
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
July 20, 2022

SITE: ROCA
APPLICANT: Beeler Tree Service
REQUEST: WRPZ / P&E permit for flood plain tree removal

PLANNING STAFF COMMENTS:

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Proposal: The proposal is to remove 17-19 trees from HOA open space, WRPZ, and flood plain open channel.

Summary: For staff, the key consideration here is appropriate mitigation for the WRPZ.

Relevant chapters of the land use ordinance:

- 18.3.10 - Physical and Environmental Constraints Overlay
- 18.3.11 - Water Resources Protection Zones (WRPZ)

The application materials submitted for the preapplication are limited. A final application will be required to include:

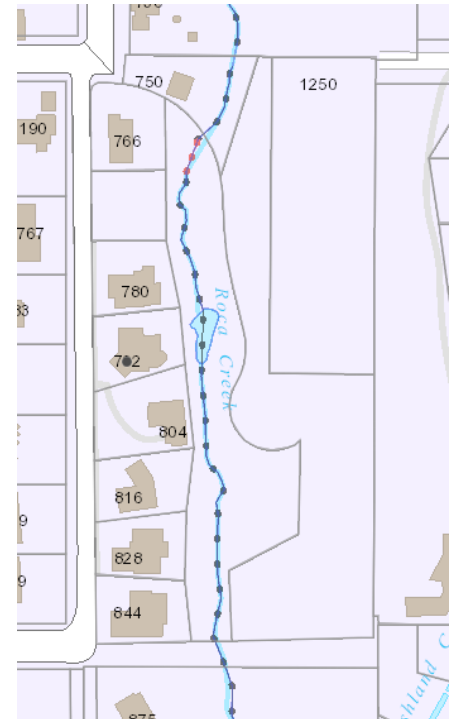
- location of floodplain and and riparian buffer on project plans
- An inventory of existing trees and tree protection plan
- A mitigation plan

Physical and Environmental Constraints Development, Applicability:

3. Tree Removal.

a. Flood Plain Corridor Land. The following tree removal activities in areas identified as Flood Plain Corridor Land. See also, subsection [18.3.11.050.A.1](#) for tree pruning and removal standards in Water Resource Protection Zones.

- The removal of three or more living trees of over six inches DBH, or the removal of five percent of the total number of living or dead trees over six inches DBH, whichever is greater, on any lot within five-year period, or any form of commercial logging.
- The removal of one or more living conifers having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger at breast height (DBH).



18.3.10.050 P&E Approval Criteria

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

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

AMC 18.3.11.050 allows tree removal as an exempt WRPZ activity

No need to address any approval criteria

AMC 18.3.11.110.B provides mitigation options; performance or prescriptive

18.3.10.040 Application Submission Requirements

The following information is required for a Physical Constraints Review Permit application, except where the Staff Advisor determines a submission requirement is not reasonably necessary in order to make a decision on the application:

- A. Project name.
- B. Vicinity map.
- C. Scale (the scale shall be at least one inch equals 50 feet or larger) utilizing the largest scale that fits on 22-inch by 34-inch paper. Multiple plans or layers shall be prepared at the same scale, excluding detail drawings. The Staff Advisor may authorize different scales and plan sheet sizes for projects, provided the plans provide sufficient information to clearly identify and evaluate the application request.
- D. North arrow.
- E. Date.
- F. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
- G. Lot layout with dimensions for all lot lines.
- H. Location and use of all proposed and existing buildings, fences, and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
- I. Location and size of all public utilities affected by the proposed development.
- J. Location of drainage ways or public utility easements in and adjacent to the proposed development, and location of all other easements.
- K. Topographic map of the site at a contour interval of not less than two feet nor greater than five feet. The topographic map shall also include a slope analysis, indicating buildable areas, as shown in [Figure 18.3.10.040.K](#).

