

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION

STUDY SESSION

November 27, 2007

7:00 PM

COUNCIL CHAMBERS

1175 E. MAIN STREET

AGENDA

- I. Call to Order
- II. Announcements
- III. Wetland and Riparian Area Protection Ordinance – Update, discussion and direction (*Bill*)
- IV. Croman Mill Re-Development Plan – Review scope of work & discuss roll of Planning Commission (*Bill*)
- V. PC Powers and Duties – Council revisions discussion
- VI. Next Study Session – December 25th
- VII. Adjournment

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 number 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).

Memo

DATE: November 19, 2007
TO: Planning Commission
FROM: Bill Molnar, Community Development Director
RE: November Study Session – Agenda Overview

The agenda for the November 2007 Planning Commission Study Session includes a variety of discussion items. A brief overview of each item has been provided below:

Wetland and Riparian Area Protection Ordinance – Update, discussion and direction

Staff provided a general summary of the ordinance at the October 2007 study session. Due to the extended length of the meeting, only a short time was left for Commission discussion. This is an opportunity for the Commission to ask additional questions and gain a general familiarity with the ordinance and the basic foundation upon which the draft derives its origins. