

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

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
JANUARY 26, 2016
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street.

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **PUBLIC FORUM**

- V. **UNFINISHED BUSINESS**
 - A. Adoption of Findings for PA-2015-01856, 229 W. Hersey Street.
 - B. Adoption of Findings for PA-2015-02038, 85 Winburn Way.

- VI. **DISCUSSION ITEMS**
 - A. Airport Overlay Code Updates.

- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

BEFORE THE PLANNING COMMISSION
January 26, 2016

IN THE MATTER OF PLANNING ACTION #2016-01856, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT 11 MULTI-FAMILY)
RESIDENTIAL UNITS FOR THE PROPERTY LOCATED AT 229 W. HERSEY)
ST. ALSO INCLUDED ARE REQUESTS 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-) **FINDINGS,**
FOOT PARKROW PLANTING STRIP ARE REQUIRED, AND A TREE) **CONCLUSIONS,**
REMOVAL PERMIT TO REMOVE THREE TREES GREATER THAN SIX-) **AND ORDERS**
INCHES IN DIAMETER AT BREAST HEIGHT (D.B.H.))
)
)
APPLICANT: RW SIGNATURE PROPERTIES LLC)
)
)

RECITALS:

- 1) Tax lot #9900 of Map 39 1E 04CC is located at 229 West Hersey Street and is zoned R-3 (High Density Multi-Family Residential).
- 2) The applicants are requesting Site Design Review approval to construct 11 multi-family residential units for the property located at 229 West Hersey Street. Also included are requests 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.). The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
 - 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.*

4) The criteria for an Exception to Street Standards are described in **AMC 18.4.6.020.B.1** as follows:

- 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.*

5) The criteria for a Tree Removal Permit to remove a “Tree that is Not a Hazard” are described in **AMC 18.5.7.040.B.2** as follows:

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.*
- 6) The Planning Commission, following proper public notice, held a public hearing on December 8, 2015 at which time testimony was heard and evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Site Design Review, Exception to Street Standards and Tree Removal Permits meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050; for Exception to Street Standards described in Chapter 18.4.6.020.B.1; and for Tree Removal Permit approval described in Chapter 18.5.7.040.B.2.

2.3 The Planning Commission finds that the first approval criterion for Site Design Review is that, *“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 application materials provided note that the property is 14,997 square feet in area and is zoned R-3 (High Density, Multi-Family Residential), and meets the minimum lot area and lot dimensions for the R-3 zoning district.

The subject properties' underlying zoning is R-3 and within this zone, minimum lot area is based on what is necessary to achieve the proposed density. In this instance, the base density is 20 dwelling units per acre, and the 0.344 acre subject property has a base density of 6.88 dwelling units ($0.344 \text{ acres} \times 20 \text{ du/acre} = 6.88 \text{ du}$). The applicants propose to take advantage of the density bonus provisions of the ordinance and request a 15 percent density bonus for conservation housing and a 10 percent density bonus for providing additional outdoor recreation space. With a 25 (15 + 10) percent density bonus, the allowed density for the parcel is 8.6 dwelling units ($6.88 \text{ du} \times 1.25 = 8.6 \text{ du}$). Each of the ten units proposed counts as a 0.75 dwelling units for purposes of density calculations because the units are less than 500 square feet, and as such the Planning Commission finds that the proposed density is 8.5 dwelling units [$(0.75 \times 10 \text{ d.u. less than 500 square feet}) + 1 \text{ d.u.} = 8.5 \text{ du}$] which complies with the allowed 8.6 dwelling unit base density. Conditions have been included below to require that the building permit submittals include demonstrations that the conservation housing and additional recreation space requirements are satisfied to allow the proposed density bonuses.

The application explains that the main house's front porch is to be setback eight feet from the front property line, while the structure itself will be setback 15 feet. The main house is to be setback nine feet from the alley and six feet from the east property line, and the apartment buildings are proposed to meet the six-foot side yard and ten-foot per story rear yard setbacks for the zone. The applicant further notes that the proposal is at 62.6 percent lot coverage, which is significantly under the 75 percent coverage limit within the R-3 zoning district. The Planning Commission finds that the proposal complies with the applicable provisions of the underlying zone.

The Planning Commission further finds that the second Site Design Review approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The application materials note that the property is not located within any overlay zones.

The Planning Commission finds that the third approval criterion is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*” Generally, these Site Development & Design Standards seek to improve each project’s appearance; to create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties’ frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

In terms of parking, each of the ten one-bedroom/less than 500 square foot units requires one space while the main house requires two spaces, for a total of 12 required parking spaces. The Planning Commission finds that the application illustrates 12 off-street parking spaces that are to be provided, and further notes that nine bicycle parking spaces are to be provided in the proposed private garages while four additional covered bicycle parking spaces are to be provided under the balcony outside the laundry room. The Commission further finds that the applicants have indicated that the alleys will be improved as needed to provide a functional back-up area for the garage parking spaces. With regard to concerns raised in the hearing over parking being accessed off of the alley and increasing traffic impacts to the alley, the Commission finds that AMC 18.4.2.030.D.1 and 18.4.3.080.C require that where a lot abuts a rear or side alley, garage openings shall orient to the alley, access shall be taken from the alley, and no curb cuts are allowed from the street, and that the proposal has been designed to comply with these requirements. The Commission further finds that alleys are designed to enable low-speed access to the rear of properties and are not intended to encourage two-way traffic.

During the hearing, the applicants asked that the driveways to each garage be allowed to be constructed to only an eight-foot width. The Commission finds that no Variance has been requested as a part of the application, and that if there is space available to meet the nine-foot required width requirement from AMC 18.4.3.080.D then the driveways should be constructed to meet these standards. Conditions have been included below to require that the building permit submittals demonstrate that the automobile and bicycle parking areas meet the area design and dimensional requirements of the code, including a clear demonstration that required paved back-up areas are to be provided behind each space, and that the driveways meet the nine-foot minimum width requirement.

In the course of the public hearing, neighbors raised concerns that garages would ultimately be used for material storage thus redirecting parking impacts to nearby streets. The Commission finds that the Municipal Code in AMC 18.4.3.110 requires that all parking spaces remain available for vehicle parking and are not to be used for material storage. With the applicant’s agreement during the hearing, a condition has been included below to reiterate this code requirement, to require that signage be provided to make clear that the garage parking spaces are not to be used for material storage, and to require that the applicant’s lease agreements with tenants include this requirement as well.

The Planning Commission further finds that the main house will have its primary orientation to Hersey Street, and will have a large front porch and a direct pedestrian connection to the Hersey Street

sidewalk. No parking is proposed between the building and the street, with all garage and surface parking placed to the side or rear of the main house and all vehicular access from the alley. The apartments proposed are more than 20 feet from the street, and have their orientation to the courtyard or alley, depending on their location. The application notes that the building materials proposed are compatible with the surrounding area, and are a mix of wood-shingle siding, stucco bases, metal railings and composite roofing, and generally subdued (not bright or neon) paint colors. The application has proposed a sidewalk and parkrow planting strip, and street trees are to be provided however the application includes a request for an Exception to Street Standards to allow these to be narrower than standard and to utilize a bio-swale in place of the standard parkrow planting strip. The Exception request is discussed in detail under 2.4 below.

The Planning Commission finds that projects subject to Site Design Review require a minimum of eight percent of the lot be provided in recreation area, and that a density bonus of up to ten percent was available for additional recreation area provided beyond minimum requirements. The applicants are requesting this bonus for additional recreation area. AMC 18.4.2.030.H.2 notes that “*areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted toward this (recreation area) requirement.*” The central area of the site includes a dry stream bed and retention pond basin, as well as areas planted in ajuga, lavender and other ground covers or shrubs that are not suited to human recreational use could not be counted toward the recreation area requirement or density bonus. The application clarifies that the proposed recreation space and its treatment to both satisfy the standard and the requirements for the density bonus, and a revised planting plan provided as sheet LP-1 details out that the combination of private decks and patios, common deck area in the courtyard, the porch and deck of the main house and the back yard area of the main house total 2,926 square feet which exceeds the 2,699 square feet necessary to provide the required recreation area and additional area for the requested density bonus. The Commission finds that the recreation area proposed for density bonus is in addition to the minimum required landscaping and recreational requirements of the ordinance.

During the public hearing, a number of neighbors raised concerns with the likelihood of trash and recycling bins being left in the already narrow alley on trash collection day. The applicant clarified that there is a trash and recycling enclosure as required by city design standards, and that he had met with Recology and been assured they could access the enclosure from the alley in this location. The applicant emphasized that because the trash and recycling bins will be picked up from the enclosure, there will never be a need for them to be placed in the alley. The Commission finds that a common refuse and recycling area is to be provided adjacent to Unit #4 on the west alley, and that it will be placed and screened to comply with standards.

The application further notes that a final Landscape and Irrigation Plan will be provided with the building permit submittals to address the city’s landscaping and irrigation standards and the Earth Advantage requirements.

The Commission further finds that the application notes that all trees on the subject property are to be removed, including two multi-trunked elms and a seven-inch d.b.h. pine tree, and that the six existing trees on the adjacent property to the east are already protected by a six-foot fence. Those tree removals

which are subject to Tree Removal Permit requirements are discussed in detail under 2.5 below.

