



# CITY OF ASHLAND



## TREE COMMISSION AGENDA December 6, 2018

### I. CALL TO ORDER

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

### II. APPROVAL OF MINUTES

A. Approval of November 8, 2018 meeting minutes.

### III. ANNOUNCEMENTS & LIAISON REPORTS

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

### IV. PUBLIC FORUM

Open to guests.

### V. TYPE I REVIEWS

**PLANNING ACTION:** PA-T1-2018-00033  
**SUBJECT PROPERTY:** 160 Helman Street  
**OWNERS/APPLICANTS:** James Batzer & Andrew Batzer  
 Rogue Planning & Development Services, LLC

**DESCRIPTION:** A request for Site Design Review approval to construct a new 8,682 square foot, three-story mixed use building for the property located at 160 Helman Street. The application includes requests for Exception to the Street Standards to retain the existing landscaped parkrow configuration on the Helman Street frontage and to allow a curbside sidewalk with on-street parking bay along the Van Ness Avenue frontage, an Exception to the Site Design Standards to not provide a standard five-foot landscape buffer between the parking spaces and property line, and a request for a Tree Removal Permit to remove five Oak trees greater than six-inches in diameter at breast height (d.b.h.) from the property. The application also proposes removal of two eight-inch d.b.h. Maple trees in the parkrow planting strip; five new street trees are proposed.

**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT:** 2100 & 7100

**PLANNING ACTION:** TREE-2018-00034  
**SUBJECT PROPERTY:** 533 Fairview  
**APPLICANT/OWNER:** Bryon Jones/Norma Wright

**DESCRIPTION:** A request for a Tree Removal Permit to remove an Elm Tree at the Western Property Line at 533 Fairview. The tree was proposed to be protected as part of PA-2017-02005, but the excavation of the foundation ultimately compromised the stability of the tree.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09 CA; **TAX LOT:** 13900

**PLANNING ACTION:** TREE-2018-00035  
**SUBJECT PROPERTY:** 187 Harrison  
**APPLICANT/OWNER:** Michael Thurkill/Thirkill & Hamilton

**DESCRIPTION:** A request for a Tree Removal Permit to remove a Willow at the front of the property at 187 Harrison Street. The application states the tree is dying, its roots have infiltrated the sewer and it is blocking the growth of the young maple adjacent to it.

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09 DB; **TAX LOT:** 2600

**PLANNING ACTION:** TREE-2018-00036  
**SUBJECT PROPERTY:** 70 Third Street  
**APPLICANT/OWNER:** John Fields/Natalie Ives-Drouillard  
**DESCRIPTION:** A request for a Tree Removal Permit to remove 36" Ponderosa Pine. The tree was proposed to be protected as part of PA-T1-2018-00015. The application states the owner wishes to remove the tree for garden space and the addition of solar panels to the roof. The tree is crowded and the addition of an accessory unit on the property will severely impact the tree's health as the unit will require excavation in its root zone and limbs to be removed to provide clearance.  
**COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2;  
**ASSESSOR'S MAP:** 39 1E 09 BD; **TAX LOT:** 1400

VI. TYPE II REVIEWS  
None.

VII. STREET TREE REMOVAL PERMITS  
None.

VIII. DISCUSSION

IX. ADJOURNMENT

**Next Meeting:** January 3, 2019



# CITY OF ASHLAND



## DRAFT TREE COMMISSION MINUTES November 8, 2018

<b>Commissioners Present:</b>	<b>Parks Liaison</b>
Christopher John, absent	Peter Baughman
Russell Neff	
Asa Cates	<b>Staff Present:</b>
Eric Simpson	Nathan Emerson
	Derek Severson
<b>Council Liaison</b>	
Steven Jensen	

### **CALL TO ORDER**

Cates called the meeting to order at 6:00 p.m. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

### **APPROVAL OF MINUTES**

Neff/Cates m/s to approve the minutes of the October 11, 2018 regular Tree Commission meeting.  
Voice vote: All Ayes, motion passed.

### **ANNOUNCEMENTS & LIAISON REPORTS**

**Council Liaison** – Councilor Jensen had no report.

**Parks & Recreation Liaison** - Peter Baughman distributed the Tree City USA Standard 3 Worksheet showing how the City met the qualifications for Tree City USA for the year 2018. See exhibit A at the end of the minutes.

**Staff Liaison** – Emerson informed the Commission that he has taken a new position with a private planning firm in the valley. This will be his last Commission meeting and City Senior Planner, Derek Severson will be the new staff Liaison. The Commissioners congratulated Emerson on his new position and acknowledged their appreciation of his efforts on the Tree Commission.

Wildfire Mitigation Commission member Stephen Gagne was present to observe the meeting.

### **PUBLIC FORUM**

No one spoke at public forum.

**TYPE I REVIEWS**

**PLANNING ACTION:** PA-T2-2018-00005

**SUBJECT PROPERTY:** Kestrel Parkway

**APPLICANT:** KDA Homes, LLC

**OWNER:** Jacob Robert Ayala

**DESCRIPTION:** A request for Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). (Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development.) **COMPREHENSIVE PLAN DESIGNATION:** North Mountain Single Family & North Mountain Multi-Family **ZONING:** NM-R-1-7.5 & NM-MF; **ASSESSOR’S MAP & TAX LOTS:** 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.

Severson gave a brief staff report explaining that the development plan being proposed has basically already been laid out in the Plan that was adopted for the North Mountain Neighborhood District back in 1997. There is a requirement that they dedicate the entire floodplain area (about six acres) to the City for open space, park land, and land that will help with the extension of the Bear Creek Greenway.

The applicants were not present.

After a discussion the Commissioners made the following recommendations.

Cates/Neff m/s to approve the application with the following recommendations. Voice Vote; All ayes motion passed.

1. Provide a mix of tree species in the street trees along the blocks so that if a disease or pest infestation happens, it won’t wipe out all trees at once, and incorporate some native species in the selections.
2. Provide large stature-species street trees behind the outside perimeter curbside sidewalk on the couplet (i.e. not the wetland side). Commissioners were agreeable to planting trees behind the sidewalk (i.e. not having a parkrow here) but felt there should be street trees on the corridor.

**STREET TREE REMOVAL PERMITS**

**PLANNING ACTION:** PA-TREE-2018-00033

**SUBJECT PROPERTY:** 285 Liberty St

**APPLICANT/OWNER:** Dia Paxton

**DESCRIPTION:** A request for a Street Tree Removal to remove a birch tree. The tree is approximately 10 inches’ diameter at breast height. Per the applicant, the tree has been topped by the electric department and is infested by beetles. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5.

Emerson explained this tree is located in the public-right-away which is why it's a Street Tree Removal rather than a planning action. Emerson confirmed that mitigation will be required with the removal.

After a brief discussion the Commissioners made the following recommendation.

Simpson/Cates m/s to approve the application as presented. Voice Vote; all ayes, motion passed.

### **DISCUSSION**

**Tree of the Year Discussion** – Emerson asked the Commissioners to pick their top five trees from the ballots that were submitted. He supplied photos of the nominated trees. The following trees were the nominations from the Commissioners. Severson will tally up the votes to determine which ones will be the finalists.

965 Bellview - Giant Sequoia  
505 Helman - Gnarled Oak  
558 Holly – Ponderosa Pine  
243 Fourth – Cork Oak  
2368 Black Oak Way – Blue Spruce  
1114 Terra - Oak  
Scenic Drive & Church - Oak

**New Commissioners** – The Commissioners discussed ways in which to encourage others to join the Tree Commission and what qualities they are looking for in a Tree Commissioner. Having a degree in Forestry or being a Landscape Architect is not a requirement. Would like someone who has the ability to cooperate and conduct themselves in a professional manner. They need to have an interest in helping the community in order to make right decisions. Be responsible and attend the meetings. It was suggested to do an outreach to the Community, perhaps an article in the Daily Tidings explaining what the Tree Commission does. (Mike Oxendine might be able to write something)

### **ADJOURNMENT**

The meeting was adjourned at 7:07 p.m. Emerson noted that the next regular meeting would be held on Thursday, December 6, 2018 at 6:00 pm. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

*Respectfully submitted by, Carolyn Schwendener*

# Exhibit A

## TREE CITY USA STANDARD 3 WORKSHEET

Community: Ashland - Parks

Year: 2018

Number of trees planted 118

Number of trees pruned 340

Number of trees removed 42

Please provide the following financial information about your community forestry program:

### Tree Planting and Initial Care

Include cost of tree purchases, labor and equipment for planting, planting materials, stakes, wrapping, watering, mulching, competition control, etc.

\$ 7420.

### Community Forest Management

Include pruning, public education, professional training, memberships, salaries, street and park tree inventory, pest management, fertilization, watering, etc. (Line clearance per se is not tree maintenance. Utility trimming expenses are allowed only if the utility is a partner in the city's tree program and has implemented a tree planting program and proper pruning methods as recommended in the Tree Line USA program.)

\$ 130,500.

### Tree Removals

Include cost of saws and equipment, supplies, and labor.

\$ 3360.

### Volunteer Time

Value of volunteer labor and other contributions from civic organizations. (4123 hrs. @ \$24.14/hr.)

\$ 99,529.

### Other

Include any other expenses not already mentioned. Briefly describe.

Green waste Disposal

\$ 3470.

TOTAL COMMUNITY FORESTRY EXPENDITURES

\$ 244,279.

### COMMUNITY POPULATION

(To qualify for Tree City USA total expenditures must be at least twice population. Transfer these two numbers to Standard 3 on application and attach this sheet to application.)

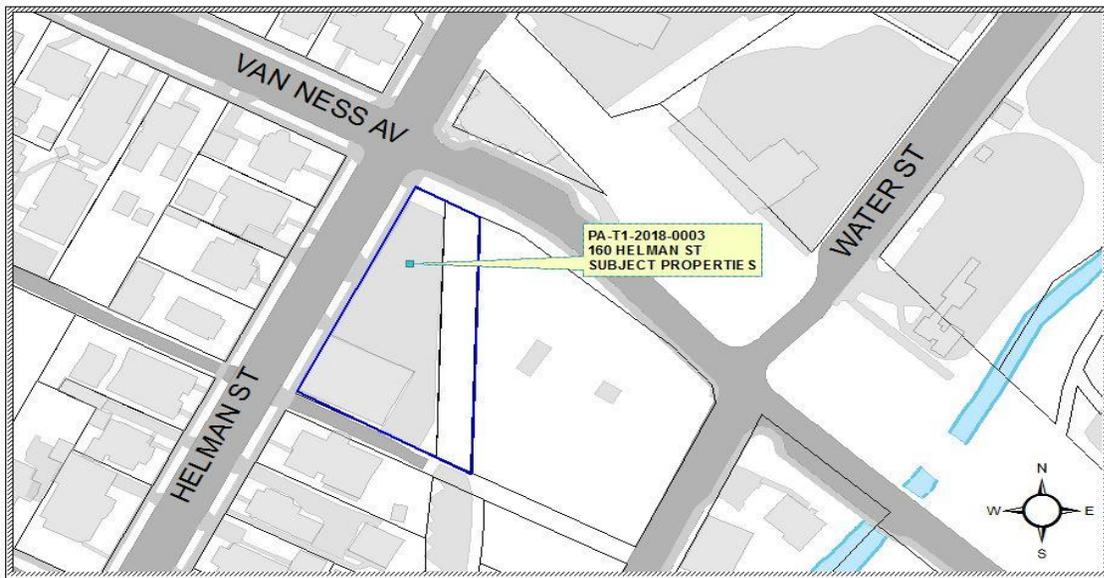


**NOTICE OF APPLICATION**

**PLANNING ACTION:** PA-T1-2018-00033  
**SUBJECT PROPERTY:** 160 Helman Street  
**OWNER/APPLICANT:** James & Andrew Batzer/Rogue Planning & Development  
**DESCRIPTION:** A request for Site Design Review approval to construct a new 8,682 square foot, three-story mixed use building for the property located at 160 Helman Street. The application includes requests for Exception to the Street Standards to retain the existing landscaped parkrow configuration on the Helman Street frontage and to allow a curbside sidewalk with on-street parking bay along the Van Ness Avenue frontage, an Exception to the Site Design Standards to not provide a standard five-foot landscape buffer between the parking spaces and property line, and a request for a Tree Removal Permit to remove five Oak trees greater than six-inches in diameter at breast height (d.b.h.) from the property. The application also proposes removal of two eight-inch d.b.h. Maple trees in the parkrow planting strip; five new street trees are proposed.  
**COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 04CC; **TAX LOT:** 2100 & 7100

- NOTE:** The Ashland Historic Commission will also review this Planning Action on **Wednesday, December 5, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.  
**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, December 6, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** November 30, 2018  
**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** December 14, 2018



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

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

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

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

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

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

## **SITE DESIGN AND USE STANDARDS**

### **18.5.2.050**

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

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

## **EXCEPTION TO STREET STANDARDS**

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

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

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

## **TREE REMOVAL PERMIT**

### **18.5.7.040.B**

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

RECEIVED

NOV 09 2018

City of Ashland

The Helman  
Site Design Review  
Mixed-Use Commercial and Residential Building



November 7, 2018

**Site Design Review  
Mixed-Use Commercial Building**

**“The Helman”**

**Property Owner:** James Batzer / Andrew Batzer  
PO Box 970  
Ashland, OR 97520

**Architect:** Gary Caperna, Architect  
2908 Hillcrest  
Medford, OR 97501

**Land Use Planner:** Rogue Planning & Development Services, LLC  
33 N Central Avenue #213  
Medford, OR 97501

**Landscape Design:** Madera Design, Inc.  
2992 Wells Fargo Lane  
Central Point, OR 97502

**RECEIVED**  
NOV 09 2018  
City of Ashland

RECEIVED

NOV 09 2018

City of Ashland

**Subject Property**

**Property Addresses:** 160 Helman Street  
**Map & Tax Lot:** 39 1E 04CC; Tax lots 2100 and 7100  
**Comprehensive Plan Designation:** Employment  
**Zoning:** E-1  
**Adjacent Zones:** E-1 & Low-Density Multi-Family Residential  
**Overlays:** Residential  
Skidmore Academy Historic District  
Detail Site Design Review

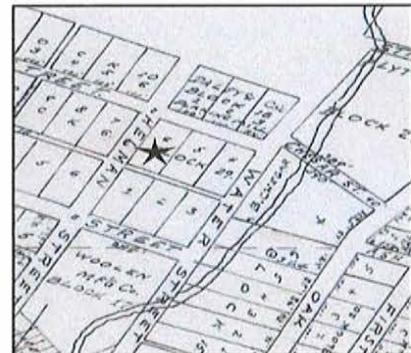
**Request:**

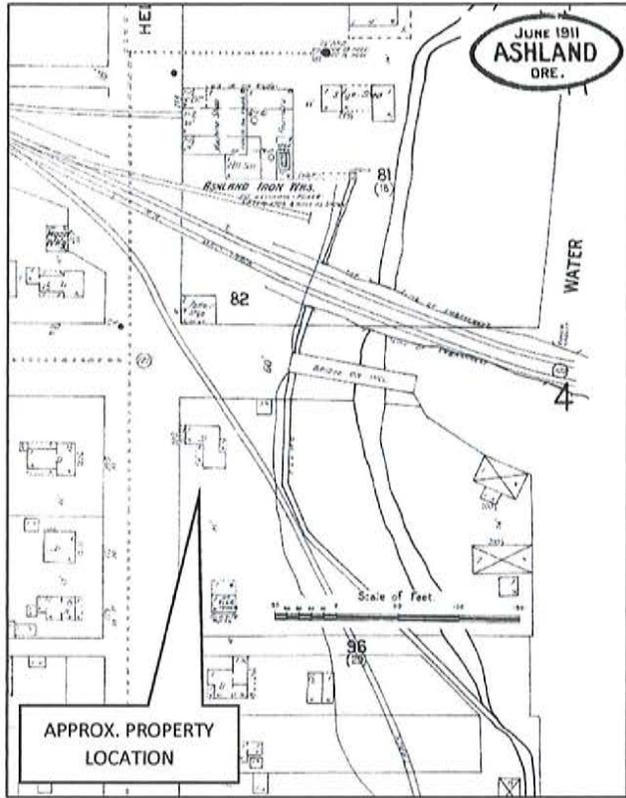
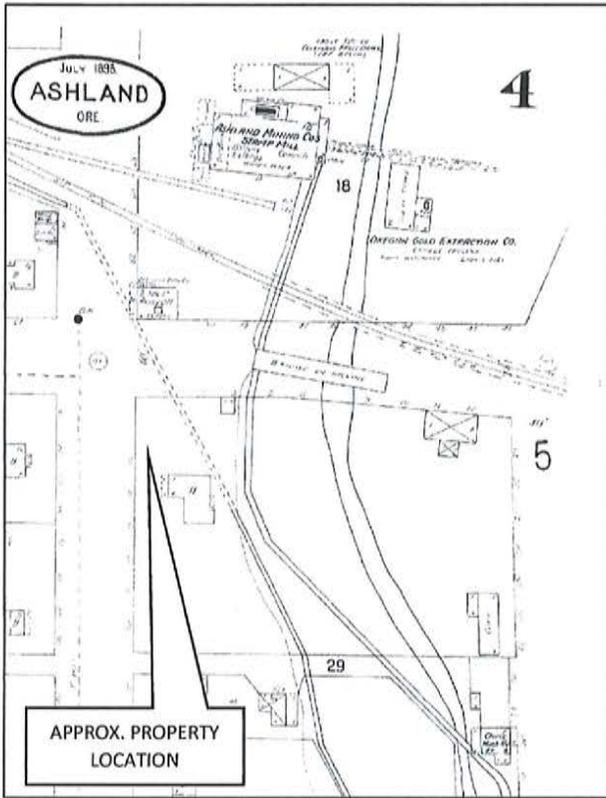
Request for Site Design Review to allow for the development of a new, mixed-use commercial building on the property located at 160 Helman Street. The proposal is for the portion of the remaining lot area that is a result of a pending property line adjustment between the property owners of 160 Helman (TL2100 & 7100) and 165 Water Street (39 1E 04CC; TL 2000). An exception to Street Standards is requested to retain the Helman Street frontage improvements (landscape park row and sidewalk), and a request to allow for curbside sidewalk and a on-street parking bay on Van Ness Avenue. Request includes tree removal permit and an Exception to the Site Design Standards to not have a five foot landscape buffer between the parking spaces and property line.

**Property History:**

The subject property appears on the earliest City of Ashland Maps as Lot 6 and part of Lot 5 of Block 29 at the intersection of Mechanic (Van Ness) and Water Streets (prior to railroad) created from Abel D. Helman’s Donation Land Claim Act.

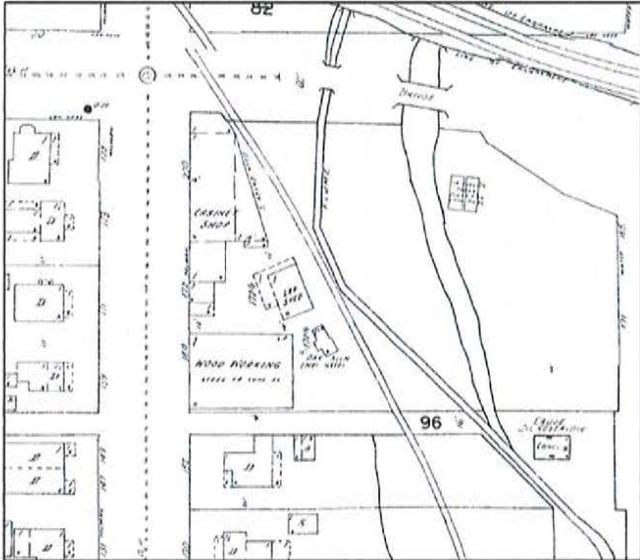
In 1887, the Golden Spike was driven, finishing the trans-continental route for the railroad. The area to the north of the subject property (Block 18; Lots 1, 2 & 3) where the Daley & Co. Planing Mill had been located, became railroad right-of-way.





On the 1898 Sanborn map (clip of July 1898 above), an irrigation pipeline and the railroad spur traversed the property to from the south to the northwest. In the early 1900s, the dwelling on the property had been removed and woodworking shop and cabinet shop was constructed on the site.

The property has been occupied by large industrial/commercial structures and uses. These include a cabinet shop, storage sheds, a print shop, large wood shop, Pacific Bell (telephone company), and other businesses. Most notably, the existing structure in the southwest corner of the adjacent property to the south, the last of the historic utilitarian structures in the neighborhood, was operated by various manufacturing businesses, last major occupancy, Lenny's Pyramid Juice Company.



RECEIVED  
 NOV 09 2018  
 City of Ashland



### **Property Description**

The property is a trapezoidal lot at the intersection of Van Ness Avenue and Helman Street. The subject parcel is part of the larger property area that is occupied by the former Pyramid Juice building. An approved Property Line Adjustment (PLA) has occurred on the property that leaves the subject lot with 54-feet of frontage on Van Ness Avenue and approximately 78-feet of frontage on Helman Street for a total lot area of 5,706 square feet. (The PLA has not yet been recorded but will be completed as the property development progresses (PA-A-2018-00022)).

The site has a 650 square foot, metal carport structure that is near the east property line and accessed from Van Ness Avenue. On the adjacent property to the south, there is a 3,300-square foot commercial structure near the southwest property line. The southern portion of the property is under contract to be owned by a separate land owner that who has the intention of constructing a parking area and new structure to allow for the redevelopment of their property.

Van Ness Avenue is to the north. Across Van Ness is a two-story, Italianate styled structure that has a commercial ground floor and residential unit that has a hotel / motel use on the upper floor when not occupied by the resident.

**RECEIVED**  
NOV 09 2018  
City of Ashland

The property to the east has frontage on Van Ness Avenue and Water Street. This property is approximately twelve-feet below the subject property. The east property line runs diagonally from the north to the south following the embankment between the subject property and the property to the east.

The subject property is zoned Employment (E-1) with Residential Overlay. The properties to the east and south are also zoned Employment (E-1) with the residential overlay. The properties across Van Ness Avenue to the north are zoned E-1. Across the railroad tracks further north are Industrially zoned properties. The properties to the west, across Helman Street are residentially zoned properties (R-2). The property is at the boundary of the Skidmore Academy Historic District (railroad tracks form district boundary). The property is also within the Detail Site Review Zone.

The larger lot area received site review approval in 2006. This approval was not implemented on site and has since expired. This property and the adjacent property to the east at 165 Water Street have agreed to a property line adjustment. That will result in an altered lot area from what presently exists on the maps.

According to the Transportation System Plan, Functional Classification Map, Helman Street is an Avenue. Helman Street has a 60-foot wide public right-of-way. Helman Street is improved with paving, curb, gutter, a six-foot landscape parkrow, and a 5.5-foot wide sidewalk along the Helman Street frontage of the property.

Van Ness Avenue is classified as a Neighborhood street. Van Ness has a 60-foot wide public right-of-way. Van Ness is improved with paved travel lanes, curb, gutter, and a five-foot wide, curbside sidewalk.

**Proposal:**

The request is for Site Design Review approval to allow for the construction of an 8,682-square foot, three-story, mixed-use, commercial building at the intersection of Van Ness Avenue and Helman Street.

The proposed structure has a 3,228-square foot ground floor. The ground floor is proposed as two, general office tenant spaces with a combined area of 2,203 square feet. A shared lobby area and a two-vehicle garage for each residential unit is at the rear of the structure accessed via the shared driveway. The second and third floors are proposed as two, two-story, residential dwellings. The second floor has a total area of 3,023-square feet, and the third floor is proposed to have 2,431-square feet.

The ground floor, general office tenant space is divided into two units, the East Unit and West Unit. Entrances to the two tenant spaces are provided directly from each frontage's sidewalk, and at the intersection. The East unit has a recessed entry to a single, commercial style, aluminum framed door with sidelights and transom windows. The primary entrance of the West unit is angled towards the intersection of Helman Street and Van Ness Avenue, sidelights and transom windows are provided

RECEIVED

NOV 09 2018

City of Ashland

around the entry door. The upper floor balcony provides pedestrian refuge at the corner entrance. A second, recessed and covered entrance is present on the Helman Street façade.

The rear portion of the ground floor is proposed as two, two-vehicle garages accessed from the parking area driveway that is accessed via Helman Street. The driveway parking area that is accessed from the public alley and the driveway / parking area that will be constructed on the adjacent property to the south that is also part of the recently approved property line adjustment. The proposed garage and residential areas on the ground floor is 1,027-square feet, which is less than 35 percent of the total area of the ground floor.

Each unit is proposed to have a three-bedroom, two story residential unit above. The residences are accessed through the hallway at the rear of the building between the garage doors. The halls provide access to the commercial units from the parking lot. The residences are proposed to have a recessed façade on the Van Ness frontage that will be used as roof top patio area. The third story is proposed to be stepped back further to reduce the scale and massing of the structure.

A narrow, landscaped buffer and green screen are proposed along the Helman Street side of the structure.

**Building Design:**

The primary orientation of the structure is towards the intersection with a prominent building entrance on Helman and the East Unit's entry on Van Ness Avenue. The structure is proposed as close to the intersection as feasible to accommodate for on-site landscaping, vision clearance, sidewalk improvements and on-street parking bay. The building façade occupies the majority of both street frontages of the parcel creating a pedestrian oriented streetscape.

The proposed building mass and scale is architecturally compatible to post-modern construction styles. The proposed structure that provides a sense of place to the vacant commercial corner parcel. The proposed building design, horizontal lines, scale and materials are proposed as a reminder of the industrial uses that previously occupied the site and of the Skidmore Academy Historic District.

Similar in architectural styling to the more recent construction in Ashland's commercial and residential districts, the proposed building has elements of past development and clearly represents architecture of the present time.

The building has a tripartite building facade divided into three sections with a strong base, a clearly defined middle and the recessed, stepped back upper floors. The building façade along the street frontages incorporates offsets, jogs and other distinctive material and surfacing changes to provide interest and a pedestrian scale along the sidewalk.

RECEIVED  
NOV 09 2018  
City of Ashland

The proposed low pitch, simple gable roof is reminiscent of the residential structures found on the immediately adjacent residential lots to the west, across Helman Street and throughout the Historic District.

The entrances to the commercial units open onto the public pedestrian area adjacent to the public sidewalk. The entrances are all designed in a manner to provide clear, visible, and functional entrances with direct access to the public sidewalk. Emphasis has been provided to the entrances through the use of roof overhangs. The proposed street improvements will enhance the pedestrian friendly environment.

The goal is to create a structure that provides a sense of place, anchors the corner of the business block, and has a cohesive design with the recently approved commercial building at 165 Water Street to the east.

**Access and Site Circulation:**

Vehicular access to the property is at the rear of the structure, from the driveway curbcut that is proposed 78-feet from the intersection. The driveway is proposed to be 24-feet of paved width. A small parking area and the two, two-vehicle garages for the residential dwellings will be accessed from the driveway. The surface parking area for the development is proposed along the east property. A walkway will be provided along the east property line that will be shared with the adjacent property at 165 Water Street, this leads to a rear, accessible entrance for the east unit. Variations in surface materials in the parking area (bricks or pavers), the asphalt driveway and concrete walkways provide clear direction to pedestrians from the parking area to the entrances of the structures and to the public sidewalk.

**Parking:**

The proposed development of the site requires nine automobile parking spaces. The ground floor tenant space is intended as general office. The office space parking requirement is one parking space for each 500 square feet of gross floor area. The ground floor tenant spaces are 2,201 square feet which requires 4.4 parking spaces. The two residential units each require two parking spaces.

The proposed development requires six bicycle parking spaces. Of those, five are required to be covered. The bicycle parking for the commercial tenant spaces is as close to the entrances as the nearest on-site vehicle parking spaces, and the residential bike parking spaces are within the garage.

The request includes a Parking Management request as permitted in AMC 18.4.3.060 and the application seeks to reduce the off-street parking spaces through the application of the allowed credits for on-street parking. The use of on-street parking credits are permitted in the municipal code. There is low demand for on-street parking along the Helman frontage of the property and a parking bay is proposed on the Van Ness Avenue frontage of the property.

RECEIVED  
NOV 09 2018  
City of Ashland

The parking for this project will share the larger parking area with the adjacent development to the south. The proposal is to install the reconfigured driveway apron on Helman Street and to install the four surface parking spaces, ADA vehicle loading area and the necessary back-up turn around areas. The pavement will be temporarily curbed to provide clear delineation of the extent of the site development. A temporary fence will be constructed to prevent access beyond the parking and access areas necessary for the development of the new building. The proposed parking lot design and construction will comply with the applicable standards from AMC 18.4.3.080.B.

**Trees and Landscaping:**

The existing trees on the site and in the parkrow will be removed to facilitate the development. The existing street trees on Helman Street are smaller stature trees that appear to have been neglected and are in poor health. The proposal is to remove the trees and to install new street trees in the landscape parkrow. The proposal is to provide landscape area between the front of the building and Van Ness, similar to the landscaping and corner treatment across Van Ness Street.

The proposed landscape plan uses a variety of shade trees, shrubs, and ground covers. Using water conserving landscape and irrigation design, the proposed landscape plan and the future irrigation plan can demonstrate compliance with the standards.

**Findings of Fact:**

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

RECEIVED  
NOV 09 2018  
City of Ashland

## Criteria from the Ashland Land Use Ordinance

### Site Development Design Standards Approval Criteria:

#### 18.5.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below.

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

*The proposal complies the standards from 18.2.*

*The property is zoned Employment (E-1). The proposed uses of the site as commercial is a permitted use, and the residential use is a special permitted use.*

*The proposed structure has varying setbacks from the Van Ness Avenue property line with a standard setback of three-feet, four-inches. The side setback from the Helman Street property line to the building is approximately two and one-half feet.*

*There are variations in the setbacks to provide variation to the façade with some larger alcoves for the entrances to the ground floor commercial spaces. The rear setback is to the parking area and the driveway, more than 22-feet of back-up from the garage door to the future parking area on the south side of the driveway. The side setback to the east property line is six and one-half feet. There are no immediately adjacent residential zones that would require a greater setback.*

*The proposed three-story building has an ridge height of 39-feet, 6-inches. The average building height is less than 40-feet. More than 15 percent of the site is proposed as landscape areas, 856 square feet of landscape area is required, the proposal provides for 882 square feet of landscape areas.*

#### 18.2.3.130 Dwelling in Non-Residential Zone

**A.** Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.

*The Employment (E-1) Zoned property is within the Residential Overlay.*

**B.** Dwellings in the E-1 and C-1 zones shall meet all of the following standards:

1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.

*There is one building with common wall construction on the site, the proposed ground floor commercial space is 3,228 square feet. The proposed commercial area of the ground floor consists of 2,201 square feet. This is more than 65 percent of the ground floor area. The residential garages, storage area and elevators are less than 35 percent of the gross floor area. ( $1027 / 3228 = 31.8$  percent).*

RECEIVED

NOV 09 2018

City of Ashland

2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

*The proposal has two residential dwelling units which is less than the maximum allowed density.*

3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.

*The setbacks, landscaping and design standards that have been applied to the residences are the same as those of the underlying zone.*

4. Off-street parking is not required for residential uses in the C-1-D zone.

*Off-street parking for the residences has been provided. More details on the parking are provide in the findings below.*

5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 18.2.5.050. The number of units required to be affordable shall be rounded down to the nearest whole unit.

*Two residential units are proposed. The proposal does not require the dedication of an affordable unit.*

**B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).

*The property is subject to the Basic and Detail Site Design Review and Historic District Standards. As evidenced in the findings below it can be found that the proposed development complies with the development of a commercial building.*

**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.

#### **18.4.2.040 Non-Residential Development**

*The proposed development of the Employment zoned land with a mixed-use commercial structure will have a positive impact upon the streetscapes of Helman and Van Ness Streets. The building is proposed to have a minimal setback. Outdoor spaces for pedestrian access to the site is provided. Landscaping is proposed to enhance the site and provide screening. The proposed public street improvements will enhance the pedestrian environment and will improve bicycle transit by providing bicycle parking facilities as required in the Off-Street parking chapter of the municipal code.*

RECEIVED

NOV 09 2010

City of Ashland

*The proposed building is designed to be consistent with the highest standards of compliance with the detail site review, large scale and historic district design standards even though the site is on lower order, less traveled City streets adjacent to the railroad tracks.*

## **B. Basic Site Review Standards.**

### **1. Orientation and Scale.**

*The proposed building is clearly oriented towards the public streets.*

*The proposed building occupies the majority of the two street frontages of the property. Each frontage of the building façade of the structure has a strong orientation to the public streets. The structure has a strong base that grounds the building, and the use of recesses, material changes and glazing provides a sense of entry and orientation towards each public street.*

*The primary entrances are located within five to eight-feet of the sidewalk. The entrances are clearly visible, pedestrian covering and changes in materials to emphasize the entrances.*

*Public sidewalks are proposed along the public street frontages, pedestrian walkways are provided for each business entrance from the public pedestrian sidewalks.*

### **2. Streetscape.**

*The proposed street improvements along Helman Street retains the existing landscape park row and the five-foot sidewalk. This is consistent with the previous development decision on the property from 2006 that required the landscape park row and sidewalk. Also, the request is consistent with the existing street improvements on the entirety of the Helman Street corridor. One street tree for every 30-feet of frontage has been provided. See preliminary landscape plan.*

### **3. Landscaping.**

*The proposed landscaping complies with the minimum standards and 15 percent of the site has been provided as landscape area. Landscape planters are proposed along the frontage of the building. Ornamental grasses are proposed in the planter areas. To provide architectural relief without the use of windows, a living green screen of metal mesh and climbing, vining plants appropriate for the west facing side of the structure is proposed.*

*A recycle and refuse area in recessed, secure alcoves are proposed on each side of the building for the separate tenant spaces. The tenant spaces area limited to office use reducing the amount of material generated.*

*A sidewalk is proposed that will connect the parking areas for the subject property and to the additional parking area for the adjacent properties to the south and east. The sidewalk on the north side of the proposed parking spaces will lead to th encroachment, automobile noise, exhaust, etc. will not negatively affect the adjacent property. The retaining wall is proposed to be screened with a living, green screen.*

**RECEIVED**

**NOV 09 2018**

**City of Ashland**

4. Designated Creek Protection.

*Not applicable*

5. Noise and Glare.

*All artificial lighting will comply with the standards of 18.4.4.050. A Sternberg Commercial street light is proposed at the intersection of the two public streets.*

6. Expansion of Existing Sites and Buildings.

*Not applicable*

**C. Detailed Site Review Standards.**

*The subject property is within the Detailed Site Review Standards.*

1. Orientation and Scale.

Floor Area Ratio (FAR) of 0.50.

*The proposed Floor Area Ratio exceeds .50. The proposed structure is 8,682 square feet which is more than the required .50 FAR of 5,706 square feet.*

*The proposed building is adjacent to the public sidewalk. The building has substantial offsets, jogs and other distinctive changes in the building façade. The walls within 30-feet of the public street have more than 20 percent of the wall area as windows and doorways. No blank walls are proposed.*

*The proposed building has substantial changes in mass, surfacing and the exterior finish materials to emphasize the entrances. The proposed building has alcoves for the entrances. The upper floors, are proposed to provide protection for pedestrian refuge from rain and sun.*

2. Streetscape.

*Colored and scored concrete are proposed to designate people areas for the sidewalks. The internal sidewalks will match the San Diego Buff city sidewalk.*

*The building is at no point more than five feet from the public sidewalk. The alcoves that are recessed more than five feet provide pedestrian refuge.*

3. Buffering and Screening.

*There are no incompatible uses on adjacent lots. The adjacent properties to the north, east and south are zoned Employment. The properties across Helman Street are zoned residential. The retention of a landscape parkrow, with improved plantings, a landscape buffer and the green screen all provide buffering and screening for the residences across the street.*

RECEIVED

NOV 09 2018

City of Ashland

#### 4. Building Materials.

*More than 15 percent of the exterior walls have substantial changes in relief. There is a well-defined base, fenestration, changes in material such as poured concrete water table, horizontally scored stucco siding, smooth stucco, metal and wood. No bright or neon paint colors are proposed the majority of the building is not glass.*

#### **D. Additional Standards for Large Scale Projects.**

*The proposed building is less than 10,000 square feet in gross floor area and does not have more than 100-feet of frontage. It is not considered a Large-Scale Building.*

#### **18.4.2.050 Historic District Development**

*The subject property is at the north boundary of the Skidmore Academy Historic District. The adjacent properties to the east, south and west are also in the Skidmore Academy Historic District. The proposed building incorporates the main architectural themes found in Ashland's historic districts but is not an imitation of a specific architectural style. The standards speak to a comparison of historic buildings in the vicinity. In the case of the subject property, the adjacent properties are underdeveloped or have non-conforming residential development.*

#### **B. Historic District Design Standards.**

##### 1. Transitional Areas.

*The property is located that the boundary of the Skidmore Academy Historic District, and the Detail Site Review zone. The proposed building has numerous traditional, architectural elements and materials, the scale, form, massing and some of the material elements are more modern in styling. It can be found that the proposed building is architecturally compatible with the historic district design standards and provides a solid neighborhood anchor for the future redevelopment of the adjacent employment zoned properties.*

*The Historic District Design Standards are primarily a contrast and comparison of the proposed site development and the development on immediately adjacent properties. The adjacent properties, and those within the 200-foot impact area, are underdeveloped, partially vacant or utilized as a non-conforming use such as, residences in the E-1 zone. Additionally, the graphics provided within the Historic District Design Standards are of residential properties and do not translate easily to commercial development. This complicates that comparisons necessary by code.*

*It can be found that the proposed building incorporates a number of the historic district design standard objectives such as sense of entry, provision of a base, fenestrations, a rhythm of openings, smaller masses to reduce bulk and scale.*

##### 2. Height.

*The structure is proposed to be three stories and an average height of 39-feet, 6-inches. This is less than the allowed building and additional parapet height allowed in the Employment zone.*

RECEIVED

NOV 09 2018

City of Ashland

### 3. Scale.

*The scale of the building is appropriate for an Employment zoned property that has two street frontages. The nearest commercial developments are found to the south on Central Avenue. The Ashland Creek Condominiums and the Plaza Inn and Suites on the south side of Central, are just over 200-feet away, too far to adequately judge scale.*

*The property on the corner of Van Ness and Water Street, 165 Water is a vacant lot with a standing development approval. Due to the topography, with the current adjacent site development, the building will anchor the south side of the Helman and Van Ness intersections with the development across Van Ness to the north.*

*The proposed architecture is compatible with the approved building at 165 Water Street. Highlighting the more modern elements of that design, the form and the height, and using more modern materials than the brick façade treatments on the Magnolia Building.*

### 4. Massing.

*The proposed building is divided into smaller, varied masses. The architecture has references to the residentially inspired Plaza Inn and Suites and Water Street Condominiums with a low-pitch roof. The materials and window openings and entries are consistent with historically appropriate commercial architecture. The recessed entrances, canted bay windows, covered pedestrian areas, landscape buffers, sidewalks, landscape parkrow with street trees all provide visual relief and reduce the massing.*

*The proposed vertical and horizontal rhythms are symmetrical. Vertical elements have been added that add visual interest and breaks the horizontal lines that would be emphasized without the vertical elements.*

### 5. Setback.

*The proposed building is setback the maximum allowed by the municipal code. The maximum setback from the public sidewalk in the Detail Site Review overlay is five feet, the proposed setback is at no point more than five feet. The proposed structure will be built to the property line and form a continuous building wall along the street. The relationship to the street provides interests to the pedestrian corridor.*

### 6. Roof.

*The use of a gable roof with a low pitch and large eave overhangs is consistent with traditional streetscapes found in the developed residential area across Helman Street, and the commercial businesses to the south on Central Avenue, Helman Street and near the North Main and Helman Street intersections. A metal roof, similar to what is used on the immediately adjacent commercial buildings is proposed. Flush mounted solar collection panels are proposed on the south side of the roof. The low pitch roof reduces the overall massing of the structure.*

### 7. Rhythm of Openings.

RECEIVED

NOV 09 2018

City of Ashland

*The proposed pattern of wall to door and window openings on the street frontages is proposed, and a compatible width to height ratio is maintained across the entire building façade. The design uses windows and doors in a manner that is harmonious with the established rhythm of the district. The proposal has a consistent window styles with clearly defined vertical divisions.*

#### **8. Base or Platforms.**

*The proposed building has a well-defined base. A water table, with a dark stucco façade treatment above. The base is reflective of the post-modern style of the building. The base is consistent around the entire façade of the structure.*

#### **9. Form.**

*The proposed buildings form is consistent with commercial development found throughout the history of Ashland the architectural forms and with the development forms found in Ashland's commercial zoning districts.*

*In order to add visual interest, the proposed building incorporates both horizontal and vertical use of materials and dimensional materials to provide shadow lines and differentiation to the massing of the floors. Materials are used in a manner that creates details, incorporates textures or small-scale elements that give buildings a three-dimensional character, and a human scale.*

*Additionally, the use of architecturally framed window and door bays, transom windows, and windows to create multiple surface elements.*

*There is a clear visual division shall be maintained between ground level floor and upper floors through the use of water tables, belly banding, eave lines carried through the façade, a bay window column, landscape screening and a green screen.*

#### **10. Entrances.**

*Well-defined, covered, recessed, angled and articulated primary entrances are provided into each tenant space on both of the street frontages. The roof overhang of the floor above provides more than five feet of pedestrian refuge area at the entrances.*

#### **11. Imitation of Historic Features.**

*The building design is consistent with this standard. The proposed building is clearly more contemporary in design than the New Horizons metal buildings, and similar in form to the Plaza Inn and Suites and the Water Street Condominiums, even the Bard's Inn further to the while providing historical context with the incorporation of materials and architectural elements found on commercial buildings in Ashland's historic districts. The building uses materials similar to those in the district, including similar color.*

**RECEIVED**

NOV 09 2018

City of Ashland

### **18.4.3 Parking Access and Circulation:**

*The proposed development requires nine vehicle parking spaces.*

*Commercial / Office: 2,201 / 500 = 4.4*

*Residential:*

*Two, three-bedroom units: 4*

*Total Required Automobile Spaces: 8.4*

*The proposal accommodates for seven (7) parking spaces on-site. An additional on-street parking credit is requested.*

*The proposal requires six bicycle parking spaces. Commercial use requires two bicycle parking spaces, residential use requires four bicycle parking spaces. The bicycle parking is provided for within the garages and near the Helman Street entrance in the recessed alcove, a U-rack is proposed to accommodate two spaces. A single space is provided at the Van Ness Avenue entrance and to the east side of the structure, south of the equipment area.*

### **18.4.3.060 Parking Management Strategies**

**A. On-Street Parking Credit.** Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent, as follows.

1. Credit. One off-street parking space credit for one on-street parking space

*The request seeks an on-street parking credit. There is more than 44-feet of uninterrupted street frontage on Helman Street that is more than 20-feet of the intersection and more than 10-feet from the driveway. With the proposed street improvements, a new, on-street parking space will be created on the Van Ness frontage in the proposed parking bay. The proposed parking bay aligns with the frontage improvements approved for the adjacent property to the east. Development in the immediate vicinity is very and on-street parking is not in demand along the frontages of the property. The majority of the on-street parking demand in the area is south of Central Avenue.*

### **18.4.3.080 Vehicle Area Design**

#### **A. Parking Location**

*The proposed parking is located to the rear of the proposed building.*

#### **B. Parking Area Design.**

##### **A. Parking Location.**

*The proposed on-site parking is located to the rear of the building.*

*B. Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.*

RECEIVED

NOV 09 2018

City of Ashland

*There are three, surface parking spaces and the ADA access aisle accessed via the driveway. Two of the parking spaces are 9 feet by 18 feet. One space is proposed as a compact space with 8 feet by 16 feet. This space is also proposed to have an Electric Vehicle plug-in connection.*

*The parking spaces have a back-up maneuvering area of 22 feet, that does not necessitate moving of other vehicles.*

*The parking area has been designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection.*

#### **18.4.5.030 Tree Protection.**

*The trees on the subject property are proposed for removal. The trees on the adjacent property area proposed for removal. No tree protection is proposed.*

### **Public Facilities**

#### **18.4.6.020**

##### **B. Exceptions and Variances.**

##### **1. Exception to the Street Design Standards.**

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.

*When the property went through public review in 2006, one major source of contention was the required street improvements to Helman Street that met the design standards for a commercial business frontage. At the time, it was required that a landscape park row be maintained. This proposal accommodates for a landscape park row on Helman Street. The existing damaged street trees will be removed and the entire park row will be re-vegetated with ground covers and street trees. Installing street improvements that comply with the standards for sidewalk and park row width including curb return at the intersection are cost prohibitive when considering an intensification of the site is not proposed. Additionally, the entirety of the Helman Street corridor has landscape parkrow and five-foot sidewalk. This development pattern is historically consistent and should be maintained.*

*The exception to the standards is requested on Van Ness Avenue in order to allow for a parking bay and to provide a landscape buffer at the corner of the property. This reflects the sidewalk pattern on the north side of the street at the northwest intersection of Van Ness and Helman.*

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

*The connectivity of the property and the neighborhood will have superior transportation facilities maintained along the frontage of the property. The sidewalk on Van Ness will be improved in width, from four-feet to six-feet, the requested area of exception is to allow for on-street parking bay and to provide transition the existing curbside sidewalk along the property to the west. There is also a substantial grade change along the frontage of the property, behind the sidewalk, and the*

RECEIVED

NOV 09 2018

City of Ashland

*proposed location of the sidewalk allows for a transition area that will not increase the steepness or the cross slope of the property.*

- i. For transit facilities and related improvements, access, wait time, and ride experience.

*Not applicable*

- 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.

*Van Ness Avenue, and Water Street are both 'shared' streets without dedicated bicycle lanes. The proposal will not have a negative impact on the bicycle facilities. The width of the right-of-way and the adjacent improvements prevent widening of the street and the need for publicly available on-street parking dictates the need to retain parking versus installing dedicated bicycle lanes.*

- 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.

*The proposal is to improve the sidewalks and the parkrow. Street trees are proposed on both frontages. A truncated dome and accessible cross walk is proposed for the intersection of Helman Street and Van Ness Avenue. The proposed improvements will improve the comfort level of walking along the street and provides a safer crossing of the streets for those with visual imparements. The area where the sidewalk on Van Ness requires the exception will have a parking bay between the sidewalk and the street which will provide a feeling of safety as the sidewalk surface is not directly adjacent to the travel lane.*

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

*The exception is the minimum necessary to alleviate the difficulty of improving to full city standards since a transition to the future sidewalk on the property down-hill to the east is necessary. The exception maintains the Helman Street development pattern, this is in response to the neighborhood concerns raised in 2006.*

- 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 contain standards for street connectivity and design as well as cross sections for street improvements including installation of new streets and improvements to existing streets. The increased landscaping, street trees on the majority of the frontage while maintaining connectivity is consistent with the standards.*

#### **18.4.7 Signs.**

**RECEIVED**

NOV 09 2018

City of Ashland

*The signs for the individual businesses will comply with the sign code standards for sign area based upon business frontage with the sign sizes varying based on the frontage dimensions. No plastic or internally illuminated signs will be permitted.*

#### **18.4.8 Solar Access.**

*Van Ness Avenue has a 60-foot-wide right-of-way along the frontage of the property. The proposed structure complies with the solar setback as the rights-of-way are allowed to be shadowed by the development.*

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

*Adequate city facilities exist to service the proposed development.*

**Water:** *There is a 16-inch water main in Van Ness Avenue and a four-inch water line in Helman Street. The new water services are proposed adjacent to Helman Street, along the curb line in the landscape parkrow.*

*The water line sizes are substantial enough to comply with the water needs for the new structure. The fire suppression system closet is on the east side of the structure.*

*There is a fire hydrant on the west side of Helman Street across from the subject property.*

**Sanitary Sewer:** *There is a six-inch sanitary sewer line in the Helman Street. In discussion with the Wastewater Department Supervisor, there are no capacity issues with the public sanitary sewer lines. New sewer connections will be made to connect the proposed structure to the public infrastructure.*

**Electrical:** *Upgrades are required to the electrical infrastructure. The primary power will come from a pole on Helman and Van Ness. The existing pole on the subject property cannot be removed due its necessity to provide anchoring for the main lines on Helman and Van Ness. A new junction box located on the east side of the property on Van Ness will provide service to the subject property. A public utility easement will be provided for all public utilities that are on the private property. Solar panels are proposed on the roof of the building to off-set the demands on the electrical system.*

**Storm Sewer:** *There is a 15-inch Storm sewer main in Van Ness Street. In consultation with the Street Division, there are no capacity issues with the city's facilities. When considering that post development peak flows are not to exceed pre-development peak flows, there should be little discernable impacts on the storm sewer facilitates.*

RECEIVED

NOV 09 2018

City of Ashland

**Transportation:** According the Transportation System Plan, Helman Street is classified as an avenue. The existing street development pattern is set by the width of the right-of-way and the improvements of paving, curb, gutter, sidewalk and landscape park row on both sides of the street. and Van Ness Water Street are classified as Neighborhood Collectors. This street classification anticipates less than 1,500 ADT and are meant to provide access to residential and neighborhood commercial areas.

Van Ness Street has a variable width right-of-way with 60-feet of ROW, along the frontage of the property, the ROW is 60-feet at the intersection of Van Ness and Helman Street. Van Ness, is improved with curb, gutter, and a five-foot curbside sidewalk with a parking bay, and sidewalk on the north side of the street.

The proposed sidewalk is a five-foot curbside adjacent to the new, on-street parallel parking bay that will be constructed on Van Ness.

#### **E. Exception to the Site Development and Design Standards.**

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

*The requested removal of the parking lot buffer adjacent to the shared (east) property line requires an exception. The subject property is unique in that there is a more than 35 percent slope along the shared property line. A retaining wall will be constructed to accommodate the proposed parking area on the subject property which is more than 8-feet above the grade of the adjacent property to the east. The area on the adjacent property is also head in parking at the base of the wall. The exception will not have any negative impacts on the adjacent properties as it is parking, abutting parking. A sidewalk is proposed between the parking spaces and the retaining wall, but not a landscape buffer. The adjacent property owner has no concerns.*

#### **18.5.7.040 Approval Criteria**

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

##### **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 trees are proposed for removal to permit the applicant to be consistent with other applicable ordinance requirements and standards applicable to the Site Design Standards and the Physical and Environmental Constraints ordinance.*

RECEIVED

NOV 09 2018

City of Ashland

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 removals will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees or existing windbreaks. The areas where the trees are located, post removal will be redeveloped as part of the larger, comprehensive site development.*

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

*There are several trees within 200-feet of the subject property. The proximity to the heavily vegetated creek area provides substantial species diversity, canopy coverage and tree densities. The proposed development replaces canopy, tree densities, sizes and species diversity.*

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

*The residential density is not increased or decreased as a result of the tree removals.*

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.

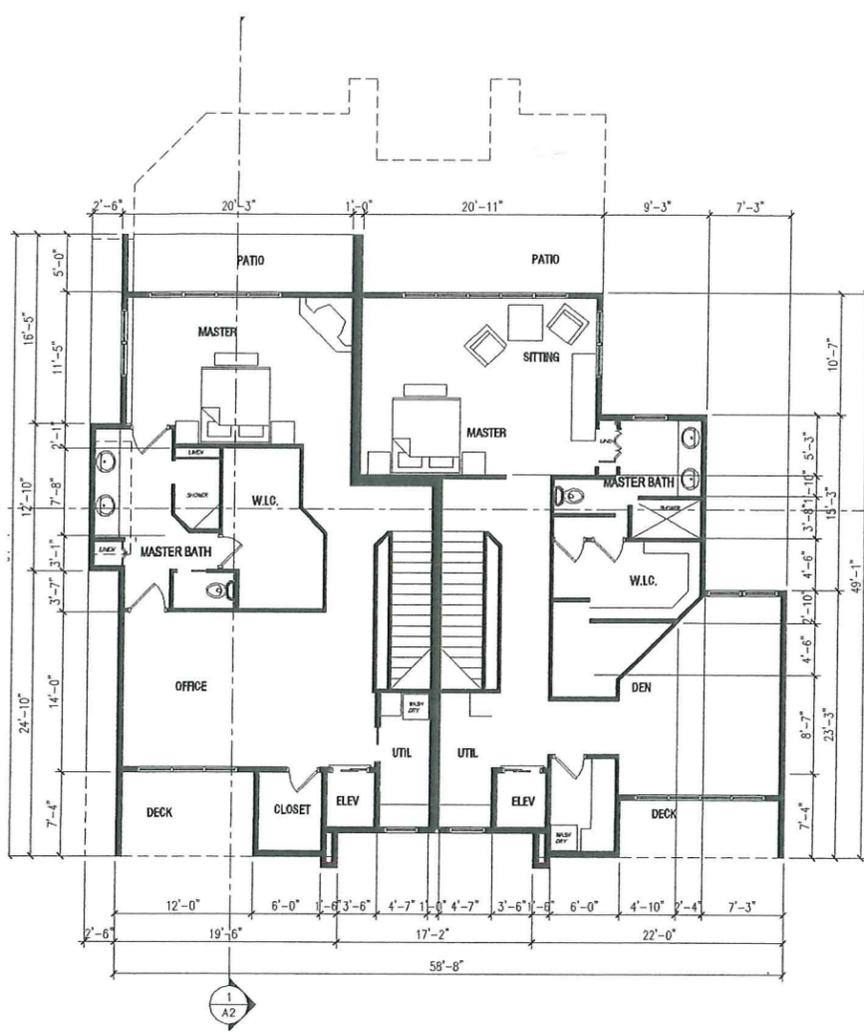
*Mitigation trees are proposed throughout the property. There are five street proposed along the frontage of the property. There are two landscape area trees proposed. Parking lot shade trees will be planted at the time of the development of the remainder of the parking lot area on the property to the south.*

RECEIVED  
NOV 09, 2018  
City of Ashland

**Attachments:**

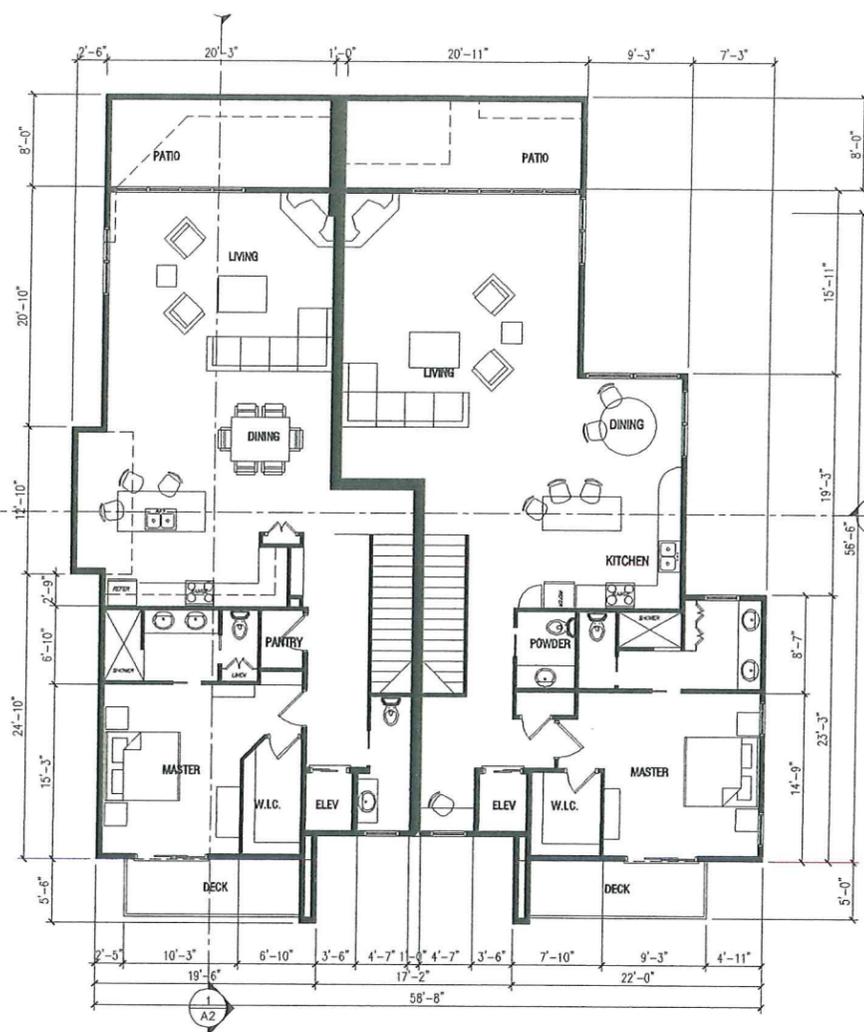
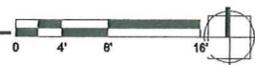
- 1) ARCHITECTURAL SITE PLAN
- 2) FLOOR PLAN
- 3) ELEVATIONS
- 4) PRELIMINARY LANDSCAPE PLAN





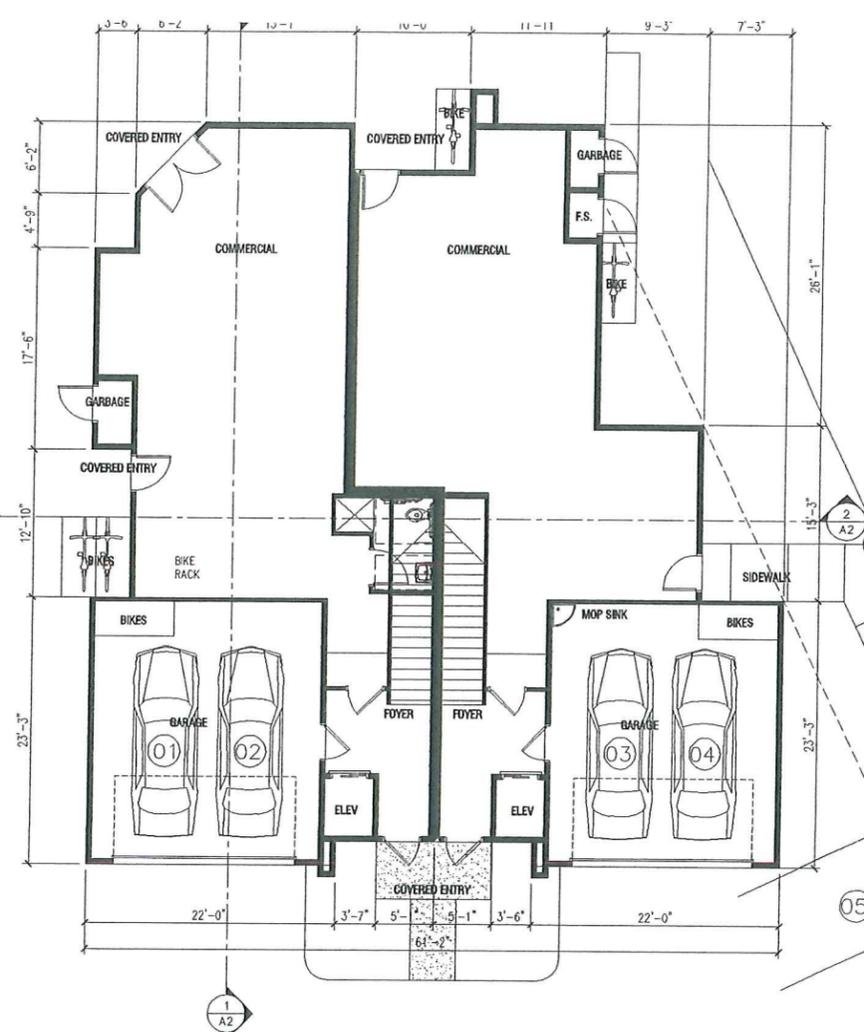
**PROPOSED Third Floor Plan**

SCALE: 1/8" = 1'-0"



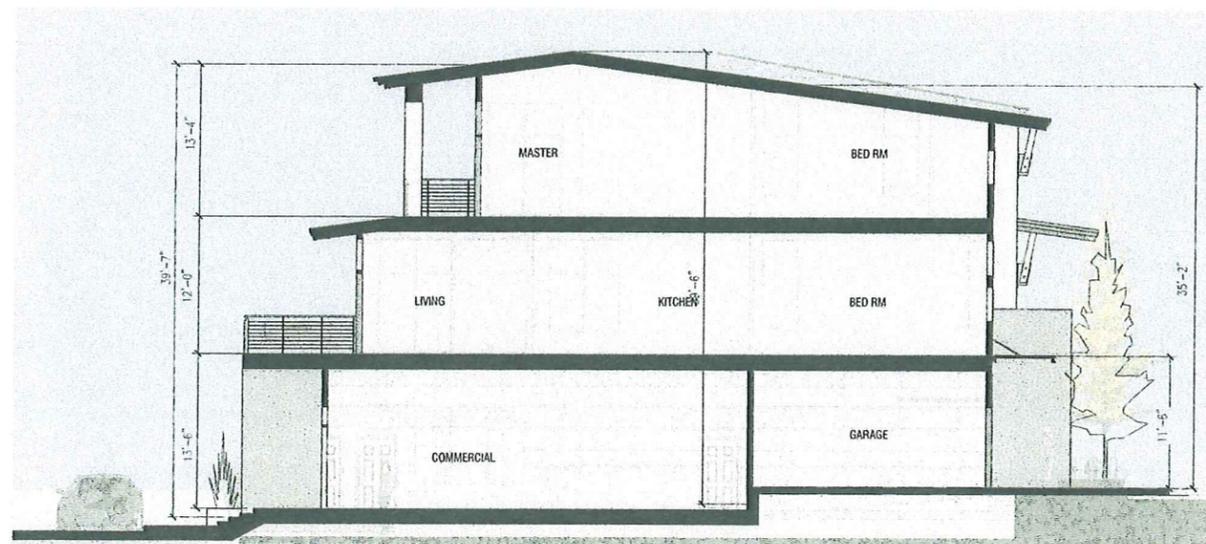
**PROPOSED Second Floor Plan**

SCALE: 1/8" = 1'-0"



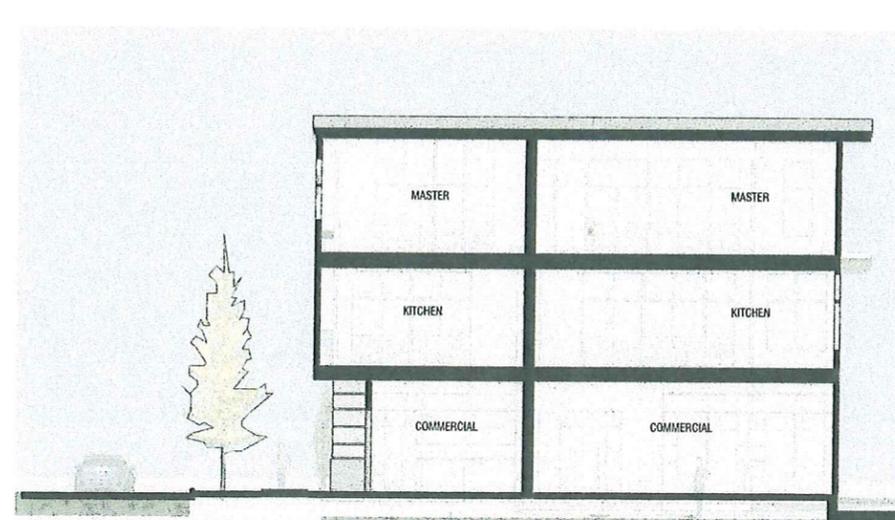
**PROPOSED First Floor Plan**

SCALE: 1/8" = 1'-0"



**PROPOSED Building Section (parallel to Helman)**

SCALE: 1/8" = 1'-0"



**PROPOSED Building Section (parallel to Van Ness)**

SCALE: 1/8" = 1'-0"

**GARY R. CAPERNA ARCHITECT**  
 architecture planning  
 2608 Hillcrest Road  
 Medford, Oregon 97504  
 Phone: 541.840.4123  
 Email: garycaperna@chs.com  
 Oregon Architect License

Member American Institute of Architects  
 REGISTERED ARCHITECT  
 Gary R. Caperna  
 Medford, Oregon 97504

THESE DOCUMENTS, THE IDEAS, AND INFORMATION HEREIN, AS SUPPLIED BY THE ARCHITECT, ARE THE PROPERTY OF THE ARCHITECT AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THESE DOCUMENTS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

BUILDING DEPARTMENT APPROVAL

Owner: James Batz  
 P.O. Box 970  
 Medford Oregon 97504

**The Helman**  
 PROJECT: A MIXED USE COMMERCIAL PROJECT LOCATED AT:  
 160 Helman Street, Ashland Oregon  
 LOT AREA: 0.48 acres  
 ZONE: C-C  
 Manufacture Date: 11/6/2018

BUILDING DEPARTMENT APPROVAL

MARK	DATE	DESCRIPTION

ISSUE: 11/6/2018 7:48

PROJECT NO:

DRAWN BY:

CHECKED BY:

SHEET TITLE:

FLOOR PLANS

**RECEIVED**  
 NOV 09 2018  
 City of Ashland





**A3** WEST ELEVATION (HELMAN STREET FRONTAGE)  
1 SCALE: 1/8" = 1'-0"

ROOF: STANDING SEAM METAL: TAYLOR METAL™ ZINC GRAY SRI-40 VERSA SPAN.

FASCIA AND RAKE TRIM: NCI "MATTE BLACK" KYNAR.

HORIZ. METAL SIDING: TAYLOR METAL "ZINC GREY" SRI-40 "CONTOUR 16"

STUCCO SIDING AT 2ND & 3RD LEVELS: OMEGA "SNOW"

CLEAR FINISH AT LAMINATED TIMBER CORBEL HARDWARE TO BE GALVANIZED. (TYPICAL AS SHOWN)

WALL MOUNTED PLANT ARMATURE FOR LIVING WALL (SEE LANDSCAPE PLAN).

STUCCO SIDING AT FIRST LEVEL ABOVE WATER TABLE: OMEGA "CLOUD COVER"



**A3** SOUTH ELEVATION  
2 SCALE: 1/8" = 1'-0"



**A3** EAST ELEVATION  
3 SCALE: 1/8" = 1'-0"

WOOD ACCENTS \* CLEAR WESTERN CEDAR, OR "LONGBOARD" WESTERN CEDAR. TYPICAL AT ACCENT WALLS AND UNDER ALL EAVES. PROVIDE FRY REGLET AT ENTRY LOCATIONS AS DEPICTED.

FLUTTED POURED IN PLACE CONCRETE WATER TABLE BUTTERFIELD "DEEP CHARCOAL".

ANNOXIDIZED ALUM. WINDOW AND DOOR FRAMES: KAWNEER "BLACK" OR EQUAL.

STAINLESS STEEL CABLE RAIL TYPICAL AT ALL BALCONIES.

2" FRY REGLET STUCCO RELIEF AT RUSTICATED BASE.



**A3** NORTH ELEVATION (VAN NESS FRONTAGE)  
4 SCALE: 1/8" = 1'-0"



**A3** LOOKING SOUTH FROM VAN NESS  
5 N.T.S.



**A3** LOOKING SW FROM HELMAN & VAN NESS  
6 N.T.S.



**A3** LOOKING NE FROM HELMAN  
7 N.T.S.

RELIMINARY - NOT FOR CONSTRUCTION - FOR REVIEW and DISCUSSION PURPOSES

GARY R. CAPERNA  
ARCHITECT  
architecture  
planning

2908 Hillcrest Road,  
Medford, Oregon 97501  
541.840.4129  
Email: gcaperna@charter.net  
Oregon Architect License 52447

Member American Institute Of Architects



THESE DOCUMENTS, THE SEAL & DESIGN, DEVELOPMENT, HEREIN, IS THE PROPERTY OF GARY R. CAPERNA ARCHITECT AND SHALL BE USED ONLY IN CONNECTION WITH THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THESE DOCUMENTS OR ANY OTHER PROJECTS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF GARY R. CAPERNA ARCHITECT.

BUILDING DEPARTMENT APPROVAL STAMP:

Owner: James Batzer  
P.O. Box 970  
Medford Oregon 97501

PROJECT: A MIXED USE COMMERCIAL PROJECT LOCATED AT:

**The Helman**

150 Helman Street, Ashland, Oregon  
LOT 7 AREA  
Maximum 200 sq ft  
MAX. COVERAGE  
APPLICABLE

BUILDING DEPARTMENT APPROVAL STAMP:

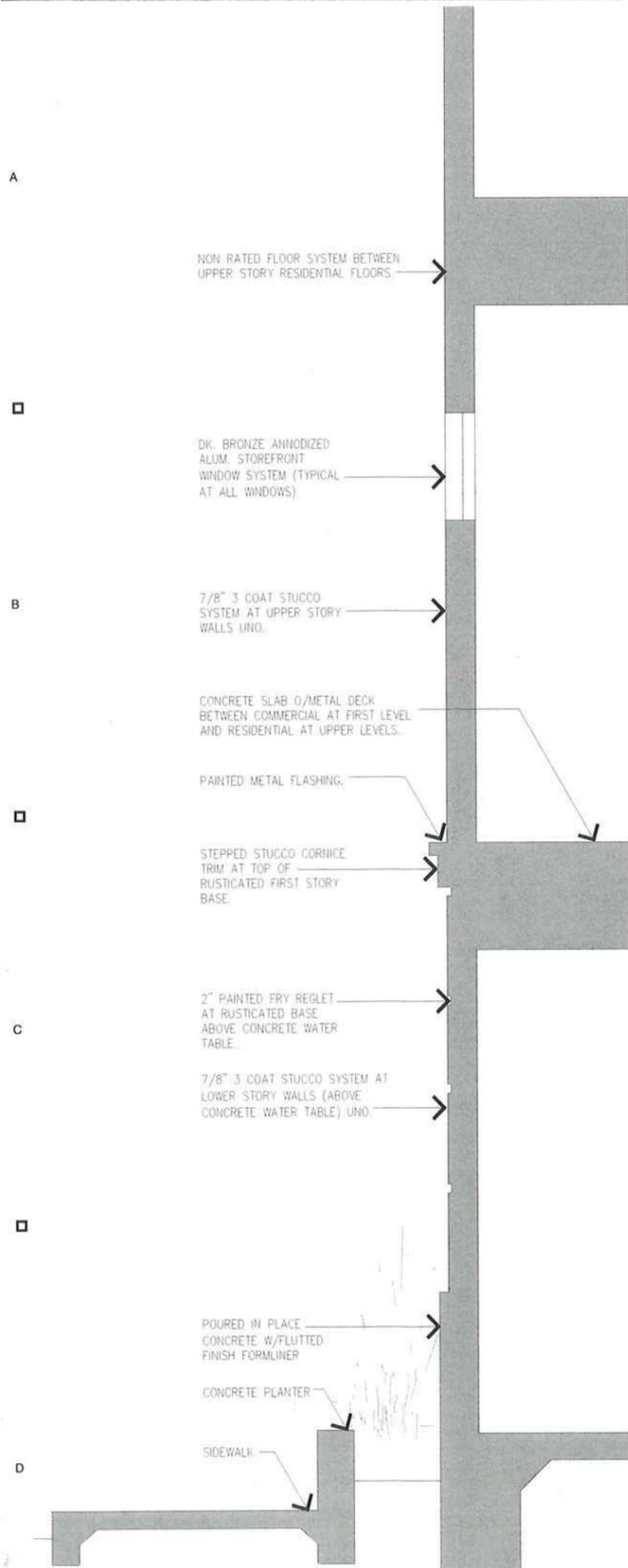
RECEIVED  
NOV 09 2018  
City of Ashland

MARK	DATE	DESCRIPTION

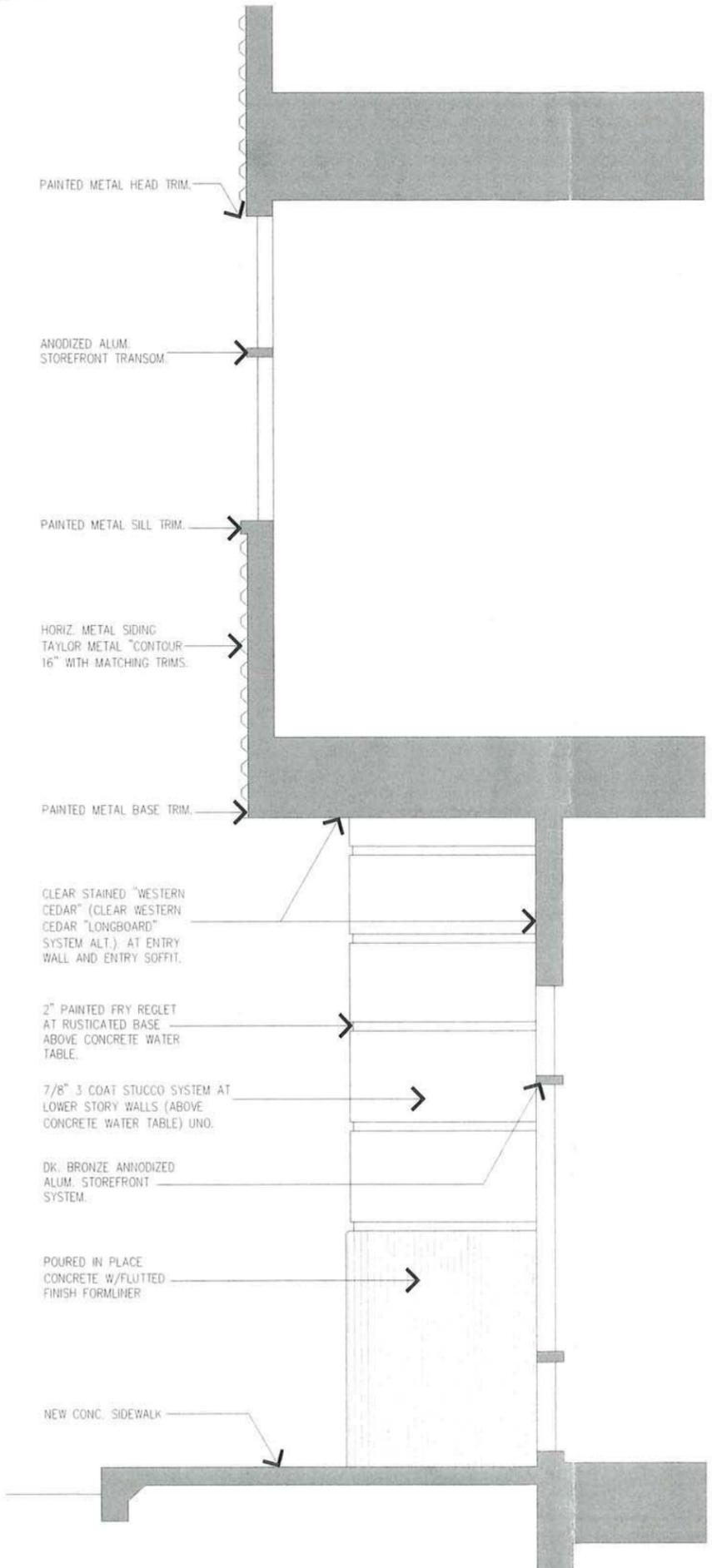
ISSUE: \_\_\_\_\_  
PROJECT NO: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_

SHEET TITLE:

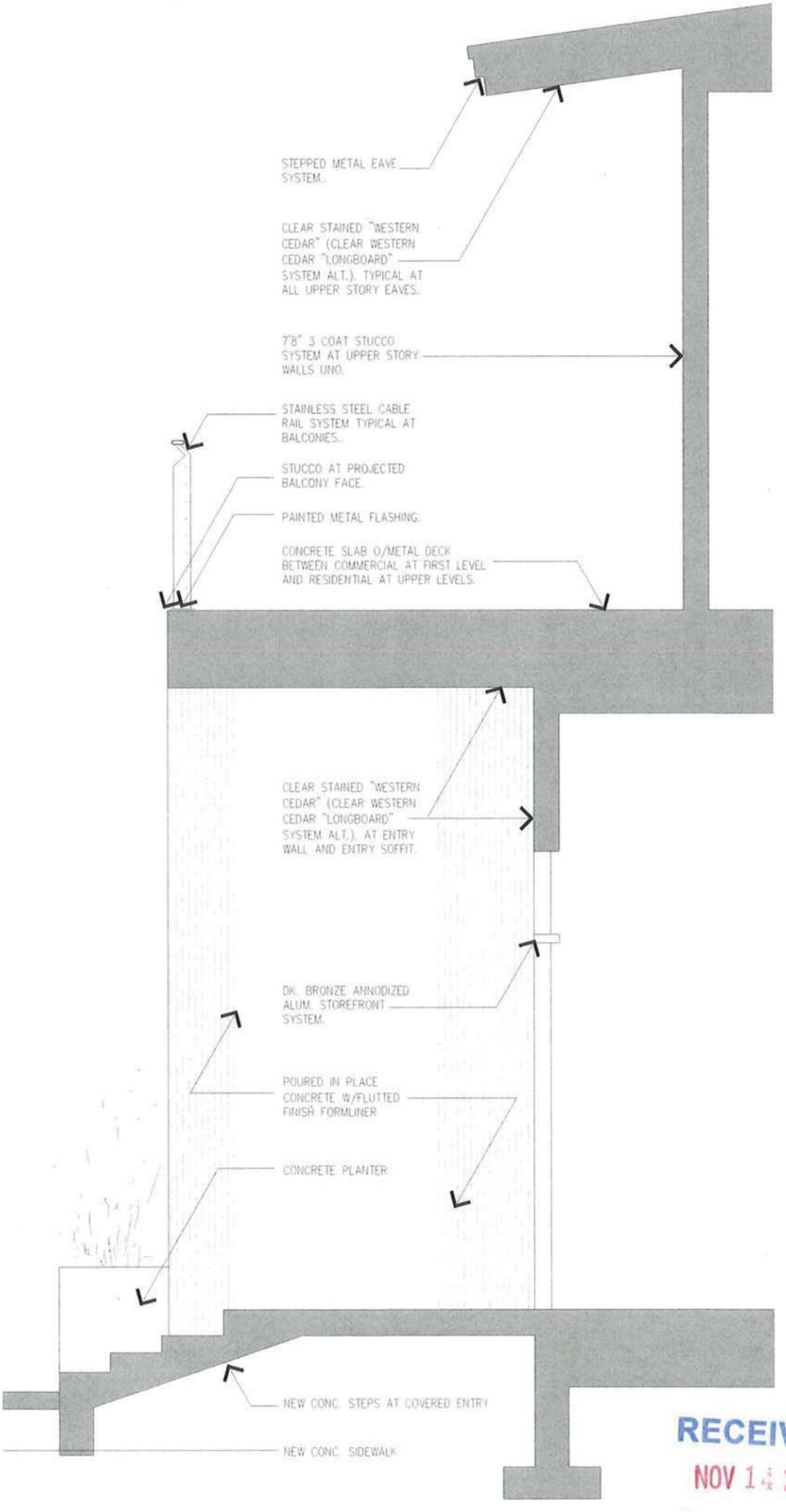
**A3**



**PROPOSED Building Section (facing to Helman)**  
SCALE: 3/4" = 1'-0"



**PROPOSED Building Section (facing to Helman at covered entry)**  
SCALE: 3/4" = 1'-0"



**PROPOSED Building Section (facing to Van Ness at covered entry)**  
SCALE: 3/4" = 1'-0"

**PRELIMINARY - NOT FOR CONSTRUCTION - FOR REVIEW and DISCUSSION PURPOSES ONLY**



**GARY R. CAP ARCHITECT PLANNERS**  
architect planners  
REGISTERED ARCHITECT  
Gary R. Cap  
Medford, Or 97504  
STATE OF OREGON

Owner: James I  
P.O. Box 970  
Medford Oregon

PROJECT: A MIXED USE COMMERCIAL PROJECT LOCATED AT:  
**The Helman**  
160 Helman Street, Ashland Oregon

MARK	DATE	DESCRIPTION
ISSUE:	11/12/12	
PROJECT NO.:		
DRAWN BY:		
CHECKED BY:		
SHEET TITLE:		

SECTIONS  
**A**

RECEIVED  
NOV 14 2012  
City of Ashland



# 160 Helman Tree Removal Plan

Five small stature Oak Trees proposed for removal on-site. An eight-inch Maple street tree is proposed for removal. None are hazard trees, all proposed for removal to allow the development of the vacant lot. The parkrow is proposed to be reconstructed and irrigated with new street trees. Five new street trees proposed, two on-site trees proposed per the landscape plan.

Trees on adjacent property to east approved for removal upon development of that property. No tree preservation proposed.

## Legend

 Oak





**NOTICE OF APPLICATION**

**PLANNING ACTION:** TREE-2018-00034

**SUBJECT PROPERTY:** 533 Fairview Street

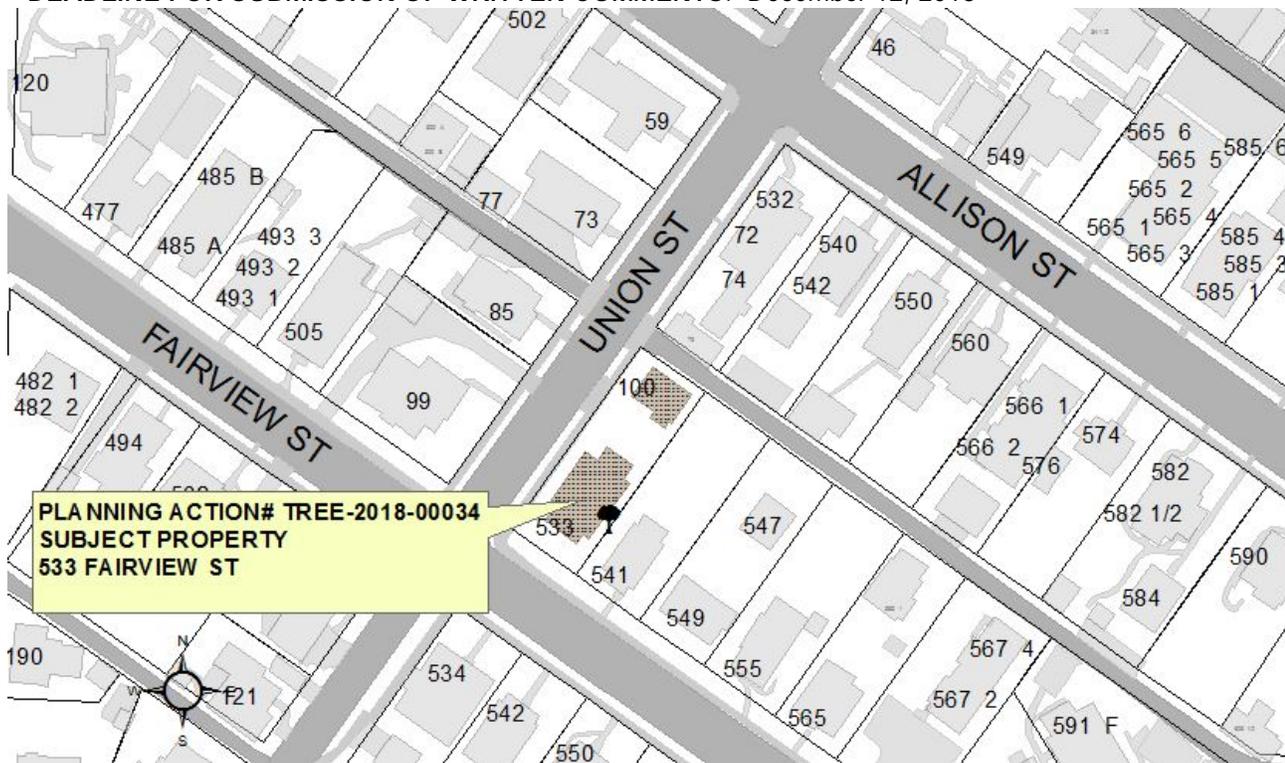
**OWNER/APPLICANT:** Bryon Jones/Norma Wright

**DESCRIPTION:** A request for a Tree Removal Permit to remove an Elm Tree at the Western Property Line at 533 Fairview. The tree was proposed to be protected as part of PA-2017-02005, but the excavation of the foundation ultimately compromised the stability of the tree. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP #:** 391E09 CA; **TAX LOT:** 2600

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, December 6, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** November 28, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** December 12, 2018



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

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

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

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

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

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

## TREE REMOVAL PERMIT

### 18.5.7.040.B

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





**NOTICE OF APPLICATION**

**PLANNING ACTION:** TREE-2018-00035

**SUBJECT PROPERTY:** 187 Harrison

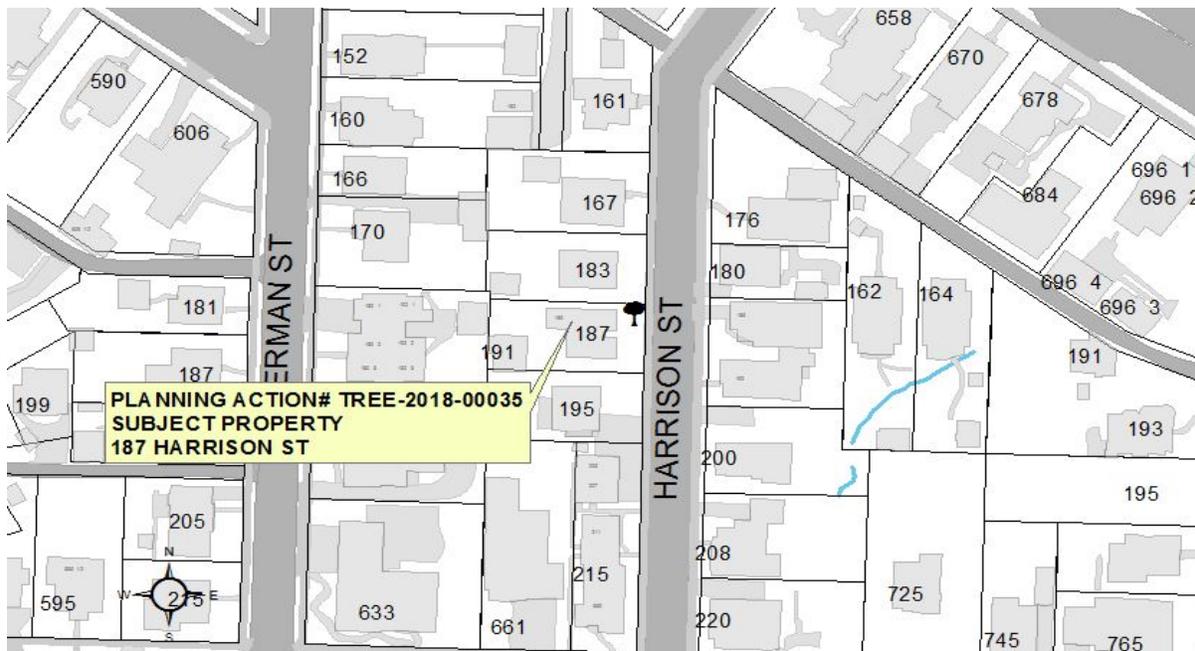
**OWNER/APPLICANT:** Slapnicka & Hamilton Trust/Michael Thirkill

**DESCRIPTION:** A request for a Tree Removal Permit to remove a Willow at the front of the property at 187 Harrison Street. The application states the tree is dying, its roots have infiltrated the sewer and it is blocking the growth of the young maple adjacent to it. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09 DB; **TAX LOT:** 2600

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, December 6, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** November 28, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** December 12, 2018



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

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

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff's decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

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

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

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

## TREE REMOVAL PERMIT

### **18.5.7.040.B**

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

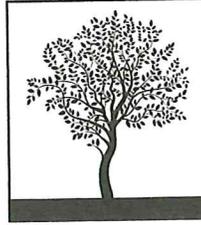


# BEAVER TREE SERVICE

Inc.  
OFFICE: 541-779-7072  
WWW.BEAVERTREE.NET

FAMILY OWNED AND OPERATED

PROMPT PROFESSIONAL TREE CARE SINCE 1984



# UPPER LIMB-IT TREE SERVICE

541-482-3667 Office  
www.upperlimbit.net

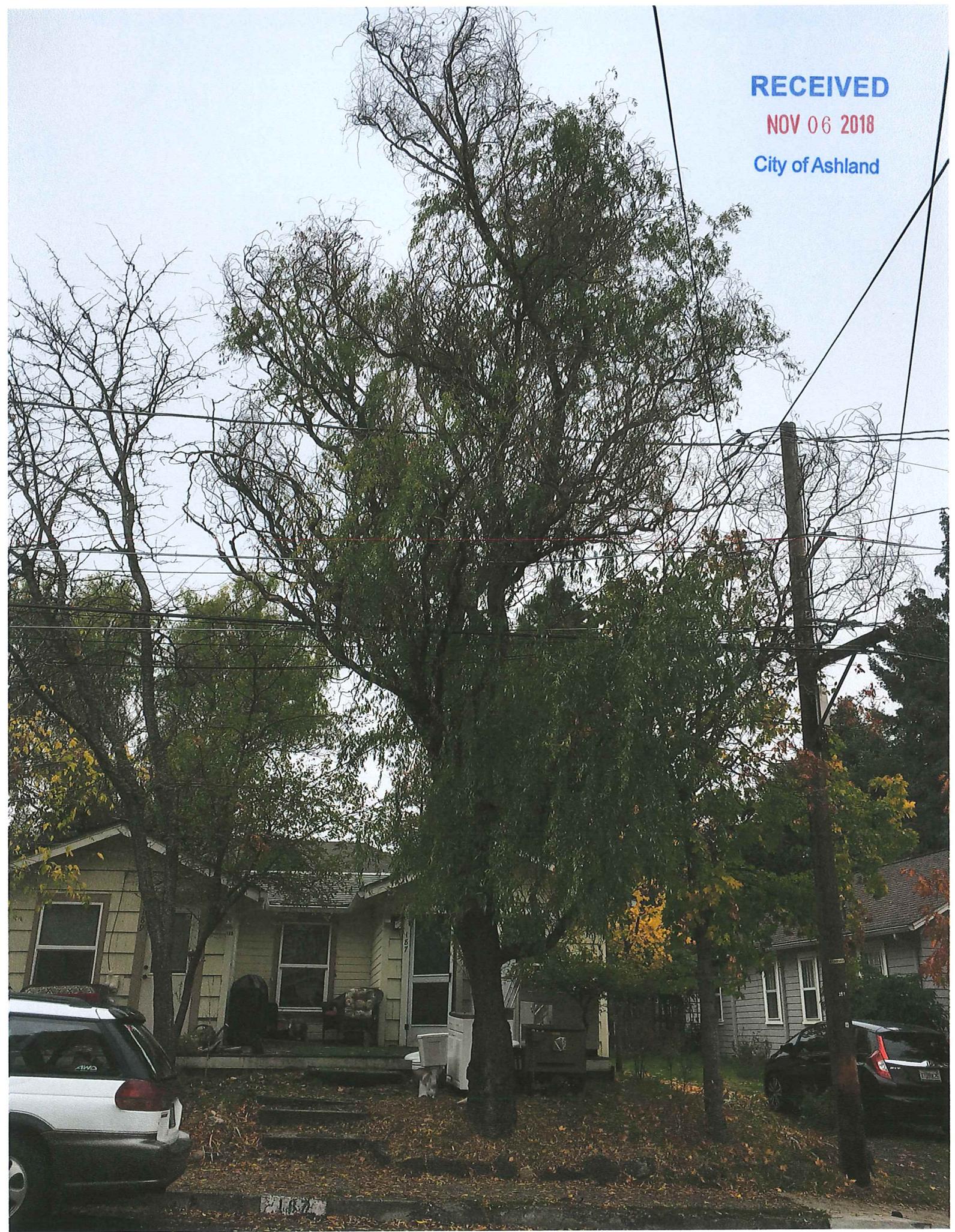
## JOB PROPOSAL

<b>Customer:</b> <i>Suncrest Homes</i>	<b>Date:</b> <i>11-6-2018</i>
<b>Address:</b>	<b>Phone:</b> <i>535-8641</i>
<b>Job Locations (if Different):</b> <i>187 Harrison St. Ashland</i>	<i>944-3799</i> <i>Michael</i>
<b>Services</b>	<b>Price</b>
<b>Pruning:</b> <i>Box Elder</i> <i>Maple</i> <i>Locus</i>	
<b>Removal:</b> <i>Willow</i> <i>Leave Stump 3' 2'</i> <i>Willow is dying &amp; has infiltrated sewer</i> <i>line &amp; blocking young maple to right</i>	<b>RECEIVED</b> <b>NOV 06 2018</b>
<b>Clean-Up Details:</b> <input checked="" type="checkbox"/> Haul Away All Debris <input type="checkbox"/> Cut Wood to Firewood Lengths <input type="checkbox"/> Haul Away Brush Only <input type="checkbox"/> Leave All Debris	<b>City of Ashland</b>
<b>Stump-Grinding:</b> <input type="checkbox"/> Rake Grindings Back into Hole <input type="checkbox"/> Haul Away Excess Grindings	
<b>Other Remarks:</b>	<b>Total</b> <i>900.00</i>

RECEIVED

NOV 06 2018

City of Ashland





**NOTICE OF APPLICATION**

**PLANNING ACTION:** Tree-2018-00036

**SUBJECT PROPERTY:** 70 Third Street

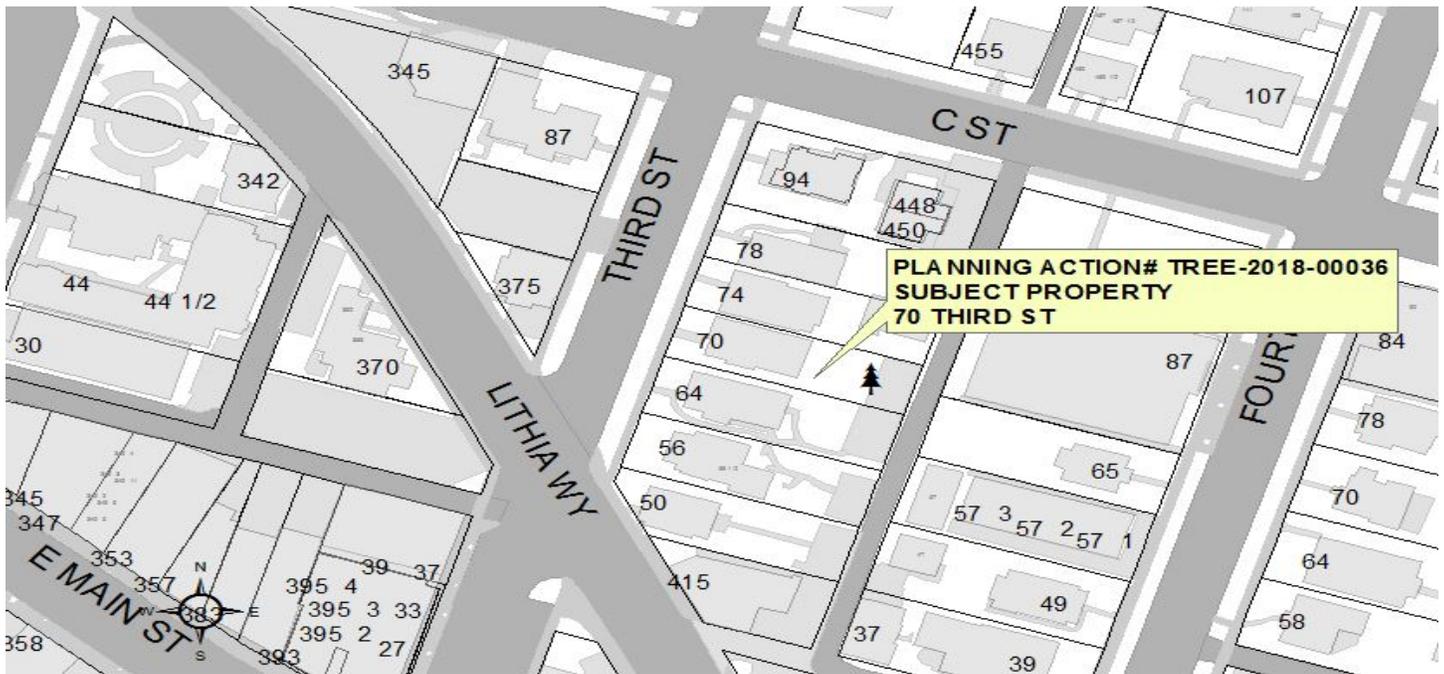
**OWNER/APPLICANT:** John Fields/Natalie Ives-Drouillard

**DESCRIPTION:** A request for a Tree Removal Permit to remove 36” Ponderosa Pine. The tree was proposed to be protected as part of PA-T1-2018-00015. The application states the owner wishes to remove the tree for garden space and the addition of solar panels to the roof. The tree is crowded and the addition of an accessory unit on the property will severely impact the tree’s health as the unit will require excavation in its root zone and limbs to be removed to provide clearance. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR’S MAP:** 39 1E 09 BD; **TAX LOT:** 1400.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **Thursday, December 6, 2018 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

**NOTICE OF COMPLETE APPLICATION:** November 28, 2018

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** December 12, 2018



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

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

Ashland Planning Division Staff determine if a Land Use application is complete within 30 days of submittal. Upon determination of completeness, a notice is sent to surrounding properties within 200 feet of the property submitting application which allows for a 14 day comment period. After the comment period and not more than 45 days from the application being deemed complete, the Planning Division Staff shall make a final decision on the application. A notice of decision is mailed to the same properties within 5 days of decision. An appeal to the Planning Commission of the Planning Division Staff’s decision must be made in writing to the Ashland Planning Division within 12 days from the date of the mailing of final decision. (AMC 18.5.1.050.G)

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

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

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

## TREE REMOVAL PERMIT

### 18.5.7.040.B

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

Reply all | Delete | Junk | ...

### 70 Third Street

JF John Fields <goldenfields22@gmail.com>

Reply all |

Today, 11:09 AM

Fotini Kaufman

Inbox

Fotini,

Here are a few photos for the tree removal. You can see the second pink line to the left is where the foundation line is for the proposed structure. The new walkways, the bike racks, the garbage recycling not to mention staging the construction on the root zone are all detrimental to the trees ultimate survival.

Thanks for your help.

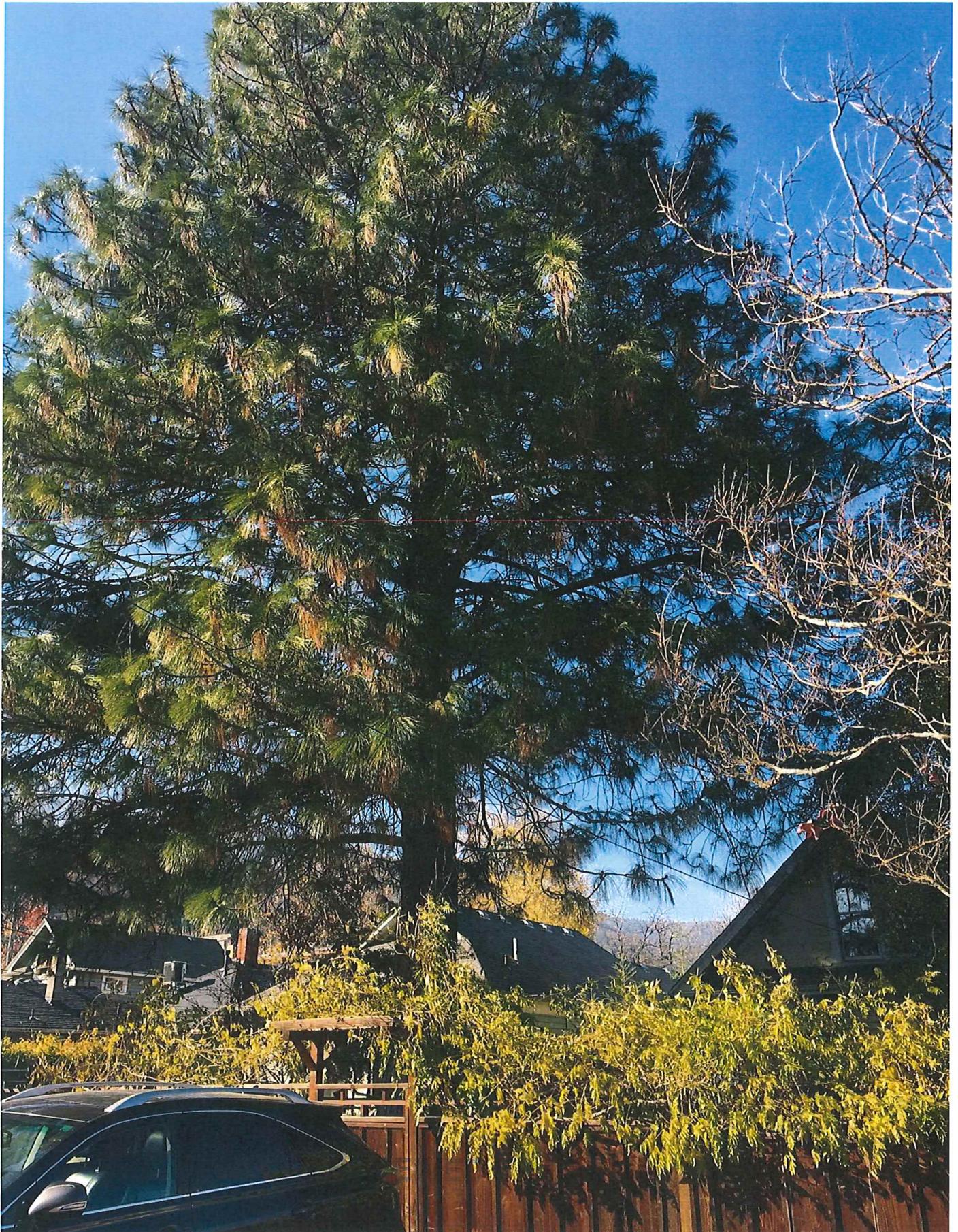


**RECEIVED**

NOV 18 2018

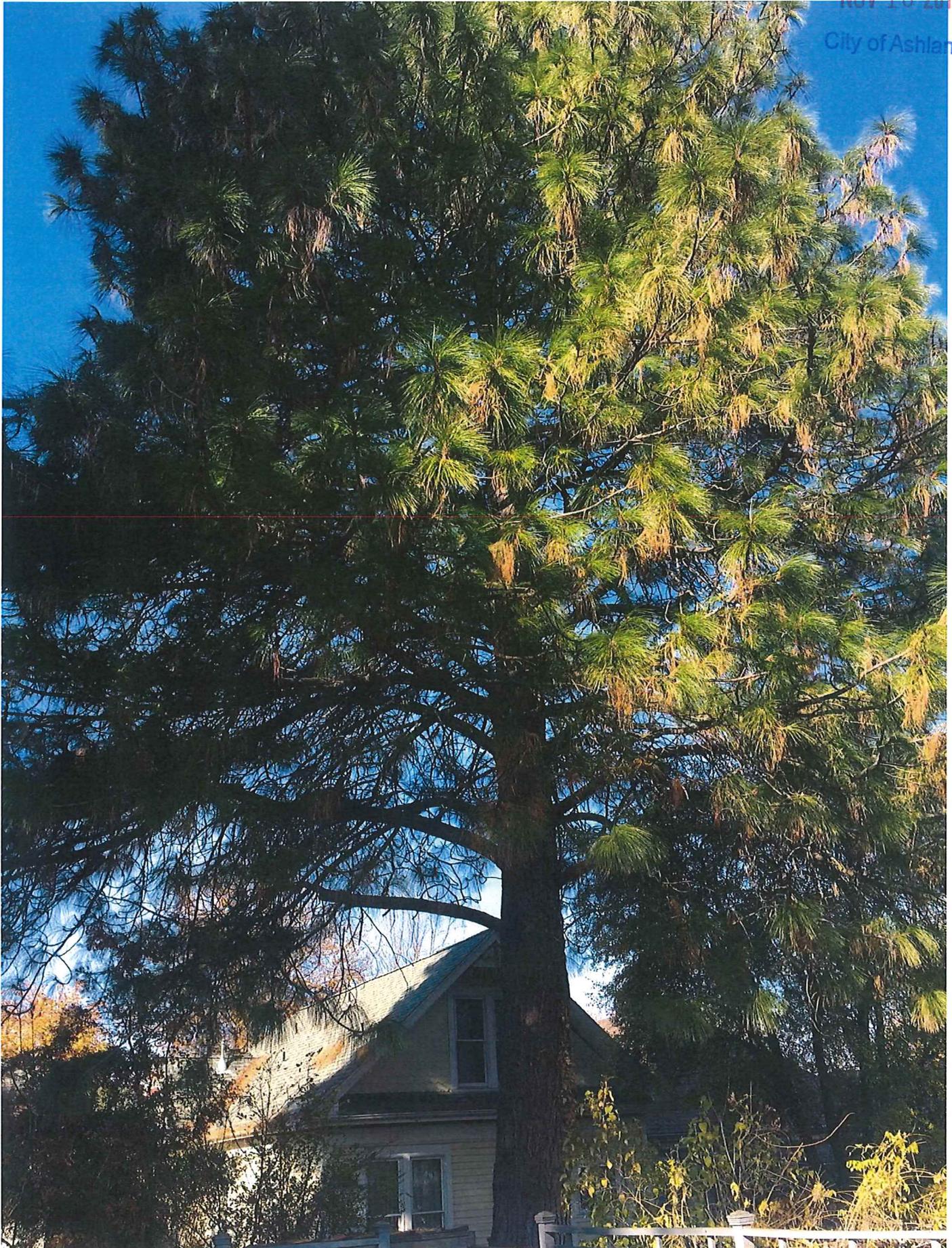
City of Ashland

Reply all | Delete | Junk | ...



City of Ashland

Reply all | Delete | Junk | ...



TO: City Of Ashland- Planning and Tree Commission

FROM: John Fields- Golden-Fields Construction and Design - Agent  
541-482-8442 [John@golden-fields.net](mailto:John@golden-fields.net)  
Natalie Ives-Drouillard

RE: Finding of Fact for Tree Removal for Property situated 70 Third Street  
39 1E 09 BD TL 1400- Ashland, Oregon  
Modification of planning action PA-2018- TI-00015

To whom it may concern:

The Subject property had the Final decision posted on August 29, 2018. Within that approval the 36" diameter Ponderosa Pine was slated for preservation. In the discovery of information to move forward on this project several facts and problems have arisen and we are requesting a tree removal permit for the tree.

The original desire of the home owner was for the removal of the tree. She is terrified about fire danger and felt the pine and constant shedding of needles was a hazard. The Ashland Fire Department successfully developed an ordinance requiring all structures within City limits to have to Pines within 30' of new structures prohibited. I met with the Fire Department regarding this tree in particular and apparently the Tree advocates and property ownership advocates had convinced them to back off of this requirement regarding existing trees. I do believe that in this kind of small scale development, if a property owner would like to keep a tree that it should not be a hardship in the planning process.

But we do feel that if an owner does not want an existing tree on single family residence that they should be given the latitude to remove it.

*3. Removal of trees in multi-family residential and health care zones on lots occupied only by a single-family detached dwelling and associated accessory structures where the property cannot be further developed with additional dwelling units **other than an accessory residential unit**, except as otherwise regulated by chapter [18.3.10](#), Physical and Environmental Constraints Overlay, and chapter [18.3.11](#), Water Resource Protection Zones (Overlays).*

What we have in this case is a homeowner who prefers the tree to be removed. There are competing considerations that she would like brought into this decision.

1. The owner would like to have a garden with fruit trees. Right now the entire back half of the property is covered in shade and has a constant layer of pine needles.
2. The design has the tree approximately 8' away from the foundation.
  - a. The tree would have to have the limbs removed 26' above the ground level to provided the 10' clearance above the new structure. This is approximately 1/3 of the existing branch structure.
  - b. The mitigation required to save this tree requires that the roots be air-spaded free to reveal the structure and then have the engineer come to the site and design a pier and grade beam foundation structure over the roots.

You can observe a 10" diameter root heading towards the proposed structure. There are probably additional lateral roots. If we were to leave this giant root extending under the new structure we will have to have the subsoil level under the structure remain intact. The height of the building will need to be raised an addition 3' plus higher than proposed. The crawl space will also be more susceptible to rodent and animals getting into the crawl space due to the fact that the foundation grade beam will not be into the grade at the point it passes over the roots.

- c. There is a requirement to protect the root zone from construction. There is no way to build this structure without impact to the root structure. There is no other area to stage the work.
- d. The plan also shows the gate entry moving to the West. When the required garbage enclosure and bike structure are built, this will be further encroachment into the drip zone. The Plan does not show the pathway, but the owner would like to have a concrete walkway connecting parking, garbage enclosure and bike rack to both the existing house this proposed ADU.
- e. Although everyone wants to save a beautiful tree, there seems to be a certain level of denial that does not see the impact of these necessary improvements to the trees ultimate health. It's a risk that will cost an additional \$10,000 and will create a liability for the new ADU in the event that it has to be removed or there is significant damage from limbs dropping or disruption of the foundation by the encroaching root structure. If the tree is removed after construction the cost of removal will double on top of all the extra expense for an attempt to save it.

***2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.***

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

3. She would like to regain her solar access so that she can install solar panels. Right now the tree deprives the solar rights of not only this property, but also effects the neighbor to the North. Removal of the tree would allow excellent access. The owner would like to have ability to install a Photo Voltaic array supplying green energy to the ADU reducing carbon impact of the development

RECEIVED

NOV 18 2018

City of Ashland

*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.*

4. There will be no significant impact on erosion by removal of this tree. In fact removal of the tree will allow the project to manage its storm water as required by the findings and order. Currently there is no storm water facility in the street or the alley of this subject project. We have discussed this with the City Storm water management department they agreed that we will provide a French drain (a sump with drain rock to handle the storm water from the roof) which will be accommodated in the removed tree's location.

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

Although there will be an impact on the tree density and canopy, we will mitigate the impact by providing 4 deciduous trees that are on the preferred fire safe list. Probably three fruit trees and one Oak or Maple that will replace the lost canopy. We will meet the goal of the Wildfire Ordinance in goal to reduce fire hazard and create 30' buffer from flammable Ponderosa Pines.

*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.*

There is no alternative placement of this ADU structure on the property. If we there is going to be this kind of investment in this property, the current location of the tree is consequential in the decision to develop the ADU on this site.

*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.*

We will replace the removed the tree with four new trees as stated above.

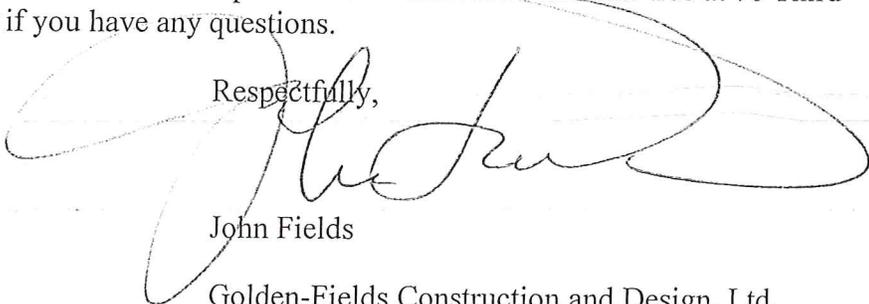
**RECEIVED**  
NOV 18 2018  
City of Ashland

In summary, I believe the alternative for the owner in lieu on not getting a tree removal permit would be to withdraw the ADU approval and reapply for an accessory building without the stove. With this modification the owner could remove the requirements for a separate electric service, bike storage facility, and garbage enclosure and simultaneously have the ability to remove the tree without a permit.

Sometimes we have to accept that trees get planted in the wrong place. It is 70 year old tree that is quite lovely, but creates a looming hazard that the owner prefers not have to contend with. In addition to this, it deprives her of the ability to grow a garden, have solar access and landscape appropriately for her desired use.

I am hoping that this clarifies our request for the removal of the Pine tree at 70 Third street. Let me know if you have any questions.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read 'John Fields', is written over the typed name and company name.

John Fields

Golden-Fields Construction and Design, Ltd.

**RECEIVED**

**NOV 18 2018**

**City of Ashland**