



CITY OF ASHLAND



TREE COMMISSION AGENDA November 7, 2019

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 October 3, 2019 regular meeting minutes.

III. PUBLIC FORUM

Open to guests.

IV. LIAISON REPORTS

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

V. TYPE I REVIEWS

PLANNING ACTION: PA-TREE-2019-00080

SUBJECT PROPERTIES: 873 Clay St.

OWNER/ APPLICANT: Tamara Foster

DESCRIPTION: This is a request for a Tree removal permit to remove a large mature cedar tree. The health of the tree has been deteriorating for some time. The applicant also points to its proximity to the home and that it poses a fire hazard.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-5 **MAP:** 39 1E 14 BC; **TAX LOT:** 3800

PLANNING ACTION: PA-TREE-2019-00084

SUBJECT PROPERTIES: 2264/2268 Dollarhide

OWNER/ APPLICANT: East Village HOA

DESCRIPTION: This is a request for a Tree removal permit to remove three (3) large mature cottonwood trees (*Populus trichocarpa*). The trees are 15.5, 9, and 10 inches DBH and ranging in height between 30-45 feet. The trees have an extensive root system that has caused damage in the past and is continuing to cause damage to the adjacent properties patio. The subject property with the three trees is owned by the HOA and was set-aside as open space for wetland preservation. While the subject parcel has an identified wetland in it, based on the adopted maps staff determined that these trees are not within the Water Resource Protection Area.

COMPREHENSIVE PLAN DESIGNATION: Suburban Residential; **ZONING:** R-1-3.5

MAP: 39 1E 11 CB; **TAX LOT:** 1041

PLANNING ACTION: PA-TREE-2019-00085

SUBJECT PROPERTIES: 1565 Oregon St.

OWNER/ APPLICANT: Nancy Butcher

DESCRIPTION: This is a request for a tree removal permit to remove a large sequoia redwood tree. The tree was planted many years ago by a tenant on the property without permission from the property owner. The tree is located very close to the building and has caused problems with on-site drainage lines and potentially has contributed to subsidence near the entry to the second floor stairs.

COMPREHENSIVE PLAN DESIGNATION: Commercial; **ZONING:** C-1 **MAP:** 39 1E 15 BA; **TAX LOT:** 4601

PLANNING ACTION: PA-T1-2019-00075
SUBJECT PROPERTY: Kestrel Parkway
APPLICANT: KDA Homes, LLC
OWNER: Jacob Robert Ayala
DESCRIPTION: A request for Final Plan approval for the Kestrel Park Subdivision under the Performance Standards Options subdivision chapter (AMC 18.3.9) for a 17-lot subdivision. The proposal includes 15 developable lots plus the dedication of a 5.13-acre parcel of floodplain corridor lands to the city as park land as required in the North Mountain Neighborhood Plan (NMNP), and the creation of a reserve lot to contain portion of the subdivision to be developed in future phases. The application includes a request for Tree Removal Permits to remove 11 trees not identified for removal in the original subdivision application. These trees are identified as Ash Trees ranging in diameter from eight- to 24-inches and are located in the areas proposed for the construction of the new streets Kestrel Parkway and Nest Box Way. (The Planning Commission previously approved PA-T2-2018-00005 which granted Outline Plan approval, 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.)
COMPREHENSIVE PLAN DESIGNATION/ZONING: North Mountain Single Family (**NM-R-1.7.5**), North Mountain Multi-Family (**NM-MF**), and North Mountain Greenway (**NM-G**); **ZONING:** NM-R-1-7.5; NM-MF; and NM-G; **ASSESSOR'S MAP & TAX LOTS:** 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.

PLANNING ACTION: PA-T1-2019-00079
SUBJECT PROPERTIES: 471 East Hersey Street
APPLICANT/OWNERS: Rogue Planning & Development/Ken and Carol Baker
DESCRIPTION: A request for a property line adjustment and land partition to create three lots including one flag lot for the property located at 471 East Hersey Street. The application also includes requests for a Variance to have less than the required 75-foot separation between driveways on East Hersey Street, an avenue or major collector street, to allow for the relocation of the existing driveway to provide consolidated access to all three of the proposed parcels, and for Tree Removal Permits. There are currently ten trees greater than six-inches in diameter at breast height (d.b.h.) identified on the subject property including two cedars, two plums, two apples, a pear, two locusts, and a blue spruce. All are proposed for removal, and four are considered significant and require Tree Removal Permits. (NOTE: The application also includes a request for a Demolition/Relocation Review Permit to allow the demolition of the existing 884 square foot residence and a detached 1,081 square foot garage/carport/shed structure in order to enable the requested partitioning and redevelopment of the property.)
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-5-P; **MAP:** 39 1E 04DD; **TAX LOT:** 1300

VI. TYPE II REVIEWS
NONE

VII. STREET TREE REMOVAL PERMITS

PLANNING ACTION: PA-TREE-2019-00082
SUBJECT PROPERTIES: 473/475 Williamson Way
OWNER/ APPLICANT: Gleason/Ferguson
DESCRIPTION: This is a request for a street tree removal permit to remove a red maple tree that is approximately 7" DBH and 20-feet in height. The applicant claims that the tree is dead.
COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; **ZONING:** R-2 **MAP:** 39 1E 04 DD;
TAX LOT: 5900 / 6000

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

PLANNING ACTION: PA-TREE-2019-00083
SUBJECT PROPERTIES: 602 Sutton Place
OWNER/ APPLICANT: Stephen & Susanne Zapf
DESCRIPTION: This is a request for a street tree removal permit to remove a large oak tree from the planter strip in front of 602 Sutton Place. The tree had originally been identified (and approved) for removal during the development of the 'The Oaks of Ashland' subdivision (2002). For unknown reasons the developer managed to make the civil improvements work around the tree and preserved it. In recent years the tree has been in deteriorating health. The applicant has provided an arborist report indicating that the tree while not dead is in serious decline.
COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-10 **MAP:** 39 1E 14 AA; **TAX LOT:** 6018

VIII. DISCUSSION ITEMS

- Tree of the Year – Nominations.

IX. ADJOURNMENT

Next Meeting: December 5, 2019



CITY OF ASHLAND



TREE COMMISSION MINUTES October 3, 2019

Tree Commissioners:	Parks Liaison:
Chris John	Mike Oxendine
Cat Gould	Peter Baughman - Absent
Russell Neff	Council Liaison:
Eric Simpson	Steven Jensen
	Staff Liaison:
	Aaron Anderson
Not In Attendance:	
Asa Cates	

CALL TO ORDER

Chair John called the meeting to order at 6:03 p.m. in the Siskiyou Room of the Community Development and Engineering Services Building located at 51 Winburn Way.

APPROVAL OF MINUTES

Commissioners Neff / Simpson m/s to approve the minutes of September 5, 2019. Voice Vote: All Ayes. Motion passed

PUBLIC FORUM

There was no one in the audience wishing to speak.

LIAISON REPORTS

- Council Liaison Jensen was absent so no report was given.
- Mike Oxendine, Parks Superintendent was present to give a short presentation regarding the Arbor Day planting. Other items discussed were:
 - Japanese Garden project is back up and running.
 - Street tree was taken out by auto accident in front of Cripple Creek Music.
 - Proposal of large Conifer in Plaza.
 - Street tree plantings in front of Armory.
 - Green Legacy project.

John/Simpson M/S to direct staff to draft a letter of support for the peace tree / ginko tree to be planted at a location TBD. Voice Vote: All Ayes. Motion passed.

- Community Development Liaison Aaron Anderson had nothing significant to report.

TYPE 1 REVIEWS POSTPONED DUE TO LACK OF REPRESENTATION

STREET TREE REMOVAL PERMITS

PLANNING ACTION: TREE-2019-00076

SUBJECT PROPERTIES: 132 6th St.

OWNER/APPLICANT: Willow Denon

DESCRIPTION: A request for a Street Tree removal of a 12" DBH Black Oak which is interfering with electric wiring and causing uplift to the sidewalk. **COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential; **ZONING:** R-2; **MAP:** 39 1E 09AC; **TAX LOT:** 2500

There was no conflict of interest or ex-parte communication indicated by the Commission.

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Anderson gave staff report for TREE-2019-00076.

Following a brief review of the application, Ms. Denon spoke on her behalf, expressing concern for liability due to sidewalk uplift, and conflict with overhead wires.

Upon conclusion of the public hearing the TC deliberated. Chair John remarked that in a long-term perspective the tree will continue to conflict with the overhead wires.

John/Neff M/S to approve TREE-2019-00076 as submitted. Voice Vote: All Ayes. Motion passed.

PLANNING ACTION: TREE-2019-00079

SUBJECT PROPERTIES: 153 Oak St.

OWNER/APPLICANT: Magnolia Inn View LLC

DESCRIPTION: A request for a Street Tree removal of an 18" DBH Oak which has dropped a number of large branches and is causing uplift to the sidewalk. **COMPREHENSIVE PLAN DESIGNATION:** Commercial; **ZONING:** C-1; **MAP:** 39 1E 09BB; **TAX LOT:** 11600

Chair John recused himself.

Anderson gave staff report for TREE-2019-00079.

The applicant explained that tree has caused significant uplift to the sidewalk and dropped several large branches. Additionally, she has concerns that the recent work planned by charter cable will affect the root zone.

Gould/Simpson m/s to approve TREE-2019-00079 with a condition of approval that the removal only be authorized if the project arborist determines that it be required to repair the sidewalk by IAW ADA standards. Voice Vote: All Ayes. Motion passed.

PLANNING ACTION: TREE-2019-00081

SUBJECT PROPERTIES: 638 Fair Oaks St.

OWNER: Julian Square Condominium

APPLICANT: Canopy LLC

DESCRIPTION: Request for a street tree removal permit to remove a large (15" DBH) Elm that is causing damage to irrigation boxes and causing uplift of the curb. The tree was not selected to be preserved when the condominium was developed and the submitted landscaping plan indicates that a red maple was supposed to be planted near this location. **COMPREHENSIVE PLAN DESIGNATION:** North Mountain Plan; **ZONING:** NM-MF; **MAP:** 39 1E 04AD; **TAX LOT:** 44000

Chair John recused himself.

Anderson gave staff report for TREE-2019-00081.

Paul Segal from the HOA was present for the presentation. The trees roots are causing damage to the water meter box and irrigation controller. It was not intended to be saved during the development, and the original landscape plan indicates that a red maple was designed to be planted but for some reason the tree was left.

Gould/Simpson m/s to approve TREE-2019-00081 with a condition of approval that it be replaced with a red maple. Voice Vote: All Ayes. Motion passed.

TYPE I REVIEWS

PLANNING ACTION: TREE-2019-00077

SUBJECT PROPERTIES: 1090 Benson Way

OWNER: Capstone Asset Mgmt Corp

APPLICANT: Canopy LLC

DESCRIPTION: A request for a Street Tree removal of a 8” DBH Maple in poor health. The applicant is Canopy LLC and they have submitted an arborist report. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **MAP:** 39 1E 14 D; **TAX LOT:** 201

Anderson gave staff report for TREE-2019-00077.

After a brief discussion the Commission rendered their decision.

Gould/Neff m/s to approve TREE-2019-00077 with a condition of approval that it be mitigated with a large stature deciduous tree. Voice Vote: All Ayes. Motion passed.

PLANNING ACTION: TREE-2019-00078

SUBJECT PROPERTIES: 580 Roca St.

OWNER: Normal School Board of Regents

APPLICANT: Jim McNamara

DESCRIPTION: A request for a Tree removal permit to remove a 22-inch DBH Pine tree that is leaning nearly 45 degrees. The tree is located near the Central Heat Plant. **COMPREHENSIVE PLAN DESIGNATION:** Southern Oregon University; **ZONING:** SO; **MAP:** 39 1E 15BB; **TAX LOT:** 100

Anderson gave staff report for TREE-2019-00078.

After a brief discussion the Commission rendered their decision.

Gould/John M/S to approve TREE-2019-00078 with the condition that they plant 2-2” mitigation trees. Voice Vote: All Ayes. Motion passed.

DISCUSSION ITEMS

- The Ad Hoc Committee proposal on sidewalk tree conflict was *discussed*.

Gould/John m/s to stream line the process of delegating approval of street tree removal by a qualified staff arborist, as required, when Public Works initiates sidewalk complaints. Good for a period of 12 months. Voice Vote: All Ayes. Motion passed.

- Potential Street Tree removal 328 Liberty.
- Tree of the Year.

ADJOURNMENT

*Next meeting is scheduled for November 7, 2019 at 6:00pm
There being no other items to discuss, the meeting adjourned at 7:16pm
Respectfully submitted by Regan Trapp*

Become a part of Ashland's downtown revitalization

Join us to identify a range of potential improvements for Ashland's downtown.

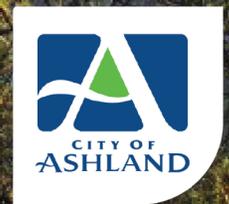


Photo: flickr/Al Case

Ashland Downtown Revitalization Plan Visioning Open House

**Wednesday, November 6, 2019
5:00pm to 7:00pm**

**Carpenter Hall
44 Pioneer Street**

Drop in anytime.
Light refreshments will be provided

Together, let's think about the future of the downtown transportation connections. We will be considering many options for targeted improvements to make the City's transportation network best serve the community. Specifically, this project is looking at streets and traffic flow, sidewalks and crossings, bikeways, transit, parking, deliveries, civic space and more. Your creative ideas will help shape the City's efforts to expand and replicate what is working well and address problem areas. The plan will provide a roadmap for improvements to create a safe, cost-effective, balanced and well-connected transportation system in downtown Ashland.

At the Open House, there will be opportunities to **review the project goals and objectives, weigh in on successes and problem areas and share your ideas.**

We invite you join us on November 6th!



Planning Division
 51 Winburn Way, Ashland OR 97520
 541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # Tree-2019-00080

DESCRIPTION OF PROJECT Tree Removal

DESCRIPTION OF PROPERTY Pursuing LEED® Certification? YES NO

Street Address 873 Clay st. Ashland

Assessor's Map No. 39 1E 14BC Tax Lot(s) 3800

Zoning _____ Comp Plan Designation _____

APPLICANT

Name TAMARA FOSTER Phone 541 482 3310 E-Mail bmitkota@gmail.com

Address 147 N. Laurel St. City Ashland Zip OR 97520

PROPERTY OWNER

Name TAMARA FOSTER Phone _____ E-Mail _____

Address _____ City _____ Zip _____

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Tamara Foster
 Applicant's Signature

9/26/19
 Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Tamara Foster
 Property Owner's Signature (required)

9/26/19
 Date

RECEIVED

SEP 26 2019

[To be completed by City Staff]

Date Received 9/26/2019 Zoning Permit Type _____

Filing Fee \$ 30.50 City of Ashland

OVER >>

ZONING PERMIT SUBMITTAL REQUIREMENTS

- APPLICATION FORM must be completed and signed by both applicant and property owner.
- FINDINGS OF FACT – Respond to the appropriate zoning requirements in the form of factual statements or findings of fact and supported by evidence. List the findings criteria and the evidence that supports it. Include information necessary to address all issues detailed in the Pre-Application Comment document.
- 2 SETS OF SCALED PLANS no larger than 11"x17". Include site plan, building elevations, parking and landscape details. (Optional – 1 additional large set of plans, 2'x3', to use in meetings)
- FEE (Check, Charge or Cash)
- LEED® CERTIFICATION (*optional*) – Applicant's wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps:
 - Hiring and retaining a LEED® Accredited Professional as part of the project team throughout design and construction of the project; and
 - The LEED® checklist indicating the credits that will be pursued.

NOTE:

- Applications are accepted on a first come, first served basis.
- Applications will not be accepted without a complete application form signed by the applicant(s) AND property owner(s), all required materials and full payment.
- All applications received are reviewed for completeness by staff within 30 days from application date in accordance with ORS 227.178.
- The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting. (Planning Commission meetings include the Hearings Board, which meets at 1:30 pm, or the full Planning Commission, which meets at 7:00 pm on the second Tuesday of each month. Meetings are held at the City Council Chambers at 1175 East Main St).
- A notice of the project request will be sent to neighboring properties for their comments or concerns.
- If applicable, the application will also be reviewed by the Tree and/or Historic Commissions.

This large cedar, closest to the house and adjacent to the neighbor, has been deteriorating over the past years. Arborists have said that the tree is "on its way out" and is showing stress. (The front trees died completely and had to be removed in previous years.

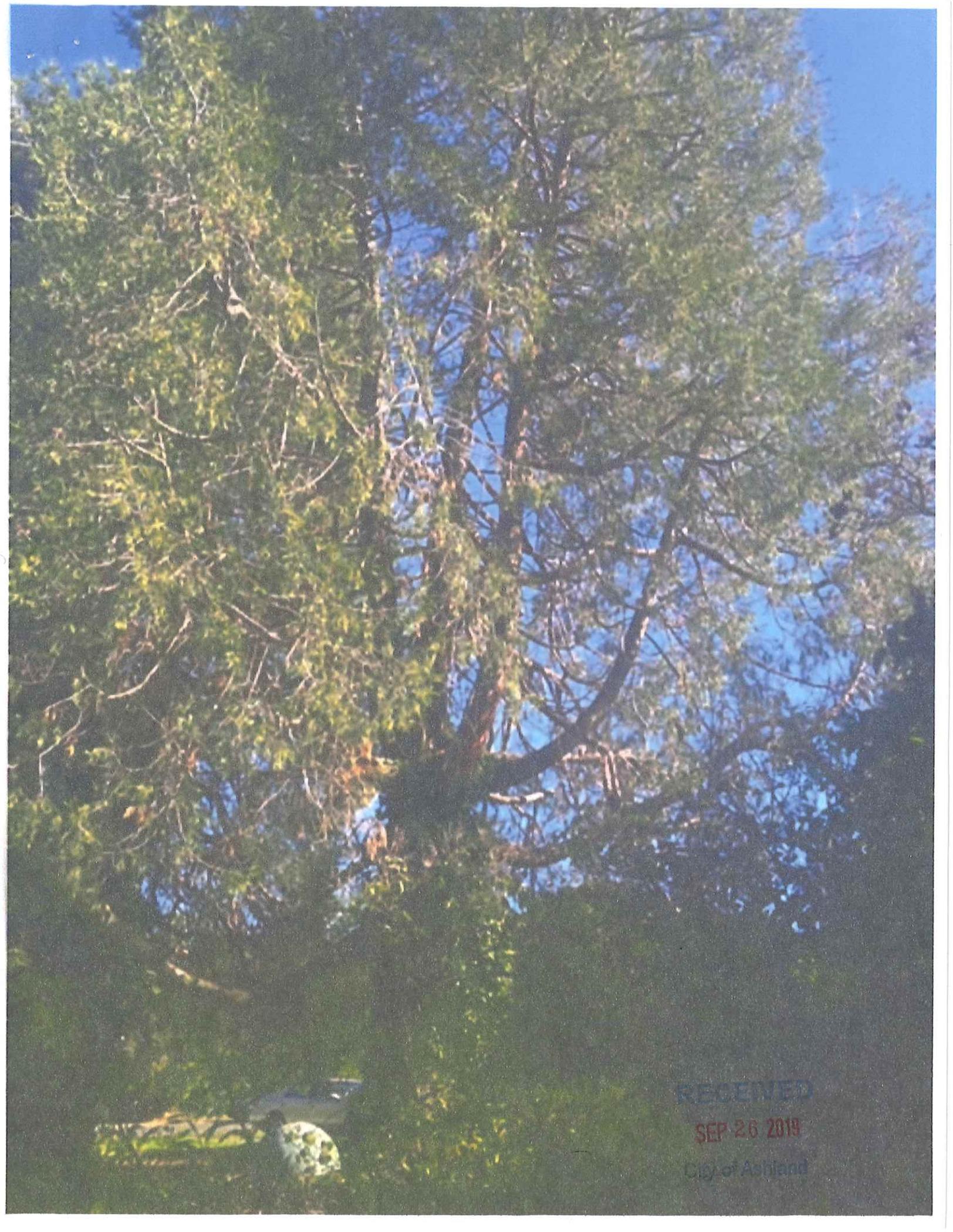
The tree is dangerously close to the structure and the neighbor's house. Limbs have fallen. Due to the possibility of the tree falling as well as fire danger, I'd like to remove it and create a safer barrier for myself as well as my neighbor.

Tamara Josta
147 N. Laurel St.
541 482-3310

RECEIVED

SEP 26 2019

City of Ashland



RECEIVED
SEP 26 2019
City of Ashland



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # TREE-2019-00084

DESCRIPTION OF PROJECT Removal of 3 cottonwood trees owned by a

DESCRIPTION OF PROPERTY HOA in wetland area. Pursuing LEED® Certification? YES NO

Street Address 2268 Dollarhide Way, Ashland

Assessor's Map No. 39 1E _____ Tax Lot(s) _____

Zoning _____ Comp Plan Designation _____

APPLICANT

Name East Village HOA ^{% Ellen Fowler, secretary} Phone 614-296-1444 E-Mail fowler.ellen@gmail.com

Address 2264 Dollarhide Way City Ashland Zip 97520

PROPERTY OWNER

Name East Village HOA Phone 614-296-1444 E-Mail fowler.ellen@gmail.com
^{% Ellen Fowler}

Address 2264 Dollarhide Way City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Arborist Name Willie Gingg Phone 541-772-0404 E-Mail Sotreecare.com

Address P.O. Box 5140 City Central Point Zip 97502

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

East Village HOA, by Ellen Fowler,
Applicant's Signature Secretary

Date 10/24/19

RECEIVED
OCT 24 2019
City Of Ashland

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

East Village HOA, by Ellen Fowler,
Property Owner's Signature (required) Secretary

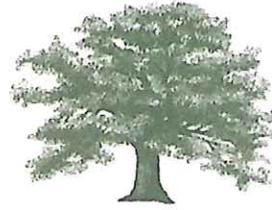
Date 10/24/19

[To be completed by City Staff]

Date Received 10/24/19 Zoning Permit Type Tree Removal Filing Fee \$ 30.50
Type 1

OVER >>

SOUTHERN OREGON TREE CARE, LLC



541-772-0404
Sotreecare.com
PO Box 5140 Central Point, OR 97502

2264 Dollarhide Cottonwood

Prepared For

Dennis Read

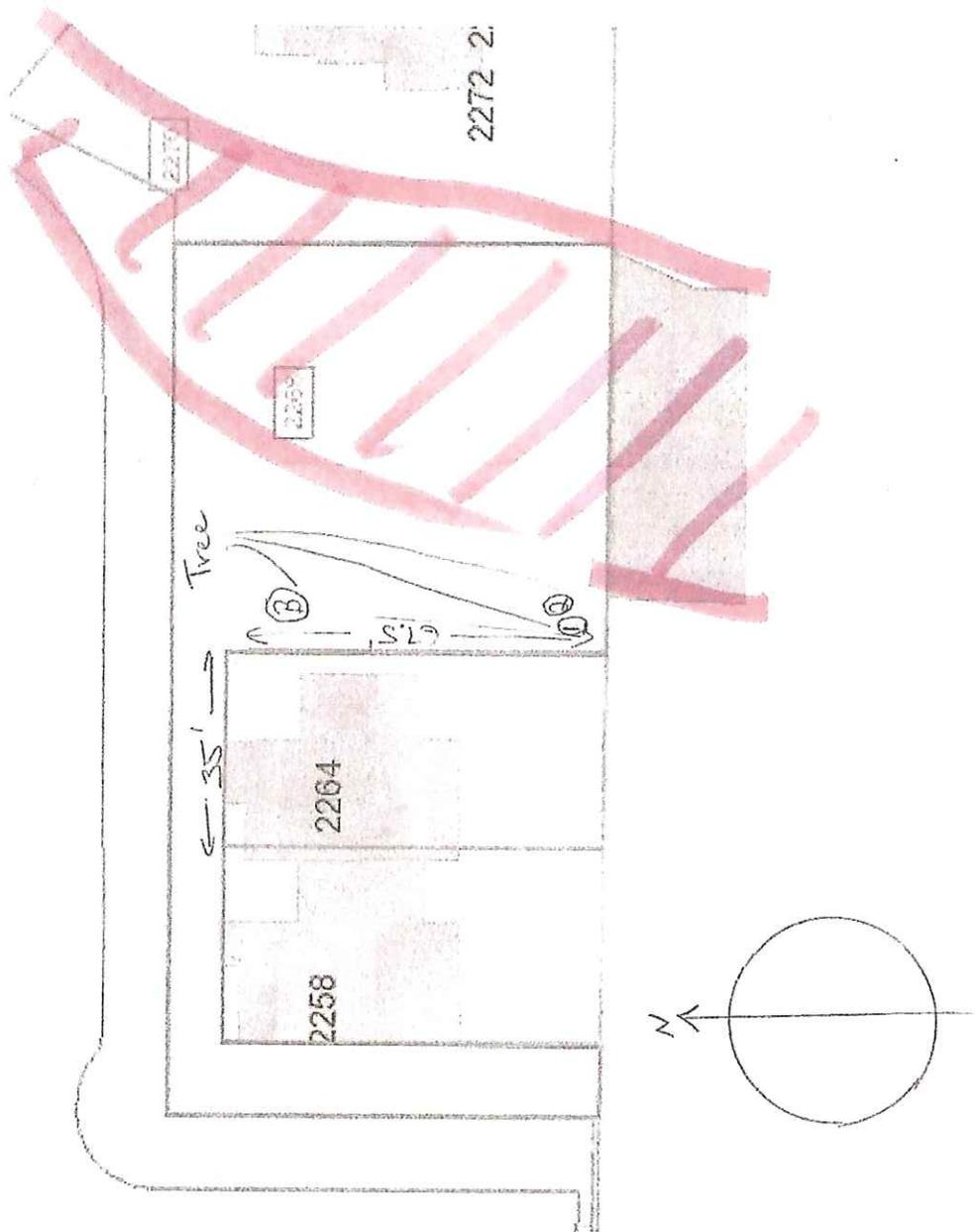
By

Willie Gingg
ASCA Consulting Arborist
PNW ISA Certified Tree Risk Assessor #1166
ISA Board Certified Master Arborist #PN5564B

DATE

October 10, 2019

RECEIVED
OCT 24 2019
City Of Ashland



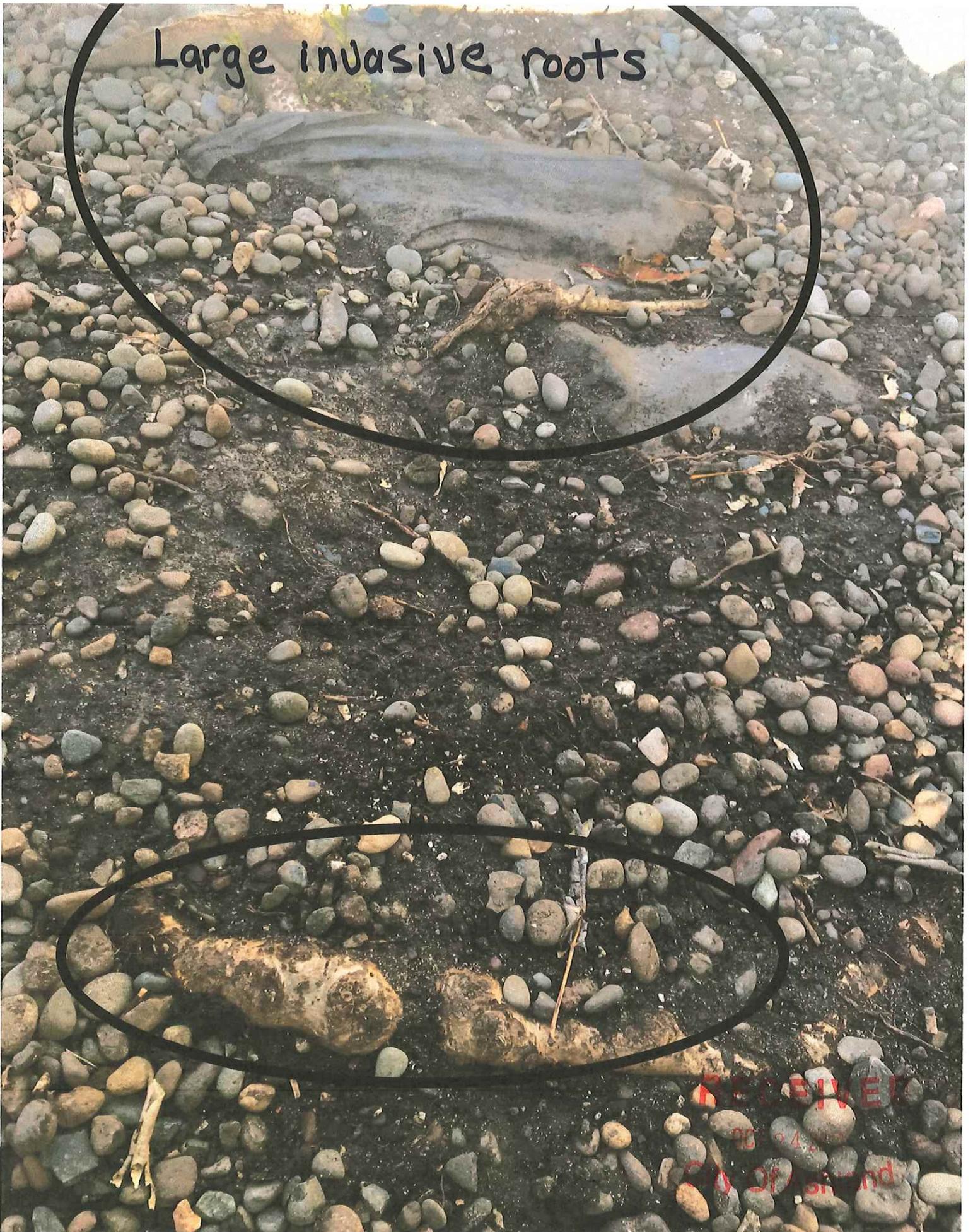
RECEIVED
OCT 24 2019
City Of Ashland

Line of
3 suckers
extending
along patio
base



RECEIVED
OCT 10 2010
CITY OF ASHLAND

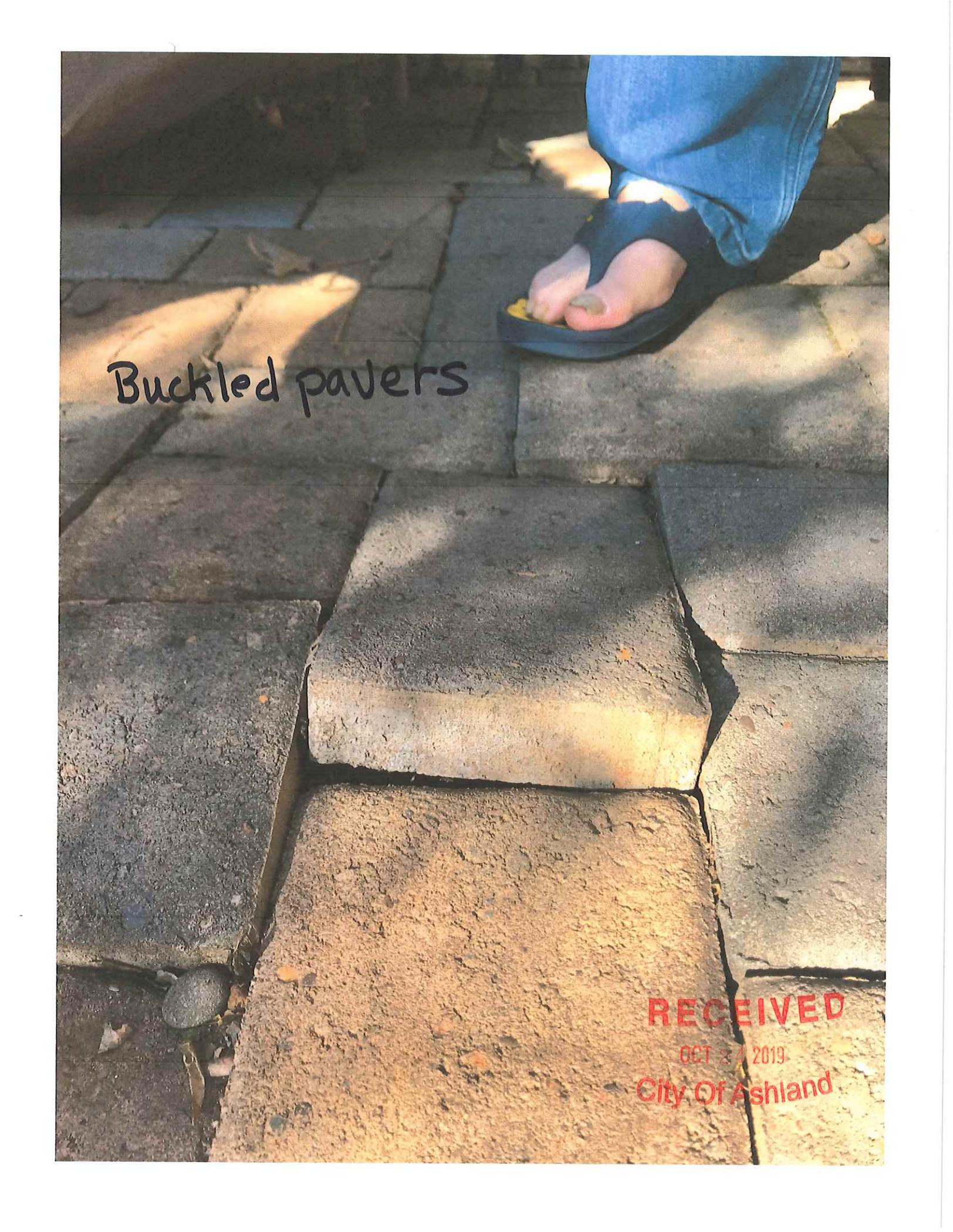
Large invasive roots



RECEIVED
NOV 24 2011
C/O Of Island

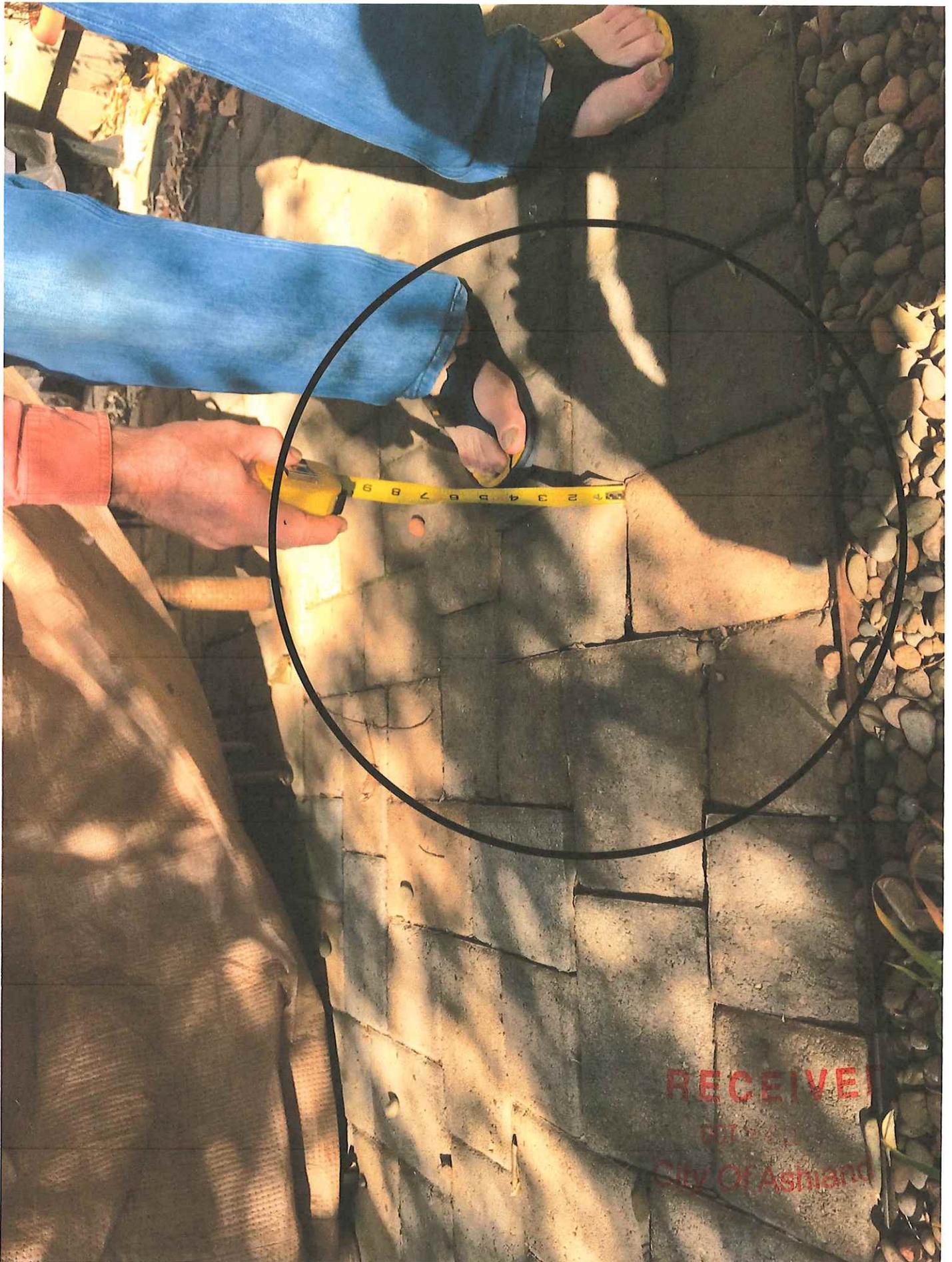


RECEIVED
OCT 4 2011
City Of Ashland



Buckled pavers

RECEIVED
OCT 24 2019
City Of Ashland



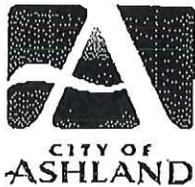
RECEIVED
DATE
CITY OF Ashland

Large sucker 30+ ft from trees, 3ft from far

property line.



RECEIVED
10/1/2013
City of Ashland



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # Tree-2019-00085

DESCRIPTION OF PROJECT Removal of tree next to east end of apt. bldg-

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? YES NO

Street Address 1565 Oregon St.

Assessor's Map No. 39 1E 15BA04601 Tax Lot(s) ? Parcel #1186-027018 -1359839

Zoning "Code 0502" Comp Plan Designation _____

APPLICANT

Name Nancy J. Butcher Phone 541 631 8115 E-Mail oregonst@yahoo.com

Address P.O. Box 3142 City Las Altos Zip 94024

PROPERTY OWNER

Name Ariteen and Albert Butcher Trust Phone 541 631 8115 E-Mail oregonst@yahoo.com

Address Same as above City → Zip _____

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

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- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Nancy J. Butcher
Applicant's Signature

30 October 2019
Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Nancy J. Butcher
Property Owner's Signature (required)

30 October 2019
Date

RECEIVED
OCT 31 2019

(To be completed by City Staff)

Date Received 10/31/2019 Zoning Permit Type Type I Filing Fee \$ 30.50 City of Ashland

OVER >>

of fact

*Loring permit application statement, 9 Aug 2019
N. Butcher, 1565 Oregon St.*

1565 Oregon Street: sequoia at east end of building

For its first couple decades, the sequoia planted right up against the east stairway didn't raise serious issues. In 2015, our insurance company instructed us to repair what they thought to be damage to the roof. The roofer I phoned insisted, after two inspections, that there was no damage, but that a tree at the east end was dropping large amounts of sap on the roof, which should be cleaned off. Another roofer told me that, owing to the type of shingles or tiles used on the roof, it would be difficult to clean it without compromising the roof by scrubbing off the grit incorporated into the tiles for longevity. At that point, I didn't seriously consider removing the tree because—like most people—I love trees, both for their intrinsic beauty and for the good they do our environment.

In addition, I was told last winter that the tree was dropping a good deal of sap onto the stairway down to the back parking lot and garbage area. I thought at first that the problem was the stickiness of the sap, but was told that, mixed with rain, it can become slippery. This of course was a huge red flag, and I began to consider seriously, sad though it seemed, cutting down the tree: It seemed clear that unless we lopped off the western 50% of the tree, I couldn't expect to keep the stairway completely clear of sap dropped by a huge tree smack up against it. At our property manager's suggestion, I elected to have a company scrub the sap off the stairway through the winter. But this solution made me uneasy—any repeated measure can go awry in one of several different ways, so seems inappropriate for handling a safety issue. To me, safety issues cry out for a once-for-all fix.

Though last winter brought me to the point of considering removal, the recent sequence of events that resulted in this application began when the resident in #109, at the tree end of the building, showed me some frasse and droppings—on the tree end of her closet shelf—that had fallen through a ventilation shaft gap at the side of her closet. A handyman sealed the gap and pest control companies advised me on how to proceed.

The 4th and final pest tech inspected in early August. One of the few things all 4 agreed on was that—because several insect and rodent pest species use overhanging tree branches to access buildings—I should have the tree at the east end of the building removed or severely trimmed. When the first one had said that, I flashed back to the persistent rat (or rats?) that had bothered our #209 resident, directly below the tree in about 2012–13.

As mentioned, the suggestion to whack the tree had come up in the past, for unrelated reasons. The arborist who came out last week offered 2 options: one that would better address the sap and pest issues, for some years, but would seriously deform the tree; and another, lighter trimming that would have to be repeated more often. I opted for the second option, and arranged to have it done a week later (August 9). I disliked that this option would reduce the roof-shingle & pest-access issues though not the slippery-stairway issue, but I was prepared to try to find a local company to keep the stairway cleaned off through the upcoming rainy season.

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OCT 31 2019

City of Ashland

of fax
(final page)

Zoning permit application statement, 9 Aug 2019
N. Butcher, 1565 Oregon St.

In working on what I'd thought until this week was an unrelated issue, I'd been trying for some time to speak with a plumber about what the obstacle might be that I'd been told was blocking our sewer line and couldn't be dislodged by roto-roooter equipment. My understanding had been that the blockage was out somewhere between the front side of the building and Oregon Street, and I wanted to know—since it seemed improbable that tree roots, the thing I'd been told was almost certainly the culprit, would be anything more than hair- or twig-diameter in that area—what he thought it might be and how we could unblock it before it caused major issues with the sewage system. When I spoke with him, he said it wasn't a problem in the sewer line but in the storm drain, which runs toward the east; the problem was, he said, at the big tree at the east side of the building.

This was what some call a light-bulb moment: We'd hired Terra Firma (?) a few years back to handle the subsidence of the parking lot and the concrete walkway along that side of the building and were told it was caused by water from somewhere pooling under that area. My attempt this past spring to pinpoint the source of this and another water-related issue had resulted in our having all suspect lines run in the various systems; all were clear except this one. Many of American Leak Detection's green marks and flags are still in place, radiating outward from the tree.

The tree's life story has made it obvious that the tenant who planted the tree without the knowledge or input of the owners didn't choose a suitable location for his project. When my mother and I first saw it perhaps 20 years ago, it was clear that he hadn't thought much about the possible size of the tree at maturity: It was planted way too close to the building and might, we thought, damage the foundation in the future. We didn't know at the time what the arborist who recently quoted on trimming it has told me: He calls it a Giant Sequoia, which, if correct, makes it virtually certain that the tree can be expected to grow to a great height and girth.

In short, although the sequoia is beyond question a lovely tree, as it matures, it's been causing an increasing degree of havoc. Putting together the risk the sap poses for residents who use the side stairway, the roof issues, the almost certain ongoing risk to the storm drain system and further subsidence that that may cause (with associated trip risk due to cracked and dropped sidewalks), and the proximity to the building's foundation, I've finally had to admit, though grudgingly, the best option from an owner's point of view—based not only on large and probably growing maintenance expenditures but primarily on protecting the residents from pest and trip risks—would seem to be removal.

My understanding is that an arborist's report is unnecessary for this application, since I don't claim that the tree in question is diseased. Though I'm no arborist, it appears to me to be a beautiful, healthy sequoia; I gather they do very well in a microclimate like Ashland's. The fact that the tree is thriving and growing and doing precisely what healthy sequoias do is precisely the reason for my removal application.

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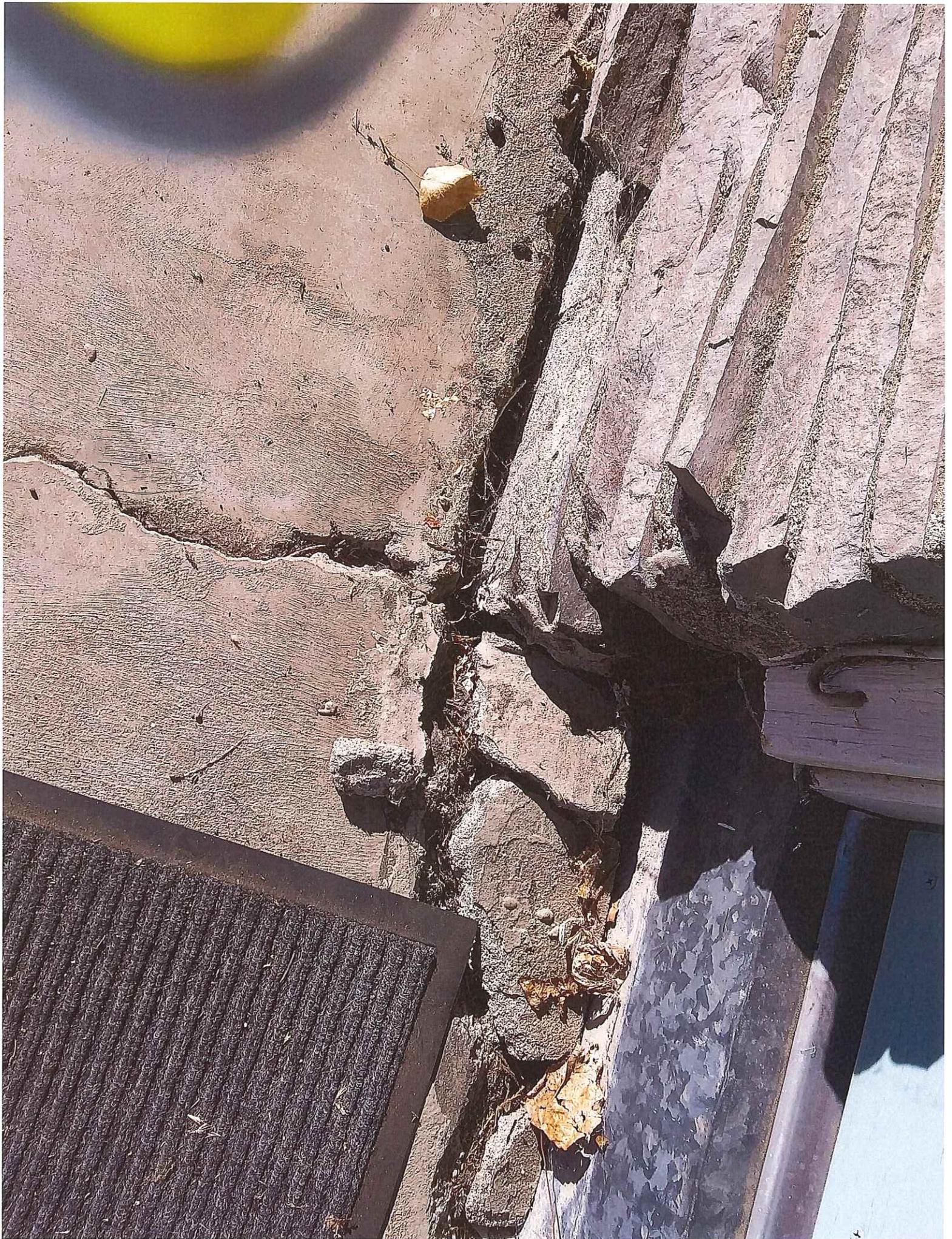
OCT 31 2019

City of Ashland

2











Oregon & SW Washington Office:
2821 Bullock Road, Medford, OR 97504

888.777.5325

Form Information

Form Name: **Sewer Video, Smoke or Locate**
Submitter Name: Chris Long (chrislong)
Submission Date: Mar 19, 2019 9:21:47 PM PDT
Reference Number: 20190320-18101095674

Sewer Video or Locate Report

Customer Name: Ashland Property Management
Josh Pauli – 541/282-4903
E-mail josh@ashlandpropertymanagement.com

Jobsite Address: 1565 Oregon St. Ashland OR 97520

Date/invoice Number: 03/19/19 – Invoice 48275

Job Type: Commercial

Service Type: Storm / roof drain video inspection

Job Estimate: \$425/2 hrs + \$195/hr. thereafter

Authorization Signature 

Concern: Suspects Orangeburg pipe is crushed.

Inserted Camera: Multiple roof drain downspouts as well as catch basin

Pipe Size/Material: 4" Orangeburg

Problem identified at: 27' from catch basin, in the planter 5' below the downspout on the corner of the building and 2' from the downspout on the back of the building.

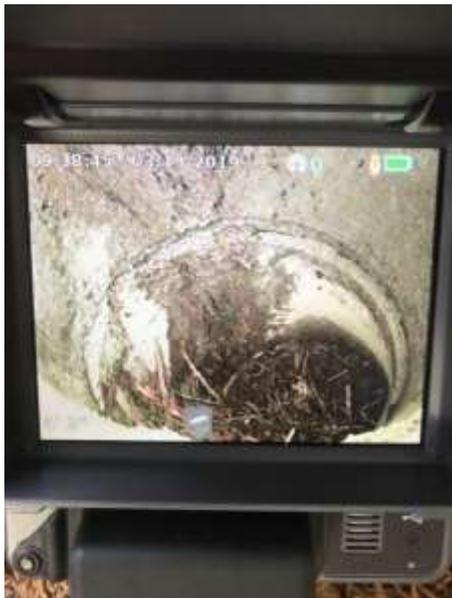
Problem Description: Blockage.

Depth of problem: 3', 5', 2'

Marked: Green ALD Flag
Green Spray Paint

Pictures:







Notes:

A five minute meter test was performed which indicated zero flow. A video inspection of the roof drain / storm drain system was performed. A fiberoptic camera was fed into the line via the downspout on the southeast corner of the building. The line parallels the building below the parking lot approximately 70' to a 90 degree fitting continuing to parallel the building for another 30' to the catch basin in the parking lot. There was no breaks or blockages in this section of piping only residual sediment. The location of the line was marked with green paint. The fiberoptic camera was fed into the line from the catch basin approximately 27' and was unable to proceed due to a major blockage below the parking lot. Unable to determine the source of the blockage due to the amount of sediment in the line. This location was marked with a green X. The depth is approximately 3'. A fiberoptic camera was fed into the downspout on the northeast corner of the building approximately 5' and located a major blockage below the planter. The location was marked with a green flag. The blockage appears to be due to dirt and roots. A fiberoptic camera was fed into the downspout on the back of the building approximately 2' and located a major blockage below the concrete. The location was marked with a green X. The blockage appears to be due to dirt and roots. Approximately 2 cups of biodegradable green trace dye were poured into the catch basin, no trace was located while the technician was onsite. Josh will continue to monitor the area.

Results:

The results of the inspection were shown to and discussed with the customer.

Total Charge:

\$425

Payment:

GOPAY - Paid in Full by Credit Card. THANK YOU FOR CALLING AMERICAN LEAK DETECTION. Your feedback is of importance to us. Please fill out our survey at: www.americanleakdetection.com/survey

Visa 7306

Customer Signature

AMERICAN LEAK DETECTION

STANDARD WORK AUTHORIZATION

Water, Sewer and Irrigation

American Leak Detection (ALD) is the leading leak detection company in the nation and we will, at all times, make every effort to accurately locate your leak(s) and ensure your complete satisfaction. However, leak detection is not an exact science and consequently, due to the numerous factors, known and unknown, involved in locating leaks, there will be times when the location of a leak is incorrectly identified. It is for this reason that we have established the following parameters.

Most leaks will be located within several inches of their exact location but this can vary to within several feet, depending on soil conditions, construction methods, and other factors, known and unknown. If the cause of the leak(s) is not located within a radius of 3 feet of the original identified point, ALD must immediately be notified so that we may return to the job and re-do the leak detection to determine where the leak is before further work is done. There is no additional charge to re-evaluate the original leak detection, unless the leak is found to be within the specified 3 feet radius. However, if the pipe cannot be located electronically or if the pipe is deeper than 30", the 3 feet guarantee does not apply. ALD will not be responsible for any repair completed by others and accepts no responsibility, financial or otherwise, for the inaccurate location of leaks.

If a leak seals itself or stops leaking during our testing process, work will be halted until it begins leaking again. We cannot confirm the location of a leak unless it is actively leaking. The customer should not dig on any suspected leak area until it can be confirmed. Customer should monitor meter and call us immediately when leak reopens.

Due to the fact that in most cases only one leak can be located at a time on any particular plumbing line, it is very important that the system is rechecked or a meter test performed after repairs have been completed. ALD cannot guarantee that additional leaks do not exist or that the identified leaks will not re-occur. Should the rare situation occur that we couldn't locate a leak that exists, we will attempt to provide you with the best alternatives to resolve the situation.

While performing leak detection tests our technicians may need to disconnect and remove toilets, turn off supply line valves, isolation valves, water heaters, etc. In some cases, where these items have not been touched or manipulated in a long time, they may break and/or begin to leak. Also, in order for us to find and/or confirm some leaks it may be necessary for our technicians to cut holes in walls, pull back carpeting, etc. Our technicians may also be inserting video cameras, inflatable test balls, line tracing devices and various other pieces of equipment into the sewer and waste lines, in order to determine the location of the lines and leaks that may exist thereon. At times these pieces of equipment can become lodged in a line and be irretrievable without digging up and cutting the line. All of these items are considered necessary for us to be able to perform the tasks we have been hired to do. ALD will not be responsible for any unavoidable or necessary collateral damage to property such as toilets and their components, shut-off valves, water heaters, sheetrock, carpeting, etc., or for items getting lodged in lines. ALD may or may not repair this damage, but assumes no responsibility for the cost thereof.

In order for us to test the sewer and waste lines the clean-out on the main line has to be accessible to the technician and his equipment. ALD will not be responsible for any damage to grass, trees, shrubs, plants, flowers, etc., that have to be removed or cut away in order to get access to the clean-out and perform the test. Nor will ALD be responsible for any damage to grass, trees, shrubs, plants, flowers, etc., and/or underground pipes and utilities, unless clearly marked, while excavating to expose a buried clean-out, or the main sewer line.

ALL DETECTION WORK IS GUARANTEED FOR A MAXIMUM OF 30 DAYS FROM DATE OF ORIGINAL DETECTION. THEREAFTER, AN ADDITIONAL CHARGE WILL APPLY.

ALL PAYMENTS ARE DUE UPON COMPLETION UNLESS OTHERWISE APPROVED. A LATE FEE OF \$25 WILL BE ASSESSED IF PAYMENT IS NOT RECEIVED WITHIN 30 DAYS OF THE INVOICE DATE. A NSF FEE OF \$25.00 WILL BE CHARGED FOR ANY CHECKS RETURNED.



NOTICE OF APPLICATION

PLANNING ACTION: PA-T1-2019-00075

SUBJECT PROPERTY: Kestrel Parkway

OWNER/APPLICANT: KDA Homes, LLC

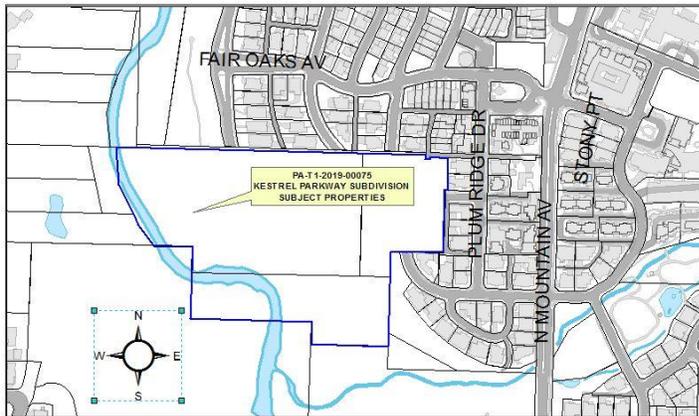
DESCRIPTION: A request for Final Plan approval for the Kestrel Park Subdivision under the Performance Standards Options subdivision chapter (AMC 18.3.9) for a 17-lot subdivision. The proposal includes 15 developable lots plus the dedication of a 5.13-acre parcel of floodplain corridor lands to the city as park land as required in the North Mountain Neighborhood Plan (NMNP), and the creation of a reserve lot to contain portion of the subdivision to be developed in future phases. The application includes a request for Tree Removal Permits to remove 11 trees not identified for removal in the original subdivision application. These trees are identified as Ash Trees ranging in diameter from eight- to 24-inches and are located in the areas proposed for the construction of the new streets Kestrel Parkway and Nest Box Way. *(The Planning Commission previously approved PA-T2-2018-00005 which granted Outline Plan approval, 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.)* **COMPREHENSIVE PLAN**

DESIGNATION: North Mountain Single Family (NM-R-1.7.5), North Mountain Multi-Family (NM-MF), and North Mountain Greenway (NM-G); **ZONING:** NM-R-1-7.5; NM-MF; and NM-G; **ASSESSOR'S MAP # & TAX LOTS:** 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, November 7, 2019 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: October 22, 2019

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: November 7, 2019



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 Derek Severson at 541-488-5305.

APPROVAL CRITERIA FOR FINAL PLAN

18.3.9.040.B.5

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

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

NORTH MOUNTAIN NEIGHBORHOOD

SECTION 18.3.5.030 Site Plan & Architectural Review Procedure

- C. *Supplemental Approval Criteria.* In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.
 1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
 2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

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.

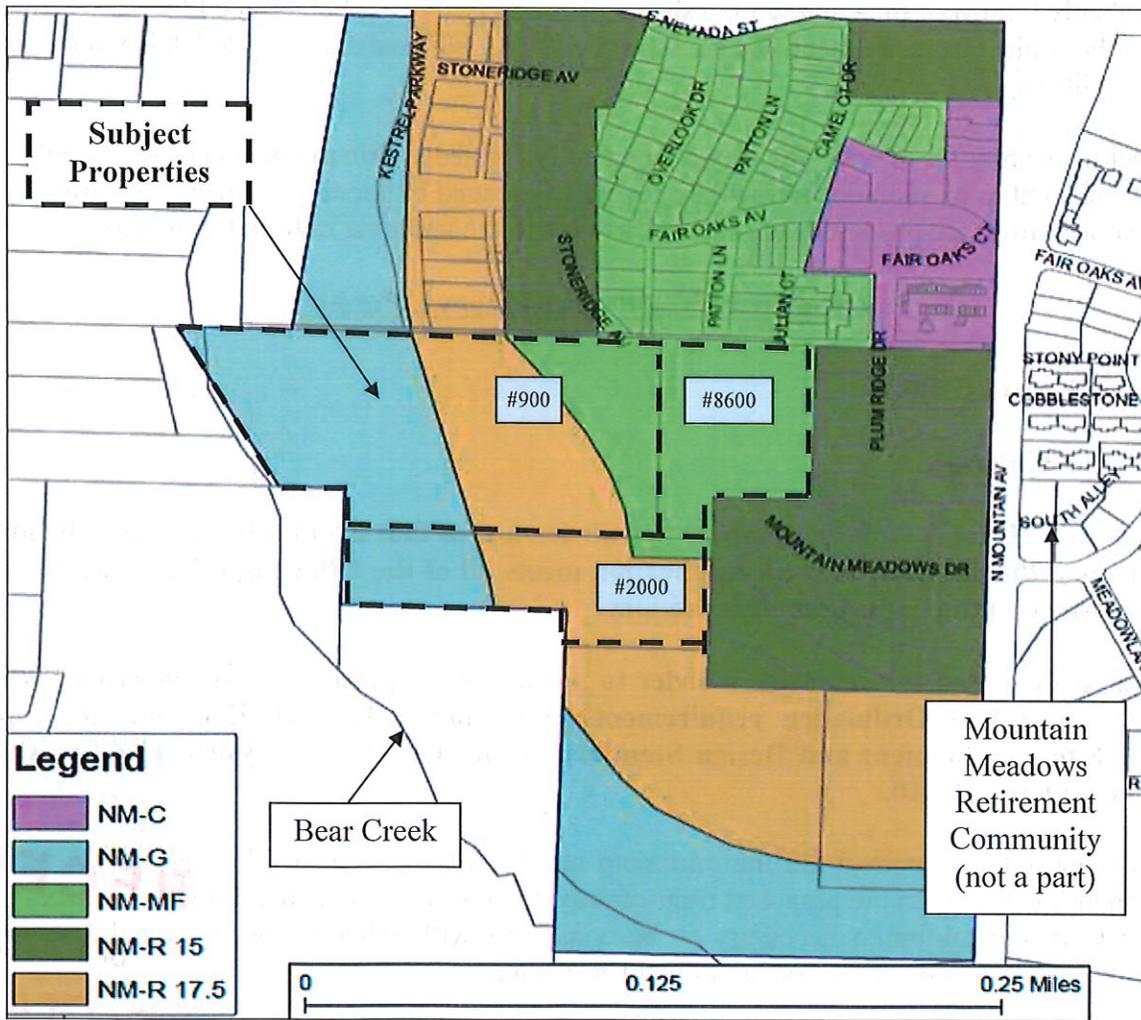
“KESTREL PARK SUBDIVISION”

**FOR A
PERFORMANCE STANDARDS OPTIONS SUBDIVISION
FINAL PLAN - ADDENDUM**

SUBMITTED TO
CITY OF ASHLAND

FOR
**KDA HOMES, LLC
604 FAIR OAKS COURT
ASHLAND, OR 97520**

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North Mountain Zoning Map

OCTOBER 21ST, 2019

I. PROJECT INFORMATION:

PROJECT NAME: “Kestrel Parkway Subdivision – Final Plan - Addendum”

LEGAL DESCRIPTION: 391E 04AC Tax Lot 900 / 04AD Tax Lot 8600 / 04DB Tax Lot 2000

APPLICANT:

KDA Homes, LLC
604 Fair Oaks Court
Ashland, OR 97520

DESIGNER:

Lindemann Design
550 W. Nevada Street
Ashland, OR 97520

ENGINEERS:

Construction Engineering Consultants
P.O. Box 1724
Medford, Oregon 97501

SURVEYOR:

Polaris Land Surveying, LLC
151 Clear Creek Dr #101,
Ashland, OR 9752

BIOLOGIST:

Schott & Associates
21018 NE Hwy 99E
Aurora, OR 97002

LANDSCAPE DESIGN / ARBORIST:

Madara Design, Inc.
2994 Wells Fargo Road
Central Point, OR 97502

ADDENDUM: The addendum is to include the applicant’s request to remove 10 additional Ash trees that were mistakenly left off of the Outline Plan sheets, specifically L-102, Landscape Plan Tree Protection & Removal. The subject trees are identified as Ash Trees, #33 - #34 and are 8” to 24” dbh and in various states of condition.

The subject trees are to be removed as they are generally located within the planned street’s right-of-way or directly adjacent to its shoulder and will be severely damaged by the future street’s construction. As such, the subject trees are proposed for removal, subject to the approval criteria listed below:

Section 18.5.7.040 Tree Removal Permit:

18.5.7.040 Approval Criteria

B. Tree Removal Permit.

2. Tree 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.

The trees proposed for removal are the minimum number of trees on the site that should be removed based on their location with the proposed right-of-way and construction zone.. Further, the trees proposed for removal are the minimum necessary to be consistent with other applicable Land Use Ordinance requirements and standards of the Ashland Land Use Code.

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.

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The removal of the trees on the subject property will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. The property where the trees are located is mildly sloped and proposed earth cuts and fill work will be limited and include erosion control measures to minimize any potential impacts.

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.

Removal of the trees will not have a significant negative impact on the sites remaining tree densities, sizes, canopies, and species diversity within 200 feet of the subject property as explained in the project Arborist. As noted previously, this development application was designed by a combination of professionals including a Wetland's Biologist, Landscape Designer, Arborist, Civil Engineer, Surveyor, Construction Contractor and Land Use Planner who met on-site on multiple occasions in an attempt to fully evaluate the site's trees and other natural features with the intent to minimize the project's development impacts. To this end, the applicants fully believe the trees proposed for removal will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

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 site planning of this property consisted of a number of concept plans that were eventually rejected for one or multiple reason. During this period, the primary goal was to preserve the large wetland by not only making it a feature/asset of the development as well as the public, but also to improve its habitat which has largely been choked-off by the excessive multiplication of Cotton Woods. Further, limiting tree loss was a concern as the development is intended to minimize loss and to work with natural features where possible. In the end, this section of street is essentially required to remain along the creek as it's a street standard within code so as to ensure availability and access by all citizens and thus the street's location and the conflict with trees along the creek are somewhat inevitable.

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.

In addition to the multiple trees to remain and trees to be planted within the wetland and its surrounding protection zone, a total of 64 new trees are being proposed to be planted adjacent to the subdivision's streets in an attempt to not only enhance the streetscapes, but also mitigate the removal of the trees. All of the replacement trees will be property irrigated and maintained by the project's Home Owner Association. All new street trees will be at least 2" caliper trees, chosen from the City's Adopted Street Tree List.

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3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.

All work within the public right-of-way will be completed under permit from the City of Ashland.

4. That all recommendations of the Tree Commission from their November 8, 2018 regular meeting shall be conditions of approval, where consistent with applicable criteria and standards and with final approval of the Staff Advisor.

The Ashland Tree Commission made two suggestions during their November 8th, 2018 regular meeting that state:

- 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 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.*

The project's Landscape Architect has revised the landscape and irrigation plans to incorporate the above two suggestions. The plans are attached, Exhibit L-101.

5. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work, storage of materials, staging or issuance of a building or excavation permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction activity, including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles, shall occur within the tree protection zones.

Tree protection fencing and other tree preservation measures will be installed on-site prior to any earth moving activities or storage of materials and equipment. A Tree Verification Permit will be obtained in accordance with AMC 18.4.5, prior to any site work activities in order to allow City staff to review tree protection fencing and signage. Further, the project's Landscape Architect, also a Certified Arborist, will be on-site during certain construction periods to ensure trees intended to remain are not impacted by any of the proposed site work.

6. The conceptual plans for Areas #3-7 are not approved here and have been provided for illustrative purposes only. Development of Areas #3-7 shall require Final Plan and Site Design Review approvals. The ultimate development of Areas #3-7 shall comply with the minimum density standards of the district.

The applicants are aware of this condition and will obtain Final Plan and Site Review Permits prior to any future work in those areas.

7. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for trees to be retained. The tree protection shall be chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.

As noted above, tree protection fencing and other tree preservation measures will be installed on-site prior to any earth moving activities or storage of materials and equipment. A Tree Verification Permit will be obtained in accordance with AMC 18.4.5, prior to any site work activities in order to allow City staff to review tree protection fencing and signage. Further, the project's Landscape Architect, also a Certified Arborist, will be on-site during certain construction periods to ensure trees intended to remain are not impacted by any of the proposed site work.

8. That silt fencing or other protective measures shall be installed along the Water Resource Protection Zone boundaries, inspected and approved by the Staff Advisor prior to issuance of excavation permits or any site work, staging or storage of materials on site.

Silt fencing and other protective measures will be installed along the Water Resource Protection Zone Boundaries prior to any site disturbance, storage or staging work in those areas. All measures will be in accordance with the plans as identified on Sheet E.1 and such installations will be inspected and approved by the appropriate staff person in accordance with this condition.

9. The applicant shall obtain all required federal and state permits for work in wetland and riparian areas and provide evidence of these approvals to the City of Ashland.

The applicants will obtain all required federal and state permits for work in wetland and riparian areas and provide evidence of these approvals to the City of Ashland prior to any site disturbances. Active efforts are occurring and permits from federal and state agencies are pending.

10. That the Final Plan submittal shall include:

a. Typical elevations incorporating architectural elements described in the NMNP Neighborhood Design Standards for the proposed buildings, as required in AMC 18.3.5.030.A.2

Included herein, on Pages 9 and 10, are typical photographic elevations from the existing subdivision to the north of the property, also within the North Mountain Neighborhood Master Plan area, that includes various architectural elements as described within the NMNP Neighborhood Design Standards. The applicants intend to follow this pattern as will be evidenced with each building permit submittal.

b. A fencing plan which demonstrates that all fencing shall be consistent with the provisions of the "Fences and Walls" requirements in AMC 18.4.4.060, that no fencing shall be allowed on floodplain corridor lands, and that no fencing exceeding three feet in height shall be allowed in front yard areas. Fencing limitations shall be noted in the subdivision CC&R's. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.

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Ecologists & Wetlands Specialists

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

MITIGATION PLAN
FOR
KESTRAL PARKWAY SUBDIVISION
TO ADDRESS
WATER RESOURCE PROTECTION ZONE
CITY OF ASHLAND 18.3.11

Prepared for:

Mark Knox
KDA Homes
604 Fair Oaks Dr
Ashland, OR 97520

Prepared by:

Juniper Tagliabue

Of

Schott & Associates, Inc.

S&A#2480

August 2018

Updated per City Comments 9.5.19

Introduction

A residential development project is proposed on the subject property located south of Kestrel Parkway's southern terminus and north and west of Mountain Meadow Drive in Ashland, Oregon (T39S R1E Section 4 TL#900, 2000, 8600). As indicated by the City Master Plan and Local Wetland Inventory (LWI) the subject property contains wetlands and waters which are protected as described by the City of Ashland's Municipal Code Chapter 18.3.11 Water Resources Protection Zones (Overlays). *The provisions of this chapter apply to all lands containing Water Resources and Water Resource Protection Zones. Water Resources and Water Resource Protection Zones are defined, established and protected in this chapter.*

As per 18.3.100 this report is provided to address impacts to the any of the onsite resources including;

1. A narrative description of all proposed activities and uses including the extent to which any Water Resource Protection Zone is proposed to be altered or affected as a result of the proposed development activity or use (in terms both of square footage of surface disturbance and cubic yards of overall disturbance).
2. Written findings of facts addressing all applicable development standards and approval criteria.

Onsite Water Resources and Water Resource Protection Zones

As per 18.3.11.040 the following applicable Protection Zones are present on the subject property.

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

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

1. Riparian Corridor. *For streams classified as Riparian Corridor fish-bearing streams with an annual average stream flow less than 1,000 cubic feet per second and on the Water Resources map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 50 feet upland from the top of bank as illustrated in Figure 18.3.11.040.A.1.*

And;

B. Wetland Protection Zones. *The following types of Wetland Protection Zones are hereby established to protect wetland resources. The approximate locations of Locally Significant Wetlands and Wetlands are identified on the Water Resources map. The precise boundary of a wetland and wetland buffer shall be established through conducting an on-site wetland delineation and survey based upon the following standards.*

1. Locally Significant Wetlands. For wetlands classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus a wetland buffer consisting of all lands within 50 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.1. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 50 feet may be utilized around the perimeter of a significant wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured, and that there will be an enhanced buffer treatment through the implementation and maintenance of a restoration and enhancement plan within the buffer area.

2. Possible Wetlands. For wetlands not classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.2. Possible Wetlands includes all areas designated as such on the Water Resources map and any unmapped wetlands discovered on site. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 20 feet may be utilized around the perimeter of a possible wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured.

A Wetland Delineation was conducted on the site by Keystone Natural Resource Consulting (Mike Holscher, PWS) and concurred with by the Department of State Lands (DSL) in 2016.

Based on vegetation, soils and hydrology information gathered in the field under methods approved by the Corps of Engineers and DSL, two isolated wetland features (Wetland 1 and Wetland 2) were identified in the central part of the site. In addition, an isolated remnant drainage, near the south study area boundary and Bear Creek along the western edge of the study area, were also flagged and mapped.

A Water Resource Protection Zone, with an average width of 50', has been established along the onsite boundary of Bear Creek as outlined above. No impacts are proposed to Bear Creek or its Wetland Protection Zone and no further discussion of this area is provided. No protection zone has been identified for the remnant drainage as it is neither wetland nor stream and it is not discussed further in this report.

Wetland 1 is an isolated 805sf wetland located at the base of a hillslope. This wetland appears to have been created from the road cut at the base of a steep slope but was determined to be jurisdictional by DSL. This isolated wetland is proposed to be filled as part of this application for development of residential lots. Proposed activity will require less than 50cy of fill and does not require a wetland fill permit from DSL. The wetland is isolated and the proposed fill should not require a permit from the Corps of Engineers. The isolated wetland is not indicated as a Locally Significant Wetland and will be legally removed under applicable State and Federal regulations. Mitigation is proposed onsite to

replace functions and values lost from this City of Ashland designated Wetland Protection Zone as outlined in this application. Proposed mitigation will consist of a 3,316sf wetland swale extending from the stormwater outfall west to Bear Creek and will include a 20 foot average upland buffer adjacent (9,961sf).

Wetland 2 is a 3,619sf isolated wetland located within a larger depression near the center of the site. The wetland is mapped on the NWI and LWI and is defined as a Locally Significant Wetland. The existing buffer is highly disturbed from old fill activity and adjacent vegetation is dominated by non-native species. As outlined above, this wetland shall be protected with a Wetland Protection Zone averaging 50' wide as measured horizontally from the wetland/upland boundary. No impacts are proposed to this wetland. The wetland will be enhanced by removal of invasive Himalayan blackberry. The adjacent buffer shall extend 20-70' from the wetland edge for a total area of 21,066sf and be enhanced to good condition. Portions of this Protection Zone shall be graded to interface with adjacent roadways, which have been designed to go around and avoid the wetland and adjacent buffer area. The entire 21,066sf Protection Zone is proposed to be enhanced with removal of old fill and invasive species and planting of native shrubs and understory species as part of this Mitigation Plan.

Applicable Codes

18.3.11.060C. *Additional Limited Activities and Uses within Wetland Protection Zones.*

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

Wetland 1 is under the jurisdiction of DSL and fill shall be less than 50cy and under the jurisdictional threshold. No permit or mitigation for these impacts shall be required by DSL. Mitigation is proposed under City of Ashland codes for loss of function from this wetland and adjacent 20' Protection Zone. A portion of the proposed mitigation consists of enhancement of the Wetland Protection Zone for Wetland 2. This will consist of grading and removal of existing invasive and non-native vegetation and replanting with a mix of native shrubs and understory species to diversify the existing tree canopy (See attached Plan.)

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

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



The proposed development has been designed to be as far away from the Locally Significant Wetland (Wetland 2) and Bear Creek as practicable. Road layout was designed to completely avoid the wetland and allow creation and maintenance of a 50' average buffer adjacent. The other wetland (Wetland 1) was likely created by the road cut and provides minimal wetland function. The application proposes to remove this entire Wetland Protection Zone and provide onsite mitigation as described in this application.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.

As described above the proposed activity has been designed to minimize impact including excavation, grading, impervious surface, loss of native vegetation and erosion.

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

This criteria is met.

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

This criteria is met.

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

Wetland and riparian zone mitigation is proposed and shall be implemented as outlined in the Mitigation Plan below.

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

Long term conservation, management and maintenance of the Wetland Protection Zone shall be ensured as described in the Water Resource Protection Zone Management Plan below.

Mitigation Plan

This Mitigation Plan has been prepared by Juniper Tagliabue of Schott and Associates, a qualified Natural Resource Professional with over 14 years of experience. This plan has been designed specifically to meet the requirements of **18.3.11.110 Mitigation Requirements for Water Resource Protection Zones** including;

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

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

Work areas shall be identified and marked to reduce damage to trees and vegetation. Temporary construction fencing shall be placed at the drip line of trees. No equipment maneuvering, staging or stockpiling shall occur outside of the designated work areas. The boundaries to Wetland 2 will be marked and/or fenced and an onsite meeting is suggested prior to any groundwork to ensure no equipment disturbance will occur within the wetland boundaries. This requirement shall be met. It is anticipated equipment use will be employed to clear invasive vegetation and establish the mitigated upland area surrounding Wetland 2 as described below.

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

Trees shall not be used to anchor equipment. This requirement shall be met.

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

Best Management Practices shall be followed as shown in the Erosion Control Plan. No stockpiling of soil or soil mixed with vegetation is proposed in the Water Resource Protection Areas. This requirement shall be met. Old fill has been stockpiled in the adjacent buffer and shall be removed as part of this plan.

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

As outlined above and in the Erosion Control Plan, temporary erosion control measures shall be installed to prevent runoff into the Water Resources. All temporary disturbance shall be restored as soon as possible and no more than 90 days after the authorized land disturbance. This requirement shall be met.

Proposed Mitigation shall follow the guidelines listed under 18.3.11.110B2 Alternative Option.

2. *Alternative Option.* The mitigation plan shall address the following requirements, and shall meet or exceed the standards in the prescription option in subsection 18.3.11.110.B.1.

Areas of impact to be mitigated are 805sf of isolated wetland (Wetland 1) and an estimated 5,034sf of adjacent buffer area for a total of 5,839sf (15cy cut/29.8cy fill). Standards of mitigation require 1.5:1 replacement ratio (8,758sf total). Proposed mitigation shall consist of 3,316sf of wetland creation and 9,961sf of adjacent buffer for a total area of 13,277sf exceeding the standards of the prescription option. The entire mitigation area will be transferred to the City of Ashland as part of a public open space area.

No impacts are proposed to Wetland 2 which will be retained as part of the site plan and restored and enhanced as per these conditions. The adjacent buffer shall extend 20-70' from the wetland edge with an average width of 50'. Total restored and enhanced area for this Protection Zone, including the wetland, is 21,066sf. Portions of this Protection Zone shall be graded to interface with adjacent roadways, which have been designed to go around and avoid the wetland and adjacent buffer area. Restoration and enhancement of the 21,066sf Protection Zone will include removal of old fill and invasive species followed by planting of native shrubs and understory species as outlined in this Mitigation Plan. This will improve and protect of the functions and values of the wetland and buffer, providing greater vegetation cover and diversity, improved water quality functions, as well as habitat functions. Total fill in the buffer shall be approximately 57cy and any negative impacts from this activity will be more than mitigated for by the proposed enhancement as described above. Other standards are proposed to meet as outlined in the plan description below.

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

Proposed impacts to the Water Resource Protection Zone are for loss of the entire Wetland 1 and Possible Protection Zone.

An assessment of Wetland 1 and Wetland 2 was conducted using the Wetland Wildlife Rating Form which assesses presence of water, food and cover as well as diversity and disturbance factors.

Wetland 1 is a small isolated wetland containing seasonal water with minimal diversity of species or access to cover, nesting and food sources. The adjacent upland is dominated by invasive forbs and grasses with no additional structure or habitat value. Little water storage and delay or

sediment/nutrient retention would be provided by this wetland. Existing functions and values were determined to be low for this Water Resource Protection Zone.

Wetland 2, while isolated and highly impacted by humans, contained greater diversity of structure as well as proximity to food escape and nesting area. Within the wetland vegetation contained a mix of forbs, shrubs and trees. The adjacent upland, while containing a heavy Himalayan blackberry layer, also contained mature tree canopy. This wetland is a depression within a larger depression and likely provides some water storage and delay as well as sediment and nutrient retention functions. Wildlife Habitat functions were generally found to be low to moderate.

Proposed Mitigation shall consist of creation of a new Wetland Protection Zone to consist of a wetland swale and 20' adjacent buffer to replace the lost functions of Wetland 1. The wetland shall consist of a vegetated swale planted with a mix of native forbs and shrubs (Table 1). The adjacent buffer shall be planted on both sides with a mix of Oregon white oak (*Quercus garryana*), Ponderosa pine (*Pinus ponderosa*) and incense cedar (*Calocedrus decurrens*) (Table 2). The hydrology source will be outflow from the water quality facility upslope and shall provide additional water storage and delay and nutrient detention functions for water flowing into Bear Creek. Adjacent canopy cover will provide shade to aid in cooling of the water which is important for fish habitat functions. The proposed mitigation area will longer periods of hydrology, greater diversity of native plants, have higher access to adjacent native canopy for cover, nesting and food sources and a greater protective buffer for filtering nutrients and reducing erosion problems. The proposed mitigation area will have connectivity to Bear Creek and its adjacent buffer and overall will provide significantly greater function and value to the region.

Also proposed is enhancement of the WRPZ adjacent to the existing Wetland 2. The existing buffer is disturbed from old fill activity. Vegetation composed of a mix of non-native invasive species dominated by Himalayan blackberry (*Rubus armeniacus*), sea barley (*Hordeum geniculatum*), annual fescue (*Vulpia myuros*) and knapweed (*Centaurea solstitialis*). South of the wetland was a mix of willow (*Salix sp.*) saplings and black cottonwood (*Populus trichocarpa*) as well as spreading rush (*Juncus patens*) and bedstraw (*Galium aparine*). Invasive species shall be removed from the entire area. Work within the wetland boundaries will be completed with hand tools, the use of heavy equipment will not take place within the wetland boundaries. The buffer shall be graded and planted with a mix of native, shrubs and ground species to complement the existing canopy provided by the cottonwood and willow (Table 3). This will provide significantly higher protection to the existing wetland as well as improving structures, functions and values of both the Wetland and Wetland Protection Zone.

b. Objectives and Standards of Mitigation. A mitigation plan shall state specific plan objectives and establish clear and measurable standards for determining if stated objectives have been accomplished. For example, the objective might be to restore or enhance the shade canopy within a Stream Bank Protection Zone to benefit fish and reduce water temperature, while the standard might be a certain percentage of shade canopy coverage at the end of one year and 100 percent shade canopy coverage after three years.

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The objective of the mitigation is to replace and enhance functions of Wetland 1 by creating a wetland swale and vegetated buffer. The second objective is to enhance the structure and diversity of the Wetland Protection Zone of Wetland 2 to restore native vegetation diversity and provide nutrient and sediment retention functions.

Proposed standards are to reach 50% cover of native vegetation after the first year and 80% by the end of the monitoring period. Additionally, 80% survival of planted native trees and shrubs is proposed at the end of the monitoring period.

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

Proposed wetland mitigation shall be located downslope of the proposed water quality facility. It shall consist of a constructed wetland swale with the top of the swale at approximate elevation 1,743 and the bottom tying into the bank of Bear Creek at elevation 1,733. The hydrology source shall be the outlet of the water quality facility. Total proposed wetland area is 3,316sf.

A Wetland Protection Zone averaging 20 feet on either side of the Mitigation Wetland is also proposed to be established and planted with native trees, shrubs and forbs as outlined below. Total upland area to be planted shall be 9,961sf.

The 21,066sf Wetland Protection Zone surrounding existing Wetland 2 shall extend from the edge of the wetland and slope up to roadways on all sides. The Protection Zone shall range from approximately 20 feet to 70 feet wide with an average width of 50 feet and shall be vegetated with native trees, shrub and forbs.

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

A Mitigation Landscape Plan has been prepared to show proposed placement of plants in the mitigation area and the WRPZ for Wetland 2. All proposed plants within the Wetland Protection Zone mitigation areas shall be native with species identified on the City's Local Native Plant Species list as shown on the Plan and in the tables below.

The proposed wetland will be a swale dominated by herbaceous species with scattered shrubs (Table 1). Adjacent upland is dry and somewhat harsh and shall be planted with a mix of upland trees dominated by white oak and Ponderosa pine (Table 2). No significant shrub canopy is proposed in this area. The understory shall be planted with an upland seed mix. Suggested seed mix is ProTime 456 Native Oak Woodland Mix or equivalent.

Table 1. Wetland Mitigation Swale Planting Plan (3,316sf)

Species Name	Type	Planting rate	Size	Number
Scouring rush (<i>Equisetum hyemale</i>)	Forb	18" OC	Plug	244
Soft rush (<i>Juncus effusus</i>)	Forb	18" OC	Plug	600
Small fruited bulrush (<i>Scirpus microcarpus</i>)	Forb	18" OC	Plug	600
Baldhip rose (<i>Rosa gymnocarpa</i>)	Shrub	5' OC (at edges of swale)	1 gal.	75

Table 2. 20' Buffer Mitigation Planting Zone (9,961sf - increased to 25 trees)

Species Name	Type	Planting rate	Size	Number
Oregon white oak (<i>Quercus garryana</i>)	Tree	20' OC	1" caliper	7
California black oak (<i>Quercus kelloggi</i>)	Tree	20' OC	1" caliper	7
Ponderosa pine (<i>Pinus ponderosa</i>)	Tree	20' OC	1" caliper	7
Incense cedar (<i>Calocedrus decurrens</i>)	Tree	20' OC	1" caliper	4
Baldhip rose (<i>Rosa gymnocarpa</i>)	Shrub	5' OC clusters (at edges of wetland)	1 gal.	25
Seed mix*	Grass	10-12lbs/ac		

* ProTime 456 Native Oak Woodland Mix or equivalent. **Mix Includes:**

Blue Wildrye - *Elymus glaucus*, Sitka Brome - *Bromus sitchensis*, Western Columbine - *Aquilegia Formosa*, Celery-leaved Licorice Root - *Ligusticum apiifolium*, Fern-leaved Lomatium - *Lomatium dissectum*, Large-flowered Blue-eyed Mary - *Collinsia grandiflora*, Large-leaved Avens - *Geum macrophyllum*, Leichtlin's Camas - *Camassia leichtlinii*, Tall Meadow-rue - *Thalictrum polycarpum*, Meadow Checkerbloom - *Sidalcea campestris*, Rusty-haired Popcorn Flower - *Plagiobothrys nothofulvus*, Scurf Pea - *Rupertia physodes (Psoralea p)*, Seablush/Rosy Plectritis - *Plectritis congesta*, Showy Tarweed - *Madia elegans*, Slender Goldenbanner - *Thermopsis gracilis*, Lance Self-heal - *Prunella vulgaris var lanceolate*, Oregon Iris - *Iris tenax*, Western Sweetroot - *Osmorhiza occidentalis*, Western Yarrow - *Achillea millefolium*

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The area surrounding Wetland 2 is highly impacted by invasive Himalayan blackberry which will have to be controlled prior to planting. Grading of fill material and removal of blackberry will occur first. Equipment use will be contained to the upland buffer. No heavy equipment will be used within the wetland boundaries. Additional control to include the use of an approved herbicide is proposed in the early part of the construction period. Once blackberry has been sufficiently controlled the buffer shall be planted with a mix of native shrubs to complement the existing canopy of cottonwood and willow already present in the buffer. Species shall include a mix of baldhip rose (*Rosa gymnocarpa*), small fruited rose (*Rosa pisocarpa*), common snowberry (*Symphoricarpos albus*) and serviceberry (*Amalanchier alnifolia*) with an upland seed mix to be broadcast through any remaining bare area.

Table 3. Wetland 2 and Buffer Planting Zone (21,066sf)

Species Name	Type	Planting rate	Size	Number
Wetland (3,619sf)				
Slough sedge (<i>Carex obnupta</i>)	Forb	18"	Plug	1200
Buffer (17,447sf)				
Baldhip rose (<i>Rosa gymnocarpa</i>)	Shrub	5' OC (clusters) (at edges of wetland)	1 gal.	100
Small fruited rose (<i>Rosa pisocarpa</i>)	Shrub	5' OC (clusters) (at edges of wetland)	1 gal.	100
Snowberry (<i>Symphoricarpos albus</i>)	Shrub	5' OC (clusters)	1 gal.	600
Serviceberry (<i>Amalanchier alnifolia</i>)	Shrub	10' OC	1 gal.	35
Seed mix*	Grass	30lbs/ac		

* Protime 400 or equivalent. This mix includes:

- Blue Wildrye - *Elymus glaucus*
- Meadow Barley - *Hordeum brachyantherum*
- California Brome - *Bromus carinatus*

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

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

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

New plantings shall be irrigated as outlined in the Irrigation Plan.

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

e. Plan Preparation. The Staff Advisor may require the mitigation plan to be prepared by a natural resource professional.

This Mitigation Plan has been prepared by Juniper Tagliabue of Schott and Associates, a qualified Natural Resource Professional with over 14 years of experience.

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Water Resource Protection Zone Management Plan

As required by Section 18.3.11.110C this Management Plan is also provided to outline the methods for long term conservation and maintenance as needed.

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

Included with this Plan is a copy of the mitigation plan. The mitigation site shall be monitored and shall be the responsibility of the applicant on an annual basis for the first two years after planting to ensure successful establishment of hydrology and native vegetation. Monitoring and maintenance description and schedule are outlined below.

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

Based on vegetation, soils and hydrology information gathered in the field, under methods approved by the Corps of Engineers and DSL, Water Resource Protection Zones were identified around two isolated wetland features (Wetland 1 and Wetland 2) in the central part of the site as well as adjacent to Bear Creek which ran along the western edge of the study area.

A Wetland Protection Zone with an average width of 50' has been established along the onsite boundary of Bear Creek as outlined above. No impacts are proposed to Bear Creek or its Protection Zone and no further discussion of this area is provided.

Wetland 1 is an isolated 805sf wetland located at the base of a hillslope. This wetland appears to have been created from the road cut at the base of a steep slope but was determined to be jurisdictional by DSL. This isolated wetland is proposed to be filled as part of this application for development of residential lots. Proposed activity will require less than 50cy of fill and does not require a wetland fill permit from DSL. The wetland is isolated and the proposed fill should not require a permit from the Corps of Engineers. The isolated wetland is not indicated as a Locally Significant Wetland and will be legally removed under applicable State and Federal regulations. Mitigation is proposed onsite to replace functions and values lost from this City of Ashland designated Wetland Protection Zone as outlined in this application.

Invasive Removal

Invasive species will be removed throughout the area of proposed mitigation and riparian buffer. Grading for the mitigation area will eliminate the majority of invasive species present. Manual or chemical control measures may be required as the new plants get established. If cover of invasive species becomes greater than 20%, more dramatic control measures will need to take place. These include cutting the canes of Himalayan blackberry in summer and applying, by painting or daubing (not spraying) new sprouts with an herbicide approved for use near water and in wetlands. This application should be done in 2 months after cutting and again in late summer or early fall (if needed). Adjacent areas not graded will also be sprayed. Follow-up treatments will occur on an as-needed basis.

Installation Methods

Plants to be installed shall be native species conforming to the requirements of this code and outlined in Tables 1-3 above.

PART 1 GENERAL

1.01 DESCRIPTION: Furnish all materials, equipment, and labor necessary for the completion of planting as indicated on drawings and specified hereinafter. Work includes, but is not limited to site preparation, planting and seeding, fertilizing, mulching, maintenance and guarantee of planted areas.

1.02 QUALITY ASSURANCE/GUARANTEE: All plant material and planting locations are to be approved by a wetland biologist or mitigation specialist from Schott & Associates (hereinafter referred to as Schott) prior to planting. Plant substitution is not permitted. The seed mix specified in the plant schedule is to be adhered to and used for all areas designated.

All plant material is to be guaranteed for a full year from the date of planting. Any planted material (woody, herbaceous, or seeded) which proves to be other than specified or is not in vigorous condition within a period of one year from acceptance of the work will be replaced by the Contractor without cost to the Owner. An 80% minimum survival rate is expected after five years.

Furnish certificate of compliance with indicated seed mixture and any certificates of inspection and compliance as required by Federal and State laws and regulation for plant and soil additives.

1.03 SITE CONDITIONS/DAMAGE/CLEANUP: A filter fabric fence is also to be placed between the corridor and any existing wetlands. The fence will remain in place until planted vegetation is established as determined by Schott and/or the permitting agency. Once the vegetation is established the filter fabric fence shall be removed.

Care will be taken to avoid all existing native vegetation within the mitigation area.

Locate all underground utilities prior to digging or driving stakes.

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Any existing buildings, equipment, underground utilities, walks, roads, and/or forms damaged by the Contractor are to be replaced and/or repaired at the Contractor's expense, in a manner satisfactory to the Owner's Representative before final payment is made.

The Contractor is to be responsible for keeping planted areas free of debris, rock, and sand throughout the course of the work. Upon completion of the contract, the Contractor's to remove all surplus material, equipment, and debris from the site. All planted areas are to be rake-clean.

1.04 INITIAL ACTIONS/MAINTENANCE: Weeding is to occur prior to site planting to bring the existing corridor up to "good" conditions. Weeding shall consist of removal of exotic species such as blackberries and English ivy or others as determined onsite. No spraying of herbicides or other chemicals, or application of fertilizer (other than noted on the plan), is to occur within the mitigation wetland areas without specific direction from Schott. No pruning is to occur unless authorized by Schott and/or the permitting agency. Areas surrounding new planting shall be cleared and mulched areas maintained around each woody plant.

Maintenance is to include visits at least twice a year, in April and August, to the project site for the purpose of weeding, supplemental watering, and other items necessary to maintain planted areas in a healthy condition.

1.05: Irrigation shall be done on an as needed basis.

1.06 SCHEDULE: Planting is to occur during the cool season months (November to March) to take advantage of seasonal rains and the greater availability of plant material. Other planting time, if authorized, may require plant substitutions and supplemental irrigation.

1.07 EXISTING VEGETATION: Protect all existing vegetation designated to remain. Any existing vegetation damaged by Contractor will be replaced with plants of equal or better size and condition at contractor's expense.

PART 2 PRODUCTS

2.01 PLANT MATERIALS: Plant materials are to conform to Standards and Regulations as specified. Rooted plants are to be first quality, well-foliated, with well-developed root systems, and normal well-shaped trunks, limbs, stems, and heads. Schott will approve for quality conformance. All rooted plant material is to be labeled by genus, species and variety. Plants deemed unsuitable may be rejected before or after delivery. All plant material is to be free from damage, disease, insects, insect eggs and larvae.

2.02 WILLOW CUTTINGS: Willow cuttings are to be only native species (i.e. *Salix fluvictillis* or *S. lasiandra*) and not weeping willow, corkscrew willow or other horticultural species or cultivars.

2.03 SOIL AMENDMENTS: Soil amendment is to consist of screened mill-run fir and/or hemlock sawdust blended with composted manure or air digested sewage sludge. The blended ingredients are

to be composted to a minimum of one year. Bassett Western Fertil - Mulch or approved equal.

Mulch is to consist of shredded wood and/or bark.

Fertilizer for tree and shrub plantings is to be in 21 - gram tablet form and contain 20% nitrogen, 10% phosphoric acid and 5% potash.

2.04 SEEDING MATERIALS: If hydroseeding, use seed mix as indicated in specifications, wood cellulose fiber from Douglas Fir or Western hemlock dyed to facilitate placement, and non-toxic, biodegradable J-TAC or approved equal.

If broadcast seeding, use seed mix as directed.

PART 3 EXECUTION

3.01 PREPARATION FOR PLANTING: Existing non-native vegetation shall be removed in an area surrounding the location of all plants to be installed. Compost or other soil additives as approved by Schott shall be placed in holes prior to placement of woody species.

3.02 PLANT INSTALLATION: Plant per specified scheduling and after all major construction is complete. Orient plants as directed for best appearance. Plant as shown on detail drawings.

3.03 SCALPING: A 30 inch diameter circle will be scalped for each woody plant. The plant will be installed in the middle of the circle. For non-root sprouting species some form of weed barrier will be installed around each plant. 2-4 inches of mulch will be placed on top of the weed barrier. For the root sprouting species the weed barrier shall not be installed, but the mulch layer is required.

3.04 STAKING: Since the survivorship of each woody species needs to be determined, a color coded stake shall be placed adjacent to each plant, or planting group. The number of plants per grouping shall be noted and provided to Schott. In addition, the color codes shall be provided to Schott to assist with the monitoring efforts. The larger trees will be staked to provide support.

3.05 WILLOW INSTALLATION: Rooted willow cuttings will be used if available. However, if rooted material is not available, unrooted cuttings of willow are to be placed in damp to wet soil in the early spring while the plants are still dormant (leafless). The end of the cutting placed in the soil (the lowest portion of the cutting as it grew on the parent tree or shrub) is to be dipped into a rooting hormone (i.e. "Rootone" TM) prior to placement into the soil. For each designated willow location on the planting plan, three rooted plant or five unrooted cuttings will be planted in a clumped group. The rooted willows will be spaced of three foot centers, and the unrooted cutting will be spaced at 18 - inch centers.

3.06 SEEDING: For hydroseeding or broadcast seeding of buffer areas, use the rate specified on the mitigation plans of the seed mix per acre.

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3.07 IRRIGATION: The woody plants within the mitigation area shall be irrigated as outlined in the irrigation plan.

3.08 FINAL ACCEPTANCE AND INSPECTION: There are numerous problems that can prevent a mitigation area from developing as proposed. Contingency measures will be designed and implemented if and when such problems have been identified. Possible corrections include animal disturbances, or incorrect species for the local conditions. The vegetation will be monitored by the project biologist. If, during the monitoring process problems are identified corrective measures will be determined and implemented. If survival of planted individuals proves to be inadequate, then additional vegetation and /or weed control will be needed. Substrate amendment, modified water inlet/outlet controls, and herbivore control may also be needed.

Following completion of all the above items and with Schott's approval, a pre-warranty acceptance of the project will be granted. From this date forward, for a period of one year, the landscape planting warranty will be in effect. All maintenance as indicated of seeded and planted areas during the guarantee period will be by the contractor and will include items as indicated to fully establish all seeded and planted areas to a healthy vigorous state.

Irrigation

Irrigation for the first two years shall be carried out as outlined in the Irrigation Plan. Invasive species shall be monitored and controlled as needed as outlined under Invasive Removal and Contingency sections.

3. Required Statements

There shall be no alteration of the Water Resource Protection Zones as delineated and shown on the attached plan.

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

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

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

The mitigation site shall be monitored on an annual basis for the first two years after planting to ensure successful establishment of hydrology and native vegetation. This monitoring will be the responsibility of the applicant.

Long Term Maintenance and Management

The responsibility for maintenance and management of the mitigation swale and buffer adjacent to Bear Creek will be dedicated to the City of Ashland as public open space. Long term maintenance and management responsibilities will be transferred to the City.

Maintenance and management of the onsite Water Resource Protection Zone (Wetland 2) shall be transferred to the homeowner's association (HOA) and included in the CC&Rs. Maintenance requirements are anticipated to consist primarily of periodic removal of garbage. Ongoing maintenance requirements shall also include annual assessment of invasive vegetation within the Protection Zone and ongoing control measures as needed.

Invasive Control

Invasive species will be controlled before enhancement planting takes place. Presence of invasive species, especially Himalayan Blackberry, will continue to be monitored by the HOA. If cover of invasive species becomes greater than 20% control measures will be implemented. These include cutting the canes of Himalayan blackberry in summer and applying, by painting or daubing (not spraying) new sprouts with an herbicide approved for use near water and in wetlands. This application should be done in 2 months after cutting and again in late summer or early fall (if needed). Follow-up treatments will continue to occur on an as-needed basis.

Timing

Hydrology of the mitigation area will be monitored during mid-spring of the first growing season. Vegetation monitoring will involve a yearly site visit from the monitoring biologist to assess cover and a stem count and species inventory. This should be at the middle of the growing season (near the end of August).

Vegetation Assessment

Percent survivorship of woody species will be estimated by counting the dead of each species, then subtracting that number from the number planted. This number will be divided by the number planted, then multiplied by 100 to obtain the percent of survivorship.

Canopy cover or herbaceous species (Quadrant sampling) will be estimated by the monitoring biologist using 5 one-square-meter micro-plots.

Hydrology Assessment

Soil saturation determination (test holes or monitoring wells) will be performed by the monitoring biologist to determine if wetland hydrology meets the performance standards.

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Table 4. Performance Standards, Monitoring Methods, Contingencies

Performance Standard	Monitoring Methods	Contingency
Wetland Hydrology	Mid March observation	Grading modification
Survival of planted species	Direct Count	Replant and/or modify species selection to more suitable species
Herbaceous cover	Ocular estimate	reseed

Contingency Plan

There are numerous problems that can prevent a mitigation area from developing as proposed. Contingency measures will be designed and implemented once the problems have been identified. Possible corrections include animal disturbances or incorrect species for the local conditions. The vegetation will be monitored by the project biologist. If, during the monitoring process problems are identified corrective measures will be determined and implemented. If survival of planted individuals proves to be inadequate then additional vegetation and /or weed control will be needed to insure the 80% survival at the end of the two years. Substrate amendment, modified water inlet/outlet controls, and herbivore control may also be needed.

Plant mortality may come from many causes. The main causes are weak nursery stock and water stress. If survivorship of any planted species falls below 80%, the cause of the mortality will be assessed. If the mortality is due to inappropriate placement of the plant in relation to the hydrology of the site, adjustments to the replanting site will be recommended by the monitoring biologist. In the event of weak nursery stock, the mortality should be immediately evident (within a few days) and should be detected in the review of the planting.

The contingency measures for herbivory and plant mortality (often linked) are to replant the affected plants and protect them. Plantings can be surrounded by plant cages formed by 3' chicken wire to protect them from damage from beavers and nutria. If the individual plant cages are not sufficient to deter the beavers, fencing the entire area with 3' chicken wire may be needed to ensure success of the site. If small rodent girdling of the plantings is the problem, the base of the tree may need to be protected with a rodent guard.

In the event of an extended drought, irrigation may be necessary to ensure establishment of the plantings. If mortality is due to water stress, watering of the site will be done up to 7 times during the period from July 1 to August 31.

Invasive species will be controlled before planting takes place. If cover of invasive species becomes greater than 20%, more dramatic control measures will need to take place. These include cutting the canes of Himalayan blackberry in summer and applying, by painting or daubing (not spraying) new sprouts with an herbicide approved for use near water and in wetlands. This application should be done in 2 months after cutting and again in late summer or early fall (if needed). Areas not graded will also be sprayed. Follow-up treatments will occur on an as-needed basis.

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

No protected plant and animal species are anticipated to be present or affected by the proposed activity.

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

Monitoring reports will be provided annually to the City for the first 2 years after planting detailing the establishment of the mitigation area and any contingency requirements.

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

None.

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

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

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

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

The mitigation area shall be transferred to the City of Ashland as public open space. Responsibility for the onsite mitigation Resource Protection Zone shall be the responsibility of the Homeowners Associates. CC&Rs shall be recorded to provide long term protection and ensure required maintenance is completed as needed.

D. Performance Guarantee. *In general, mitigation shall be implemented prior to or concurrently with the project. The approval authority may require a performance bond or similar monetary insurance of up to 110 percent of the proposal's cost to guarantee that the mitigation proposal will be carried out as approved, and to ensure that the objectives are met through demonstration of compliance with measurable standards and that the site will be maintained to keep the Water Resource functioning properly.*

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Mitigation shall be implemented concurrently with the proposed project as described in the Mitigation Plan.

Conclusion

Impacts and Mitigation for onsite Water Resource Protection Zones as outlined in this Mitigation and Maintenance Plan are summarized as follows. Areas of impact to be mitigated are from Wetland 1 805sf of isolated wetland and an estimated 5,034sf of adjacent buffer area for a total of 5,839sf. Proposed mitigation shall consist of 3,616sf of wetland swale creation and 9,961sf of adjacent buffer. The wetland shall consist of a vegetated swale planted with a mix of native forbs and shrubs. The adjacent buffer shall be planted on both sides with a mix of Oregon white oak, Ponderosa pine and incense cedar. The hydrology source will be outflow from the water quality facility upslope. The area shall be graded concurrently with site development with removal and control of any invasive species. Seeding will occur within 90 days or less after soil disturbance. Trees and shrubs shall be planted in the fall/winter after grading, as soon as commencement of the rainy season. Irrigation shall be installed to ensure successful establishment of the planted species. This mitigation area shall be transferred to the City of Ashland as public open space following the initial period of monitoring and maintenance.

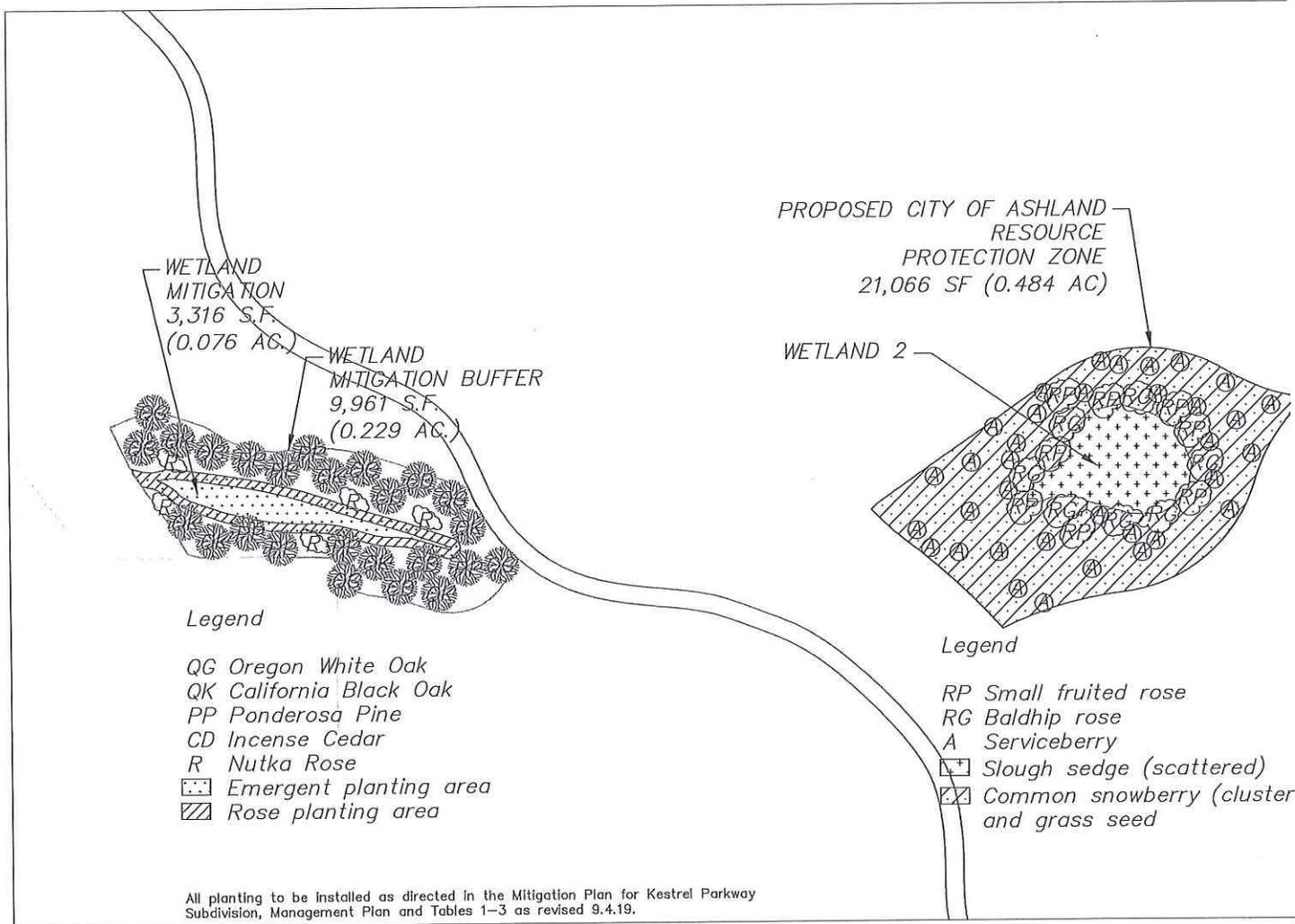
Wetland 2 is a 3,619sf isolated wetland located within a larger depression near the center of the site. The wetland is mapped on the NWI and LWI and is defined as a Locally Significant Wetland. This wetland shall be protected with a Wetland Protection Zone averaging 50' wide as measured horizontally from the wetland/upland boundary. No impacts are proposed to this wetland. Invasive blackberry will be controlled in both wetland and buffer using a combination of mechanical and chemical methods. The buffer shall be graded and planted with a mix of native shrubs and ground species to complement the existing canopy provided by the cottonwood and willow. The buffer shall extend 20-70' from the wetland edge for a total Protection Zone area of 21,066sf. Portions of this Protection Zone shall be graded to interface with adjacent roadways, which have been designed to go around and avoid the wetland and adjacent buffer area. The entire 21,066sf Protection Zone is proposed to be enhanced with native vegetation as described in the mitigation plan.

APPENDIX A. MITIGATION PLANTING PLAN

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Legend

- QG Oregon White Oak
- QK California Black Oak
- PP Ponderosa Pine
- CD Incense Cedar
- R Nutka Rose
- [Dotted pattern] Emergent planting area
- [Diagonal lines] Rose planting area

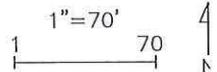
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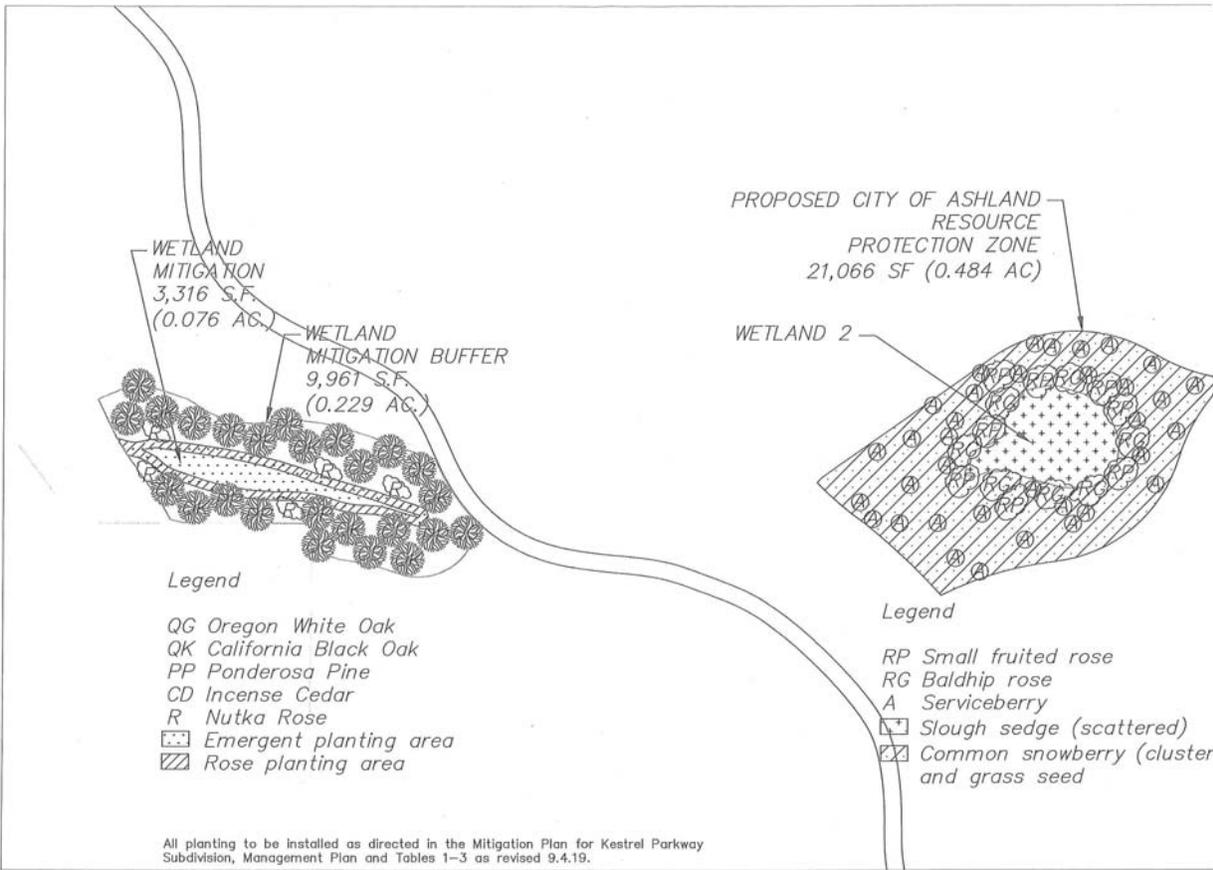
- RP Small fruited rose
- RG Baldhip rose
- A Serviceberry
- [Square with cross] Slough sedge (scattered)
- [Square with X] Common snowberry (cluster and grass seed)

All planting to be installed as directed in the Mitigation Plan for Kestrel Parkway Subdivision, Management Plan and Tables 1-3 as revised 9.4.19.

KESTREL PARK SUBDIVISION
MITIGATION PLAN

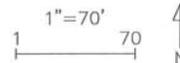
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KESTREL PARK SUBDIVISION
MITIGATION PLAN

S&A#2480 9.4.19



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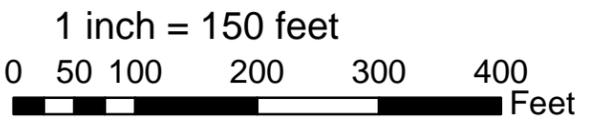
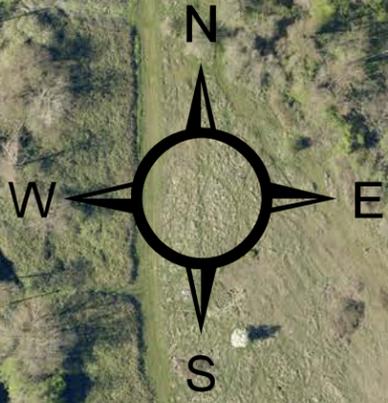
PA-T1-2019-00075
KESTREL PARKWAY SUBDIVISION
SUBJECT PROPERTIES

FAIR OAKS AV

PLUM RIDGE DR

N MOUNTAIN AV

STONY PT



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

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From outline plan approval PA-T2-2018-00005

The Planning Commission finds that the Tree Commission reviewed the application at its November 8, 2018 meeting and made recommendations that the application be approved, and that the applicant: 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 these selections; and 2) Provide large stature-species street trees behind the outside perimeter curbside sidewalk on the couplet. Tree Commissioners were agreeable to planting street trees behind the sidewalk rather than requiring a standard parkrow planting strip here, but felt that there should be street trees along on this corridor. A condition has been included making these recommendations conditions of approval, and requiring that the Final Plan submittal include a final landscape and irrigation plan incorporating the Tree Commission recommendations, size- and species-specific landscape planting and irrigation details, final wetland mitigation plan details and clear identification of the 15 mitigation trees proposed.



NOTICE OF APPLICATION – REVISED TO INCLUDE TREE COMMISSION NOTICE

PLANNING ACTION: PA-T1-2019-00079

SUBJECT PROPERTY: 471 East Hersey

OWNER/APPLICANT: Ken & Carol Baker

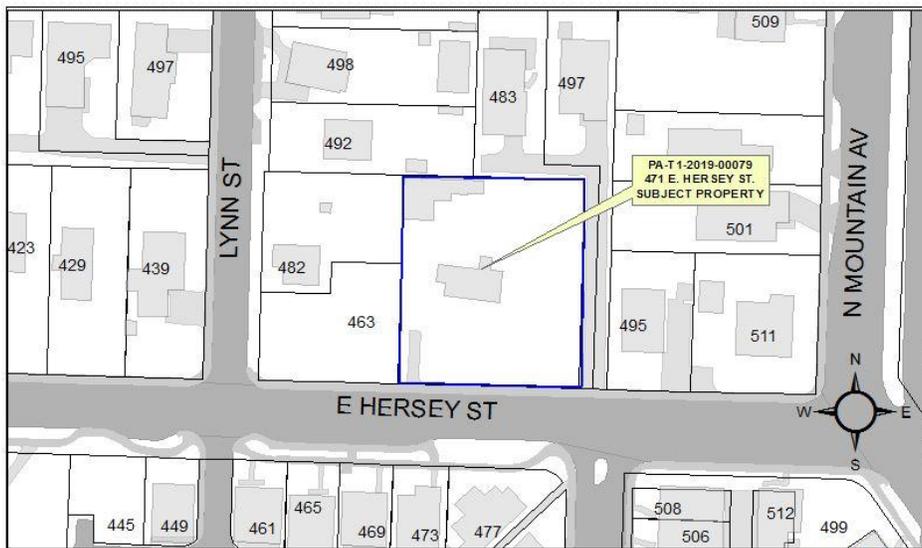
DESCRIPTION: A request for a property line adjustment and land partition to create three lots including one flag lot for the property located at 471 East Hersey Street. The application also includes requests for a Variance to have less than the required 75-foot separation between driveways on East Hersey Street, an avenue or major collector street, to allow for the relocation of the existing driveway to provide consolidated access to all three of the proposed parcels, and for Tree Removal Permits. There are currently ten trees greater than six-inches in diameter at breast height (d.b.h.) identified on the subject property including two cedars, two plums, two apples, a pear, two locusts, and a blue spruce. All are proposed for removal, and four are considered significant and require Tree Removal Permits. *(NOTE: The application also includes a request for a Demolition/Relocation Review Permit to allow the demolition of the existing 884 square foot residence and a detached 1,081 square foot garage/carport/shed structure in order to enable the requested partitioning and redevelopment of the property.)*

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; **ZONING:** R-1-5-P; **ASSESSOR'S MAP #:** 391E04DD **TAX LOT:** 1300

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday, November 7, 2019 at 6:00 PM** in the Community Development and Engineering Services building (Siskiyou Room), located at 51 Winburn Way.

NOTICE OF COMPLETE APPLICATION: October 22, 2019

DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS: November 7, 2019



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 Derek Severson at 541-488-5305.

PROPERTY LINE ADJUSTMENTS

18.5.3.120.B

The Staff Advisor shall approve or deny a request for a property line adjustment in writing based on all of the following criteria.

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.
2. Lot Standards. Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).
3. Access Standards. All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

PRELIMINARY PARTITION PLAT

18.5.3.050

The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.

- A. The future use for urban purposes of the remainder of the tract will not be impeded.
- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.
- D. The tract of land has not been partitioned for 12 months.
- E. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).
- F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.
- G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.
- H. Unpaved Streets.
 1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter 18.4.6 prior to the signature of the final partition plat by the City.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 - c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.
 - d. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.
- J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

VARIANCE

18.5.5.050

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

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.

Demolition and Relocation Standards

15.04.216

- B. For demolition or relocation of structures erected less than 45 years from the date of the application:
 1. The applicant:
 - a. Has the burden of proving the structure was erected less than 45 years from the date of the application. Any structure erected less than 45 years from the date of the application, which replaced a structure demolished or relocated under section 15.04.216, shall be considered a structure subject to the standards in subsections 15.04.216.
 - b. Must submit a redevelopment plan for the site that provides for a replacement or rebuilt structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:
 - (i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or
 - (ii) the structure being demolished or relocated is a nonhabitably accessory structure.
 2. If a permit is issued and the redevelopment plan:
 - a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.B.
 - b. Does not require a site review permit, no demolition or relocation may occur until a building permit has been issued for the structure or structures to be replaced or rebuilt, unless the site is restricted to open space uses as provided in section 15.04.216.B.
- C. For any demolition approved under this section, the applicant is required to salvage or recycle construction and demolition debris, in accordance with a demolition debris diversion plan that complies with the requirements adopted the Demolition Review Committee. The applicant shall submit such a plan with the application for demolition.

For any relocation approved under this section, the applicant must also comply with the provisions of Chapter 15.08.



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

File # PA-TI-2019-00079

DESCRIPTION OF PROJECT Property line adjustment, partition for two lots, site review for ARU

DESCRIPTION OF PROPERTY Pursuing LEED® Certification? YES NO

Street Address 471 E Hersey Street

Assessor's Map No. 39 1E 04 DD Tax Lot(s) 1300

Zoning R-1-5-P Comp Plan Designation Single Family Residential

APPLICANT

Name Rogue Planning & Development Phone 541-951-4020 E-Mail amygunter.planning@gmail.com

Address 33 Central Avenue; Suite 213 City Medford Zip 97501

PROPERTY OWNER

Name Ken and Carol Baker Phone 541-4453 E-Mail impact001@msn.com

Address 163 Willow Springs Drive City Talent Zip 97540

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title Engineer Name CEC Engineering Phone _____ E-Mail tony@cecengineering.com

Address _____ City _____ Zip _____

Title Surveyory Name LJ Fiar and Associates Phone _____ E-Mail ljfriadassociates@charter.net

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

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- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Amy Gunter
Applicant's Signature

10-11-19
Date

Ken Baker
As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.
Property Owner's Signature (required)

10-11-19
Date

[To be completed by City Staff]

Date Received 10/11/19 Zoning Permit Type Type 1 Filing Fee \$ 2,401.50

OVER >>

October 9, 2019

**Minor Land Partition
Variance to Street Standards for Driveway Spacing**

Findings of Fact

Subject Property

Property Address: 471 Hersey Street
Map & Tax Lot: 39 1E 04 DD; 1300
**Comprehensive
Plan Designation:** Single Family Residential
Zoning: R-1-5
Adjacent Zones: R-1-5, Employment (E-1)
[Click here to enter text.](#)
Lot Area: .447 / 19,521 sf

Property Owner: Ken and Carol Baker
163 Willow Springs Drive
Talent, OR 97540

Surveyor: L.J Friar and Associates

Planning Consultant: Rogue Planning & Development Services
Amy Gunter
33 N Central Avenue, Suite 213
Medford, OR 97501

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Request:

A request for a Property Line Adjustment and a Minor Land Partition to create three new, single family residential parcels including a flag-lot for the property located at 471 Hersey Street. The application includes a variance request to have less than 100-feet of separation between driveways to allow for the relocation of the driveway to provide access for the proposed three parcels.

Property Description:

The subject property is on the north side of Hersey Street, east of the intersection of Lynn Street and Hersey Street, and west of North Mountain Avenue and Hersey Street intersection.

The property was originally Lot 3, Lot 4 and a part of Lot 5, Block 5 of the Patterson-Phelps Tracts added to the city in 1948. The property actually consists of two parcels, Parcel #1 and Parcel #4 of a four-lot partition that occurred (88-139). Parcels #2 and #3 are north of the subject property and are accessed via a flag driveway to the east of subject property. In 1990, Parcel #4 was "killed" and "added" to Parcel #1 (JV-1990-12387)

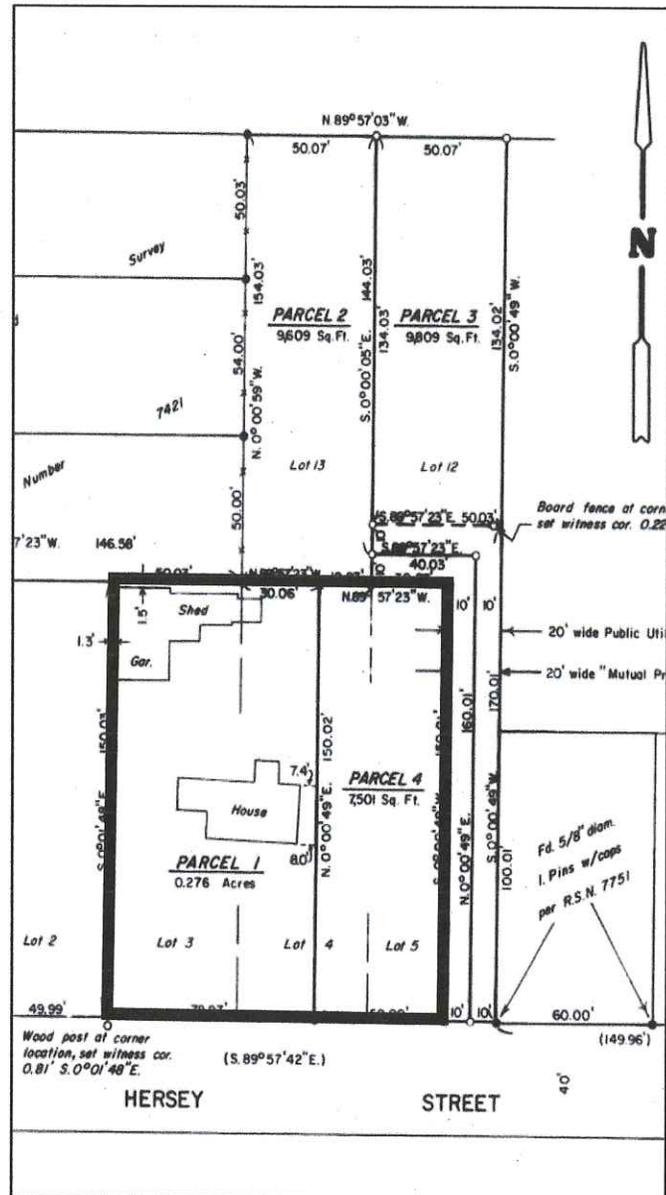
The property is zoned R-1-5 and is in the Performance Standards Overlay. The adjacent properties to the east, north and west are also zoned R-1-5. The properties to the south across Hersey Street are zoned Suburban Residential (R-1-3.5).

The subject property is generally rectangular with 130.14-feet of frontage on Hersey Street, and extends 150-feet to the north. The property is 19,521 square feet in area (.448 acres).

The parcel is occupied by an approximately 884 square foot, single story residence that was constructed in the late 1940s. To the rear of the residence is a garage, carport and shed structure that is 1,081 square feet in area.

The property slopes gradually from the south to north at approximately two percent. There are ten trees that are six-inches diameter at breast height and larger on the property. The nearest tree on the adjacent properties are more than 15-feet from the property line, or are protected from the impacts of construction by a six-foot tall, solid panel fence.

The subject property is accessed via an approximately 12-foot wide gravel driveway that is near the west property line.



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East Hersey Street is designated as an avenue according to the Transportation System Plan. The current street improvements include pavement, curb, gutter, and a curbside sidewalk. Due to current street development patter and lack of right-of-way, East Hersey Street is prevented from being improved to the current street standards.

Most City facilities are available within the East Hersey Street right-of-way.

Sewer: There is an 8-inch sanitary sewer main and sanitary sewer service on East Hersey Street. There is no information that there are sanitary sewer capacity issues on East Hersey Street.

Water: The property is served by a 12-inch water main on Hersey Street. The water meters for the three water meters were recently installed behind the sidewalk. There are no known water service in the area. A fire hydrant is present approximatly 225-feet to the east of the property at the intersection of East Hersey Street and North Mountain Avenue.

Electric services need to be modified and upgraded, per the electric service distribution plan provide by the City of Ashland Electric Department.

The property is not currently connected to the storm drain system. There is a storm drain line available in Lynn Street.

Proposal:

The request is to divide the adjust Parcel #1 and partition the combined area property into three remaining parcels. Two parcels are proposed as 5,010 square foot lots that abut East Hersey Street. Between proposed Parcel #1 and Parcel #2, a 20-foot wide flagpole for proposed Parcel #3 will provide access to the three parcels.

Proposed Lot Areas:

Parcel #1: 5,010 square feet in area

Parcel #2: 5,010 square feet in area

Parcel #3: Lot area = 9,464 square feet in area, excluding the flag driveway, the buildable area of the flag lot is 7,636 square feet in area.

The existing 884 square foot single family residence is in poor condition and the structure crosses the proposed property line of Parcel #1 and into the flag driveway. The 1,081 square garage/carport/shed structures will also be removed.

New lots are required to demonstrate that a 21-foot tall structure can be constructed on the subject lot and not exceed the lots N/S lot dimension, or provide a solar envelope. The parcel slopes approximately two percent downhill to the north. Proposed Parcels #1 and #2 exceed minimum

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required N/S lot dimension, and at the time of building permit submittal will demonstrate compliance with the required solar setbacks for a standard A lot. A 21-foot tall structure requires a 35.29-foot setback.

Proposed Parcel #3 has a solar envelope depicted that provides setbacks of future structures with a 10-foot tall shade producing point necessitating a 9.38-foot setback, a 12-foot tall shade producing point will require a 14.07-foot setback, and a 16-foot tall shade producing point requires a 23.5-foot setback, and a 21-foot tall shade producing point requires a 35.3-foot setback. The solar envelope for Parcel #3 will be depicted on the partition plat as required by the code.

There are ten trees present on the property that are more than six-inches in diameter at breast height. Of the ten trees, there are three fruit trees which are considered Significant Trees and tree removal findings have been provided. There are two cedars, one 14-inch DBH, and a 12.4-inch DBH in the southwest corner of the property adjacent to the existing driveway. These trees are clustered at the base, have thinning canopies and are on the prohibited plant list. To the east, there are large stature plum trees. One tree is a dual stemmed plum tree with a 15.27-inch DBH 'stem' and a 12.09-inch DBH 'stem', the other is a quad stemmed plum trees with 9.8-inch 'stem', a 10-inch DBH 'stem' a 12.7-inch DBH 'stem' and a 13-inch DBH 'stem'. There is an 9-inch DBH Pear tree to the north of the plum trees. Along the east property line there are two Locust trees, one is 7.6-inch DBH and the other is 6.6-inch DBH. A 10-inch apple tree is on the north property line. There is a 14-inch DBH Blue Spruce tree near the existing SFR, on the west side of the property. Adjacent to the west property line is a 14-inch apple tree.

There are no other significant natural features present on the property.

Findings addressing the relevant criteria from the Ashland Municipal Code are provided herein. For clarity, the criteria is in Times New Roman font and the applicant's findings in Calibri font.

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Findings of Fact Addressing

Ashland Municipal Code

18.5.3.050 Preliminary Partition Plat Criteria

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

Finding:

The future use of the remainder of the tract as single family residential use will not be impeded by the proposal.

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

Finding:

The development of the remainder of any adjoining land or access to adjacent residential lands will not be impeded by the proposal.

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

Finding:

There are no City adopted neighborhood or district plans. To the applicant's knowledge, there are not previous approvals for the subject properties that would prevent the proposed partition.

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

Finding:

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

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

Finding:

The proposed parcels conform to the requirements of R-1-5 zone. All three proposed parcels will have more than 5,000 square feet of area. Parcel #1 is proposed to be 5,010-square feet in area with 50-feet of frontage on East Hersey and extending 91-feet to the north. Parcel #2 is also proposed to be 5,010-

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square feet in area with 50-feet of frontage on East Hersey Street and extending 91-feet to the north. Between Parcel #1 and #2 is the 20-foot wide flag driveway proposed to provide vehicular access to the three parcels. At the rear of the property, Parcel #3 is proposed as a flag lot with 9,464 square feet in area with a buildable area of 7,636 square feet. The flag lot is proposed to have 58.83-feet of north/south width and an east/west depth of 130.01. This lot exceeds minimum lot dimensions for the R-1-5 zone. The flagpole connection of 20-feet at the street will provide the vehicular access to the three parcels. This allows for compliance with consolidated driveway standards. The relocation of the driveway curbcut to facilitate consolidated access standards requires a variance to driveway separation standards on a street dedicated as an avenue. The adjacent property to the east is a shared flag driveway. The maximum number of flag lots accessed via a flag driveway is two and the property owners of the are not associated with the development of the subject property. This driveway that is to the east of the proposed flag driveway, is less than 100-feet from the next adjacent driveway (40-feet to east). The first driveway on the street is less than 100-feet from the intersection of East Hersey Street and North Mountain Avenue. Findings addressing the Variance criteria to driveway spacing standards from AMC 18.4.3.080.

The proposal includes a Site Plan that depicts the building envelope for the flag lot (Parcel#3). The north setback has been depicted as a solar envelope that provides specific setbacks based on "typical" building heights. This yard area abuts the driveway and vehicle parking area for the adjacent properties at 483 and 497 East Hersey Street (two flag lots to the east of the subject property).

The proposed site plan demonstrates proposed Parcels #1 and #2 can comply with solar setback standard A. A building envelope demonstrating the buildable area that complies with setbacks for the zone, and provides a solar envelope has been provided for Parcel #3.

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

Finding:

The exiting driveway accessing the site is a 13-foot wide driveway near the west property line. The proposal is to close the curbcut and to relocated the driveway access further east, in the center of the parcel and provide the three parcels with a consolidated access, shared from the flag driveway.

The future development of Parcels #1 and #2, will demonstrate that there are two off-street parking spaces accommodated for on-site, accessed from the flag driveway. The future development of Parcel #3 will be required to demonstrate three off-street parking spaces are accommodated for. The parcel area is oversized for the zone and there is adequate area for a substantial sized residence, setbacks, lot coverages, adequate parking, back-up and turn around as demonstrated on the conceptual building envelope shown on the site plan.

The flag driveway is more than 50-feet in length and is proposed to be a solid surface. The driveway is proposed to be 15-feet in surface width, with 20-feet of clear width. This complies with the width and

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design standards for flag driveway access. The driveway grade does not exceed 15 percent. The surface will be installed in a manner that does not allow for the surface waters to drain across any public right-of-way or adjacent properties. The surface water collected on the driveway has been included in the calculations for the storm water detention and drainage standards.

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

Finding:

The water and sanitary sewer service will be provided from Hersey Street and connect to City facilities as required by AMC 18.4.6.070. No information has been provided to the applicant from the City that any development permits will be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems (AMC 18.4.070.D.).

The Stormwater detention system has been engineered by an Oregon Licensed Engineer. The system is designed as a series of infiltration trenches that demonstrates compliance with Chapter 11 of the Oregon Plumbing Specialty Code. Soil percolation tests and soil analysis has been performed and will be provide with the building permit submittals for the utility installation. The conceptual plan has been provided to the Public Works Engineering division for review and approval. The proposal can demonstrate compliance with the standards for Stormwater Drainage and Surface Management Facilities per AMC 18.4.080.

Electric service will be per the electric distribution plan. The new service will come from a transformer to be located near the northeast corner of the property. The proposed electric distribution is in accordance with AMC 18.4.090.C. and will be underground service to each residence. Adequate easements will be provided with the final survey plat that addresses the final electric utility locations.

Hersey Street is improved with curb, gutter and sidewalk. There is an existing driveway curbcut that is requested to be relocated to provide consolidated access for the three parcels. The driveway curbcut will be within 100-feet of the adjacent driveway to the east that services the two parcels at 483 and 497 East Hersey Street. Variance findings have been provided addressing the requested variance.

Four street trees will be planted in the front yards of the Hersey Street fronting parcels, behind the sidewalk. The trees will be chosen from the City of Ashland Recommended Street Tree Standards and planted in accordance with the standards.

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H. Unpaved Streets.

1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

Finding:

Not Applicable

2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.

Finding:

Not applicable

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

Finding:

No alley exists adjacent to the partition.

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

Finding:

No state or federal permits are required.

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

Finding:

See additional findings addressing the partition plat criteria for a flag lot below.

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

A. The criteria of section 18.5.3.050 are met.

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Finding:

The applicant finds that the criteria of section 18.5.3.050 are met or can be met through the imposition of conditions.

B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.

Finding:

Parcel #3 is proposed as a flag lot with 9,464 square feet in area with a buildable area of 7,636 square feet. The flag lot is proposed to have 58.83-feet of north/south width and an east/west depth of 130.01. This lot exceeds minimum lot dimensions for the R-1-5 zone.

C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.

Finding:

The flag driveway is proposed to be owned by Parcel #3, one of the lots served by the driveway. Parcel #1 and #2 will have an ingress, egress access easement and a mutual maintenance agreement provided to allow for a future parking and/or garage area for Parcel #1 #2 to be constructed. All lots are proposed to take vehicular access from the flag driveway.

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

Finding:

The driveway, when installed will comply with the required driving surface widths. The surface of the driveway is proposed to be paved or surfaced with a concrete or similar material.

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

Finding:

The existing curbcut will be relocated to provide vehicular access for the lots. Parcels #1 and #2 are not considered flag lots as they have frontage upon a public street. Parcel #3 is a flag lot. All three parcels are proposed to take access from the driveway to minimize the number of driveway curbcuts necessary to access three lots.

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

Finding:

The driveway grade will be less than 15-percent.

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

Finding:

At the time of the construction and surfacing of the flag driveway, the surface drainage will be accommodated for and collected in the proposed stormwater detention system.

H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:

1. Vehicle access shall be from the alley only where required as a condition of approval.
2. No screening and paving requirements shall be required for the flagpole.
3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.

Finding:

The flag lot is not adjacent to an alley.

4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three-foot white sign clearly visible from the street with three-inch black numbers.

Finding:

The proposed flag pole is 20-feet in width with 15-feet of paved with. The flag lot will be addressed in accordance with the standards of the Oregon Residential Structural Code and the Oregon Fire Code.

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

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Finding:

The flag drive will be deemed a Fire Apparatus Access road.

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

Finding:

The flag driveway is greater than 100-feet in length. A turnaround is not proposed, utilizing other alternatives such as fire sprinklers would be a preferred alternative. The Fire Code Requirements are determined at the building permit stage.

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

Finding:

Adequate lot area has been provided for the flag lot to have three parking spaces situated in a manner that eliminates the necessity for vehicles to back out. Compliance with this standard will be addressed with the building permit submittals.

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

Finding

No on-street parking is permitted on the north side of Hersey Street.

M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

Finding:

When the new structure for the flag lot is proposed, demonstration of compliance with the requirements of the Building and Fire Officials will be addressed.

N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or evergreen hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from

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the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed at the extreme outside of the flag drive in order to ensure adequate fire access.

Finding:

The flag drive is not proposed to be installed until construction commences on the flag lot. Prior to issuance of the certificate of occupancy, the site-obscuring fence or hedge will be installed along the flag driveway.

O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.

Finding:

An agreement can be executed for the surfacing and screening of the flag driveway. The screening and surfacing of the driveway will be completed prior to issuance of a signature of occupancy for the residence on the flag lot. Or as access to the residences on Parcel #1 or Parcel #2 if constructed first. Ingress, egress access easements for the joint use of the flag driveway will be addressed on the final partition plat.

P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.

Finding:

There are no house plans for the proposed flag lot. There is substantially more than a 20 X 20 area for outdoor yard space as demonstrated on the site plan.

18.5.7.040.B.2 – Tree Removal Criteria:

Finding:

Three of the trees on the site are considered Significant Trees per the municipal code. These are three fruit trees. Two trees are multi-stemmed plum trees, and a 14-inch DBH apple tree.

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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.

Applicant's Finding:

The majority of the sites are old fruit trees, remnants of previous residents use of the of the property. The tree removal is requested to accommodate the construction of new single family residential homes on three proposed parcels.

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.

Finding:

The removal of the fruit trees will not have significant negative impact on erosion, soil stability, flow of surface waters or protection of adjacent tree, or existing windbreaks. The lot has minimal slope and soil stability and erosion are not evident on the property. Following tree removal, the structures will be removed, below grade utility lines will be installed and the flag driveway installed. The trees proposed for removal do not provide protection to adjacent trees nor are they part of a windbreak.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

Finding:

The removal of the fruit trees, will not have significant impact on the tree densities, sizes and canopy coverage or species diversity in the vicinity. Many of the site trees were planted as landscape features by a previous property owner. With the proximity of the property to a large city parks and an established neighborhood, there are numerous native and non-native trees species providing canopy coverage 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.

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Finding:

The trees proposed for removal are the minimum necessary to allow for the development of the 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.

18.5.7.050 Mitigation Required

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

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

Applicant's Finding:

There are three trees requested for removal that require mitigation. Four deciduous street trees will be planted behind the sidewalk to mitigate for the removal of the three fruit street.

18.3.10.100 – Development Standards for Wildfire

2. Plan Submission Requirements. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall address the General Fuel Modification Area requirements outlined in subsection [18.3.10.100.B](#) and include the submission materials listed below. The Staff Advisor may waive a plan submittal requirement if the Staff Advisor determines it is not reasonably necessary in order to make a decision on the application.

Finding:

No trees or vegetation is proposed to remain on the parcel following clearing of existing trees and structures. No wildfire prevention and control plan has been provided.

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B. Requirements for Construction of All Buildings and Decks.

Findings:

The new construction of the property will demonstrate compliance with the standards from AMC 18.3.10.110.B, including construction and landscaping standards for the single family home construction.

18.5.5.050 – Variance

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

*1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, **adjacent development**, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*

Finding:

The existing parcel area of 471 East Hersey Street is 19,484 square feet (.447 acres) in the R-1-5 (5,000 square foot minimum lot area). The lot area exceeds the minimum lot area in the zone and is large enough to support the square footage of a three parcel, including a flag lot partition.

The variance is necessary because there are two code provisions that do not allow for conformance with AMC 18.4.3.080.B.3 which requires 100-feet of separation between driveways on streets designated as Avenues in the Transportation System Plan. AMC 18.4.3.080.C.4. requires shared use, (consolidated access) of driveway curbcuts. In order to provide a driveway curbcut that is located in a manner that is accessible to the three proposed parcels and to maintain residential lot orientation that demonstrates compliance with lot dimensional standards, solar access orientation, and access standards, etc. the driveway needs to be central to the property. The proposed shared driveway is less than 100-feet from the next adjacent driveway is a flag pole that provides vehicular access to the two flag lots that are to the north of the subject property. The maximum number of flag lots that can take access from a flag driveway is two lots. The proposed flag lot (Parcel #3) would require a variance to take access from the east flag driveway if the neighboring property owners agreed.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

Finding:

The variance request to provide a driveway curbcut that provides consolidated access in the middle of the partitionable parcel is the minimum necessary to address the special standards (driveway separation requirements on an Avenue) that apply to partition applications. The driveway is proposed to be 55-feet to the west of the driveway to the east of the subject property that necessitates the

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variance. The minimum lot in the zone is 50-feet, five additional feet were provided to the lot to increase the spacing to come closer to the standards.

3. *The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*

Finding:

The proposal allows for the densification of the single family residential, 5,000 square foot minimum lot area zone with three parcels that provide lot area that is greater than the minimum required in the zone. The City of Ashland recently affirmed its desire to not expand the City limits by allowing additional densification of the single-family zones through the allowed development of cottage houses. The desire to not expand furthers the need for the City to allow the partition of oversized parcels that are not topographically, or utility constrained to develop to the standards allowed by the zone. The provision of the variance allows for three, smaller parcel, single family residences to be constructed in an established, single family residential zone furthering the purpose and intent of the Comprehensive Plan for the Urbanization of the City of Ashland.

The lower speed, proximity to a public park, the adjacent development as residential, are all benefits to allowing a three-parcel partition.

4. *The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

Finding:

Numerous city streets are designated as Avenues and higher order streets though the vehicular traffic is not necessarily there that necessitates this. Additionally, the right-of-way necessary for the development of an Avenue is also not present on the property.

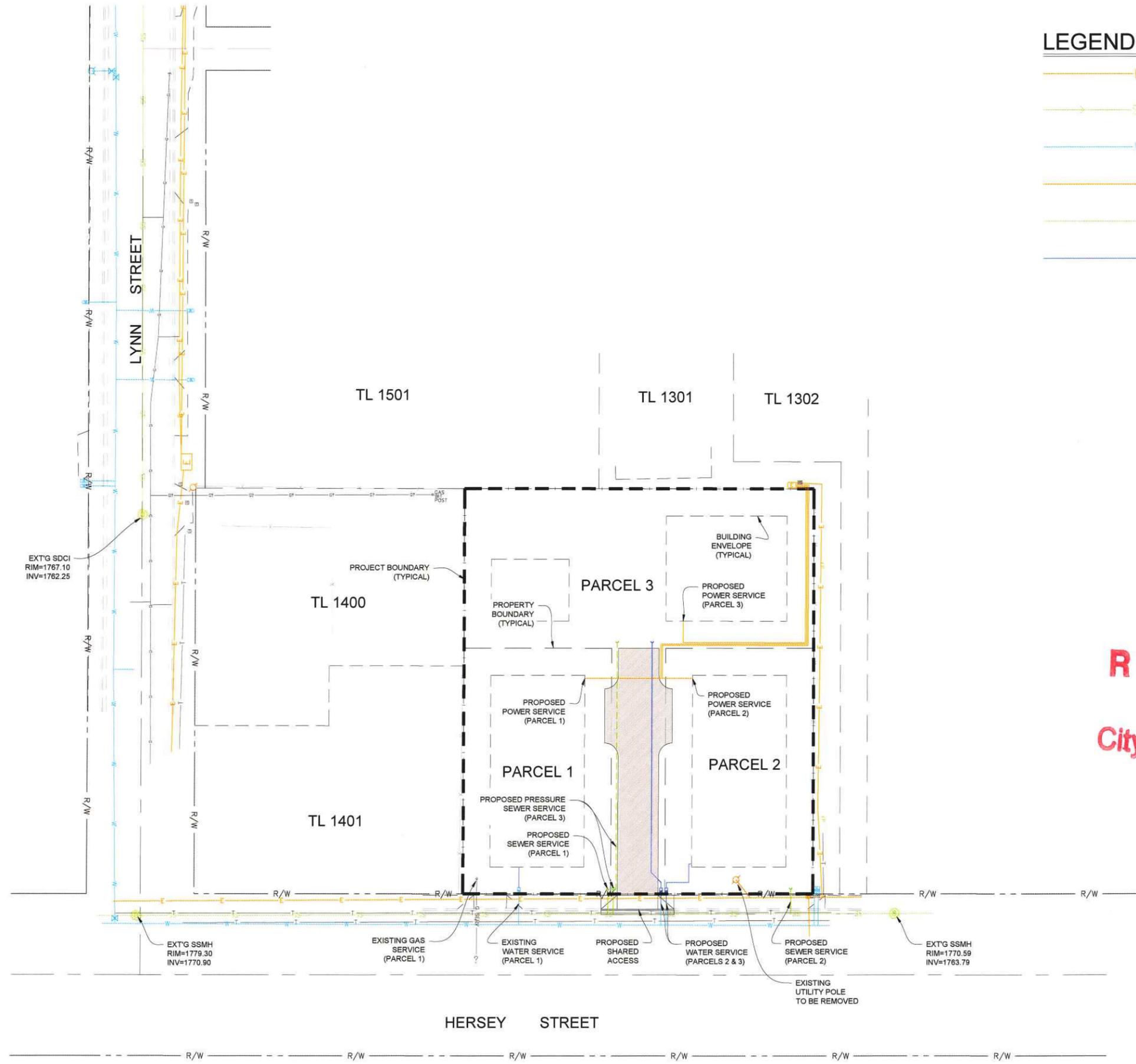
The applicant was un-associated with the property when the previous flag lots were created. They also occurred prior to the development of the adjacent Riverwalk Neighborhood. Access easements were not granted to the parcel of that partition nor to the second legal lot of record that is part of this application.

The property cannot take access from adjacent public streets as there are no easements and adjacent development prevents creation of new access. In order to allow the propoerty to develop to the densities allowed by the municipal code, consolidated access is required. In order for the proposed parcels to comply with consolidated access standards, a variance to separation standards is required.

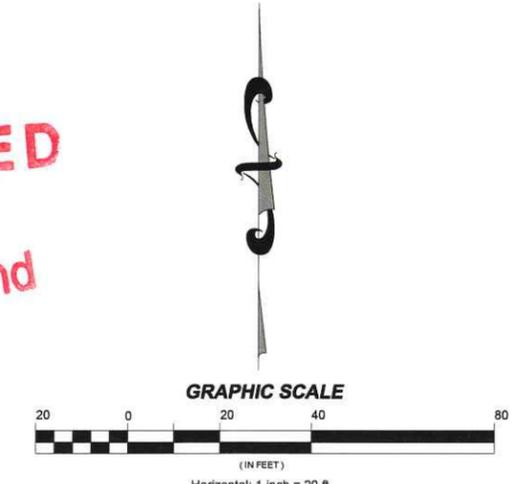
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LEGEND

-  EXISTING POWER
-  EXISTING SEWER
-  EXISTING WATER
-  PROPOSED POWER
-  PROPOSED SEWER
-  PROPOSED WATER



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NO.	REVISION	DATE	BY
REVISED AS CONSTRUCTED BY			

	PARTITION - 471 HERSEY CONCEPTUAL UTILITY PLAN		
	DRAWN BY: NRB	DATE: 10/7/19	PROJECT NO:
	CHECKED BY: NRB	DATE: 10/7/19	C-19-002
	APPROVED BY: CITY TRANSPORTATION MANAGER	DATE:	SHEET NO.:
	REVIEWED BY: CITY ENGINEER	DATE:	1
APPROVED BY: ORDINANCE NO.:	DATE:		

SITE PLAN

4716 HERSEY ST
 3916 040D; TL#1300
 LOT AREA: 19,521 sq ft

SOLAR SLOPE = -0.2
 H-L / W-H = -0.2 =
 H / 42.5 = SSB

SOLAR ENVELOPE
 10'H = 9.38' SSB
 12'H = 14.07' SSB
 14'H = 18.76' SSB

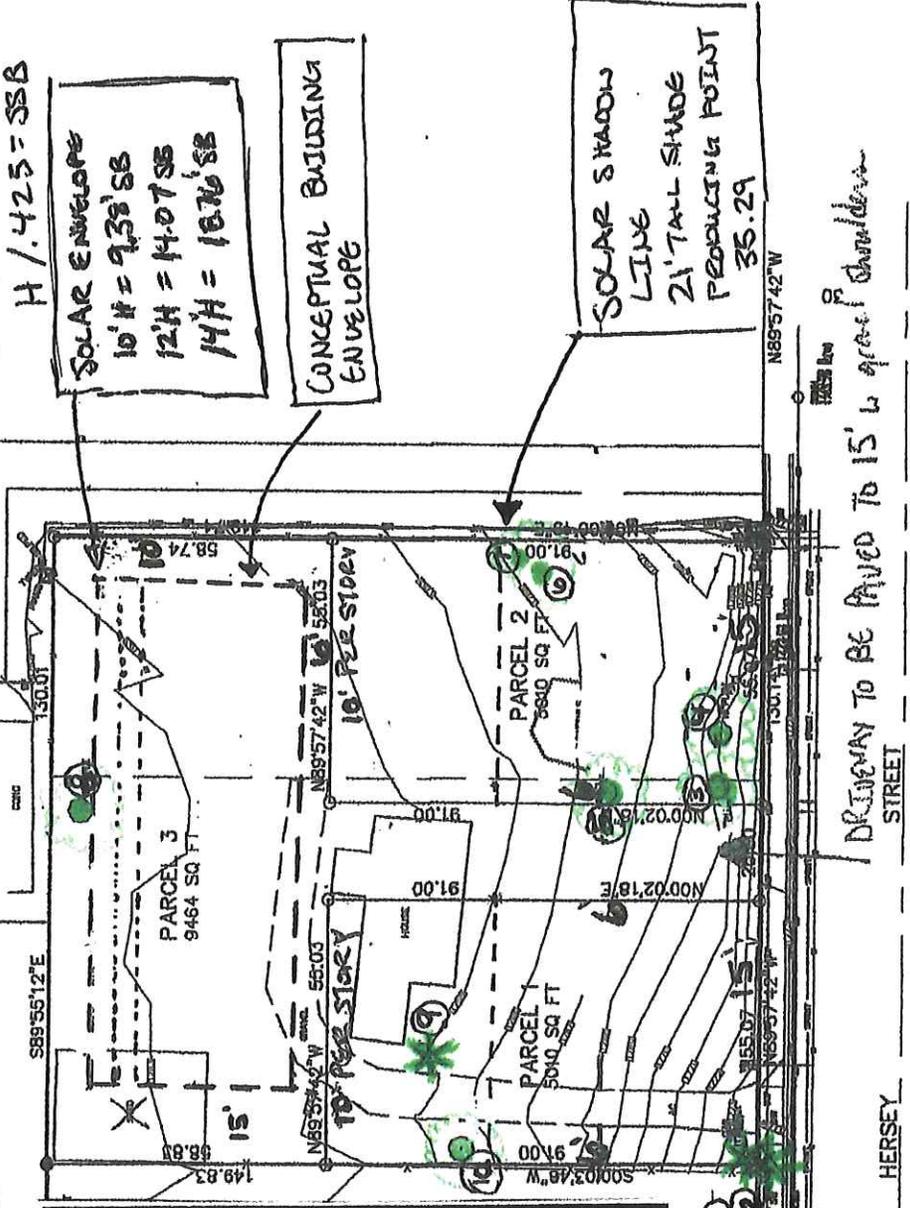
CONCEPTUAL BUILDING ENVELOPE

SOLAR SHADOW LINE
 21' TALL SHADE PRODUCING POINT
 35.29

TREE REMOVAL and WILDFIRE PREVENTION PLAN

#	Species	Diameter at breast height (inches)	Status
1	Cedar	12.4"	REMOVE
2	Cedar	14"	REMOVE
3	Plum	(2) 15.27"; 12.09"	REMOVE
4	Plum	(4) 9.8", 10", 12.7, 13"	REMOVE
5	Pear	8"	REMOVE
6	Locust	6.6"	REMOVE
7	Locust	7.6"	REMOVE
8	Apple	10"	REMOVE
9	Blue Spruce	14"	REMOVE
10	Apple	14"	REMOVE

NO SHRUBS WILL REMAIN ON SITE THAT ARE ON THE FLAMMABLE PLANT LIST.
 ALL NEW LANDSCAPING WILL COMPLY WITH THE STANDARDS FROM A.M.C. 18.3.10.100
 NO PLANTS LISTED AS PROHIBITED WILL BE PLANTED ONSITE.



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Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

STREET TREE REMOVAL PERMIT

A tree that is located in any public street right-of-way or other public property may not be removed until a Street Tree Removal Permit has been submitted according to the Application Submission Requirements, below, and reviewed and approved by the City of Ashland.

An application for street tree removal must demonstrate that the tree is an emergency, hazard, or dead tree as outlined below in the Application Submission Requirements.

Application Submission Requirements. An application for a street tree removal permit shall include all of the following information.

1. **Application Form and Fee.** The application must include the information requested on the Street Tree Removal Permit form provided by the City of Ashland and the permit application fee. Only those property owners of a lot adjoining the street tree location or homeowners' associations responsible for street trees in their development or subdivision may apply to remove an adjoining street tree. If a tree is located in front of more than one property, each property owner or homeowners' association official must sign the Street Tree Removal Permit form.
2. **Site Plan.** A site plan of the property drawn to scale containing the following information. The scale of the site plan must be at least one inch equals 50 feet or larger.
 - a. North arrow and scale.
 - b. Property boundaries including dimensions of all lot lines and driveway locations.
 - c. Location and width of all public streets, planting strips, and sidewalks adjoining the site.
 - d. Size, species, and location of the tree(s) proposed to be removed.
3. **Written Statement.** A written statement explaining how the proposed street tree removal satisfies one of the following approval criteria. The Community Development director may require additional information to demonstrate that the proposed removal satisfies one of the following approval criteria including: 1) a written statement to be prepared by an arborist licensed by the State of Oregon Landscape Contractors Board of Construction Contractors Board and certified by the International Society of Arboriculture or American Society of Consulting Arborists; and 2) an International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form to be completed by an arborist.

Street Tree Removal Approval Criteria

- a) **Emergency Tree Removal.** The tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property. Immediate danger of collapse is defined as a tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
- b) **Hazard Tree Removal.** 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. A hazard tree is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right-of-way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.
- c) **Dead Tree.** The tree is dead. A dead tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Replacement and Stump Removal. Applicants for approved Street Tree Removal Permits are required to remove any stumps and replace the tree. Stump removal and replacements for approved street tree removals shall meet the following requirements.

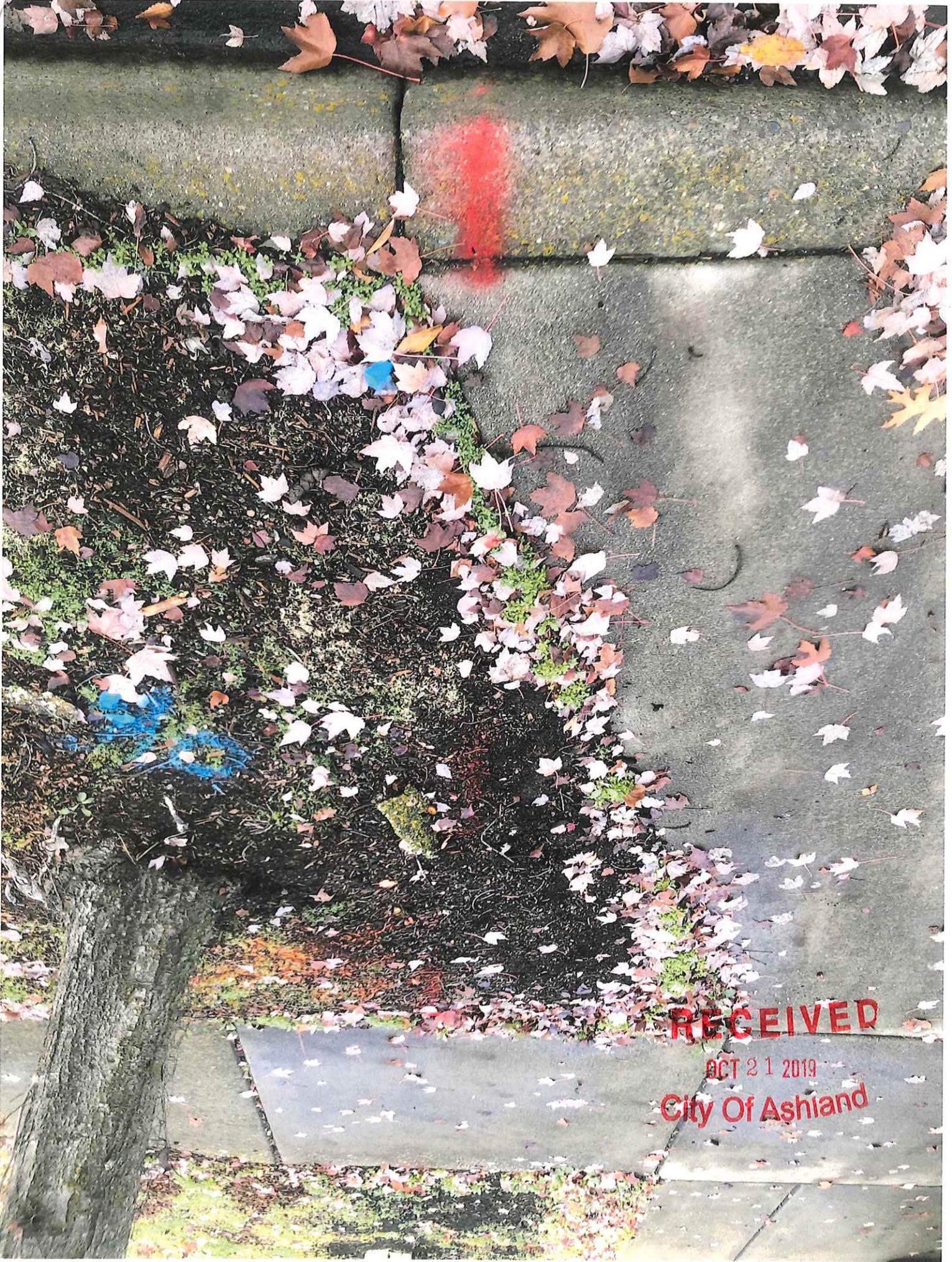
1. Any street tree removed shall be removed at ground level or lower. If a tree is removed below ground level, the surface must be restored to finish grade and any regrowth which occurs shall be promptly removed.
2. All street trees shall be an appropriate species selected from and planted according to the City of Ashland Recommended Street Tree List.
3. The minimum size for a replacement tree is eight feet in height or one inch in caliper measured at 12 inches above the root crown.
4. Applicants for a Street Tree Removal Permit may be required to replace the tree or trees being removed with a tree or trees of comparable value.
5. If a street tree is determined to be dead or dying, then the replacement need be no larger than the minimize size described above.

Type of Tree(s) Red Maple
 Approximate Diameter at breast height 7" Height 20' Canopy 15'
 Location of Tree ROW Planter strip
 Reason for Request Tree is dead

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Are there underground utility lines and/or overhead power lines present? See attached pictures
 If yes, please list which lines are present See attached pictures
 Is there sidewalk damage? No If yes, has a Public Works permit been issued? _____

OVER >>



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Find address or place

473 Williamson Way, Ashland
475 " "



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City Of Ashland

42.200 -122.702 Degrees

20ft

Please extend credit to Jackson County, OR in any subsequent



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5. If a street tree is determined to be dead or dying, then the replacement need be no larger than the minimize size described above.

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Type of Tree(s) White Oak

Approximate Diameter at breast height 26" Height 40' Canopy 50'

Location of Tree Planter strip between sidewalk and road in front of 602 Sutton Place

Reason for Request Tree is mostly dead. Only 10% of tree leafed-out in summer 2019
Multiple arborists cited that tree cannot recover and should be removed

Are there underground utility lines and/or overhead power lines present? Underground gas, electric, water, cable

If yes, please list which lines are present All? Will be located prior to stump removal

Is there sidewalk damage? no If yes, has a Public Works permit been issued? _____

OVER ►►

DESCRIPTION OF PROPERTY

Street Address 602 Sutton Place
Assessor's Map No. 39 1E 14AA 6018 Tax Lot(s) 391E14AA6018
Zoning R-1-10 Comp Plan Designation Single Family Residential

PROPERTY OWNER

Name Suzanne Zapf Phone 215-990-7759 E-Mail suzannezapf@hotmail.com
Address 602 Sutton Place City Ashland Zip 97520
Name Stephen Zapf Phone 856-296-3333 E-Mail stevezapf@hotmail.com
Address 602 Sutton Place City Ashland Zip 97520

PROFESSIONAL PERFORMING THE TREE REMOVAL (e.g., tree service)

Name Casey Roland Phone 541-488-0782 E-Mail @gmail.com
Address 1718 Talent Ave. City Talent Zip 97540

ARBORIST, LANDSCAPE ARCHITECT, OTHER

Title _____ Name Casey Roland Phone 541-488-0782 E-Mail @gmail.com
Address 1718 Talent Ave. City Talent Zip 97540
Title _____ Name _____ Phone _____ E-Mail _____
Address _____ City _____ Zip _____

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner. I hereby certify that the statements and information contained in this application are in all respects, true and correct. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence to support this request;
- 2) that the information contained in this application are adequate; and further
- 3) that all trees, structures, or improvements are properly located on the ground.

Suzanne Zapf 10/18/19
Property Owner's Signature (required) Date

STAFF DECISION:

Permit is hereby (circle one): Approved Approved with Conditions Denied
Conditions of Approval _____

Is the tree 18" d.b.h or greater? NO YES Has the City Administrator has been notified: NO YES

Community Development Director/Planning Manager Signature Date

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Aaron Anderson

From: Haywood Norton <fhnorton527@gmail.com>
Sent: Tuesday, October 22, 2019 11:34 AM
To: Brandon Goldman
Cc: Aaron Anderson; Suzanne Zapf
Subject: Tree Removal Permit 602 Sutton Place

Brandon -

When Suzanne and I were in office this morning, I forgot to mention that the Oaks of Ashland HOA at its October 15th Board meeting did an advisory review of the tree removal and had no concerns. Same with adjoining neighbor to the right. This is offered in further support for an administrative review and approval.

Haywood

Sent from my iPad

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ZAPP RESIDENCE
 602 SUTTON PLACE
 OAKS OF ASHLAND

SUTTON PLACE

26" OAK
 TO BE REMOVED

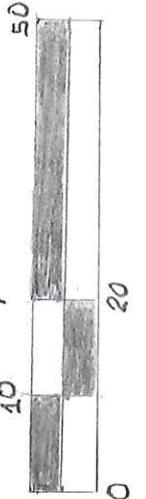
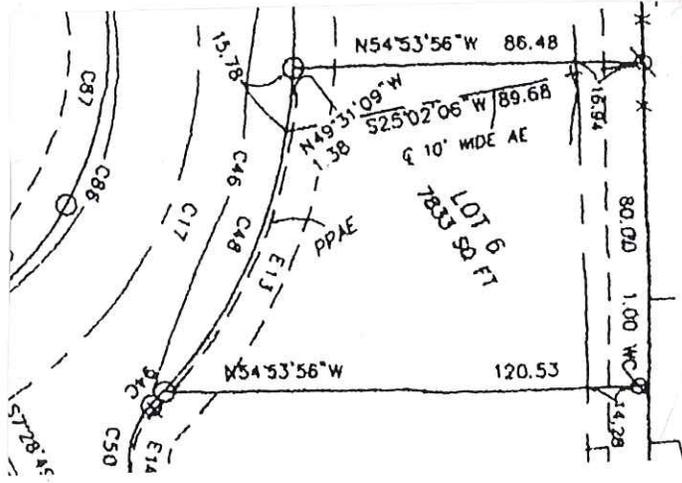
5' PARKROW
 5' SIDEWALK

DRIVEWAY

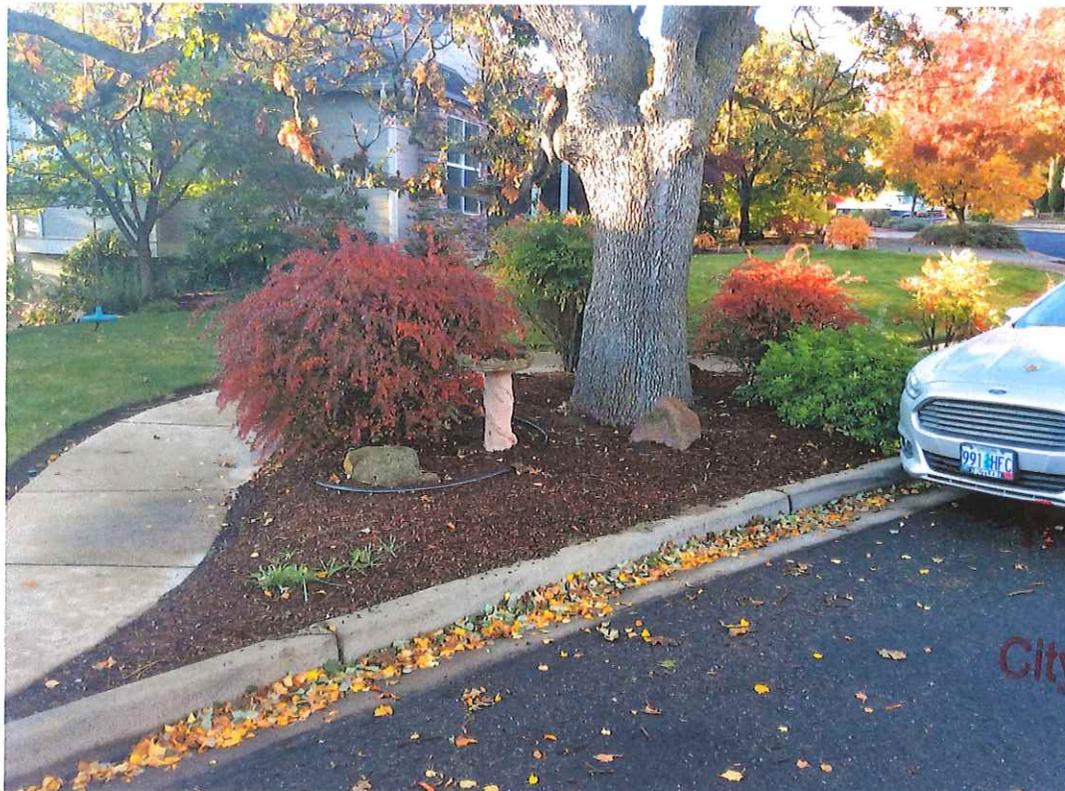


SITE PLAN

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Zapf Residence – 602 Sutton Place



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City Of Ashland

Ashland Oaks H.O.A.

Casey Roland <caseyprolandtreecare@gmail.com>

Sat 9/28/2019 10:20 AM

To: suzannezapf@hotmail.com <suzannezapf@hotmail.com>

To whom it may concern,

I was recently contacted by A.O.H.O.A. in regards to a 32" D.B.H. Oregon white oak tree located in the planter strip in front of 602 Sutton Pl. in Ashland, Or.

It is my understanding that this tree was not included in a tree protection plan during initial construction of the development of the H.O.A.

It is my impression that this tree has been negatively impacted by the grading , paving, and installation of underground utilities during construction.

The tree, at present, retains 10-15% of the foliage required for this tree to survive. I have examined this tree over the course of years since 2015 and noticed a serious decline in the overall vigor. The tree is severely impacted by pit scale on both dead as well as live (new sprouting) foliage. It is my opinion that the negative impacts during and after construction has led to the present state and degree of decline.

I do not believe any remedial measures can be taken to reverse this condition, and recommend removal and replacement of this tree. I feel replacement with an oak should be considered as the site is appropriate for that type of tree given the stump and root mass can be removed without disturbing any underground utilities, but a locate for utilities will need to be completed to confirm this.

If you have any questions or concerns regarding this matter, feel free to give me a call at 541-488-0783 to discuss further.

Sincerely,

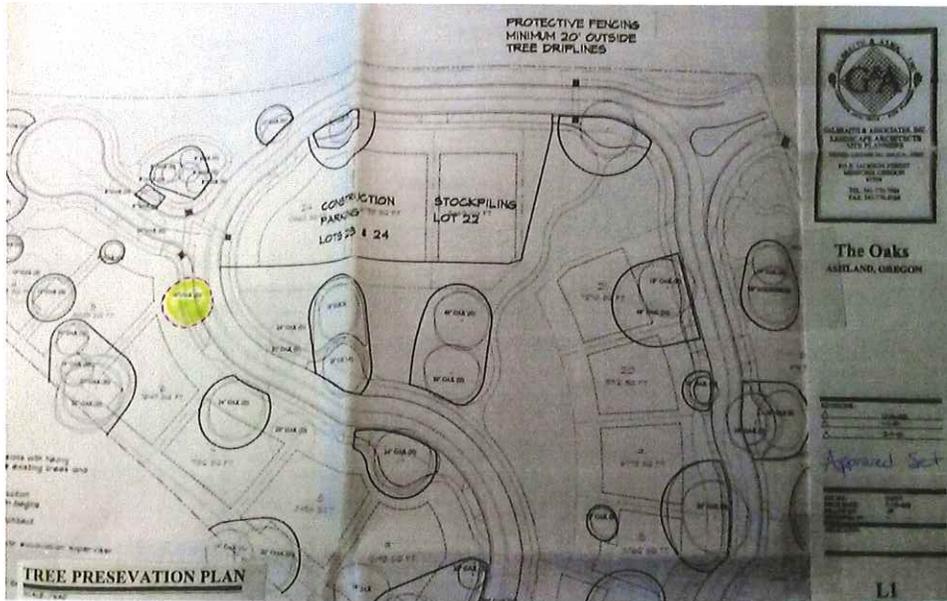
Casey P. Roland

CCB # 184190

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26" Oak Tree at Front of Lot 6, 602 Sutton Place, Suzanne Zapf

Tree was shown in 2001 Tree Preservation Plan as being removed. Preservation Plan was part of Planning Conditions of Approval approved April 12, 2001.



Tree was approved for removal as it was in area of required sidewalk improvements. Developer/builder chose not to remove it and modified the public right of way improvements so as to retain the tree in the public right of way in a landscape, park row island shown in picture below.



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On September 17, 2019, Oak's resident Haywood Norton talked to City of Ashland Community Development Director Bill Molnar about the tree. Bill was a Senior Planner in 2001 and as project planner for the Oaks signed the Conditions of Approval. Information Bill and Haywood discussed is as follows:

- The present island is different than that shown on the approved plans. Bill said it is common for changes to be made within the public right of way after plans are approved.
- As the changed island is a part of the street right of way and the tree within it was not required to be preserved, the tree became a street tree for the purposes of classification.
- Bill as Planning Director determined that the 26" oak is a street tree in the public right of way. Removal of the tree would require a Street Tree Removal Permit and not a regular Tree Removal Permit as required by the Zoning Ordinance.
- If tree was not in park row/public right-of-way and on the interior side of the sidewalk, the tree would be subject to Land Use Development Ordinance requirements for tree removal which in this case would not apply. Z Reason requirements would not apply and tree could be removed without a permit is that tree was not shown as a Preservation Tree in 2001 and was approved for removal.
- But as a street tree needs a Street Tree Removal Permit

Above information prepared for Suzanne Zapf by Oaks of Ashland Resident Haywood Norton,
527 Sutton Place

□

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2020 Tree of the Year Nomination Form



I nominate _____

Located at _____

Property owner (if known) _____

Why is this tree special? (Use a separate sheet of paper if needed)

My Info (name, address, phone number, email) _____

Please send completed nomination forms to Tree Commission, Attn: Aaron Anderson, 20 E. Main St. Ashland, OR 97520. Nominated trees should be visible from the street and NOT located within a city park or right-of-way. *Nominations will be accepted until Monday, December 2nd, 2019. The list of nominated trees will be reduced by vote of the Tree Commissioners to a few finalists. A ballot with the finalists will follow with voting to be conducted early next year. The Tree of the year will be awarded during the Arbor Day Celebrations.*

2020 Tree of the Year Nomination Form



I nominate _____

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Custom Black Marble Memorial Plaques

\$53.00 to \$225.00

★★★★★ 49 Reviews

SKU: PL-MRB

The following sizes are out of stock: 11x8.5x0.25"

- Perfect for memorials and dedications
- Rectangular 10.25-inch-thick black marble plaques with laser engraving or color printing
- For both indoor and outdoor use

Size	1	2 - 5	6 - 15	16 - 30
8x6x0.25"	\$53.00	\$46.00	\$43.00	\$40.00
11x8.5x0.25"	\$75.00	\$64.00	\$60.00	\$57.00
24x18x0.25"	\$225.00	\$192.00	\$180.00	\$169.00

Quantity ?

Size ?

- Select -

*Please select a size.

Subtotal

\$53.00 & COFF shipping details