The Planning Commission finds that the fourth criterion for Site Design Review approval is that, *“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.”* The application notes that adequate public facilities are available and will be provided to the subject property, including:

- **Water:** There is a 12-inch water main in West Hersey Street, and six-inch water mains in each of the alleys. The application explains that nine new apartments are to be served by a common water meter off of the alley near the south property line, while the main house and its attached unit will be served by an existing ¾-inch meter adjacent to Hersey Street. The water main in the southern alley serves an existing fire hydrant, and the applicant notes that there is also a hydrant on the northwest side of the alley that intersects Hersey Street. The application states that the apartments will likely have fire sprinklers installed subject to the final requirements of the Fire Department, and the applicants are in continuing discussion with the Fire Marshal to address sprinkler requirements.
- **Sanitary Sewer:** There is an eight-inch sanitary sewer line in the alley to the west of the subject property.
- **Electric:** The applicants have been working with the Electric Department to create an Electric Service Plan for the property, and the application notes that underground electric service is available in the alley to the south of the subject property, and that two transformers are to be placed by the applicant to serve the proposed development.
- **Urban Storm Drainage:** A ten-inch storm sewer line in the alley to the west of the property feeds into a 12-inch storm sewer line in Hersey Street.
- **Paved Access:** The application notes that West Hersey Street, an Avenue, has paving with a bike lane, curbs, and gutters in place along the subject property’s frontage, with sidewalks and a parkrow planting strip to be installed with the current proposal. An existing, unused curb cut along Hersey Street is proposed for removal as part of the current application. An Exception to Street Standards (discussed in 2.4 below) is requested to allow the sidewalk and parkrow to be narrower than required, and to allow a bio-swale to be used in lieu of a standard parkrow planting strip.

The Commission finds that Hersey Street is classified as an avenue, a higher order street, and is intended by design to accommodate the level of traffic anticipated with the subject property’s high density residential zoning.

The Commission further finds that Public Works staff has indicated that they have been in contact with the applicant’s civil engineers as they develop final engineering plans for the project, and conditions

have been included below to require that the applicant provide final civil plans including utility, electric service, grading, and drainage for review and approval prior to the issuance of a building permit.

2.4 The Planning Commission finds that the application includes a request for an Exception to Street Standards. City standard frontage improvements for an Avenue like West Hersey Street here would typically require a seven- to eight-foot landscaped parkrow planting strip with irrigated street trees and a six-foot wide sidewalk along the property's full street frontage, with a right-of-way dedication or a public pedestrian easement required for any portion of these improvements that extend beyond the existing public right-of-way. In this instance, the application proposes a five-foot sidewalk and a five-foot bio-swale parkrow to match the existing frontage improvements in place on the property immediately to the southeast. The application notes that the request is being made to match the existing improvement due both to limited right-of-way and to public infrastructure in place which limits the area available for sidewalks and parkrow. The application further explains that the request for a one-foot narrower sidewalk and two-foot narrower parkrow is the minimum necessary to alleviate the difficulty and that the quality of street improvements and comfort of pedestrians will be enhanced by the resultant sidewalk across the subject property connecting to the existing improvement to the southeast, and further suggests that there are low pedestrian volumes along Hersey in this vicinity due to the inconsistent improvements and this proposal will provide a safe route. The applicant notes that if a Local Improvement District (LID) were formed to complete sidewalks on the south side of Hersey Street they believe that the existing right-of-way could readily accommodate continuous improvements of the dimensions proposed.

The Planning Commission finds that Exceptions to Street Standards require a demonstration that there is a demonstrable difficulty in meeting the standard due to a unique aspect of the site or its proposed use; that the facilities and resultant connectivity proposed are equal or superior to those required under the standards; that the exceptions requested are the minimum necessary to alleviate the difficulty; and that the exceptions are consistent with the purpose and intent of the Street Standards. The Commission further finds that there are established trees and some infrastructure elements such as hydrants, power poles and pedestals along this section of West Hersey Street that would likely complicate sidewalk installation as they would anywhere. The Commission finds that the key consideration here is that between the alley to the west of the subject property and the corner of North Laurel Street, there are only three parcels – the subject property, the property at 227 West Hersey Street which already has a five-foot sidewalk and five-foot parkrow in place, and the property at 219 West Hersey Street on the corner. The placement of the existing house at the corner of Laurel and Hersey appears to be less than 15 feet behind the curb, and the small porch on the Hersey Street side is approximately 13 feet behind the curb. The Commission finds that the placement of this home on the corner lot is such that full standard sidewalk and parkrow installation seems unlikely, and the Commission finds that a five-foot sidewalk and five-foot parkrow which could be accommodated in the existing right-of-way seem the most likely improvement here. The Commission further finds that the eventual completion of a consistent, continuous five-foot sidewalk and five-foot parkrow between the alley and the corner seems the best compromise which would provide equal connectivity while being the minimum exception necessary here.

2.5 The Planning Commission finds that there are three trees on the property over six inches in diameter: two multi-stemmed elm trees (one 15–inches in diameter at breast height (d.b.h.) and the other approximately six–inches d.b.h.) on the east property line, and a seven-inch d.b.h. pine tree. All of the trees on the subject property are proposed for removal.

The application notes that the larger elm is unsightly and does not appear to be in good health, and that both elms appear to have been seedling starts from a larger tree that was previously removed. Neither has been maintained, and all three trees are in areas proposed for construction in developing the site according to the Site Development and Design Standards.

The applicant suggests that removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, and will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property, explaining that there are a significant number of conifers and deciduous trees within 200 feet of the subject property, and that the property to the east which would have the most potential for impact has 12 deciduous trees in their yard. The applicant further emphasizes that more than 20 new trees are proposed to be planted throughout the subject property, and explains that while no conifers are proposed for mitigation due to the nature of the proposed multi-family development the number of deciduous trees proposed is nonetheless more than double the required mitigation ratio. The applicant concludes that there was no environmental benefit provided by the three trees which will not be achieved with the proposed mitigation trees. A tree inventory and assessment of the trees' conditions has been provided, along with photos of the trees. The larger elm is noted as having three trunks, as being in poor health and leaning with white rot and decay pockets evident, while the smaller pine is noted as being in poor health and of small diameter.

The applicant also notes that there are six trees on the adjacent property to the east which are within 15 feet of the property line, but which are protected by the existing six-foot fence, and as such the applicants propose that no additional tree protection fencing be required.

The Planning Commission finds that the Ashland Tree Commission reviewed the proposal at its December 2015 meeting and recommended approval of the request as submitted. The Planning Commission further finds that the application meets the criteria for approval of a Tree Removal Permit for the removal of a "Tree That is Not a Hazard" as detailed in AMC 18.5.7.040.B.2. and as such merits approval, subject to the conditions below.

2.6 The Planning Commission finds that the proposal is for ten small, energy-efficient units with generous site amenities and covered, secure parking and storage, laundry facilities and a large common open space. As noted by the applicant, these units are of a desirable size for singles and some couples, and the proposed main house will make a positive contribution to the West Hersey streetscape. The Commission finds that the project should be a welcome addition to the neighborhood and the city.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review, Variance, an Exception to Street Standards, and a Tree Removal Permit for the property located at 229 West Hersey Street is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2015-01856. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-01856 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That all recommendations of the Ashland Tree Commission from their December 3, 2015 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise specifically modified herein.
- 4) That all requirements of the Fire Department shall be satisfactorily addressed, including approved addressing; fire apparatus access; fire flow; fire sprinklers for those units determined by Building and Fire Code to require them based on review of final building permit plans; and provisions for “Knox Box” key boxes.
- 5) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to any required public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Colors and materials shall be consistent with those described in the application, and very bright or neon paint colors shall not be used.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape and Irrigation Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address:
 - 1) Any recommendations of the Tree Commission from their December 3, 2015 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor;
 - 2) Required size- and species-specific planting details and associated irrigation plans addressing the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications to satisfy the Water Conserving Landscaping Guidelines and Policies.
 - e) Stormwater drainage and grading plans for the review and approval of the Engineering, Building and Planning Departments.

- f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Meters, cabinets, vaults and Fire Department Connections shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense.
- g) An electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of demolition, excavation or building permits. Transformers, cabinets and vaults shall be located in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department.
- h) That the applicants shall provide engineered plans for the installation of a five-foot width parkrow with irrigated street trees, five-foot sidewalk, and pedestrian scale street lighting on the property's full West Hersey Street frontage for the review of the Planning and Public Works/Engineering Departments. These plans shall detail the removal of the existing curb-cut and relocation or removal of the existing phone pedestal near the alley from the sidewalk corridor so that the sidewalk can be continued in the future. If necessary to accommodate these street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
- i) Identification or required bicycle parking, which includes nine bicycle parking spaces in the garages and four covered bicycle parking spaces outside of the laundry area. If bicycle parking is provided in garages, final interior dimensions of garages shall be provided to insure adequate space needs. Inverted u-racks shall be used for non-garage bicycle parking, and all bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070.I prior to the issuance of the certificate of occupancy. The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
- j) Demonstration that all parking spaces provided meet the dimensional requirements of the Parking Area Design Requirements in AMC 18.4.3.080.B, and that the full required paved back-up area is provided behind each space. Standard parking spaces are required to be a minimum of nine-feet wide by 18-feet deep and compact spaces are required to be a minimum of eight feet by 16 feet, and a 22-foot clear back-up area must be provided behind each space. Up to 50 percent of parking spaces may be compact. Driveways provided are required to be a minimum of nine-feet in width per AMC 18.4.3.080.D. All dimensional requirements will be site-verified prior to occupancy approval.
- k) Demonstrations that the conservation housing and additional recreation space requirements are satisfied to meet the requirements for the requested density bonuses.

