

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

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
JULY 12, 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. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    - 1. June 14, 2016 Regular Meeting.
    - 2. June 28, 2016 Special Meeting.
  
- V. **PUBLIC FORUM**
  
- VI. **UNFINISHED BUSINESS**
  - A. **Adoption of Findings for PA-2016-00617, 601 Fair Oaks.**
  - B. **Adoption of Findings for PA-2016-00847, 252 B Street.**
  
- VII. **TYPE II PUBLIC HEARING**
  - A. **PLANNING ACTION #: PA-2016-01029**
    - SUBJECT PROPERTY: 1365 Tolman Creek Road**
    - OWNER/APPLICANT: Ronald Rezek/Clason Company LLC**
    - DESCRIPTION: A request for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision for the property located at 1365 Tolman Creek Road. Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of a small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP: 39 1E 23BA; TAX LOT #: 201.**

**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).

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**VIII. LEGISLATIVE AMENDMENT PUBLIC HEARING**

**A. PLANNING ACTION #: PL-2016-00682**

**APPLICANT: City of Ashland**

**DESCRIPTION: A legislative amendment is proposed to amend the City of Ashland Comprehensive Plan's Introduction and Definitions Chapter (Chapter II), and Citizen Involvement Element Chapter (Chapter III), to designate the Planning Commission as the City's Committee for Citizen Involvement, and to replace references to the Citizen's Planning Advisory Committee with references to the Committee for Citizen Involvement.**

**IX. ADJOURNMENT**

**CITY OF  
ASHLAND**



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# CITY OF ASHLAND

## ASHLAND PLANNING COMMISSION REGULAR MEETING MINUTES JUNE 14, 2016

### CALL TO ORDER

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

#### **Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

#### **Staff Present:**

Maria Harris, Planning Manager  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

#### **Absent Members:**

None

#### **Council Liaison:**

Greg Lemhouse, absent

### ANNOUNCEMENTS

No announcements were made.

### AD-HOC COMMITTEE UPDATES

Commissioner Dawkins stated the last meeting of the Downtown Parking Management and Circulation Committee was predominately public testimony and the next meeting will be held Wednesday, July 6.

### CONSENT AGENDA

#### **A. Approval of Minutes.**

##### **1. May 10, 2016 Regular Meeting.**

A correction was made to page 3 under "Staff Report"; the sentence should read "...with parking spaces at the rear and an openspace play area to the ~~west~~ north."

Commissioners Thompson/Pearce m/s to approve the minutes of May 10, 2016 as corrected. Voice Vote: all AYES. Motion passed 7-0.

### PUBLIC FORUM

No one came forward to speak.

### UNFINISHED BUSINESS

#### **A. Adoption of Findings for PA-2016-00209, 25 N Main St.**

Commissioner Mindlin stated she talked briefly with a citizen about the decision but there was no ex parte contact.

Commissioner Pearce recommended the following modifications:

- Conditions #3 and #5: delete "where consistent with applicable standards and with final approval by the Staff Advisor."

- Condition #13: delete "Such agreement is to indicate that the applicant will be responsible for the removal of the balcony and restoration of the historic building façade at his expense should the city ever need the use of the airspace."

Commissioners Pearce/Thompson m/s to adopt the Findings for PA-2016-00209 with the noted amendments. Voice Vote: all AYES. Motion passed 7-0.

## TYPE II PUBLIC HEARINGS

### A. PLANNING ACTION #: PA-2016-00684

**SUBJECT PROPERTY:** Railroad Property located north of railroad tracks and situated between east and west sections of Clear Creek Dr.

**OWNERS:** Union Pacific Railroad

**APPLICANT:** City of Ashland

**DESCRIPTION:** A request to change a deed restriction that was required in a 1999 planning approval (PA 99-048) and recorded on the vacant 20-acre site owned by Union Pacific Railroad. The original deed restriction required that the 20-acre site be cleaned up to the Oregon Department of Environmental Quality's (DEQ) residential standard before further land divisions or development occur. The proposed revision to the deed restriction clarifies the timing and type of clean up for consistency with DEQ standards so that: 1) before the 20-acre site can be divided into smaller lots or developed, the initial cleanup of the 20-acre site would be to the residential standard and 2) future subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 09AB TAX LOT: 6700; **ASSESSOR'S MAP:** 39 1E 09AA TAX LOT: 6200.

Commissioner Mindlin read aloud the public hearing procedures for land use hearings.

### Ex Parte Contact

No ex parte contact was reported.

### Staff Report

Planning Manager Maria Harris provided an overview of the property's history and stated the request before the commission is to amend a condition that was assigned to the property in 1999, which stated parcel 7 had to be cleaned to the Department of Environmental Quality's (DEQ) residential standards before any land divisions or development could occur. Ms. Harris stated the city attorney has looked at this and it appears the way the deed restriction was recorded requires that once the initial cleanup is complete and the property divided, it would have to be continued to be cleaned residential standards. The City Council has been working with the Union Pacific Railroad (UPRR) and the DEQ to come up with a plan to clean the property and through negotiations with UPRR they have agreed to do a full cleanup of the property, take the contaminated soil out by railcar, and bring the incoming soil by truck. However UPRR is concerned about the deed restriction and feel the restriction is a barrier to selling the property because DEQ would not require a residential level of cleanup once the property is divided. The proposed modification would change that condition and therefore the deed restriction to require the initial cleanup of the full 20-acre property to the residential standard and thereafter when it is divided and developed any further cleanup would be to the DEQ standard for the proposed use.

Ms. Harris reviewed the process and approval criteria and explained this is considered a major modification. She pointed out their review of this action is limited to the modification request and clarified there are no impending development proposals for this property.

### Applicant's Presentation

**Dave Lohman/Ashland City Attorney/**Stated he is representing and city and is available to answer any questions. Mr. Lohman stated the staff report covers the situation clearly but offered some additional background. He stated this

is a voluntary cleanup and the property is not contaminated enough to warrant a required immediate cleanup, but rather DEQ is only requiring that it be cleaned before it is developed. Mr. Lohman stated the contaminated material will be removed by rail to minimize impact on the community and address safety issues. He added what they did not realize back in 1999 when the restriction was placed was that the restriction stays with the land regardless of how it is used. After many conversations and negotiations, UPRR has agreed to the full cleanup but only if this condition is replaced. He explained the DEQ residential standard for the full 20 acre site would require the owner to take out the worst of the contaminated material and what remains will be based on a risk based standard, which varies depending on the type of development that will occur.

### **Questions of the Applicant**

Several commissioners questioned why future residential cleanups would be an impediment (or necessary) if the initial cleanup is already done to residential standards. Mr. Lohman stated the initial residential cleanup standard is an average, and an average over 20 acres is different than an average over 3 acres. UPRR will take out the worst contamination, but there may be areas remaining that would require additional cleanup measures. He added a residential use or a playground for example would likely require a second round of cleanup, whereas an office building or a new street would not.

Mr. Lohman was asked if he felt comfortable that UPRR will complete the work they have agreed if the city does not have a contract with them. He responded "yes" and added he has no concerns with UPRR not following through. He explained UPRR is ready to move forward as soon as they get some assurance from the city that the condition will be modified. They have money budgeted for the cleanup and it is not in their best interest to keep this property on their books. Additionally, it is not in the city's interest to have this property sitting empty either.

### **Public Testimony**

**James Jarrard/1072 Clear Creek Dr/Spoke** in favor of this action and the cleanup but urged the city to watch and monitor this carefully. Mr. Jarrard stated the contamination goes very deep and recommended the excavation go the full depth of the pollution. He submitted a handout (see Exhibit #1) and stated his primary concerns are the quality of information being presented to the city and he is worried the railroad will take the cleanest spots and sell them off and leave the most heavily polluted areas.

**Mark Knox/604 Fair Oaks/**Stated he has an ownership interest in the adjacent property and is excited to see the city, UPRR, and the DEQ working this out and cleaning up the property. Mr. Knox stated market forces will address the prior speaker's concern and stated he is very supportive of the request.

**Rick Harris/190 Oak St, #1/**Voiced his support for the cleanup and stated it is appropriate to do it in this fashion. Mr. Harris agreed with the prior speaker and stated market forces will take care of the cleanup. He stated in order for the railroad to sell these parcels buyers will demand that they perform the cleanup to the corresponding DEQ standards. He stated this action will get the property to the level where UPRR can begin to market it and then each individual parcel will have an environmental cleanup aspect to it and they will not be able to pass that on to the new buyer.

### **Questions of Staff**

Commissioner Mindlin questioned if the cleanup is averaged out, can the UPRR sell the good pieces and leave the others? Ms. Harris stated it is difficult to imagine the hotspots not getting cleaned up. She stated the contamination is on the ends and a big part in developing this property is getting the streets and utilities through it. She added it would be very difficult to divide up the land by developable and not developable areas.

### **Applicant's Rebuttal**

**Dave Lohman/**Stated DEQ has a lot of expertise in this area and noted there will be additional public meetings to solicit input before the final remediation plan is approved. Regarding the question of leaving the worst contaminated areas, Mr. Lohman stressed that UPRR will have to clean up the worst areas before they can do anything else.

### Deliberations and Decision

Commissioners Pearce/Dawkins m/s to approve PA-2016-00684. **DISCUSSION:** Pearce commented that what has been proposed will help the property along and is pleased with the high standard for the initial cleanup. He added what they are being asked is a very narrow question and voiced his support for the request. Thompson stated it is clearly in the public interest to get a significant portion of this area to developable land. Brown agreed that this is a very narrow issue before them and commented that the proposal will serve the community best and allow this land to be cleaned up and developed. Miller commented with the change to the deed restriction she will expect appropriate oversight. **Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.**

#### **B. PLANNING ACTION #: PA-2016-00230**

**SUBJECT PROPERTY:** 188 Garfield Street

**OWNER/APPLICANT:** Rivergate Assembly of God Church of Ashland

**DESCRIPTION:** A request for Site Design Review and Conditional Use Permit approval to construct a new church for the property located at 188 Garfield Street. The application involves demolition of the existing Rivergate Assembly of God church building and the construction of a new approximately 4,978 square foot/100-seat church building near the corner of Garfield and Iowa Streets. The application also involves: a Solar Setback Exception to allow the proposed church to cast a greater shadow on the lot to its north (also under church ownership) than would be cast by a six-foot fence on the north property line; an Exception to Street Standards to retain the existing curbside sidewalk and street trees; a Tree Removal Permit to remove one tree greater than six-inches in diameter at breast height, and a Property Line Adjustment. The Planning Commission approved this action subject to conditions at its May meeting including a requirement that the driveway be relocated from Iowa Street to Garfield Street. At its June meeting, the Planning Commission will consider modifications in response to those conditions including the relocation of the driveway, modifications to proposed parking and the removal of two additional trees prior to adoption of findings. **COMPREHENSIVE PLAN DESIGNATION:** High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP:** 39 1E 10CB; **TAX LOTS:** 2100, 2101.

### Ex Parte Contact

Commissioner Norton stated he had a brief discussion with the applicant about the meeting but there was nothing said that is not already in the public record.

### Staff Report

Associate Planner Derek Severson noted this application was reviewed and approved by the commission last month with a number of conditions. As a result, the applicants have prepared a revised proposal with the following modifications:

- The driveway access from Iowa Street to the parking lot has been removed and a shared access for the parking lot, and any future development, has been added for access to Garfield Street. This access will be aligned with the alley on the opposite side of Garfield.
- Four additional off-street parking spaces have been provided.
- An additional Sweet Gum tree and a Leyland Cypress tree are proposed to be removed to accommodate the above changes.
- The previously proposed play area has been reduced.
- The previously request solar setback exception is no longer required.

Mr. Severson stated staff is recommending the commission reopen the hearing and address the minor modifications before they adopt findings. Mr. Severson concluded his presentation and stated staff feels the applicants have adequately addressed the approved conditions.

### Applicant's Presentation

Ray Kistler/Stated the modifications are exactly what the commission requested.

### Public Testimony

**Eric Hamilton/1273 Iowa/Voiced concern that the development is proceeding piecemeal and stated his two main issues are the future development to the north and the playground. Mr. Hamilton stated a potential two or three story development would create privacy issues, obstruct views, and cause a depreciation in property value; and he asked the developer to consider retaining the existing playground space on the church property as greenspace.**

**Rick Harris/190 Oak St, #1/Spoke in favor of the modifications and adopting the findings this evening so the project can move forward. Mr. Harris stated the church is being downsized and moved to the corner, and the future development proposals will come before the Planning Commission for review when that time comes. He noted this is the largest piece of undeveloped R-3 land in the city and downsizing the church as using the land as identified in the comprehensive plan is the best use of the property.**

**Mary Scott/1274 Iowa/Commissioner Mindlin read aloud the written comments from Ms. Scott. (See Exhibit #2)**

### Applicant's Rebuttal

**Ray Kistler/No rebuttal was given. Mr. Kistler noted the new driveway will align with the alley across the street.**

### Deliberations and Decision

**Commissioners Brown/Pearce m/s to approve PA-2016-00230. DISCUSSION:** Brown commented that the applicants have sufficiently addressed the conditions. Pearce cited the public input on potential developments and clarified this is a standalone application and when future proposals come forward those will be appropriately noticed and reviewed. Norton voiced his support that the play area was moved and is now totally on the church property. **Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.**

### Adoption of Findings for PA-2016-00230, 188 Garfield St.

Mr. Severson clarified the findings reference language from both the original application but also the proposed (now approved) modifications.

**Commissioners Dawkins/Brown m/s to approve the findings for PA-2016-00230. Voice Vote: all AYES. Motion passed 7-0.**

#### **C. PLANNING ACTION #: PA-2016-00617**

**SUBJECT PROPERTY: 601-691 Fair Oaks Avenue**

**OWNERS: Ayala Properties, L.L.C.**

**APPLICANT: KDA Homes, L.L.C.**

**DESCRIPTION:** A request for Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the property located at 601 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator. No changes are proposed to the previously-approved density, parking allocations or landscaping. **COMPREHENSIVE PLAN DESIGNATION:** North Mountain, Neighborhood Central Overlay; **ZONING:** NM-C; **ASSESSOR'S MAP:** 39 1E 04AD **TAX LOTS:** 700 & 800.

### Ex Parte Contact

Commissioner Norton conducted a site visit. Commissioner Thompson was approached by a citizen who wanted to discuss this project but she referred them to staff.

### Staff Report

Associate Planner Derek Severson provided a brief history of the property and displayed the vicinity map, site plan, elevations, and floor plans for the site. He explained the proposed modifications would:

- Change the building's exterior design
- Dissolve a property line
- Add an exterior elevator that would serve tax lots #700 and #800

Mr. Severson clarified no changes are proposed to the previously approved density, parking allocations, or landscaping; and stated staff is supportive of the application as submitted.

### Applicant's Presentation

**Mark Knox and Mark McKechnie**/Mr. Knox stated the changes are due to a new architect for the project and explained they realized most of the units in the original plan would face Interstate 5 and they would like to change this so they face Mt. Ashland instead. Mr. Knox stated he is excited to be a part of this project, which will consist of a community center, diverse housing, affordable housing, and a design similar to the plaza without the intensity. He added they have no issues with the conditions of approval recommended by staff. Mr. McKechnie commented that they have worked hard on this project and there will be small-scale shops on the ground floor and residential units up above. He added it will look like four separate buildings built at slightly different times and by different architects. Mr. McKechnie clarified the recessed area between the buildings will serve as a light corridor to provide sunlight to the middle windows. He also commented on the corner unit and noted the importance for a building this size to have an anchor on the end.

### Deliberations and Decision

**Commissioners Dawkins/Brown** m/s to approve PA-2016-00617. Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.

#### **D. PLANNING ACTION #: PA-2016-00847**

**SUBJECT PROPERTY:** 252-256 B Street

**OWNERS:** Maura & Kathleen Van Heuit

**APPLICANT:** Jerome White of Kistler + Small + White Architects

**DESCRIPTION:** A request for Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is required because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BA; **TAX LOTS:** 5700.

### Ex Parte Contact

Commissioners Miller, Mindlin, Norton, Pearce, Dawkins, and Thompson declared site visits. No ex parte contact was reported.

### Staff Report

Associate Planner Derek Severson reviewed the proposal to remodel the existing three-unit structure and add 1,664 sq.ft. He reviewed the site plan, landscape plan, solar access, elevations, and floor plans. He also noted the Historic Commission reviewed the application and recommended approval but asked for the new siding to match the existing siding and for the windows to have three inches of frame between one another. Mr. Severson stated given that the

Historic Commission was supportive and recommended approval with only two items to be addressed, staff is supportive of the request and recommend approval with the conditions outlined in the staff report.

### Questions of Staff

Concern was expressed about the potential for the one-bedroom units to be converted to two-bedroom units. Mr. Severson stated one of the conditions of approval states that if the use intensifies the applicants must address the parking requirements. He added the commission could consider adding a deed restriction to regulate this. Staff was asked if there is any place for the applicants to add parking in the future and Mr. Severson responded there are on-street credits available as well as the potential for additional parking at the rear of the property.

### Applicant's Presentation

**Jerome White/Maura Van Heuit/Kathleen Van Heuit/Mr. White** stated they have no interest in creating two extra bedrooms and explained it has been Maura and her mother Kathleen's dream to live in the railroad district. He stated this is currently a three-unit apartment and there will be two homeowners moving in. He noted the Historic Commission's unanimous approval and pointed out that the proposed height is 5 ft. below the maximum permitted and will be the same as the Pelton house next door. Mr. White stated the size does not exceed what is typically found in the neighborhood and stated 48% of the homes on the south side of the street are two-story homes. Regarding the demolition, he stated 78.5% of the house will remain and therefore a demolition permit is not needed. Mr. White spoke to the conditional use permit and stated they are not asking for the full 25% but only what they need, 13.6%. He added 200 sq.ft of that added space is needed to get a stairway to the second floor. Mr. White stated they have no issues with the conditions of approval and asked for the commission's support.

### Deliberations and Decision

Commissioner Brown commented on the deed restriction and felt this was a good idea. He commented that things change overtime and would like to make sure if any interior changes are made to add additional bedrooms, this goes through the appropriate approval process.

**Commissioner Brown/Norton m/s to require a deed restriction to limit the units to one bedroom each.**

**DISCUSSION:** Norton commented that this would alert future buyers of this specific condition of approval and would be more effective for staff if this ever became a compliance issue. Pearce commented that the zoning of the property may change over time and questioned if it was appropriate to freeze the zoning in place for all time. Mr. Severson commented staff could include a condition of approval that states if additional bedrooms or other modifications are made that would require additional parking, site review approval would be required. Thompson noted the law already requires applicants to come back and obtain proper approval. Brown commented that some modifications are more obvious than others and this would be an easy change that could go unnoticed. **Roll Call Vote: Commissioners Brown and Norton, YES. Commissioners Dawkins, Miller, Pearce, and Mindlin, NO. Motion failed 5-2.**

**Commissioners Thompson/Dawkins m/s to approve PA-2016-00847 with the conditions of approval presented by staff. Roll Call Vote: Commissioners Brown, Dawkins, Miller, Norton, Pearce, Thompson, and Mindlin, YES. Motion passed 7-0.**

### ADJOURNMENT

Meeting adjourned at 9:45 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

# Ashland Planning Commission Citizen Communication

## June 13, 2016

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### **PA-2016-00684 Union Pacific Railroad Rail Yard Remediation**

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**FROM:**

James Jarrard, Ashland City Resident, james.jarrard@icloud.com

**COMMUNICATION SUMMARY:**

I come before the Commission in strong support of the remediation of the industrial contaminants on the Union Pacific Railroad properties considered in this planning action. Both my wife and I lived in industrial areas of the Midwest United States and were subject to environmental contamination while youths. It is commendable that the Commission wishes to take action on this industrial residue in our community.

Detailed materials are made herein to the Planning Commission that shows that the Ashland Planning Department is using dated/aged information in making recommendations to the Commission. Additional information is made available to detail inadequate planning for proposed excavations on the Union Pacific Railroad (UPRR) yard.

Although I strongly support the removal of industrial residues from the UPRR properties, it is imperative the Commission use accurate and timely data in making decisions. Perhaps due to inadequate staffing for the Planning Department, city staffs are not providing information needed to make comprehensive decisions by the Commission.

Also contained in my communication to the Commission is information that the Oregon Department of Environmental Quality (ODEQ) no longer makes available to the public (Exhibit D). It was acquired during my research into our home purchase in 2012.

In modifying PA-99-048, the Commission should require excavations to the depth of 2001 studies of soil contaminants. Commission should also affirm plans in PA-99-048 that utilities for parcel 7 should run from the Oak St/Hersey St quadrant. I also recommend that actions on PA-2016-00522 concerning riparian matters/watershed/wetland preservation be included in any future construction plans for the UPRR property and its successors subdivisions.

**BACKGROUND AND ACTION IMPLICATIONS:**

In October, 1999 the Ashland Planning Commission and City Council approved development of plans for the UPRR parcels. In the intervening years, the development of these parcels began in areas near Oak Street and Hersey St, with construction access via Oak Street and Clear Creek Drive, as well as from Hersey Street directly to construction areas in parcels 1, 2, 3, and 4.

In addition, the decision in PA-99-048 required the remediation of industrial residues prior to any future actions on the properties in question. The action before the Commission calls for action on these properties.

I come before the Commission to strongly recommend the Commission use up-to-date information to make its decisions about this parcel (PA-2016-00684). Information provided to me by the Planning Department on PA-2016-00684 contains very dated and inaccurate information. Public information from sources such as Google Maps is presented to show the dated nature of Planning Department materials.

Additionally, I present information that I acquired from the Oregon Department of Environmental Quality (ODEQ) website prior to the purchase of our property on the North Mountain spur of Clear Creek. This information is a detailed soil study of the UPRR parcel and conflicts to some notable degree from the proposal before the Commission on the details of the level of soil contaminated over the years the rail yard was in operations. This information is not available to the Commission and is provided here. I have twice requested high resolution digital files from ODEQ (Greg Aitken) which has met with no response from ODEQ.

The Commission analysis of the contamination remediation to a composite Residential level allows for a statistical manipulation. A heavily contaminated area could remain when averaged against a substantially larger area remediated to a pristine state. There are strong indications that this is the intended effect of the proposed remediation effort.

**COUNCIL GOALS SUPPORTED:**

I assume the Commission and the Council wish to use the most accurate information available at the time of decision making.

**FISCAL IMPLICATIONS:**

There are no immediate financial implications to the Commission requiring a greater depth of excavation on the UPRR property where soil studies indicate.

Subsequent decisions on the UPRR property may require more Planning Department staff time and computing resources to acquire and analyze detailed, current information. It is obvious to me that the demands on Planning Department staff time has not allowed for adequate analysis of documents, studies, and possible action decisions/recommendations.

**CITIZEN RECOMMENDATIONS AND REQUESTED ACTIONS:**

The Commission should require excavation of contaminated earth to the depths indicated by the ODEQ soil survey contained in this presentation (the item which has been subsequently removed from public accessibility). This would require a doubling of the amount of earth removed in some specific areas.

The Commission should evaluate planning action PA-2016-00522 for its implication on watershed/wetland preservation. The Planning Department has not been able to provide information to me on this decision even though this action is on the record effective May, 2016.

Because riparian water table matters could be effected by this action, the Planning Commission should reaffirm its intent to protect habitat, water flow, and site drainage in future development. Language in the Commission decision on PA-2016-00684 should acknowledge significant

changes in the years intervening since the PA-99-048 decisions and direct corresponding planning for infrastructure to adhere to that contain in PA-99-048 sourcing electric, water utilities, drainage in to the Oak Street/Hersey Street parameters described in 1999, with modifications for fibre optic communication improvements, potable water scarcity, etc.

**SUGGESTED MOTION:**

I suggest the Planning Commission should direct the Planning Department to provide the most current information available to the Commission prior to making decisions on PA-2016-00684 and any subsequent Commission decisions on this property or its subdivisions. This would require deeper excavations in specific areas.

I also recommend the Commission reconfirm the elements in PA-99-048, including evaluation of wetland preservation (Section 3.1.2 of PA-99-048) and all other conditions of PA-99-048, Section 3.

**ATTACHMENTS:**

Exhibit A

Presentation of the dated information used by Ashland City Planning Department in presenting information to Planning Commission. Exhibit uses publicly available information from Google Maps as a comparison to map information contained in PA-2016-00684 file as provided to James Jarrard on/about June 6, 2016.

Exhibit B

Presentation by James Jarrard of facsimile copy of government agency presentation to Planning Commission described as dated 2013, but actually dates from 2005. This is provided to show multiple instances of dated materials being used for analysis in this action.

Exhibit C

Materials present to Planning Commission by ODEQ and Union Pacific Railroad on the areas of UPRR properties to be excavated upon approval of proposed action. Actual photo of property with schematics of proposed excavations.

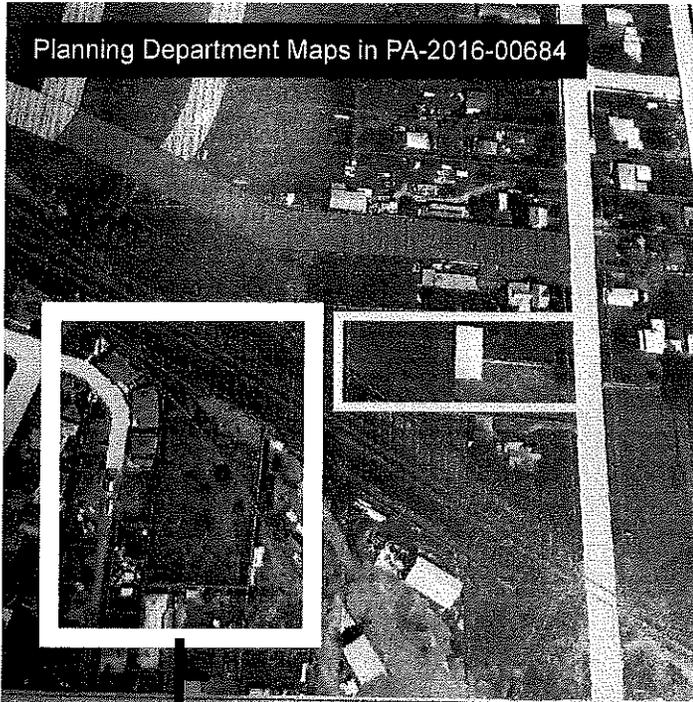
Exhibit D

Analytical schematic of excavations proposed for UPRR properties, including estimated depths of excavations and property modifications to accomplish action if approved.

Exhibit E

UPRR soil quality analysis presentation materials provided by James Jarrard acquired from the Oregon Department of Environmental Quality (ODEQ) in 2012, prior to purchase of his property. This material has subsequently been removed from ODEQ website and is no longer publicly available.

Exhibit A – Example #1 of Dated Information used in Planning Actions



Use of  
Dated  
Maps  
by  
Planning  
Department

Havurah Sur Hadash





# Exhibit C – Excavation Plan for UPRR property



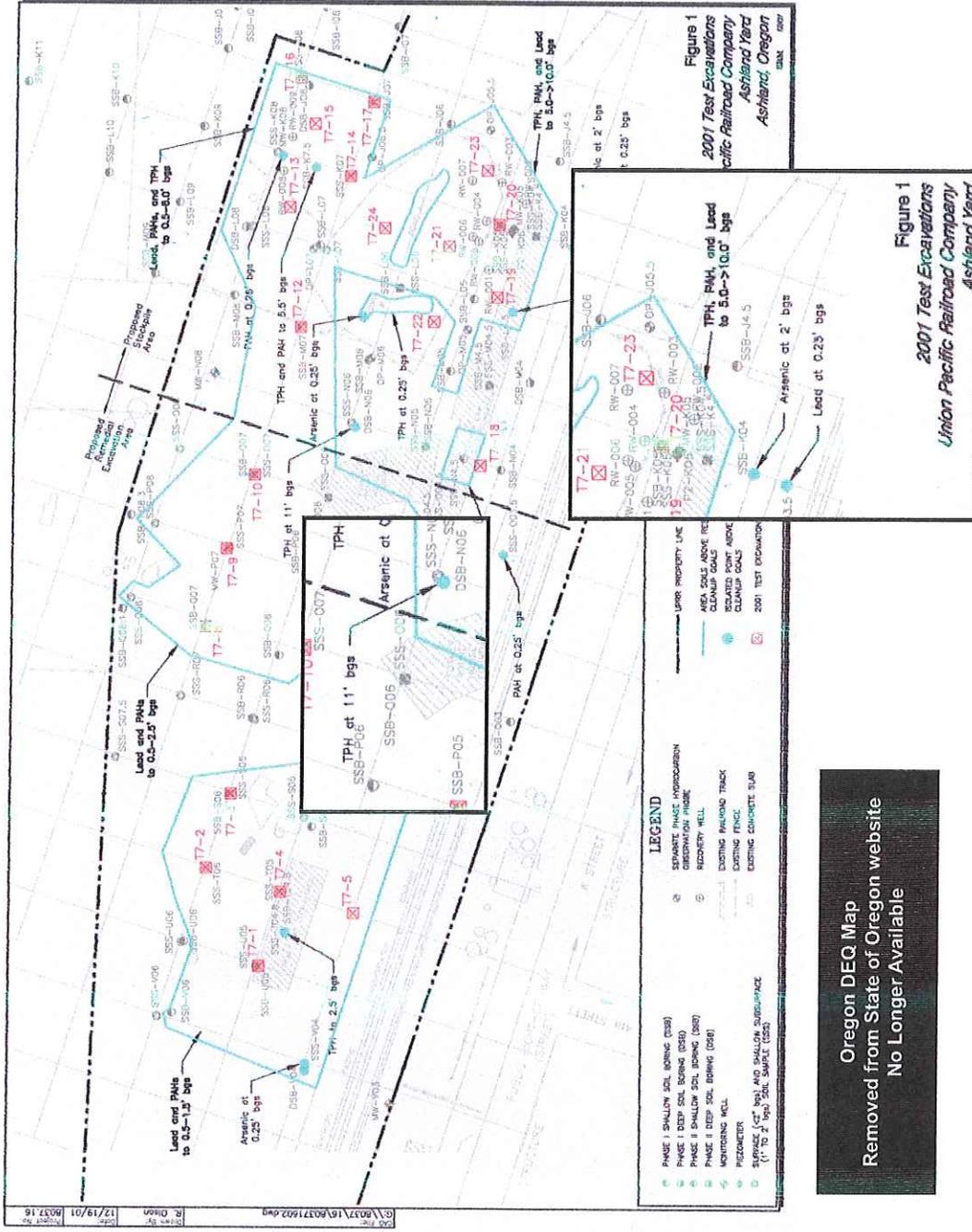
FIGURE 1.2  
Excavation Areas  
Union Pacific Railroad  
Ashland, Oregon

U:\V\WINDS\TRAC\02460\PROJECT\EXHIBIT\_C\ASHLAND\_20081102\AMF\US\EXCAVATION\ASBESTOS\_CMAPS\07020211\_035\_041.MXD

CH2MHILL



Exhibit E – Detail Soil Samples from ODEQ website in 2012 – No longer available from State/City



Oregon DEQ Map  
 Removed from State of Oregon website  
 No Longer Available

Planning Commission

Mary Scott  
1274 Lower  
OR 97520

Exhibit #2

I attended ~~the~~ last month's meeting and spoke of my concerns about the nature of the "end run" as I see it.

Although I realize the church needs to sell the land to help finance the new building; I think the public should be allowed to evaluate the complete <sup>development</sup> ~~proposed~~ plan — especially as this is a high density ~~section~~ <sup>development</sup> within a largely ~~is~~ single family neighborhood.

I hope the action you take does not prejudice any future evaluations of the development on the second parcel.

Thank you  
Mary Scott

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
SPECIAL MEETING  
MINUTES  
JUNE 28, 2016

**CALL TO ORDER**

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

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Melanie Mindlin  
Haywood Norton  
Roger Pearce

**Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
April Lucas, Administrative Supervisor

**Absent Members:**

Debbie Miller  
Lynn Thompson

**Council Liaison:**

Greg Lemhouse, absent

**ANNOUNCEMENTS/AD HOC COMMITTEE UPDATES**

Community Development Director Bill Molnar announced the City Council approved first reading of the ordinance modifying the Verde Village development agreement with two modifications: 1) a requirement for the homes to be Earth Advantage zero net ready, and 2) for the applicants to work with staff to provide additional east/west pathways.

**PUBLIC FORUM**

Huelz Gutcheon/2253 Hwy 99/Commented on climate change mitigation including: solar panels, windmills, led lights, and electric vehicles.

**UNFINISHED BUSINESS**

**A. Adoption of Findings for PA-2016-00684, Union Pacific Railroad Property.**

No ex parte contact was reported.

**Commissioners Pearce/Dawkins m/s to approve the Findings for PA-2016-00684. Voice Vote: all AYES. Motion passed 5-0.**

**DISCUSSION ITEMS**

**A. Comprehensive Plan Amendment – Citizen Involvement and Participation Chapter.**

Planning Manager Maria Harris explained in April 2016 the City Council unanimously approved a modification to AMC Chapter 2.27 to designate the Planning Commission as the city's committee for citizen involvement. Ms. Harris provided the background information on state planning goal #1 and the former Citizens Planning Advisory Committee (CPAC). She stated the Planning Commission will now be responsible for those duties, which include enhancing citizen involvement in land use planning and evaluating the process being used for citizen involvement. Ms. Harris stated in order to reflect the City Council's recent decision the Ashland Comprehensive Plan will need to be modified to remove the reference to the CPAC. This will require a public hearing before the Planning Commission and an ordinance by the City Council.

Staff was asked about the language in state planning goal #1 that references a geographic representation. Mr. Molnar clarified the geographic area for Ashland is very small, at just over 6 square miles, and by having more than 100 citizen volunteers serving on city commissions and committees there is an adequate geographic cross section being represented. He added staff

has consulted with the local representative for the Oregon Department of Land Conservation and Development and he had no concerns about Ashland meeting the requirements.

Staff went on to explain that following the public hearings and ordinance adoption the Planning Commission may want to consider forming a small subcommittee to evaluate citizen involvement and how that might be improved.

**B. Council Initiation of Zone Change – North Pioneer Street.**

Community Development Director Bill Molnar stated this item is for informational purposes and clarified the formal public hearing will be held in August or September 2016. He explained in February 2016 the City Council unanimously directed staff to prepare a land use application that would modify the zoning of 150 N. Pioneer. Mr. Molnar commented on the surrounding area and the former and current use of the property and explained the application would rezone the lot from R-2 multi-family residential to C-1 commercial.

**Stan Potocki/150 N Pioneer/**Stated he is the property owner and was assured back when the city's parking lot went in on the adjacent lot that his property would be commercially rezoned. However that never occurred. Mr. Potocki stated his property has served as a commercial business for over 40 years and the properties across the street and next door are all commercial as well. He shared the issues he has had to deal with by having a city parking lot next door, including a large volume of vehicle traffic and parking issues, car alarms, dogs barking, and in the evenings people consume alcohol along the property line and throw their cans and bottles into his yard. Mr. Potocki stated this property is simply not suited for residential use.

Mr. Molnar stated the merits of the rezone will be discussed at the public hearing and tonight's presentation was to provide the commission with the background information.

**ADJOURNMENT**

Meeting adjourned at 7:50 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

# **FINDINGS**

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**PA-2016-00617**  
**601 Fair Oaks**

**BEFORE THE PLANNING COMMISSION**  
**July 12, 2016**

IN THE MATTER OF PLANNING ACTION #2016-00617, A REQUEST FOR )  
SITE DESIGN REVIEW APPROVAL, PROPERTY LINE ADJUSTMENT AND )  
MODIFICATION OF PLANNING ACTION #2013-01506 FOR THE PROPERTIES )  
LOCATED AT 601-691 FAIR OAKS AVENUE WITHIN THE NORTH MOUNTAIN )  
NEIGHBORHOOD PLAN AREA. THE ORIGINAL APPROVAL ALLOWED FOR A )  
MIXED USE BUILDING WITH COMMERCIAL SPACE AND PARKING ON THE )  
GROUND FLOOR AND RESIDENTIAL UNITS ON THE TWO UPPER FLOORS. ) **FINDINGS,**  
THE MODIFICATIONS PROPOSED HERE INCLUDE CHANGES TO THE ) **CONCLUSIONS &**  
BUILDING'S EXTERIOR DESIGN, ADJUSTING A PROPERTY LINE, AND ) **ORDERS**  
ADDING AN EXTERIOR ELEVATOR. NO CHANGES ARE PROPOSED TO THE )  
PREVIOUSLY-APPROVED DENSITY, PARKING ALLOCATIONS OR LAND- )  
SCAPING. )  
)  
)  
**APPLICANT/OWNER:** KDA Homes, L.L.C./Ayala Properties, L.L.C. )

**RECITALS:**

- 1) Tax lots #700 and #800 of Map 39 1E 04AD are located at 601-691 Fair Oaks Avenue and are zoned NM-C (North Mountain Neighborhood Central Overlay).
  
- 2) The applicants are requesting Site Design Review approval, Property Line Adjustment and Modification of Planning Action #2013-01506 for the properties located at 601-691 Fair Oaks Avenue within the North Mountain Neighborhood Plan area. The original approval allowed for a mixed-use building with commercial space and parking on the ground floor and residential units on the two upper floors. The modifications proposed here include changes to the building's exterior design, adjusting a property line, and adding an exterior elevator. *No changes are proposed to the previously-approved density, parking allocations or landscaping.* Site improvements are outlined on the 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 Supplemental Approval Criteria for North Mountain (NM) zoning districts are detailed in AMC 18.3.5.030 as follows:

C. **Supplemental Approval Criteria.** In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.

1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.

2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

5) The approval criteria for Property Line Adjustments are detailed in AMC 18.5.3.120.B as follows:

1. **Parcel Creation.** No additional parcel or lot is created by the lot line adjustment.

