit to remove three trees that are greater than six-inches in diameter at breast height.

Property Background:

The subject property is on the south side of West Hersey Street at the intersection of north / south running alley that continues southwest and intersects with Van Ness at Skidmore Street. There is an east / west alley at the south end of the property. The West Hersey frontage to the north of the property is 75 feet wide. The lot extends to the rear property line 199.96 feet to the south. The site slopes approximately four percent to the north. The site is currently vacant of structures.

A demolition permit was approved by the City of Ashland in May 1997 which permitted the removal of a 1,116 square foot (sf) single family home, a 288 sf garage and a 480 sf barn. A total of 1,884 sf of impervious area were removed from the property.

The site is largely devoid of natural features. There are two multi-stem elm trees (15.2 inches DBH & ~6-inches DBH) on the east property line, a seven-inch DBH pine and three smaller stature (less than six-inches in DBH) near the south and west property lines. On the adjacent property to the east there are six trees.



Site Development and Design

Detailed proposal:

A two-story residence with small attached unit is proposed facing Hersey Street. This “primary residence” will be approximately 1,850 sf residence with 440 sf garage and a 480 sf unit above. To the rear of the residence, nine 480 sf one-bedroom units are proposed. The units are adjacent to the two alleys with a common area on the southeast side of the property behind the front residences. The units along the north / south alley are proposed as two story structures above oversized, 10' X 22' single vehicle garages. The units adjacent to the east / west alley at the rear of the property are proposed as two single story units and two, two story units. The all of the units are proposed to have semi-private ground floor patio space or balconies adjacent to the courtyard.

The balcony's and patio areas serve as private outdoor space in addition to the “public” courtyard area. The large open space will have a dry river bed and the capability for stormwater detention. Around the detention area will be a large deck and walking paths. The open space proposed is a large, inviting, useable professionally landscaped courtyard area. A pathway system through the development will be provided in order to provide a safe walking routes to the public sidewalk that will be extended along the frontage of the property.

The proposed development will also comply with the Earth Advantage and Energy Star Requirements. The property owner has been in communication with the Earth Advantage Auditor, Fred Gant and the building permit submittals will demonstrate compliance.

There are six trees on the east side of the six foot privacy fence on the adjacent parcel to the east. There are two larger stature elm trees on the subject property adjacent to the south property line, a seven-inch DBH pine and three smaller stature (less than six-inches in DBH) near the south and west property lines. All of the trees on the site are proposed for removal. See findings addressing the criteria below.

A five foot wide bio-swale parkrow and five foot sidewalk is proposed along the frontage of the parcel connecting to the five-foot sidewalk and five-foot parkrow on the adjacent lot to the south. The proposed sidewalk and bio-swale widths are less than the standards in the zone and an Exception to the Street standards has been requested. Findings addressing the applicable criteria are below.

Site Development Design Standards Approval Criteria:

Ashland Municipal Code 18.5.2.050

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

The subject property is zoned R-3, High Density Multiple Family Residential. The parcel is 14,997 square feet (.34 ac) and meets minimum lot area and minimum lot dimensions in the R-3 zone.

The proposal is to have a total of 11 residential dwelling units. The first unit is a single family residential style home with large inviting front porch and side loading garage accessible from the alley at the front of the property. Above the garage area of this residence is the first of the ten smaller dwellings. The unit above the garage will be accessed via a stair well accessed behind the residence near the alley. The

Building Orientation.

Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

The primary residence on the site has its primary orientation towards West Hersey Street. A large front porch that extends along the entire residence is proposed. A walk way is proposed to connect the residence to the public sidewalk. The apartments along the west alley are more than 20-feet from West Hersey and are generally oriented towards the project open space. The rear buildings single story units adjacent to the alley intersection are each oriented towards an alley.

Limitation on Parking between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

No parking is proposed between the building and the street. All parking is located to the side and rear.

Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

The front building is setback from the front property line the minimum front yard setback of eight-feet to the porch and 15-feet to the front façade. This is generally in keeping with the build-to line on the adjacent properties.

Garages. Alleys and Shared Drives. Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

Vehicular access to the site is from the alleys and not from the street.

Setback for Garage Opening Facing Street. The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

The garages are setback from the alley the minimum side yard setback of six-feet.

Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

The building materials are compatible with the surrounding area. The materials are mixture of modern with classic elements. The units are proposed to have wood shingle style siding, stucco bases, metal railings and composite shingles. The exact paint colors have not been selected but they will not be bright primary or neon colors.

Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

A bio-swale parkrow is proposed. Street trees that are appropriate for the possible bio-swale parkrow, overhead power and powerline and other infrastructure separation and setbacks need to be factored into

the design. The specific trees will be shown on the final landscaping plan submitted with the building permit and irrigation plan.

Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

A common refuse area will be provided in a screened area below Unit #4 adjacent to the west alley consistent with the City's standards for screening and to meet the needs of Recology. The space will have a five-foot tall fence to obscure the view into the area from the public right-of-way.

18.4.4.030 Landscaping and Screening

The proposed landscaping plan and the irrigation plan that will be submitted with the building permits complies with the Irrigation and Water Conserving Landscaping requirements of the City of Ashland and the standards to meet Earth Advantage point requirements. The conceptual landscaping plan submitted with the application has been designed so that plant coverage of 90 percent within five years of planting is met. The hedge along the east property line will attain 50 percent coverage after two years. Two-inches of mulch will be provided in all non-turf areas after planting. Turf areas are limited in order to comply with the Earth Advantage landscaping standards. Raised garden beds are proposed behind the primary residence for cultivation of vegetables and annual plants.

The landscaping in the Storm Water treatment facilities will be planted with water-tolerant species. The proposed landscaping has been designed for crime prevention and defensible space to allow for natural surveillance.

Two street trees will be provided for in the landscape parkrow adjacent to the West Hersey Street frontage. The trees will be selected from the Recommended Street Tree Guide. The street trees will be two-inch caliper at the time of planting. Two trees are proposed because there is a power pole adjacent to the alleyway that requires a ten-foot separation and the alley itself requires a 25-foot setback for street trees. The trees will also be lower growing trees due to the large overhead power lines along the frontage of the parcel.

An evergreen hedge will be used as a vegetative screen in the five-foot buffer between the parking spaces at the southeast corner of the parcel.

All landscaping shall be maintained in good condition and replaced by the property owner.

Tree Preservation, Protection, and Removal

18.4.5.030 Tree Protection: *The trees along the east property line on the adjacent neighbor's property are protected by a six-foot tall fence. No additional tree protection is proposed.*

18.5.7 Tree Removal: 18.5.7.040 Approval Criteria

B. Tree Removal Permit.

a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.

There are three trees greater than six-inches in diameter at breast height (DBH) on the property. These trees are proposed for removal. There are three trees that are less than six-inches in diameter at breast height and they are not subject to the tree ordinance.

The three trees proposed for removal are a seven inch DBH pine near the south property line and two American elm trees. One elm is multi-stemmed with 15-inch DBH below the crotch of the four stems. This tree is unsightly and does not appear to be in good health. The other Elm is approximately six inch DBH and is also multi-stemmed.

The elm trees appear to be seedling starts from a larger Elm that was removed at some point in the past and have never been maintained (see photo of original house). All trees are all in the area of proposed construction.

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

The removal of the three trees will not have impacts on erosion, soil stability, flow of surface waters, and protection of adjacent trees or existing windbreaks. The property to the east that would be the most impacted has 12 deciduous trees of their own on their side of the fence.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

There are a significant number of deciduous and conifer trees within 200-feet of the property. The removal of the three trees will not have a negative impact on the densities, sizes, canopies or species diversity.

d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

The proposal complies with residential densities. The three trees have no significant environmental benefits that will not be achieved in the near future with the proposed replacement trees.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

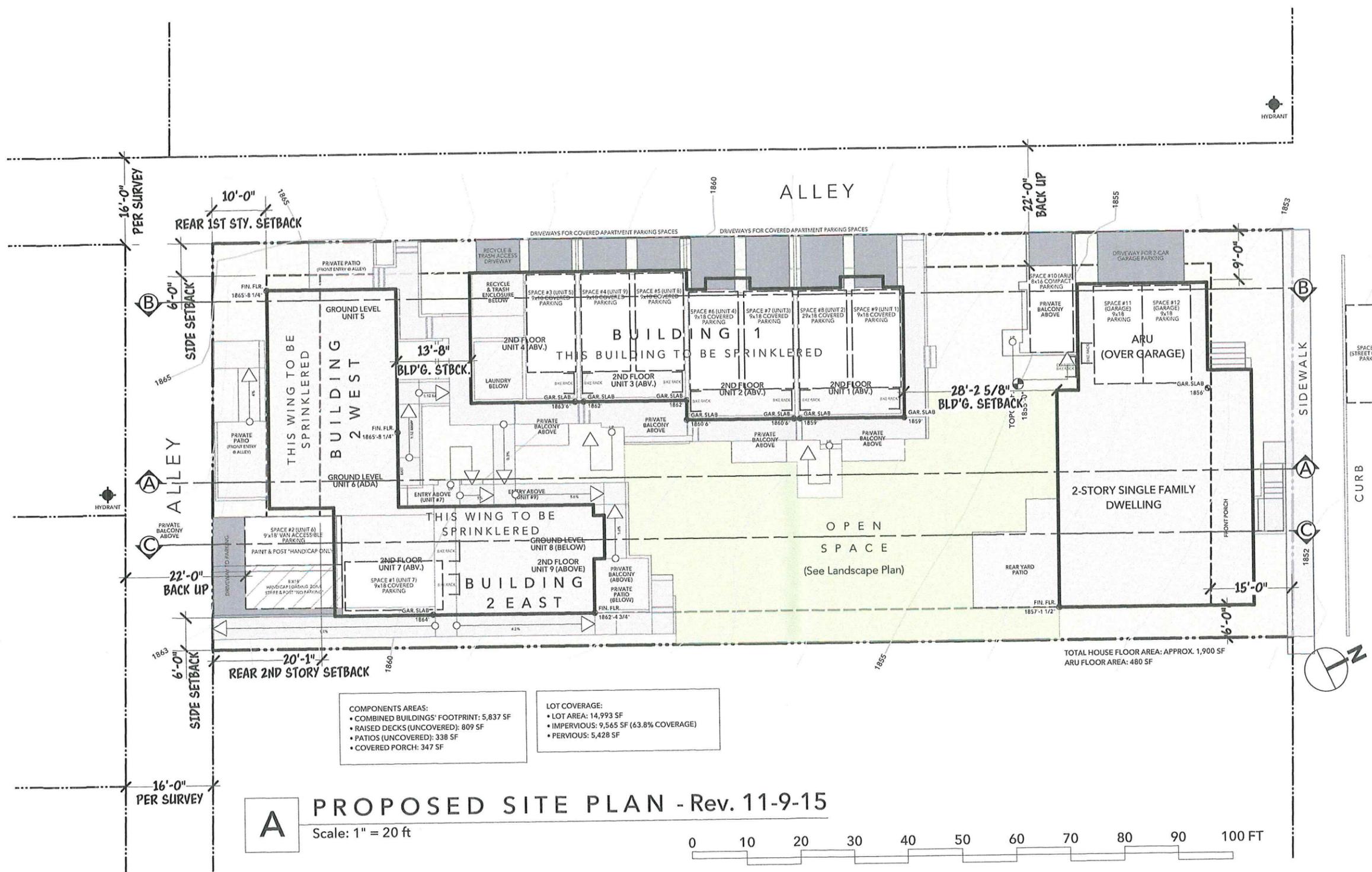
More than 20 trees are proposed to be planted throughout the project site. Due to the nature of the development, high-density multi-family, no conifer trees are proposed. But the number of deciduous trees is more than double the mitigation ratio. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

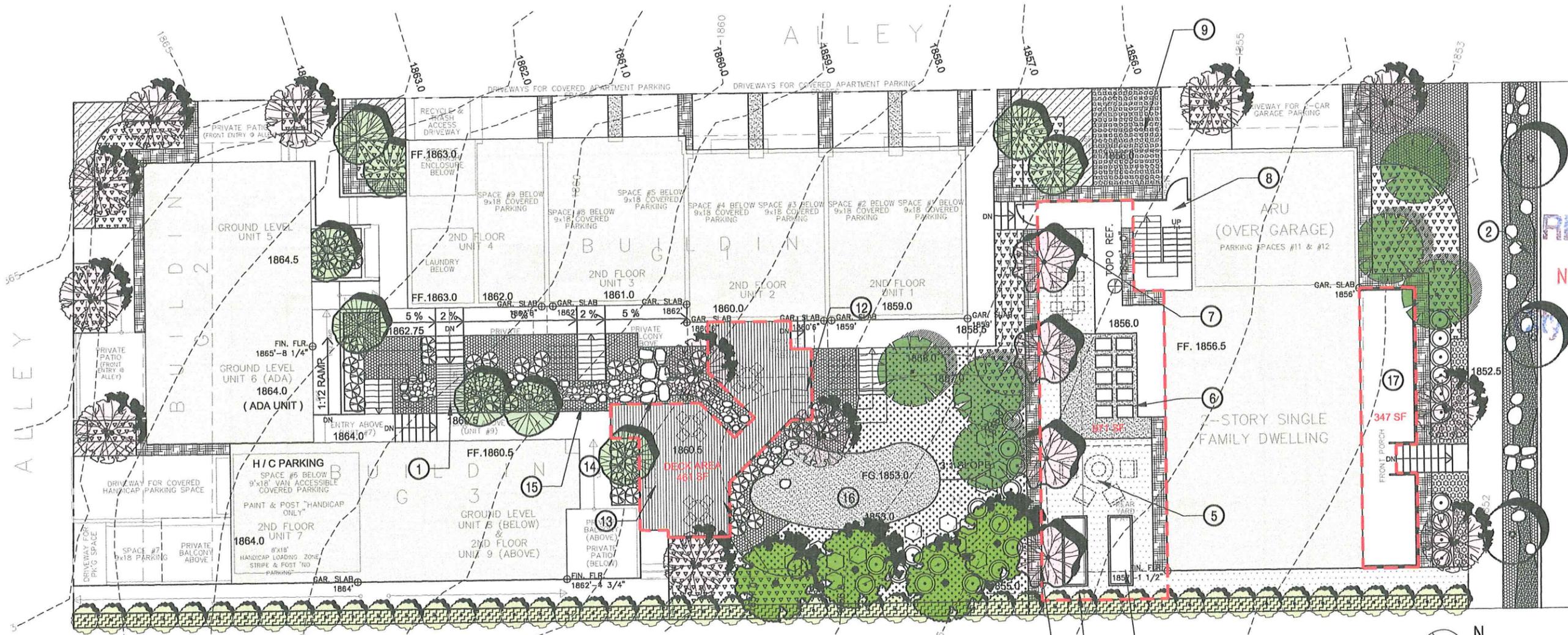
D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

Adequate city facilities exist to service the new units.

Water: *There is an existing twelve inch water main in Hersey Street that serves a six inch main in the West alley. There is also a six inch main at the South alley feeding the existing fire hydrant. The nine*

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 NOV 12 2015
 City of Ashland





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 NOV 12 2015
 City of Ashland

KEYNOTES

- 1. BRIDGE
- 2. BIO SWALE
- 3. 4' X 12' VEG. GARDEN
- 4. GRAVEL
- 5. FIREPIT
- 6. CONCRETE PADS
- 7. BBQ
- 8. GATE W/ FENCE
- 9. TURF BLOCK ADDITIONAL PARKING
- 10. HEDGE
- 11. WOOD DECK W/ RAILING
- 12. PORTABLE BBQ
- 13. BENCH
- 14. STEPPING STONES
- 15. DRY STREAM
- 16. + 225 SF. RETENSION POND BASIN
- 17. PORCH

CALCULATION OF REC. AREA

TOTAL SITE AREA	= 14,993 SF
REQ'D FUNCTIONAL REC. AREA (18%)	= 2,699 SF
FUNCTIONAL REC. AREA PROVIDED	
- PRIVATE DECKS & BALCONY	= 1,147 SF
- COMMON AREA DECK	= 461 SF
- MAIN HOUSE PORCH DECK	= 347 SF
- MAIN HOUSE BACKYARD	= 971 SF

PLANTING LEGEND

TREES	SIZE & QUAN.	SHRUBS & GROUND COVER	SIZE & QUAN.
PINUS PONDEROSA PONDEROSA PINE	36" BOX/ 4 EA.	YUCCA FILAMENTOSA "BRIGHT EDGE" ADAM'S NEEDLE	5 GAL. / 25 EA.
FAGUS SYLVATICA EUROPEAN BEECH	24" BOX/ 6 EA.	HEMEROCALLIS 'STELLA DE ORO' DALLILY	5 GAL. / 50 EA.
ROBINIA PSEUDOACACIA 'PURPLE ROBE' PURPLE ROBE LOCUST	24" BOX/ 4 EA.	DAPHNE X BURKWOODII 'CAROL MACKIE' CAROL MACKIE DAPHNE	5 GAL @ 24" O.C./ 140 EA.
CORNUS FLORIDA FLOWERING DOGWOOD	24" BOX/ 9 EA.	LAVENDER ANGUSTIFOLIA ENGLISH LAVENDER	5 GAL @ 24" O.C./ 182 EA.
RHAMNUS FRANGULA 'ASPENIFOLIA' FERNLEAF BUCKTHORN	24" BOX/ 9 EA.	LAMINUM MACULATUM 'WHITE NANCY' SPOTTED DEADNETTLE	5 GAL @ 24" O.C./ 19 EA.
RHAMNUS FRANGULA 'COLUMNARIS' TALLHEDGE BUCKTHORN	15 GAL / 52 EA.	ALLIUM SCHOENOPRASUM CHIVES	1 GAL @ 18" O.C./ 158 EA.
NEW STREET TREE PER CITY OF ASHLAND STREET TREE DIV.		CERASTIUM TOMENTOSUM SNOW-IN-SUMMER	1 GAL @ 18" O.C./ 88 EA.
		AJUGA REPTANS CARPET BUGLEWEED	1 GAL @ 12" O.C./ 734 EA.
		THYMUS PRAECOX CREEPING THYME	1 GAL @ 12" O.C./ 680 EA.
		CAREX PRAEGRACILIS FIELD SEDGE	1 GAL @ 12" O.C./ 513 EA.



DRY STREAM



WOOD BRIDGE



WOOD DECK W/ RAILING



VEG. GARDEN

1 PLANTING PLAN
 SCALE: 1/16" = 1'-0"

Revisions	
△ 07-02-2015	△
△	△
△	△
△	△

SQLA INC
 Landscape Architects
 229 West Hersey Street
 Ashland, Oregon

229 West Hersey Street
 Ashland, Oregon

drawing title	
PLANTING PLAN	
designed	project number 21562
drawn	scale AS SHOWN
checked	drawing number LP-1
revised	
date 09-28-2015	

SQLA INC
 Landscape Architects
 229 West Hersey Street
 Ashland, Oregon

Trees on Site	DBH	Health - all trees on-site to be removed due to condition, size and location
1 Douglas Fir	5.75	Ok; small dbh; to be removed
2 Ponderosa Pine	7	poor; small dbh; to be removed
3 Douglas Fir	5.25	poor (trunk wounds); small dbh; to be removed
4 Ponderosa Pine	5.75	poor; browning of needles, small dbh; to be removed
5 Elm	3x12	poor; leaning, white rot, decay pockets

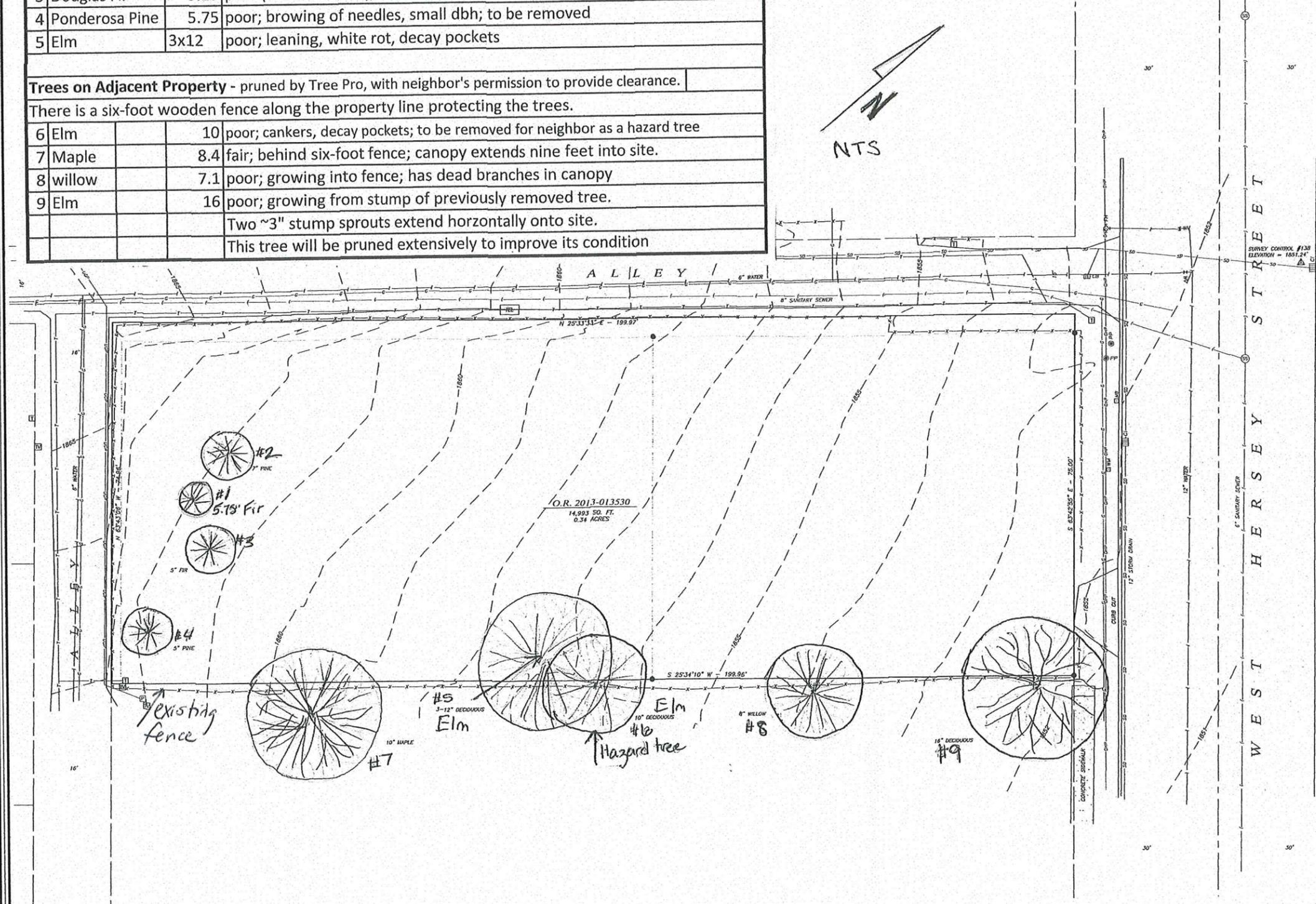
Trees on Adjacent Property - pruned by Tree Pro, with neighbor's permission to provide clearance.