- l) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
 - m) Lot coverage calculations including all building footprints, driveways, parking, and other coverage areas. Lot coverage shall be limited to no more than 75 percent as allowed in the R-3 zoning district.
 - n) That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- 6) That prior to the issuance of the building permit, the commencement of site work including excavation or the storage of materials:
- a) A Tree Verification Permit shall be obtained, and tree protection measures installed according to the approved plan, inspected and approved by Staff Advisor. The Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site.
 - b) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation (less any credits for previously demolished structures) shall be paid.
- 7) That prior to the final approval of the project or issuance of a certificate of occupancy:
- a) All hardscaping, landscaping including required recreational areas and mitigation trees, and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor.
 - b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
 - c) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
 - e) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor. The existing curb cut on West Hersey Street shall be removed and vehicular access to the proposed development shall be from the alleys.

- f) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.
 - g) The applicant shall provide evidence of Earth Advantage certifications necessary to satisfy the requirements for the conservation housing density bonus requested.
 - h) All bicycle parking shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy.
- 8) That all garage parking spaces shall remain available for vehicle parking only and shall not be used for material storage, as required in AMC 18.4.3.110. This limitation shall be reflected in signage posted in each garage and in the applicant's lease agreements.

Planning Commission Approval

January 26, 2016
Date

BEFORE THE PLANNING COMMISSION
January 26, 2016

IN THE MATTER OF PLANNING ACTION #2016-02038, 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)) **FINDINGS,**
TO ALLOW STRUCTURAL RETAINING WALLS ALONG THE WEST SIDE OF) **CONCLUSIONS,**
THE PROPERTY TO EXCEED SEVEN FEET IN HEIGHT AND FOR TREE) **AND ORDERS**
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.)
)
)
APPLICANT: Carlos Delgado, *Architect*)
(agent for owners Bryan & Stephanie DeBoer))
)
)

RECITALS:

- 1) Tax lot #3000 of Map 39 1E 09BC is located at 85 Winburn Way and is zoned R-1-7.5 (Single-Family Residential).
- 2) The applicants are requesting 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. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for the approval of a Physical and Environmental Constraints Review Permit are described in **AMC 18.3.10.050** as follows:
 - 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.

4) The criteria for an Exception to the Development Standards for Hillside Lands are described in **AMC 18.3.10.090.H** as follows:

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.*

5) The criteria for a Tree Removal Permit to remove a “Tree that is Not a Hazard” are described in **AMC 18.5.7.040.B** as follows:

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.*

- 6) The Planning Commission, following proper public notice, held a public hearing on December 8, 2015 at which time testimony was heard and evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for a Physical and Environmental Constraints Review Permit, Exception to the Development Standards for Hillside Lands and Tree Removal Permits meets all applicable criteria for a Physical and Environmental Constraints Review Permit described in Chapter 18.3.10.050; for an Exception to Street Standards described in Chapter 18.3.10.090; and for Tree Removal Permits approval described in Chapter 18.5.7.040.B.

2.3 The Planning Commission finds that the proposal involves demolishing the existing structures on the site and constructing a new single family residence. Because this will entail the disturbance of hillside lands (those with slopes of 25 percent or more) and of severe constraints lands (those with slopes of 35 percent or more) a Physical and Environmental Constraints Review Permit is required. The application also includes a request for an Exception to the Development Standards for Hillside Lands to allow structural retaining walls along the west side of the property to exceed seven feet in height. AMC 18.3.10.090.B includes Hillside Grading & Erosion Control standards which do not allow walls in excess of seven feet and instead require terracing.

The application identifies 21 trees on the subject property, and notes that with the proposed development 18 of these trees will be removed. Tree removal here is considered under AMC 18.3.10, the Physical & Environmental Constraints chapter, and under AMC 18.5.7, the Tree Removal Permits chapter, which regulates the removal of significant trees on R-1 zoned properties not occupied solely by a single family residence and associated accessory structures. Three of the 18 trees to be removed are considered to be significant because they are 18-inches or more in diameter and therefore require Tree Removal Permits.

The Commission finds that because the proposal is limited to the construction of a single family residence in a residential zone, no Site Design Review application is required and the current request is limited to consideration of a Physical & Environmental Constraints Review Permit. While the subject property is located in the Skidmore Academy Historic District, the application is not subject to review by the Historic Commission or to consideration in light of the Historic District Development Standards. The Historic Commission's powers and duties are to "*review and make recommendations concerning the improvement of designated historic properties in connection with the issuance of building permits, zone changes, conditional use permits, variances, sign permits, and site reviews* (see AMC 2.24.040.D)."

The Commission further finds that AMC 18.3.10.050 provides that applications for Physical and Environmental Constraints Review Permits are subject to "Type I" administrative review procedures. The proposal involves the disturbance of hillside lands with slopes of 35 percent or more which are considered to have "severe constraints" to development and are often considered to be unbuildable. The proposal also involves removal of a fifty-year old nonconforming commercial structure and use and replacing it with a home consistent with the current single-family residential zoning. The Staff Advisor opted to exercise the authority provided under AMC 18.5.1.010.B.2 and refer the request to the Planning Commission for its review and decision through a public hearing due to the change in use, the degree of physical improvements including the development of severe constraints lands down slope of existing residential properties, and the complexity of the tree removal permit requests.

The subject property here is unique in that its location, while prominent, is at the edge of the downtown core, at street level and with slopes previously created - and left largely un-retained - when the site was originally developed. In addition, the existing commercial development located on the site includes a nonconforming structure and use that predates the current single-family residential zoning. However, the proposal to re-develop the site with a single-family home is consistent with the current zoning.

2.4 The first criterion for the approval of a Physical & Environmental Constraints Review Permit is that, *“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.”* The application explains that the proposed residence and associated site work have been designed in accordance with the requirements and standards of the Hillside Development chapter of the Ashland Land Use Ordinance. All site grading, retaining wall design, drainage and erosion control plans will either be designed or approved by a geotechnical expert. A detailed site analysis and geotechnical report prepared by Rick Swanson, P.E., G.E., of Marquess & Associates has been provided, and all cuts, grading and fill will also conform to the Oregon Residential Structural Specialty Code. The application further notes that one proposed wall exceeds the standards of the ordinance which require terracing for walls in excess of seven feet, and an Exception is requested. The Planning Commission finds that the proposal is consistent with the provisions of the ordinance, that erosion control measures will be implemented on the site throughout the duration of the construction to minimize any run-off or erosion from disturbed areas and that permanent landscaping will be installed to prevent erosion in the long-term.

The Planning Commission finds that the structure complies with the lot coverage, setbacks, and maximum permitted floor area, and has been shifted to the steeper south side of the parcel to comply with solar setbacks. The application points out that while the north end of the site has lesser hillside constraints, there is not enough area to construct a new residence there to comply with solar setback standards. The applicant also indicates that access management standards require a separation from the existing driveway of at least 24 feet which requires that the driveway be located on the northern end of the property.

The Planning Commission finds that the site has slopes which are in excess of 35 percent and which are defined by code as “severe constraints lands.” These lands are described as being extremely sensitive to development, grading, filling or vegetation removal, and whenever possible alternative development should be considered. In considering the severe constraints lands, the applicant notes that their geotechnical expert has advised that the steep slopes require retention to protect the proposed residence from erosion as well as to provide protection in the event of an earthquake or slope failure and to provide protection by supporting the slope which supports the property uphill.

The materials provided explain that the applicant considered requesting a front setback variance as a means to pull the home away from the more sloped portion of the site, but ultimately determined that such a variance would be inappropriate and detrimental to the development pattern on Winburn Way. The Planning Commission finds that when considered in light of this development pattern, the need to retain the slope at the rear of the property, and design efforts to limit the width of the residence to minimize slope disturbance, the encroachment into the slope exceeding 35 percent is warranted.

The application materials note that the geotechnical expert and structural engineers determined the location and heights of the proposed retaining walls. The existing stacked rock retaining wall that transects a number of the properties on Winburn Way will be retained above the areas of disturbance to prevent erosion and disturbance on the adjacent properties and the properties above on Granite Street for which the wall was originally constructed. All disturbed areas are proposed to be re-vegetated with properly selected plant materials to prevent further erosion, and a planting plan is included with the application materials.

The application emphasizes that upon completion, there will be no un-retained cut slopes proposed for the site. Due to the excessive slope at the west edge of the development area, the retaining wall is greater than seven feet in height and cannot be terraced. According to the project geotechnical expert, surface erosion is present. The building area in hillside portions of the site has been minimized to reduce disturbance. The slope at the rear of the property will require a visible sloped retaining wall from 11 to 15 feet in height at the maximum in order to stabilize the hillside. According to the project geotechnical expert, the retaining wall cannot be terraced as terracing would weaken and destabilize the slope and there is simply not enough area to provide terracing. The Planning Commission finds that the Development Standards for Hillside Land specifically exempt structure foundation walls from the height limitations of the ordinance, and that the proposed wall is behind the residence similar to all of the structural retaining walls along Winburn Way and will be primarily visible to the residents from the subject property itself. The view of the full height will not be visible in its entirety from adjacent properties or from the right-of-way due to the terracing of the landscape walls and planters adjacent to the property lines.