- L. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation
- M. Accurate locations of all existing natural features including, but not limited to, all trees as required in [18.3.10.090.D.1](#), including those of a caliper equal to or greater than six inches in diameter at breast height (DBH), native shrub masses with a diameter of ten feet or greater, natural drainage, swales, wetlands, ponds, springs, or creeks on the site, and outcroppings of rocks, boulders, etc. Natural features on adjacent properties potentially impacted by the proposed development shall also be included, such as trees with drip-lines extending across property lines. In forested areas, it is necessary to identify only those trees that will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature, including trees, method of erosion control, water runoff control, and proposed tree protection for the development as required by this chapter.
- N. Building envelopes for all existing and proposed new parcels that contain only buildable area, as defined by this chapter.
- O. Location of all irrigation canals and major irrigation lines.
- P. Location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas. Indicate total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill.
- Q. Location for storage or disposal of all excess materials resulting from cuts associated with the proposed development.
- R. Applicant name, firm preparing plans, person responsible for plan preparation, and plan preparation dates shall be indicated on all plans.
- S. Proposed timeline for development based on estimated date of approval, including completion dates for specific tasks.
- T. Additional plans and studies as required in sections [18.3.10.080](#), [18.3.10.090](#), [18.3.10.100](#) and [18.3.10.110](#) of this chapter. (Ord. 3158 § 3, amended, 09/18/2018)

18.4.5.030 Tree Protection

- A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter [18.5.7](#) may be required.
- B. Tree Protection Plan Submission Requirements. In order to obtain approval of a tree protection plan, an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:
 1. Location, species, and diameter of each tree on site and within 15 feet of the site.
 2. Location of the drip line of each tree.
 3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
 4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.
 5. Location of dry wells, drain lines and soakage trenches.
 6. Location of proposed and existing structures.

7. Grade change or cut and fill during or after construction.
8. Existing and proposed impervious surfaces.
9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
10. Location and type of tree protection measures to be installed per section [18.4.5.030.C](#).

Tree Health and Protection: An inventory of trees that are greater than 6-inch DBH (location, species, diameter, health, hazard, recommendations for treatment) within 15-feet of the project site is required and any trees proposed for removal shown. The applicants will need to provide plans assessing the health of the trees and their ability to survive the impact of the proposed disturbance as part of the application; if a tree is unlikely to survive and its removal would ultimately involve substantially less disturbance within the Water Resources Protection Zone, removal may be the preferred option. If the trees are evaluated to live through construction, a tree protection plan will also have to be submitted. Work to be done inside the protection area will require an arborist to be on site to oversee the work. Fencing will have to be installed and inspected before work can commence. (Tree Protection Plans must typically address all trees on the subject properties and on adjacent properties within 15 feet of property lines. (In this instance, staff believe that the plan could be limited to areas within 15 feet of proposed disturbance.)

Neighborhood Outreach: Staff always advised applicants to make affected property owners and those neighboring a project (within 200 feet) aware of the proposal and attempt to address any issues in advance of their receiving notice of the project from the City. This is all the more important here given the nature of the proposal and adjacent property owners' relationship to the greenway. It is recommended that discussion with neighboring property owners begin as soon as possible (potential neighborhood meeting), especially with those who will be affected by the construction of the pathway. Also, it is recommended to focus (in layman terms) on mitigation and potential impact to and near the pond as that is likely the area the neighborhood will be most concerned with.

Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

OTHER DEPARTMENTS' COMMENTS:

BUILDING DEPT: None. Please contact the Building Division for any further information at 541-488-5309.

CONSERVATION: None. Please contact the Conservation Division at 541-552-2062 or pearcer@ashland.or.us .

ENGINEERING: None. Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

FIRE: Please contact Fire Marshal Ralph Sartain of the Fire Department for any additional Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

STREETS AND TRANSPORTATION: Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

WATER AND SEWER SERVICE: Please contact Terry Oldfield of the Water Quality Division for any further information at 541-552-2326.

STORM WATER DRAINAGE: Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

ELECTRIC SERVICE: Please contact Dave Tygerson in the Electric Department for service and meter location requirements and fee information at 552-2389.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

18.3.10.050 P&E approval criteria

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect's or engineer's scale.

18.3.10.040 & 18.3.11.100 Application Submission Requirements

PLANNING APPLICATION FEES:

P&E for tree removal	\$1,120.25
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***NOTE:** Applications are accepted on a first come-first served basis. All applications received are reviewed by staff, and must be found to be complete before being processed or scheduled at a Planning Commission meeting. 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. Applications are reviewed for completeness in accordance with ORS 227.178. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.

For further information, please contact:

Aaron Anderson, Associate Planner
City of Ashland, Department of Community Development
Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

July 19, 2022

Date