There is a six-foot wooden fence along the property line protecting the trees.

6 Elm	10	poor; cankers, decay pockets; to be removed for neighbor as a hazard tree
7 Maple	8.4	fair; behind six-foot fence; canopy extends nine feet into site.
8 willow	7.1	poor; growing into fence; has dead branches in canopy
9 Elm	16	poor; growing from stump of previously removed tree.
		Two ~3" stump sprouts extend horizontally onto site.
		This tree will be pruned extensively to improve its condition

TOPOGRAPHIC SITE SURVEY

LOCATED AT
 229 West Hersey Street
 Ashland, Oregon
 LYING SITUATE WITHIN
 SOUTHWEST QUARTER OF SECTION 4,
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON



- LEGEND**
- IRON PIN MONUMENT FOUND
 - ▲ SURVEY CONTROL POINT, AS DESCRIBED
 - PROPERTY BOUNDARY LINE
 - BOUNDARY LINE
 - PREVIOUS BOUNDARY LINE
 - CENTER LINE
 - EASEMENT LINE
 - FENCE LINE
 - 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
 - CONTOUR LINE
 - GUY ANCHOR
 - POWER POLE
 - POWER TRANSFORMER
 - WATER METER
 - × WATER VALVE
 - FIRE HYDRANT
 - CATCH BASIN
 - CURB INLET
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - CLEANOUT
 - PHONE MANHOLE
 - PHONE PEDESTAL
 - CATV PEDESTAL
 - GAS VALVE
 - MAILBOX
 - SIGN POST
 - DECIDUOUS TREE, AS DESCRIBED
 - CONIFER TREE, AS DESCRIBED
 - ▨ ASPHALT SURFACE
 - ▨ CONCRETE SURFACE

SURVEY NOTES

- THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS CITY OF ASHLAND BENCHMARK #17, A 1" BRASS CAP IN THE TOP OF A CONCRETE CURB LOCATED AT THE SOUTHWEST CORNER OF NORTH MAIN STREET AND NURSERY STREET. BENCHMARK ELEVATION = 1689.128', BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1956 (NGVD 29.50).
- EXPOSED UTILITIES SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY. BURIED UTILITIES SHOWN HEREON ARE DERIVED FROM A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANIES. REPRESENTATIVES ARE APPROXIMATE AND SHOWN FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED PROFESSIONAL LAND SURVEYOR
 ELECTRONIC
 JULY 14, 1987
 SHAWN KAMMANN
 3043 SE
 RENEWAL DATE: 6/30/2015

SURVEYED BY:
 POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: JULY 16, 2013
 PROJECT NO. 776-13

Assessor's Map No. 39 1E 04 CC, Tax Lot 9900

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 City of Ashland

229 W Hersey St

39 1e 09cc 9900

Legend

229 W Hersey St

HERSEY

EXISTING FENCE

REMOVE

229 W Hersey St

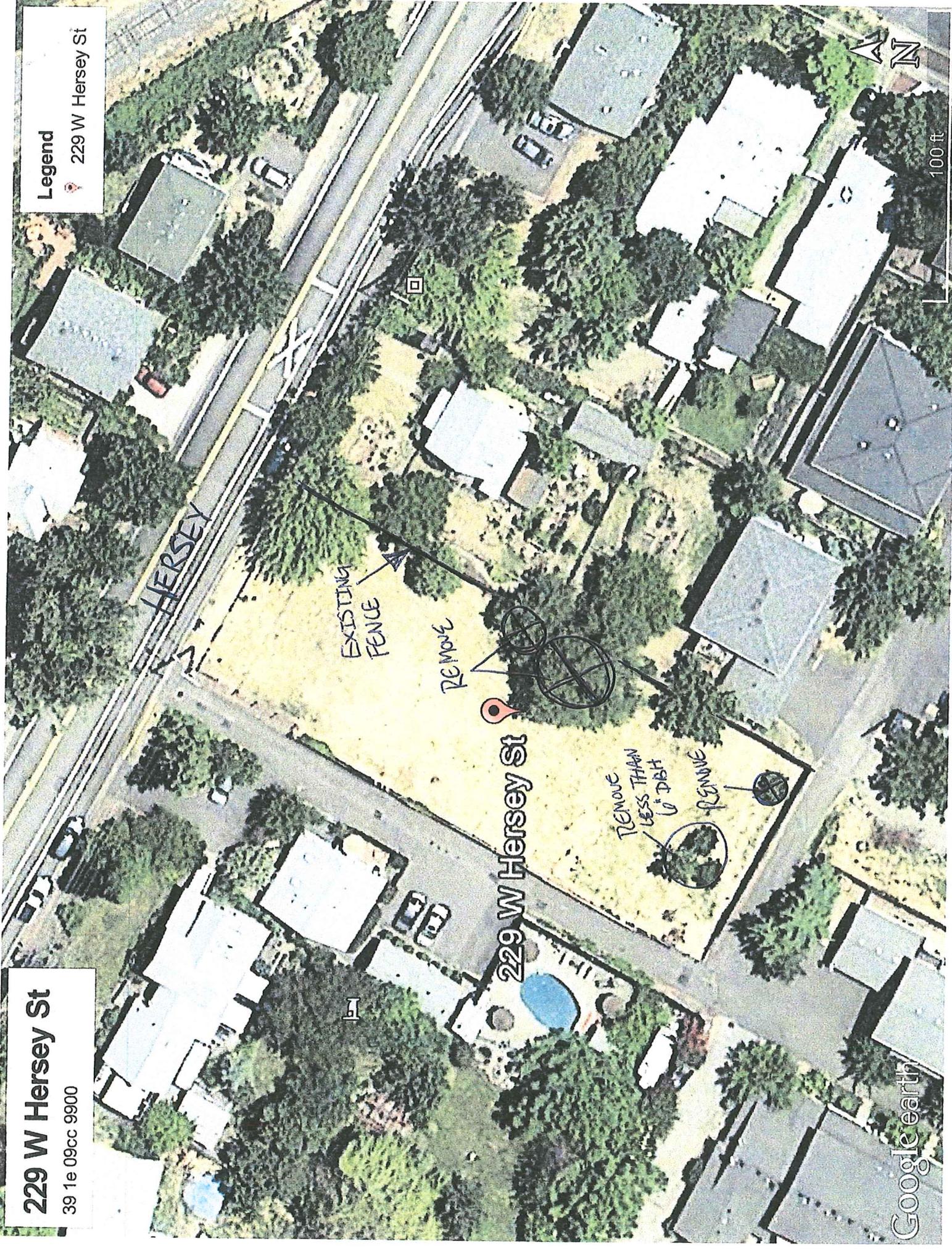
REMOVE
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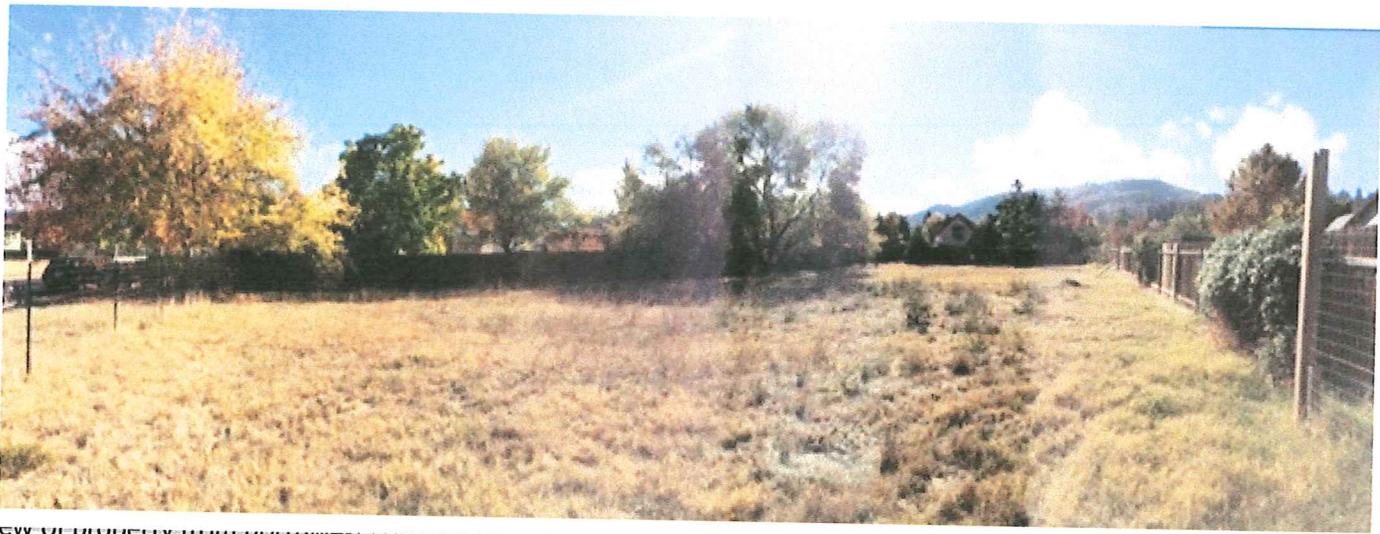
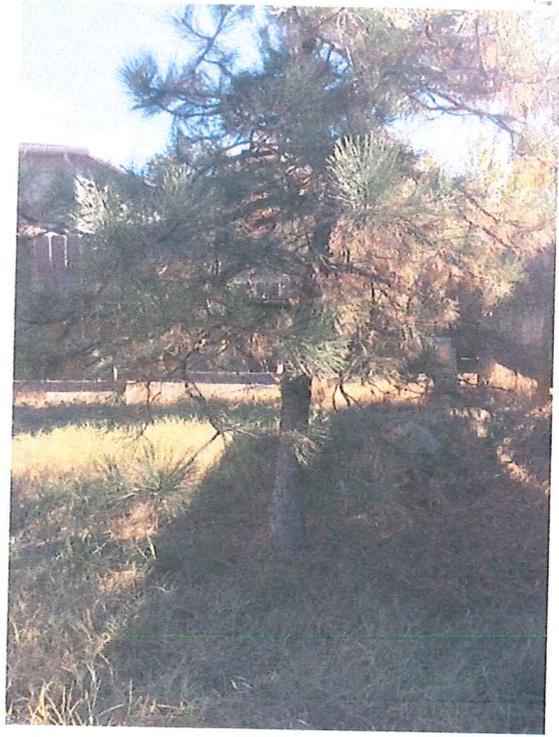
Google earth



Trees # 1, 2, & 3



Tree # 4



View of property from northwest corner looking to southeast.

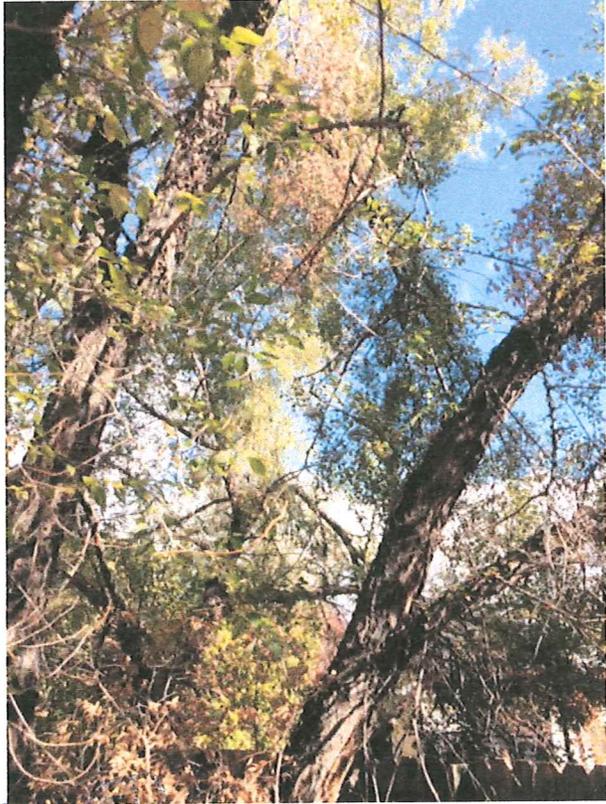
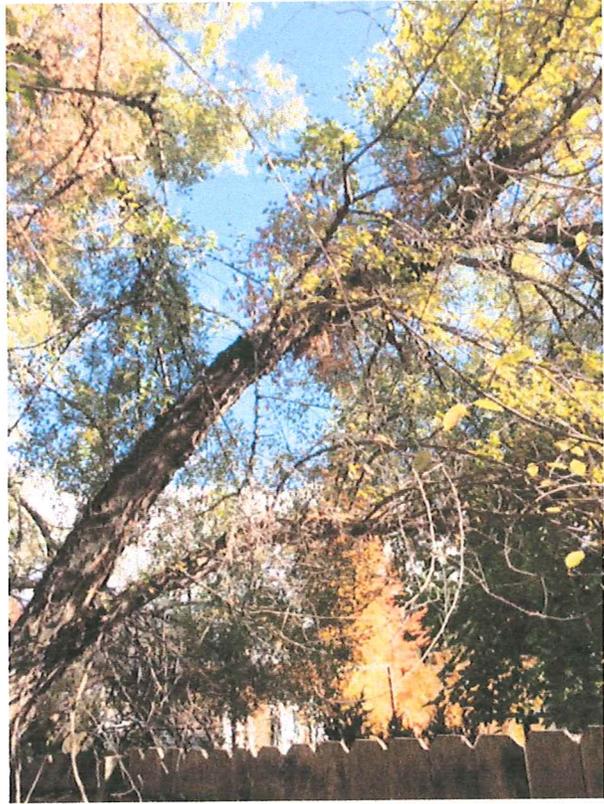
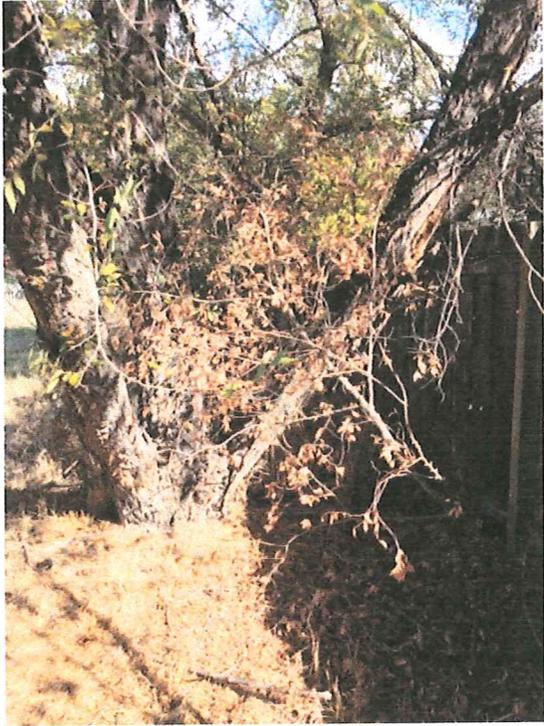
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Tree # 5

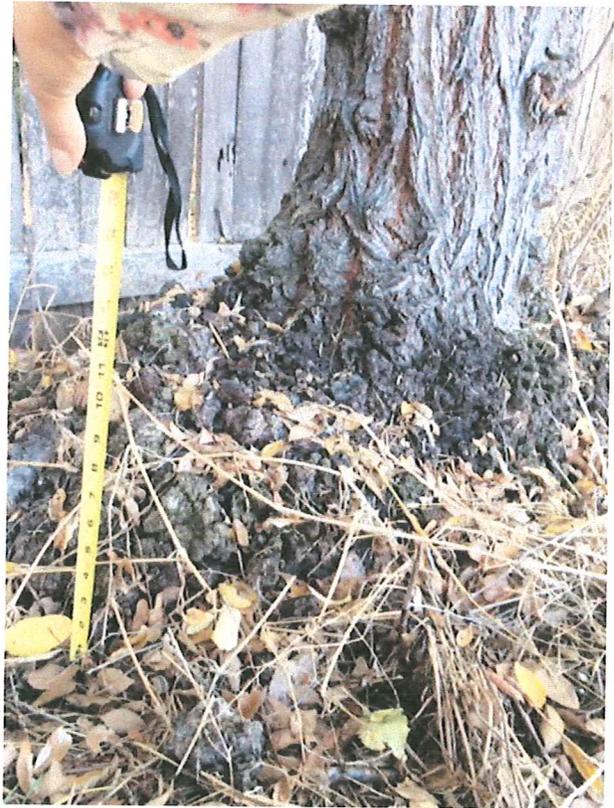
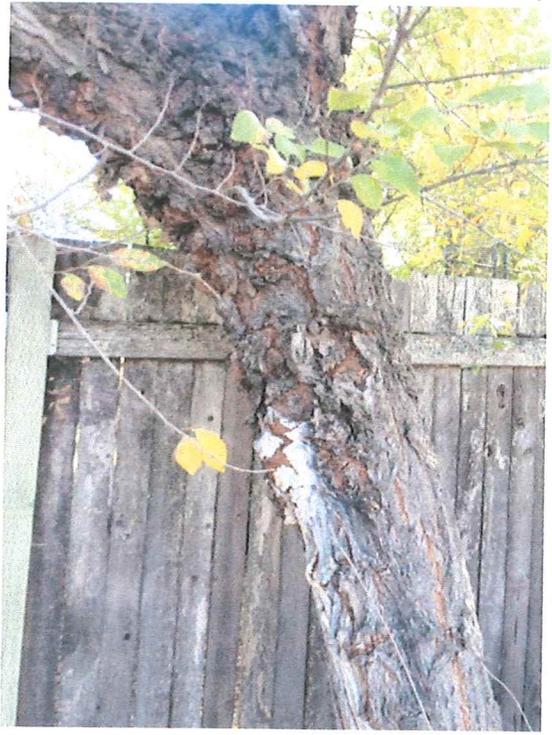
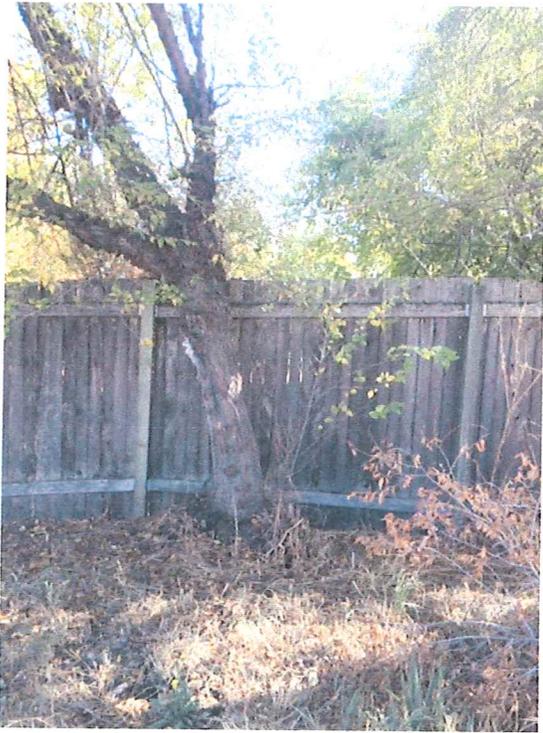
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Tree # 6