The Commission finds that the majority of the development is on existing level areas of the site, with the structure to be cut into the hillside to the extent the site permits. The structure is designed to step away from the front property line to reduce the visual bulk of the proposed residence. A planting plan has been provided detailing the re-vegetation of disturbed areas including the upper retaining wall terraces with native plants or similar species, and the site is to be irrigated. The proposed trees to be planted are to be larger stature specimens to provide instant screening and buffering between the residence and neighboring properties. The Commission finds that the request to disturb un-natural, manmade severe constraints lands with the construction of slope stabilizing, structural retaining walls will reduce the existing potential hazards and potential adverse material impacts that the existing overly steep, un-retained cut slope creates. The project team suggests that the cut slope will be improved versus leaving those slopes un-retained based on the geotechnical experts letter addressing hillside stability provided as Attachment E to the application.

The applicant also points out that they had initially sought to retain the majority of trees on the site, including three large Oak trees on the cut face of the embankment, but upon review of the trees by a certified arborist it was determined that the trees exhibit signs of decline with large decay pockets at the base of their trunks. The Commission finds that the trees proposed for removal from lands with slopes of 25 percent or more have been identified by the arborist as either exhibiting health issues or exhibiting structural issues that pose a threat to the safety of the residents.

The second approval criterion is, *“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.”* The application explains that the site has been assessed by a geotechnical expert and by structural engineers, and they have determined that the proposed construction of a structural retaining wall on the steep slope of the property mitigates the potential hazards caused by an un-retained cut slope. There are concerns about the residential structure’s safety and risk located at the bottom of an unstable and extremely steep unnatural cut slope. The project engineers have determined that leaving the cut slope un-retained would create a situation where there are potential hazards and that the proposed development mitigates those without causing additional hazards.

The application further suggests that the natural grade differs from the current slope, which has been altered over time, and is nearer to 15-20 percent. The adjacent northern and southern properties’ cut slopes are considerably different than on the subject property, and the applicant concludes that the varying cut slope on the subject site appears to have been created by the original property owner (Perozzi) for his personal residence which was directly above the subject property at the top of the cut slope with a large, flat rear yard that crosses the west property line onto the subject property and appears to have been created for his residence’s benefit. This created a cut slope that is fairly uniform on the city-owned properties to the south and north of the subject site. The applicant further explains that they have planned for retention of the slope in a manner similar to the other buildings along Winburn Way, however they emphasize that their site is more restricted by its limited depth on the more buildable southern portion of the site.

The Commission finds that no fill is proposed as part of the project to eliminate the potential hazard that fill slopes can create. All cuts are to be structurally retained with engineered retaining walls, and all landscaping is to be maintained in perpetuity and monitored as part of the property owners’ yard. These measures are intended to prevent potential hazards to adjacent properties.

The application also points out that the subject property is outside of the FEMA 100-year floodplain, and that the Winburn Way curb line is 2½ to three feet higher than the FEMA base flood elevation. The project’s civil engineer has provided a letter to address any potential concerns over proximity to the floodplain as “Attachment D” to the application.

The third approval criterion is, *“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.”* The applicant suggests that the building footprint of the property is severely reduced by the impact of yard and solar setbacks, cut slope erosion safety setbacks, and the garage/access safety constraints posed by parking in the “Ice Rink Lot” to the south and the opposing head-in parking across Winburn Way. The Commission finds that the proposed residence and associated retention measures for the steep slopes at the rear of the property will reduce adverse impacts on the environment by protecting the properties to the west above the slope and the properties to the north and south adjacent to the un-retained slope. Based on the information provided by the project geotechnical expert and upon observations of the cut slope on adjacent properties, the applicant indicates that the existing condition of exposed cuts creates adverse

impacts and have the potential for very serious adverse impacts and potential hazards due to an un-retained ten- to 20-foot tall cut bank which in some areas has slopes in excess of 50 percent. The applicant suggests that once a structure is constructed on the site, even if the slope was left untouched now, geological forces would likely eventually require retention measures at some point in the future. The applicant indicates that it is prudent to address slope stability in advance of constructing a structure on site rather than going back after the fact and potentially undermining the foundation of a new residence and the other existing residences on Granite Street above.

The applicant further explains that a stairway is proposed between the rear retaining walls, and that this stairway will serve two functions: first, in providing a measure of terracing to reduce the structural mass of the rear wall of the residence and the wall-side retaining wall; and second, in allowing the construction of a walkway that will provide not only residential access to the rear of the property but will also allow for firefighter access pathway as required in the wildfire lands overlay of the city. The proposed method of retaining wall construction is noted as being similar to that used for construction of the Community Development and Engineering Services building at 51 Winburn Way, but the proposed retaining wall is also to be the rear wall of the residence for most of its span where the Community Development building wall is separate from the retaining wall.

The Commission finds that the site restrictions and conditions warrant pushing the proposed building's footprint into the unusually steep manmade slope that is an unusable area of the lot. The applicants argue that without retaining this slope, the restrictions of the site due to yard area setbacks, solar setbacks, and provisions for parking, the buildable area would be reduced to an area unreasonable for the site. The Commission finds that the proposed residence and site improvements comply with all land use setbacks and no variances are requested, and with the proposal control of soil erosion will be improved, sedimentation of lower slopes decreased, and the risk of landslide damage or flooding problems reduced. The Commission finds that the proposal is designed in a manner that is sensitive to locally significant properties and city amenities, and that the building design is historically compatible and will enhance the streetscape by providing large overhangs; deep, useable porches; initial planting of mature landscaping; and a side-loading garage. The proposed materials of natural stone and wood, the use of flat roofs, and the rhythm of openings address the transition between Ashland's historic, commercial downtown, Lithia Park, and the adjacent residential neighborhood.

The Planning Commission finds that severe constraints lands are described in the Hillside Ordinance as being extremely sensitive to development, and whenever possible alternatives to their development are to be considered. Typically, proposals involving the development of hillside lands with severe constraints are on steep, undisturbed natural slopes visible from around the city with the potential for impacts to properties above and below them. The Commission finds that the subject property here is unique in that its location, while prominent, is at the edge of the downtown core, at street level and with slopes previously created - and left largely un-retained - when the site originally developed. In addition, the existing commercial development located on the site includes a nonconforming structure and use that predate current single-family residential zoning. The Commission finds that the proposal to re-develop the site with a single-family home is consistent with the current zoning. The Commission further finds that when the existing sloped areas and residential setbacks are considered, the site is constrained at its shallowest point to only

approximately sixteen feet in depth between the front setback line and regulated hillside slopes. As such, the Commission finds that it is necessary and reasonable that re-development of the site will impact these slopes to some degree, and the applicants have demonstrated that the proposed home can be constructed in keeping with the approval criteria and development standards for hillside lands with severe constraints.

2.5 The Planning Commission finds that there is one Exception requested to the Development Standards for Hillside Lands. In the "Hillside Grading and Erosion Control" portion of the standards, AMC 18.3.10.090.B.4.B requires that exposed cut slopes greater than seven feet be terraced, that the cut faces on a terraced section not exceed five feet, that terrace widths be a minimum of three feet, and that the total cut slopes not exceed a vertical height of 15 feet. The proposed retaining wall along the west side of the proposed residence is more than seven feet tall and will not have terraces.

The first approval criterion for an Exception to the Development Standards for Hillside Lands is that, "*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 applicant suggests that the site is unique in that it has historically had commercial development while the original business owner owned and resided on the adjacent property above. The existing landscaping and retaining walls on the upper portions of the subject property were installed to create a flat back yard for the property above. The application materials explain that the parcel is relatively level except for the rear (western) portion, which has overly-steepened, un-retained cut slopes with slopes in excess of 35 percent.

The applicant further notes that the parcel is wider along the street than it is deep, and that the buildable area is reduced by both the standard setbacks and the solar setbacks as they pertain to the north property line. Due to the location on a busy public street with high volumes of both vehicular and pedestrian traffic, including head-in parking for Lithia Park and the proximity to the skating rink and children's playground, the project team found it imperative that the garage be side-loading with all vehicular movement areas on the property to reduce the potential for conflicts with vehicles and pedestrians. The applicant suggests that this situation, coupled with the solar setback, required that the construction on the site be on the south end where the steeper slopes are located.

The application details that the wall of the proposed residence is to be placed against the hillside, forming retention for the steep slopes behind the wall. A portion of the wall is the structural retaining wall for the structure, but also for the support of the steep slope, and provides a stairway for a required firefighter access pathway to the rear of the structure.

The second approval criterion is that, "*The exception will result in equal or greater protection of the resources protected under this chapter.*" Here the applicant notes that the wall of more than seven feet tall without terracing will provide superior retention for the steeply sloped portions of the property. The project geo-technical expert found that terracing the slope would weaken the structural support that is necessary for the steep embankments and would further increase the disturbed area. The applicant concludes that providing a wall without terraces will protect a greater area of the slope and will result in greater protection of the topography and trees on the upper portions of the property.

The third criterion is that, *“The exception is the minimum necessary to alleviate the difficulty.”* The applicant indicates that the exception is the minimum necessary to alleviate the difficulty, and that no adjacent properties will be negatively affected by the proposed wall height. The application materials further suggest that the proposed wall height will provide stability for the property uphill, and that the exception has been recommended by the project geo-technical expert to reduce cuts into the hillside for terracing both to minimize destabilization of the existing slope and because a single wall has more strength than a series of shorter walls.

The fourth and final approval criterion is that, *“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 purpose and intent of the chapter speak to providing:

safe, orderly, and beneficial development of districts characterized by diversity of physiographic conditions and significant natural features; to limit alteration of topography and reduce encroachment upon, or alteration of, any natural environment and; to provide for sensitive development in areas that are constrained by various natural features. Physiographic conditions and significant natural features can be considered to include, but are not limited to: slope of the land, natural drainage ways, wetlands, soil characteristics, potential landslide areas, natural and wildlife habitats, forested areas, significant trees, and significant natural vegetation.

The application emphasizes that the proposed retaining wall is supporting a hillside that appears to have been artificially created through cuts for the development of the sites along Winburn Way, and suggests that the retaining wall as proposed will provide stability for an overly steep, un-retained slope.

The Planning Commission finds that the shallow depth of the lot combines with the constraints of the steep, artificial cut slope and existing retaining to create a demonstrable difficulty in retaining the cuts at the rear of the property with a series of short terraced walls. The project geo-technical expert has determined that the proposed wall of 11 to 15 feet tall without terracing will provide superior retention for the steeply sloped portions of the property because a single wall has more strength than a series of shorter, terraced walls; that terracing the slope would weaken the structural support necessary for the steep embankments; and that terracing would further increase the disturbed area. The Commission therefore finds that the proposed Exception meets the approval criteria.

2.6 The Planning Commission finds that the application identifies 21 trees on the subject property, and notes that with the proposed development 18 of these trees will be removed. Tree removal here is considered under AMC 18.3.10, the Physical & Environmental Constraints chapter which regulates the removal of trees in areas identified as Hillside Land and Severe Constraint Land, and under AMC 18.5.7, the Tree Removal Permits chapter, which regulates the removal of significant trees on R-1 zoned properties not occupied solely by a single family residence and associated accessory structures.

The Planning Commission finds that the Development Standards for Hillside Lands include specific standards for *“Tree Conservation, Protection and Removal”* which require that all trees of six-inches or more in diameter be inventoried and their suitability for conservation evaluated in terms of their health,

structure, species, longevity, variety and size. Under these standards, conifers of 24-inches or more in diameter at breast height and broadleaf trees of 12-inches or more in diameter at breast height are considered to be significant and are to be protected and incorporated into the project design whenever possible. In terms of the Development Standards for Hillside Lands, all requested tree removals are subject to the following standards:

- *The tree is located within the building envelope.*
- *The tree is located within a proposed street, driveway, or parking area.*
- *The tree is located within a water, sewer, or other public utility easement.*
- *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.*
- *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 trees proposed for removal from the regulated hillside lands include Trees #11, #12, #13, #15, #16, #18, #23, and #24. Of these, Trees #15, #18, #23 and #24 are considered to be significant trees under the Tree Conservation, Protection and Removal Standards. The application emphasizes that the tree removals requested here are all on the steep slopes above the buildable area of the site, and include:

Trees #11, #12, #13 and #15: These are four Big Leaf Maples, two of these are seven-inches in diameter, one is ten-inches in diameter, and one (#15) is 12-inches in diameter and considered to be significant. The three smaller trees are noted as being in fair to good health but are juvenile trees that are growing with a significant lean towards the proposed residence. The arborist indicates that infant leaning Trees #11 and #12 will become more of a concern as they mature, threatening people and structures in proximity, but suggests that Tree #13 has good structure and is outside of the immediate construction footprint. The arborist concludes that this tree is viable and could be preserved. The applicant notes that the larger tree (Tree #15) will be negatively impacted by construction and preservation would require the removal of a large, seven-inch stem which would further impact the tree. The arborist report suggests that this tree has a full canopy and is in good health, and that while its critical root zone will be impacted by construction it is a fairly young tree and may be able to withstand some root cutting and remain viable in the landscape. The arborist notes that the lower seven-inch leg may need to be removed to accommodate the proposed building and recommends that deadwood be removed from the canopy. The applicant notes that Big Leaf Maples are intolerant to construction impacts and are a common species in the vicinity, and proposes to remove all four trees.

Trees #16-17: These are both English Walnut Trees, one six-inches in diameter and the other eight-inches in diameter. Tree #16 is at the edge of the sloped area, and #17 appears to be outside of the steeply sloped area. The six-inch diameter tree is noted as having included bark and an eight-inch co-dominant leader which has caused structural instability while the eight-inch tree leans significantly. The project arborist suggests that Tree #16 may be able to be preserved with some pruning, but indicates that Tree #17 has a substantial lean which predisposes it to

eventual uprooting failure. The arborist explains that English walnuts are intolerant to construction; produce a chemical called *juglone* that prohibits other vegetation from growing under their canopy creating an environment that is not conducive to growing future trees or plants; and produce walnuts which, in proximity to a deck, patio or staircase could create a slipping hazard. The arborist recommends that both of these trees be removed.

Trees #18, #23-24: Three Oak Trees (*quercus kelloggii* and *quercus garryanna*). These are the largest and most visible trees on the site. Tree #18 is a significant (15-inch diameter) Black Oak that is noted as being in poor health. It is within the proposed building footprint and has a significant decay pocket at its base and there is only three- to five-inches of viable rind wood supporting the tree. The arborist suggests that this tree is currently a hazard as it has a heavy lean toward the existing building and future residence and it has limited anchoring support due to its location on the cut bank. Tree #23 is a significant (26-inch diameter) Black Oak. The applicant explains that according to the arborist's report, this tree looks good from a distance and has a healthy and full crown, but upon closer inspection it is in hazardous condition as it has three co-dominant stems which, due to weak attachments have been cabled together in the past. These cables have broken and are now hanging in the canopy. The applicant notes a large decay pocket leading to a cavernous hollow in the tree, and the arborist finds it to be an imminent danger of collapse and in need of removal given its location 3 ½ feet from the cut bank with a portion leaning toward the existing building and future house. Tree #24 is a significant (16-inch diameter) White Oak on the edge of the cut bank with exposed roots. The applicant explains that the erosive soil on the site is a poor growing medium for the tree and that the tree is in danger of uprooting with further erosion of the cut slope. The arborist emphasizes that the erosion which has taken place has compromised the stabilizing function of the roots, and the trees poses a major threat of collapse and should be removed.

With regard to the Oaks, the applicant further explains that in the past few years, Oaks in this particular area, including on the subject property, have succumbed to Sudden Oak Death. In August of 2014, an approximately 36-inch diameter white oak tree fell, destroying a shed on the subject property and lightly impacting the roof of Pioneer Hall on the adjacent city property. The arborist consulted by the Parks Department at the time determined that the tree's collapse may have been due to *Armillaria* or "Oak fungus," a common fungal root disease that can cause a reduction in growth, wood decay and ultimately death of the infected tree. This raised concerns with the Parks Department with the health and safety of trees on the slope above the Ice Rink lot to the south of the subject property, and after consulting an arborist, the Parks Department ultimately obtained emergency tree removal permits to remove eight significant trees when it was determined based on an arborist's assessment that they posed "*an immediate danger of collapse, as defined in AMC 18.61.020, as both situated on a cut bank with granitic soils and a heavy lean, therefore considered an extreme hazard. With the impending rainy season, the arborist fears that these trees may fail at any moment, and are in need to be removed as soon as possible.*" The applicant also notes that in the last year, a large Oak across the street in Lithia Park that was exhibiting signs of Sudden Oak Death had to be removed. The applicant emphasizes that Sudden Oak Death presents itself in the root system below the soil and there is little warning before the tree topples. The tree that fell on the subject property looked perfectly healthy until it fell.

A certified arborist has reviewed the health of the trees and provided a comprehensive evaluation as Attachment C to the application. The applicant emphasizes that the three Oaks proposed for removal are all located on the un-retained cut slope, and their location above the building envelope and the presence of decay pockets pose a hazard to the subject property and those adjacent to it.

The Planning Commission finds that based on the project arborist's report and the applicant's other submittals, Trees #11, #12, #13, #15, #16, #18, #23, and #24 can be found to meet the "Tree Conservation, Protection and Removal Standards" given their locations and conditions.

The Planning Commission further finds that the Tree Removal Permits chapter considers all trees over 18-inches in diameter to be significant, and requires permits for the removal of any significant trees on R-1 zoned property not occupied solely by a single family residence and its associated accessory structures. Three of the 18 trees to be removed here are considered to be significant because they are 18-inches or more in diameter and therefore require Tree Removal Permits. These include Tree #1 (18-inch Black Pine), Tree #23 (26-inch Black Oak) and Tree #25 (19-inch Black Oak) which are all considered to be significant in terms of the Tree Removal Permits chapter (AMC 18.5.7). These trees are further described as follows:

Tree #1, an 18-inch diameter Black Pine, is described as currently in a healthy state, but the arborist's report notes that a patio and wall are to be constructed within five feet of the tree. The construction will negatively impact the critical root zone and render the tree unstable, creating a hazard. Because of the location in regard to future construction impacts, the arborist recommends removal of the tree.

Tree #23 is the 26-inch diameter Black Oak also considered above. The applicant explains that according to the arborist's report, this tree looks good from a distance but upon closer inspection it is in hazardous condition as it has three co-dominant stems which, due to weak attachments have been cabled together in the past. These cables have broken and are now hanging in the canopy. The applicant notes a large decay pocket leading to a cavernous hollow in the tree, and the arborist finds it to be an imminent danger of collapse and in need of removal.

Tree #25 is described as a 19-inch diameter Black Oak that is in fair condition, but which is also on the cut bank and leaning toward the public parking lot to the south. The applicant notes that this tree also has a decay pocket at its base. The application materials discuss recent incidents of Sudden Oak Death in the immediate vicinity, and emphasizes that the Oaks proposed for removal are all located on the un-retained cut slope, and their location above the building envelope and the presence of decay pockets pose a hazard to the subject property and those properties adjacent to it. They further emphasize that there are no reasonable alternatives such as pruning that would alleviate the hazards because the trees are leaning and have pockets of decay at their bases.

The application speaks to the non-hazard removal criteria for these trees, emphasizing that the removals requested will not have significant negative impacts on erosion or soil stability, and that there is no surface water present on the site. They further suggest that the proposal will benefit the remaining trees

as competition for light, air and ground water will be lessened. They suggest that the trees to be removed are not part of a windbreak, and are in an area that will be retained with a structure or with new landscaping that is more appropriate to the site. They point out that there are numerous Maples, Walnuts and Oaks on other properties within 200 feet, and that the tree removal proposed will not have a negative impact on canopy coverage. They further emphasize that most of the trees proposed for removal are in hazardous condition and that there are no reasonable alternatives such as pruning that would alleviate the hazards because the trees are leaning and have decay pockets. They propose to mitigate the non-hazard tree removals with the installation of large stature (two-inch diameter or greater) deciduous trees as part of the proposed landscaping plan. In addition, new street trees are to be planted in the front yard retaining wall planter beds to mitigate the removal of the two Maples currently planted behind the sidewalk.

The Planning Commission finds that the project arborist has noted that Tree #23 poses an imminent danger of collapse, and that Tree #25 is on a cut bank leaning toward the adjacent public parking lot and that these hazards cannot be alleviated. These trees are found to meet the criteria for removal as hazards based on the arborist's assessment.

The Planning Commission further finds that while Tree #1 cannot readily be deemed a hazard since the arborist's assessment makes clear that the tree is currently in a healthy state but will be rendered a hazard with the proposed development in proximity to its root zone, the proposed removal of Tree #1 is necessitated by the applicant's pushing the building to the southernmost portion of the site to comply with solar access standards and to accommodate a basement garage and driveway which will enable cars to exit to the street in a forward manner to avoid conflicts with pedestrians, vehicular traffic and cars backing out of head-in parking across Winburn Way which the Commission finds to be in keeping with the standards for removal of a tree that is not a hazard.

The Planning Commission further finds that the Ashland Tree Commission has reviewed the application including the proposed tree removals and recommended approval of the application as submitted.

2.7 The Planning Commission finds that severe constraints lands are extremely sensitive to development, and whenever possible alternatives to their development must be considered. Typically, proposals involving the development of hillside lands with severe constraints are on steep, undisturbed natural slopes visible from around the city with the potential for development to significantly impact properties both above and below.

When the existing sloped areas and residential setbacks are considered, the subject property here is constrained at its shallowest point to only approximately 16 feet in depth between the front setback line and regulated hillside slopes. This property is unique in that it includes slopes previously created - and left largely un-retained - when the site originally developed. On what would normally be the downhill slope of a severe constraints property, the subject property is relatively flat and adjacent to a street and park. In addition, the existing commercial development located on the site includes a nonconforming structure and use that predate current single-family residential zoning. However, the proposal to re-develop the site with a single-family home is consistent with the current zoning. The Commission finds that it is necessary and reasonable to expect that re-development of the site will impact its slopes to

some degree, and the applicants have demonstrated that the proposed home can be constructed in keeping with the approval criteria and development standards for hillside lands with severe constraints.

The Commission further finds that the shallow depth of the lot combine with the constraints of the steep, artificial cut slope and existing retaining to pose a demonstrable difficulty in retaining the cuts at the rear of the property with the use of the short, terraced walls called for in the development standards. The project geo-technical expert indicates that the proposed wall of 11-15 feet in height without terracing will provide superior retention for the steeply sloped areas at the rear of the property because a single wall has more strength than a series of shorter terraced walls, and that terracing the slope would weaken the structural support necessary for the steep embankments while further increasing the extent of site disturbance necessary. Based on the project geo-technical expert's recommendation, the Planning Commission finds that the requested Exception with regard to the rear wall height meets the applicable criteria and merits approval.

The application identifies 21 trees on the subject property, and notes that with the proposed development 18 of these are to be removed. Tree removal here is considered under both the Physical & Environmental Constraints chapter, which regulates the removal of trees in areas identified as Hillside Land and Severe Constraint Land, and under the Tree Removal Permits chapter, which regulates the removal of significant trees on R-1 zoned properties not occupied solely by a single family residence and associated accessory structures. Based on the applicant's submitted materials including an arborist's report, the Commission finds that the tree removals requested are consistent with the applicable criteria and merit approval, particularly given that a number of the trees proposed for removal have been determined to pose a hazard in their current state even if no development were proposed.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a Physical and Environmental Constraints Review Permit, Exception to the Development Standards for Hillside Land and Tree Removal Permits for the property located at 85 Winburn Way is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2015-02038. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2015-02038 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicants shall be conditions of approval unless otherwise specifically modified herein.
2. That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Physical & Environmental Constraints Review Permit approval shall be submitted and approved prior to issuance of a building permit.

3. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade shall be provided with the building permit submittals.
4. Lot coverage calculations including all building footprints, driveways, parking, circulation areas and other lot coverage shall be provided with the building permit submittals. Lot coverage shall be limited to no more than 45 percent allowed in the R-1-7.5 zoning district.
5. Verification that the new home complies with the Maximum Permitted Floor Area requirements of AMC 18.2.5.070 shall be provided with the building permit submittals.
6. That storm water from all new impervious surfaces and run-off associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
7. That the property owner(s) shall sign in favor of local improvement districts for the future improvements of Winburn Way as required in AMC 18.4.6.030.B., including but not limited to sidewalks, parkrow, curb, gutter and storm drainage prior to the issuance of a building permit.
8. That the recommendations of the Ashland Tree Commission from their December 3, 2015 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise specifically modified herein.
9. That a Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, staging, building demolition, and/or storage of materials. The Verification Permit is to inspect the identification of the tree to be removed and the installation of tree protection fencing for the trees to be protected on and adjacent to the site. The tree protection shall be chain link fencing six feet tall. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
10. Replacement trees to mitigate the trees removed, including the two street trees to be removed, shall be planted and irrigated according to the approved plan. Street trees shall be chosen from the adopted Street Tree List.
11. A written verification from the project geotechnical expert addressing the consistency of the building permit submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit.
12. That a preconstruction conference to review the requirements of the Hillside Development Permit shall be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts, landscape professional, arborist and the general contractor. The applicant or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
13. That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.3.10.090.F.

14. That Marquess & Associates shall inspect the site according to the inspection schedule of the engineering geology report by Rick Swanson included in the application and date stamped October 23, 2015. Prior to the issuance of the certificate of occupancy, Marquess & Associates shall provide a final report indicating that the approved earthwork, foundation installation, sub-drainage installation, grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
15. That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.3.10.090.B.7.
16. The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to issuance of the certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
17. That the requirements of the Ashland Fire Department shall be satisfactorily addressed including approved addressing and provisions for an approved firefighter access pathway (i.e. footpath) around the structure.
18. That the new driveway approaches be permitted through the Engineering Division and are required to comply with the maximum widths for residential curb cuts and be separated from existing driveways by a minimum of 24-feet per City of Ashland Street Standards.
19. That the applicant shall obtain approval of a Demolition/Relocation Review Permit prior to the demolition of any structures on the site if deemed necessary by the Building Official.

Planning Commission Approval

January 26, 2016
Date

Memo

DATE: January 26, 2016

TO: Ashland Planning Commission

FROM: Derek Severson, Associate Planner

RE: Discussion of Draft Ordinances Related to Ashland Airport Overlay

SUMMARY

The Planning Commission reviewed and discussed draft ordinance language for various code amendments associated with the Airport Overlay (AO) at the February 24, 2015 Planning Commission study session (see http://www.ashland.or.us/Files/2015-02-24_PC_Packet_Web.pdf). The new information provided here for Planning Commission review includes two draft ordinances. One ordinance amends text of the Ashland Comprehensive Plan to recognize the most recent Airport Master Plan (see <http://www.ashland.or.us/Files/Airport%20Layout%20Plan%20Report%202004-2025.pdf>) as the guiding document for land use within the Airport Overlay. While the City Council adopted this Plan by motion at a meeting in July of 2006, Ashland's Comprehensive Plan was never amended to reflect the updated plan. The second ordinance amends the land use chapter of the municipal code relating to specific activities in the Airport Overlay. Specifically, the proposed changes address exemptions for Tree Removal in the overlay, as well as revised standards and a streamlined permit approval process for construction of conventional aircraft hangars at pre-determined locations.