2. **Lot Standards.** Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).

3. **Access Standards.** All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

6) The approval criteria for Minor Modifications to Planning Actions are detailed in AMC 18.5.6.040 as follows:

**C. Minor Modification Approval Criteria.** A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter 18.5.1.
2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

7) The Planning Commission, following proper public notice, held a public hearing on June 14, 2016 at which time testimony was received and exhibits were 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, Property Line Adjustment and Modification of Planning Action #2013-01506 meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050, Property Line Adjustments described in AMC 18.5.3.120.B, Minor Modifications to Planning Actions as described AMC 18.5.6.040, and the Supplemental Approval Criteria for North Mountain (NM) zoning districts described in AMC 18.3.5.030 with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

2.3 The Planning Commission finds that this application involves two vacant buildable lots located within the Neighborhood Central Overlay (NM-C) of the North Mountain Neighborhood zoning district. The North Mountain Neighborhood Plan area has been located within the Ashland city limits since the early 1900's. In August of 2013, the Planning Commission approved PA#2013-806, which allowed for the construction of a grouping of three-story mixed use buildings consisting of four commercial spaces and ten parking spaces on the ground floor and ten residential units on the second and third floors for the vacant parcel (Tax Lot #700) at the corner of North Mountain and Fair Oaks Avenues. This application included a modification of the original Meadowbrook Park II Subdivision approval to adjust the number of residential units allocated between four subject parcels to allow a total of 40 dwelling units, where only ten units had previously been proposed, based on the permitted densities within the NM-C district. In January of 2014, the Planning Commission approved PA #2013-01506, a Modification of Planning Action #2013-806. The modifications approved were: 1) clarification of the proposal's density allocations, parking management, and number of ground floor commercial spaces between the subject properties; 2) an increase in the number of upper floor residential units on Tax Lot #700 from ten to 14; and 3) modifications to the proposed building design for Tax Lot #700. The current application involves additional modifications to the building proposed for Tax Lot #700 and changes which will affect a future building on Tax Lot #800.

The Planning Commission further finds that the amendment or modification of a Type II planning action, such as the Outline Plan approval for a subdivision, where the modification involves changes other than tree removal or building envelope adjustment requires a Type II planning action. Because the current request involves the modification of a building design approved through a Type II application, the modification requires Type II review with a hearing and decision by the Commission.

2.4 The Planning Commission finds that all planning applications within the North Mountain Neighborhood Plan area involving Site Design Review approval are required to demonstrate compliance with the applicable North Mountain Neighborhood Design Standards as well as the standards outlined for Site Design Review. The North Mountain Neighborhood Design Standards provide guidance in areas of architectural design and character, building setbacks, height, and mixed-uses, and generally seek a building design which reflects the importance of the central public spaces and present a traditional storefront streetscape. The design standards for the district seek the architectural character of commercial buildings to reflect their importance as a focus of the North Mountain Neighborhood. Rather than taking on a residential appearance, buildings are to emulate a traditional storefront appearance with a simple, flexible form and a strong architectural identity. The design standards call for the use of **arcades**, awnings,

bays, and balconies extended over walkways to form a continuous covered sidewalk corridor, and seek a “Transitional Architectural Design” so that buildings initially developed for residential use are designed and constructed in a way that allows a simple transition to commercial use, for example, through appropriate floor-to-ceiling heights and location of HVAC and other building systems.

The Planning Commission finds that the application materials provided explain that the modifications proposed are necessary for two reasons: first, to accommodate the revised elevator location, and second, to reflect interior modifications made to the floor plans which were essentially flipped front to back so that more of the units fronted on Fair Oaks Court with view of Mt. Ashland, rather than the nearby freeway. The application asserts that the architectural style of the building remains consistent with the original approval as a “Main Street” style building, and is consistent with the North Mountain Design Standards. The application goes on to explain that the design attempts to create a traditional storefront appearance similar to that found in downtown Ashland. They suggest that the design achieves this without an overly contrived appearance. They note that the volumes reflect a zero lot-line design with strong vertical elements at the edges, with the façade broken into various volumes of roughly 22 feet wide, combined with the varying use of different building materials, window types, roof heights and colors between the vertical volumes. The application suggests that the building reflects not only the underlying mixed-use zoning but also a mixture of traditional storefronts compatible with the context of the neighborhood. The design shows a continuous group of distinct coverings along the buildings’ storefronts to provide shelter to pedestrians in a traditional storefront manner to respond to the design standards for “continuous covered walks” while also respecting vertical elements in the building facades. Two additional balconies - one per floor - have also been added to the Fair Oaks façade to reflect the shifted floor plans, and the applicants suggest that the incorporation of balconies into the design is important for high density housing livability where residents can have a small outdoor area for dining or other leisure activities.

The application goes on to note that all of the ground floor spaces proposed here are intended for commercial use, but as provided in the North Mountain Neighborhood Plan have been designed in such a way that they can function as residential units with a transitional architectural design that allows for relatively easy adaptation to commercial use. The applicants recognize that it is likely that the ground floor spaces will have temporary residential uses in place initially.

The Commission finds that the intent of the neighborhood design standards was to create a neighborhood scale pedestrian streetscape with strong individual storefront identities and buildings of sizes, forms, massing and architectural elements at the pedestrian scale typical of older buildings similar to those found downtown along the plaza. The Commission further finds that while the proposed modifications are generally in keeping with the previous design, as the design continues to evolve, some of the defining elements of the strong individual storefront characters are being softened as the more defined bases along each individual volume have been replaced with stone veneer wainscoting along only two of the volumes, and the use of the balconies in lieu of other pedestrian coverage on the west side provides minimal benefit in protecting pedestrians from the elements. The Commission finds that the design needs some minor adjustment to better address the standards and their underlying intent, and a condition has accordingly been added to require creating a stronger identity for individual storefronts with stronger pedestrian coverings of a depth sufficient to provide protection from the elements, providing a distinct base on each

space, and providing a clearer distinction between the ground and upper floors.

2.5 The Planning Commission finds that the applicants propose to adjust the location of the building on Tax Lot #700's elevator so that it can be shared by a future building on Tax Lot #800, the adjacent lot immediately to the west. The elevator will sit along what is now a shared property line, be constructed with the building proposed here and later connected to the building on Tax Lot #800 when it is constructed. The application explains that the shared elevator will reduce construction costs and homeowner association maintenance expenses. The elevator is to be recessed and will sit roughly 50 feet back from the building's front façade, and the application notes that it will have limited visual impact to the streetscape or building design. The application explains that the elevator is to be primarily of glass to allow for interior natural light and exterior aesthetics, and a small storage area for residents is proposed to be building behind the elevator, on the ground floor and screened from view by the elevator shaft. The applicants indicate that this design allows for slightly more storage, but also for windows and natural light into the building's interior. With the reconfiguration of the storage space within the ground floor garage area, the applicants also illustrate that two additional parking spaces can be gained over the previous configuration. When the building on Tax Lot #700 is finished, the elevator shaft will be treated with like building materials to blend with the building until the adjoining building is constructed on Tax Lot #800.

The Planning Commission finds that AMC 18.3.5.100.B.3 & B.4 call for buildings to be built to the front and side property lines, and a side yard setback is only to be considered where the building is adjacent to a residential zone or a pedestrian accessway connects to a rear parking area, in which case it shall only occur at mid-block between two buildings. The previously approved Site Plan included a mid-block pedestrian connection between the buildings to provide a walkway from the rear parking to the Fair Oaks pedestrian corridor. The Commission finds that the elevator placement here is in keeping both with the standard and the originally approved design, as the recess created between the two buildings at mid-block provides a pedestrian connection from the streetscape to the parking garage and to the elevator for access to the upper-floor residential units.

The Commission further finds that in discussing the proposal with other City departments, staff noted that the Electric Department has indicated that the elevator will require a new three-phase electrical service, and a condition that this requirement be incorporated into the final electrical service plan has been included below.

2.6 The Planning Commission finds that the proposal includes the removal of the property line between Tax Lots #700 and #800 where the elevator is proposed. The Commission finds that Building Codes will generally not allow construction over a property line or openings at a property line, and the dissolution of the property line as proposed will allow the elevator to comply with Building Codes and to have operable windows on both buildings in this area. The application explains that the dissolution of lot lines is typically an administrative action with the Jackson County Surveying Department, and is noted here for informational purposes. A condition has been recommended below to require that the property line be dissolved and evidence provided to the Building Division to demonstrate compliance with Building Codes requirements as proposed by the applicants.

2.7 The Planning Commission finds that the intent of the neighborhood design standards was to create a neighborhood scale pedestrian streetscape with strong individual storefront identities and buildings of sizes, forms, massing and architectural elements at the pedestrian scale typical of older buildings similar to those found downtown along the plaza. The Commission finds that the proposed changes to the building exterior, addition of the elevator to ultimately be shared with the adjacent lot, and dissolution of the property are generally straightforward and in keeping with the previously approved design.

The Commission further finds that as the design has evolved through a number of modifications, some of the defining elements of the individual storefront characters are being softened a bit. The more defined bases along each individual volume have been replaced with stone veneer wainscoting along only two of the volumes, and the use of the shallow awnings and balconies in lieu of other pedestrian coverage on the west side seems to provide minimal benefit in protecting pedestrians from the elements. The Commission finds that these elements need some minor adjustments to better address the standards and their underlying intent, and a condition has accordingly been added to require creating a stronger identity for individual storefronts with stronger pedestrian coverings of a depth to provide protection from the elements, providing a distinct base on each space, and providing a clearer distinction between the ground and upper floors.

### 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 approval, Property Line Adjustment and Modification of Planning Action #2013-01506, including changing the building's exterior design, adjusting a property line, and adding an exterior elevator, for the properties located at 601-691 Fair Oaks Avenue 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 #2016-00617. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-00617 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals and stipulations contained within the application shall be conditions of approval unless otherwise modified herein, including that When the building on Tax Lot #700 is finished, the elevator shaft will be treated with like building materials to blend with the building until the adjoining building is constructed on Tax Lot #800.
- 2) That all applicable conditions of the previous Outline Plan, Final Plan and Site Design Review (PA-2013-00806 and PA-2013-01506) approvals shall remain in effect unless otherwise modified herein.
- 3) That the plans submitted for the building permit shall be in substantial 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 Site Review approval shall be submitted and approved prior to issuance of a building permit.

- 4) That the Electric Service Plan submitted with the building permit application shall include the three-phase electrical service necessary to serve the proposed elevator as required by the Electric Department.
- 5) That the property line shall be dissolved as proposed by the applicants and evidence provided to the Building Division to demonstrate compliance with Building Code requirements.
- 6) That the building permit submittals shall include revised elevations which demonstrate a stronger identity for individual storefronts by providing stronger pedestrian coverings of a depth sufficient to provide protection from the elements; providing a distinct base on each space, and providing a clear distinction between the ground and upper floors.

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Planning Commission Approval

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July 12, 2016  
Date

# **FINDINGS**

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**PA-2016-00847**  
**252 B Street**

**BEFORE THE PLANNING COMMISSION**  
**July 12, 2016**

IN THE MATTER OF PLANNING ACTION #2016-00847, A REQUEST FOR )  
SITE DESIGN REVIEW AND CONDITIONAL USE PERMIT APPROVAL TO )  
ALLOW A REMODEL AND 1,664 SQUARE FEET OF ADDITIONS TO THE )  
THREE-UNIT BUILDING LOCATED AT 252-256 B STREET. A CONDITIONAL )  
USE PERMIT IS REQUIRED BECAUSE THE PROPOSAL EXCEEDS THE )  
MAXIMUM PERMITTED FLOOR AREA IN A HISTORIC DISTRICT BY 13.6 )  
PERCENT. THE APPLICATION ALSO INCLUDE A REQUEST FOR AN )  
EXCEPTION TO THE SITE DESIGN AND USE STANDARDS' HISTORIC )  
DISTRICT DESIGN STANDARDS (AMC 18.4.2.050.B.12) WHICH DIRECT THAT ) **FINDINGS,**  
"ADDITIONS ON THE PRIMARY FAÇADE OR ON ANY ELEVATION THAT IS ) **CONCLUSIONS &**  
VISUALLY PROMINENT FROM A PUBLIC RIGHT-OF-WAY, AND ADDITIONS ) **ORDERS**  
THAT OBSCURE OR DESTROY CHARACTER DEFINING FEATURES" ARE TO )  
BE AVOIDED. THE PROPOSAL WILL REMOVE THE EXISTING DECORATIVE )  
GABLE AND RAKE DETAILS ON THE FRONT STREET-FACING FAÇADE AND )  
REAPPLY THEM TO A NEW SECOND STORY GABLE ON THE PROPOSED )  
ADDITION. THE GABLE WILL BE RAISED APPROXIMATELY EIGHT FEET )  
TO ACCOMMODATE THE SECOND STORY. )

**APPLICANT:** Jerome White, Architect )  
Kistler+Small+White Architects )

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**RECITALS:**

- 1) Tax lot #5700 of Map 39 1E 09BA is located at 252-256 B Street is zoned R-2 (Low Density Multi-Family Residential).
  
- 2) The applicants are requesting Site Design Review and Conditional Use Permit approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street. A Conditional Use Permit is required because the proposal exceeds the Maximum Permitted Floor Area in a Historic District by 13.6 percent. The application also includes a request for an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which directs that "Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features" are to be avoided. The proposal will remove the existing decorative gable and rake details on the front street-facing façade and reapply them to a second-story gable on the proposed addition. The gable will be raised approximately eight feet to accommodate the second story. Site improvements are outlined on the 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.*

5) The criteria for Conditional Use Permit approval are described in AMC 18.5.4.050.A as follows:

- 1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
- 2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
- 3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
  - a. *Similarity in scale, bulk, and coverage.*
  - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of*

- facilities.*
- c. *Architectural compatibility with the impact area.*
  - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
  - e. *Generation of noise, light, and glare.*
  - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
  - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
  5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
    - a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
    - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
    - c. *R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
    - d. *C-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
    - e. *C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.*
    - f. *E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.*
    - g. *M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.*
    - h. *CM-C1. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.*

- i. CM-OE and CM-MU. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.*
- k. CM-NC. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.*
- l. HC, NM, and SOU. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.*

6) The Planning Commission, following proper public notice, held a public hearing on June 14, 2016 at which time testimony was received and exhibits were 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, Conditional Use Permit and Exception to the Site Development and Design Standards approvals meets all applicable criteria for Site Design Review approval as described in Chapter 18.5.2.050, for Conditional Use Permit as described in AMC 18.5.4.050.A, and for Exception to the Site Development and Design Standards as described in Chapter 18.5.2.050.E with the attached conditions of approval. The site plan and elevation drawings provided delineate the proposed building location, design and associated site improvements.

2.3 The Planning Commission finds that in the 2002 Site Review approval (PA #2002-110) to add the third unit to the rear of the building on the subject property, it was noted that the lot was approximately 10,045 square feet in area and therefore met the minimum size requirement of 9,000 square feet to add a third dwelling unit. The unit approved in 2002 was 496 square feet in size, and in addition to the third unit, a new bathroom for the existing Unit 2 and a common utility room were added. One additional off-street parking space was required for Unit 3 bringing the total number of spaces required for the site up to four. The parking was installed at the rear of the property and accessed from the alley. With the addition of the third unit and proposed site changes, lot coverage was increased to 36.39 percent, which was well below the 65 percent maximum coverage allowed in the R-2 zone. With that 2002 approval, it was noted that the site contained mature landscaping, and that street trees were to be planted in the parkrow adjacent to the property frontage. The area between the parking and the west property line was to be landscaped to provide the required buffer, and the trash and recycling area enclosed with a wood fence. Adequate water, sewer, storm drain and electric facilities were noted as being in place to serve the third unit, and it was also noted that B Street was fully-improved with paving and continuous sidewalks and provided vehicular access along with the paved alley at the rear of the property.

The Commission finds that the current request requires Site Design Review approval to allow remodeling in conjunction with 1,664 square feet of additions to the existing three-unit building. The Commission further finds that the bulk of the Site Review issues were addressed with the addition of the third unit in 2002, and the current request is largely limited to considering the current proposal in light of standards, including the impact of the addition to site planning (parking, landscaping, etc.) and compliance with design standards.

In terms of parking requirements, units less than 500 square feet require one parking space while one-bedroom dwelling units greater than 500 square feet require 1 ½ parking spaces each. Two bedroom units require 1 ¾ parking spaces. The Commission finds that as proposed, one 'less-than-500 square foot unit' and two 'greater-than-500 square foot one-bedroom units' require four total off-street parking spaces, four off-street spaces are illustrated off of the alley, and these four spaces are currently in place to serve the existing three units. The Commission further finds that with the proposed remodeling and addition, 254 B Street (i.e. Unit 2) is of a size and configuration to readily be converted to two-bedrooms, and thus require additional parking, without further building modifications with would necessitate building permits. As such, a condition has been added below to make clear that before any bedrooms are added, or other modifications made which would require additional parking, the applicants must first obtain Site Design Review approval to add additional required parking. The Commission further noted that there are two on-street parking spaces along the property's B Street frontage which might be considered to address additional parking demand.

The Planning Commission finds that in addition to automobile parking, four covered bicycle parking spaces are required. The application notes that two spaces are to be provided beneath the existing porch adjacent to the rear studio and common utility room door, and two additional spaces will be created in a new storage room adjacent to the utility room to provide locked storage for the applicant's electric assist bicycles. A condition has been included below to require that the building permit submittals include details demonstrating that all bicycle parking will comply with the standards in AMC 18.4.3.070.

The application materials provided note that 47 percent of the site will be provided in landscaped area, and that approximately 10.5 percent of the site is provided in deck and lawn area. The Commission finds that this will more than satisfy the eight percent Outdoor Recreation Area requirement for R-2 zoned property.

2.4 The Planning Commission finds that the applicants have provided written findings addressing the Historic District Design Standards, noting that the addition of a second story is in keeping with the historic development pattern of the neighborhood with respect to height, number of stories, massing, and scale. They note that the additions extend the massing horizontally and vertically, and bring back a one-story wrap-around porch that appears to have been removed during a 1950's-era addition on the northwest corner of the building. They explain that the two story façade addition closest to the street maintains the existing width of the building, while the two-story addition parallel to B Street, an extension of the existing building, is set back from the face of the existing porch by approximately 22 feet, and 49 feet from the sidewalk. The application further explains that the roof shapes and pitches match the existing building, and that composition shingles are proposed. The rhythm of openings is noted as following the existing building's patterns, and maintains the two existing front doors and one existing window facing B Street. The applicants indicate that where existing trim can be saved and reused, they will do so, and that other trim will be detailed to accurately match the original. Cement fiber horizontal lap siding and trim, without wood texture, are proposed for the additions, and the building will be newly painted with colors chosen to reflect the historic neighborhood. A new entrance that is well-defined and covered is proposed to be added for the second story unit; the new entry door will have a different style, and simplified trim to distinguish it from the original doors. The proposed remodel retains the existing buildings base/platform, and the proposed remodel/addition extends the existing forms both horizontally and vertically.

The Planning Commission finds that the application requires an Exception to the Site Design and Use Standards' Historic District Design Standards (18.4.2.050.B.12) which direct that "*Additions on the primary façade or on any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features*" are to be avoided. The proposal will add a second story on the front of the building, with the gable to be raised approximately eight feet to accommodate the proposed second story. With this addition, the existing decorative gable and rake details on the front street-facing façade are proposed to be removed and reapplied to the new second-story gable on the proposed addition. The applicants explain that they first considered keeping the one-story façade, but found that placing the bulk of the second-story addition to the rear created an unbalanced massing that did not seem to honor the typical massing and scale found in the neighborhood. In addition, placing the additional space now occupied by the second floor living room over the 2005 studio addition was impractical as the slab on grade would not support a second-story. The application goes on to explain that the existing historic portion of the house has an un-reinforced brick foundation that is easily replaced in order to meet the structural requirements of a second-story and it therefore seemed most logical and practical to expand the residence vertically. In order to honor the original street-facing façade, the applicants propose to remove the existing decorative gables and rake details and reapply them to the new second story gable. The applicants conclude that, considering the difficulty in meeting the standard cited

above, and the balancing act of creating a design that meets the client's needs while honoring the massing and scale of the neighborhood, they believe that they have created a design that is attractive, will blend well with the neighborhood fabric, and result in a lovely home.

2.5 The Planning Commission finds that AMC Section 18.2.5.070 "*Maximum Permitted Residential Floor Area in Historic District*" regulates the floor area of dwellings to promote compatible building volume and scale within Ashland's historic districts. Within the Historic District Overlays, new structures and additions are required to conform to the maximum permitted floor area (MPFA) standards, and Conditional Use Permit approval is required to exceed the MPFA standards. In addition to the approval criteria for a Conditional Use Permit, which provides for the consideration of adverse material impacts to the surrounding neighborhood, the Historic District Design Standards must also be addressed, and in no case is the permitted floor area allowed to exceed the MPFA by more than 25 percent. A Conditional Use Permit is required here because, with the additions proposed, the proposal exceeds the Maximum Permitted Floor Area for a lot of this size in a Historic District by 13.6 percent.

The City of Ashland has adopted ordinances to assure that all development in the Historic District overlay remains compatible with the existing integrity of the Historic District, and AMC 18.4.2.050.A.2.b "*Historic District Development*" provides that, "*If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.*" In this instance, the Historic Commission reviewed the application at its regular meeting on June 8, 2016 and found that the request was consistent with the applicable criteria and standards, and recommended approval of the application. The Commission made two recommendations, asking that the building permit submittals be revised so that the new siding would match the existing siding, and that there be three inches of frame place between windows installed beside one another. These recommendations have been incorporated into the conditions of approval included below.

### 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 approval to allow a remodel and 1,664 square feet of additions to the three-unit building located at 252-256 B Street, Conditional Use Permit to exceed the Maximum Permitted Floor Area in a Historic District by 13.6 percent, and Exception to the Site Development and Design Standards' Historic District Design Standards 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 #2016-00847. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2016-00847 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 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, or if additional bedrooms or other modifications which would require additional parking are to be added, an application to modify the Site Design Review and Conditional Use Permit approvals shall be submitted and approved prior to the issuance of a building permit.
- 3) That the applicant shall obtain approval of a Demolition/Relocation Permit as required in AMC 15.04.210 if deemed necessary by the Building Official.
- 4) That all recommendations of the Historic Commission from their June 8, 2016 meeting shall be conditions of approval, where consistent with the applicable criteria and standards and with final approval of the Staff Advisor.
- 5) That all requirements of the Ashland Fire Department including approved addressing and providing a fire extinguisher shall be complied with prior to the issuance of a certificate of occupancy. *(If work will be occurring during fire season, applicants are advised to check fire season fire prevention requirements found at [www.ashland.or.us/fireseason](http://www.ashland.or.us/fireseason).)*
- 6) That building permit submittals shall include:
  - a) The identification of all easements, including but not limited to public and private utility 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. Very bright or neon paint colors shall not be used in accordance with the requirements of the Site Design Standards, and the colors and materials selected shall be consistent with those identified in the application.
  - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
  - d) 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. Any on-site collection systems shall be detailed on the building permit submittals.
  - e) A final utility plan addressing any proposed modifications to the site's utilities shall be provided for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any proposed connections for all public facilities in and adjacent to the development, including the locations of water lines,

transformers, cabinets, meters and all other necessary equipment, and meter sizes to accommodate necessary water and fire services, electric services, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Any necessary service upgrades shall be completed by the applicant at applicant's expense. Transformers, meters, cabinets, and vaults shall be located outside of the pedestrian corridor in those areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the utility departments. Any necessary service upgrades shall be completed by the applicant at applicant's expense.

- f) Lot coverage calculations including all building footprints, walkways, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district.
  - g) 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.
  - h) The building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.4.3.070. Inverted u-racks shall be used for the bicycle parking. All bicycle parking shall be installed in accordance with design and rack standards in 18.4.3.070 and according to the approved plan prior to the issuance of the certificate of occupancy.
  - i) That prior to the issuance of the building, excavation, staging, storage of materials or the commencement of site work, a Tree Verification Permit shall be obtained, and tree protection measures installed, inspected and approved by Staff Advisor. The Verification Permit is to inspect the installation of tree protection fencing for the trees to be retained and protected on and adjacent to the site. Tree protection measures shall be in the form of chain link fencing six feet tall, installed and maintained in accordance with the requirements of AMC 18.4.5.030.C.
- 8) That prior to the final approval of the project and issuance of a certificate of occupancy:
- a) That landscaping in new or replaced landscaped areas shall be installed according to the approved plan, and tied into the existing irrigation system, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
  - 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) The screening for the trash and recycling enclosure shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor. An opportunity to recycle

site of equal or greater size than the solid waste receptacle shall be identified in the building permit submittals and shall be in place, inspected and approved by the Staff Advisor.

- d) All hardscape improvements including any parking, walkways or other accessways shall be installed according to the approved plans, inspected and approved prior to issuance of the final certificate of occupancy.
- e) That the bicycle parking facilities shall be installed according to the approved plans, inspected, and approved by the Staff Advisor prior to the issuance of the certificate of occupancy. The building permit submittals shall verify the design and placement of bicycle parking to comply with the standards in AMC 18.4.3.070.
- f) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.

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Planning Commission Approval

July 12, 2016  
Date

**TYPE II  
PUBLIC HEARING**

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**PA-2016-01029  
1365 Tolman Creek Rd.**



**PLANNING ACTION:** 2016-01029

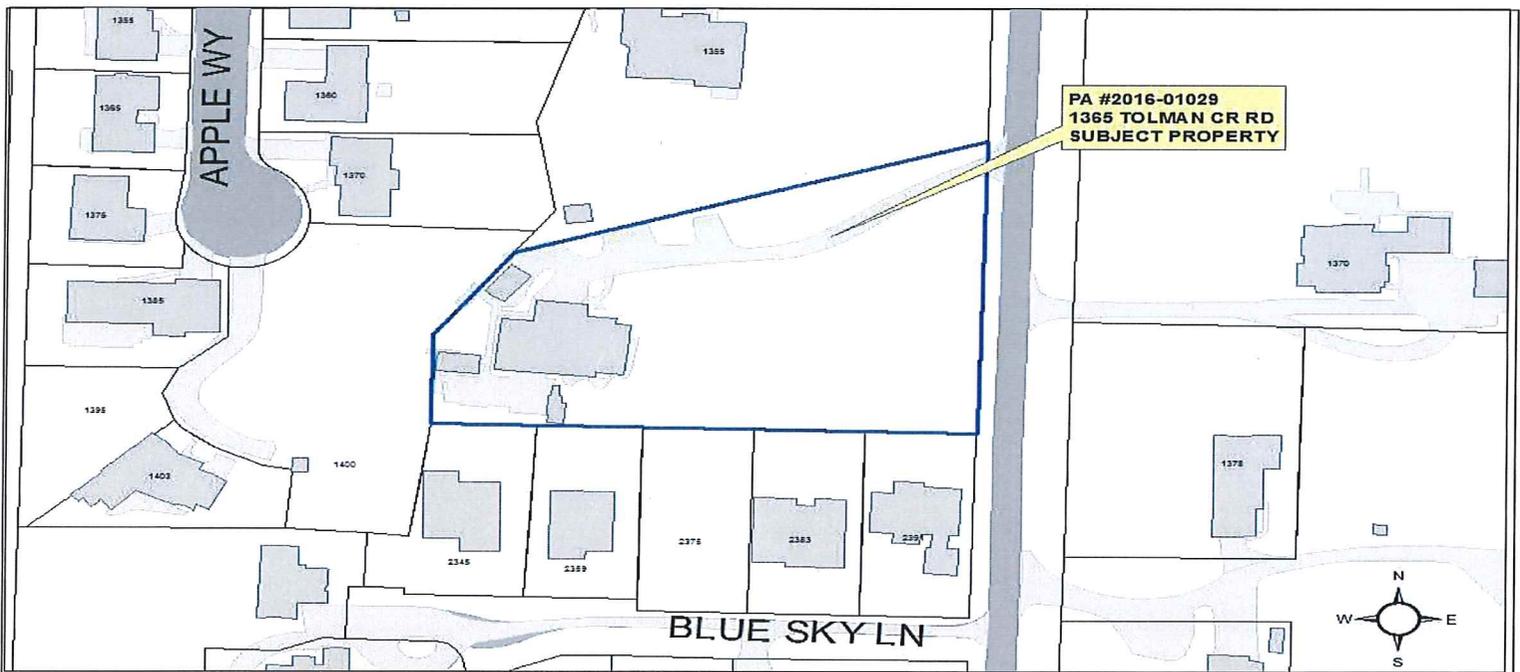
**SUBJECT PROPERTY:** 1365 Tolman Creek Road

**OWNER/APPLICANT:** Ronald Rezek/Clason Company LLC

**DESCRIPTION:** A request for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision for the property located at 1365 Tolman Creek Road. Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of a small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 23BA; **TAX LOT #:** 201.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on Thursday, July 7, 2016 at 6:00 PM in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**ASHLAND PLANNING COMMISSION MEETING:** July 12, 2016 at 7:00 PM, Ashland Civic Center, 1175 East Main Street.



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

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

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

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

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

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

## OUTLINE PLAN APPROVAL

### 18.3.9.040.A.3

Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

- a. The development meets all applicable ordinance requirements of the City.
- b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. The proposed density meets the base and bonus density standards established under this chapter.
- g. The development complies with the Street Standards.

## APPROVAL CRITERIA FOR FINAL PLAN

### 18.3.9.040.B.5

Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

## PHYSICAL & ENVIRONMENTAL CONSTRAINTS

### 18.3.10.050

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

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

## LIMITED ACTIVITIES AND USES PERMIT

### 18.3.11.060.D

All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.
2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.
3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.
4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.

5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.
6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

#### **EXCEPTION TO STREET STANDARDS**

##### **18.4.6.020.B.1**

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

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

**ASHLAND PLANNING DIVISION  
STAFF REPORT  
July 12, 2016**

**PLANNING ACTION:** PA-2016-01029

**OWNER/APPLICANT:** Ronald Rezek/Clason Company LLC

**LOCATION:** 1365 Tolman Creek Road  
Map 39 1E 23 BA, Tax Lot #201

**COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential

**APPLICATION DEEMED COMPLETE:** July 1, 2016

**120-DAY TIME LIMIT:** October 29, 2016

**ORDINANCE REFERENCE:**

18.2	Zoning Regulations
18.3.9	Performance Standards Options
18.3.10	Physical & Environmental Constraints
18.3.11	Water Resource Protection Zones
18.4.3	Parking, Access and Circulation
18.4.5	Tree Preservation and Protection
18.4.6	Public Facilities
18.4.8	Solar Access
18.5.3	Land Divisions
18.5.7	Partitions & Divisions

**REQUEST:** A request for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9) for a three-lot subdivision for the property located at 1365 Tolman Creek Road. Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the Hamilton Creek floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of a small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage.

**I. Relevant Facts**

**A. Background - History of Application**

In March of 1986, Planning Action #1986-017 was approved by the Planning Commission to allow a two-lot partition. The 1.591 acre subject property was Parcel No. 2 of the partition, and the 2.402 acre parcel immediately to the north was Parcel No. 1.

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

## B. Detailed Description of the Site and Proposal

The subject property, Tax Lot #201, is an irregularly shaped, 69,260 square foot parcel located on the west side of Tolman Creek Road between Blue Sky Lane and Morada Lane. The property is located within the R-1-7.5 zoning district, a single family residential zone which requires a minimum lot size of at least 7,500 square feet.

Tax Lot #201 is 1.591 acres in area and contains a 3,468 square foot, two-story single family residence with a 641 square foot attached garage; a 388 square foot detached garage; a 288 square foot greenhouse, a 192 square foot lean-to shed, a pool house and a swimming pool. The residence and other structures are at the rear of the property, near the west property line. According to Jackson County Assessor's data, the residence was constructed in 1987 and was significantly remodeled in 1996. The application notes that all existing structures are intended to remain on the property with the proposal.

The property is accessed via a long, meandering private driveway that exits to Tolman Creek Road approximately ten feet from the parcel's north property line. The driveway's improved width varies, but the application notes that it is generally about 12 feet in width as currently constructed. The application further explains that the driveway has an existing grade of between eight and 14 percent, and as such complies with the grade standards for a flag driveway.

The property is described as having a gentle slope from south to north, except for the portion along the Tolman Creek frontage where the application notes a 40-50 percent slope along the property line going into the roadside ditch.

A tree inventory and tree preservation plan has been provided identifying 55 trees on or adjacent to the subject property. The application explains that the largest concentration of trees is directly to the west of the existing residence and between the driveway and the north property line. The trees are described as a mix of deciduous and coniferous. Of the 55 trees on the property, five trees are proposed for removal with the proposed subdivision. These include:

- **Tree #12:** A nine-inch diameter at breast height (d.b.h.) Liquid Ambar tree in the widened parking area near the north property line.
- **Tree #38:** A 16-inch d.b.h. Silver Maple tree in line with the proposed driveway to serve Lot #1.
- **Tree #43:** A 16-inch d.b.h. White Oak tree.
- **Tree #46:** A nine-inch d.b.h. Ash tree.
- **Tree #35:** A dead Red Maple within the wetland water resource protection zone. *(Dead trees are exempt from Tree Removal Permit requirements per AMC 18.5.7.020.C.7)*

As noted in AMC 18.5.7, the removal of significant trees (*i.e. those trees greater than 18-inches in diameter at breast height*) on vacant R-1 zoned lands requires a Tree Removal Permit. As none of the trees proposed to be removed is considered by definition to be significant, the tree removals proposed are not subject to a Tree Removal Permit although the applicants have provided written findings addressing the Tree Removal approval

criteria and have proposed to mitigate the tree removals with the planting of four new trees.

In addition to the trees identified in the inventory provided, a small wetland and a man-made pond are located on the subject property. The application explains that the man-made 2,147 square foot pond is roughly half-way between the existing residence and the front property line. While the pond has wetland features (*i.e. hydrology, soils and vegetation*) it is noted as being a manmade feature of the site. A letter from Martin R. Schott, Ph. D., of Schott & Associates, Ecologists and Wetlands Specialists provided as Attachment 4A of the application notes that the pond and adjacent wetland are functionally isolated and surrounded by development, and because of this isolation and very small size, the wetland functions and values are very low. The letter suggests that the pond is a potential hazard for small children, and poses an attractive nuisance, and the application notes it further provides mosquito breeding habitat. The application explains that the pond extends into the wetland's water resources protection zone by approximately 545 square feet where the pond abuts the north end of the wetland.

The wetland is noted as being located at the terminus of an existing 12-inch storm drain pipe that daylight onto the property. The wetland and pond have been evaluated by Martin Schott of Schott & Associates, and a delineation has been prepared with concurrence by the Division of State Lands and the wetland is now considered a protected feature of the site under federal, state and local regulations. The delineation notes that a culvert was placed as the property boundary where hydrology enters the site and runs northwest down a broad swale to the pond. The wetland is described as a narrow swath with vegetation consisting of white clover and colonial bent grass, with a willow tree and a European birch adjacent to the wetland. The delineation finds that soils present meet the hydric soil indicator and that there are primary indicators of surface water and saturation to a depth of four-inches. The hydrology is thought to be from surface run-off from properties to the south entering the site through the culvert.

Local stream Hamilton Creek runs along the east side of Tolman Creek Road in the property's vicinity, and its identified floodplain is in close proximity to the entrance to the driveway serving the subject property. As a local stream, Hamilton Creek has a water resource protection zone which extends 40 feet upland of its centerline. Given the creek's proximity to Tolman Creek Road, this protection zone is located entirely within the existing right-of-way improvements, however the creek has an associated floodplain corridor which extends roughly ten feet onto the subject property's frontage and as such any work constituting development within this portion of Hamilton Creek's floodplain is subject to a Physical and Environmental Constraints Review (P&E) Permit. In this instance, the widening of the driveway to meet flag drive requirements and the associated utility installation occurring on the relatively small section of floodplain lands near the existing driveway entrance are to be considered under a P&E permit.

Currently, access to the subject property is via an existing flag drive from Tolman Creek Road. Tolman Creek Road is classified as an Avenue or Major Collector, and is under Jackson County's jurisdiction in this vicinity. Tolman Creek Road is currently paved with open drainage ditches on either side, but lacks curbs, gutters, on-street parking, storm drains, and park-row planting strips with street trees, sidewalks, and bike lanes in the vicinity.

## **II. Project Impact**

The proposal involves a request for Outline and Final Plan approval for a three-lot/three unit Performance Standards Subdivision. Also included are requests for a Physical and Environmental Constraints Review Permit for Floodplain Development to allow widening of the existing driveway entrance by two to five feet and the installation of utilities including stormwater drainage facilities within the floodplain; a Limited Use Permit to allow grading for utility installation and restoration of the buffer area of the small wetland on the property; and an Exception to Street Standards to not install city standard street improvements along the property's Tolman Creek Road street frontage.

Because the proposal involves a request for Outline and Final Plan approval under the Performance Standards Options Chapter (AMC 18.3.9), AMC 18.3.9.040.A.1 requires that the application be reviewed by the Planning Commission through a Type II public hearing process.

### **A. Outline & Final Plan Approval under the Performance Standards Options Chapter**

In staff's assessment, the project meets all applicable ordinance requirements of the City of Ashland, or can be made to do so through the imposition of conditions, other than city standard street improvements along the property frontage. An Exception to Street Standards has been requested concurrently with the application. These items are further discussed in the applicable sections below.

City facilities and services are currently available to serve the project from the adjacent Tolman Creek Road right-of-way. The property is currently served by:

- ✓ An eight-inch sanitary sewer main located in the Tolman Creek Road right-of-way.
- ✓ An eight-inch water main located in the Tolman Creek Road right-of-way.
- ✓ Storm drainage is conveyed in open roadside ditches along both sides of Tolman Creek Road in this vicinity.
- ✓ Electrical service to the existing house is undergrounded from a transformer near the north property line, and electrical facilities are available to be extended from Tolman Creek Road.