ELM



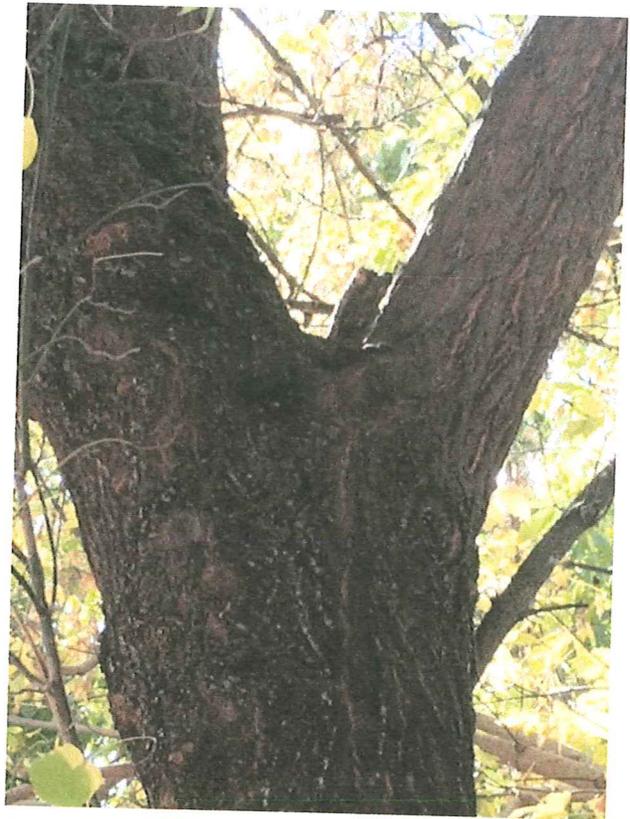
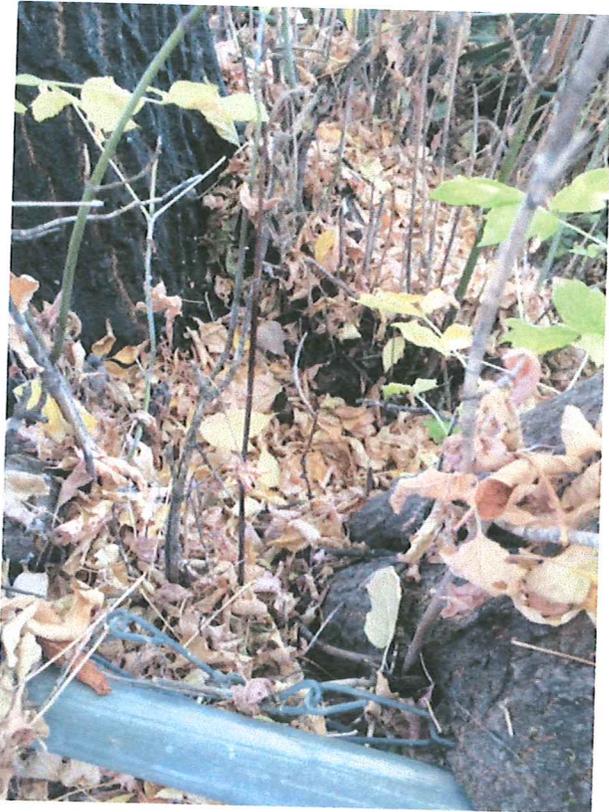
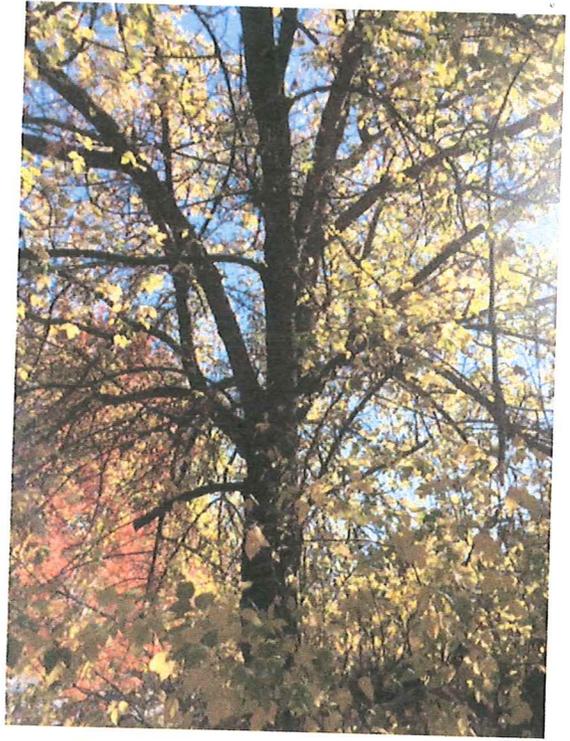
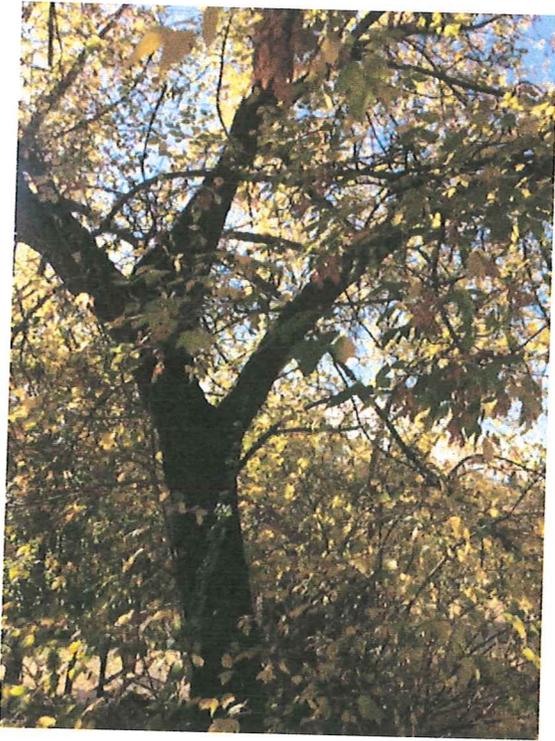
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Tree # 9

ELM



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PLANNING ACTION: 2015-02038

SUBJECT PROPERTY: 85 Winburn Way

OWNER: Bryan & Stephanie DeBoer

APPLICANT: Carlos Delgado, Architect

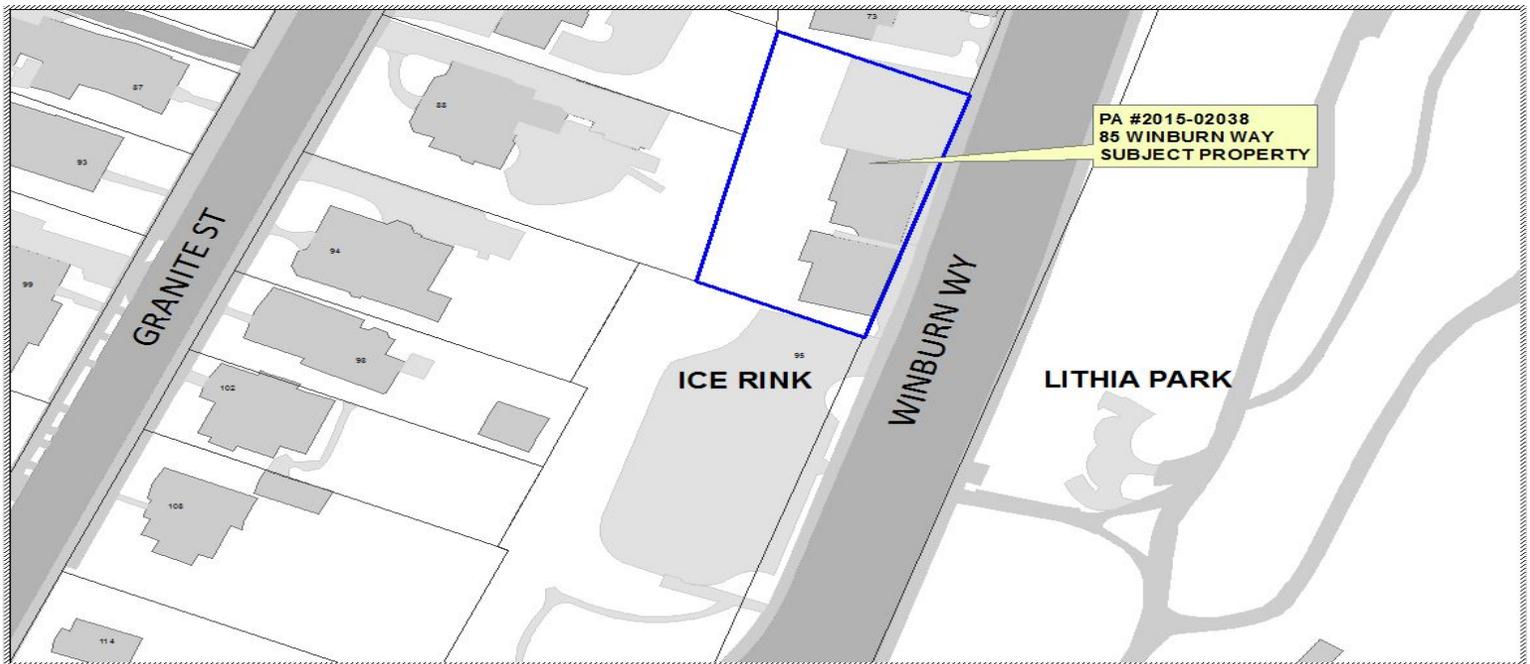
DESCRIPTION: A request for a Physical and Environmental Constraints Review Permit for the development of Hillside Lands with Severe Constraints to allow the construction of a single family residence on the property located at 85 Winburn Way. The application includes requests for an Exception to the Development Standards for Hillside Lands (18.3.10.090.B Hillside Grading & Erosion Control) to allow structural retaining walls along the west side of the property to exceed seven feet in height and for Tree Removal Permits. 18 of the site's 21 trees are proposed for removal, including three significant trees 18-inches or more in diameter which require Tree Removal Permits.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-7.5;

ASSESSOR'S MAP: 39 1E 09 BC; **TAX LOT:** #3000

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, December 3, 2015 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: *December 8, 2015 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



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

18.3.10.050 Approval Criteria

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. 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.
- B. 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.
- C. 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 development permitted by this ordinance

AMC 18.3.10.090.H.

EXCEPTION TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS. An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

TREE REMOVAL PERMIT

18.5.7.040.B

B. Tree Removal Permit.

1. **Hazard Tree.** A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. **Tree That is Not a Hazard.** A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
 4. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 5. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.



Carlos Delgado
ARCHITECT

October 21, 2015

Finding of Fact for Physical and Environmental Constraints Review Permit for development on property that contains hillside land including Severe Constraints to allow for the construction of a new single family residence.

Physical & Environmental Constraints Overlay for
Development Standards in Hillside Lands within Historic District

Address: 85 Winburn Way, Ashland, OR
Map: 39 IE 09BC
Tax lot: 3000
Zoning: R-1-7.5
Lot Area: .29 Ac
Comprehensive Plan Designation: Single Family Residential
Owner/Applicant: Bryan and Stephanie DeBoer

Architect: CARLOS DELGADO ARCHITECT LLC
Landscape Architect: LAURIE SAGER and ASSOCIATES Inc.



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OCT 23 2015

City of Ashland

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

Request: Physical and Environmental Constraints Review Permit and Tree Removal Permit for the construction of a new single family residential home.

Site Background: The site is located on the west side of Winburn Way to the west of Lithia Park. A City of Ashland public parking lot that converts to the City's outdoor ice-skating rink is to the south of the site and a City of Ashland owned property that houses Pioneer Hall and the Civic Center are to the north of the site. There are single family residences that front on Granite Street uphill to the west of the subject property. The subject property and the surrounding properties are all zoned Single Family Residential (R-1-7.5).

The subject property slopes gently at approximately five percent from southeast to northwest. At the rear of the property along the west property line there are significant slopes from the parcels above on Granite Street down to the areas of historical development along Winburn Way. These cut slopes are in excess of 35 percent in some locations due to previous site excavation. The slope consists of highly weathered granitic soils and granitic bedrock. The Federal Emergency Management (FEMA) 100 year floodplain extends to the eastern curb of Winburn Way – across the street from the proposed residence.

The site is also within the local Skidmore Academy Historic District but outside of the boundaries of the National Historic District.

There are 21 trees greater than six-inches in diameter at breast height on the property. The trees are predominantly Maple, Oak, Pine and Cedar.

There is a five-foot wide curbside sidewalk adjacent to Winburn Way. The sidewalk connects to the existing five foot wide curbside sidewalk that is to the north and the south of the subject property.

Site History: The subject property and the property to the south were historically operated in common as part of the Ashland Creamery. The property adjacent to Granite Street to the west of the subject property (88 Granite Street; TL 2900) was the Dominigo Perozzi residence. Dominigo Perozzi owned the property that now consists of the City's parking lot, the subject site and 88 Granite Street above the subject property. Perozzi, a well-known business man, established the creamery on the site, in the area of what is now the City parking lot and ice skating rink. The subject property had out buildings related to the creamery's use until the 1940s. The subject property is presently occupied by a non-conforming commercial building that was likely constructed in the 1950s. The subject property has had restaurant / café uses since the 1960s. Since the early 1980s, Conditional Use Permits have been in place for the continued operation of the restaurant / café.

(George Kramer (July 2009) *85 Winburn Way; A Brief History*; retrieved from http://www.ashland.or.us/Files/85_Winburn_Way_atch.pdf). It is evident on the landscape

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that the large, rear yard for 88 Granite Street and the rock retaining walls were created when the properties were used in common. The site currently has 6,297 sf of impervious surfaces while the proposed site improvement will be reduced to 5,865 sf of impervious surfaces.

Proposal: The proposal is to remove the existing structures on the site and to construct a new, two-story, single family residence with a hidden side loading basement garage. The driveway will provide an on-site hammerhead turnaround to eliminate backing out onto the busy public street. As proposed, the residence and final site development are designed to comply with the maximum permitted floor area (MPFA) of 2,928 square feet for properties within the Historic District, standard yard setbacks, solar setback requirements and the maximum lot coverage in the R-1-7.5 zone (The proposal results in a net reduction of lot coverage of 432 sf).

The subject property is within the Physical and Environmental Constraints Overlay (P&E) for Hillside Development in the Ashland Municipal Code (AMC), section 18.3.10.090. The proposed single family residence will be encroaching into slopes greater than 25 percent. Additionally, the existing cut slopes at the rear of the property, exceed 35 percent. This area is considered Severe Constraints Lands.

The request includes an exception to the standards in AMC 18.3.10.090.B. in order to provide structural retaining walls along the west side of the property that exceeds seven feet in height. A portion of the wall will be the structural retaining wall for the residence itself. Other portions are to facilitate a stairway and walkway system to provide a fire-fighter access way up and around the residence.

A separate demolition permit for the structures on the site will be sought in accordance with Ashland Municipal Code 15.08.

Tree removal permit approval is requested for the removal and replacement of eight trees as allowed in the Tree Removal section of AMC 18.5.7. A detailed tree inventory and tree assessment has been conducted and is attached to the application.

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The proposed residence will have a small, approximately 500 square foot patio at the rear of the structure that is nearly at grade. The proposed patio is accessible from the second floor and the stairway at the rear of the structure. The patio area will require low, landscape retaining walls, between two to three feet high. See sections drawings for visual examples. Large covered and uncovered porch areas are proposed for the sides and the front of the residence to provide outdoor living area while not increasing slope disturbance to create yard areas. Aside from the patio area, the rear “yard” area will largely consist of the structural retaining walls for the residence and the sloped area between the retaining walls for the proposed residence and the existing meandering rock and gabion basket wall that crosses the property line of the subject property and the property above on Granite Street.

Tree Protection and Tree Removal: There are 21 trees on site of varying species and sizes. Of the trees listed on the tree removal spreadsheet, 10 trees do not require a permit to be removed as they are on a Single Family Residentially zoned lot, are 18-inches in Diameter at Breast Height (DBH) or less and not located in areas of 25 percent or more slopes.

Trees # 1 through #4 are Austrian Pine (*Pinus nigra*) trees and form the landscape buffer between the previous café uses on the subject property and the City parking lot / skating rink property. Three of these trees are in good health but are very close to the proposed construction, one tree has included bark and weakness at the junction of the co-dominate stems. Trees # 5 and 6 are Norway Maples (*Acer platanoides*). These functioned as street trees and are planted in small, raised concrete wells and have no further room to grow. Tree #9 is a nine-inch DBH apple (*Malus domestica*) and tree #10 is a Big Leaf Maple (*Acer macrophyllum*), lastly, tree #16, another Norway maple, is six-inch DBH. These trees are also not subject to the tree ordinance.

Eight trees on the site are subject to the Tree Removal section of the code and findings addressing tree removal is provided below.

(REFER TO ATTACHMENT C – Arborist Report and Tree Inventory Plan).

Criteria for Approval: Below are the findings of fact addressing the criteria from the Ashland Unified Land Use Ordinance for the Physical and Environmental Constraints Review Permit including findings addressing the criteria for an Exception to the Hillside Design Standards, and, the criteria for tree removal.

Physical and Environmental Constraints Review for Hillside Development

18.3.10.050 Approval Criteria

A. 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.

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18.5.7.040 Approval Criteria**B. Tree Removal Permit.**

a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.

There are 21 trees greater than six-inches in diameter at breast height (DBH) on the property. Of these 21 trees, 18 are proposed for removal. Of the 18 trees, 10 are not subject to the Tree Removal Permit and Physical and Environmental Constraints chapters. These trees are 18 inches DBH and less. On R-1 zoned properties in areas that are less than 25 percent slope, trees 18-inches and greater in DBH are not subject to regulation.

The ten trees proposed for removal are all on the steep slopes above the buildable area. There are four Big Leaf Maples proposed for removal (trees 11 – 15). Two trees are seven inches DBH, the third is ten inches DBH and the fourth is #15 which is 12 inches DBH. The three smaller trees are in fair to good health but are juvenile trees that are growing with a significant lean towards the proposed residence. Tree #15 will be negatively impacted by construction and preservation would require removal of a large, seven inch stem which would further injure the tree. Since Big Leaf Maples are intolerant to construction impacts and are a common species in the vicinity, they are proposed for removal.

*Trees #16 and 17 are a six inch DBH and an eight inch DBH English Walnut (*Juglans regia*). Tree #16 has included bark and an eight inch codominant leader has cause structural instability in the tree. Tree #17 leans significantly. English walnuts are intolerant to construction, they produce a chemical that prohibits other vegetation from growing under their canopy and they produce sticky, slimy walnuts that are not conducive for a residential outdoor patio area.*

*The largest and the most visible of the trees on the site are four Oak trees (*Quercus kelloggii* & *Quercus garryana*). Tree #18 is a 15 inch DBH Black oak (*Quercus kelloggii*) that is in poor health. It is within the proposed footprint and also has a significant decay pocket at the base and there is only three to five inches of visible bark rind. This tree is in hazardous condition currently. Tree #23 is a 26 inch DBH Black Oak tree. According to the arborist report the tree looks good only from a distance. Upon closer inspection it is in hazardous condition for the following reasons. The tree has three co-dominant stems, due to the weak attachments, the tree has been cabled in the past. The cable have broken and are hanging in the canopy. There is a large decay pocket that leads to a cavernous hollow in the tree. The arborist finds it is in imminent danger of collapse and should be removed. Tree #24 is a 16-inch DBH White oak (*Quercus garryana*). This tree is on the edge of the cut bank and has exposed roots. The erosive soil is a poor growing medium for the tree and the tree is in danger of uprooting with further erosion of the cut slope. Tree #25 is a 19-inch DBH Black oak tree that is in fair condition. This tree is also on the cut bank and leans towards the public parking lot to the south. There is also a decay pocket at the base of the tree.*

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In the past few years Oaks on this particular area, including on the subject property have succumbed to Sudden Oak Death. A little over two years ago, a large oak tree (well over 24-inches DBH) fell on the subject property and destroyed a single vehicle garage that had been located in the northwest corner of the property. Additionally, oak trees located on the same embankment, on the City property to the south, were recently removed. Last year, across the street in Lithia Park, a large oak tree was removed that also exhibited signs of Sudden Oak Death. Unfortunately, Sudden Oak Death presents itself in the root system below the soil and there is little warning before a tree with Sudden Oak Death topples. The tree that fell on the subject property looked perfectly healthy until it fell.

The four oak tree's location are on the un-retained cut slope. The trees location above the building envelope and health condition (decay pockets at the base) are a hazard to the subject property the proposed residence and adjacent properties. A Certified Arborist has reviewed the health of the trees and has provided a comprehensive evaluation of the trees. (REFER TO ATTACHEMENT C - Arborist Report and Tree inventory Plan).

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

The removal of the trees will not have significant negative impact on erosion or soil stability. There are no surface waters present on the site. The removal will benefit the remaining trees as competition for light, air and ground water will be lessened. The trees proposed for removal are not part of a windbreak. The trees are located in an area that will be retained with either structure or with new landscaping that is more appropriate to the hillside.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

There are numerous maples, walnut and oaks on other properties within 200-feet, the tree removal will not have a negative impact on the canopy coverage. Most of the trees proposed for removal are in a hazardous condition and there are no reasonable alternatives, such as pruning that would help the leaning trees or the trees with decay pockets.

d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

The residential density of the site is one single family dwelling.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

The applicant has proposed to mitigate the non-hazardous tree removals with the installation of large stature (2-inch DBH and greater deciduous trees) with the proposed landscaping plan. New street trees will be planted in the front yard retaining wall planter beds to mitigate the removal of the two Maples behind the sidewalk.

Conclusion: In conclusion, the project team feels the site restrictions and conditions warrant pushing the footprint into this unusually steep manmade slope that is an unusable area of this lot. Without retaining the slope, with the restrictions on the site due to yard area setbacks, solar setbacks and provision of parking, the buildable area would be reduced to an area that is unreasonable for the site. The proposed single family residence and proposed site improvements comply with all land use setback requirements and no variances to the land use ordinance are being sought.

We feel that the proposed construction will insure that site development improves control of soil erosion which exists on site and on the adjacent City owned parcel. Additionally, the development will decrease sedimentation of lower slopes, landslide damage, flooding problems, and severe cutting (exists on site as un-retained, overly steepened cut slopes) or scarring.

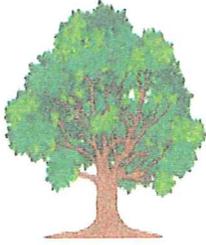
We feel that the proposed residence is being designed in a manner sensitive to locally significant properties and City amenities. The proposed mid-century modern, sustainable design is historically compatible. Additionally, the proposed residence will enhance the street scape by providing large overhangs, deep useable porches, initial planting of mature landscaping and a side loading garage. These intentional design features also maintain historic compatibility and commercial compatibility. Additionally, the proposed materials of natural stone and wood, use of flat roofs and rhythm of openings address the transition between Ashland's commercial downtown, Lithia Park, and the adjacent residential neighborhood.

The applicants are aware of the site and neighborhood constraints and a construction staging plan has been furnished. (REFER TO ATTACHMENT B - Construction staging plan)

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BARTLETT TREE SERVICE, LLC

2288 Old
Stage Rd.
Central Point,
Or.
97502
541-779-6067

Certified Arborist Tree Report

Prepared For:

Laurie Sager & Associates Landscape Architects, Inc.
700 Mistletoe Rd. Suite 201
Ashland, Or. 97520

By:

Michael A. Bartlett
Certified Arborist

Sept. 28, 2015

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Michael A. Bartlett
Certified Arborist – International Society of Arboriculture
2288 Old Stage Rd. Central Point, Or. 97502
541-601-6780

September 4, 2015

Attn. Laurie Sager

541-488-0636

lauriesager@lauriesager.com

Definition of Assignment:

On August 5, 2015 I met Laurie Sager at the site of a new home that is to be built and landscaped. It is located at 85 Winburn Way in Ashland. She was concerned in regards to the trees that will be in close proximity to the proposed retaining wall, driveway, hardscapes, terracing and other construction projects on the property. She was seeking an Arborist's professional opinion of the impact the construction will have on the future health, stability and sustainability of the trees on the site. She also requested an assessment of the current state of health of the trees.

Purpose of the Report:

The purpose of this report is to assess the impact the future development will have on the existing trees and define the current state of health of all the trees on-site. Photos will also be included along with recommendations regarding the future of these trees.

Subject Tree Observations:

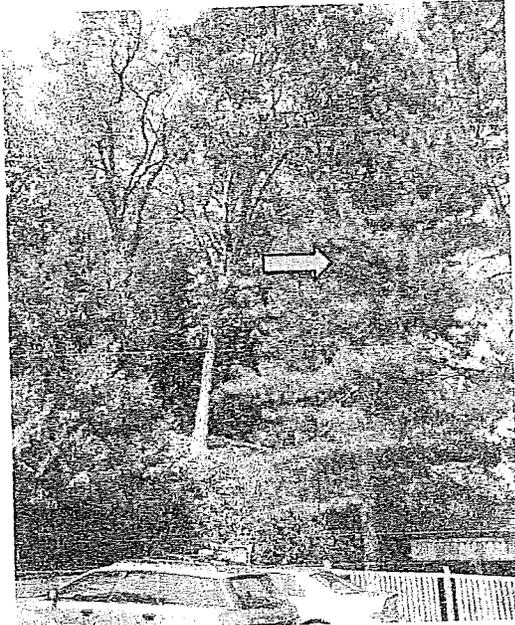
This property has twenty-six existing trees. See the 'Tree Protection and Removal Legend Plan Draft' for tree species, sizes and protection zones. Also noted on this draft are the current states of health. Mrs. Sager showed me the site plan and explained how the house will be designed and laid out to fit the sloping property. Although there will be tree casualties, there are trees that can possibly be retained. In response to the proposed removal of unsalvageable trees, replacement trees will be planted that are site conducive. These trees will maintain, improve and enhance the property, contributing to its surroundings the many benefits of trees.

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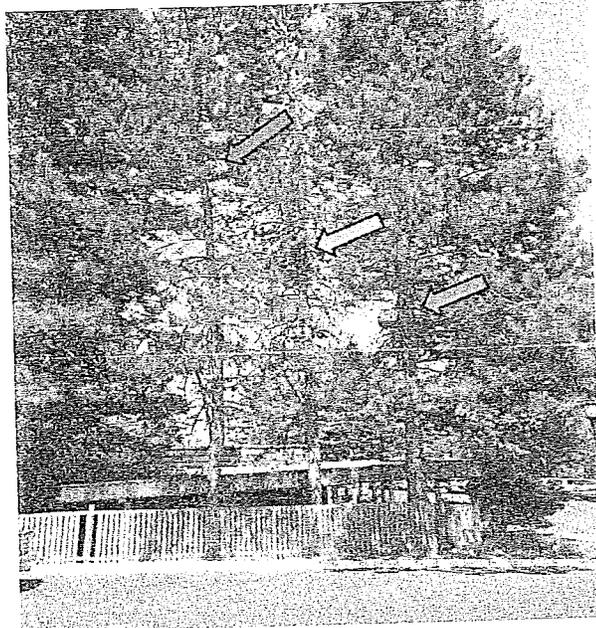
OCT 23 2015

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Subject Tree Observations Cont'd:

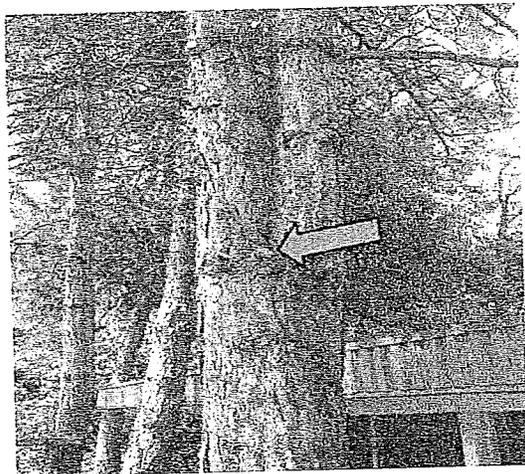


(photo 1) Pinus nigra #1 'Austrian Pine'



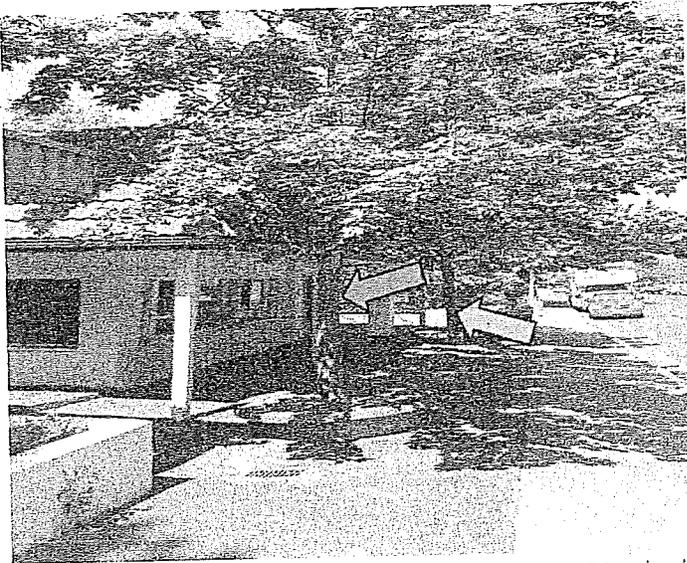
(photo 2) Pinus nigra #2, #3, #4

Trees #1 (photo 1), #2, #3 and #4 (photo 2) are currently in a healthy state. Although tree #4 has a healthy crown, it possesses a condition called 'Included Bark' (photo 3). This is a structural deficiency where two branches/leaders have a weak attachment point. This weak attachment is a hazard, putting the tree at risk to fail. A patio and wall are to be constructed, which will be within 5 feet of the trees. This construction will negatively impact the critical root zones (CRZ), creating an unstable, hazard situation for the Pines. Because of their location in regards to the future construction impact and included bark, these trees should be removed.



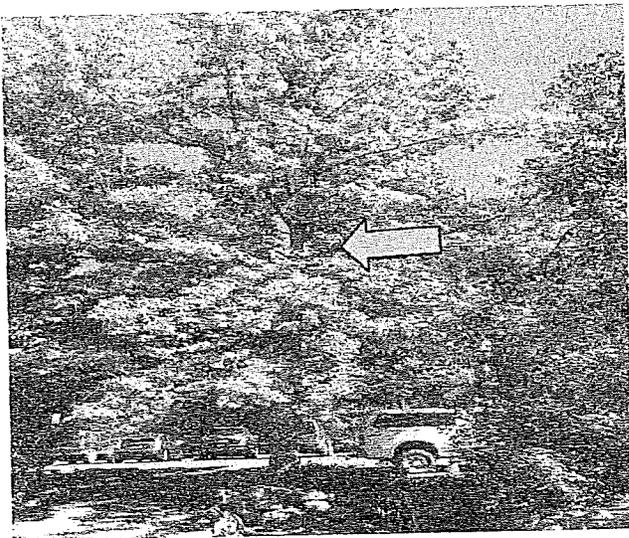
(photo 3) included bark

Subject Tree Observations Cont'd:



(photo 4) *Acer platanoides* #5 & #6 'Norway Maples'

These two Norway maples are currently in fair condition. Because of the concrete planters they reside in and the surrounding asphalt, they don't have enough available root space for future growth and good health. Due to this limited growing environment, these maples have no future. The trees are also in the footprint of the future development. They should be removed.



(photo 5) *Quercus rubra* #7 'Red Oak'

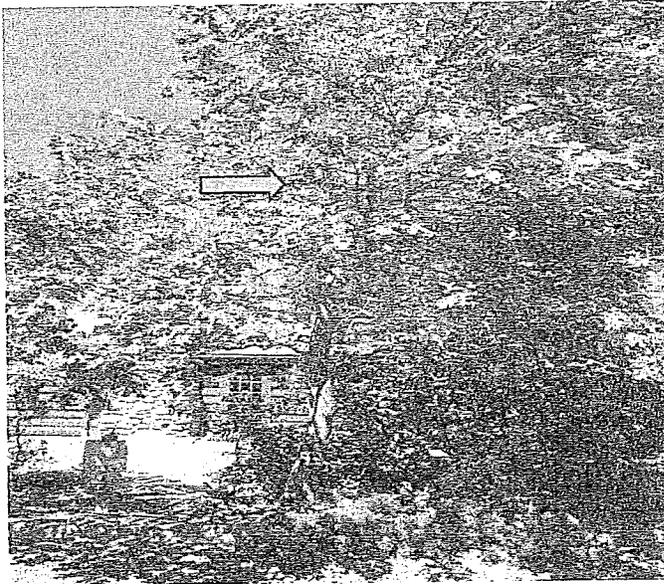
This Red Oak is a very nice specimen and worthy of preservation. It is healthy and thriving. It has excellent structural integrity. It should be protected and retained.

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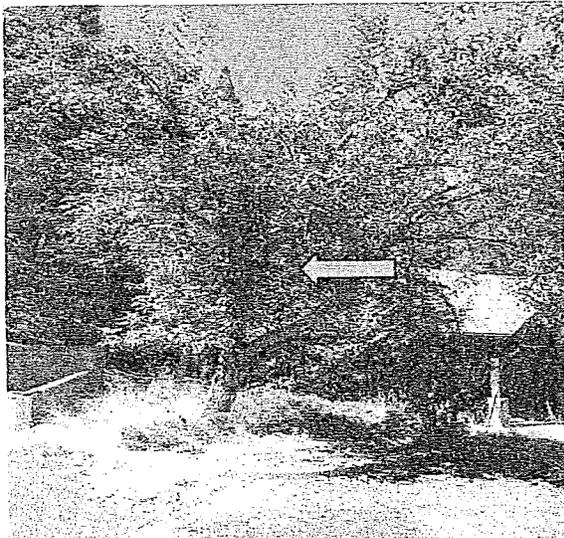
City of Ashland

Subject Tree Observations Cont'd:



(photo 6) *Quercus kelloggii* #8 'California Black Oak'

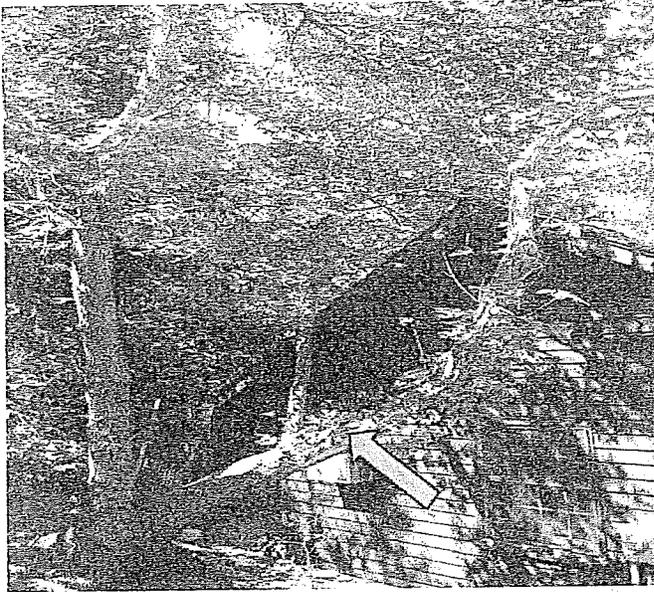
This native Oak is a young and thriving specimen tree. It displays great branch structure and is drought tolerant. I recommend it should be protected and preserved.



(photo 7) *Malus domestica* #9 'Apple'

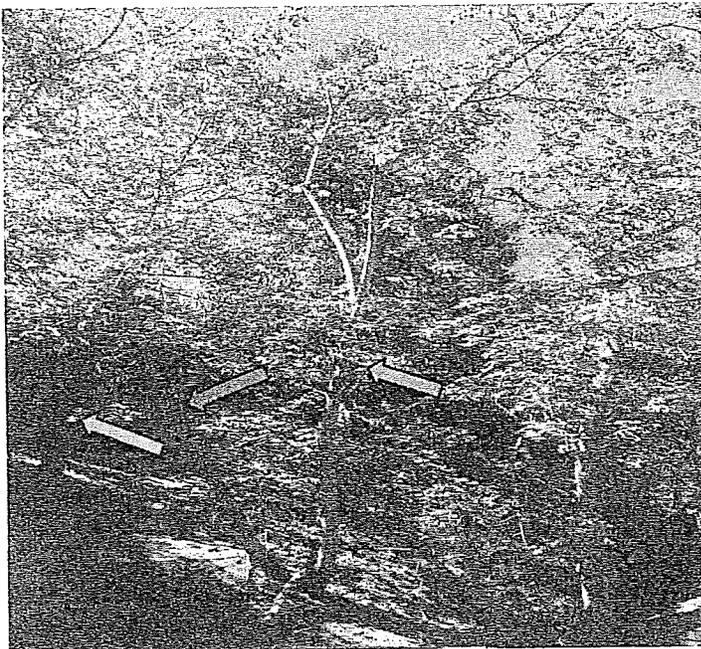
This Apple tree is diseased and in decline. The lower 8 inch scaffold limb is dead. The crown has suffered from extensive storm damage. There are plans for a driveway within the tree's CRZ. Due to its current state of health and location, it should be removed.

Subject Tree Observations Cont'd:



(photo 8) *Acer macrophyllum* #10 'Big Leaf Maple'

This maple displays a decay column in the 10 inch diameter leg over the building to the north (photo 8). This situation poses a hazard to the structure. Because of the large size of the limb, if cut, the tree would likely not be able to compartmentalize properly causing decay, which would eventually create another hazard and be the demise of the tree. Removal is recommended.



(photo 9) *Acer macrophyllums* #11, #12, #13

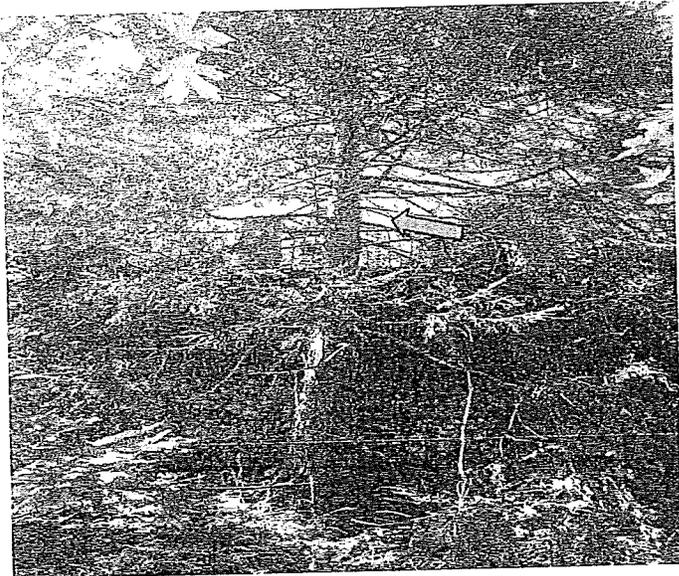
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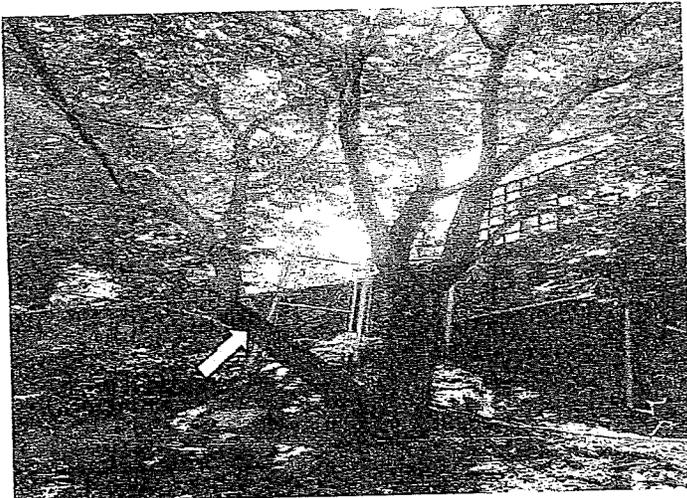
Subject Tree Observations Cont'd:

These Big Leaf Maples are currently in fair to good health (photo 9). #11 and #12 are young trees growing with a substantial lean. These infant leaning trees will become more of a concern as they mature, threatening those within proximity and the future structures. I recommend removal to prevent a future hazard. Maple #13 has good structure and shows to be outside the immediate construction footprint. This tree is viable and could be preserved.



(photo 10) *Calocedrus decurrens* #14 'Incense Cedar'

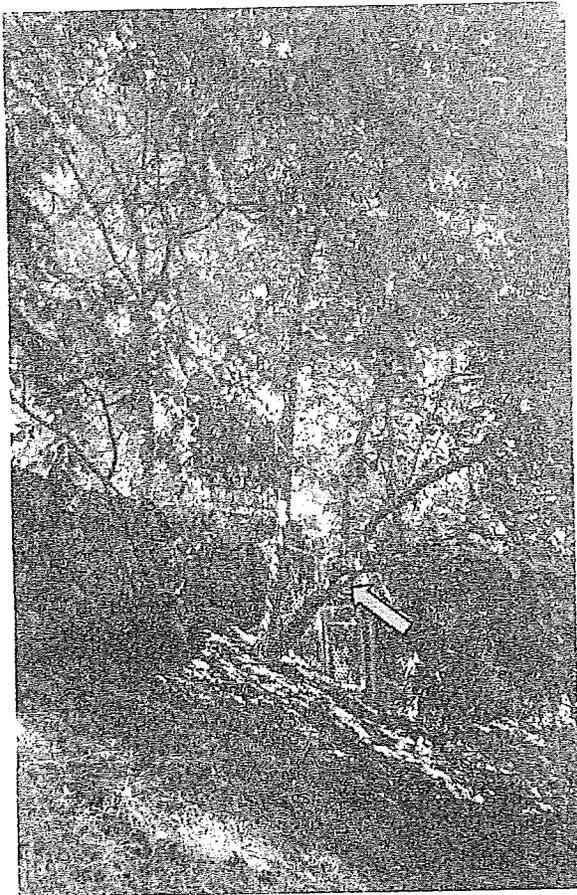
Although it has some dead wood that needs to be trimmed out, this immature Incense Cedar is a healthy specimen. Its location is outside the construction impact zone and has a good chance of survival if tree protection measures are taken. It should be retained.



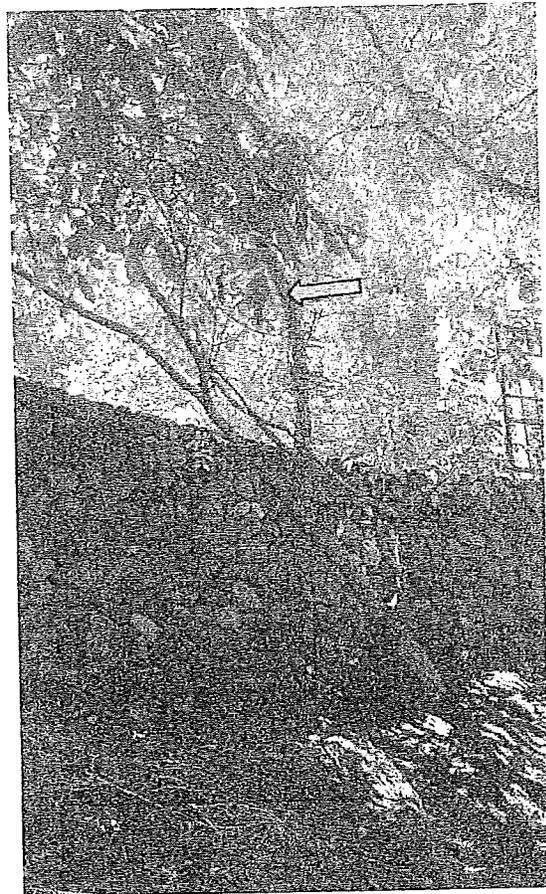
(photo 11) *Acer macrophyllum* #15 'Big Leaf Maple'

Subject Tree Observations Cont'd:

The Acer (photo 11) has a full canopy and is in good health. Its CRZ will be impacted by construction. Because it is a fairly young tree, it may be able to withstand some root cutting and remain viable in the landscape. The lower 7 inch leg (yellow arrow in photo) may need to be removed to accommodate the future structure. Deadwood removal is also recommended.



(photo 12) Juglans regia #16 'English Walnut'



(photo 13) Juglans regia #17

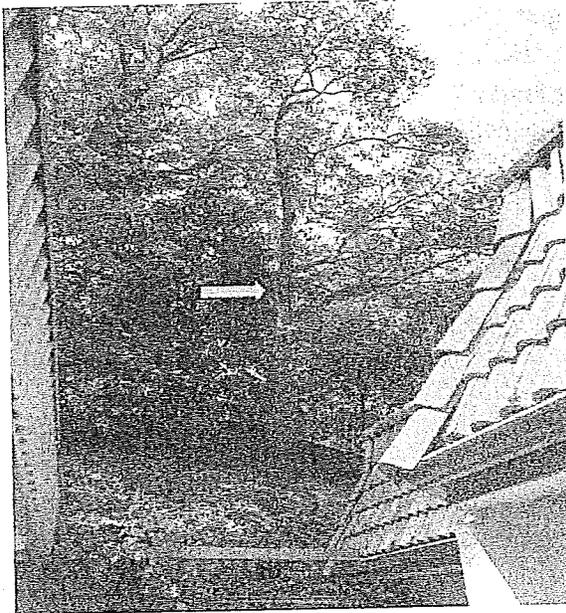
Both English walnuts have healthy crowns, but may not be a good choice for retention in this area. If preserved, #16 needs to have the 8 inch co-dominant leader removed because it has 'included bark' at its attachment point. The substantial lean of #17 predisposes it to an eventual uprooting failure. Walnuts produce a chemical called Juglone. This substance inhibits the growth of many landscape plants and trees. If retained, these Walnuts will create a nonconductive growing environment for future trees and plants. The big concern of keeping these trees is the annual production of walnuts. They are located in proximity to the future site of a deck and staircase. The walnuts will cause a slippery situation in this high traffic area, posing a hazard. I recommend they be removed.

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Subject Tree Observations Cont'd:

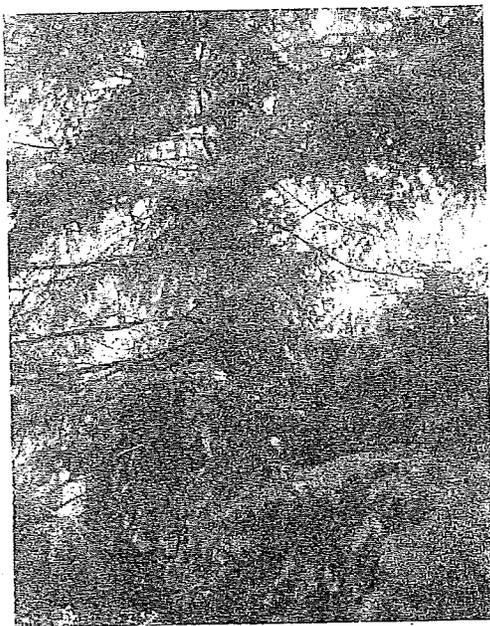


(photo 14) *Quercus kelloggii* #18

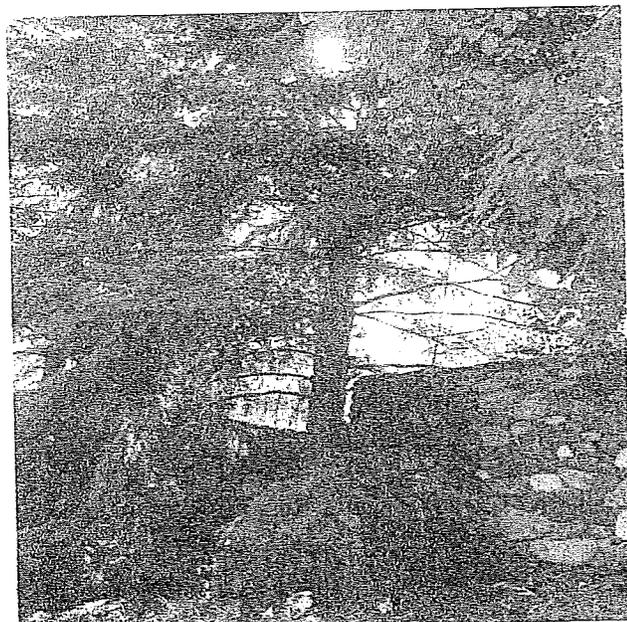


(photo 15) decay pocket in #18

This Oak is sitting within the footprint of the proposed house. Even if it weren't, this tree poses a hazard and should be removed. It has an extensive decay pocket at the base (photo 15). This tree is only supported by 3" to 5" of viable rind wood. It also has a heavy lean towards the future home and has limited anchoring support due its location on the cut bank it.



(photo 16) *Pseudotsuga menziesii* #19



(Photo 17) *Pseudotsuga menziesii* #20 'Doug Fir'

Subject Tree Observations Cont'd:

These Douglas Firs (photos 16 & 17) are in very good health. They are located on the upper portion of the property well away from the future construction activity. They function well as a privacy barrier and the roots help support the integrity of the hillside. I recommend they be protected to maintain their presence in the landscape.



(photo 18) Quercus kelloggii #23



(photo 19) Quercus kelloggii #23

From a distance this mature Black Oak looks great. The crown is healthy and full. With closer inspection, there are some very concerning issues. It has three stems that originate at the base. Because of their weak attachments, the tree has been cabled in the past. Most cables are currently broken and hanging in the crown. Another concern is the 4 inch decay pocket at the base (photo 20), which opens up to a cavernous hollow within the tree. The Oak is situated three and a half feet away from the cut bank and a portion leans towards the future house. It also sits in the footprint of the new house and poses an immediate danger of collapse. It should be removed.



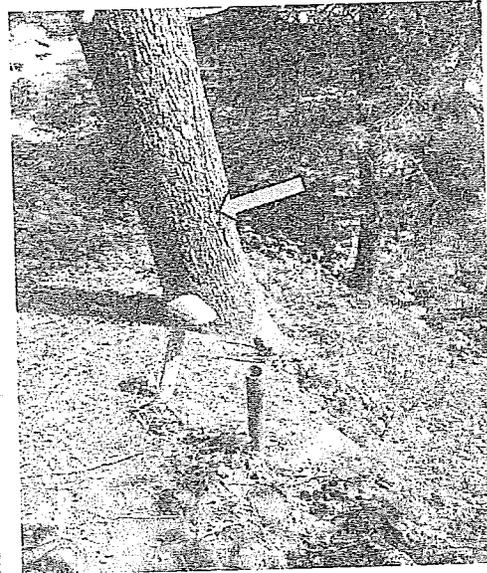
(photo 20) decay cavity in #23

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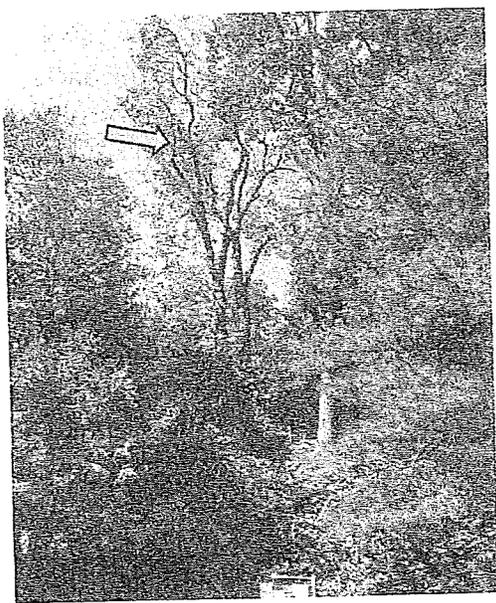
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Subject Tree Observations Cont'd:

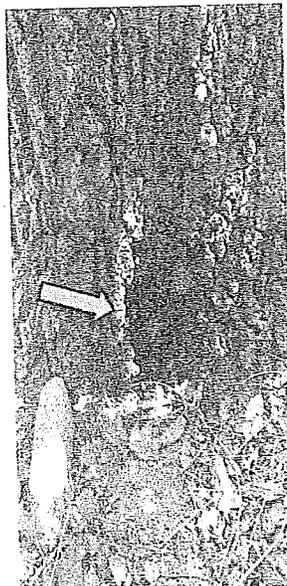


(photo 21) *Quercus garryana* #24 'White Oak' (photo 22) #24 leans on edge of bank

This Oregon White Oak displays a healthy crown, but poses a threat of uprooting. It is growing on a cut bank with an unstable soil condition. The soil is a granite loam, which has an instability factor not conducive to a good anchoring media for this tree and the other oaks on the cut bank. Portions of its roots are exposed on the bank and it has a lean towards the future home. The erosion that has taken place has compromised the stability function of the roots. The tree poses a major threat of collapse and should be removed.



(photo 23) *Quercus kelloggii* #25



(photo 24) #25



(photo 25) #25

Subject Tree Observations Cont'd:

The crown of the multi trunk Black Oak is in fair condition (photo 23). It is growing on the cut bank and has a heavy lean towards the neighbor's property to the west (photo 25). This cut bank has been altered over the years to help facilitate the building site below. Because of the man-made soil disturbances, natural erosion and loose granite loam, other nearby trees on the cut-bank have uprooted and toppled in recent years. There is a decay pocket at the base of the tree (photo 24), which also weakens its structural stability. There is a possibility of root damage from the installation of an underground utility box within six feet of the tree. In consideration of the targets involved and the current conditions, this Oak poses an immediate hazard and should be removed.

Tree #26 is a *Calocedrus decurrens* (Incense Cedar) located on the property to the south. It is in good condition and is well outside the construction impact zone. Measures should be taken to protect and preserve this tree.

Trees #21 and #22 no longer exist and therefore, will not be discussed in this report.

Summary:

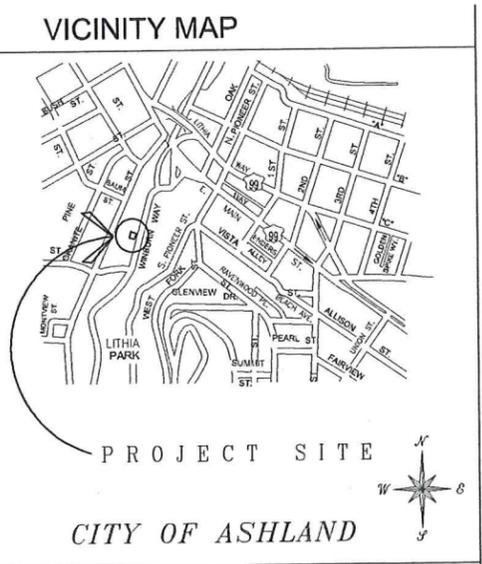
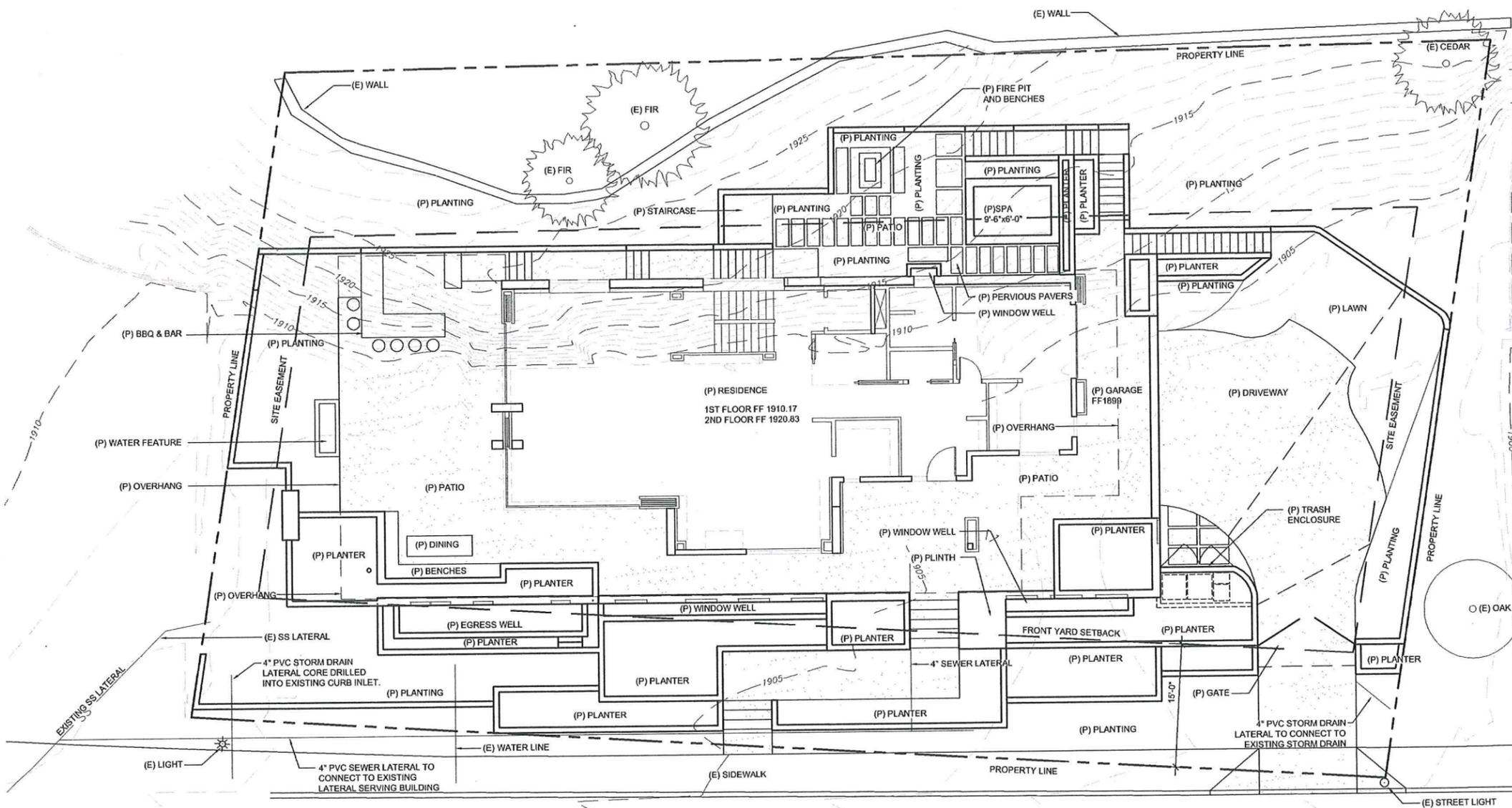
Thank you for the opportunity to provide some of my insights gained by working with trees for the past twenty years. If we are to retain any of the remaining healthy and significant trees on this site, the 'Specifications for Demolition and Site Clearing' and the 'Tree Protection Notes' must be followed. These instructions are listed on the 'Tree Protection and Removal Plan Legend Draft'. I would be happy to give some recommendations of site-specific trees that could be implemented in this project.

Professionally,
Michael A. Bartlett
Certified Arborist
PN 0984

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SHEET INDEX

LANDSCAPE ARCHITECT

- L-1.0 TITLE SHEET/SITE PLAN
- L-2.0 TREE PROTECTION & REMOVAL PLAN
- L-2.1 TREE PROTECTION & REMOVAL PLAN LEGEND
- L-3.0 CONCEPTUAL GRADING PLAN
- L-4.0 SLOPE ANALYSIS PLAN
- L-5.0 CONCEPTUAL PLANTING PLAN AND IRRIGATION NOTES

ARCHITECT

- A-1.1 SITE SECTIONS
- A-2.1 BUILDING ELEVATIONS
- A-2.2 BUILDING ELEVATIONS

ENGINEER:

- E-1.0 EROSION AND SEDIMENT CONTROL PLAN
- GEOTECHNICAL INVESTIGATION AND EROSION CONTROL REPORT

PLANNING SUMMARY

OWNER: BRYAN & STEPHANIE DeBOER
1 EASTWOOD DRIVE
MEDFORD, OREGON 97504

PROPERTY DESCRIPTION:
ZONING DESCRIPTION: R-1-7.5
ASSESSOR'S PARCEL NUMBER: 391E099C LOT#3000
85 WINBURN WAY, ASHLAND OREGON 97520

LOT COVERAGE SUMMARY:

RESIDENCE:	3,792 SF
DRIVEWAY:	979 SF
PATIOS AND WALKS:	1,088 SF
IMPERVIOUS SURFACES TOTAL:	5,869 S.F.
TOTAL LOT AREA:	12,632 SF
R-1-7.5 (45% LOT COVERAGE) TOTAL ALLOWABLE LOT COVERAGE:	5,685 SF
5% OF LOT COVERAGE (POROUS PAVEMENT EXEMPTION):	200 SF
TOTAL ALLOWABLE IMPERVIOUS SURFACE:	5,885 SF

SOLAR CALCULATIONS:

HT. OF (N) ROOF: ±27'-3"
TYPE / SLOPE OF ROOF: 1/2:12 SLOPE
SETBACK STANDARD: TABLE 'A'
SETBACK PER STANDARD:

(1930.83' (-) 1906' = 24.83' (-) 6' / (.445 (-) .093) = 53'-6" SSB REQUIRED
(1928.83' (-) 1904.4' = 24.43' (-) 8' / (.445 (-) .093) = 52'-4" SSB REQUIRED
(1920.83' (-) 1903' = 17.83' (-) 8' / (.445 (-) .093) = 33'-8" SSB REQUIRED

**AVG. 150' SLOPE TO NORTH IS (1921'-1899' = -22')(1905'-1899' = -6')(28 / 2) = -14'
-14' / 150' = -.093
**FORMULA 1: 30' / 0.445 + (-) .093 = 85.26'
**AVG. NORTH / SOUTH LOT DIMENSION = (148.14' + 146.66' = 294.8' / 2) = 147.4'

PROJECT CONSULTANTS

ARCHITECT: CARLOS DELGADO ARCHITECT
217 FOURTH STREET
ASHLAND, OR 97520
541.552.9502

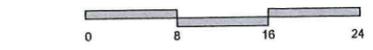
LANDSCAPE ARCHITECT: LAURIE SAGER & ASSOC. LANDSCAPE ARCHITECT
700 MISTLETOE RD #201
ASHLAND, OR 97520
541.488.1446

CIVIL AND GEOTECHNICAL ENGINEER: MARQUESS & ASSOCIATES, INC.
1120 EAST JACKSON STREET
MEDFORD, OR. 97504
541.772.7115

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Site Plan

Laurie Sager
and Associates Landscape Architects Inc
700 MISTLETOE ROAD, SUITE 201
ASHLAND, OREGON 97520

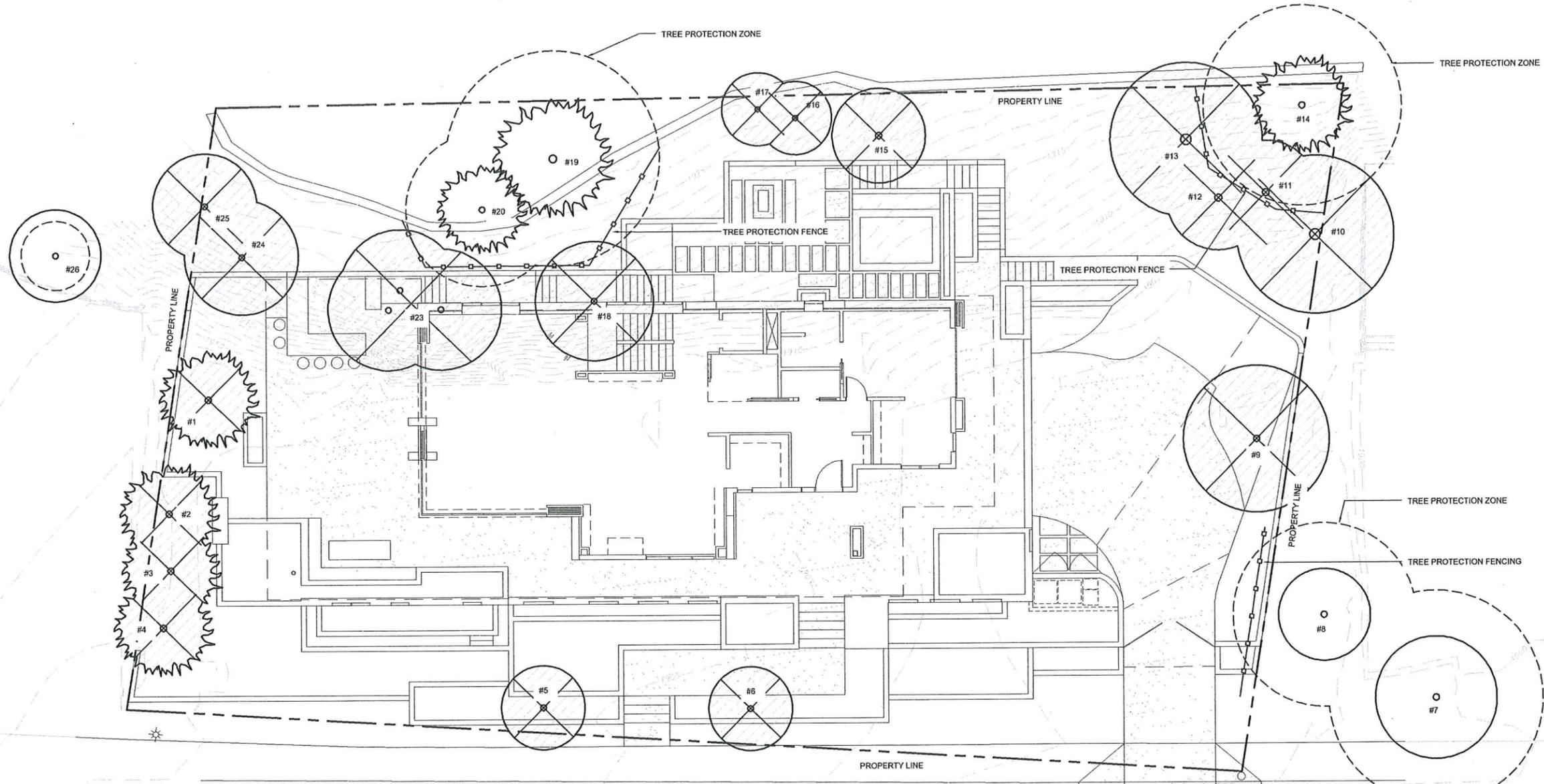


Revision Date:
Drawn By: CB
11X17 Scale: 1" = 16'-0"
24X36 Scale: 1" = 8'-0"

DeBoer Residence
85 Winburn Way
Ashland, Oregon

October 23, 2015

L-1.0



WINBURN WAY

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TREE PROTECTION AND REMOVAL PLAN

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



Revision Date:

Drawn By:
 CB
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DEBOER RESIDENCE
 85 WINBURN WAY
 ASHLAND, OREGON

October 23, 2015

L-2.0



Revision Date:

Drawn By:
 CB

DEBOER RESIDENCE
 85 WINBURN WAY
 ASHLAND, OREGON

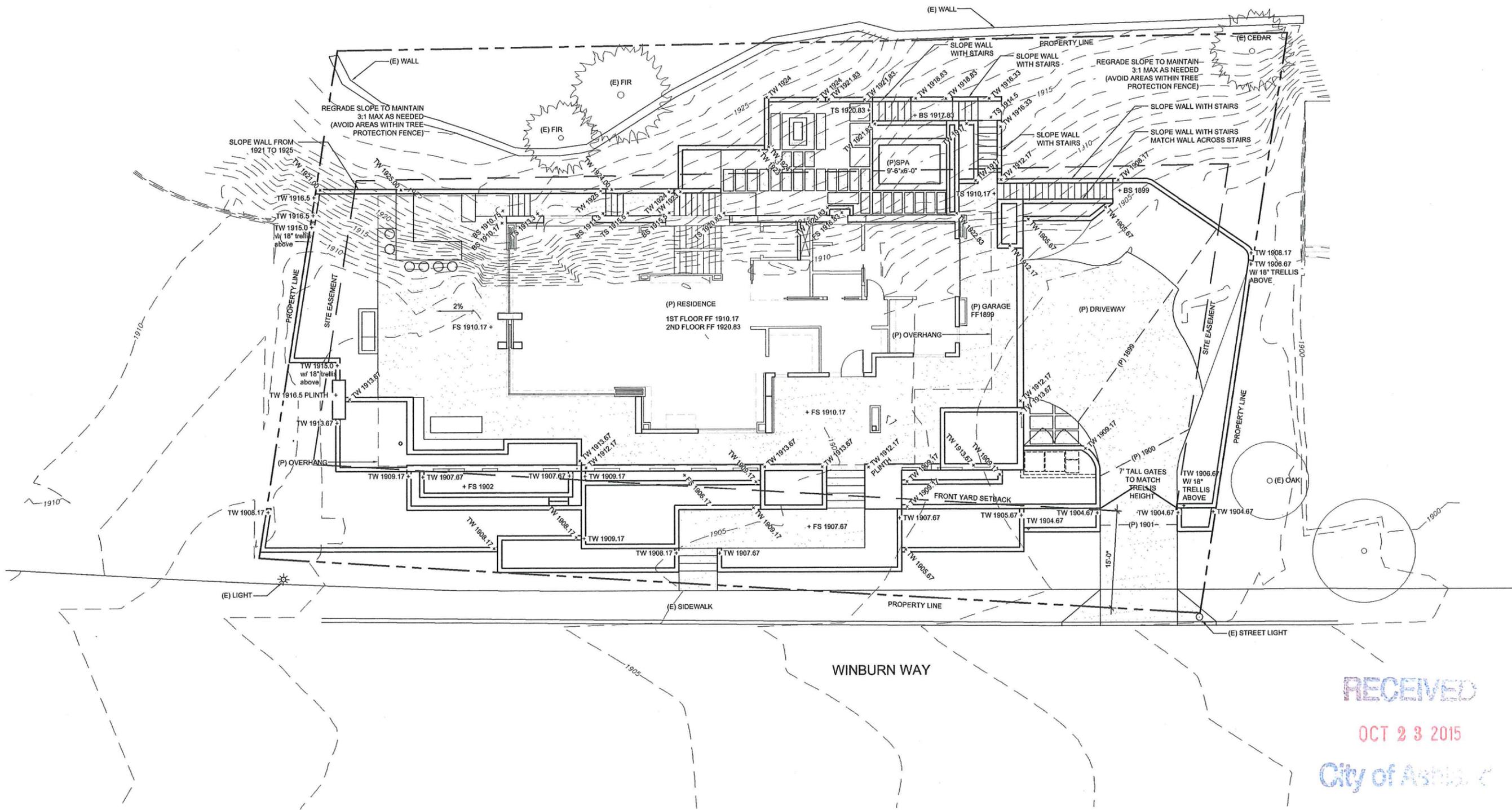
October 23, 2015

L-2.1

TREE INVENTORY									TREE PROTECTION NOTES
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	PINUS NIGRA	18	42	9	GOOD	GOOD	9	REMOVE	<p>A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be preserved, as identified on this plan. All damage caused by construction to existing trees shall be compensated for, before the project will be considered completed.</p> <p>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.</p> <p>C. Exceptions to the tree protection specifications may only be granted with written approval from owner's representative.</p> <p>D. A certified arborist shall be consulted if any pruning is necessary during construction, on trees to remain.</p> <p>E. Additional tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel.</p> <p>F. 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:</p> <ol style="list-style-type: none"> 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. <p>G. Contractor shall not disturb roots of trees when removing sod or plant material.</p> <p>H. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.</p> <p>I. Contractor shall not raise the soil level within the drip lines 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.</p> <p>J. Spoil from trenches, basements, or other excavations shall not be placed within the tree protection zone, either temporarily or permanently.</p> <p>K. Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.</p> <p>L. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.</p> <p>M. The consulting arborist must monitor any grading, construction, demolition, or other work that is expected to encounter tree roots.</p> <p>N. Inspection Schedule:</p> <ol style="list-style-type: none"> 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. <p>O. Irrigation of trees to remain:</p> <ol style="list-style-type: none"> 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.
2	PINUS NIGRA	11	44	6	GOOD	GOOD	6	REMOVE	
3	PINUS NIGRA	11	41	7	GOOD	GOOD	7	REMOVE	
4	PINUS NIGRA	13	40	9	POOR	GOOD	9	REMOVE	
5	ACER PLATANOIDES	7	28	10	FAIR	GOOD	9	REMOVE	
6	ACER PLATANOIDES	8	29	11	FAIR	GOOD	10	REMOVE	
7	QUERCUS RUBRA	16	48	18	GOOD	GOOD	14	TO REMAIN	
8	QUERCUS RUBRA	7	46	11	GOOD	GOOD	12	TO REMAIN	
9	MALUS DOMESTICA	9	28	12	POOR	GOOD	12	REMOVE	
10	ACER MACROPHYLLUM	12	26	11	POOR	POOR	12	REMOVE	
11	ACER MACROPHYLLUM	7	26	6	FAIR	POOR	7	REMOVE	
12	ACER MACROPHYLLUM	7	30	9	FAIR	POOR	7	REMOVE	
13	ACER MACROPHYLLUM	10	27	8	GOOD	POOR	10	REMOVE	
14	CALOCEDRUS DECURRENS	13	29	7	GOOD	MODERATE	13	TO REMAIN	
15	ACER MACROPHYLLUM	12	20	15	GOOD	POOR	15	REMOVE	
16	JUGLANS REGIA	8	17	8	GOOD	POOR	8	REMOVE	
17	JUGLANS REGIA	6	16	6	GOOD	POOR	6	REMOVE	
18	QUERCUS KELLOGGII	15	39	15	POOR	MODERATE	15	HOLLOW TRUNK, REMOVE	
19	PSEUDOTSUGA MENZIESII	14	40	10	GOOD	MODERATE	14	TO REMAIN	
20	PSEUDOTSUGA MENZIESII	10	38	10	GOOD	MODERATE	10	TO REMAIN	
21								DO NOT EXIST	
22								DO NOT EXIST	
23	QUERCUS KELLOGGII	26	48	25	POOR	MODERATE	26	TRIPLE TRUNK, NEAR CUT BANK, REMOVE	
24	QUERCUS GARRYANNA	16	45	16	POOR	MODERATE	16	EXPOSED ROOTS ON CUT BANK, REMOVE	
25	QUERCUS KELLOGGII	19	46	20	FAIR	MODERATE	19	MULTI TRUNK, CUT BANK, REMOVE	
26	CALOCEDRUS DECURRENS	6	22	5	GOOD	MODERATE	4.5	TO REMAIN	

TREE PROTECTION DETAILS		SPECIFICATIONS FOR DEMOLITION AND SITE CLEARING	
<p>ELEVATION</p>	<p>PLAN</p>	<p>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.</p> <p>B. The limits of all tree protection zones shall be staked in the field.</p> <p>C. A qualified arborist shall be hired to prune all trees to remain, as necessary.</p> <p>D. Any brush clearing required within the tree protection zone shall be accomplished with hand-operated equipment.</p> <p>E. Trees to be removed shall be felled so as to fall way 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.</p> <p>F. Trees to be removed from within the tree protection zone shall be removed by a qualified arborist. The trees shall be cut near ground level and the stump ground out.</p> <p>G. All downed brush and trees shall be removed from the tree protection zone either by hand or with equipment sitting outside the tree protection zone. Extraction shall occur by lifting the material out, not by skidding it across the ground.</p> <p>H. 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.</p> <p>I. 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.</p> <p>J. 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.</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Existing tree to be removed Tree protection fencing Tree protection zone <p>TOTAL # OF (E) TREES ON SITE: 21 TOTAL # OF TREES PROPOSED FOR REMOVAL ON SITE: 18 TOTAL # OF TREES PROPOSED TO REMAIN ON SITE: 3</p>

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 700 MISTLETOE ROAD, SUITE 201
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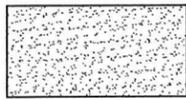
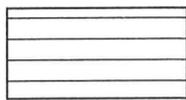
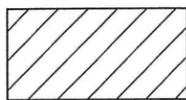
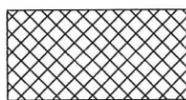
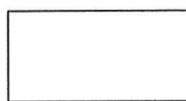
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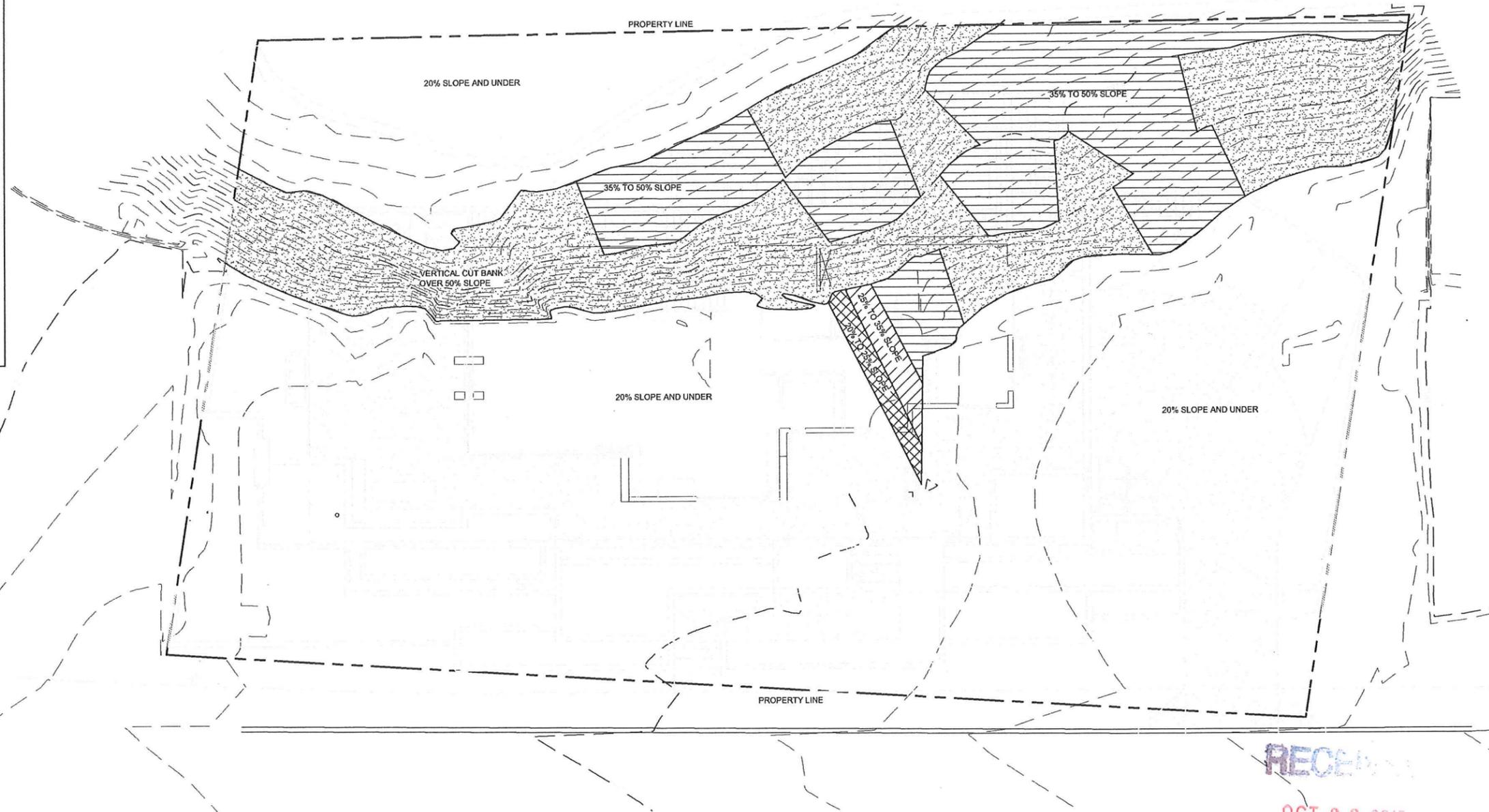
DEBOER RESIDENCE
 85 WINBURN WAY
 ASHLAND, OREGON

October 23, 2015

L-3.0

CONCEPTUAL GRADING PLAN

SLOPE LEGEND	
	VERTICAL CUT BANK OVER 50% SLOPE
	35% TO 50% SLOPE
	25% TO 35% SLOPE
	20% TO 25% SLOPE
	20% SLOPE AND UNDER



RECEIVED
OCT 23 2015
City of Ashland



 SLOPE ANALYSIS PLAN

Laurie Sager
and Associates Landscape Architects Inc
700 Mistletoe Road, Suite 201
Ashland, Oregon 97520



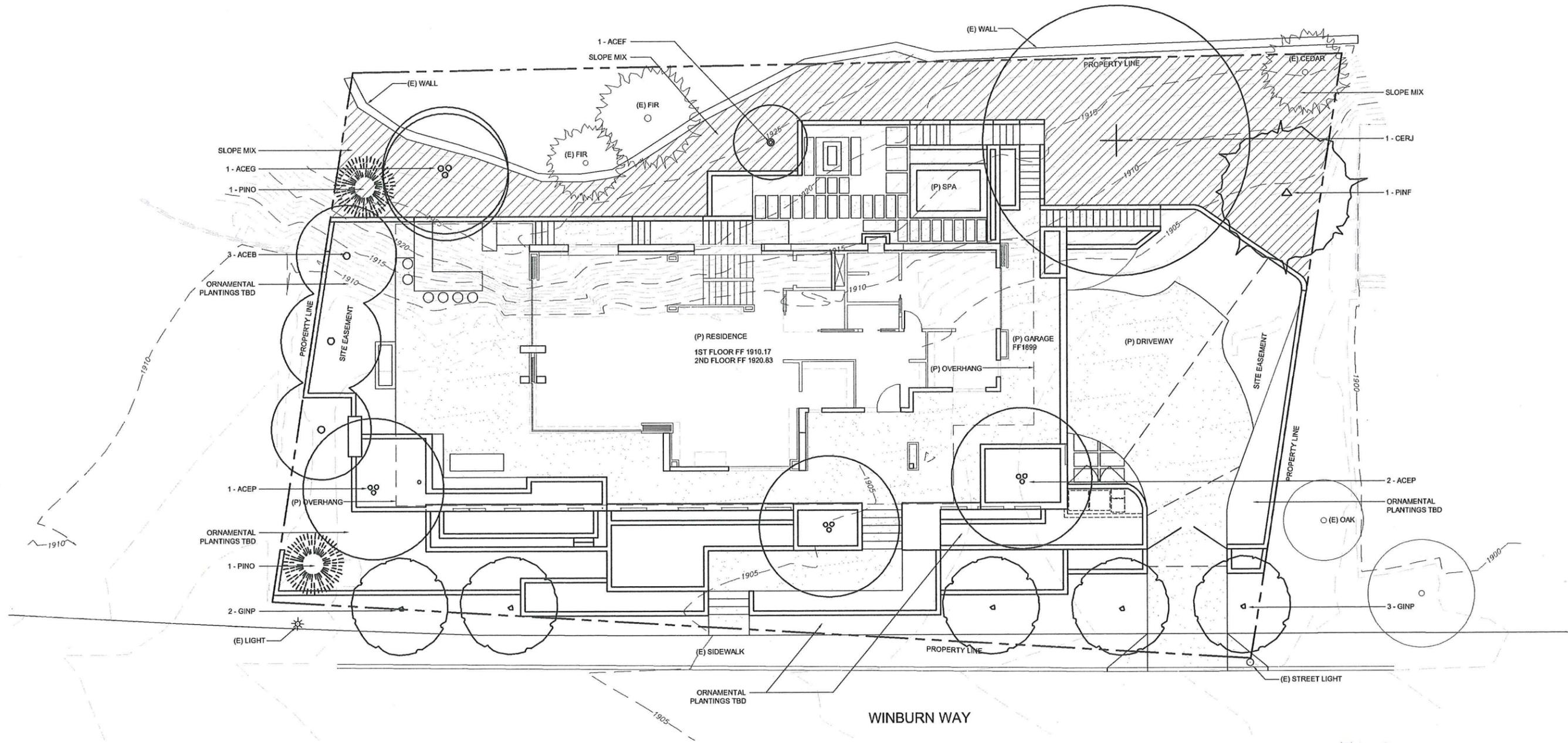
Revision Date:

Drawn By:
CB
11x17 Scale: 1" = 16'-0"
24x36 Scale: 1" = 8'-0"

DeBoer Residence
85 Winburn Way
Ashland, Oregon

October 23, 2015

L-4.0



PLANT LEGEND					
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE	
TREES	ACEB	ACER R. BOWHALL	BOWHALL COLUMNAR RED MAPLE	4" CAL	
	ACEG	ACER GRISEUM	PAPERBARK MAPLE	15'-20' MULTI	
	ACEP	ACER PALMATUM	JAPANESE MAPLE	15' MULTI	
	ACEF	ACER P. 'FIRE GLOW'	FIREGLOW JAPANESE MAPLE	3" CAL MULTI	
	CERJ	CERCIDIPHYLLUM JAPONICUM	KATSURA TREE	3" CAL	
	GINP	GINKGO B. 'PRINCETON SENTRY'	PRINCETON SENTRY GINKGO	3" CAL	
	PINF	PINUS F. 'VANDERWOLF'	VANDERWOLF PINE	12'-15' B&B	
	PINO	PINUS N. OREGON GREEN	OREGON GREEN COMPACT AUSTRIAN PINE	10' B&B	
	MIXES/ GROUND COVER	SLOPE MIX 	ARCTOSTAPHYLOS 'PACIFIC MIST'	PACIFIC MIST MANZANITA	1 GAL
			MAHONIA REPENS	CREEPING OREGON GRAPE	1 GAL
MISCANTHUS GRACILIMUS			GRACILIMUS MAIDEN GRASS	1 GAL	
PINUS 'HILLSIDE CREEPER'			HILLSIDE CREEPER SCOTCH PINE	5 GAL	
RHODODENDRON SPP.			RHODODENDRON	5-15 GAL	
SPIREA			SPIREA	1 GAL	
VIBURNUM 'MARIESI'			MARIESI DOUBLEFILE VIBURNUM	5 GAL	

PLANTING AND IRRIGATION NOTES:

1. FINE GRADE ALL DISTURBED HILLSIDE AREAS WITH SLOPE OF 3 TO 1 MAXIMUM.
2. IMPORT TOPSOIL COMPOST FOR ALL PLANTING AREAS.
3. PROVIDE AUTOMATED IRRIGATION TO ALL AREAS TO BE PLANTED.
4. LOCATE MAINLINE, LATERALS, AND VALVES IN PLANTING AREAS WHERE FEASIBLE. DO NOT LOCATE VALVE BOXES UNDER DRIPLINE OF TREES. AVOID LOCATING UNDER HARDSCAPE AREAS. LATERAL LINES SHALL BE BURIED AT A DEPTH OF 12" MINIMUM. MAINLINE SHALL BE BURIED AT A DEPTH OF 18" MINIMUM.
5. UNLESS OTHERWISE NOTED, 6" SPRAY BODIES SHALL BE INSTALLED IN ALL AREAS DIRECTLY ADJACENT TO BUILDINGS AND PAVED AREAS AND 12" SPRAY BODIES SHALL BE INSTALLED IN ALL REMAINING AREAS.
6. TREES:
WHEN TRENCHING FOR IRRIGATION, HAND TRENCH UNDER THE DRIPLINE OF ALL EXISTING TREES. SEE SPECIFICATIONS BEFORE START OF WORK - CONSULT WITH OWNER'S CERTIFIED ARBORIST BEFORE DISTURBING ANY ROOTS OVER 2". TRENCH RADIALLY IF NECESSARY.
7. SLEEVING:
CONTRACTOR SHALL VERIFY SLEEVING LOCATIONS AND COORDINATE WITH GENERAL CONTRACTOR. SLEEVES SHALL BE INSTALLED UNDER ALL HARDSCAPE AREAS FOR IRRIGATION AT A MIN. DEPTH OF 12".
8. AUTOMATED CONTROLLER LOCATION TBD.

RECEIVED
OCT 23 2015
City of Ashland



CONCEPTUAL PLANTING PLAN AND IRRIGATION NOTES

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



Revision Date:

Drawn By:
CB
11X17 Scale: 1" = 16'-0"
24X36 Scale: 1" = 8'-0"

DEBOER RESIDENCE
85 WINBURN WAY
ASHLAND, OREGON

October 23, 2015

L-5.0

Memo

DATE: 12/03/2015
TO: Tree Commission
FROM: Brandon Goldman, Senior Planner
RE: Development Standards for Wildfire Lands ordinance amendments

SUMMARY

General discussion regarding modification of the adopted Wildfire Lands boundary map, and potential amendments to the Development Standards for Wildfire Lands (Chapter 18.3.10.100)

BACKGROUND

Ashland Fire and Rescue originally presented a proposal to the City Council on April 15th, 2014 requesting staff prepare a modification of the Physical and Environmental Constraints Map to expand the boundary of Ashland's designated Wildfire Lands to incorporate the entire City (*attached map*). Such a map amendment is a legislative Land Use action requiring the approval of an ordinance, with public hearings before the Planning Commission and City Council.

The Tree Commission initially discussed the expansion of the Wildfire Lands boundary and potential changes on April 9, 2015. The Planning Commission held Study Sessions on June 24, 2014, February 24, 2015, and November 24, 2015 to discuss the Development Standards for Wildfire Lands. At these meetings Ashland Fire and Rescue presented the commission with an evaluation of Wildfire Hazards Zones (WHZ) prepared in February 2014. This report assessed various factors to determine which lands meet the hazard zones criteria set forth in Chapter 629 of the Oregon Administrative Rules. After final compilation of the hazard values, all areas within the city were found to be at or above the threshold for a WHZ designation. It is the recommendation of Ashland Fire & Rescue that all areas within the city limits be declared a WHZ, amending the current Wildfire Lands boundary as set forth in 1992.

The expansion of the Wildfire Lands boundary would have development implications for all properties within the City Limits that due to their inclusion they would become regulated under AMC Chapter 18.3.10.100 [Development Standards for Wildfire Lands].

- A Fire Prevention and Control Plan would be required with applications to partition properties, subdivisions, or to obtain site review approval (commercial or multi-family developments).
- A Fuel Break would be required of all properties obtaining building permits for new construction, either new dwellings or additions to existing dwellings where the lot coverage increase is 200 sq.ft. or greater.
- New or re-roofed structures could not use wooden shingles or other combustible roofing material.

Currently requirements for Fire Prevention and control Plans, and Fuel Breaks, only apply to properties within the existing Wildfire Lands area.



In review of the existing development standards for Wildfire Lands, Ashland Fire and Rescue identified a number of potential changes to the existing code to be considered as part of the legislative amendment process underway. Planning Staff has attempted to present these suggested amendments in the discussion draft presented to the Commission this evening. Throughout the attached discussion draft planning staff has included "discussion point" text boxes to highlight specific areas of the draft that raise issues regarding implementation or consistency with existing provisions elsewhere in the Land Use Ordinance. Proposed code revisions would serve to both clarify the submittal requirements for a Fuel Prevention and Control Plan, as well as establish new requirements for the implementation of required fuel breaks not presently codified within the currently adopted Land Use Ordinance (18.3.10.100 attached).

The additional amendments to the development standards being considered include the following:

- Developing a list of plants identified as highly flammable that are to be prohibited (draft resolution attached).
- Requiring Fuel Break standards to apply to the entire property, with added requirements within 30' of any structure.
 - Excluding highly flammable plants from being newly planted or retained within 30 feet of a structure.
 - The Fire Department has recently indicated that trees on the prohibited list could potentially be retained within 30' of a structure if the canopy and ladder fuel separation standards could be met.
- Establishing size thresholds for when an expansion of an existing building, or new structure, triggers implementation of the general fuel break requirements.
- Establishing a minimum clear distance between tree canopies and structures.
- Establishing a canopy spacing standard for the minimum separation between existing and future tree canopies at maturity.
- Establishing a standard requiring a minimum vertical separation between understory vegetation and the lowest tree limbs within a tree's drip-line.
- Establishing requirements for the removal of dead or dying vegetation
- Modification of the Flag Drive and parking lot screening standards to stipulate site-obscuring hedges along driveways are fire-resistant.
- Establishing a ministerial process to allow modifications to an approved Fire Control and Prevention and Control Plan, and general fuel break requirements.
- Add definitions to the land use ordinance for terminology introduced within the Wildfire Lands Development Standards.

The discussion draft ordinance was presented to the Ashland Wildfire Mitigation Commission on November 17th, and the Planning Commission on November 24, 2015. Members of Wildfire Mitigation Commission expressed interest in convening a joint meeting with the Tree Commission to discuss balancing mitigation of fire risk and the goals of tree preservation and protection. The review of the draft ordinance by these advisory commissions will ultimately inform the City Council regarding such wildfire issues and adoption of wildfire mitigation standards to apply city wide.

Upcoming Meetings

To hold a joint meeting the Wildfire Mitigation Commission and Tree Commission would need to identify an acceptable date and time for a special meeting, likely to occur in the beginning of January 2016.

Public Hearings before the Planning Commission and City Council are expected to occur after the new year once a final draft ordinance is available.



Attached:

- Draft Amendments to 18.3.10.100 - Development Standards for Wildfire Lands
 - Draft Amendments to 18.4.3.080 - Vehicle Area Design
 - Draft Amendments to 18.5.3.060 - Additional Preliminary Flag Lot Partition Plat Criteria
 - Draft Resolution establishing a Fuel Break Prohibited Plant List
 - Currently Adopted 18.3.10.100
-



DISCUSSION DRAFT AMENDMENTS

November 24, 2015

18.3.10.100 Development Standards for Wildfire Lands

It is the purpose of the Development Standards for Wildfire Lands to provide supplementary development regulations to underlying zones to reduce or minimize the potential impacts of wildfire hazards on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to manmade structures by firefighters in the event of a wildfire.

A. Requirements for Subdivisions, Performance Standards Developments, Site Design Review or Partitions.

1. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, Site Design Review or land partition.
2. The Staff Advisor shall forward two copies of the Fire Prevention and Control Plan to the Fire Code Official within three days of the receipt of a completed application. The Fire Code Official shall review the Fire Prevention and Control Plan, and submit a written report to the Staff Advisor no less than 10 days before a scheduled hearing, or notice of decision in the case of a Partition or Site Design Review process through a Type I procedure.. The Fire Code Official's report shall be a part of the record of the Planning Action.
3. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall include the following items:
 - a. The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.
 - b. The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property.
 - c. The location and dimensions of all structures upon adjoining properties located within 30 feet of a shared property line.
 - d. The location of all existing and proposed fire hydrants.
 - e. Site contours showing two foot intervals detailing elevation and slope.
 - d. A tree management plan showing the location and diameter at breast height (DBH) of all trees on each lot. The tree management plan shall provide the type and locations of the following:
 - i. Trees to be retained,
 - ii. Trees to be removed,
 - iii. New trees to be planted,

- iv. Areas to be thinned to reduce interlocking tree canopies,
 - v. Heavily forested parcels greater than one acre in size, may show only trees requested for removal upon approval of the Staff Advisor and Fire Code Official.
- g. A vegetation management plan, for shrubs and ground cover, showing the type and location of the following:
- i. Existing vegetation, including shrubs and bushes, to be retained.
 - ii. Dead, dying or severely diseased vegetation to be removed.
 - iii. New vegetation to be planted.
 - iv. Spacing of lower growing shrubs and bushes at expected mature size

Discussion point: Should spacing requirements be limited to newly planted lower growing shrubs, or also applicable to established landscaping?

- h. The location of and information addressing required general fuel break setback areas as described in subsection 18.3.10.100.B.
 - i. A schedule and timetable demonstrating that vegetation identified for removal. An exception to the implementation schedule may be granted by the Fire Code Official.
4. Approval Criteria. The hearing authority, in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, enhancement of water resources, and aesthetics.
5. The hearing authority in consultation with the Fire Code Official may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.
- a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
 - b. Clearing of sufficient vegetation to reduce fuel load.
 - c. Removal of all dead and dying trees.
 - d. Relocation of proposed structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the

development and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.

7. The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.

B. Requirements for Construction of All Structures.

1. Applicability. All new structures and additions within wildfire lands that increase lot coverage by 200 square feet or greater, shall have a fuel break covering the full extent of the property as defined below.

Discussion point: What should be the threshold for when the establishment of a fuel break (thinning, removal, replanting) is required?

Ashland Fire and Rescue Staff has suggested that a any increase of 100 square feet in additional floor area, or additional lot coverage (decks, outbuildings) would be preferable to the lot coverage increase threshold as presented above.

Planning Staff is concerned regarding the additional process and cost associated with plans, plant surveys, planting and irrigation that would be triggered for small projects or internal remodels. As an example, the conversion a portion of a garage into habitable space would typically not impact landscaping, however if the trigger were for increases in habitable floor area then such an internal conversion would trigger fuel break requirements.

2. General Fuel Break Requirements. A fuel break is defined as an area where the overall intensity of wildfire is reduced through fuels control and that is free of dead or dying vegetation, and has primarily fire resistant species sufficiently spaced so that there is no interlocking canopy or ladder fuels of a species or type which would promote the spread of fire. Establishment of a fuel break does not involve stripping the ground of all native vegetation. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel break is required as follows:

- a. All standing dead and dying vegetation shall be removed from the property, except when approved to carry out ecological functions considered beneficial within water resource protection areas.
- b. Existing vegetation which is identified on the City's Fuel Break Prohibited Plant List, with the exception of significant trees as defined in part 18.6, shall be removed within 30 feet of any structure. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.

Discussion Point: As initially drafted and presented above this section may conflict with the purpose of existing code requirements for properties that are zoned multifamily, commercial, employment, or subdivisions that have approved tree protection plans in place. Specifically, tree preservation and protection code standards require a Tree Removal Permits for removal of healthy trees greater than 6" in diameter at breast height.

Planning Staff is concerned that requiring removal of established highly flammable trees (including trees that are prevalent throughout the community – Pine, Cedar, Spruce) within 30' of any structure could potentially render properties devoid of existing mature trees.

Ashland Fire & Rescue Staff has clarified that within 30' of a structure, flammable trees and shrubs that can meet the canopy spacing and ladder fuel clearance requirements set forth within this draft ordinance could be retained. As such the preceding section would need to be modified or eliminated.

- c. Newly planted vegetation within 30 feet of any structure shall not include species listed on the City's Fuel Break Prohibited Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.
- d. Limbs of non-fire resistant trees shall be maintained to provide a clearance from structures as follows:
 - i. 10 feet above the roof.
 - ii. 10 feet from the chimney.
 - iii. 10 feet from the furthest extension of the structure.
 - iv. Existing conifers, evergreens, and other highly flammable trees unable to meet the requirements of 18.3.10.100.B.2i-iii, without compromising the tree health, shall be pruned up to a minimum eight feet or 1/3 of the tree height, whichever is less

Discussion point: Ashland Fire and Rescue suggests that the clearance requirements from structures stated above apply to all trees, including established fire-resistant varieties (ie Oak, Maple). Planning Staff has found example code provisions requiring tree limbs be maintained at least 10-15' from chimneys, but have yet to find examples that require such clearance from all extensions of a structure (including decks and outbuildings).

- e. The distance between the top of the understory vegetation and the lowest tree limbs shall be at least three times the height of vegetation below the tree. This applies to all vegetation wholly or partially within the drip line of the tree.

Discussion point: This is a new standard not presently codified for Wildfire Lands. This “3 times the height” standard may result in significant pruning of both existing trees and shrubs, or removal in the event this standard could not be met when vegetation is within the drip line of a tree.

- f. Canopy spacing of the outermost limbs of non-fire resistant trees as identified on the City’s Fuel Break Prohibited Plant List, shall be separated by at least 10 feet at mature size.

Discussion point: This is a new standard not presently codified for Wildfire Lands. The existing standard (18.3.10100 B3) states that a fuel break area is “free of dead or dying vegetation, and has native fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation”.

Planning Staff is concerned that application of a minimum 10' separation between canopies could trigger tree removal to comply with such a standard adding additional process and cost for the applicant. Additionally given small parcel sizes throughout the City such a standard could effectively limit the potential for multiple yard trees.

Ashland Fire & Rescue Staff has clarified that such canopy separation of the outermost limbs does not apply to fire-resistant trees. As an example Oak trees could have interlocking canopies under this new standard, whereas highly flammable trees (such as Pine trees) would either have to meet the 10' canopy separation standard, or be subject to removal.

- i. Canopy spacing does not apply to significant trees, as defined in part 18.6.
- ii. Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Fire Code Official.

Discussion point

AF&R newly proposed expansions of requirements above :

iii. Canopy spacing requirements will be adjusted to account for slope according to the following:

21-40% Minimum canopy spacing of 20'

+41% Minimum canopy spacing of 30'

iv. Shrubs, existing and newly planted, shall be separated according to the following:

0-20% slope: 2x the mature shrub height

21-40% slope: 4x the mature shrub height

41+% slope: 6x the mature shrub height

Planning Staff has is concerned that such slope corrected provisions for canopy and shrub spacing would further limit landscape design options on single family properties with limited yard areas, and would specifically be problematic in application of existing landscaping requirements on commercial and multifamily properties such as parking lot screening and buffering requirements.

- g. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, perform functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan or upon written approval of the Fire Code Official.
- h. Fuel breaks in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.
- i. Fuel breaks may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
- j. Properties greater than one acre in size may limit the fuel break area to lands within 130 feet of any structure consistent with an approved Fire

Prevention and Control Plan, or upon written approval of the Fire Code Official.

Discussion Point:

AF&R newly proposed code requirement:

k. Within three feet of a structure combustible man-made and natural materials are prohibited including but not limited to bark mulch, and accumulation of dry leaves and needles.

Planning Staff has concerns regarding compliance with such a provision on lots with small yards as well as upon commercial properties where landscaping is often located adjacent to the buildings as part of coordinating natural and build elements into an attractive streetscape.

3. Roofing. Where 50% or more of a structure's roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better non-wood roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, wooden shakes, wood-product material or other combustible roofing material. If there is a conflict between this section of the AMC and other codes, the most restrictive shall apply.

Discussion Point: The Building Official is investigating whether alternative roofing materials that have been tested for fire resistance (in addition to Class B non-wood coverings) are permissible under the approved building code.

C. Implementation.

1. For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the plan shall be complied with prior to bringing combustible materials onto the property.
2. For all other structures, the general fuel break requirements of subsection 18.3.10.100.B, above, shall be complied with before bringing combustible materials onto the property.
3. The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision,

partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.

- a. The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.
 - b. Final inspection of requisite fuel breaks will be conducted prior to i prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100B.
4. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences, and additions to existing structures expanding lot coverage by greater than 100 square feet, shall comply with all standards for new construction in subsection 18.3.10.100.B.
 5. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.

D. Exceptions and Minor Amendments. Changes to an approved Fire Prevention and Control Plan and General Fuel Break requirements shall comply with the following procedures:

1. The following exceptions are subject to ministerial approval with written concurrence from the Fire Code Official:
 - a. A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.
 - b. A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.
 - c. The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.

Discussion Point: In the event the final ordinance restricts any plantings, fire-resistant or otherwise, within three feet of any structure as AF&R has suggested (18.3.10.100 B2"K" above), an additional exemption to allow existing fire-resistant vegetation to be retained within 3' of a structure would be necessary.

- d. A reduction of the requisite fuel break to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.
- e. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than 10 feet between the outermost limbs.

Discussion Point: To address the "slope corrected separation" proposed by AF&R and discussed above (18.3.10.100 B 2 f iii-iv) section D 1 e would have to be modified as followed:

e. A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than 10 feet or less than the prescribed slope corrected separation between the outermost limbs.

- f. The temporary storage of combustible materials on a property prior to completion of a Fuel Fire Prevention and Control Plan or establishment of a required fuel break.
- g. A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.

2. The following minor amendments are subject to approval through a Type I Procedure:

- a. An action prescribed by 18.3.10.100 that includes the removal of trees designated to be retained as part of an approved Planning Action.
- b. A change that includes the removal of native vegetation within a Water Resources Protection Zone.
- c. A change in the Plan not specifically listed under 18.3.10.100 D1

Additional Ordinance amendments or resolutions

Definition of Fire Code Official (18.6)

Definition of Fire Resistant Landscaping (18.6)

Definition of Fuel Break Prohibited Plant List (18.6)

Amendment to Flag Drive Standards (18.5.3.060)

Amendments to Vehicle Area Design requirements (18.4.3.080)

Amendments to procedures table 18.5.1.010 (exceptions and minor amendments)

Resolution adopting Fuel Break Prohibited Plant List

RESOLUTION NO. 2016-

**A RESOLUTION ADOPTING THE CITY OF ASHLAND FUEL BREAK
PROHIBITED PLANT LIST FOR APPLICATION IN THE WILDFIRE
STANDARDS OVERLAY ZONE:**

RECITALS:

- A. The Ashland City Council on February __, 2016 adopted Ordinance No. ____, amending development standards within the City of Ashland Wildfire Standards Overlay Zone, which shall be codified as Chapter 18.3.10.100 of the Ashland Municipal Code.
- B. The City of Ashland recognizes the threat that wildfire poses to people, property and infrastructure within our community;
- C. The City of Ashland recognizes establishment of fuel breaks around structures is a vital wildfire mitigation action that will reduce the potential for harmful impacts of wildfire upon properties and the occupants of properties,
- D. The City of Ashland recognizes that specific highly flammable plants can accelerate the spread of wildfire, and may impede fire repression efforts in the event of a wildfire.
- E. The City of Ashland recognizes that the establishment of a Fuel Break Prohibited Plant List will promote landscapes that do not include highly flammable plants in the immediate proximity of structures, which will reduce the risk of the spread of wildfires.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Section 18.3.10.100 of the Ashland Municipal Code, the City Council of the City of Ashland establishes a Fuel Break Prohibited Plant List as follows:

Fuel Break Prohibited Plant List

The use of the following landscape plants is restricted within the City of Ashland Wildfire Lands overlay area per the general fuel break requirements set forth in Chapter 18.3.10.100 of the Ashland Land Use Ordinance.

Trees

- Acacia (*Acacia sp.*)
- Arborvitae (*Thuja sp.*)
- Cedar (*Cedrus sp.*)
- Cedar/Cypress (*Chamaecyparis sp.*)
- Cypress (*Cupressus sp.*)
- Douglas fir (*Pseudotsuga menziesi*)
- Fir (*Abies sp.*)

Hemlock (*Tsuga sp.*)
Juniper (*Juniperus sp.*)
Pine (*Pinus sp.*)
Sequoia (*Sequoia sp.*)
Spruce (*Picea sp.*)
Yew (*Taxus sp.*)

Shrubs

Blackberry (*Rubus armeniacus*)
Bitterbrush (*Purshia tridentata*)
Juniper (*Juniperus sp.*)
Laurel sumac (*Malosma laurina*)
Manzanita* (*Arctostaphylos sp.*) *except for Kinnikinnick
Oregon grape* (*Mahonia aquifolium*) *except for 'Compacta'
Rosemary* (*Rosmarinus sp.*) *except for 'Prostratus'
Sagebrush (*Artemisia sp.*)
Scotch broom (*Cytisus scoparius*)
Scrub oak (*Quercus sp.*)
Wild Lilac (*Ceanothus sp.*)

Grasses and Ground Cover

Pampas grass (*Cortaderia selloana*)

This resolution was duly PASSED and ADOPTED this _____ day of _____,
2016, and takes effect upon signing by the Mayor.

Barbara Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

18.4.3.080 Vehicle Area Design

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

6. Walls and Hedges

- a. Where a parking facility is adjacent to a street, a decorative masonry wall or **evergreen site-obscuring fire resistant** hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians, and shall meet the vision clearance area requirements in section 18.2.4.040, **and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.**
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or **evergreen fire resistant** hedge shall be provided, pursuant to the following requirements.
 - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or ~~evergreen- fire resistant~~ hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping. ~~at the extreme outside of the flag drive in order to ensure adequate fire access.~~

Currently Adopted Land Use Ordinance

18.3.10.100 Development Standards for Wildfire Lands

- A. Requirements for Subdivisions, Performance Standards Developments, or Partitions.
1. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, or application to partition land where the site contains area designated as Wildfire Hazard.
 2. The Staff Advisor shall forward the Fire Prevention and Control Plan to the Fire Chief within three days of the receipt of a completed application. The Fire Chief shall review the Fire Prevention and Control Plan, and submit a written report to the Staff Advisor no less than seven days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Planning Action.
 3. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall include the following items.
 - a. An analysis of the fire hazards on the site from wildfire, as influenced by existing vegetation and topography.
 - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation.
 - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees.
 - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown.
 - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by 18.3.10.100.B.
 - f. Roads and driveways sufficient for emergency vehicle access and fire suppression activities, including the slope of all roads and driveways within the Wildfire Lands area.
 4. Approval Criteria. The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
 5. The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.
 - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
 - b. Clearing of sufficient vegetation to reduce fuel load.
 - c. Removal of all dead and dying trees.

- d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
 6. The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority.
 7. In subdivisions or Performance Standards Developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.
 8. On lots created by partitions, the property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.
- B. Requirements for Construction of All Structures.
1. Applicability. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.
 2. General Fuel Break Requirements. A fuel break is defined as an area that is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation. Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
 3. Primary Fuel Break. A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by ten feet for each ten percent increase in slope over ten percent. Adjacent property owners are encouraged to cooperate on the development of primary fuel breaks.
 4. Secondary Fuel Break. A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

5. Roofing. All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. All re-roofing of existing structures in the Wildfire Lands area for which at least 50 percent of the roofing area requires re-roofing shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code.
- C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands.
- D. Implementation.
1. For land that have been subdivided and required to comply with subsection 18.3.10.100.A.6, above, all requirements of the plan shall be complied with prior to the commencement of construction with combustible materials.
 2. For all other structures, the vegetation control requirements of subsection 18.3.10.100.B, above, shall be complied with before the commencement of construction with combustible materials on the lot.
 3. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences shall comply with all standards for new construction in subsection 18.3.10.100.B.
 4. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.

Development Standards for Wildfire Lands - code amendment comparison matrix

Fire Prevention and Control Plan requirements

	Potential amendments	Existing Ordinance	Comments
18.3.10.100 A.1 When a plan is required :	Subdivisions, Performance Standards Developments, Partitions, <u>and Site Review</u>	Subdivisions, Performance Standards Developments, and Partitions.	Newly adds "Site Review" as threshold for submission of a Fire Prevention and Control Plan due to the addition of Multi-family (R-2, R-3) and Commercially zoned properties (C-1, C-1-D, E-1, CM, NM-C, M-1) within the Wildfire Lands designation.
18.3.10.100 A.2 Fire Department review and report:	Establishes that a Fire Department report on the Fire Control and Prevention Plan shall be submitted to be submitted no less than <u>ten (10) days</u> before a hearing or notice of decision.	Report to be submitted no less than seven (7) days before a hearing.	Advancing the time period for receipt of the completed report, from 7 to 10 days, is necessary to have information in the record to inform Site Review application decisions that may not have a scheduled public hearing.
18.3.10.100 A.3 Plan submission requirements:	Details Fire Control and Prevention Plan requirements to newly include greater specificity including: <ul style="list-style-type: none"> • Location and dimension of all structures on the property and those within 30' of the property; • Grade and elevation details; • Tree management plan; • Vegetation management plan; • Timetable for vegetation removal. 	Generally outlines Fire Control and Prevention Plan requirements.	

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendments	Existing Ordinance	Comments
<p>18.3.10.100 A.4 Approval Criteria</p>	<p><i>"The hearing authority, <u>in consultation with the Fire Code Official</u>, shall approve the Fire Prevention and Control Plan when, in addition to demonstrating compliance with the standards required by this chapter, it is found that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, <u>enhancement of water resources</u>, and aesthetics."</i></p>	<p><i>"The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics."</i></p>	<p>The code amendment newly includes "<i>in consultation with the Fire Code Official</i>" to ensure the hearing authority will consult with the Fire Code Official as part of planning action reviews regarding Fire Prevention and Control Plans..</p> <p>The amended language also inserts "<i>enhancement of water resources</i>" as a factor in evaluating the balance between fire mitigation and vegetation retention. This change acknowledges Ashland Water Resource Protection Zones more directly.</p>
<p>18.3.10.100 A.5 Hearing Authority conditions</p>	<p><i>"The hearing authority <u>in consultation with the Fire Code Official</u> may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.</i></p> <ul style="list-style-type: none"> <i>a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.</i> <i>b. Clearing of sufficient vegetation to reduce fuel load.</i> <i>c. Removal of all dead and dying trees.</i> <i>d. Relocation of <u>proposed</u> structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression."</i> 	<p><i>"The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.</i></p> <ul style="list-style-type: none"> <i>a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.</i> <i>b. Clearing of sufficient vegetation to reduce fuel load.</i> <i>c. Removal of all dead and dying trees.</i> <i>d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression."</i> 	<p>The list of the potential conditions that can be attached to an approval is consistent with the existing code</p> <p>The code amendment newly includes "<i>in consultation with the Fire Code Official</i>" to ensure the hearing authority will consult with the Fire Code Official as part of planning action reviews regarding Fire Prevention and Control Plans..</p> <p>The code amendment introduces "<i>proposed structures and roads</i>" to clarify that it is not the intent to condition approval upon the relocation of existing structures or existing roads on the property.</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendments	Existing Ordinance	Comments
Implementation provisions previously included in 18.3.10.100 A.6 relocated to 18.3.10.100 C	The implementation provisions within the existing code were removed from this amended section. They have been incorporated into the Implementation section (18.3.10.100 C)	18.3.10.100 A.6 <i>relocated</i>	Consolidation of implementation provisions into 18.3.10.100 C provides for better consistency within the code.
Maintenance provisions to be included in CC&Rs	18.3.10.100 A.6 <i>"Provisions for the maintenance of a required Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development and the City shall be named as a beneficiary of such covenants, restrictions, and conditions."</i>	18.3.10.100 A.7 <i>"In subdivisions or Performance Standards Developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions"</i>	Revisions eliminate wording that limits application to subdivisions and performance standards projects due to the new potential to have CC&Rs on mixed use projects, commercial site reviews, or other actions requiring a Fire Prevention and Control Plan.
Responsible party for maintenance of property	18.3.10.100 A.7 <i>The property owner of a lot, or Home Owners Association for areas held in common, shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.</i>	18.3.10.100 A.8 <i>"On lots created by partitions, the property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority."</i>	Clarifies that an HOA will be responsible for maintenance of common areas where applicable.

Development Standards for Wildfire Lands - code amendment comparison matrix

General Fuel Break Requirements

	Potential amendment	Existing Ordinance	Comments
18.3.10.100 B.1 Applicability	<p>1. "All new structures and additions within wildfire lands that increase lot coverage by 200 square feet or greater, shall have a fuel break covering the full extent of the property as defined below."</p> <p>Comment continued: Planning Staff is concerned regarding the additional process and cost associated with plans, plant surveys, planting and irrigation that would be triggered for small projects or internal remodels, as such the Planning Department has recommended the 200sq.ft coverage increase as an appropriate threshold for consideration. As an example, the conversion a portion of a garage into habitable space would typically not impact landscaping, however if the trigger were for increases in habitable floor area then such an internal conversion would trigger fuel break requirements.</p>	<p>"All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below."</p>	<p>Ashland Fire and Rescue Staff has suggested that a any increase of 100 square feet in additional "fire area" (the area under a roof), or additional lot coverage (decks, outbuildings) would be preferable to the lot coverage increase threshold alone.</p>
18.3.10.100 B Fuel Break Requirements	<p><u>18.3.10.100 B 2</u></p> <p><u>General Fuel Break Requirements. A fuel break is defined as an area where the overall intensity of wildfire is reduced through fuels control and that is free of dead or dying vegetation, and has primarily fire resistant species sufficiently spaced so that there is no interlocking canopy or ladder fuels of a species or type which would promote the spread of fire. Establishment of a fuel break does not involve stripping the ground of all native vegetation. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel break is required as follows:</u></p>	<p><u>General Fuel Break Requirements. A fuel break is defined as an area that is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation. Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.</u></p>	<p>The amendments consolidate both the "Primary Fuel Break" and "Secondary Fuel Break" subsections into one section. As a number of the fuels reduction strategies are applicable both areas in immediate proximity of a structure (30' buffer) and the remainder of the property, consolidating the specific requirements into one outlined section provides greater clarity and consistency.</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p>a. <i>All standing dead and dying vegetation shall be removed from the property, except when approved to carry out ecological functions considered beneficial within water resource protection areas</i></p>	<p>18.3.10.100 B.3 <u>Primary Fuel Break.</u> <i>A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by ten feet for each ten percent increase in slope over ten percent. Adjacent property owners are encouraged to cooperate on the development of primary fuel breaks.</i></p>	<p>As initially drafted and presented above this section may conflict with the purpose of existing code requirements for properties that are zoned multifamily, commercial, employment, or subdivisions that have approved tree protection plans in place. Specifically, tree preservation and protection code standards require a Tree Removal Permits for removal of healthy trees greater than 6" in diameter at breast height.</p>
	<p>b. <i>Existing vegetation which is identified on the City's Fuel Break Prohibited Plant List, with the exception of significant trees as defined in part 18.6, shall be removed within 30 feet of any structure. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.</i></p> <p>Ashland Fire & Rescue Staff has clarified that within 30' of a structure, flammable trees and shrubs that can meet the canopy spacing and ladder fuel clearance requirements set forth within this draft ordinance could be retained. As such the preceding section would need to be modified or eliminated.</p>	<p>18.3.10.100 B.4. <u>Secondary Fuel Break.</u> <i>A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.</i></p>	<p>Planning Staff is concerned that requiring removal of established highly flammable trees (including trees that are prevalent throughout the community – Pine, Cedar, Spruce) within 30' of any structure could potentially render properties devoid of existing mature trees.</p>
	<p>c. <i>Newly planted vegetation within 30 feet of any structure shall not include species listed on the City's Fuel Break Prohibited Plant List. This setback distance shall be increased by ten feet for each ten percent increase in the average slope of the property over ten percent.</i></p>	<p>No such provision in existing code</p>	<p>References a newly created a Fuel Break Prohibited Plant list by resolution, and these highly flammable plants could not be planted within 30 feet, or more as slope adjusted, of a structure.</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><i>d. Limbs of non-fire resistant trees shall be maintained to provide a clearance from structures as follows:</i></p> <ul style="list-style-type: none"> <i>i. 10 feet above the roof.</i> <i>ii. 10 feet from the chimney.</i> <i>iii. 10 feet from the furthest extension of the structure.</i> <i>iv. Existing conifers, evergreens, and other highly flammable trees unable to meet the requirements of 18.3.10.100.B.2i-iii, without compromising the tree health, shall be pruned up to a minimum eight feet or 1/3 of the tree height, whichever is less</i> 	<p>No such provision in existing code</p>	<p>Ashland Fire and Rescue suggests that the clearance requirements from structures stated above apply to <u>all</u> trees, not just non-fire resistant as drafted,. This revision would , include established fire-resistant varieties (ie Oak, Maple).</p> <p>Planning Staff has found example code provisions requiring tree limbs be maintained at least 10-15' from chimneys, but have yet to find examples that require such clearance from all extensions of a structure (including decks and outbuildings).</p>
	<p><i>e. The distance between the top of the understory vegetation and the lowest tree limbs shall be at least three times the height of vegetation below the tree. This applies to all vegetation wholly or partially within the drip line of the tree.</i></p>	<p>No such provision in existing code</p>	<p>This distance between limbs and understory vegetation is a new standard not presently codified for Wildfire Lands. This "3 times the height" standard may result in significant pruning of both existing trees and shrubs, or removal in the event this standard could not be met when vegetation is within the drip line of a tree</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p>f. <i>Canopy spacing of the outermost limbs of non-fire resistant trees as identified on the City's Fuel Break Prohibited Plant List, shall be separated by at least 10 feet at mature size.</i></p> <p>i. <i>Canopy spacing does not apply to significant trees, as defined in part 18.6.</i></p> <p>ii. <i>Groups of trees in immediate proximity to each other may be considered as one tree canopy when approved by the Fire Code Official.</i></p> <p>AF&R proposes expansions of the above requirements to include :</p> <p>iii. <i>Canopy spacing requirements will be adjusted to account for slope according to the following:</i> 21-40% <i>Minimum canopy spacing of 20'</i> +41% <i>Minimum canopy spacing of 30'</i></p> <p>iv. <i>Shrubs, existing and newly planted, shall be separated according to the following:</i> 0-20% <i>slope: 2x the mature shrub height</i> 21-40% <i>slope: 4x the mature shrub height</i> 41+% <i>slope: 6x the mature shrub height</i></p>	<p>No explicit canopy spacing provision in existing code , however the General Fuel Break definition above (18.3.10.100 B.2) stipulates the following:</p> <p><i>"...free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation."</i></p>	<p>Planning Staff has is concerned that such slope corrected provisions for canopy and shrub spacing would further limit landscape design options on single family properties with limited yard areas, and would specifically be problematic in application of existing landscaping requirements on commercial and multifamily properties such as parking lot screening and buffering requirements.</p> <p>Ashland Fire & Rescue Staff has clarified that such canopy separation of the outermost limbs does not apply to fire-resistant trees. As an example Oak trees could have interlocking canopies under this new standard, whereas highly flammable trees (such as Pine trees) would either have to meet the 10' canopy separation standard, or be subject to removal</p>
	<p>g. <i>Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, perform functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan or upon written approval of the Fire Code Official.</i></p>	<p>The General Fuel Break definition above (18.3.10.100 B.2) stipulates the following:</p> <p><i>" Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation."</i></p>	<p>Amendment incorporates new references to slope stability, riparian and wetland preservation, and water resource protection to address existing provisions within the Physical and Environmental Constraints chapter of the Land Use Ordinance.</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
	<p><i>h. Fuel breaks in areas which are also classified as Hillside Lands or Water Resource Protection Zones, shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands and Management Plan for Water Resource Protection Zones in 18.3.11.110.</i></p>	<p>18.3.10.100.C <i>Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands.</i></p>	<p>Amended to include reference to Ashland's Water Resources ordinance.</p>
	<p><i>i. Fuel breaks may include other structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.</i></p>	<p>The General Fuel Break section above (18.3.10.100 B.2) includes the following: <i>"Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance."</i></p>	
	<p><i>j. Properties greater than one acre in size may limit the fuel break area to lands within 130 feet of any structure consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Fire Code Official.</i></p>	<p>Correlates to existing buffer distance of secondary fuel break, which extends 100' beyond the 30' primary fuel break.</p>	
	<p><i>k. Within three feet of a structure combustible man-made and natural materials are prohibited including but not limited to bark mulch, and accumulation of dry leaves and needles.</i></p>	<p>No such provisions in the existing code specifying no combustibles within 3' of a structure (including plants and manmade materials)</p>	<p>Planning Staff has concerns regarding compliance with such a provision on lots with small yards as well impacts upon landscape design for commercial properties where landscaping is often located adjacent to the buildings as part of coordinating natural and built elements into functional pedestrian plaza and attractive streetscape,</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
<p>18.3.10.100 B.3 (new) 18.3.10.100 B.5 (existing)</p> <p>Roofing</p>	<p><i>Roofing. Where 50% or more of a structure's roof area is replaced within a five year period, the roof covering shall be constructed or re-roofed with a Class B or better non-wood roof covering. All re-roofing of existing structures in the Wildfire Hazard Zone shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, wooden shakes, wood-product material or other combustible roofing material. <u>If there is a conflict between this section of the AMC and other codes, the most restrictive shall apply.</u></i></p>	<p><i>Roofing. All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. All re-roofing of existing structures in the Wildfire Lands area for which at least 50 percent of the roofing area requires re-roofing shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code.</i></p>	<p>The Building Official is investigating whether alternative roofing materials that have been tested and approved as fire resistant under the Oregon Specialty Structural Code (in addition to Class B non-wood coverings) would be permissible under State Law.</p> <p>The code amendment presented may need revision for consistency with the Oregon Specialty Structural Code.</p>
<p>18.3.10.100 C (new) 18.3.10.100 D (existing)</p> <p>Implementation</p>	<p>18.3.10.100 C. 1. For lands required to comply with subsection 18.3.10.100.A. that have been partitioned, subdivided or received site design review, all requirements of the plan shall be complied with prior to bringing combustible materials onto the property.</p>	<p>18.3.10.100 D. 1. For land that have been subdivided and required to comply with subsection 18.3.10.100.A.6, above, all requirements of the plan shall be complied with prior to the commencement of construction with combustible materials.</p>	<p>Amended to include "site design review" due to the addition of Multi-family and Commercial properties within the Wildfire Lands designation.</p> <p>Modifies section to require compliance "prior to bringing combustible materials onto the property" rather than "commencement of construction" as existing.</p>
<p>Implementation</p>	<p>2. For all other structures, the general fuel break requirements of subsection 18.3.10.100.B, above, shall be complied with before bringing combustible materials onto the property.</p>	<p>2. For all other structures, the vegetation control requirements of subsection 18.3.10.100.B, above, shall be complied with before the commencement of construction with combustible materials on the lot.</p>	<p>Modifies section to require compliance "prior to bringing combustible materials onto the property" rather than "commencement of construction" as existing.</p>

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
Implementation	<p>3. <i>The Fire Prevention and Control Plan must be implemented during installation of public or private utilities and site improvements required of a subdivision, partition, Site Design Review or Performance Standards Development, and shall be considered part of the applicant's obligations for land development.</i></p> <p>a. <i>The plan shall be implemented prior to final plat approval for lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Code Official, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Code Official has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority, or as amended in accordance with subsection 18.3.110 D.</i></p> <p>b. <i>Final inspection of requisite fuel breaks will be conducted prior to bringing combustible materials onto the property to verify compliance with the fuel reduction standards set forth in subsection 18.3.10.100B.</i></p>	<p>18.3.10.100 A.6 <i>The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority.</i></p>	

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
Implementation	<p>4. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences, <u>and additions to existing structures expanding lot coverage by greater than 200 square feet</u>, shall comply with all standards for new construction in subsection 18.3.10.100.B.</p> <p>5. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.</p>	<p>3. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences shall comply with all standards for new construction in subsection 18.3.10.100.B.</p> <p>4. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.</p>	

Development Standards for Wildfire Lands - code amendment comparison matrix

	Potential amendment	Existing Ordinance	Comments
<p>Exceptions and Minor Amendments.</p>	<p>18.3.10.100. D Exceptions and Minor Amendments. <i>Changes to an approved Fire Prevention and Control Plan and General Fuel Break requirements shall comply with the following procedures:</i></p> <ol style="list-style-type: none"> 1. <i>The following exceptions are subject to ministerial approval with written concurrence from the Fire Code Official:</i> <ol style="list-style-type: none"> a. <i>A change in the implementation schedule provided within an approved Fire Prevention and Control Plan.</i> b. <i>A delay in the implementation of required fuels reduction in consideration of weather conditions, and fire hazard potential, during the period of construction.</i> c. <i>The retention of existing non-fire resistant plants, or planting of new non-fire resistant plants, within thirty (30) feet of a structure.</i> d. <i>A reduction of the requisite fuel break to address observed field conditions including preservation of riparian, wetland, and slope stabilizing vegetation.</i> e. <i>A change in the Fire Prevention and Control Plan that results in a tree canopy separation of less than 10 feet between the outermost limbs.</i> f. <i>The temporary storage of combustible materials on a property prior to completion of a Fuel Fire Prevention and Control Plan or establishment of a required fuel break.</i> g. <i>A reduction of the spacing between the top of the understory vegetation and the lowest tree limbs not meeting the requirements of section 18.3.10.100.B.2.</i> 	<p>No such provision in existing code</p>	<p>Existing standards are not as clear and objective as those proposed. With fairly prescriptive standards it is essential to allow for changes to an approved plan or fuel break standard to accommodate unique circumstances on individual properties in consideration of actual fire risk.</p> <p>Enacting an expedited exception procedure (ministerial approval) affords the applicant the flexibility to request in writing relief from a specific requirement.</p> <p>18.3.10.100 D.1.c. may need to be changed as Ashland Fire & Rescue Staff has clarified that such removal of non-fire-resistant trees or plants within 30' of a structure would not be strictly required per 18.3.10.100 B.1.a, provided the proposed canopy and spacing standards could be met.</p>

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	Potential amendment	Existing Ordinance	Comments
	<p>2. The following minor amendments are subject to approval through a Type I Procedure:</p> <ul style="list-style-type: none"> a. An action prescribed by 18.3.10.100 that includes the removal of trees designated to be retained as part of an approved Planning Action. b. A change that includes the removal of native vegetation within a Water Resources Protection Zone. c. A change in the Plan not specifically listed under 18.3.10.100 D1 	<p>No such provision in existing code</p>	<p>This section was newly added to clarify that in the event trees were identified to be kept as part of an approved planning action, that they could not then be subsequently removed without review and approval through a Type I planning action.</p>



CITY OF ASHLAND

Physical and Environmental Constraints Wildfire Lands

-  City Limits
-  Urban Growth Boundary
-  Wildfire Lands (Adopted)
-  Wildfire Lands additions (Proposed)

NOT TO SCALE

Mapping is schematic only and bears no warranty of accuracy.
All outlines, directions, symbols, abbreviations or markings, locations,
should be independently field verified for maintenance and/or location.