The proposed ordinance changes were presented to the Airport Commission and the Tree Commission at their January of 2016 meetings and received recommendations of support. The changes are being presented to the Planning Commission for information and initial review at this time, with a formal public hearing seeking a recommendation to the Council to follow shortly.

SUMMARY OF AMENDMENTS

Background

Through a grant from the Federal Aviation Administration (FAA), the Airport Master Layout Plan Update 2004-2025 was completed. The City's Airport Commission served in the role of Planning Advisory Committee to assist a consultant and city staff in developing the updated plan. The updated plan was presented to the City Council in March and July of 2006, at which time it was adopted as the primary document for guiding future operations and physical improvements to the municipal airport campus. The Airport Master Layout Plan Update 2004-2025, however, was never formally recognized within the text of Ashland's Comprehensive Plan, which is required to be done by ordinance and proposed at this time.



The Airport Commission has requested provisions to permit the development of standard, conventional aircraft hangars to have a limited review through the building permit process and revisions to the height limitations and tree trimming and removal activities to reflect the current federal regulations. Most of the proposed amendments are geared toward streamlining the approval process, but only for those conventional aircraft hangars constructed upon predetermined footprints shown in the Airport Layout Plan.

The following is a brief summary of each of the proposed ordinances:

Comprehensive Plan Text Amendments – Ordinance 1

The text of the Comprehensive Plan – Transportation Element – is proposed to be amended in order to identify the most current Airport Layout Plan Update 2004-2025 (October 2005) as the primary document for describing current and future facility needs and airport improvements necessary to maintain a safe and efficient airport. Additionally, the Airport Master Layout Plan Update 2004-2025 is identified in Appendix “A” of the Comprehensive Plan and adopted by reference as a supporting document to the Ashland Comprehensive Plan, Chapter X - Transportation.

Land Use Ordinance Amendments – Chapter 18 – Ordinance 2

The Airport Overlay section of the Land Use Ordinance is proposed to be amended to account for the unique operations of the airport, particularly in the area of public safety, as well as to provide a more streamlined permitting process for construction of conventional aircraft hangars. The following sections of the proposed ordinance summarize the objectives of the draft code amendments.

- **Section 2 (page 2, 3) – Airport Overlay Regulations**

Section 2 identifies amended language addressing specific regulations associated with activities in the Airport Overlay. The standard addressing the maximum height allowances for structures, trees and other airspace obstruction has been updated to be consistent with methodology outline in the Plan. Tree trimming and tree removal required for safety reasons mandated by the Federal Aviation Administration is proposed to be exempt from the Tree Removal Permit. Additionally, construction of conventional aircraft hangar at a pre-determined location shown in the Plan document is proposed to be exempt from a land use approval for Site Design Review.

- **Section 3 (page 3) – Parking Regulations**

Section 3 proposes to add a specific parking requirement for an aircraft hangar. Parking for a conventional aircraft hangar is required either to be located with the hangar or accommodated within a designated vehicle parking area identified on the Airport Layout Plan. Future commercial hangar/building development is required to comply with standard off-street parking standards, generally computed by a formula based upon building square footage. In the case of a basic conventional hangar, however, parking developed within, immediately adjacent to or in a designated common parking area will be sufficient to accommodate demand.

- **Section 4 (pages 4, 5, 6) – Approval by Type of Review Procedure**

“Conventional Aircraft Hangar” is proposed to be amended to add to the list of uses below the Use Categories column. The Airport Layout Plan clearly identifies those areas specifically set aside to accommodate future construction of conventional aircraft hangars. Conventional hangars generally consist of a pre-engineered metal building design. Development of a conventional



hangar upon a pre-determined “conventional hangar” location would only be subject to a ministerial review and approval. This means that as long as the hangar construction occurs at a pre-determined location and consists of materials consistent with Public Works/Airport Commission standards, a land use application with public notice would not be required. Construction of a conventional aircraft hangar would continue to require a building permit and would need to comply with applicable building and fire code requirements.

- **Section 5 (page 5) – Exemption from Tree Removal**

The proposed amendment to this section would exempt tree trimming and removal in order to comply with safety reasons identified by the Federal Aviation Administration (FAA) as exempt from Tree Removal Permits. In 2006, the Airport Layout Plan identified over 30 trees that were anticipated to be in need of trimming or removal within the planning period. While exempt, the Public Works Department would be required to file an annual report with the Ashland Tree Commission describing tree trimming/removal activities carried out during the previous year.

- **Section 6 (page 5) - Definitions**

This section is proposed to be amended in order to add a new definition - Aircraft Hangar, Conventional.

ATTACHMENTS

1. Draft Amendments to Ashland Comprehensive Plan
2. Draft Amendments to Land Use Ordinance



ORDINANCE NO. **ORD #1**

AN ORDINANCE AMENDING THE CITY OF ASHLAND COMPREHENSIVE PLAN TO ADOPT THE ASHLAND MUNICIPAL AIRPORT - AIRPORT LAYOUT PLAN UPDATE 2004-2025, AS A SUPPORTING DOCUMENT TO THE CITY OF ASHLAND COMPREHENSIVE PLAN

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

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

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

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

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on _____, **2016** and, following deliberations, recommended approval of the amendments by a vote of **-**; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on _____, **2016**, and on **[subsequent public hearing continuance dates]**; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

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

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

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

SECTION 2. The City of Ashland Comprehensive Plan Appendix A entitled “Technical Reports and Supporting Documents” is hereby amended to add by reference to Chapter X – Transportation, the Airport Layout Plan Update 2004-2025 attached hereto and as Exhibit A.

SECTION 3. The City of Ashland Comprehensive Plan Transportation Element [Chapter X] Ashland Municipal Airport segment [Section 10.21.01] is hereby amended to include reference to the most recent Airport Master Plan update as follows:

10.21 Air Transportation
Ashland Municipal Airport (10.21.01)

Ashland Municipal Airport is located on approximately 94 acres, 3 miles northeast of downtown Ashland at the extreme eastern boundary of the city limits. Airport elevation is at 1,894 feet mean sea level (MSL). Access to the airport is provided by Dead Indian Memorial Road, which connects to East Main Street. Interstate 5 is located one-half mile west of the airport, with access provided via Greensprings Highway. The airport is bordered on the east, west and south by sloping valley lands surrounded by rising mountainous terrain.

The Ashland Municipal Airport is classed as a general aviation airport by the Federal Aviation Administration (FAA). General aviation includes every type of civil flying other than the certified air carriers — business, commercial, instructional and personal. Ashland Municipal Airport is owned and operated by the City of Ashland under the Department of Public Works. The City holds an operating agreement with a fixed base operator to administer tie-down and hangar rents, fuel flowage fees, etc.

The airport was established at its current site in the 1940s. The airstrip was developed by Sumner Parker, a local pilot, and leased to the City of Ashland for use as a public airport. The City continued to lease the property and make improvements to the airfield into the 1960s. In 1964, the City purchased the airstrip and the property surrounding it, and received Federal approval of the site. At that time, the airport was renamed Ashland Municipal Airport - Sumner Parker Field. For a complete description of existing airport facilities, see ~~chapter 3 of~~ the Airport Master Plan.

~~The City, in cooperation with the Oregon Department of Transportation (ODOT), under a Federal Aviation Administration (FAA) grant, retained SFC Engineering Company to update the Airport Master Plan to determine airport facilities required to serve the vicinity through the year 2012. The City Council adopted the plan as a supporting document to the Comprehensive Plan on March 2, 1993.~~

The City, in cooperation with the Oregon Department of Aviation (ODA) and with financial assistance through the Airport Improvement Program of the

Federal Aviation Administration (FAA), conducted an update of the Airport Master Plan to determine airport facilities required to serve the vicinity through the year 2025. The City Council adopted the plan as a supporting document to the Comprehensive Plan in _____ of 2016.

Aviation demand forecasts from the Airport Master Plan indicate that demand for aviation services will increase during the current planning period. airport operations will grow at a relatively modest rate through the year 2012. Based on the forecasts and an inventory of the existing facilities, the plan includes an airport layout and capital improvement plan for recommended airport improvements to meet forecast aviation demand during the 20-year planning period. Recommended improvements include the development of new hangar facilities, aircraft storage and business-oriented aviation activity, addition of airport security fencing around the perimeter of the airport, construction of a helicopter landing area, provision of a non-precision instrument approach, and upgrading of runway edge lighting from low to medium intensity.

The Airport Master Plan is the ruling document concerning airport development and is hereby adopted by reference. Any transportation system improvements involving air transportation or development which may impact or be impacted by the Ashland Municipal Airport should consult the Airport Master Plan for the City of Ashland, October 19922005.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 4-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2016, and duly PASSED and ADOPTED this _____ day of _____, 2016.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

Exhibit A

Appendix A: Technical Reports and Supporting Documents City of Ashland, Oregon Comprehensive Plan

Periodically, the City may choose to conduct studies and prepare technical reports to adopt by reference within the Comprehensive Plan to make available for review by the general public. These studies and reports shall not serve the purpose of creating new city policy, but rather the information, data and findings contained within the documents may constitute part of the basis on which new policies may be formulated or existing policy amended. In addition, adopted studies and reports provide a source of information that may be used to assist the community in the evaluation of local land use decisions.