The application includes Conceptual Grading and Drainage Plan (Sheet C-1.0) and a Conceptual Utility Plan (Sheet C-2.0) prepared by Construction Engineering Consultants. The Utility Plan identifies the installation of new water meters near the mouth of the driveway, with proposed water and sanitary sewer services routed under the driveway to serve Lots #1 and #2. A new gas line would be extended from the gas main in Tolman Creek Road to serve the new lots, and the existing electric and phone lines are to be relocated to serve the existing home and new lots. Conditions of approval are recommended below to require that these plans be revised to incorporate the requirements of the land use approval, reviewed and approved by the Planning, Building, Public Works, Engineering and Electric Departments prior to the issuance of a building or excavation permit. A condition has also been recommended to require that the applicants receive any required permits or approvals from Jackson County for any work to be

completed within Tolman Creek Road's right of way, which falls under County jurisdiction, and provide evidence of such approval to the city.

The Drainage Plan identifies new sections of stormwater mains and a proposed detention area with a berm, stormwater control structure and new 12-inch culvert to control the release of stormwater from the site into the roadside ditch along Tolman Creek Road. The City's Engineering Department will need to review and approve final, engineered storm drainage plans and determine that the post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation is adequately addressed through the final design. A condition to this effect is recommended below.

The Performance Standards Options require that natural features such as wetlands, floodplain corridors, ponds, large trees and rock outcroppings throughout the subject parcel be identified and incorporated in open space, common areas or other unbuildable areas. In this instance, the applicants have enlisted the services of Schott & Associates, Ecologists and Wetlands Specialists who have determined that there is a small wetland on the property along with an adjacent man-made pond. The state has concurred with the Schott & Associates' findings, and the applicants have proposed to preserve the wetland while removing the pond as a man-made feature in conjunction with restoring the drainage swale associated with the wetland. The portion of the required wetland buffer disturbed with the removal of the pond is noted as approximately 545 square feet, and the application explains that this area is to be restored, and the wetland and its buffer are to be preserved and protected in a conservation easement as part of Lot #2. There has been previous discussion at the Planning Commission as to whether natural features need to be included as part of a discreet parcel reserved as common area to insure adequate protection and to benefit the livability of all residents. Creation of a common area lot on a subdivision of this scale poses complication for the applicants, and in staff's view, the use of a conservation easement is an appropriate mechanism to provide the protection of the wetland sought under the Performance Standards. A condition requiring that such an easement in favor of the City, Lots #1 and #3 be provided on the final plat is recommended below, along with a condition to require that any fencing installed around the wetland be limited to no more than four feet in height so that views of the wetland by all residents of the development are not obscured.

In staff's view, the removal of the pond a key consideration of the application; while it has wetland features, it is noted as man-made and was likely constructed sometime after 1952, and it's removal in conjunction with enhancing the existing wetland, re-establishing a drainage swale with new storm water detention area nearer to Tolman Creek Road and installing a storm water control structure to meter flows leaving the property can be found to be in keeping with the Performance Standards Options Chapter, particularly when considered in light of the applicants' efforts to preserve the site's trees by limiting the number of lots proposed and carefully placing the building envelopes.

The proposed development will not prevent adjacent land from being developed. The application materials provided note that potential future development of areas to the north will not be impacted, while properties to the south and west are already largely developed and development to the east would be limited by the floodplain.

Performance Standards subdivisions with a density of ten units or greater are required to provide a minimum of five percent of the total project area in open space. As the applicants have proposed to develop only three lots, no common open space area is required and none has been identified as part of the current proposal.

The three proposed lots are to be served by the existing driveway; driveways greater than 50 feet in length are considered flag drives and must comply with the development standards thereof, as described in AMC 18.5.3.060. Drives serving two or more lots must provide a 15-foot paved driving surface within a 20-foot clear width. Three parking spaces will be provided on each of the lots, and in addition parking bays to serve as visitor parking will be provided off of the driveway. The application indicates that the existing driveway will be widened to meet the standard prior to the issuance of a certificate of occupancy for a home on either new lot, and a condition to this effect has been recommended below.

The Performance Standards chapter requires that on lots which are to contain detached single-family dwellings, building envelopes be identified which show the area and maximum height of improvements, including solar access. In the current application, the applicants have identified both building envelopes and shown that each will accommodate a 21-foot high structure while complying with Solar Access "Standard A." Conceptual home elevations have also been provided.

Under the Performance Standards Options, the property's single-family residential (R-1-7.5) zoning designation allows for a density of 3.6 units per acre. The site's 1.59 acres yield a base density of 5.72 units. The proposed density of three units is well below the density allowed, but the application notes that efforts have been made in planning the project to preserve and enhance the small wetland, protect the site's large mature trees, protect the existing home and its associated accessory structures, and to allow for lot areas similar to those found in the nearby neighborhoods along Tolman Creek Road. In addition, the application notes that if more than three lots were proposed, a new public street would be required and they felt that a new public street would change the neighborhood dramatically with the associated impacts to the site's trees, significant alterations to topography, greater disturbance within the floodplain and generally greater impacts to the character of the neighborhood.

## **B. Exception to Street Standards**

Tolman Creek Road is classified as an Avenue or Major Collector in the vicinity of the subject property, and standard street improvements along the frontage of the parcel would include curb, gutter, paving, parking, storm drains, parkrow planting strips, sidewalks, and bike lanes.

The application materials provided note that Tolman Creek Road has significant grade changes along both sides of the right-of-way, with slopes of 40-50 percent as the property transitions to the roadside drainage ditch along the full street frontage, and falls within the FEMA floodplain. They note that while it is the property owner's desire to eventually see Tolman Creek Road improved to city standards since it provides a direct connection to essential city services and facilities, the existing conditions pose a difficulty which would be better addressed when the entire corridor can be evaluated comprehensively to

create a cohesive, functional street design. They emphasize that given these conditions, the street corridor needs to be comprehensively designed, constructed and financed through either a Local Improvement District (LID) or Capital Improvement Project funding rather than being completed on a piecemeal basis as individual properties develop.

Given that the complexity of the improvement required and the need for any improvements to be completed within the context of a larger neighborhood design process, the presence of the flood plain, and the fact that this street section is within Jackson County jurisdiction, staff believes that the most prudent option with regard to Tolman Creek Road improvements is for the applicants to sign in favor of the future improvements to Tolman Creek Road, and agree to pay the proportional cost of the necessary improvements and not to remonstrate against the formation of a Local Improvement District (LID). The applicants have requested an Exception and proposed to sign in favor of an LID and a condition to this effect is included below.

### **C. Physical & Environmental Constraints Review Permit**

The Hamilton Creek floodplain corridor extends westward from the waterway on the east side of Tolman Creek Road and includes an approximately ten-foot wide portion of the subject property's frontage. Because the proposal involves driveway improvements and utility installation in the floodplain, a Physical & Environmental Constraints Review Permit for the Development of Floodplain Corridor Lands is required.

The applicants note that they have taken all reasonable steps to minimize the potential impacts to adjacent properties. They explain that Hamilton Creek is across Tolman Creek Road and below the street grade, and that the area of floodplain across the property's frontage is within the roadside ditch which has a depression putting the floodplain below the surface of the road on both sides of Tolman Creek Road. The applicants emphasize that they have hired a professional Engineer, a Landscape Architect, a Surveyor and an Ecologist/Wetland Specialist to address any potential impacts associated with the subdivision. They emphasize that the widening of the existing driveway by two to five feet and the installation of underground utilities will not require any fill and will not have any adverse impacts; that the use of the single, existing shared driveway for access, in lieu of installing a new driveway and culvert, will minimize the impacts to the floodplain; that the installation of new stormwater detention facilities will slow the rate of infiltration of stormwater into the storm drain system and Hamilton Creek to reduce any potential hazards; and that silt fencing will be installed to prevent any erosion during construction. They further explain that the floodplain falls entirely within the required front yard setback area for Lot #1 and that the building envelope proposed for Lot #1 will accommodate a new home and garage entirely outside of any floodplain lands.

In staff's view, the impacts to floodplain lands are minimal and are limited to widening of the driveway and utility installation in an area where street and driveway improvements are already in place and long-established. The floodplain has already been dramatically altered by existing Tolman Creek Road street improvement and associated utility installations. The application materials provided note that the applicants have taken all reasonable steps to reduce adverse impacts on the environment by hiring professional

civil engineers, landscape architects, surveyors, ecologists, wetland specialists and land use planners to comprehensively plan the proposal to mitigate adverse impacts.

#### **D. Limited Activities and Uses within a Water Resources Protection Zone (WRPZ)**

The application includes the removal of the man-made pond adjacent to the small wetland on the property. The application explains that the request is to remove the pond and restore the wetland's drainage swale through a culvert under the driveway access to Lot #1 and to allow the drainage to continue across the property into a constructed storm water detention area and then out to the 18-inch line that is perpendicular to Tolman Creek Road, near the driveway. In order to remove the pond and restore the drainage swale, approximately 545 square feet of the wetlands' buffer area will be disturbed. The application further notes that the removal of the man-made pond will enable the construction of the private stormwater treatment facility which will include a vegetated swale/detention pond, and that the ordinance provides for the installation of private stormwater treatment facilities such as "detention ponds or sediment traps, vegetated swales, and constructed wetlands" under the Limited Activities and Uses within Water Resource Protection Zones provisions of AMC 18.3.11.060.A.3.c. They add that the portion of the buffer area disturbed with removal of the pond will be replanted with native species and maintained in accordance with AMC 18.3.11.030.

The application materials detail that the proposed pond's removal is occurring as far from the wetland as possible and will disturb as little of the surface area of the wetland as practicable. The applicants suggest that the pond's removal should be seen as an enhancement to the wetland as more natural drainage will be restored and the area where the pond is will be replaced with native vegetation. They emphasize that the pond removal will restore the function of the wetland and will remove surface water that is conducive to mosquito breeding and replace it with native wetland vegetation. No impervious surfaces, loss of native vegetation or other impacts to the wetland itself are proposed. A dead Red Maple (Tree #35) is proposed for removal from the wetland to eliminate the possibility of future trunk failure and alleviate any hazard to persons or property. Proposed utilities are as far as practicable from the wetland, and the storm drainage facilities are to be built outside of the delineated wetland.

The applicants further explain that the restoration of the disturbed buffer zone will be accomplished in a manner consistent with the standards in AMC 18.3.11.110 "Mitigation Requirements," but that no management plan is proposed for the long-term conservation, management and maintenance of the WRPZ as the wetland is proposed to be retained on a residentially-zoned lot occupied only by a single-family dwelling and associated accessory structures. A conservation easement will be provided to ensure the continued protection of the wetland and buffer area. The application explains that the wetland itself is only 718 square feet and that the buffer will encompass 4,845 square feet and will be protected in perpetuity with the easement, but that the applicants would prefer to avoid creating a complicated homeowners association that would be needed to create and manage common space for such a small subdivision.

A condition has been recommended below to require that a revised Mitigation Plan addressing the Vegetation Preservation and Construction Staging requirements in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC

18.3.11.110.B be provided for the review and approval of the Staff Advisor prior to the commencement of any pond removal work. The restoration and enhancement shall address the disturbed wetland buffer at the 1.5:1 ratio required, so the disturbance of 545 square feet of the buffer area will require the restoration and enhancement of 818 square feet.

### **E. Tree Removal**

A tree inventory and tree preservation plan has been provided identifying 55 trees on or adjacent to the subject property. The application explains that the largest concentrations of trees are west of the existing residence and between the driveway and the north property line. The trees are described as a mix of deciduous and coniferous, and of the 55 trees on the property five are proposed for removal with the proposed subdivision. These include:

- **Tree #12:** A nine-inch diameter at breast height (d.b.h.) Liquid Ambar tree in the widened parking area near the north property line.
- **Tree #38:** A 16-inch d.b.h. Silver Maple tree in line with the proposed driveway to serve Lot #1.
- **Tree #43:** A 16-inch d.b.h. White Oak tree.
- **Tree #46:** A nine-inch d.b.h. Ash tree.
- **Tree #35:** A dead Red Maple within the wetland water resource protection zone. (*Dead trees are exempt from Tree Removal Permit requirements per AMC 18.5.7.020.C.7*)

As noted in AMC 18.5.7.020.B.3, the removal of significant trees (*i.e. those trees greater than 18-inches in diameter at breast height*) on vacant R-1 zoned lands requires a Tree Removal Permit. As none of the trees proposed to be removed here are considered by definition to be significant, the tree removals proposed are not subject to Tree Removal Permit review, although the applicants have provided written findings addressing the Tree Removal approval criteria and have proposed to mitigate the four living trees being removed by planting four new trees. Site trees remain a consideration both in terms of the preservation of significant natural features required in the Performance Standards Options chapter and for any impacts removals might have within Water Resource Protection Zones or Floodplain Corridor Lands, and are further discussed in the applicable sections above.

As this staff report is being prepared, the Tree Commission has not yet reviewed the request and as such, a condition of approval has been recommended below to incorporate their recommendations, where consistent with applicable standards and with final approval by the Staff Advisor, as conditions of approval here.

### **III. Procedural - Required Burden of Proof**

**The approval criteria for Outline Plan approval are described in AMC 18.3.9.040.A.3 as follows:**

- The development meets all applicable ordinance requirements of the City.*
- Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection,*

- and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
- c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
  - d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
  - e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
  - f. The proposed density meets the base and bonus density standards established under this chapter.*
  - g. The development complies with the Street Standards.*

**The approval criteria for Final Plan approval are described in AMC 18.3.9.040.B.5 as follows:**

*Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.*

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.*
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
- c. The open spaces vary no more than ten percent of that provided on the outline plan.*
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.*
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.*
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.*
- g. The development complies with the Street Standards.*
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.*

**The approval criteria for a Physical & Environmental Constraints Review Permit for Development of Floodplain Corridor Lands 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.*

**The approval criteria for to allow Limited Activities and Uses within a Water Resource Protection Zone are described in AMC 18.3.11.060.D as follows:**

1. *All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
2. *The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
3. *On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
4. *Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
5. *Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
6. *Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

**The approval 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.*

#### **IV. Conclusions and Recommendations**

The subject parcel is significantly oversized within the R-1-7.5 zoning district and has the potential under current zoning to accommodate additional density, with a base density of 5.72 units. In staff's view, the proposal currently under consideration seems to be a fair compromise between the desire for more efficient land use to accommodate additional density anticipated in the city's long term growth plans and considerations of the Performance Standards Options Chapter which call for balancing the impacts of development with the preservation and protection of natural features and neighborhood character. The applicants' lot lay-out and envelope placement seem thoughtfully arranged to minimize impacts to the established trees on the property while remaining in keeping with the general development pattern of the surrounding neighborhood, and the yard areas which have been proposed provide a substantially more space to buffer the development from adjacent properties than is required under the code. While the proposal involves the removal of a man-made pond from the property, a small adjacent wetland is to be enhanced, and the pond is to be replaced with a drainage swale and storm water detention area with control structure established to address drainage issues on the property. When viewed in conjunction with the tree preservation proposed, staff believes that the proposal represents and appropriate use of the Performance Standards Options chapter and is generally supportive of the request.

Should the Commission concur with staff, we would suggest that the following conditions be attached to the approval:

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified herein.
- 2) That the recommendations of the Ashland Tree Commission from their July 7, 2016 shall be conditions of approval where consistent with applicable criteria and standards and with final approval of the Staff Advisor.
- 3) That prior to the issuance of an excavation permit or the commencement of infrastructure installation:
  - a) Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the civil plans.
  - b) That the location and final engineering for all storm drainage improvements associated with the project shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.

- c) That a Verification Permit in accordance shall be applied for and approved by the Ashland Planning Division prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the five trees to be removed and the installation of tree protection fencing for trees to be preserved. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with the requirements of the Tree Preservation and Protection Ordinance (AMC 18.4.5).
- d) Any work within the Tolman Creek Road right-of-way, including but not limited to driveway widening or utility installation, shall be subject to review and approval by Jackson County and the City of Ashland, with permits to be issued by Jackson County and evidence of permit approval and issuance provided to the City of Ashland.
- e) That a Mitigation Plan addressing the Vegetation Preservation and Construction Staging standards in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC 18.3.11.110.B shall be provided for the review and approval of the Staff Advisor prior to the commencement of any pond removal work. Restoration and enhancement shall address the disturbed wetland buffer at the 1.5:1 ratio required (i.e. disturbance of 545 square feet of the buffer area requires restoration and enhancement of 818 square feet).
- f) The applicant shall obtain required federal and state permits to fill the pond and provide evidence of these approvals to the City of Ashland.

4)..... That prior to the signature of the final survey plat:

- a) That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.
- b) That the subdivision name shall be approved by the City of Ashland Engineering Division.
- c) All easements for public and private utilities, shared parking, drainage, conservation, irrigation, fire apparatus access, and the reciprocal access easements for shared use of the existing driveway shall be indicated on the final survey plat as required by the Ashland Engineering Division.
- d) The applicant shall provide a conservation easement for the wetland on Lot #2 and its protection zone in favor of the City, Lots #1 and #3 on the final survey plat. The conservation easement shall describe the long-term obligations for maintenance of the wetland and buffer, and shall note that any fencing installed around the wetland or its buffer shall be limited to no more than four feet in height so that views of the wetland by all residents of the development are not obscured.
- e) Subdivision infrastructure improvements including but not limited to utility installations shall be completed according to approved plans prior to the signature of the final survey plat.
- f) Electric services shall be installed underground to serve all lots. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all three lots, inspected and

- approved.
- h) The applicants shall sign an agreement to participate proportionally in the future cost of full street improvements for Tolman Creek Road, including but not limited to park row planting strips, sidewalks, streetlights, curbs, gutters, paving with bike lanes, and storm drains, to be recorded on the deeds of the newly created lots concurrently with the final plat., and shall agree not to remonstrate against the formation of a Local Improvement District.
- 5) That prior to the issuance of a building permit:
- a) Individual lot coverage calculations including all impervious surfaces shall be submitted with each building permit to demonstrate compliance with the 45 percent lot coverage allowed in the underlying zoning districts. Building footprints, walkways, driveways, parking areas, and any impervious surfaces shall be counted for the purpose of lot coverage calculations.
  - b) That all proposed lots shall be subject to Solar Access Standard A. Solar setback calculations shall be submitted with each building permit to demonstrate compliance with the applicable standards, and shall include identification of the required solar setbacks with supporting formula calculations and elevation or cross-section drawings clearly labeling the height of the solar producing point(s) from the identified natural grade.
  - c) That the requirements of the Ashland Fire Department relating to fire hydrant distance; fire flow; fire apparatus access, approach, turn-around, and work area; firefighter access pathway; approved addressing; and limits on fencing and gates which would impair access shall be satisfactorily addressed in the building permit plan submittals and complied with prior to issuance of the building permit or the use of combustible materials, whichever is applicable. Fire Department requirements shall be included on the engineered construction documents for public facilities.
  - d) Building permit submittals for lots to be served via a flag drive shall be required to provide three off-street parking spaces. Required parking shall be identified on the site plan. Parking spaces on flag drives shall be placed to allow vehicles to turn and exit to the street in a forward manner.
- 6)..... That prior to the issuance of a certificate of occupancy:
- a) All exterior lighting shall be directed on the property and shall not illuminate adjacent properties.
  - b) The private driveway shall be subject to all development requirements for flag drives including that it shall be constructed to flag drive standards which call for a 15-foot paved drive centered in a 20-foot clear width where serving two lots and a 12-foot paved drive centered in a 15-foot clear width be maintained where serving one lot. That the driveway shall be widened and paved to comply with these standards prior to the issuance of a certificate of occupancy for a home on either new lot.

1365 Tolman Creek Road

# Creekside Meadows

Performance Standards Subdivision

Clason Company, LLC.  
5-31-2016

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City of Ashland



May 31, 2016

## Creekside Meadows

### Subject Property

**Address:** 1365 Tolman Creek Road

**Map & Tax Lot:** 39 1E 23BA; Tax Lot 201

**Property Owner:** Ronald Rezek  
709 Washington Street  
Ashland, OR 97520

**Applicant:** Clason Company, LLC  
John Clason  
220 Dead Indian Memorial Road  
Ashland, OR 97520

**Landscape Architect:** Laurie Sager and Associates  
Laurie Thornton  
700 Mistletoe Road; Suite 201  
Ashland, OR 97520

**Engineer:** CEC Engineering  
Tony Bakke  
PO BOX 1724  
Medford, OR

**Surveyor:** Polaris Land Surveying  
131 Clear Creek Drive  
Ashland, OR 97520

**Planning Consultant:** Rogue Planning and Development Services  
Amy Gunter  
1424 S Ivy Street  
Medford, OR 97501

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**Comprehensive Plan Designation:** Single Family Residential

**Zoning:** R-1-7.5

**Lot Data:**

**Lot Area:** 1.59 acres / 69,260 sf

**Lot Base Density:** 5 (1.59 X 3.6 du/ac = 5.7)

**Proposed Density:** 3 dwelling units

**Proposed Lot Area:**

Lot 1: 17,182 sf

Lot 2: 15,381 sf

Lot 3 (existing residence): 36,638 sf

**Applicable Ordinances:**

- 18.2 – Zoning Regulations
- 18.3.9 – Performance Standards Option
- 18.3.10 – Physical and Environmental Constraints
- 18.3.11 – Water Resource Protection Zone
- 18.4.3 – Parking, Access and Circulation
- 18.4.5 – Tree Preservation and Protection
- 18.4.6 – Public Facilities
- 18.4.8 – Solar Access
- 18.5.3 – Land Divisions
- 18.5.7 – Tree Removal Permits

**Request:**

The property owner, Ron Rezek and John Clason from Clason Company, LLC are seeking approval for Outline and Final Plan Approval of a three-lot, Performance Standards Overlay lot partition, a Physical and Environmental Constraints Review Permit for Floodplain Development is requested to widen the existing driveway approach from 18 feet to 20 feet at the intersection of the drive and Tolman Creek Road and to install utilities including storm water drainage facilities within the floodplain. The request includes a Limited Use Activity Permit for grading for utility installation and restoration to the buffer area of small a wetland; an Exception to the Street Standards is requested to not install street improvements to Tolman Creek Road.

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**Site Background and Description:**

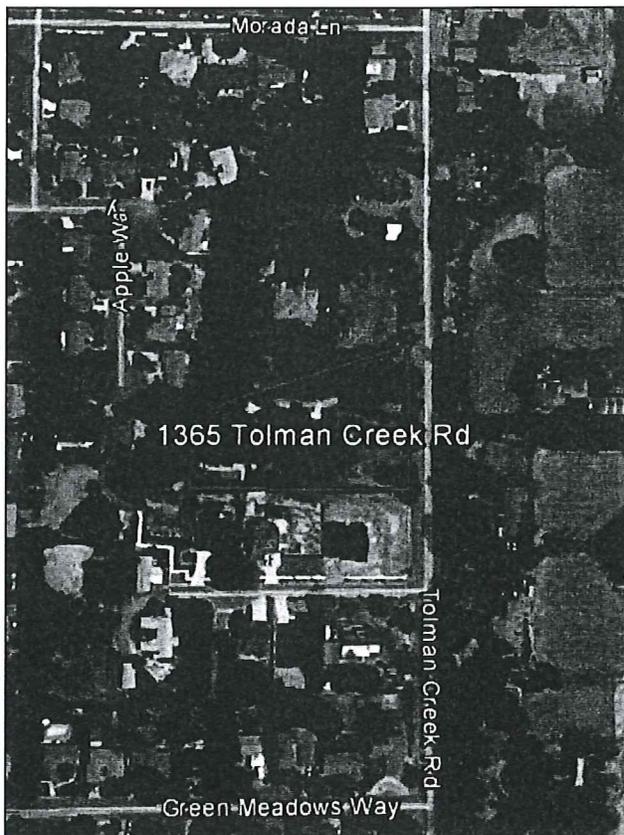
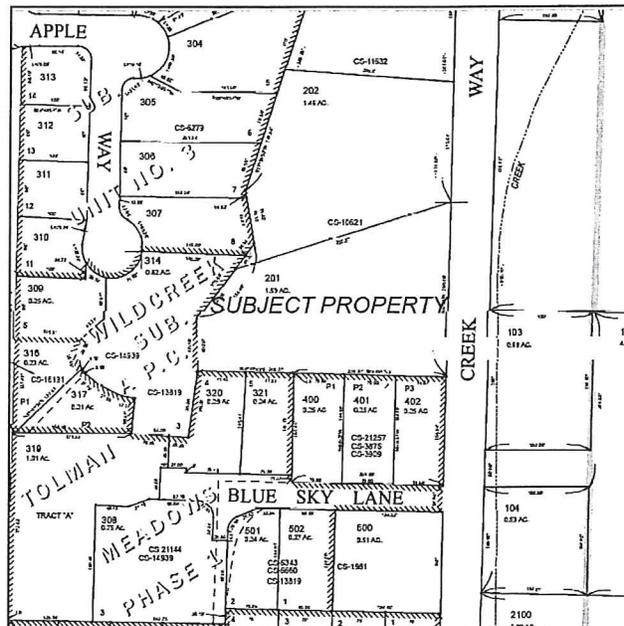
The subject property is at 1365 Tolman Creek Road (Tax lot 201). The property is 69,260 square feet in area in the R-1-7.5 zone (minimum lot area of 7,500 square feet).

The subject property is on the west side of Tolman Creek Road, and was created via partition in 1986 from the parcel to the north ((86-017) survey#10621). The parcel is irregularly shaped.

The property slopes gently from the south to the north, except along the frontage of Tolman where there is a 40 – 50 percent slope along the front property line into the roadside ditch. There is additional topography from the north end of the pond to the northwest towards the large trees and driveway access to the lot.

The property is occupied by a large, two story, single family residence, a detached garage, shed, pool house and swimming pool. According to the Jackson County Assessor's Office, the 3,468 square foot residence was constructed in 1987 and was significantly remodeled in 1996. There is a 641 square foot attached garage, and a 388 square foot detached garage. There is a 288 square foot greenhouse, and a 192 square foot lean-to. The residence and other structures are at the rear of the property, near the west property line. All of the structures are proposed to be retained with this application.

The site is accessed via a long, meandering, private driveway that intersects Tolman Creek Road, ten-feet from the north property line. The driveway at its intersection of Tolman and the apron is within the Hamilton Creek Floodplain. The driveway's improved width varies slightly, but is generally 12-foot wide. The driveway surface consists of asphalt paving for the first 150 feet, and compacted gravel



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the remainder up to the concrete driveway area for the existing residence. There are two parking bays on the north side of the existing driveway.

The driveway grade is approximately 8 - 14 percent. Due to the topography on the site, particularly at the property intersection with Tolman Creek Road and along the north property line, the driveway meanders away from the north property line.

There are 55 trees on the site. The largest concentrations of trees are directly to the west of the existing residence and between the driveway and the north property line. The remainder are generally located near the front of the property adjacent to Tolman Creek Road. The trees consist of a mixture of deciduous and conifer trees. Many are identified on the 1990s landscape plan created by Jim Stephens of Natureworks Design (Attachment #2). A more current tree inventory was completed in May of 2016. See Attachment L-2.0 for the detailed Tree Inventory.

There is a man-made pond approximately ½ way between the existing residence and the front property line. There is also a small wetland present on the site at the terminus of a 12-inch storm drain pipe that daylight onto the property. The wetland has been evaluated by Martin Schott from Schott & Associates as a jurisdictional wetland. Schott & Associates performed a wetland delineation, which has been approved by the Division of State Lands. The wetland is now a protected feature. See Attachment A.

According to the wetland delineation, the wetland was identified at the southern border of the property where the adjacent property to the south slopes down to the north. A culvert was placed at the property boundary where hydrology enters the site and runs northwest down the broad swale to the 2,147 square foot pond. The wetland is a narrow swath. Vegetation in the wetland consists of white clover (*Trifolium repens*) (FAC) and colonial bent grass (*Agrostis capillaries*). There is a willow tree (*Salix babyonica*) and a European birch (*Betula pendula*) adjacent to the wetland. The soils present meet hydric soil indicator. Hydrology is present with primary indicators of surface water and saturation to 4 inches (SP1). The hydrology is from surface runoff from properties to the south entering the site through the culvert along the southern boundary. See Attachment A.

The pond area is man-made and does not meet the hydric soil criteria and no hydrology was present. The State of Oregon, which has jurisdiction over the delineation of wetlands does not consider the pond to be a wetland. The pond encroaches into the wetland buffer zone by 545 square feet where the pond abuts the north end of the wetland.

Tolman Creek Road abuts the frontage of the property. Tolman is paved with asphalt but lacks curb, gutter and sidewalks. There is a roadside storm water conveyance ditch parallel to Tolman Creek Road. Also adjacent to Tolman is the 100-year floodplain for Hamilton Creek. Hamilton Creek is to the east, across Tolman Creek Road from the subject property. The first, approximately ten feet of the entire frontage of the property along Tolman Creek Road is within the FEMA 100-year floodplain. There is a significant grade change between the property and the improved portions of the street with the property generally higher than the street.

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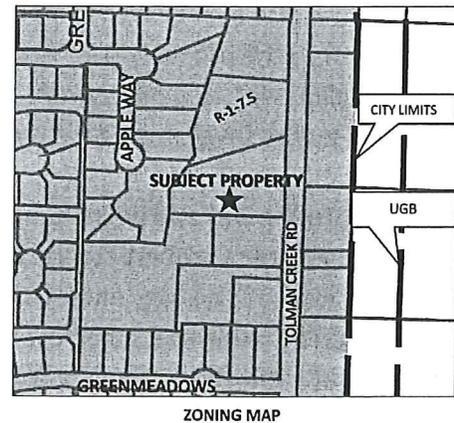


There is an 8-inch water main, and an 8-inch sanitary sewer main in Tolman Creek Road. Electric service is underground and served via the lines in Tolman that extend to a transformer along the north property line, there is a junction box to the east of the existing residence that serves that structure. Storm drainage is via a roadside ditch along Tolman Creek Road. Avista gas pipeline is available to serve the property. There is a fire hydrant approximately 180-feet to the north and another near the southeast corner of the subject property. The site is served by Talent Irrigation District and has a 10-foot TID easement near the west property line.

The property and all of the surrounding properties are zoned Single Family Residential (R-1-7.5). The properties to the east across Tolman Creek Road are split by the City limits line and further east by the Urban Growth Boundary (UGB).

### Adjacent Property Development:

The properties to the south are part of a newer subdivision (Blue Sky PA2011-0738) and an adjacent land partition. These lots are developed in approximately 10,800 square foot lot areas with single family residential units on the parcels. The property to the north is a large, 1.46-acre lot occupied by a large single family residence and associated structures and a large driveway. The property to the east, across Tolman Creek Road is occupied by a single family residences and associated structures, these properties have both City Limits boundaries and Urban Growth Boundary (UGB) boundaries. The properties to the west are part of the Wildcreek Subdivision and the Briggs Unit #3 Subdivision. These lots are generally 8,000 square feet to 15,000 square feet in area and are occupied by single family residences and associated structures as well. The subject property and the surrounding properties are all zoned single family residential 7,500 square foot lot minimums.



### Proposal:

The proposal is for a three-lot partition utilizing the Performance Standards Option through simultaneous approval of Outline and Final Plan Subdivision in accordance with AMC 18.3.9, to allow for a private driveway to provide access to the three parcels. Two new lots are proposed between Tolman Creek Road and the grove of trees on the east side of the existing residence. In order to widen the driveway, to install utilities from the public lines to the private property, encroachment into the Hamilton Creek floodplain is necessary and in accordance with AMC 18.3.10, a Physical and Environmental Constraints review required. Lastly, in order to construct the new residence on proposed Lot #2, the existing pond will be removed and the wetland drainage swale will be restored. The pond is a safety

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hazard and could be considered an attractive nuisance, areas of standing water are required to be fenced to keep children and pets out, this pond is not fenced. The pond is also a mosquito breeding habitat. The pond proposed for removal overlaps into the required 20-foot buffer of the wetland and a Limited Use Activities Permit approval in accordance with 18.3.11 is required.

**Design Considerations:**

The proposal utilizes the Performance Standards Option in order to allow for the two proposed lots which are wider than they are deep as provided in AMC 18.3.9.020 while complying with the setbacks, building separation, access, parking, lot coverages, etc. The proposal preserves the small wetland, preserves the majority of the site's trees, the site's topography and retains compatibility with the existing neighborhood where the majority of the lots exceed minimum lot size for the zone. The use of the shared driveway prevents an additional driveway approach on Tolman Creek Road in compliance with the City's access management standards and prevents additional disturbance to the Hamilton Creek floodplain. The design preserves the existing structures, driveway and the majority of the sites trees, creating a very low impact development.

If developed to subdivision standards, the development would be more similar to Blue Sky Lane to the south or Wildcreek and Briggs Unit #3 to the west with between 7,500 – 12,000 square foot lots. The allowed density of five units, could have been situated along a new deadened public street. In order to accomplish this though, the majority of the sites trees would need to be removed and the topography significantly altered in order to develop five lots and a public street. This would dramatically alter the Tolman Creek Road streetscape and be less compatible with the neighborhood development pattern.

Conceptual elevations for potential new single family residences have been provided (see attachment #5) with the proposal. The residences could be single or two story. The maximum required setback of 12-feet has been provided between the building envelopes. The building envelope for Lot #1 reflects the basic setbacks in the R-1-7.5 zone and a 15-foot front yard has been provided.

**Tree Removal and Tree Preservation:**

There are 55 trees on the site. The largest concentrations of trees are directly to the west of the existing residence and between the driveway and the north property line. The remainder are generally located near the front of the property adjacent to Tolman Creek Road. The trees consist of a mixture of deciduous and conifer trees. Of these, five are proposed for removal. Tree #12 is a nine-inch diameter at breast height (DBH) Liquid Ambar tree. It is in the area of the widened parking area near the north property line. Tree #35 is a dead Maple within the wetland buffer zone, tree #38 is a 16-inch DBH Silver Maple which is in line with the proposed driveway to Lot #1, tree #43 is a 16-inch DBH White Oak and tree #46 is a 9-inch DBH Ash tree. The remaining trees on the site will be preserved. The utility plan has been created to have the least impact on the trees critical root zones. Tree protection fencing in the form of six-foot tall chain link fences, set in accordance with the proposed protection plan provided with

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the application will provide adequate protection to the sites remaining trees. See Attachment L-2.0 for additional Tree Protection information.

**Physical and Environmental Constraints Review for Floodplain Development:**

The Hamilton Creek Floodplain encroaches onto the property for approximately ten feet where the creek parallels Tolman Creek Road. The floodplain extends across the existing driveway. The driveway is proposed to be widened by between two – five feet in the floodplain area, the utilities to serve the site are proposed to cross the floodplain. Though the disturbed areas are less than the thresholds for development as defined in AMC 18.3.10.020.1, which allows for the alteration of the land through earth moving activities such as grading, filling...etc., when less than 20 cu yards of fill and less than 1,000 square feet of surface area is disturbed. There is a “catchall” criteria which states that construction of a driveway is considered development. Planning staff directed the applicant that widening the driveway by two – five feet (approximately 50 square feet in area) would require a Physical and Environmental Constraints Review permit. The project’s Civil Engineer finds that the approximately 50 square feet in area will have no impact on the floodplain since the driveway already exists, the creek is on the other side of Hamilton Creek Road and there will be no impacts to downstream neighbors.

**Water Resource Protection Zone:**

There is a small, approximately 750 square foot wetland near the south property line. The wetland was delineated by Schott and Associates and was concurred by the state. At some point in the past, (after 1952 – does not appear on TID historic aerial photos) the pond was created on the site. The pond captures and stores the sites hydrology. The request is to remove the pond and to restore the wetlands drainage swale through a culvert under the driveway access to Lot #1 and to allow the drainage to continue across the property into the created storm water detention area and then out to the 18-inch line that is perpendicular to Tolman Creek Road, near the driveway. In order to remove the pond and restore the drainage swale, 545 square feet of the 20-foot wetland buffer will be disturbed. Following the disturbance, the buffer will be revegetated with wetland appropriate, native plant materials consistent with the standards found in AMC 18.3.11.

**Parking, Access, Circulation:**

According to 18.3.9.060 Parking Standards, the development under this chapter shall conform to the following parking standards found within the Performance Standards Option Subdivision Chapter, in addition to the requirements of chapter 18.4.3 Parking, Access, and Circulation. The proposal does not involve the creation or improvement to a public street so no on-street parking space per dwelling unit is provided. There are two vehicle garages proposed for the new residences, in addition, a surface parking space adjacent to the garages will be provided. The lot currently has two parking areas along the existing driveway which are not required for this development, they will be available for use by Lot #1 and Lot #2.

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**Public right of way improvements:**

The proposal to modify the driveway by widening the access approach within the Public Right-of-Way for Tolman Creek Road will be performed under permitting and approval of the Ashland Public Works Division.

**Exception to Street Standards:**

Tolman Creek Road is an un-improved city street lacking, curb, gutter, storm drain facilities, sidewalks, etc. Tolman Creek Road also has significant grade changes along both sides of the right-of-way and the FEMA floodplain for Hamilton Creek is within the right-of-way. It is the property owner's desire to eventually see Tolman Creek Road improved to City street standards since Tolman provides a direct connection to essential city services and facilities but due to the existing conditions, Tolman will need to be comprehensively designed, constructed and financed through either a Local Improvement District (LID) or through Capital Improvement Project funding and cannot be completed one tax lot at a time. The property owners will agree to participate in an LID and pay their proportionate costs of the necessary improvements.

On the following pages, findings of fact addressing the criteria from the Ashland Municipal Code are provided on the following pages. For clarity, the criteria are in Times New Roman font and the applicant's responses are in Calibri font.

**CRITERIA from the Ashland Land Use Ordinance**

**18.2.2.030 Allowed Uses**

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit.

A Performance Standards Subdivision for the creation of a three-lot partition accessed via a private drive is a permitted use in the zone. The proposed subdivision will allow for two additional single family homes to be constructed on site. Single family residences are a permitted use in the zone.

**18.2.5.090 Standards for Single-Family Dwellings**

A. The following standards apply to new single-family dwellings constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to dwellings in the WR or RR zones.

B. Single-family dwellings subject to this section shall utilize at least two of the following design features to provide visual relief along the front of the residence:

1. Dormers
2. Gables
3. Recessed entries

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4. Covered porch entries
5. Cupolas
6. Pillars or posts
7. Bay window (min. 12" projection)
8. Eaves (min. 6" projection)
9. Off-sets in building face or roof (min. 16")

As evidenced in the attached Conceptual Building Elevations (Attachment #5), two or more of the design features listed above will be provided on the two proposed single family residential units.

## **PERFORMANCE STANDARDS SUBDIVISION**

### **18.3.9.030 PSO - Overlay**

The subject property is outside of the PSO Overlay.

D. Development Outside PSO-overlay. If a parcel is not in a PSO overlay, then development under this chapter may only be approved if one or more of the following conditions exist.

1. The parcel is larger than two acres and is greater than 200 feet in average width.

The parcel is less than two acres.

2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.

The lot area of 1.59 acres has the potential density of five dwelling units. The proposal is for a three-lot Performance Standards Subdivision in order to preserve the existing dwelling and its accessory structures (i.e. pool, pool house, greenhouse, garage, etc.) and the lot coverage created by the existing structures and site improvements; to allow for lot areas similar to those found in the adjacent Tolman Creek Road neighborhoods, to preserve the large, mature trees on the site and to preserve and enhance the small wetland on the site.

The fewer number of total lots allows for the existing private driveway be utilized for access. More lots would require a new public street. The public street would change the neighborhood dramatically with the removal of a large number of the site trees, significant alterations to the topography, greater area of disturbance within the floodplain and a general change in the character of the neighborhood.

3. The property is zoned R-2, R-3 or CM.

The property is zoned R-1-7.5

### **18.3.9.040. A.3. - Outline Plan Approval Criteria**

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The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

a. The development meets all applicable ordinance requirements of the City.

The applicant finds that all applicable ordinance requirements of the City have been met. As detailed in the written summary above, the findings on the subsequent pages and the attached site plans, exhibits and attached documents full compliance with city standards is met.

b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

Adequate key City facilities can be provided to serve the development. In consultation with representatives of the various City of Ashland Departments (i.e. Water, Sewer, Streets and Electric Division) the proposed two new lots will not cause a City facility to operate beyond capacity.

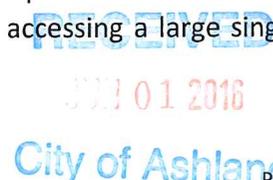
c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.

The proposal allows for the preservation of the natural features of the site. The naturally occurring wetland will be preserved and enhanced. The existing drainage swale that was covered by the man-made pond that captures the wetland and surface drainage will be restored with the removal of the artificial pond. The Hamilton Creek FEMA floodplain along the frontage of the property will have only minor disturbances from the widening of the driveway approach a variable amount but in the range of two to five feet and the installation of utilities (i.e. storm water conveyance, connection to water, sewer, telecommunications and gas that all exist within Tolman Creek Road), but will generally be preserved by not installing a driveway approach for proposed Lot #1. The plan calls for the preservation of the majority of the 55 trees on site with the removal of only five trees.

The wetland is a protected feature, regulated by local and state laws, though not within an open space due to no requirements for open space or common areas, the wetland will be protected with a conservation easement. The entire wetland and its 20-foot buffer are on one tax lot (Lot #2) and an adequate buildable area and private yard area outside of the wetland has been provided for. The trees along the north property line are protected in an unbuildable area. This area is unbuildable due to the presence of the driveway, inability to comply with the solar setback ordinance (a structure could not be constructed on the lot and comply with Solar Setback Standard A, and the unimproved area is needed to allow for the existing structures and site improvements on Lot #3 to be within permitted lot coverage in the zone.

d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

The 1.46-acre property to the north of the subject site has development potential of 5 dwelling units. The lot is similar to the subject property with a long private driveway accessing a large single family





home. The proposal will not have an impact on the development potential of that property. The properties to the east across Tolman Creek Road have limited development potential due to the presence of the floodplain and water resource protection zone but the proposal will not have an impact on those properties. The properties to the south and west are developed with single family residences as envisioned in the Comprehensive Plan.

e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

Due to the small area of the development and limited number of lots provided within the subdivision, open space and common areas are not required to be provided. The subdivision will be completed in one phase.

f. The proposed density meets the base and bonus density standards established under this chapter. The lot area is 69,260 square feet or 1.59 acres. The base density in the R-1-7.5 zone is 3.6 du/acre. The maximum density for the lot is five units ( $1.59 \times 3.6 = 5.7$ ) per AMC 18.3.9.050, fractional portion of the final answer shall not apply towards the total density. No bonus density is sought with the proposal. The proposal is for three dwelling units.

g. The development complies with the Street Standards.

Tolman Creek Road is an unimproved street, an exception to the Street Standards requiring full improvements across the frontage of the property has been requested.

Connectivity standards regarding interconnection of public streets speaks to certain situations, when physical features such as topographical constraints or other natural features such as mature trees, drainage swales, wetlands, and floodplains can alter the required connection to adjacent properties (18.4.6.E.1). We find that the site's constraints, the city's access management standards, and the performance standards criteria encourage using the natural features of the landscape to their greatest advantage and protects the environment from degradation. The private drive has little traffic from anyone that does not reside on land adjacent to the driveway. A public street encourages additional traffic. The development will be aesthetically pleasing and provides for more efficient land use, retaining the neighborhood character. The proposal to slightly widen driveway and not provide a curb cut on Tolman reduces the impact of development on the natural environment and neighborhood. The existing private drive complies with maximum street grades and is less than 15 percent.

**Exception to Street Standards 18.4.6.020.B.1.**

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

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

Tolman Creek Road is an un-improved city street lacking, curb, gutter, storm drain facilities,

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sidewalks, etc. Tolman Creek Road also has significant grade changes along both sides of the right-of-way and the FEMA floodplain for Hamilton Creek is within the right-of-way. Along the frontage of the property there is between 40 – 50 percent slope into the roadside ditch. The entire street frontage of Tolman Creek Road is un-improved along the entire west side from Siskiyou Blvd. to the City limits further up the street. These factors all contribute to the unique aspect of Tolman Creek Road and demonstrate the demonstrable difficulty in installing street improvements.

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

The exception is to not install street improvements to city standards on Tolman Creek Road until a time when the entire streetscape can be evaluated. The street has a number of factors that need to be evaluated comprehensively in order to create a cohesive, functional design that cannot be accomplished one tax lot at a time.

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

Signature in favor of a Local Improvement District is the minimum necessary to alleviate the difficulty in installing full street improvements for the frontage of the property. There are no street improvements in the form of bicycle or pedestrian facilities on Tolman Creek Road so there is not a street system to connect the lot proposed for development too.

d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

The Purpose and Intent of the Street Standards section speaks to connectivity and design and to creating a public space in the community. Tolman Creek Road is a semi-rural street that provides access to the forest lands above Ashland. The proposal retains the existing semi-rural character of Tolman Creek Road and will not negatively impact the vehicular, bicycle and pedestrian experience.

#### **18.3.9.040.B.5. - Final Plan Approval Criteria**

Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

Note: The proposal is for a three-lot partition utilizing the Performance Standards Option and the code allows for consolidated review. Specific criteria listed below (specific to a, b, and d) will not be altered and are not addressed individually.

a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.

b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.

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c. The open spaces vary no more than ten percent of that provided on the outline plan.  
d. The building size does not exceed the building size shown on the outline plan by more than ten percent.

e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.

The proposed conceptual elevations provide for potential single or two story residences. The homes will reflect the character and design that is occurring in the Tolman Creek Road neighborhood. Neutral, earth-toned colors and natural materials to reflect the natural setting will be utilized. The applicant contends this complies with the intent of the ordinance.

### **18.3.9.070 Setbacks**

All development under this chapter shall conform to the following setback standards, which are in addition to the requirements of the applicable zone.

A. Front Yard Setback. Front yard setbacks shall follow the requirements of the underlying district. The front yard setback for Lot #1 abutting Tolman Creek Road is shown at 15-feet, the minimum in the zone.

B. Building Separation. The minimum separation between two buildings must be half of the height of the tallest building, where building height is measured at the two closest exterior walls, and the maximum required separation is 12 feet.

The separation between the two buildings on proposed Lots #1 and #2 is 12-feet.

f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.

No bonus points are requested.

g. The development complies with the Street Standards.

Tolman Creek Road is an unimproved street, an exception to the Street Standards requiring full improvements across the frontage of the property has been requested.

The existing private drive complies with maximum street grades and is less than 15 percent.

h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

With three lots proposed, open space is not required by code. The development is proposed in one phase and there will be no transferring of dwelling units.

6. Any substantial amendment to an approved Final Plan shall follow a Type I procedure in section 18.5.1.050 and be reviewed in accordance with the above criteria.

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No amendments are proposed at this time.

## **PHYSICAL AND ENVIRONMENTAL CONSTRAINTS REVIEW FOR FLOODPLAIN DEVELOPMENT**

### **18.3.10.050 Approval Criteria**

A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

The applicants have taken all reasonable steps as outline in Chapter 18.3.10.080, Development Standards for Floodplain Corridor Lands to minimize potential impacts to adjacent properties. Hamilton Creek, is across Tolman Creek Road and below the grade of the street. The floodplain across the frontage of the property is within a roadside ditch which has a depression that puts the floodplain below the surface of the road on both the east and west sides of Tolman. The applicants have hired a professional Civil Engineer, a Landscape Architect and a Land Surveyor to address any potential impacts associated with construction. The widening of the driveway and the installation of the underground utilities will not have any adverse impacts. The request to use the private drive for access vs. installing a new driveway approach and culvert to access Lot #1, further minimizes impacts to the floodplain.

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.

The applicants have considered the potential hazards where the storm drainage facilities are proposed adjacent to the floodplain and where the driveway meets Tolman Creek Road and have retained a Civil Engineer to evaluate and design the construction. The storm water detention facilities will slow the rate of infiltration into the storm drain system and into Hamilton Creek thereby reducing any potential hazards that the development may create.

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.

The applicant and their team have taken all reasonable steps to reduce any adverse impacts on the environment by comprehensively evaluating the proposal and addressing any impacts and reducing them where possible by not installing a new driveway access across the floodplain and utilizing an existing driveway. Silt fencing will be installed to further protect the environment from any erosion during construction.

### **Development Standards for Floodplain Development**

#### **18.3.10.080 Development Standards for Flood Plain Corridor Lands**

A. Standards for Fill in Flood Plain Corridor Lands.





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

The widening of the driveway and the installation of utilities is not covered by the OSSC and ORSC.

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

No floodway channel is found on the property.

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

a. Poured concrete and other materials necessary to build permitted structures on the lot.

N/A

b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.

The driveway widening is occurring to the north of the existing driveway away from the large trees and will not require fill but will require a small cut to provide the necessary two to five feet of additional width.

c. Plants and other landscaping and agricultural material.

N/A

d. A total of 50 cubic yards of other imported fill material.

No fill is proposed in the floodplain.

e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.

No fill is proposed in the floodplain.

4. If additional fill is necessary beyond the permitted amounts in subsection 18.3.10.080.A.3, above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood Plain Corridor.

N/A

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

No fill is proposed in the floodplain.

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

No buildings are proposed in the floodplain.

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B. Crossings. A crossing of any waterway identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps (e.g., for streets, property access or utilities) must be designed by an engineer. Stream crossings shall be designed to the standards of AMC 15.10, or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. No waterway crossings are proposed.

C. Elevation of Non-Residential Structures.  
No structures are proposed within the floodplain

D. Elevation of Residential Structures.  
As evidence with the proposed building envelope for Lot #1, no residential structures are proposed within the floodplain.

E. Structure Placement.  
No structures are proposed in the floodplain.

F. Residential Structure Placement.  
The proposed residential structure on Lot #1 is outside of the FEMA floodplain boundary as depicted on the Site Plan.

G. New Non-Residential Structures.  
No new non-residential structures are proposed in or adjacent to the floodplain.

H. Building Envelopes. All lots modified by property line adjustments, and new lots created from areas containing Flood Plain Corridor Land, must have building envelopes containing buildable area of a sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance. The building envelope provided for Lot #1 is 3,900 square feet in area and the entire building envelope is outside of the FEMA floodplain. This is adequate size for a single family residence and a garage. The FEMA floodplain is within the required 15-foot front yard setback.

I. Basements.  
With the proposed building envelope outside of the floodplain, there are no basements within the floodplain.

J. Hazardous Chemicals. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Flood Plain Corridor Lands.  
No hazardous chemicals are anticipated on the property and none will be stored in the floodplain.

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K. Fences. Fences shall be located and constructed in accordance with subsection 18.3.11.050.B.3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps. Fences shall not be constructed within any designated floodway. Hamilton Creek waterway or stream is the floodplain on the property but the creek is located across Tolman Creek Road to the east of the property. No waterways or floodways are present on the property.

L. Decks and Other Structures. Decks and structures other than buildings, if constructed on Flood Plain Corridor Lands and at or below the levels specified in subsections 18.3.10.080.C and D, shall be flood-proofed to the standards contained in AMC 15.10.

As stated previously, no construction is proposed within the floodplain. The floodplain is within the front yard setback and no structures are proposed to encroach into the front yard setback.

M. Local Streets and Utilities. Local streets and utility connections to developments in and adjacent to the Flood Plain Corridor shall be located outside of the Flood Plain Corridor, except for crossing the Corridor, except as provided for in chapter 18.3.11 Water Resources Overlay, or in the Flood Plain Corridor as outlined below.

No public streets are proposed as part of the development. Utility connections from the private property to the utilities that are within the public street, Tolman Creek Road and within the floodplain are necessary and crossing the floodplain for public utility connections is permitted by the code and by the Water Resource Overlay. The utility connections are outside of the buffer zone for Hamilton Creek, a local stream with a 40-foot buffer from the centerline of the stream. The standards below referenced in the criteria were removed as they only applied to the Bear Creek corridor.

#### **LIMITED USE ACTIVITY PERMIT FOR WATER RESOURCE**

##### **18.3.11.060. A. Limited Activities and Uses within Water Resource Protection Zones.**

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

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

The removal of a man-made pond that altered the functions of the natural wetland is what triggers the Limited Activity and Use within the Water Resource Protection Zone. The pond encroaches approximately 545 square feet into the buffer zone of the wetland. The removal of the pond facilitates that construction of the private storm water treatment facility including the vegetated swale/detention pond. The area disturbed following the removal of the pond that is within the wetland buffer zone will be replanted with native species selected from the Water Resource Protection Zone guide and installed and maintained in accordance with AMC 18.3.11.110.

**18.3.11.060.D. Limited Activities and Uses Permit.** All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

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1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.

The proposed pond removal is occurring as far away from the wetland as possible and will disturb as little of the surface area of the wetland as practicable. The removal of the pond should be seen as an enhancement to the wetland as its natural drainage will be restored and the area where the pond is will be replaced with native vegetation.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources. The proposed pond removal will restore the function of the wetland and will remove surface water that is conducive to mosquito breeding with native wetlands vegetation. No impervious surfaces, loss of native vegetation or other adverse impacts on the wetland will occur.

3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

No native vegetation associated with the wetland will be removed, in fact, post pond removal, native vegetation on the site will be increased. The dead red maple will be removed from the wetland to eliminate the future possibility of trunk failure and hazard to persons or property.

4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.

All proposed public utilities are as far as practicable from the wetland. The storm drain facility construction is outside of the delineated wetland area.

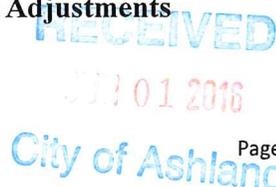
5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

The area of the pond that is proposed for removal is outside of the protected wetland but within the wetland buffer zone and is 545 square feet. The restoration of the buffer zone will be accomplished through the standards in section 18.3.11.110. The proposed activity is the removal of an artificially created pond. It is unknown the exact depth of the pond at the edge of the wetland and the pond so calculating cubic yard is difficult. It appears that based on the area and the approximate depth, 20 – 50 cubic yards of pond will be removed. The surface area of the pond into the wetland buffer is 545 square feet.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

A management plan is not required for residentially zoned lots occupied by only a single family dwelling.

**18.3.11.090 Approval Standards for Land Divisions and Property Line Adjustments**





Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or property line adjustments shall comply with the following provisions and shall include the plan requirements in subsection 18.3.11.100.A.3.

**A. Building Envelope Established.** Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.

Building envelopes have been established outside of the water resource protection zone.

**B. Conservation Area.** Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.

The property owner is seeking to avoid having a complicated home owner's association. The small 718 square foot wetland and the required wetland buffer zone, which provides 4,845 square feet of area is proposed to be protected within a single tax lot in perpetuity as it has been since the 1980s. The Water Resource Protection Zone states that the approval authority may require a separate tract of land but not that it is required (18.3.11.090B).

The Performance Standards Option does not require a small subdivision such as this to provide common area or open space. The wetland will be within a conservation easement and will be retained as unbuildable area.

**C. Density Transfer.** Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.

No density transfer is sought with the application.

**D. Management Plan.** Long term conservation, management, and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C.

See findings above.

**E. Mitigation Requirements.** The approval authority may require a mitigation plan in accordance with the requirements of section 18.3.11.110 Mitigation Requirements to mitigate impacts resulting from land divisions.

A mitigation plan in accordance with 18.3.11.110 has been provided.

**F. Exemptions for a Public Purpose.** An exemption to the requirements described above shall be granted for lots created for public park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.

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The lots are not proposed for public park purposes. The wetland will be completely within a private tax lot that will have a conservation easement consistent with the requirements of the code recorded on the property.

## **LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS**

### **18.5.3.020 Applicability and General Requirements**

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.

The request is for a three-lot, Performance Standards Option partition with access via a private drive as permitted in AMC 18.5.3.020.A.2.

2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)

The request is for a three-lot, Performance Standards Option partition with access via a private drive.

**18.5.3.E. Future Re-Division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

The applicant has proposed large lots consistent with the development pattern in the neighborhood. The proposed layout, size, shape, orientation, etc., allows for the preservation of the majority of the natural features on the site and preservation of the existing single family home and all of its accessory structures and site improvements. The density of the property is five dwellings, three are proposed. The applicant finds that two additional units would be detrimental to serenity of the property, and the development pattern and character of the neighborhood.

### **18.5.3.050 Preliminary Partition Plat Criteria**

A. The future use for urban purposes of the remainder of the tract will not be impeded.

The proposal utilizes the entire property and there are no 'remnant' portions of the tract.

B. The development of the remainder of any adjoining land or access thereto will not be impeded.

The 1.46-acre property to the north of the subject site has development potential of 5 dwelling units. The lot is similar to the subject property with a long private driveway accessing a large single family home. The proposal will not have an impact on the development potential of that property. The properties to the east across Tolman Creek Road have limited development potential due to the presence of the floodplain and water resource protection zone but the proposal will not have an impact on those properties. The properties to the south and west are developed with single family residences as envisioned in the Comprehensive Plan.

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C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.

To the applicant's knowledge there are no neighborhood or district plans. There are no previous land use approvals that imposed stipulations on the subject property.

D. The tract of land has not been partitioned for 12 months.

The property has not been partitioned for 12 months.

E. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).

The proposal complies with the standards of the underlying zone and the development standards from 18.3. The proposal complies with all applicable development standards found in 18.4.

Solar Access (18.4.8.040): Assignment of solar factor.

Both new lots are subject to solar setback standard A. As demonstrated below, a 21-foot tall structure can be constructed on either lot and will not exceed the north / south lot dimension.

Lot #1 has an average slope to the north of  $-.05$  and an average north / south dimension of 204-feet

A 21-foot high structure must be setback 37.97 feet from the north property line

The proposed building footprint for Lot #1 is 75 feet from the north property line.

Lot #2 has an average slope to the north of  $-.036$  and an average north / south dimension of 164-feet

A 21-foot high structure must be setback 36.67 feet from the north property line.

The proposed building envelope for Lot #2 is 15-feet from the north property line, the lot development is proposed as a single story structure. With a ten-foot eave, and a 5 / 12 pitch roof, the required solar setback is 9.8 feet. Additionally, the north property line falls into the middle of the private driveway. The private driveway, the parking bay and the portion of Lot three that is to the north of Lot #2 are all undevelopable and the shadow cast by the future residence can cast a shadow across the undevelopable portions of the property. Compliance with the solar setback assignment will be demonstrated with the building permit submittal.

F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

The proposed 15-foot wide private driveway access the three proposed lots complies with the vehicle area design. The driveway will have a 13.5-foot vertical clearance and the driveway grade is less than 15 percent.

There are two vehicle garages proposed for the new lots #1 and #2. A third surface parking space is proposed for each unit. No parking is proposed in the front yard.

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The existing private drive complies with driveway separation standards and is more than 150-feet from the driveway to the north and more than 150-feet from the driveway to the south.

The proposal calls for the shared use of the driveway. The site is not accessed by an alley or other shared access.

The driveway will be widened according to the proposal prior to the issuance of a certificate of occupancy of either new residence.

G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.

H. Unpaved Streets.

Tolman Creek Road is a paved street.

I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.

There is not an alley adjacent to the property.

J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

There are no State or Federal permits necessary for the development of the property. The State of Oregon has concurred with the wetland delineation on the site.

K. A partition plat containing one or more flag lots shall additionally meet the criteria in section 18.5.3.060.

The proposal is for a three-lot performance standards option partition. Driveways greater than 50-feet in length are required to demonstrate compliance with the width and design requirements of section 18.5.3.060 (AMC 18.4.3.080.D.1). None of the lots are proposed as a flag lot but are proposed as part of a performance standards option development, therefore not all of the criteria for flag lot partitions is addressed.

**18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria**

D. Except as provided in subsection 18.5.3.060.H, below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12-foot-wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15-foot-wide driving surface to the back of the first lot, and a 12-foot-wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

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As demonstrated on the site plan, the existing private driveway will be widened to 15-feet of driving surface to serve the first two lots (Lot #1 and Lot #2), then will remain in the current condition with 12-feet of driving surface to the rear lot.

E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.

There is only one driveway access for the property. The proposal is not for a typical flag lot configuration and is a Performance Standards Subdivision accessed via a private drive, the flag drive criteria appears to apply because the private driveway is more than 50-feet in length and Lot #3 will have a "flag pole" connection with Tolman Creek Road in order to adequately comply with lot coverage standards.

F. Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances.

The existing driveway grade is less than 15 percent and is between 8 – 14 percent grade.

G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.

No surface drainage will flow onto any public way.

H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that: There are no alleys adjacent to the property.

I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.

The first 150-feet of the private driveway will be dedicated Fire Apparatus Access. The furthest point of a proposed structure on Lot #2 is not more than 150-feet from where the fire truck would park. Lot #3 and the structures on Lot #3 are pre-existing and are not subject to the fire apparatus access standards that apply to new development. There is a fire hydrant at the southeast corner of proposed Lot #1.

J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure 18.4.6.040.G.5). The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.

In consultation with the Fire Marshall, a turnaround will not be required per Oregon Fire Code.

K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.

There are three parking spaces provided for on each lot. Additionally, there are parking "bays" adjacent to the private driveway that can accommodate visitor vehicles.

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L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.

No parking is allowed on Tolman Creek Road due to the narrow driving surface and the roadside ditches.

M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure.

The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

The proposed structures will be less than 24-feet in height. If structures are greater than 24-feet in height, an automatic sprinkler system will be installed as required by Building and Fire codes.

## **TREE REMOVAL**

### **18.5.7.030. B. Tree Removal Permit.**

There are 55 trees on the site. The largest concentrations of trees are directly to the west of the existing residence and between the driveway and the north property line. The remainder are generally located near the front of the property adjacent to Tolman Creek Road. The trees consist of a mixture of deciduous and conifer trees. Of these, five are proposed for removal. Tree #12 is a nine-inch diameter at breast height (DBH) Liquid Ambar tree. It is in the area of the widened parking area near the north property line. Tree #35 is a dead Maple within the wetland buffer zone, tree #38 is a 16-inch DBH Silver Maple which is in line with the proposed driveway to Lot #1, tree #43 is a 16-inch DBH White Oak and tree #46 is a 9-inch DBH Ash tree.

The dead maple is not subject to the tree removal ordinance.

#### **2. Tree that is Not a Hazard.**

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

The proposed development has been planned with the utmost concern and consideration of the trees on the site. The lot layout, dimensions, access, utility installation, etc. were all dependent upon the natural features on the property including the trees. Three lots versus the five allowed were proposed in order to allow for preservation of the trees. The four trees proposed for removal are the minimum to achieve access, parking and the installation of the storm water facilities.

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

The removal of the trees will not have any impact on erosion, soil stability, flow of surface waters or protection of adjacent trees. None of the trees proposed for removal are part of a windbreak.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this

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criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

The removal of a Silver Maple, a white Oak, an Ash and a Liquid Ambar will not have any impacts on the tree densities. These four trees constitute only seven percent of the total number of trees on the site. The adjacent neighborhood has a significant number, density, tree canopy and species diversity that the four trees will not negatively impact.

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

The residential density has been reduced to preserve the majority of the sites trees.

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

See below.

#### **18.5.7.050 Mitigation Required**

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

A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed.

Four, healthy deciduous trees will be planted on site following the construction of the two single family residence.

#### **Conclusion:**

The property owner and applicant's goal has been to create a residential living environment that will be appreciated by its residents and the Tolman Creek Road neighborhood. The planned design will accommodate this goal by creating two aesthetically pleasing residences on lots which reduced the impact from development on the natural environment and in the neighborhood that what could be created through a standard subdivision or standard minor land partition process.

#### **Attachments:**

- 1) TOPOGRAPHICAL SURVEY
- 2) CURRENT SITE PLAN (L/S PLAN 1990s)
- 3) FEMA FIRMETTE
- 4) WETLAND DELINATION PACKAGE
  - A. COVER LETTER
  - B. DELINEATION REPORT
  - C. DELINEATION MAP
  - D. DSL CONCURRENCE LETTER
- 5) CONCEPTUAL BUILDING ELEVATIONS Co





ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

6) PLAN SUBMITTALS

- A. SITE PLAN (L-1.0)
- B. TREE PROTECTION AND REMOVAL (L-2.0)
- C. LANDSCAPING & IRRIGATION (L-2.1)
- D. PRELIMINARY GRADING (C-1)
- E. PRELIMINARY UTILITY PLAN (C-2)

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**TOPOGRAPHIC SITE SURVEY**

LOCATED AT  
**1365 Tolman Creek Road**  
**Ashland, Oregon**  
 LYING SITUATE WITHIN  
 NORTHWEST QUARTER OF SECTION 23,  
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
 CITY OF ASHLAND, JACKSON COUNTY, OREGON  
 FOR  
**Clason Company LLC**  
 210 Dead Indian Memorial Road  
 Ashland, Oregon 97520

**LEGEND**

	SURVEY CONTROL POINT, AS DESCRIBED
	IRON PIN MONUMENT - FOUND
	BRASS CAP - FOUND
	PROPERTY LINE
	BOUNDARY LINE
	CENTERLINE
	EASEMENT LINE
	FENCE LINE
	WATER LINE
	BURIED NATURAL GAS LINE
	BURIED TELEPHONE LINE
	BURIED CABLE TV LINE
	DITCH / POND LINE
	STORM DRAIN LINE
	SANITARY SEWER LINE
	OVERHEAD POWER LINE
	BURIED POWER LINE
	CONTOUR LINE
	GUY ANCHOR
	POWER POLE
	POWER TRANSFORMER
	POWER PEDESTAL/CABINET
	ELECTRIC METER
	HEAT PUMP
	AREA LIGHT
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	CATCHBASIN
	CURB INLET
	STORM SEWER MANHOLE
	SANITARY SEWER MANHOLE
	CLEANOUT
	TELEPHONE PEDESTAL
	GAS METER
	GAS VALVE
	IRRIGATION BOX
	CONCRETE SURFACE
	ASPHALT SURFACE
	BUILDING
	GRAVEL SURFACE
	CONIFER TREE (AS DESCRIBED)
	DECIDUOUS TREE (AS DESCRIBED)

**SURVEY NOTES**

THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS CITY OF ASHLAND BENCHMARK #12, BEING A 3" BRASS CAP IN THE TOP OF A CONCRETE CURB LOCATED AT THE SOUTHEAST CORNER OF SISKIYOU BOULEVARD AND TOLMAN CREEK ROAD. BENCHMARK ELEVATION = 2148.03', BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1928, ADJUSTED IN 1956 (NGVD 2956).

EXPOSED UTILITY SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES, ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

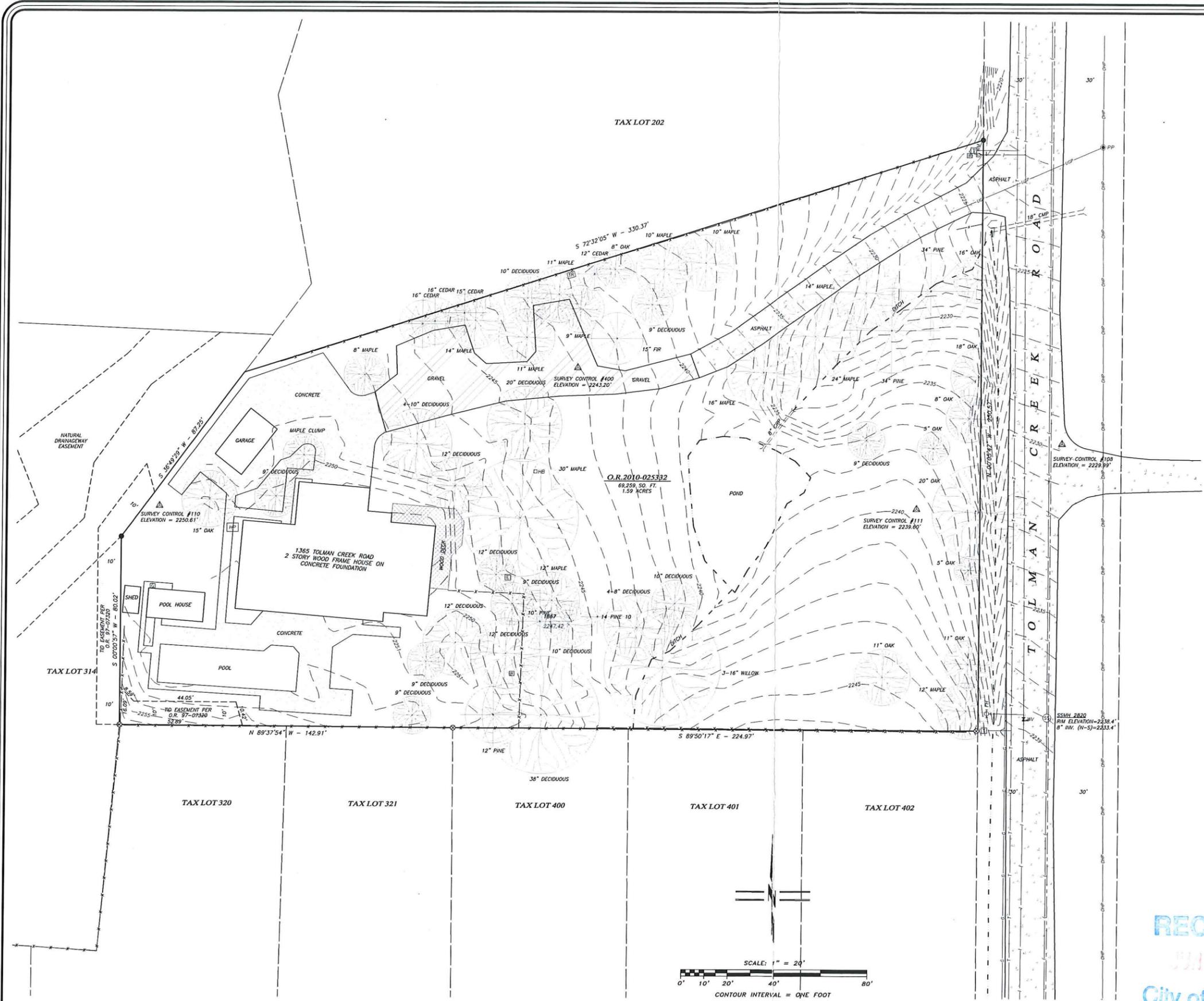
OREGON  
 JULY 14, 1995  
 SHAWN KAMPMANN  
 2885 LS

RENEWAL DATE: 6/30/2017

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

DATE: FEBRUARY 10, 2016  
 PROJECT NO. 1001-15



Assessor's Map No. 39 1E 23 BA, Tax Lot 201





FEMA FLOODPLAIN ZONE A HAMILTON CREEK

ATTACHMENT #3

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**SCHOTT & ASSOCIATES**  
**Ecologists & Wetlands Specialists**

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

January 12 2016

John Clason  
Clason Company LLC  
220 Dead Indian Memorial Highway  
Ashland, OR 97520

Re: 1365 Tolman Creek Rd - Wetlands

Dear John:

Attached is a copy of the wetland delineation report for the property located at 1365 Tolman Creek Rd, Ashland. We did find a very small wetland, which was less than 800 sq ft. in addition, the wetland drained to a small man-made pond. The pond drained into a culvert, which extended off the property, where it went under Tolman Creek Rd. The wetland forms from the mouth of a culvert from the adjacent property. Both the wetland and pond are functionally isolated, and surrounded by development. Because of this isolation, combined with their very small size, the wetland functions and values are very low. The pond is a potential hazard to small children, and would be an attractive nuisance.

I know you met with two different representatives from the Oregon Department of State Lands (Bob Lobdell and Lynn McAllister). Both of them indicated to you that it would be a relatively simple process to obtain permits to fill both the wetland and pond. I talked with Bob, and he told me the same thing. We would have to obtain wetland fill permits from both DSL and the USACOE, and provide off-site mitigation. It is possible to mitigate using the vernal pool mitigation bank. We would have to justify out of kind mitigation, but there is precedent in the Rogue Valley.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin r. Schott", with a long horizontal line extending to the right.

Martin r. Schott, Ph.D.

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City of Ashland



**SCHOTT & ASSOCIATES**  
**Ecologists & Wetlands Specialists**

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

**JURISDICTIONAL WETLAND  
DELINEATION  
FOR**

1365 Tolman Creek Road  
Ashland Oregon

T39S, R1E, Section 23, Tax Lot # 201

**Prepared for**

Clason Company LLC  
220 Dead Indian Memorial Road  
Ashland, OR 97520

**Prepared by**

Schott & Associates, Inc

**Date:**

December 2015

Project #: 2401

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(A) Landscape Setting and Land Use

The 1.59 acre site is located north of Blue Sky Lane, west of Apple Way, east of Tolman Creek Road and south of Morada Lane at the street address of 1365 Tolman Creek Road, Ashland, Jackson County, Oregon (T39S, R1E, Section 23 and Tax Lot # 201).

The project area consisted of a residential house and associated outbuildings on the western third of the lot. A small, man-made pond occupied the southeast portion of the lot. The pond was associated with a swale coming from the southern boundary of the property that extended northeast to the pond. An earthen dam formed the northern barrier of the pond. The swale extended north of the dam. The pond drained into a culvert which extends through the property. The access road to the lot was located near the northern border of the property extending west. The property was landscaped and dominated by mowed grasses with some mature trees scattered throughout. The property was surrounded on all sides by residential housing.

(B) Site Alterations

Google Earth images for this property are not of the best quality, however it does appear that the site is undisturbed since prior to 1994. Gardening and landscaping for the associated house on the lot appears to be the extent of activity. The on-site pond was present in aerial photographs indicating the pond was historically present. Offsite housing along the southern border appeared between 2012 and 2014. On-site investigations found landscaping to the south was sloped north to the project area. A culvert was identified at the property boundary. Associated hydrology flows from the culvert down the swale to the wetland.

An onsite wetland determination was conducted by Oregon Department of State Lands (DSL) on October 22, 2015 (WD2015-0198). DSL inspected aerial photographs dating back to 1939, the site work determined the pond would require a state permit for  $\geq 50$  cubic yards of fill, removal, or ground alteration in wetlands or waterways. Schott & Associates visited the site in November to further define the wetland and pond sizes located within the project boundary.

(C) Precipitation Data and Analysis

Schott and Associates visited the site to conduct field work on November 24, 2015. Precipitation recorded for the day of the site visit totaled 0.52 inches. During the two week period preceding the November field work 0.37 inches of precipitation had occurred.

Hydrology for August and September preceding the November field work was below the WETS range at 8 and 11 percent of average. October was also below the WETS average and range reached only 39 percent of average. November was within the WETS range at 61 percent of average. November was only calculated to the site visit date with 1.75 inches total precipitation recorded. The average for the water year was calculated to 54 percent of average. Weather data was gathered from accuweather.com from Ashland,

Oregon weather station. The NRCS Ashland, OR0304 weather station was used as a reference for the WETS table.

Table 1. Precipitation Summary for August 2015 to November 2015.

Field Date	2015 Precipitation	WETS Average	WETS Range	Percent of Average
November 24, 2015	0.52"	N/A	N/A	N/A
Two-Weeks Prior	0.37"	N/A"	N/A	N/A
Month				
August	0.05"	0.61"	0.08"-0.75"	8%
September	0.10"	0.88"	0.30"-1.13"	11%
October	0.57"	1.46"	0.78"-1.81"	39%
November	1.75"	2.85"	1.65"-3.46"	61%
Water Year**	2.32"	4.31"	N/A	54%

\*November rain calculated to November 24, 2015.

\*\*Water Year is calculated as October-November (per WETS table) and October 2015-November 24, 2015 (per 2015 precipitation).

(D) Site Specific Methods

Prior to visiting the site, Schott and Associates gathered information including maps and boundaries of the site location. Recent and historical aerial photographs provided by Google Earth were reviewed to determine if there had been any site alterations. The Oregon Department of State Lands website was checked for a Local Wetland Inventory (LWI). Additionally, the National Wetland Inventory (NWI) maps were generated using the U.S. Fish and Wildlife Service Wetland Mapper. A review of soils was performed by accessing the online soils map generated using the Natural Resources Conservation Service (NRCS) soil survey to identify hydric soils information. USGS topography maps and the National Hydrography Dataset are reviewed prior to site visits.

Schott and Associates initially walked the subject property to assess the presence or absence of onsite wetlands and waters prior to collecting data. The wetland delineation field work was conducted on November 24, 2015. The *1987 Manual* and *Regional Supplement to the Corps of Engineers Delineation Manual: Arid West* were used to determine presence or absence of State of Oregon wetland boundaries and the Federal jurisdictional wetlands.

A total of 7 sample plots were placed where geomorphic location or vegetation indicated the possibility of wetlands to document conditions. For each sample plot, data on vegetation, hydrology and soils was collected, recorded in the field and later transferred to data forms (Appendix B). Representative ground level photographs were taken to document field findings (Appendix C).

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(E) Description of All Wetlands and Other Non-Wetland Waters

Two soil series were identified on site; Kubli loam, 3 to 7 percent slopes and Manita loam, 7 to 20 percent slopes. Neither soil series is considered a hydric soil; however both Kubli and Manita may have Aquills or Gregory hydric soil inclusions.

Based on soil, vegetation and hydrology data taken in the field one palustrine emergent (PEM) sloped wetland and one palustrine unconsolidated bottom pond (PUBx) were identified onsite totaling 2,860 sf. The 713 sf PEM wetland was identified at the southern border of the property where the adjacent property to the south slopes down to the north. A culvert was placed at the property boundary where hydrology enters the site and runs northwest down the broad swale to the pond. The wetland was a narrow swath. Vegetation consisted of white clover (*Trifolium repens*) (FAC) and colonial bent grass (*Agrostis capillaries*) (FAC). Soils met the F3 Depleted Matrix hydric soil indicator. Hydrology was present with primary indicators of surface water and saturation to 4 inches (SP1). Hydrology was surface runoff from properties to the south entering the site through the culvert along the southern boundary.

Adjacent upland plots were higher in elevation and had a herbaceous layer that included colonial bentgrass, white clover and tall fescue (*Schedonorus arundinaceous*) (FAC). Soils did not meet hydric soil indicators. Hydrology was not present as the plots were higher in elevation (SP2 and SP3).

The pond on site was 2,147sf in size. The embankment to the pond was deeply incised, with a rapid change in elevation. Depth of the pond was undeterminable. Vegetation included cattail (*Typha latifolia*) (OBL), hard-stem club-rush (*Schoenoplectus acutus*) (OBL) and open water (SP5). A soil sample was not obtained due to deep water within the pond. Hydrology was approximately 2 feet deep just within the pond edge. The paired upland plot was higher in elevation. Vegetation was dominated by colonial bentgrass. Soils had a matrix of 10YR 3/3 with 2 percent 10YR 3/4 mottles, not meeting hydric soil criteria. No hydrology was present (SP4).

(F) Deviation from LWI or NWI

The Local Wetland Inventory (LWI) for the City of Ashland was completed in 2007 by SWCA. The LWI does not indicate any wetlands within the project area, but it does recognize a pond on the property. The National Wetland Inventory (NWI) does not indicate any wetlands or ponds within the project area.

Schott and Associates found one 713 sf palustrine emergent sloped wetland that occupied the bottom of a swale along the southern border of the property extending northeast to the pond.

(G) Mapping Method

The mapped areas were based on soils, vegetation, and hydrology data gathered in the field by Schott and Associates. Sample plots, photo points the ephemeral drainage boundaries were flagged by Schott & Associates, Inc. Flagging was surveyed and mapped to sub-foot accuracy by Polar Land Surveying, a Professional Land Surveyor. Maps were created by Polaris Land Surveying.

(H) Additional Information

An onsite wetland determination report was performed by DSL in October 2015 (WD2015-0198). See attached document in Appendix D.

(I) Results and Conclusions

Based on vegetation, soil and hydrology one 713sf PEM sloped wetland and one 2,147 sf pond were identified within the study area boundary. The PEM wetland was identified in the bottom of a swale originating from a culvert along the southern property line and extending to the northwest to the pond. The pond was deeply incised with a rapid change in elevation. The northern portion of the pond was bounded by a earthen berm. Below the berm no indication of wetland was present.

A wetland determination was performed by DSL identifying the pond onsite. Additionally, the LWI identified a pond within the project area boundary. Schott and Associates performed a full delineation to further define the wetland and pond boundaries.

(J) Disclaimer

This report documents the investigation, best professional judgment and the conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State lands in accordance with OAR 141-090-0005 through 141-090-0055.

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APPENDIX A: FIGURES

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FIGURE 1: LOCATION MAP

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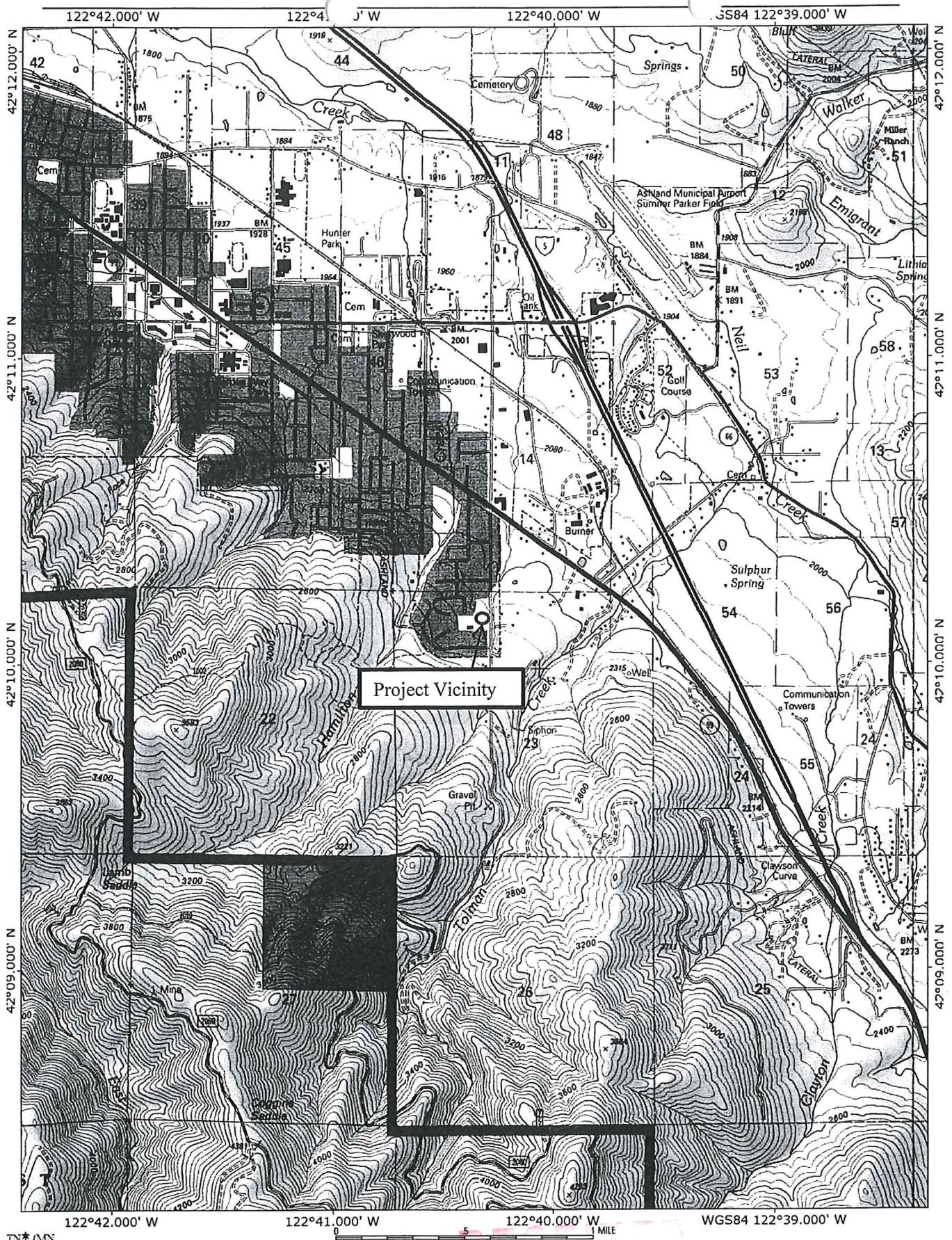


FIGURE 1. LOCATION MAP  
 1365 Tolman Creek Road  
 S&A# 2401

Schott & Associates  
 P.O. Box 589  
 Aurora, OR. 97002  
 503.678.6007

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FIGURE 2: TAX MAP

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N.E.1/4, N.W.1/4, SEC.23, T.39S., R.1E., W.M.  
JACKSON COUNTY

1" = 100'

SEE MAP 39 1E 14CD

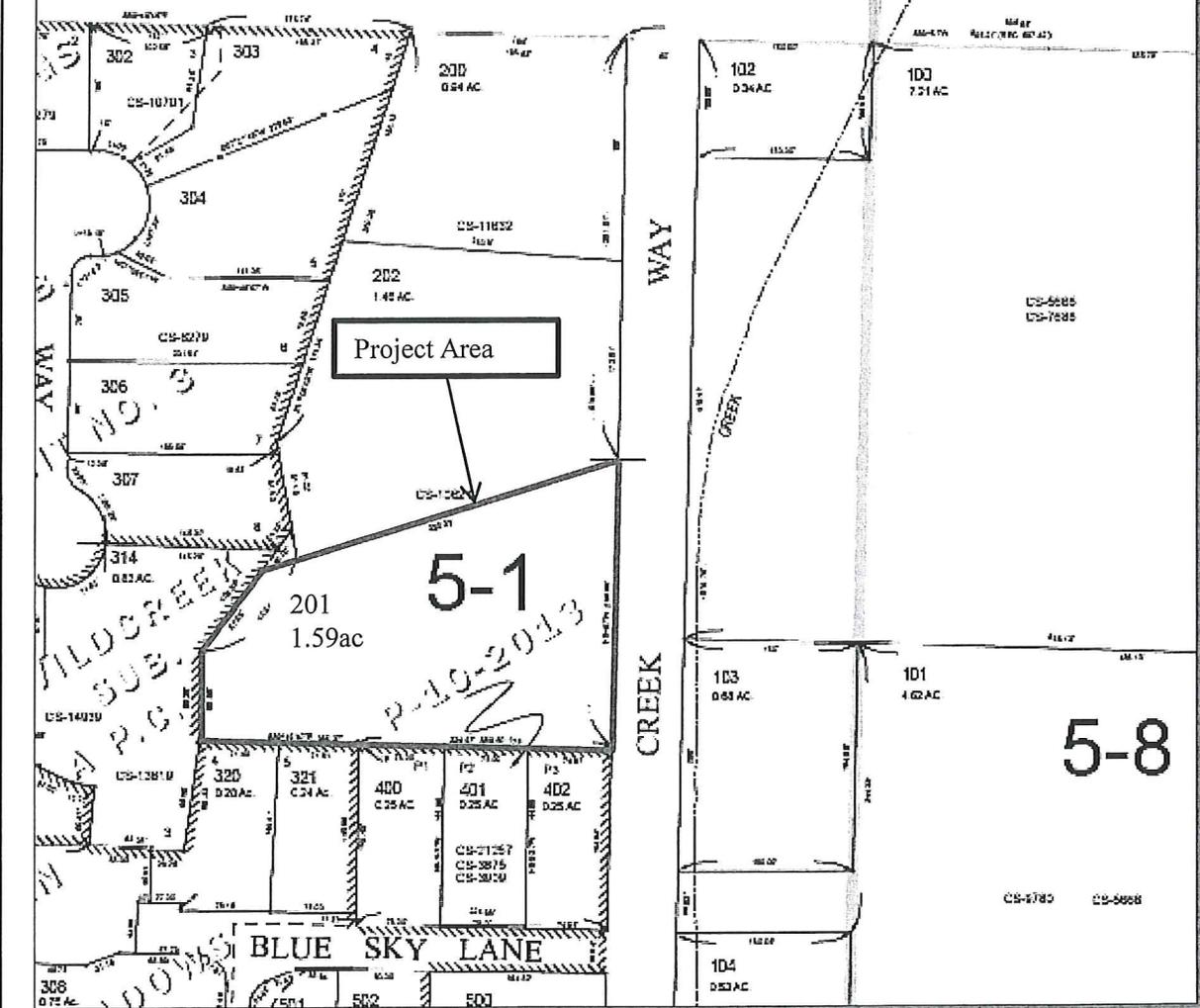


FIGURE 2. TAX MAP (T39S, R1E, SEC 23, TL#201)  
1365 Tolman Creek Road  
S&A# 2401

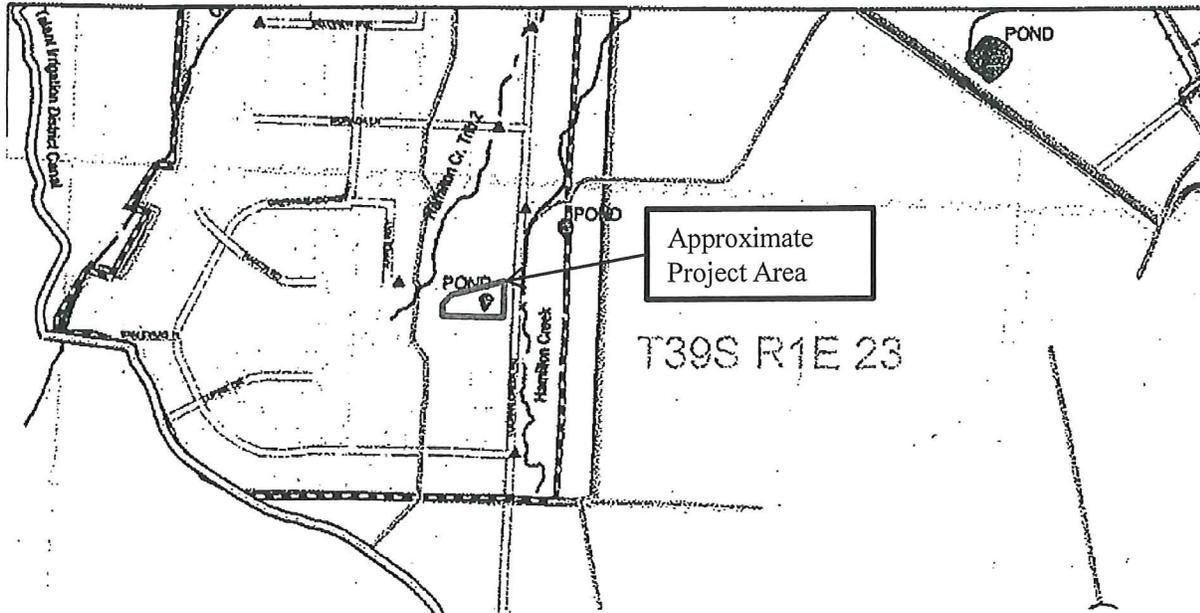
Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007

FIGURE 3: LWI

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City of Ashland  
**Local Wetlands Inventory**  
**T39S R1E 23**



**Legend**

- |   |                       |  |
|---|-----------------------|--|
| Wetlands, field verified                | Taxlots               | Streams, intermittent drainages, and ditches |
| Wetlands, not field verified            | Urban Growth Boundary | Laterals                                     |
| Possible Wetlands                       | City Limits           | Talent Irrigation District Canal             |
| Pond                                    | Sections              | Culverted Streams                            |
| Riparian Corridor Safe Harbor (50 feet) | Streets               | W1-W14 Wetland Unit                          |
| Sample Plot                             | Railroad              |  |
| Observation Point                       |                       |  |

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FIGURE 3. LWI  
 1365 Tolman Creek Road  
 S&A# 2401

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 Aurora, OR. 97002  
 503.678.6007

FIGURE 4: SOIL SURVEY

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Hydric Soil List - All Components-OR632-Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

Map symbol and map unit name	Component/Local Phase	Comp. pct.	Landform	Hydric status	Hydric criteria met (code)
10C: Barron coarse sandy loam, 7 to 12 percent slopes	Barron	85	Alluvial fans	No	—
	Clawson	2	Alluvial fans	Yes	2
	Aquepts	1	Outwash plains	Yes	2
100B: Kubli loam, 3 to 7 percent slopes	Kubli	90	Stream terraces	No	—
	Aquolls	2	Terraces	Yes	2
	Gregory	1	Stream terraces	Yes	2
108D: Manita loam, 7 to 20 percent slopes	Manita	80	Alluvial fans	No	—
	Gregory	2	Stream terraces	Yes	2
	Aqualls	1	Hills	Yes	2

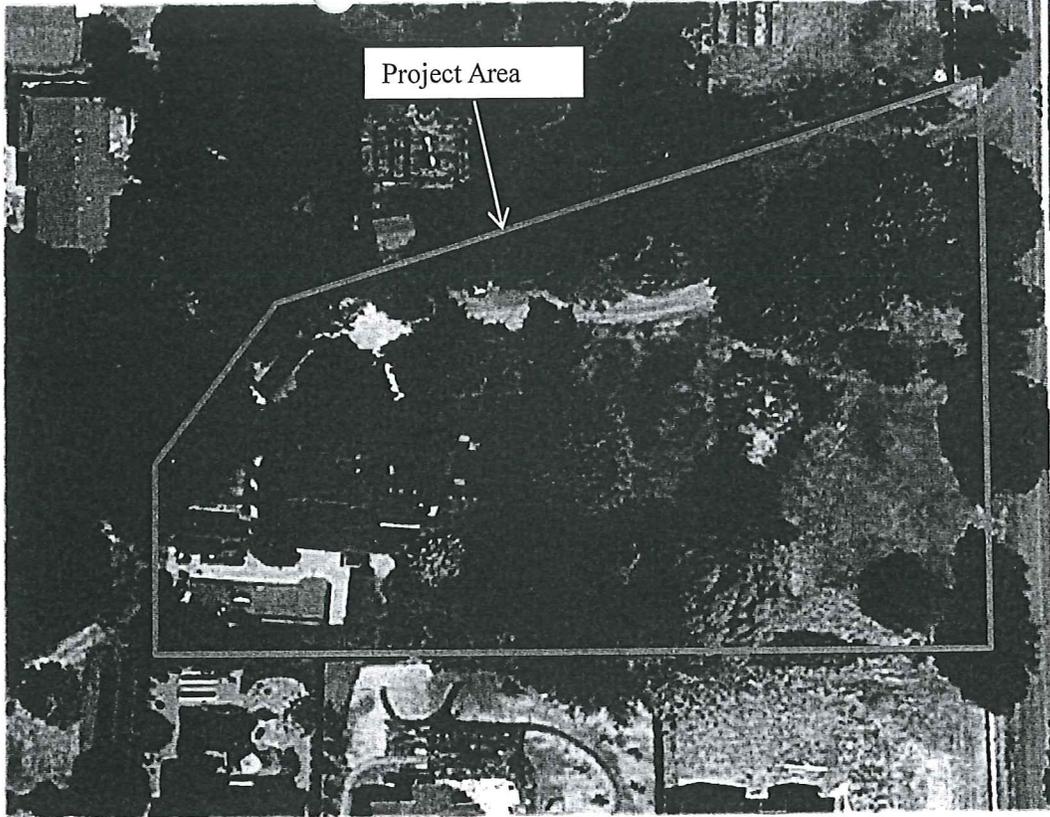
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FIGURE 4. SOIL SURVEY  
 1365 Tolman Creek Road  
 S&A# 2401

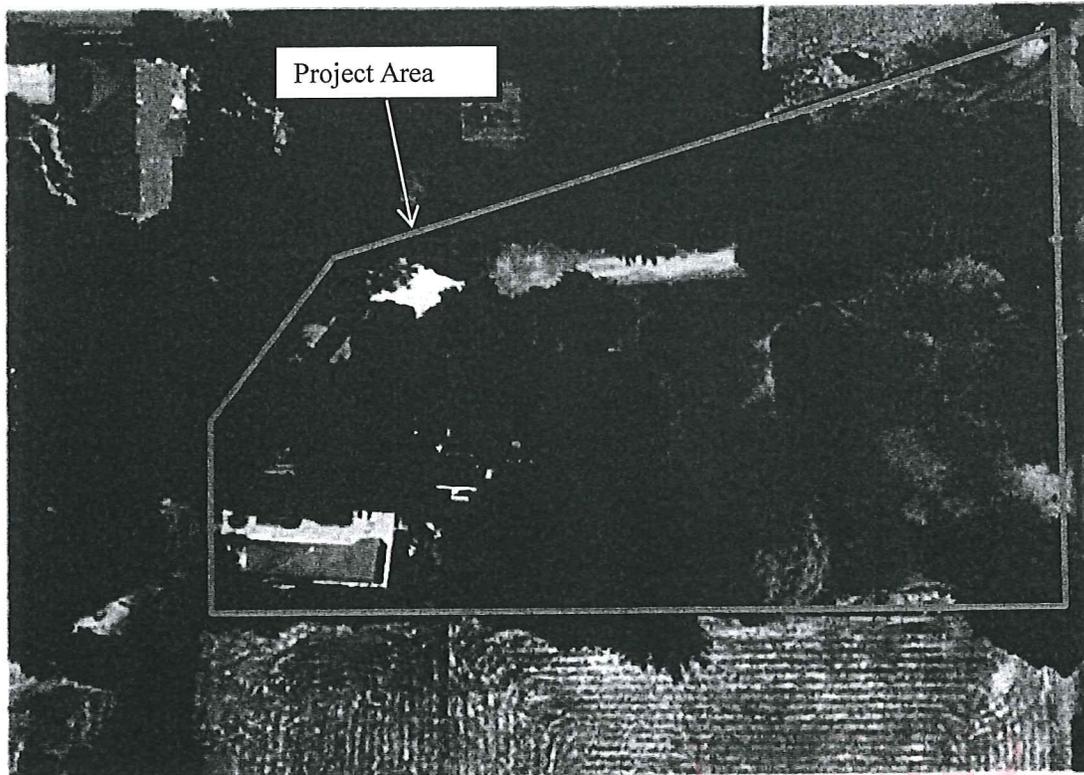
Schott & Associates  
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 503.678.6007

FIGURE 5; (A-B) AERIAL PHOTOGRAPHS

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a. Google Earth July 4, 2014.



b. Google Earth July 10, 2010.

FIGURE 5(a-b). AERIAL PHOTOGRAPHS  
1365 Tolman Creek Road  
S&A# 2401

JUN 01 2016  
City of [unclear]  
Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007

FIGURE 6: WETLAND DELINEATION MAP

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**WETLAND SURVEY MAP**  
 LYING SITUATE IN  
 NORTHWEST QUARTER OF SECTION 23,  
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.  
 JACKSON COUNTY, OREGON  
 FOR  
**Clason Company LLC**  
 1365 Tolman Creek Road  
 Ashland, Oregon 97520



SCALE: 1" = 50'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 14, 1985  
 SHAWN KAMPMANN  
 2553 LS

RENEWAL DATE: 6/30/2017

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

DATE: DECEMBER 24, 2015  
 PROJECT NO. 1001-15

Assessor's Map No. 39 1E 23 BA, Tax Lot 201

**POLARIS LAND SURVEYING**

APPENDIX B: DATA FORMS

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**WETLAND DETERMINATION DATA FORM – Arid West Region**

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 1

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: Soils are saturated. The plot was placed next to a culvert, coming from the property line. The area is sloped down to the pond.	

**VEGETATION**

<p><b>Tree Stratum</b> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">Tree Stratum</th> <th style="width:15%;">Absolute % Cover</th> <th style="width:15%;">Dominant Species?</th> <th style="width:15%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p><b>Sapling/Shrub Stratum</b> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p><b>Herb Stratum</b> (Plot size: 5'r)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1. <i>Agrostis capillaris</i></td><td align="center">65</td><td align="center">X</td><td align="center">FAC</td></tr> <tr><td>2. <i>Trifolium repens</i></td><td align="center">15</td><td></td><td align="center">FAC</td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> <tr><td>6.</td><td></td><td></td><td></td></tr> <tr><td>7.</td><td></td><td></td><td></td></tr> <tr><td>8.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: <u>80</u></p> <p><b>Woody Vine Stratum</b> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p>% Bare Ground in Herb Stratum <u>20</u> % Cover of Biotic Crust _____</p>	Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1.				2.				3.				4.				1.				2.				3.				4.				5.				1. <i>Agrostis capillaris</i>	65	X	FAC	2. <i>Trifolium repens</i>	15		FAC	3.				4.				5.				6.				7.				8.				1.				2.				<p><b>Dominance Test worksheet:</b></p> Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A) Total Number of Dominant Species Across All Strata: 1 (B) Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status																																																																														
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<p><b>Prevalence Index worksheet:</b></p> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____																																																																																	
<p><b>Hydrophytic Vegetation Indicators:</b></p> <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)																																																																																	
<p><sup>1</sup>Indicators of hydric soil and wetland hydrology must be present.</p>																																																																																	
<p><b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Remarks: _____</p>																																																																																	

**SOIL**

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-9	10YR 3/2	100					L	
9-16	2.5Y 4/2	80	7.5Y 3/4	20	C	M	L	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix. <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Vernal Pools (F9)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

**Restrictive Layer (if present):**

Type:  
Depth (inches):

Hydric Soil Present? Yes  No

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (any one indicator is sufficient)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Biotic Crust (B12)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Plowed Soils (C6)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
- Drift Deposits (B3) (Riverine)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Thin Muck Surface (C7)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present? Yes  No  Depth (inches): Surf  
 Water Table Present? Yes  No  Depth (inches):  
 Saturation Present? Yes  No  Depth (inches): 4"  
 (includes capillary fringe)

Wetland Hydrology Present? Yes  No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Hydrology was surface runoff from the properties to the south. Hydrology was running downhill and entering the property through a culvert along the property line.

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**WETLAND DETERMINATION DATA FORM – Arid West Region**

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 2

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): convex Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: No hydrology or soils. The area is higher in elevation.	

**VEGETATION**

<p><u>Tree Stratum</u> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">Tree Stratum</th> <th style="width:15%;">Absolute % Cover</th> <th style="width:15%;">Dominant Species?</th> <th style="width:10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p><u>Sapling/Shrub Stratum</u> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p><u>Herb Stratum</u> (Plot size: 5'r)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">Species</th> <th style="width:15%;">Absolute % Cover</th> <th style="width:15%;">Dominant Species?</th> <th style="width:10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1. <i>Agrostis capillaris</i></td><td>20</td><td>X</td><td>FAC</td></tr> <tr><td>2. <i>Trifolium repens</i></td><td>20</td><td>X</td><td>FAC</td></tr> <tr><td>3. <i>Hypochaeris radicata</i></td><td>15</td><td>x</td><td>FACU</td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> <tr><td>6.</td><td></td><td></td><td></td></tr> <tr><td>7.</td><td></td><td></td><td></td></tr> <tr><td>8.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: <u>55</u></p> <p><u>Woody Vine Stratum</u> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p>% Bare Ground in Herb Stratum <u>45</u> % Cover of Biotic Crust _____</p>	Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1.				2.				3.				4.				1.				2.				3.				4.				5.				Species	Absolute % Cover	Dominant Species?	Indicator Status	1. <i>Agrostis capillaris</i>	20	X	FAC	2. <i>Trifolium repens</i>	20	X	FAC	3. <i>Hypochaeris radicata</i>	15	x	FACU	4.				5.				6.				7.				8.				1.				2.				<p><b>Dominance Test worksheet:</b></p> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66</u> (A/B)
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<p><b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> Remarks: <b>RECEIVED</b> JUN 01 2013 City of Ashland	<p><sup>1</sup>Indicators of hydric soil and wetland hydrology must be present.</p>																																																																																				

**SOIL**

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 3/2	100					L	
4-16	10YR 3/3	100					L	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix. <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
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- Depleted Matrix (F3)
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- Redox Depressions (F8)
- Vernal Pools (F9)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

**Restrictive Layer (if present):**

Type:  
Depth (inches):

Hydric Soil Present? Yes  No

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (any one indicator is sufficient)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
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- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
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- Thin Muck Surface (C7)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present? Yes  No  Depth (inches):  
 Water Table Present? Yes  No  Depth (inches):  
 Saturation Present? Yes  No  Depth (inches):  
 (includes capillary fringe)

Wetland Hydrology Present? Yes  No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

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JUN 01 2016  
City of Ashland

**WETLAND DETERMINATION DATA FORM – Arid West Region**

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 3

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): convex Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: No hydrology or soils. The area is higher in elevation.	

**VEGETATION**

<p><b>Tree Stratum</b> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">Tree Stratum</th> <th style="width:15%;">Absolute % Cover</th> <th style="width:15%;">Dominant Species?</th> <th style="width:10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p><b>Sapling/Shrub Stratum</b> (Plot size: 15'r)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1. <i>Rubus armeniacus</i></td><td align="center">10</td><td align="center">X</td><td align="center">FACU</td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: <u>10</u></p> <p><b>Herb Stratum</b> (Plot size: 5'r)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1. <i>Schedonorus arundiacus</i></td><td align="center">70</td><td align="center">X</td><td align="center">FAC</td></tr> <tr><td>2. <i>Agrostis capillaris</i></td><td align="center">10</td><td></td><td align="center">FAC</td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> <tr><td>6.</td><td></td><td></td><td></td></tr> <tr><td>7.</td><td></td><td></td><td></td></tr> <tr><td>8.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: <u>80</u></p> <p><b>Woody Vine Stratum</b> (Plot size: )</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> </tbody> </table> <p align="right">Total Cover: _____</p> <p>% Bare Ground in Herb Stratum <u>20</u> % Cover of Biotic Crust _____</p>	Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1.				2.				3.				4.				1. <i>Rubus armeniacus</i>	10	X	FACU	2.				3.				4.				5.				1. <i>Schedonorus arundiacus</i>	70	X	FAC	2. <i>Agrostis capillaris</i>	10		FAC	3.				4.				5.				6.				7.				8.				1.				2.				<p><b>Dominance Test worksheet:</b></p> Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  Total Number of Dominant Species Across All Strata: 2 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 50 (A/B)
Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status																																																																														
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<p><sup>1</sup>Indicators of hydric soil and wetland hydrology must be present.</p>																																																																																	
<p><b>Hydrophytic Vegetation Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Remarks: <b>RECEIVED</b> JUN 01 2016 City of Ashland</p>																																																																																	

**SOIL**

Sampling Point: 3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-2	10YR 2/2	100					L	
2-16	10YR 3/3	100					L	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix.    <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

**Restrictive Layer (if present):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

**Hydric Soil Present? Yes  No**

Remarks: \_\_\_\_\_

**HYDROLOGY**

**Wetland Hydrology Indicators:**

<b>Primary Indicators (any one indicator is sufficient)</b>		<b>Secondary Indicators (2 or more required)</b>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)
		<input type="checkbox"/> FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present? Yes  No  Depth (inches): \_\_\_\_\_

Water Table Present? Yes  No  Depth (inches): \_\_\_\_\_

Saturation Present? Yes  No  Depth (inches): \_\_\_\_\_  
(includes capillary fringe)

**Wetland Hydrology Present? Yes  No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: \_\_\_\_\_

Remarks: \_\_\_\_\_



## WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 4

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): convex Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Upland sample plot to paired plot 5. Area is significantly higher in elevation.	

### VEGETATION

<p><b>Tree Stratum</b> (Plot size: )</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">Tree Stratum</th> <th style="width: 10%;">Absolute % Cover</th> <th style="width: 10%;">Dominant Species?</th> <th style="width: 10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: right;">Total Cover: _____</p> <p><b>Sapling/Shrub Stratum</b> (Plot size: )</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">Sapling/Shrub Stratum</th> <th style="width: 10%;">Absolute % Cover</th> <th style="width: 10%;">Dominant Species?</th> <th style="width: 10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: right;">Total Cover: _____</p> <p><b>Herb Stratum</b> (Plot size: 5'r)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">Herb Stratum</th> <th style="width: 10%;">Absolute % Cover</th> <th style="width: 10%;">Dominant Species?</th> <th style="width: 10%;">Indicator Status</th> </tr> </thead> <tbody> <tr><td>1. <i>Agrostis capillaris</i></td><td style="text-align: center;">90</td><td style="text-align: center;">X</td><td style="text-align: center;">FAC</td></tr> <tr><td>2. <i>Schedonorus arundinaceus</i></td><td style="text-align: center;">5</td><td></td><td style="text-align: center;">FAC</td></tr> <tr><td>3. <i>Trifolium repens</i></td><td style="text-align: center;">5</td><td></td><td style="text-align: center;">FAC</td></tr> <tr><td>4.</td><td></td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td><td></td></tr> <tr><td>6.</td><td></td><td></td><td></td></tr> <tr><td>7.</td><td></td><td></td><td></td></tr> <tr><td>8.</td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: right;">Total Cover: <u>100</u></p> <p><b>Woody Vine Stratum</b> (Plot size: )</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>1.</td><td></td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: right;">Total Cover: _____</p> <p>% Bare Ground in Herb Stratum <u>0</u> % Cover of Biotic Crust _____</p>	Tree Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1.				2.				3.				4.				Sapling/Shrub Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1.				2.				3.				4.				5.				Herb Stratum	Absolute % Cover	Dominant Species?	Indicator Status	1. <i>Agrostis capillaris</i>	90	X	FAC	2. <i>Schedonorus arundinaceus</i>	5		FAC	3. <i>Trifolium repens</i>	5		FAC	4.				5.				6.				7.				8.				1.				2.				<p><b>Dominance Test worksheet:</b></p> Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  Total Number of Dominant Species Across All Strata: 1 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
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JUN 01 2016

City of Ashland

**SOIL**

Sampling Point: 4

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-16	10YR 3/3	100					L	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix.    <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Vernal Pools (F9)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

**Restrictive Layer (if present):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

**Hydric Soil Present? Yes  No**

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (any one indicator is sufficient)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)
		<input type="checkbox"/> FAC-Neutral Test (D5)

Secondary Indicators (2 or more required)

**Field Observations:**

Surface Water Present? Yes  No  Depth (inches): \_\_\_\_\_

Water Table Present? Yes  No  Depth (inches): \_\_\_\_\_

Saturation Present? Yes  No  Depth (inches): \_\_\_\_\_  
(includes capillary fringe)

**Wetland Hydrology Present? Yes  No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

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City of Ashland

## WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 5

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: Sample plot was taken within ponded area. Soil sample was not obtained as depth was to deep.	

### VEGETATION

Tree Stratum (Plot size: )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1.				Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)  Total Number of Dominant Species Across All Strata: 2 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
2.				
3.				
4.				
Total Cover: _____				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
<b>Sapling/Shrub Stratum (Plot size: )</b>				
1.				
2.				
3.				
4.				
5.				
Total Cover: _____				
<b>Herb Stratum (Plot size: 5'r)</b>				
1. <i>Typha latifolia</i>	20	X	OBL	
2. <i>Scirpus acutus</i>	10	X	OBL	
3.				
4.				
5.				
6.				
7.				
8.				
Total Cover: 30				<b>Hydrophytic Vegetation Indicators:</b> <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
<b>Woody Vine Stratum (Plot size: )</b>				
1.				
2.				
Total Cover: _____				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
Remarks: Ponded				

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NOV 01 2016

City of Ashland

Arid West – Version 2.0

**SOIL**

Sampling Point: 5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix. <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Vernal Pools (F9)

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

**Restrictive Layer (if present):**

Type:  
Depth (inches):

Hydric Soil Present? Yes  No

**Remarks:**

Soils are assumed by best professional judgment as the area is ponded. The vegetation occurs within the ponded area. A very narrow fringe, about 1' wide

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (any one indicator is sufficient)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Biotic Crust (B12)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Plowed Soils (C6)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
- Drift Deposits (B3) (Riverine)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Thin Muck Surface (C7)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present? Yes  No  Depth (inches): 3 ft  
 Water Table Present? Yes  No  Depth (inches):  
 Saturation Present? Yes  No  Depth (inches):  
 (includes capillary fringe)

Wetland Hydrology Present? Yes  No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

**Remarks:**

Area is ponded. Hydrology was about 2 feet deep.



## WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 1365 Tolman Creek Road City/County: Ashland/Jackson Sampling Date: November 24, 2015

Applicant/Owner: Clason Company State: OR Sampling Point: 6

Investigator(s): MRS, JRR Section, Township, Range: 23, T39S, R1E

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): convex Slope (%):

Subregion (LRR):D Lat: 42.1694 Long: -122.6720 Datum:

Soil Map Unit Name: Manita loam, 7 to 20 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks:	

### VEGETATION

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<p><b>Hydrophytic Vegetation Indicators:</b></p> <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)																																																																																	
<p><sup>1</sup>Indicators of hydric soil and wetland hydrology must be present.</p>																																																																																	
<p><b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> Remarks: <span style="font-size: 2em; color: blue; font-weight: bold;">RECEIVED</span> <span style="color: red; font-weight: bold;">NOV 24 2015</span> <span style="color: blue; font-weight: bold; font-size: 1.5em;">City of Ashland</span>																																																																																	

**SOIL**

Sampling Point: 6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-13	10YR 3/3	100					L	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix. <sup>2</sup>Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

<p><b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b></p> <p><input type="checkbox"/> Histosol (A1)</p> <p><input type="checkbox"/> Histic Epipedon (A2)</p> <p><input type="checkbox"/> Black Histic (A3)</p> <p><input type="checkbox"/> Hydrogen Sulfide (A4)</p> <p><input type="checkbox"/> Stratified Layers (A5) (LRR C)</p> <p><input type="checkbox"/> 1 cm Muck (A9) (LRR D)</p> <p><input type="checkbox"/> Depleted Below Dark Surface (A11)</p> <p><input type="checkbox"/> Thick Dark Surface (A12)</p> <p><input type="checkbox"/> Sandy Mucky Mineral (S1)</p> <p><input type="checkbox"/> Sandy Gleyed Matrix (S4)</p>	<p><input type="checkbox"/> Sandy Redox (S5)</p> <p><input type="checkbox"/> Stripped Matrix (S6)</p> <p><input type="checkbox"/> Loamy Mucky Mineral (F1)</p> <p><input type="checkbox"/> Loamy Gleyed Matrix (F2)</p> <p><input type="checkbox"/> Depleted Matrix (F3)</p> <p><input type="checkbox"/> Redox Dark Surface (F6)</p> <p><input type="checkbox"/> Depleted Dark Surface (F7)</p> <p><input type="checkbox"/> Redox Depressions (F8)</p> <p><input type="checkbox"/> Vernal Pools (F9)</p>	<p><b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b></p> <p><input type="checkbox"/> 1 cm Muck (A9) (LRR C)</p> <p><input type="checkbox"/> 2 cm Muck (A10) (LRR B)</p> <p><input type="checkbox"/> Reduced Vertic (F18)</p> <p><input type="checkbox"/> Red Parent Material (TF2)</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
---	--	---

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present.

<p><b>Restrictive Layer (if present):</b></p> <p>Type:</p> <p>Depth (inches):</p>	<p><b>Hydric Soil Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Remarks:</p>	

**HYDROLOGY**

<p><b>Wetland Hydrology Indicators:</b></p> <p><u>Primary Indicators (any one indicator is sufficient)</u></p> <p><input type="checkbox"/> Surface Water (A1)</p> <p><input type="checkbox"/> High Water Table (A2)</p> <p><input type="checkbox"/> Saturation (A3)</p> <p><input type="checkbox"/> Water Marks (B1) (Nonriverine)</p> <p><input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)</p> <p><input type="checkbox"/> Drift Deposits (B3) (Nonriverine)</p> <p><input type="checkbox"/> Surface Soil Cracks (B6)</p> <p><input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)</p> <p><input type="checkbox"/> Water-Stained Leaves (B9)</p>	<p><input type="checkbox"/> Salt Crust (B11)</p> <p><input type="checkbox"/> Biotic Crust (B12)</p> <p><input type="checkbox"/> Aquatic Invertebrates (B13)</p> <p><input type="checkbox"/> Hydrogen Sulfide Odor (C1)</p> <p><input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)</p> <p><input type="checkbox"/> Presence of Reduced Iron (C4)</p> <p><input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>	<p><u>Secondary Indicators (2 or more required)</u></p> <p><input type="checkbox"/> Water Marks (B1) (Riverine)</p> <p><input type="checkbox"/> Sediment Deposits (B2) (Riverine)</p> <p><input type="checkbox"/> Drift Deposits (B3) (Riverine)</p> <p><input type="checkbox"/> Drainage Patterns (B10)</p> <p><input type="checkbox"/> Dry-Season Water Table (C2)</p> <p><input type="checkbox"/> Thin Muck Surface (C7)</p> <p><input type="checkbox"/> Crayfish Burrows (C8)</p> <p><input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)</p> <p><input type="checkbox"/> Shallow Aquitard (D3)</p> <p><input type="checkbox"/> FAC-Neutral Test (D5)</p>
<p><b>Field Observations:</b></p> <p>Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches):</p> <p>Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches):</p> <p>Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): (includes capillary fringe)</p>	<p><b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:</p>		
<p>Remarks:</p>		

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Arid West – Version 2.0

APPENDIX C: GROUND LEVEL PHOTOGRAPHS

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Schott & Associates

Ecologists and Wetland Specialists

PO Box 589, Aurora, OR, 97002 • (503) 678-6007 • Fax (503) 678-6011

Page 15

S&A# 2401



PP1. Facing south, showing culvert at southern property boundary.



PP1. Facing west toward SP2, higher in elevation.

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PP 1. Facing east toward SP3, higher in elevation.



PP1. Facing north, showing PEM wetland. Sloping northeast toward pond.

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1365 Tolman Creek Road  
S&A # 2401

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503.678.6007



PP 2. Facing east toward pond.



PP 2. Facing south, showing steep embankment to pond.

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1365 Tolman Creek Road  
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PP 2. Facing north, showing pond embankment.



PP 3. Facing southwest, earthen mound under the vegetation. No outlet from pond was found.

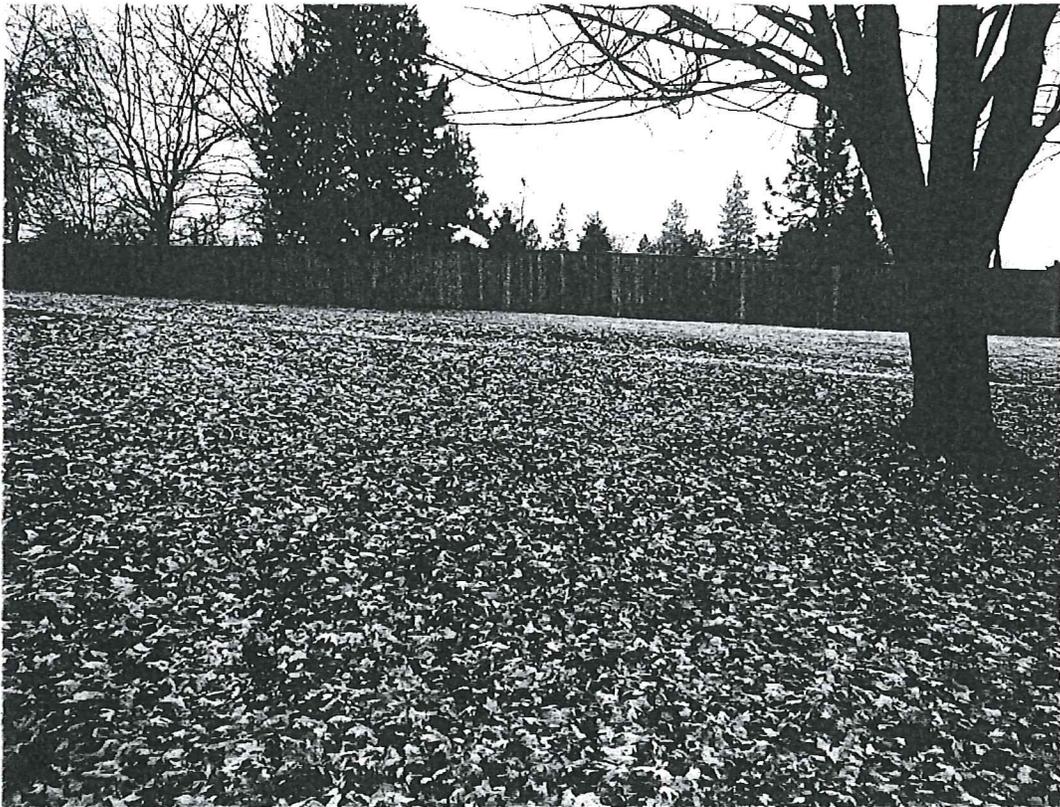
APPENDIX C: GROUND LEVEL PHOTOGRAPHS  
1365 Tolman Creek Road  
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PP 3. Facing northeast.



PP 3. Facing northwest.

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## APPENDIX E: LITERATURE CITATIONS

- Environmental Laboratory, 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS.
- Environmental Laboratory, 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0)*, Wetlands Regulatory Assistance Program ERDC/EL TR-10-3 U.S. Army Engineer Research and Development Center. Vicksburg, MS.
- Federal Interagency Committee for Wetland Delineation, 1989. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 138 pp.
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- Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2014. *The National Wetland Plant List: 2014 Update of Wetland Ratings*. Phytoneuron 2014-41: 1-42.
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- U.S. Army Corps of Engineers – Cold Regions Research and Engineering Laboratory (CRREL). 2012. *State of Oregon NWPL – Final Draft Ratings*.

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# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

April 5, 2016

### State Land Board

Clason Company, LLC  
Attn: John Clason  
220 Dead Indian Memorial Road  
Ashland, OR 97520

Kate Brown  
Governor

Jeanne P. Atkins  
Secretary of State

Re: WD # 2016-0019 Wetland Delineation Report for 1365 Tolman  
Creek Road  
Jackson County; T39S R1E Sec. 23, Tax Lot 201  
City of Ashland Local Wetlands Inventory wetland OW594

Ted Wheeler  
State Treasurer

Dear Mr. Clason:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott & Associates for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, totaling approximately 0.016 acres and one pond were identified. The wetland and pond are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Since measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

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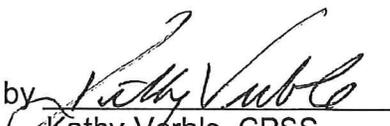
This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5246 if you have any questions.

Sincerely,



Chris Stevenson  
Jurisdiction Coordinator

Approved by   
Kathy Verble, CPSS  
Aquatic Resource Specialist

Enclosures

ec: Jodi Reed, Schott & Associates  
City of Ashland Planning Department (Maps enclosed for updating LWI)  
Benny Dean, Corps of Engineers  
Bob Lobdell, DSL

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**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report or include a hard copy of the completed form with a CD/DVD that includes a single PDF file of the report cover form and report (minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF attachment of the completed cover form and report may be e-mailed to [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail instructions on how to access the file from your ftp or other file sharing website. Fees can be paid by check or credit card. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: <b>John Clason</b> <b>Clason Company LLC</b> <b>220 Dead Indian Memorial Road</b> <b>Ashland, OR 97520</b>	Business phone # <b>541-646-5444</b> Mobile phone # (optional) <b>541-646-5444</b> E-mail: <b>john.clason@gmail.com</b>
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address: <b>Jodi Reed</b> <b>Schott &amp; Associates, Inc.</b> <b>PO Box 589</b> <b>Aurora, OR 97002</b>	Business phone # <b>503-678-6007</b> Mobile phone # E-mail: <b>Jodi@schottandassociates.com</b>

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DEPARTMENT OF STATE LANDS

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: John Clason Signature: \_\_\_\_\_  
 Date: 18 Jan 2016 Special instructions regarding site access: \_\_\_\_\_

**Project and Site Information** (using decimal degree format for lat/long., enter centroid of site or start & end points of linear project)

Project Name: <b>1365 Tolman Creek Road</b>	Latitude: <b>42.169425</b>	Longitude: <b>-122.6720 02</b>
Proposed Use: <b>3-Lot Subdivision</b>	Tax Map # <b>39 1E 23BA</b>	
Project Street Address (or other descriptive location): <b>1365 Tolman Creek Road</b>	Township <b>39S</b> Range <b>1E</b> Section <b>23</b>	<b>QQ NE/NW</b>
City: <b>Ashland</b> County: <b>Jackson</b>	Tax Lot(s) <b>201</b>	<b>5A</b>
	Waterway:	River Mile:
	NWI Quad(s):	

**Wetland Delineation Information**

Wetland Consultant Name, Firm and Address: <b>Jodi Reed</b> <b>Schott &amp; Associates, Inc.</b> <b>PO Box 589</b> <b>Aurora, OR 97002</b>	Phone # <b>503-678-6007</b> Mobile phone # E-mail: <b>Jodi@schottandassociates.com</b>
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: _____	Date: <u>1/20/16</u>

Primary Contact for report review and site access is  Consultant  Applicant/Owner  Authorized Agent

Wetland/Waters Present?  Yes  No Study Area size: **1.59a** Total Wetland Acreage: **0.066**

**Check Box Below if Applicable:** Fees: **\$406.00**

<input type="checkbox"/> R-F permit application submitted	<input checked="" type="checkbox"/> Fee payment submitted \$ <b>406.00</b>
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Fee (\$100) for resubmittal of rejected report
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	<input type="checkbox"/> No fee for request for reissuance of an expired report
<input type="checkbox"/> Industrial Land Certification Program Site	
<input type="checkbox"/> Reissuance of a recently expired delineation	
Previous DSL # _____ Expiration date _____	

**Other Information:**

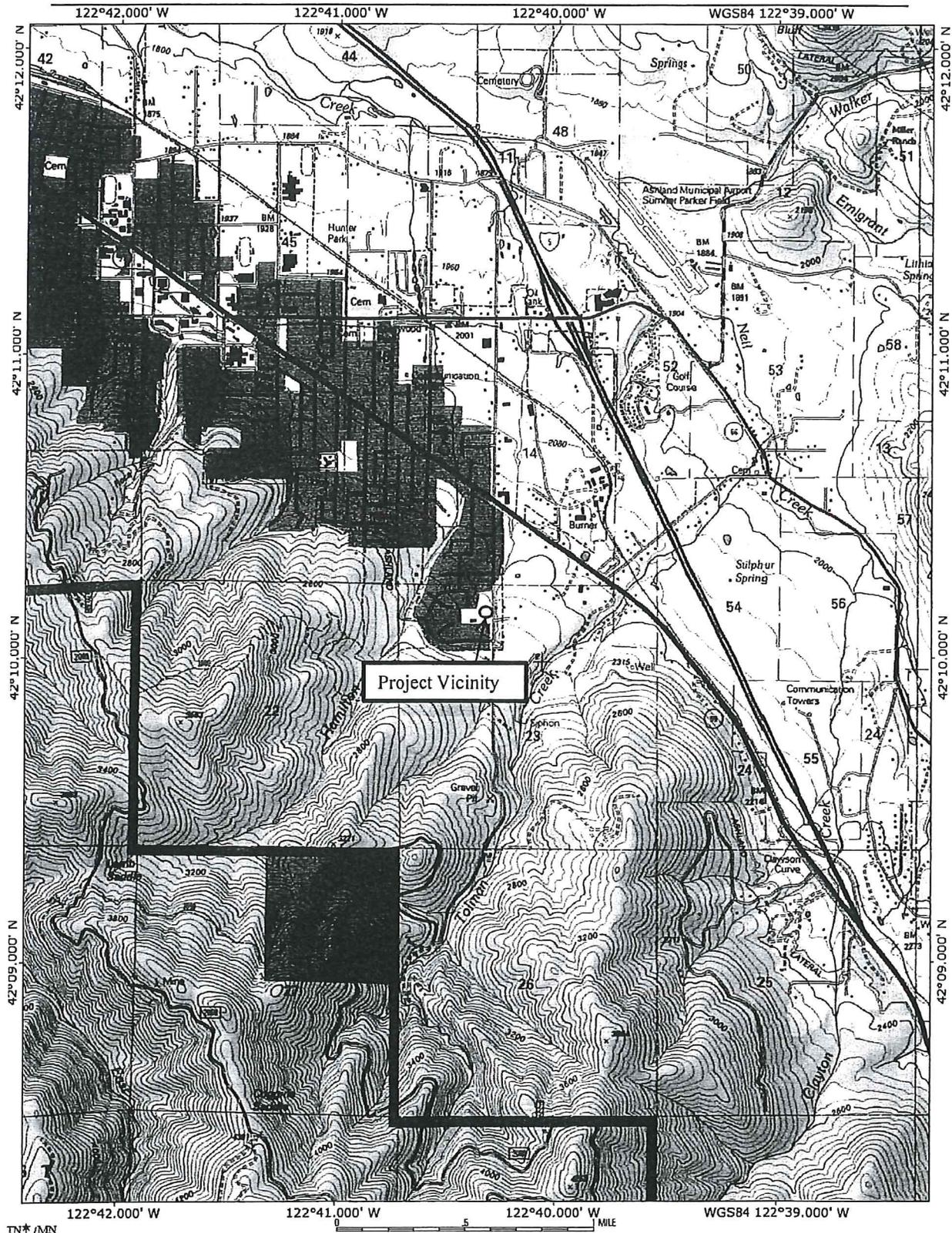
Has previous delineation/application been made on parcel?	Y N	
	<input type="checkbox"/> <input checked="" type="checkbox"/>	If known, previous DSL # _____
Does LWI, if any, show wetland or waters on parcel?	<input checked="" type="checkbox"/> <input type="checkbox"/>	

**For Office Use Only**

DSL Reviewer: <u>LM</u>	Fee Paid Date: ___/___/___	DSL WD # <u>2016-0019</u>
-------------------------	----------------------------	---------------------------

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TN\*/MN

FIGURE 1. LOCATION MAP  
 1365 Tolman Creek Road  
 S&A# 2401

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 Aurora, OR. 97002  
 503.678.6007

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N.E.1/4, N.W.1/4, SEC.23, T.39S., R.1E., W.M.  
 JACKSON COUNTY

1" = 100'

SEE MAP 39 1E 14CD

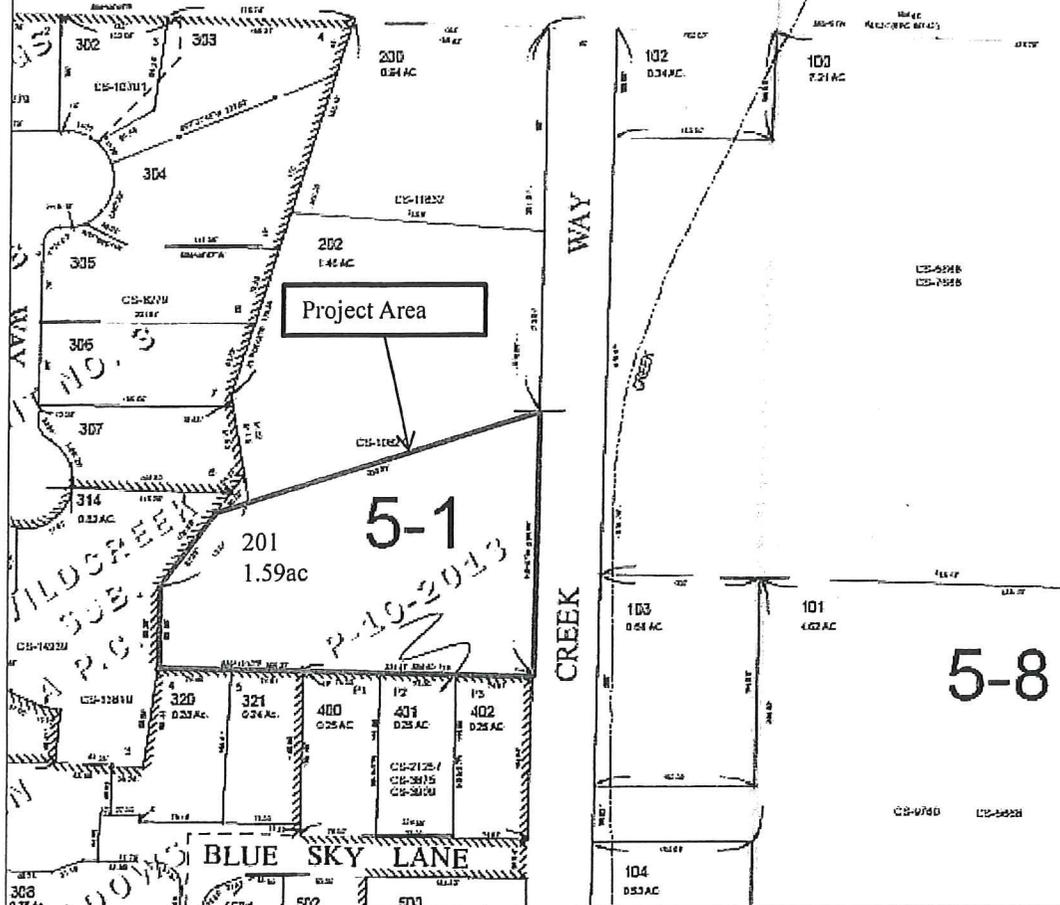
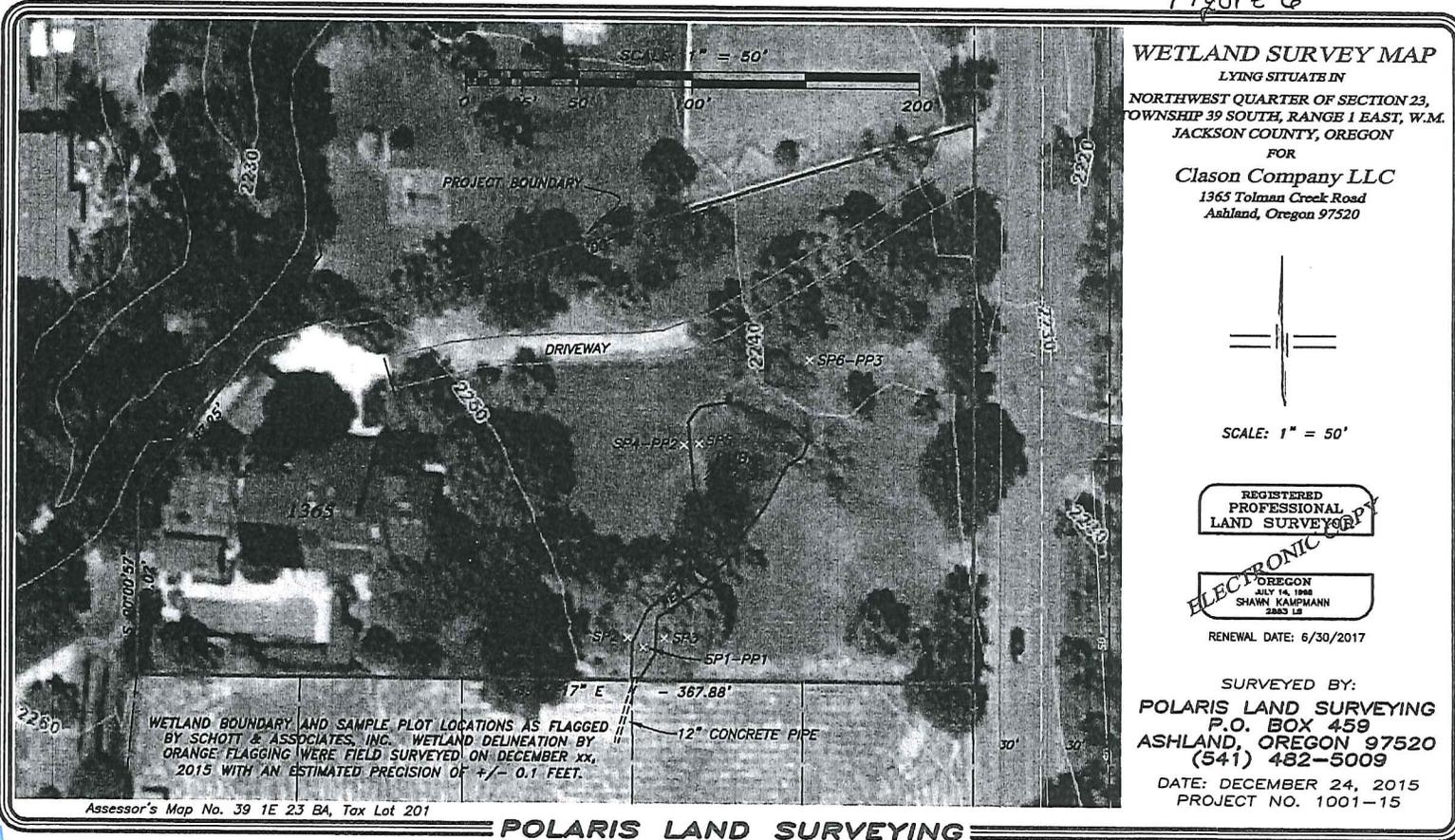


FIGURE 2. TAX MAP (T39S, R1E, SEC 23, TL#201)  
 1365 Tolman Creek Road  
 S&A# 2401

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Figure 6



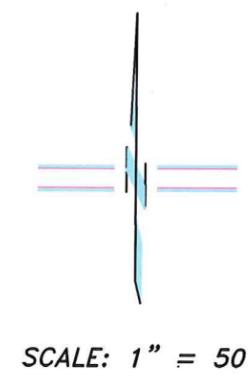
**POLARIS LAND SURVEYING**

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DSL WD # 2016-0219  
 Approval Expires 4-05-16  
 Approval Expires 4-05-21



**WETLAND SURVEY MAP**  
 LYING SITUATE IN  
 NORTHWEST QUARTER OF SECTION 23,  
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.  
 JACKSON COUNTY, OREGON  
 FOR  
**Clason Company LLC**  
 1365 Tolman Creek Road  
 Ashland, Oregon 97520



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 14, 1998  
 SHAWN KAMPMANN  
 2883 LS

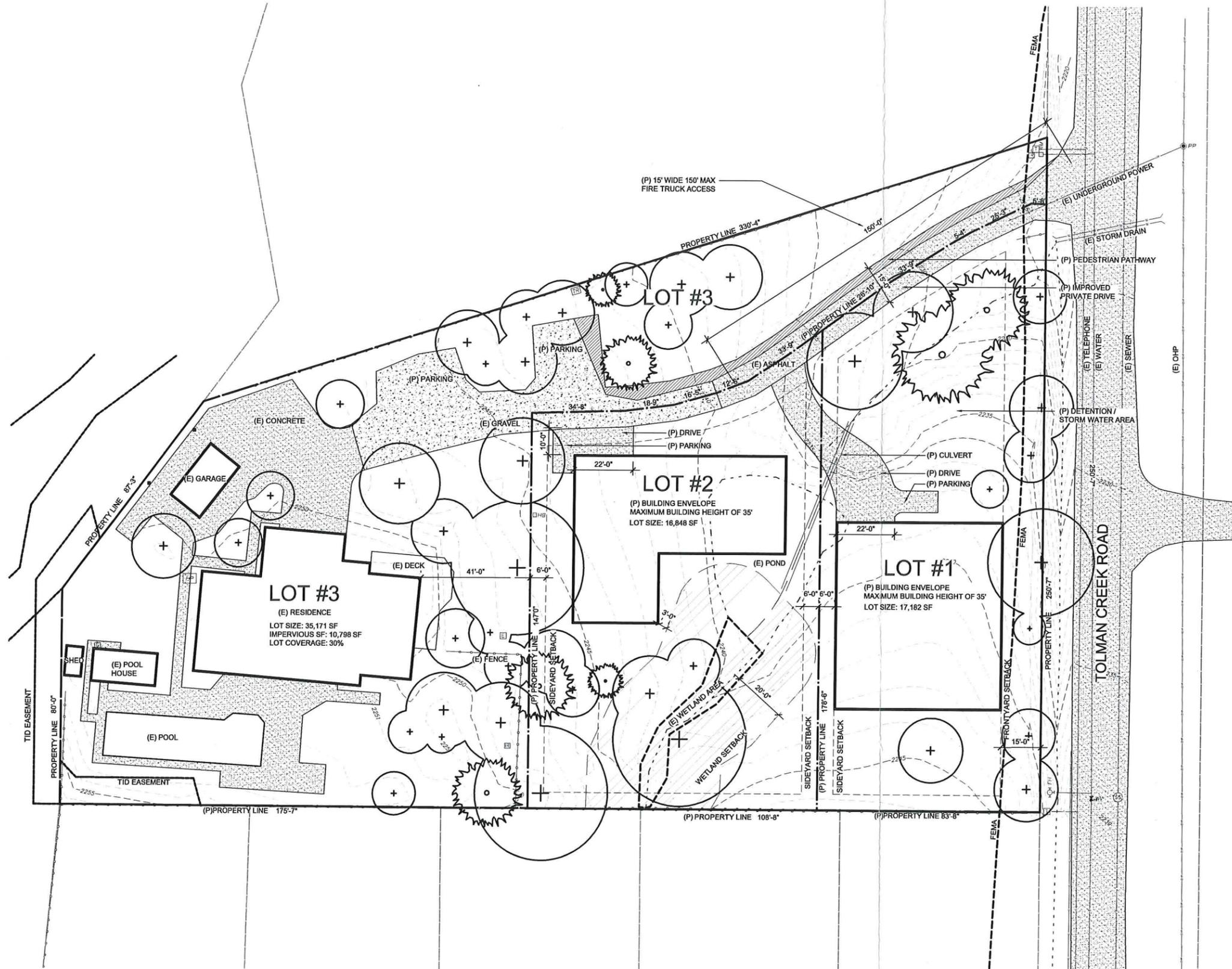
RENEWAL DATE: 6/30/2017

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

DATE: DECEMBER 24, 2015  
 PROJECT NO. 1001-15

**POLARIS LAND SURVEYING**

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**SHEET INDEX**

L-1.0	TITLE SHEET/ SITE PLAN
L-2.0	TREE PROTECTION & REMOVAL PLAN
L-3.0	SCHEMATIC LANDSCAPE PLAN
C-1.0	CONCEPTUAL GRADING AND DRAINAGE PLAN
C-2.0	CONCEPTUAL UTILITY PLAN

**PLANNING SUMMARY**

PROPERTY DESCRIPTION:  
 ZONING DESCRIPTION: R-1.7.5  
 ASSESSOR'S PARCEL NUMBER: 201  
 1365 TOLMAN CREEK DRIVE, ASHLAND OREGON 97520

**LOT COVERAGE SUMMARY**

LOT #1	LOT SIZE: 17,182 SF
LOT #2	LOT SIZE: 16,848 SF
LOT #3	LOT SIZE: 35,171 SF IMPERVIOUS COVERAGE: 10,798 SF LOT COVERAGE: 30%

**PROJECT CONSULTANTS**

APPLICANT:	CLASON COMPANY, JOHN CLASON 220 DEAD INDIAN MEMORIAL ROAD ASHLAND, OR 97520
OWNER:	RONALD REZEK
PLANNER:	ROGUE PLANNING AND DEVELOPMENT SERVICES 1424 S. IVY STREET MEDFORD, OR 97501 (541) 951-4020
LANDSCAPE ARCHITECT:	LAURIE SAGER & ASSOC. LANDSCAPE ARCHITECT 700 MISTLETOE RD #201 ASHLAND, OR 97520 541.488.1446
ENGINEER:	CEC ENGINEERING P.O. BOX 1724 MEDFORD, OR 97501 541.779.5268

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



Revision Date:

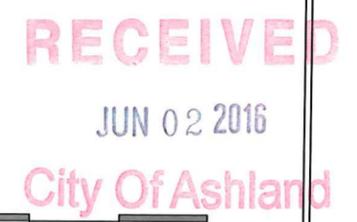
Drawn By:

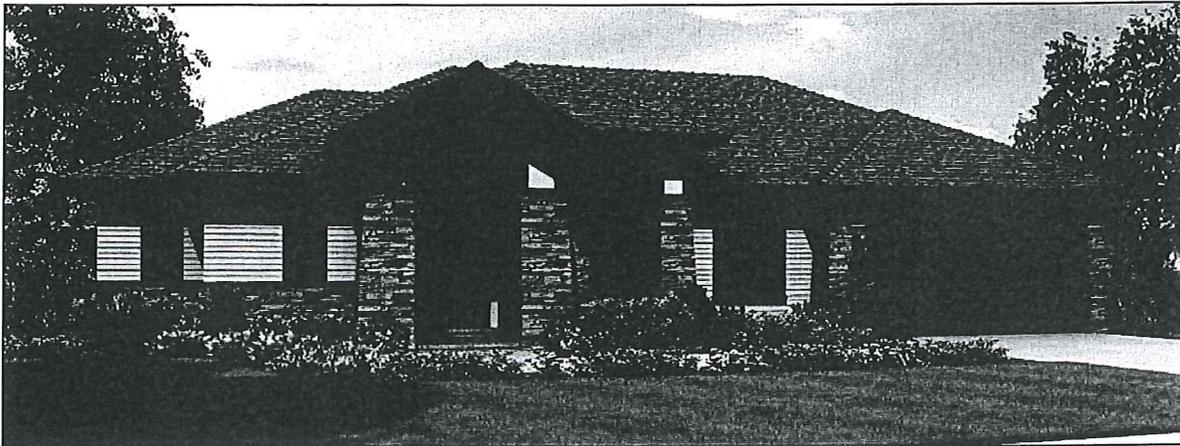
11X17 Scale: 1" = 40'-0"  
 24X36 Scale: 1" = 20'-0"

CREEKSIDE MEADOWS  
 1365 TOLMAN CREEK ROAD  
 ASHLAND, OREGON

May 31, 2016

L-1.0





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**ATTACHMENT #5**

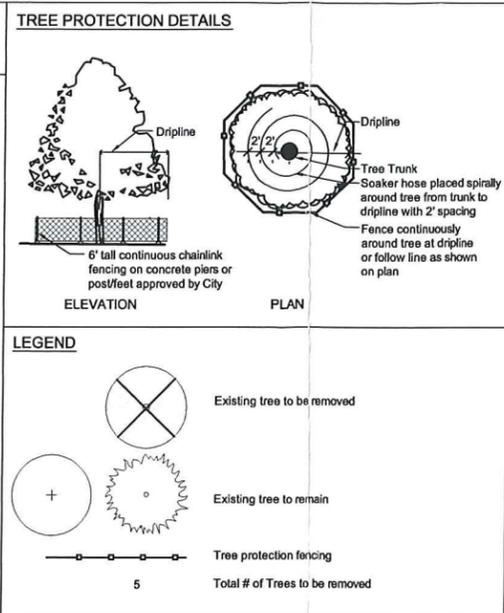


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ATTACHMENT #5

TREE #	SPECIES	COMMON NAME	DBH IN INCHES	CROWN RADIUS IN FEET	CONDITION	SPECIES TOLERANCE TO CONSTRUCTION	NOTES
1	LIRIODENDRON TULIPIFERA	TULIP TREE	16	30	GOOD	POOR	
2	ACER PENNSYLVANICUM	SNAKE BARK MAPLE	12	18	GOOD	MODERATE	
3	PRUNUS C. THUNDERCLOUD	PURPLE PLUM	12	18	GOOD	GOOD	
4	TILIA SPP	LINDEN	8	17	GOOD	MODERATE	
5	CUPRESSUS LEYLANDII	LEYLAND CYPRESS	16	10	GOOD	GOOD	
6	CUPRESSUS LEYLANDII	LEYLAND CYPRESS	16	10	GOOD	GOOD	
7	CUPRESSUS LEYLANDII	LEYLAND CYPRESS	15	8	GOOD	GOOD	
8	ACER RUBRUM	RED MAPLE	14	12	GOOD	MODERATE/GOOD	
9	FRAXINUS SPP	ASH	11	12	FAIR	MODERATE	
10	FRAXINUS SPP	ASH	10	10	POOR	MODERATE	
11	FRAXINUS SPP	ASH	10	10	GOOD	MODERATE	
12	LIQUIDAMBAR STYRACIFLUA	LIQUIDAMBAR	9	10	GOOD	POOR	
13	CALOCEDRUS DECURRENS	INCENSE CEDAR	12	7	FAIR	MODERATE	TO BE REMOVED
14	FRAXINUS SPP	ASH	8	8	GOOD	MODERATE	
15	PICEA PUNGENS	COLORADO SPRUCE	15	11	GOOD	MODERATE	
16	BETULA NIGRA	RIVER BIRCH	9	9	GOOD	MODERATE/GOOD	
17	ULMUS SPP	ELM	10	12	GOOD	GOOD	
18	ULMUS SPP	ELM	10	12	GOOD	GOOD	
19	BETULA NIGRA	RIVER BIRCH	10	15	GOOD	MODERATE/GOOD	
20	METASEQUOIA GLYPTOSTROBODES	DAWN REDWOOD	20	18	GOOD	POOR	
21	PRUNUS SPP	CHERRY	12	12	GOOD	GOOD	
22	ACER SACCHARINUM	SILVER MAPLE	30	25	GOOD	POOR/MODERATE	
23	POPULUS TREMULOIDES	ASPEN	12	8	GOOD	MODERATE	
24	ZELKOVA SERRATA	ZELKOVA	9	9	FAIR	MODERATE	
25	ACER RUBRUM	RED MAPLE	12	12	GOOD	MODERATE/GOOD	
26	METASEQUOIA GLYPTOSTROBODES	DAWN REDWOOD	10	10	GOOD	POOR	
27	PINUS CONTORTA	SHORE PINE	10	12	GOOD	GOOD	
28	ZELKOVA SERRATA	ZELKOVA	12	14	GOOD	MODERATE	
29	DEAD TREE	-	-	-	-	-	
30	CERCIDIPHYLLUM JAPONICUM	KATSURA TREE	9	8	GOOD	POOR/MODERATE	
31	QUERCUS KELLOGII	BLACK OAK	12	15	GOOD	MODERATE	
32	PINUS CONTORTA	SHORE PINE	12	12	GOOD	GOOD	
33	POPULUS NIGRA	RIVER BIRCH	38	25	GOOD	MODERATE/GOOD	
34	PINUS CONTORTA	SHORE PINE	14	13	GOOD	GOOD	
35	DEAD TREE	-	-	-	-	-	TO BE REMOVED - DEAD
36	BETULA PENDULA	EUROPEAN BIRCH	10	10	FAIR	MODERATE	
37	SALIX BABYLONICA	WILLOW	16	25	FAIR	MODERATE/GOOD	
38	ACER SACCHARINUM	SILVER MAPLE	16	16	GOOD	POOR/MODERATE	TO BE REMOVED
39	ACER SACCHARINUM	SILVER MAPLE	24	18	GOOD	POOR/MODERATE	
40	ACER SACCHARINUM	SILVER MAPLE	14	15	GOOD	POOR/MODERATE	
41	PINUS PONDEROSA	PONDEROSA PINE	34	18	FAIR	GOOD	
42	PINUS PONDEROSA	PONDEROSA PINE	34	16	FAIR	GOOD	
43	QUERCUS GARRYANA	WHITE OAK	16	10	FAIR	GOOD	TO BE REMOVED
44	QUERCUS GARRYANA	WHITE OAK	18	12	FAIR	GOOD	
45	FRAXINUS SPP	ASH	8	10	GOOD	MODERATE	
46	FRAXINUS SPP	ASH	8	8	GOOD	MODERATE	TO BE REMOVED
47	FRAXINUS SPP	ASH	5	10	GOOD	MODERATE	
48	QUERCUS GARRYANA	WHITE OAK	20	20	GOOD	GOOD	
49	FRAXINUS SPP	ASH	4	8	GOOD	MODERATE	
50	FRAXINUS SPP	ASH	11	10	GOOD	MODERATE	
51	FRAXINUS SPP	ASH	11	12	GOOD	MODERATE	
52	QUERCUS KELLOGII	BLACK OAK	12	12	GOOD	GOOD	
53	METASEQUOIA GLYPTOSTROBODES	DAWN REDWOOD	8	17	GOOD	POOR	
54	GLEDTISIA SPP	HONEY LOCUST	12	14	GOOD	GOOD	
55	PARROTIA PERSICA	PARROTIA	8	18	GOOD	MODERATE	



**TREE PROTECTION NOTES**

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

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

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

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

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

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

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

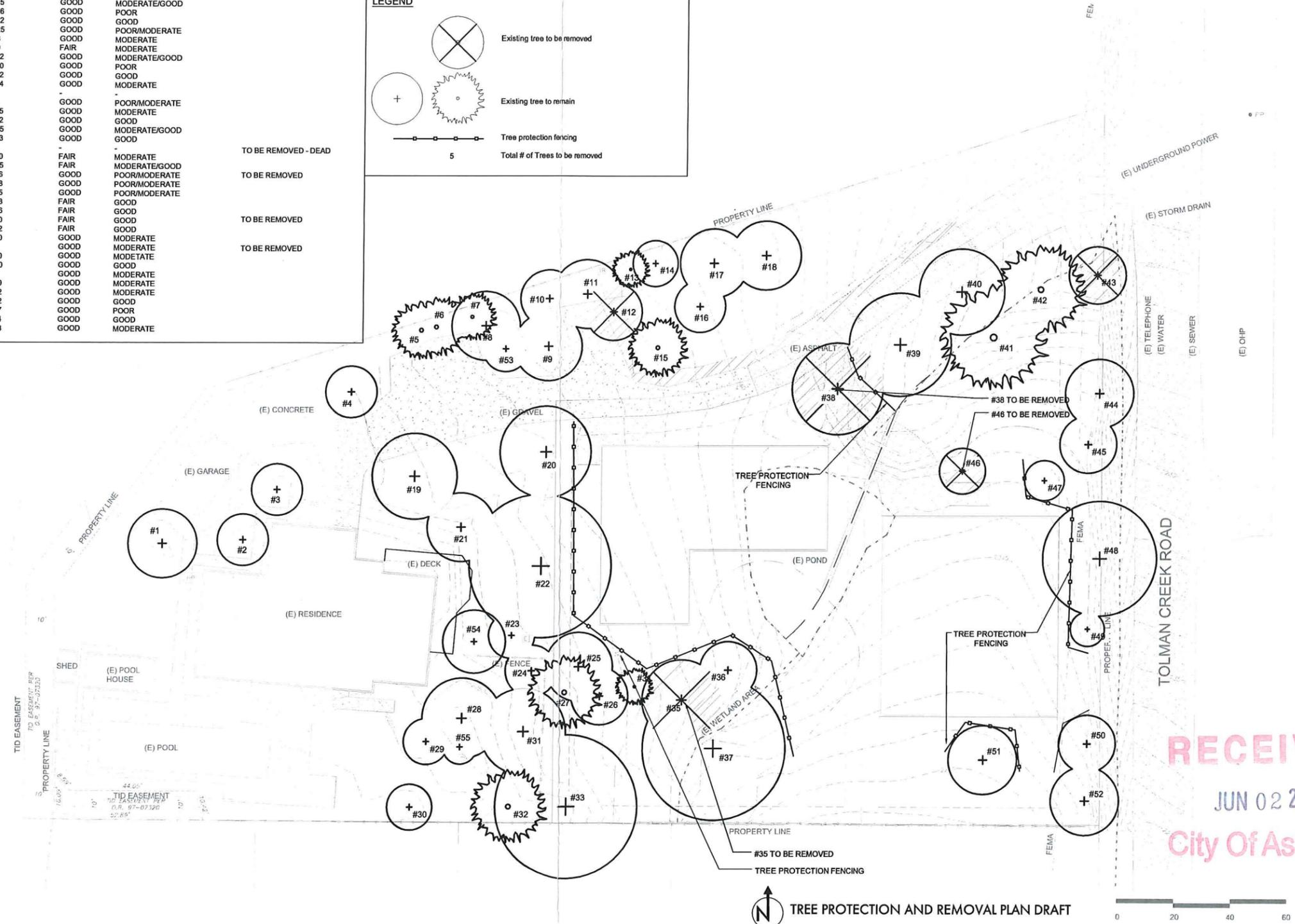
G. Contractor shall not raise the soil level within the drip lines of existing trees to achieve positive drainage, except to match grades with sidewalks and curbs, and in those areas, feather the added topsoil back to existing grade at an approximately 3:1 slope.

H. Inspection Schedule:

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

I. Irrigation of trees to remain:

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



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



Revision Date:

Drawn By:

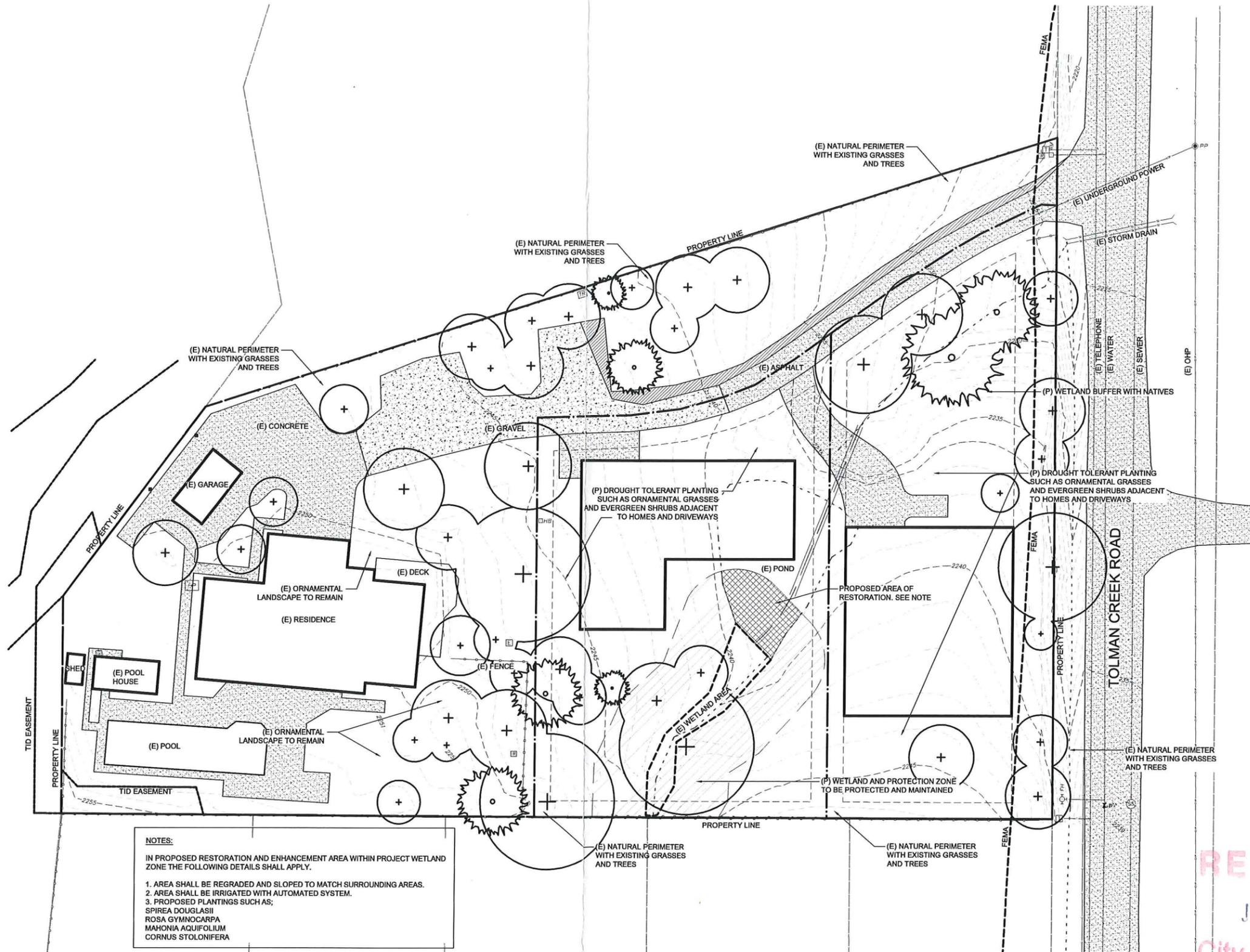
11X17 Scale: 1" = 40'-0"  
 24X36 Scale: 1" = 20'-0"

**RECEIVED**  
 JUN 02 2016  
 City Of Ashland

**CREEKSIDE MEADOWS**  
 1365 Tolman Creek Road  
 Ashland, Oregon

May 31, 2016

**L-2.0**



**NOTES:**  
 IN PROPOSED RESTORATION AND ENHANCEMENT AREA WITHIN PROJECT WETLAND ZONE THE FOLLOWING DETAILS SHALL APPLY.  
 1. AREA SHALL BE REGRADED AND SLOPED TO MATCH SURROUNDING AREAS.  
 2. AREA SHALL BE IRRIGATED WITH AUTOMATED SYSTEM.  
 3. PROPOSED PLANTINGS SUCH AS;  
 SPIREA DOUGLASSII  
 ROSA GYMNOCARPA  
 MAHONIA AQUIFOLIUM  
 CORNUS STOLONIFERA

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



Revision Date:

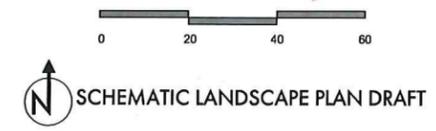
Drawn By:

11X17 Scale: 1" = 40'-0"  
 24X36 Scale: 1" = 20'-0"

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 City Of Ashland

CREEKSIDE MEADOWS  
 1365 Tolman Creek Road  
 ASHLAND, OREGON

May 31, 2016



L-3.0

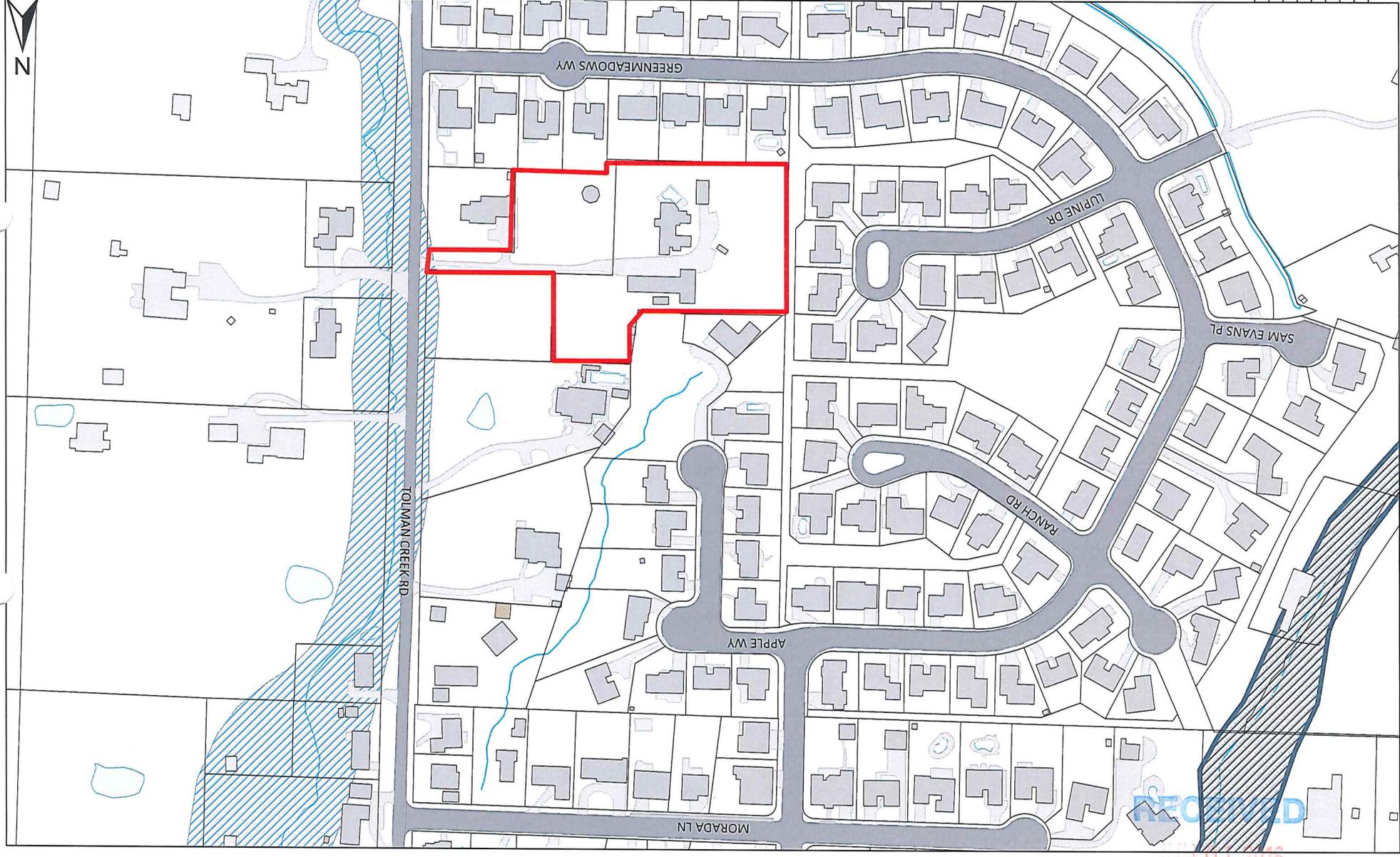






0 50 100 200 Feet

Property lines are for reference only, not scalable

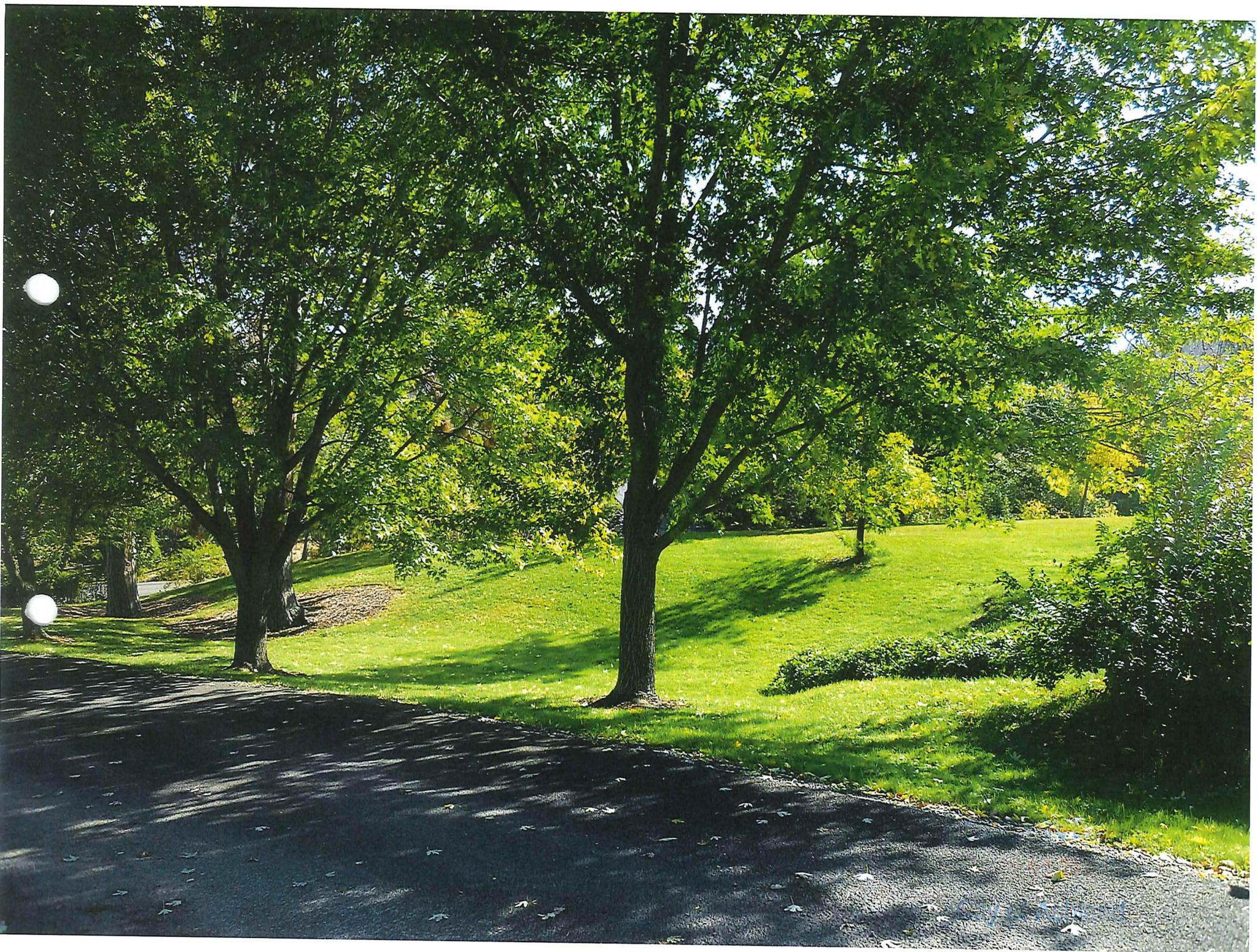


RECORDED  
2016 OCT 13

City of Ashland





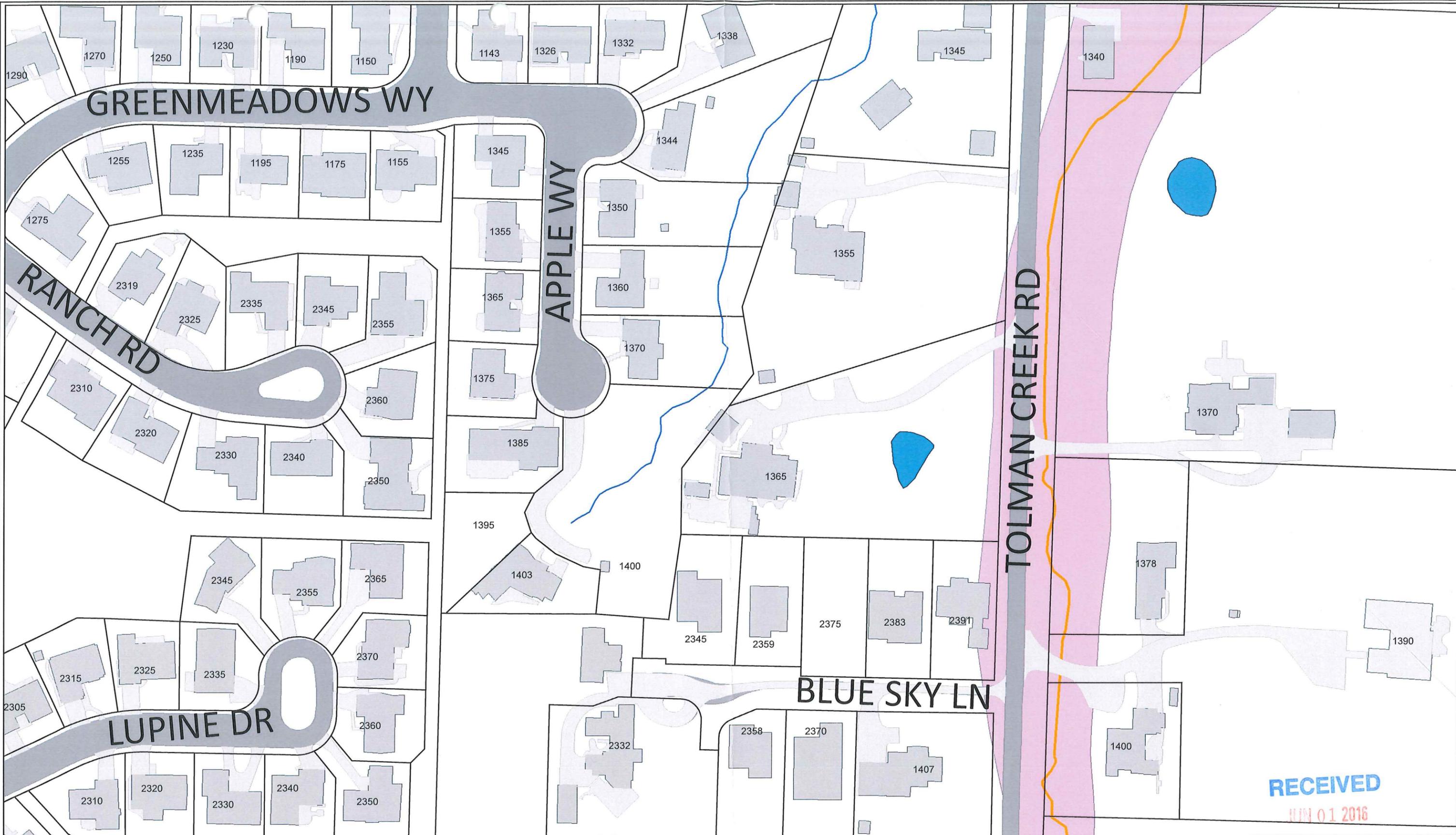








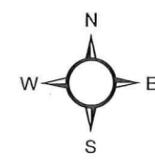
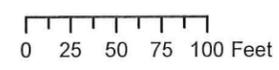
REIVED  
1 2016  
Ashland



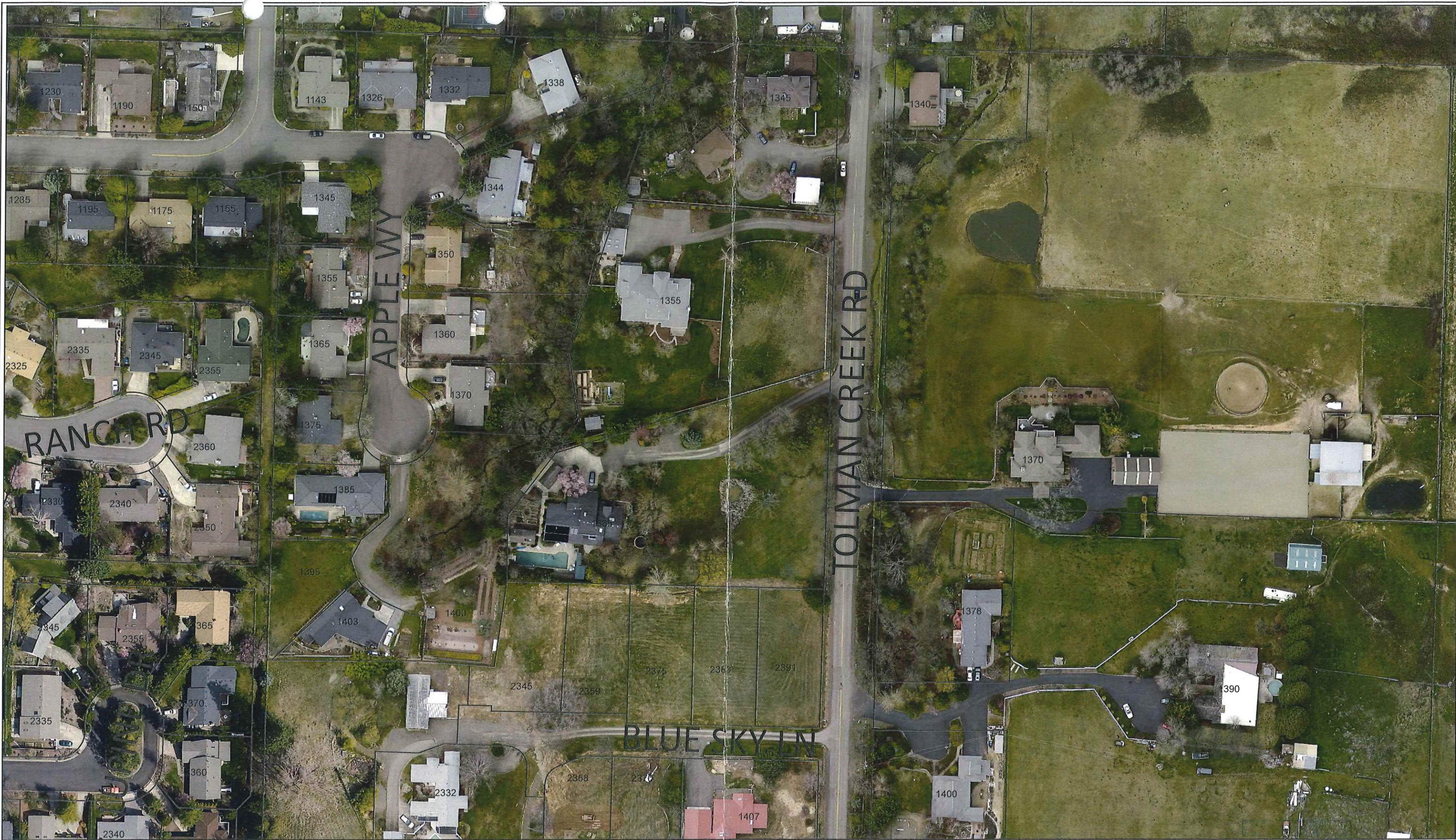
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JUN 01 2016

City of Ashland

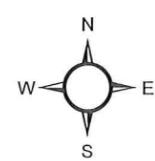
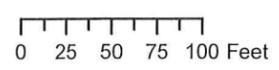
1:1,200  
1 inch = 100 feet



Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



1:1,200  
1 inch = 100 feet



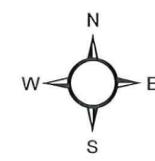
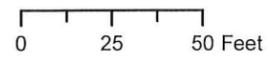
JUN 01 2016

City of Ashland

Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



1:600  
1 inch = 50 feet



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Mapping is schematic only and bears no warranty of accuracy. All features, structures, facilities, easement or roadway locations should be independently field verified for existence and/or location.



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Tolman Creek Rd  
Ashland, Oregon  
Street View - Apr 2012

Hide imagery

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City of Ashland

### MINOR LAND PARTITION

Located in the N.W. 1/4 of Sec. 23, T 39 S, R 1 E  
in the City of Ashland, Ore.

For  
EARLE SWIFT, J.R.  
1545 High crest  
Medford, Ore. 97504

Filed for record this the 30 day of  
July 1986 at 10:15 o'clock A. M.  
and recorded in Volume 7 Page 18 of  
the "MINOR LAND PARTITION" records of  
Jackson County, Oregon.  
William S. Beck Walter Baker  
County Clerk Deputy

We certify that pursuant to authority granted to us by the Ashland Planning Commission  
in open meeting of March 12 1986, this map is hereby approved by the Ashland  
Planning Commission this 24th day of July 1986

Carl J. Stout  
President

John Gregor  
Secretary

Examined and approved this 26th day of July 1986  
James H. Olson  
City Surveyor

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that I, Leona P. Swift, am the owner in fee - simple of the lands  
shown hereon and designated as Parcel No. 1 and 2, and that I have caused the partitioning as shown  
hereon. I do hereby dedicate to the public a 30.00 foot wide Easement for drainage way maintenance  
purposes across the Northwesternly portion of Parcel No. 1 as shown hereon.  
IN WITNESS WHEREOF, I have set my hand and seal, this:

2 day of July 1986  
Leona P. Swift  
Leona P. Swift

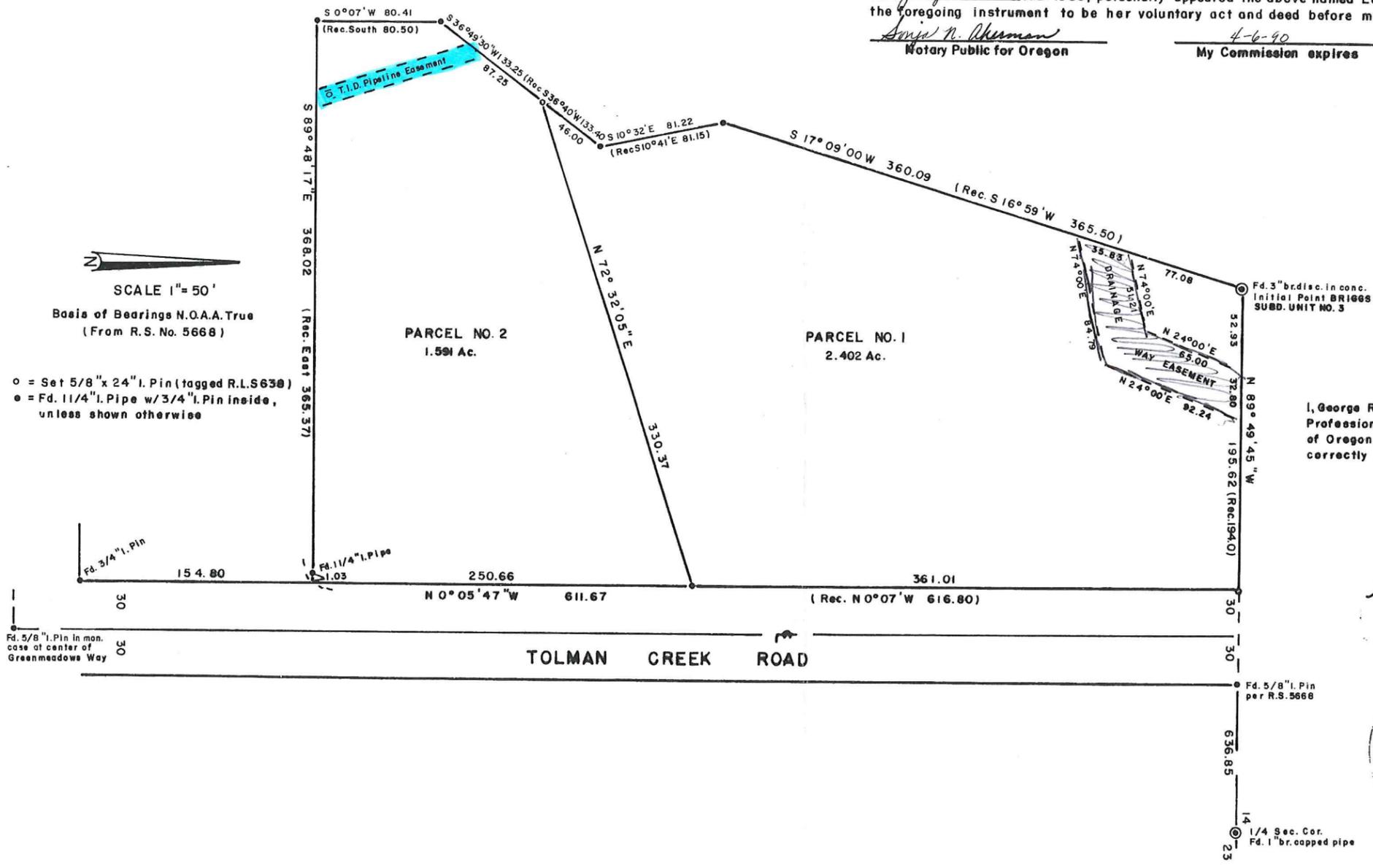
STATE OF OREGON S.S.  
COUNTY OF JACKSON

July 2 A.D. 1986, personally appeared the above named Leona P. Swift and acknowledged  
the foregoing instrument to be her voluntary act and deed before me:

Sonja N. Akerman  
Notary Public for Oregon

4-6-90  
My Commission expires

Sonja N. Akerman  
SONJA N. AKERMAN  
NOTARY PUBLIC - OREGON  
My Commission Expires 4-6-90



SCALE 1" = 50'  
Basis of Bearings N.O.A.A. True  
(From R.S. No. 5668)

- o = Set 5/8" x 24" I. Pin (tagged R.L.S 630)
- = Fd. 1 1/4" I. Pipe w/ 3/4" I. Pin inside, unless shown otherwise

I, George R Burrell, a duly Registered  
Professional Land Surveyor of the State  
of Oregon, hereby certify that this map  
correctly represents a survey made by me.

April 25, 1986

George Burrell



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City of Ashland

# TOLMAN MEADOWS, PHASE I

LYING SITUATE WITHIN  
NORTHWEST QUARTER OF SECTION 23,  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR  
**Malibar Group LLC**

1405 Tolman Creek Road  
Ashland, Oregon 97520

### LEGEND

- 2 1/2" BRONZE CAPPED PIPE QUARTER SECTION CORNER PER BRIGGS SUBDIVISION UNIT NO. 2 & 3 (RECOVERED)
- 3" CITY OF ASHLAND BRASS CAP IN MONUMENT WELL STAMPED "PLS 2883 - 2012" (ESTABLISHED)
- 3" CITY OF ASHLAND BRASS CAP IN MONUMENT WELL PER BRIGGS SUBDIVISION UNIT NO. 2, 3 & 4 (RECOVERED)
- 2" ALUMINUM CAPPED IRON PIN STAMPED "INITIAL POINT PLS 2883" PER MONUMENT DETAIL (ESTABLISHED)
- 5/8" IRON PIN IN MONUMENT WELL PER BRIGGS SUBDIVISION UNIT NO. 1, 2 & 4 (RECORDED)
- 3/4" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "SWAIN RLS 759" PER BRIGGS SUBDIVISION UNIT NO. 3 (RECOVERED)
- 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "SWAIN RLS 759" PER BRIGGS SUBDIVISION UNIT NO. 3 (RECOVERED)
- 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "D.A. EDWARDS LS 2339" PER S/N 13819 & 14939 (RECOVERED)
- 1-1/4" IRON PIPE, ORIGIN UNKNOWN, PER S/N 10621 (RECOVERED)
- 1" IRON PIPE WITNESS CORNER PER BRIGGS SUBDIVISION (RECOVERED)
- 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "BURRELL RLS 638" PER S/N 11632 (RECOVERED)
- 3/8" x 1" CONCRETE (MAG) NAIL w/ 1" BRASS WASHER IN CONCRETE STAMPED "POLARIS LS 2883" (ESTABLISHED)
- 5/8" x 30" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- PROPERTY LINE
- NEW LOT LINE
- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- FENCE LINE
- O.R. OFFICIAL RECORDS, JACKSON COUNTY RECORDER
- D.R. DEED RECORDS, JACKSON COUNTY RECORDER
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- W.C. WITNESS CORNER REFERENCE MONUMENT, AS DESCRIBED
- P.U.E. PUBLIC UTILITY EASEMENT
- P.P.A.E. PUBLIC PEDESTRIAN & BICYCLE ACCESS EASEMENT
- ( ) SURVEY RECORD PER S/N 13818 & 14939 (D.A. EDWARDS)
- [ ] SURVEY RECORD PER BRIGGS SUBDIVISION #2 & #3 (SWAIN)
- < > SURVEY RECORD PER S/N 10621, 11632 & BRIGGS SUBD. (BURRELL)

### BASIS OF BEARING

TRUE MERIDIAN AT N-S CENTERLINE OF SECTION 23 AS DERIVED FROM THE N.O.A.A. NBT ESTABLISHED IN 1969 AND ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR. THE REFERENCE BEARING FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23, HAVING A RECORD PLAT BEARING OF NORTH 89°49'45" WEST, AS REFERENCED ON BRIGGS SUBDIVISION UNIT NO. 2, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Shawn Kampmann*  
OREGON  
JULY 14, 1998  
SHAWN KAMPMANN  
2883 LS

RENEWAL DATE: 6/30/2013

SURVEYED BY:

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

DATE: AUGUST 10, 2012  
PROJECT NO. 600-10

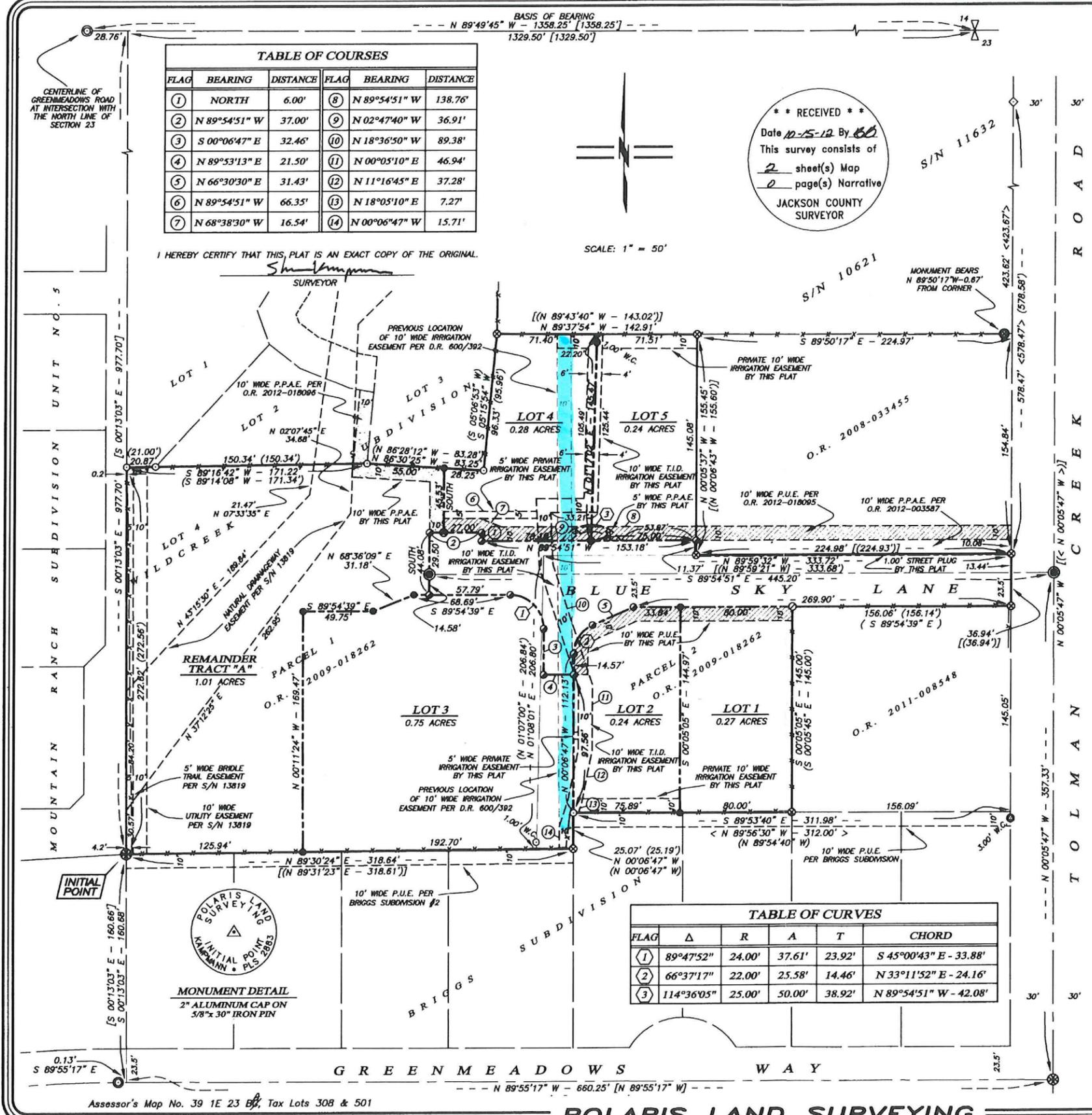
FILE: SURVEYS\600-10\TOLMAN MEADOWS PLAT.DWG SHEET 2 of 2

FLAG	BEARING	DISTANCE	FLAG	BEARING	DISTANCE
1	NORTH	6.00'	8	N 89°54'51" W	138.76'
2	N 89°54'51" W	37.00'	9	N 02°47'40" W	36.91'
3	S 00°06'47" E	32.46'	10	N 18°36'50" W	89.38'
4	N 89°53'13" E	21.50'	11	N 00°05'10" E	46.94'
5	N 66°30'30" E	31.43'	12	N 11°16'45" E	37.28'
6	N 89°54'51" W	66.35'	13	N 18°05'10" E	7.27'
7	N 68°38'30" W	16.54'	14	N 00°06'47" W	15.71'

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

SCALE: 1" = 50'

**\*\* RECEIVED \*\***  
Date 10-5-12 By ML  
This survey consists of  
2 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR



\*\* RECEIVED \*\*  
 Date 5-03-13 By [Signature]  
 This survey consists of  
2 sheet(s) Map  
0 page(s) Narrative  
 JACKSON COUNTY  
 SURVEYOR

### PARTITION PLAT NO. P - 10 - 2013

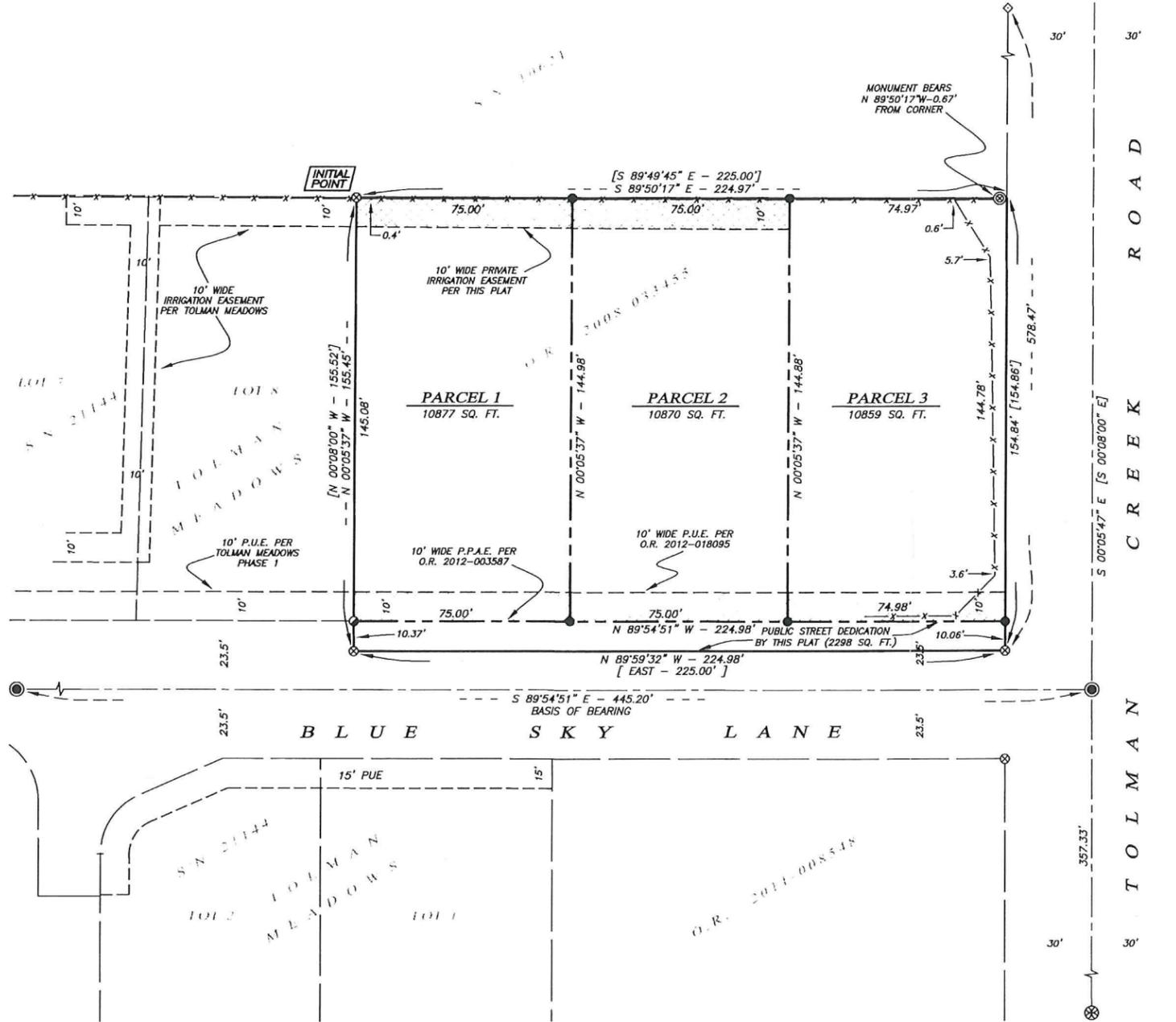
LYING SITUATE WITHIN  
 NORTHWEST QUARTER OF SECTION 23  
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

#### SUNCREST HOMES

P.O. Box 1313  
 Talent, Oregon 97540



SCALE: 1" = 30'



#### LEGEND

- 3" CITY OF ASHLAND BRASS CAP IN MONUMENT WELL STAMPED "PLS 2883 - 2012" PER S/N 21144 (RECORD)
- ⊗ 5/8" IRON PIN IN MONUMENT WELL PER BRIGGS SUBDIVISION UNIT NO. 5, 1, 2 & 4 AND S/N 21144 (RECORD)
- ⊗ 3/4" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "SWAIN RLS 759" PER BRIGGS SUBDIVISION UNIT NO. 3 (RECORD)
- ⊗ 1-1/4" IRON PIPE, PER S/N 10621 & 21144 (RECORD)
- ◇ 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "BURRELL RLS 638" PER S/N 11632 & 21144 (RECORD)
- 5/8" x 30" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" PER S/N 21144 (RECORD)
- 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- — — — — PROPERTY LINE
- — — — — NEW LOT LINE
- — — — — BOUNDARY LINE
- — — — — CENTERLINE
- - - - - EASEMENT LINE
- x - x - x - FENCE LINE
- O.R. OFFICIAL RECORDS, JACKSON COUNTY RECORDER
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- P.U.E. PUBLIC UTILITY EASEMENT
- P.P.A.E. PUBLIC PEDESTRIAN & BICYCLE ACCESS EASEMENT
- [ ] DEED RECORD PER O.R. 2008-033455

#### BASIS OF BEARING

TRUE MERIDIAN AT N-S CENTERLINE OF SECTION 23 AS DERIVED FROM THE N.O.A.A. NET ESTABLISHED IN 1968 AND ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR. THE REFERENCE BEARING FOR THIS SURVEY IS THE CENTERLINE OF BLUE SKY LANE, HAVING A RECORD PLAT BEARING OF NORTH 89°54'51" WEST, AS REFERENCED ON SURVEY NO. 21144, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

[Signature]  
 SURVEYOR

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

[Signature]

OREGON  
 JULY 14, 1998  
 SHAWN KAMPMANN  
 2883 LS

RENEWAL DATE: 6/30/2013

SURVEYED BY:

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

DATE: MARCH 21, 2013  
 PROJECT NO. 600-10

FILE: SURVEYS\600-10\SUNCREST PARTITION PLAT.DWG

SHEET 2 of 2

RECEIVED

JUN 01 2016

City of Ashland



# LAND PARTITION SURVEY PARTITION PLAT NO. P-7-1994

located in  
Lot 9, BRIGGS SUBDIVISION UNIT NO. 3, and in  
the NW 1/4 of Section 23, T. 39 S., R. 1 E., W.M., City of Ashland,  
Jackson County, Oregon  
for

**Sherry Johnston**  
1405 Tolman Creek Road  
Ashland, Oregon 97520

**SURVEYED BY: Edwards Surveying and Land Planning, Inc.**  
823 West 8th Street  
Medford, Oregon 97501  
Phone (503) 776-2313

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

I certify this plat to be an  
exact photocopy of the original.

*David A. Edwards*  
SURVEYOR

OREGON  
DAVID A. EDWARDS  
2339

Expires 12/31/03

**LEGEND**

- Indicates 5/8" diam. I. Pin w/cap mkd. "RLS 759" per BRIGGS SUBD. UNIT NO. 3 fnd. unless noted otherwise.
- Indicates 3/4" diam. I. Pin w/cap mkd. "RLS 759" per BRIGGS SUBD. UNIT NO. 3 fnd. unless noted otherwise.
- ⊙ Indicates 1" I. Pipe w/2 1/2" diam. br. cap w/punch mark fnd. in mon. case per BRIGGS SUBD. UNIT NO. 3
- Indicates 5/8" x 30" steel pin w/red plastic cap mkd. "D.A. EDWARDS-LS 2339" set.

T.I.D. = Talent Irrigation District      conc. = concrete  
S.N. = Survey Number                      W.M. = Witness Monument  
Vol. & Pg. = Jackson County, Oregon Deed Records  
Doc. No. = Official Records for Jackson County, Oregon  
( ) Record Date per plat of BRIGGS SUBD. UNIT NO. 3 except where noted

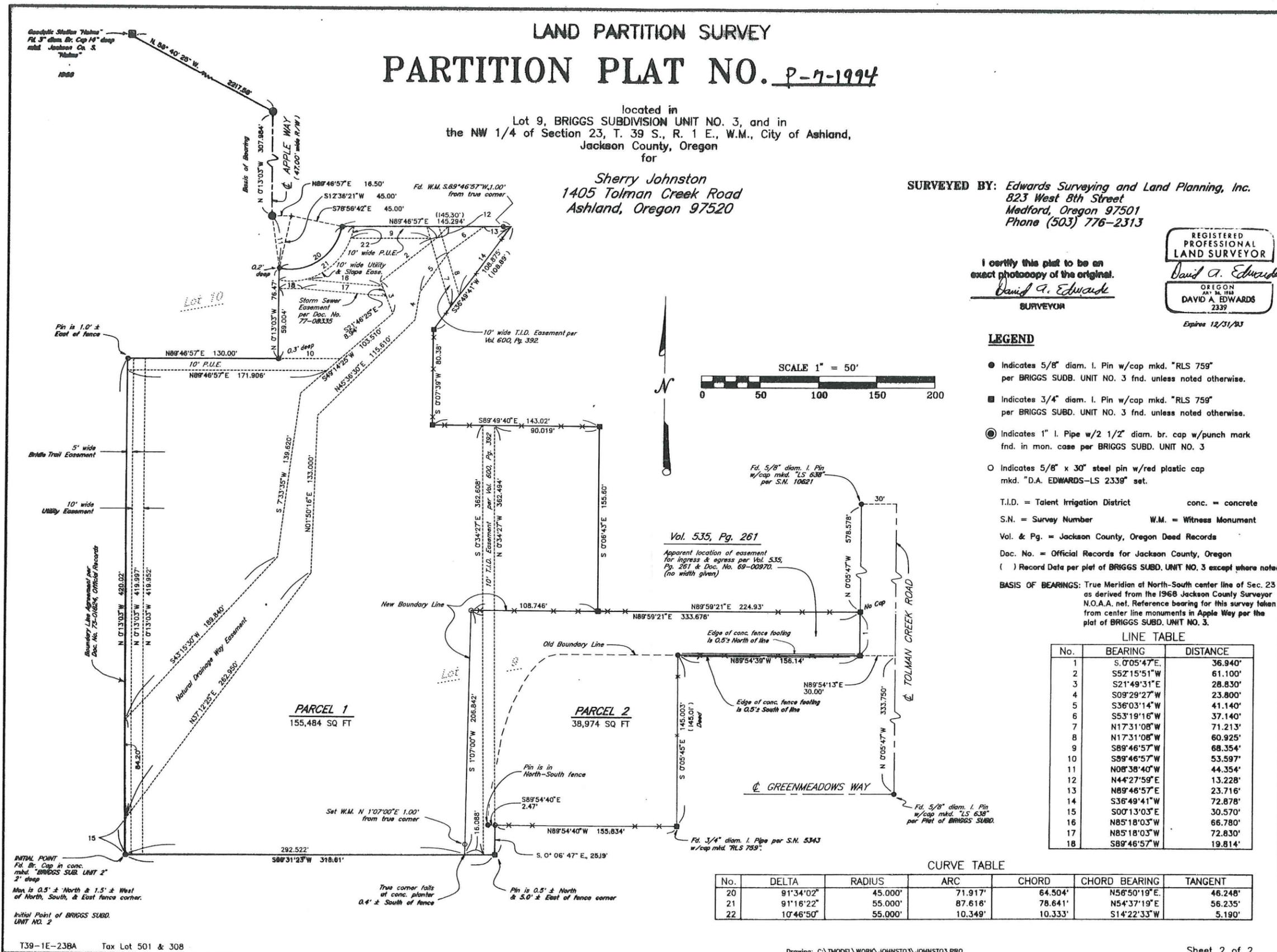
**BASIS OF BEARINGS:** True Meridian of North-South center line of Sec. 23 as derived from the 1968 Jackson County Surveyor N.O.A.A. net. Reference bearing for this survey taken from center line monuments in Apple Way per the plat of BRIGGS SUBD. UNIT NO. 3.

**LINE TABLE**

No.	BEARING	DISTANCE
1	S. 0°05'47"E.	36.940'
2	S52°15'51"W	61.100'
3	S21°49'31"E	28.830'
4	S09°29'27"W	23.800'
5	S36°03'14"W	41.140'
6	S53°19'16"W	37.140'
7	N17°31'08"W	71.213'
8	N17°31'08"W	60.925'
9	S89°46'57"W	68.354'
10	S89°46'57"W	53.597'
11	N08°38'40"W	44.354'
12	N44°27'59"E	13.228'
13	N89°46'57"E	23.716'
14	S36°49'41"W	72.878'
15	S00°13'03"E	30.570'
16	N85°18'03"W	66.780'
17	N85°18'03"W	72.830'
18	S89°46'57"W	19.814'

**CURVE TABLE**

No.	DELTA	RADIUS	ARC	CHORD	CHORD BEARING	TANGENT
20	91°34'02"	45.000'	71.917'	64.504'	N56°50'19"E.	46.248'
21	91°16'22"	55.000'	87.616'	78.641'	N54°37'19"E	56.235'
22	10°46'50"	55.000'	10.349'	10.333'	S14°22'33"W	5.190'



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JUN 01 2016

City of Ashland

# Water Resource Protection Zones Requirements

## Stream Bank Protection Zones

### Riparian Corridors (Goal 5 Resource)

For all fish-bearing streams with average annual stream flow less than 1,000 cubic feet per second (cfs), the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 50 feet upland from the top of bank.

### Local Streams

For non fish-bearing streams, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 40 feet upland from the centerline of the stream.

### Intermittent and Ephemeral Streams

For intermittent and ephemeral streams, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 30 feet upland from the centerline of the stream.

## Wetland Protection Zones

### Locally Significant Wetlands

W1, W4 through W10, W12, W14 (Goal 5 Resource)  
For wetlands classified as locally significant on Ashland's Local Wetland Inventory (LWI), the Wetland Protection Zone shall consist of lands identified to have a wetland presence on the wetland delineation, plus all lands within 50 feet of the upland-wetland edge.

### Possible Wetlands (PW)

For wetlands not classified as locally significant on Ashland's Local Wetland Inventory (LWI), the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland-wetland edge.

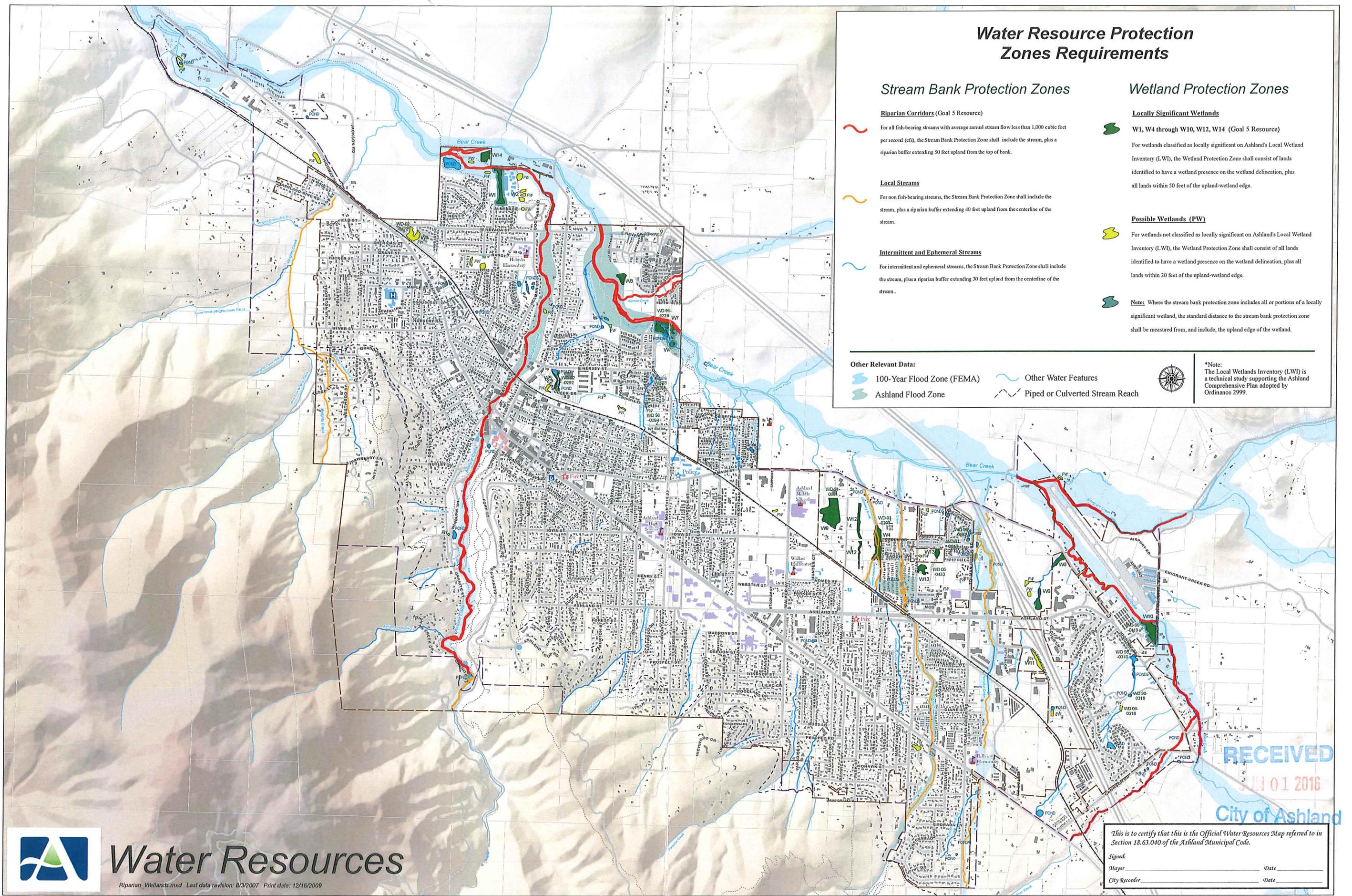
**Note:** Where the stream bank protection zone includes all or portions of a locally significant wetland, the standard distance to the stream bank protection zone shall be measured from, and include, the upland edge of the wetland.

### Other Relevant Data:

- 100-Year Flood Zone (FEMA)
- Ashland Flood Zone
- Other Water Features
- Piped or Culverted Stream Reach



\*Note: The Local Wetlands Inventory (LWI) is a technical study supporting the Ashland Comprehensive Plan adopted by Ordinance 2999.



RECEIVED  
JUL 01 2016  
City of Ashland

This is to certify that this is the Official Water Resources Map referred to in Section 18.63.040 of the Ashland Municipal Code.  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor \_\_\_\_\_ Date: \_\_\_\_\_  
City Recorder \_\_\_\_\_ Date: \_\_\_\_\_

**LEGISLATIVE  
PUBLIC HEARING**

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**PL-2016-00682  
Committee for Citizen Involvement**

**ASHLAND PLANNING DIVISION  
STAFF REPORT**

July 12, 2016

**PLANNING ACTION:** # PL-2016-00682

**APPLICANT:** City of Ashland

**ORDINANCE REFERENCES:** *Ashland Land Use Ordinance Chapter 18.5.9:  
Comprehensive Plan, Zoning, and Land Use  
Ordinance Amendments*

*Ashland Comprehensive Plan Chapter II:  
Introductions and Definitions*

*Ashland Comprehensive Plan Chapter III:  
Citizen Involvement and Participation*

**REQUEST:** A Legislative Amendment is proposed to amend the City of Ashland Comprehensive Plan’s Introduction and Definitions Chapter (Chapter II), and Citizen Involvement Element (Chapter III), to designate the Planning Commission as the City’s Committee for Citizen Involvement, and to replace references to the Citizen’s Planning Advisory Committee with references to the Committee for Citizen Involvement.

**I. Relevant Facts**

**A. Background**

The proposed amendments to the Citizen Involvement Element (Chapter III) of the Comprehensive Plan aim to better reflect the structure of citizen involvement within the community. The primary outcome of the proposed Comprehensive Plan amendment would be that the Ashland Planning Commission would be designated as the Committee for Citizen Involvement (CCI), and would be assigned the responsibilities of the CCI under Statewide Planning Goal 1 [Citizen Involvement].

The proposed amendments to the Introductions and Definitions Element (Chapter II) of the Comprehensive Plan replace the reference to the Citizen’s Planning Advisory Committee (CPAC) with reference to the Committee for Citizen Involvement (CCI).

State law (Senate Bill 100, adopted in 1973 and now codified in ORS 197) requires every city in Oregon to have a citizen involvement program for preparing, adopting and amending comprehensive plans and land use regulations. The law requires that the program include a citizen advisory committee that “broadly representative of geographic areas and interests.”

This Oregon Statewide Planning citizen involvement goal, is addressed in Chapter III of the Ashland Comprehensive Plan [Citizen Participation and Involvement]. The Comprehensive Plan text presently references the Citizen Planning Advisory Commission (CPAC) which was formally dissolved through adoption of the amendments to Chapter 2 of the municipal code (Ord#3124) which were passed by the City Council on April 19, 2016. This recently approved ordinance repealed Chapter 2.27 of the Ashland Municipal Code and amended Chapter 2.12 of the Ashland Municipal Code for the purpose of designating the Planning Commission as the City's Committee for Citizen Involvement.

When the Comprehensive plan element was initially drafted, and until 1992, the City utilized a Citizen Planning Advisory Committee (CPAC) to advise on plan amendments and land use policy development. The CPAC was comprised of 16 individuals from throughout the City. Since that time the City has created and utilized fifteen permanent commissions and committees with 109 active citizen members to provide opportunities for citizen involvement. Each of these commissions and committees meet monthly and regularly provide recommendations to the Planning Commission and City Council regarding policy changes effecting their areas of expertise. This system of citizen commissions affords considerably more opportunities for public participation in Ashland planning and plan amendment processes than was previously afforded by a singular 16 member Citizen Public Advisory Committee.

	<b>2016 City Committees/Commissions</b>	<b># of Members</b>
1.	Airport	9
2.	Audit	4
3.	Band Board	7
4.	Budget	7
5.	Building Appeals	6
6.	Conservation	9
7.	Forest Lands	7
8.	Historic	9
9.	Housing & Human Services	9
10.	Parks & Recreation	7
11.	Planning	7
12.	Public Arts	7
13.	Transportation	7
14.	Tree	7
15.	Wildfire Mitigation	7
	<b>Total Citizen Commissioners and Committee Members:</b>	<b>109</b>

The Planning Commission, as supported by the standing advisory commissions and committees, will continue to provide opportunities for citizen engagement in the planning process as the newly designated CCI.

Therefore, in order to reflect the recent amendments to Chapter 2.12, and to remain compliant with State Law, the Citizen Participation and Involvement chapter of the Comprehensive Plan needs to be amended to provide consistency between the plan and the adopted municipal code.

## **B. Ordinance Amendments**

The proposed ordinance (attached) amends Chapters II and III of the Comprehensive Plan to eliminate references to the “Citizen’s Planning Advisory Committee” to newly include reference to the Ashland Planning Commission as the designated “Committee for Citizen Involvement”.

## **II. Procedural**

### **18.5.9.020: Comprehensive Plan, Zoning, and Land Use Ordinance Amendments**

#### *18.5.9.020: Applicability and Review Procedure*

*Applications for Plan Amendments and Zone Changes are as follows:*

- B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*
- 1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*
  - 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.*
  - 3. Land Use Ordinance amendments.*
  - 4. Urban Growth Boundary amendments.*

## **III. Conclusions and Recommendations**

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the Ordinance amending Chapter III of the Ashland Comprehensive Plan to designate the Planning Commission as the Committee for Citizen Involvement.

The Planning Commission’s recommendation will be presented to the City Council at the public hearing and first reading of the draft ordinance scheduled on August 2, 2016

### **Potential Motion**

Move to recommend approval to the City Council an ordinance amending the Comprehensive

Plan as presented in the draft ordinance to designate the Planning Commission as the Committee for Citizen Involvement.

**Attachments:**

- Draft Ordinance amending the Introductions and Definitions section, and the Citizen Involvement and Participation Element, of the Comprehensive Plan (Planning Action PL-2016-00682)
- Ordinance #3124 amending AMC Chapter 2.27 and 2.12
- Resolution 92-95 relating to the revisions to the Citizens Planning Advisory Committee.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITIZEN PARTICIPATION AND INVOLVEMENT  
CHAPTER OF THE ASHLAND COMPREHENSIVE PLAN TO ESTABLISH THE  
ASHLAND PLANNING COMMISSION AS THE COMMITTEE FOR CITIZEN  
INVOLVEMENT

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 Ashland Comprehensive Plan contains policies regarding the citizen participation and involvement to ensure the opportunity for citizens to be involved in all phases of the planning process, and

**WHEREAS**, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

**WHEREAS**, the Citizen Planning Advisory Committee (CPAC) has been inactive since 1992; and

**WHEREAS**, in 1992, the City Council of the City of Ashland passed Resolution 92-25 which directed the Planning Director to prepare amendments to the Comprehensive plan to reorganize the Citizen Planning Advisory Committee to function more effectively; and

**WHEREAS**, in 2016, 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 Ordinance #3124 repealing Chapter 2.27 and amending Chapter 2.12 of the Ashland Municipal Code to designate the Ashland Planning Commission as the Committee for Citizen Involvement in accordance with Article 10 of the Ashland City Charter; and

**WHEREAS**, the City of Ashland Planning Commission considered the recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on July 12, 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 \_\_\_\_\_; 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.

**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, Chapter III, [CITIZEN PARTICIPATION AND INVOLVEMENT] is hereby amended to read as follows:

**CHAPTER III  
CITIZEN PARTICIPATION AND INVOLVEMENT**

Initial Plan Formulation

The City has made every attempt to involve as many people as possible in the planning process. During the initial drafting of this Plan document, four citizen advisory committees were established, each with a different area of concern.

- 1) Environmental Resources Committee: Areas of interest include subjects related to the environment (air, water pollution) and park, open space and recreation programs.
- 2) Economic and Manpower Resource Committee: Areas of interest include economic development, commercial and industrial land, and manpower programs.
- 3) Public Facilities Committee: Areas of interest include water, sewer, police, fire and transportation.
- 4) Housing and Social Services Committee: Areas of interest include housing, aging programs, health, and other social services.

The committee memberships were established by selecting certain individuals with relevant skills, including SOU faculty members, and by advertising in the newspaper for volunteers. An attempt was made to give each committee a balanced membership with regard to income, age, sex and geographic area of residence. All meetings were advertised and open to the public and all attending were encouraged to take part in the discussion and policy formulations.

The committees met frequently, both separately and jointly, with an average attendance of 9 and 40 respectively. This represented approximately 1250 citizen hours of participation as of December 15, 1975.

There was also a neighborhood involvement element in the Ashland Plan procedure. The City was divided into eight neighborhoods according to areas with similar problems. There were two neighborhood meetings to review the planning process and the Land Use Map. Attendance averaged about 30 for each meeting.

#### Citizen's Planning Advisory Committee on Citizen Involvement

After the initial Plan draft, a permanent committee was formed to provide continuing citizen involvement. ~~The Citizens' Planning Advisory Committee is appointed by the Mayor. It consists of 16 persons who meet monthly~~ On April 19, 2016, the City Council designated the Ashland Planning Commission as the Committee for Citizen Involvement. ~~to review planning issues which involve LCDC and Comprehensive Plan Goal items. They also~~ This committee provides direction and expertise in development of new ordinances and policies, and This committee assists the City Council with promoting and enhancing citizen involvement in land use planning, the implementation of the citizen involvement program, and evaluation of the process for citizen involvement ~~shoulder the bulk of the ongoing citizens' involvement~~ in the planning process. All major changes in Plan direction or implementation will be reviewed by the committee, and the committee will be responsible to assist in increasing communication between the City and the government decision-makers.

#### GOAL:

TO MAINTAIN A CITIZEN INVOLVEMENT PROGRAM THAT ENSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

#### POLICIES:

- 1) Continue ~~existing Ashland Citizens' Planning Advisory Committee to assist the~~ Committee for Citizen Involvement Ashland Planning Commission to assist the ~~and~~ Ashland City Council on significant planning issues, implementing ordinances, and all LCDC and Comprehensive Plan goals.
- 2) Ensure, as much as possible, that the ~~16-7~~ member ~~Citizens' Planning Advisory Committee~~ Ashland Planning Commission, as the Committee for Citizen Involvement, represents a geographic, occupational and ideological cross-section of the citizenship of Ashland. All future selections to the ~~Committee~~ Ashland Planning Commission should be with the ideal of representing a cross-section of Ashland's

- population.
- 3) Ensure in the future that all citizens are given the opportunity to contribute their views to planning issues through the public hearing process.
  - 4) The City shall sponsor informal workshops during the development of significant elements of the Plan implementing ordinances, so that complex issues may be better understood by the public.
  - 5) The City should develop education materials such as guidelines, handouts, etc. to increase understanding of the City codes by the general public. When necessary, the City should sponsor seminars and classes to better inform the public.

**SECTION 3.** The City of Ashland Comprehensive Plan, Chapter II, [INTRODUCTIONS AND DEFINITIONS], SECTION 2.04.16, is hereby amended to read as follows:

Plan Review 2.04.16

This plan will be reviewed for adequacy of its policies and timeliness of the supporting data every two years from the date of plan adoption. Revisions of the plan text or plan map shall be subject to the complete citizen involvement process including public workshops, **CPAC Committee for Citizen Involvement (CCI)** participation, Agency coordination, Planning Commission hearings and recommendations, and Council action by ordinance.

**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

ORDINANCE NO. 3124

**AN ORDINANCE REPEALING AMC CHAPTER 2.27 IN ITS ENTIRETY  
AND AMENDING CHAPTER 2.12 TO DESIGNATE THE PLANNING  
COMMISSION AS THE COMMITTEE FOR CITIZEN INVOLVEMENT**

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

**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 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 Ashland Municipal Code, Chapter 2.27, creates and assigns certain citizen involvement duties to the Citizen Planning Advisory Committee (CPAC); and

**WHEREAS**, the CPAC has been inactive since 1992; and

**WHEREAS**, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

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

**SECTION 1.** Chapter 2.27, Citizen Involvement in Planning, is repealed in its entirety.

**SECTION 2.** Chapter 2.12, City Planning Commission, is hereby amended as follows:

**2.12.010 Established Membership**

There is established a City Planning commission consisting of seven (~~7~~) members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than one (~~1~~) of whom may reside within three (~~3~~) miles outside the City limits. Appointments shall conform to the legal constraints of ORS 227.030.

**2.12.060 Powers and Duties - Generally**

A. The Planning Commission is the appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council regarding the overall direction of land use planning. The Commission reviews and makes recommendations regarding comprehensive land use planning and fosters mutual communication on land use issues. The

Commission is responsible to the City Council for making recommendations on land use plans and policies that are coordinated with other City plans, policies, and functions.

- B. The Planning Commission shall have the powers and duties to:
1. Periodically review the Comprehensive Plan and make recommendations to the City Council on public processes, studies, and potential revisions to the Plan. Work in conjunction with other City citizen advisory commissions, boards, and committees to ensure coordination of various elements of the Comprehensive Plan.
  2. Render quasi-judicial decisions on land use applications and appeals of administrative land use decisions as prescribed by the Ashland Code and Oregon state law.
  3. Conduct public hearings and make recommendations to the City Council on planning issues and legislative changes to land use regulations and ordinances.
  4. When needed to implement City goals and policies, meet with other planning bodies in the region on issues that affect City land use planning. Make recommendations to the City Council on regional land use issues in general.
  5. Foster public awareness and involvement in all aspects of land use planning in the community.
- C. Except as otherwise set forth by the City Council, the Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090 et. seq., as well as such additional powers and duties as are set forth herein.

#### **2.12.070 Planning Commission as Committee on Citizen Involvement**

**A. The Planning Commission is designated as the Committee for Citizen Involvement (CCI). The CCI shall monitor and evaluate City responsibility regarding Goal 1 of Oregon's Statewide Planning Goals and Guidelines: Citizen Involvement. The CCI shall be directly responsible to the City Council and shall have the following powers and duties: Responsibility for assisting the City Council with the development of a program that promotes and enhances citizen involvement in land use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.**

**SECTION 3. 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 4. Savings.** Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

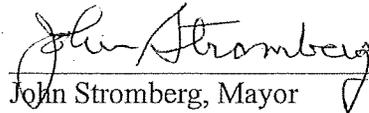
**SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) 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 5 day of April, 2016, and duly PASSED and ADOPTED this 19 day of April, 2016.

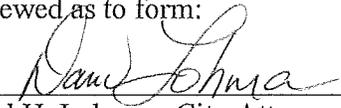


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 20 day of April, 2016.

  
John Stromberg, Mayor

Reviewed as to form:

  
David H. Lohman, City Attorney

RESOLUTION NO. 92-25

A RESOLUTION OF THE CITY OF ASHLAND CALLING FOR LAND USE HEARINGS ON A REVISION TO THE CITIZENS PLANNING ADVISORY COMMITTEE'S ORGANIZATION.

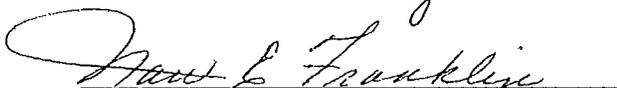
RECITALS:

- A. The State of Oregon requires a Citizen Involvement Program for effective citizen input into all phases of the planning process.
- B. The City Council has determined that the CPAC program would function more effectively if reorganized.
- C. Reorganization of the CPAC process will require amendments to the Comprehensive Plan and Zoning Ordinance.

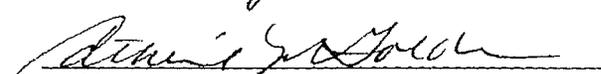
THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. The Planning Director is directed to prepare the necessary changes to the Comprehensive Plan and implementing ordinances, and to schedule the necessary land use hearings to adopt the changes reflected in the recitals.

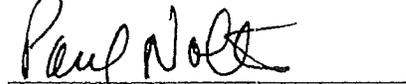
The foregoing resolution was READ and DULY ADOPTED at a regular meeting of the City Council of the City of Ashland on the 19<sup>th</sup> day of May, 1992.

  
Nan E. Franklin  
City Recorder

SIGNED and APPROVED this 30<sup>th</sup> day of May, 1992.

  
Catherine M. Golden  
Mayor

Reviewed as to form:

  
Paul Nolte  
City Attorney