Chapter II, Introduction and Definitions

The following reports are adopted by reference as a supporting document to the Ashland Comprehensive Plan, Chapter II, Introduction and Definitions.

1. Croman Mill Site Redevelopment Plan (2008) by Ordinance 3030 on August 17, 2010
2. Normal Neighborhood Plan Framework (2015) by Ordinance 3117 on December 15, 2015.

Chapter IV, Environmental Resources

The following reports are adopted by reference as a support document to the Ashland Comprehensive Plan, Chapter IV, Environmental Resources.

1. City of Ashland Local Wetland Inventory and Assessment and Riparian Corridor Inventory (2005/2007) by Ordinance 2999 on December 15, 2009.

Chapter VI, Housing Element

The following reports are adopted by reference as a support document to the Ashland Comprehensive Plan, Chapter VI, Housing Element.

1. City of Ashland: Housing Needs Analysis (2012) by Ordinance 3085 on September 3, 2013

Chapter VII, Economy

The following reports are adopted by reference as a support document to the Ashland Comprehensive Plan, Chapter VII, The Economy.

1. City of Ashland: Economic Opportunities Analysis (April 2007) by Ordinance 3030 on August 17, 2010

Chapter X, Transportation

The following reports are adopted by reference as a support document to the Ashland Comprehensive Plan, Chapter X, Transportation.

- 1. Ashland Municipal Airport – Airport Layout Plan Update 2004-2025**

Chapter XII, Urbanization

The following reports are adopted by reference as a support document to the Ashland Comprehensive Plan, Chapter XII, Urbanization.

1. City of Ashland: Buildable Lands Inventory (2011) by Ordinance 3055 on November 16, 2011.

ORDINANCE NO. **ORD #2**

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE
CHAPTER 18.3.7.030 AIRPORT OVERLAY REGULATIONS, CHAPTER 18.4.3.040
PARKING RATIOS, CHAPTER 18.5.1, TABLE 18.5.1.010, SUMMARY OF
APPROVALS BY TYPE OF REVIEW PROCEEDURE, CHAPTER 18.5.7.020.C,
EXEMPT FROM TREE REMOVAL PERMIT AND CHAPTER 18.6.1.030,
DEFINITIONS**

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

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

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

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

WHEREAS, Chapter X - Transportation - of the City of Ashland Comprehensive Plan identifies the Ashland Municipal Airport - Airport Layout Plan Update 2004-2025 as the guiding document concerning airport development.

WHEREAS, a stated goal of the City of Ashland Comprehensive Plan is to provide efficient and effective movement of goods, services and passengers by *air*, rail, water, pipeline and highway freight transportation while maintaining the high quality of life of Ashland.

WHEREAS, a stated policy of the Ashland Comprehensive Plan is encourage review of development proposals within the Airport Overlay Zone to ensure compatibility with the Ashland Municipal Airport.

WHEREAS, the City of Ashland Land Use Ordinance states that the Airport Overlay is intended to be applied to properties that are within close proximity to the Ashland Airport, where aircraft are likely to be flying at relatively low elevations. Further, the zone is intended to prevent the establishment of airspace obstructions in such areas through height restrictions and other land use controls. Application of the overlay zone does not alter the requirements of the parent zone except as specifically provided herein.

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Municipal Code and Land Use Ordinances at a duly advertised public hearing on [REDACTED], 2016, and following deliberations, recommended approval of the amendments by a vote of [REDACTED]; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on [REDACTED], 2016; and following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

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

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

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

SECTION 2. Chapter 18.3.7.030, Airport Overlay Regulations section of the Ashland Municipal Code, is hereby amended to read as follows:

18.3.7.030 Airport Overlay Regulations

A. Residential uses are not permitted, unless approved pursuant to chapter 18.5.4 Conditional Use Permits.

B. ~~Maximum height of structures, trees or other airspace obstructions shall be 20 feet.~~

The maximum height of structures, trees or other airspace obstructions shall comply with the FAR 77 Height Restrictions, which limit height as a conic section in relation to the runway and its approach as detailed in the adopted Ashland Municipal Airport Master Plan's "Airspace Plan", and shall not exceed the height allowed in the underlying zoning.

C. All planning actions will require, as a condition of approval that the applicant sign an agreement with the City agreeing that airport noise is likely to increase in the future and that they waive all rights to complain about airport noise.

D. Activities associated with tree trimming or removal are exempt from tree removal permit requirements as provided in AMC 18.5.7.020.C.10. The City may top any tree that is in excess of those maximum heights listed in section 18.3.7.030.B, or locate appropriate lights or markers on those trees as a warning to the operators of aircraft.

E. No use shall be made of land or water within any of this zone in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft using the airport.

F. Construction or assembly of a conventional aircraft hangar is exempt from Site Design Review

18.5.2.020, but requires approval of a Ministerial Action/Permit. The permit is to verify that the proposed hangar is within a pre-determined conventional aircraft hangar location identified in the adopted Ashland Municipal Airport Master Plan and constructed in compliance with Ashland Municipal Airport design and material standards.

SECTION 3. Chapter 18.4.3.040, Parking Ratios section of the Ashland Municipal Code, is hereby amended to read as follows:

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Institutional and Public Categories	
<u>Conventional Aircraft Hangar - Ashland Municipal Airport</u>	<u>One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan</u>
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.

SECTION 4. Table 18.5.1.010, Summary of Approvals by Type of Review Procedure in Chapter 18.5.1 – General Review Procedures, section of the Ashland Municipal Code, is hereby amended to read as follows:

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure

Planning Actions	Review Procedures	Applicable Regulations
Access to a Street/Driveway Approach	Ministerial	Chapter 18.4.3
Annexation	Type III	Chapter 18.5.8; See Oregon Revised Statute 222.
<u>Aircraft Hangar, Conventional with no associated commercial use</u>	<u>Ministerial</u>	<u>Chapter 18.3.7.030</u>
<u>Aircraft Hangar, Conventional in conjunction with another use</u>	<u>Type I or II</u>	<u>Chapter 18.5.2</u>
Ordinance Interpretation	Type I or II	Chapter 18.1.5
Ordinance Text Amendment	Type III	Chapter 18.5.9
Comprehensive Plan Amendment	Type III	Chapter 18.5.9
Conditional Use Permit	Type I or II	Chapter 18.5.4
Conversion of Multifamily Dwelling Units into For-Purchase Housing	Ministerial	Section 18.2.3.200
Exception to Site Development and Design Standards	Type I	Subsection 18.5.2.050.E
Exception to Street Standards	Type I	Subsection 18.4.6.020.B.1
Extension of Time Limit for Approved Planning Action	Ministerial	Section 18.1.6.040
Fence	Ministerial	Section 18.4.4.060
Hillside Standards Exception	Type I	Subsection 18.3.10.090.H
Home Occupation Permit	Ministerial	Section 18.2.3.150
Land Use Control Maps Change	Type II or III	Chapter 18.5.9
Legal Lot Determination	Ministerial	Chapter 18.1.3
Modification to Approval Minor Modification Major Modification	Ministerial Per original Review	Chapter 18.5.6
Non-Conforming Use or Structure, Expansion of	Ministerial or Type I	Chapter 18.1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat Minor Amendment	Type I Ministerial Ministerial	Chapter 18.5.3 Chapter 18.5.3 Subsection 18.5.3.020.G
Performance Standards Option Outline Plan Final Plan Minor Amendment	Type II Type I Ministerial	Chapter 18.3.9 Chapter 18.3.9 Subsection 18.5.3.020.G
Physical and Environmental Constraints Permit	Type I	Chapter 18.3.10
Property Line Adjustments, including Lot Consolidations	Ministerial	Chapter 18.5.3

An Ordinance Amending Chapters 18.3.7.030, 18.4.3.040, 18.5.1.010, 15.5.7.020.C. and 18.6.1.030 of the Ashland Municipal Code

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure		
Planning Actions	Review Procedures	Applicable Regulations
Sign Permit	Ministerial	Chapter 18.4.7
Site Design Review	Type I or II	Chapter 18.5.2
Solar Setback Exception	Type I	Chapter 18.4.8
Subdivision or Replat of >3 lots	Type II	Chapter 18.5.3
Preliminary Plat	Ministerial	Chapter 18.5.3
Final Plat	Ministerial	Subsection 18.5.3.020.G
Minor Amendment	Ministerial	
Tree Removal Permit	Type I	Chapter 18.5.7
Variance	Type I or II	Chapter 18.5.5
Water Resources Protection Zone – Limited Activities and Uses	Type I	Section 18.3.11.060
Water Resources Protection Zone Reduction	Type I or II	Section 18.3.11.070
Water Resources Protection Zone – Hardship Exception	Type II	Section 18.3.11.080
Zoning District Map Change	Type II or III	Chapter 18.5.9

SECTION 5. Chapter 18.5.7.020.C, Exempt from Tree Removal Permit section of the Ashland Municipal Code, is hereby amended to read as follows:

10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

SECTION 6. Chapter 18.6.1.030, Definitions section of the Ashland Municipal Code, is hereby amended to read as follows:

Aircraft Hangar, Conventional. A building structure designed to hold aircraft and associated equipment and materials in protective storage, generally built of metal, but other materials such as wood and concrete are also used.

SECTION 7. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1-2, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2016, and duly PASSED and ADOPTED this _____ day of _____, 2016.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney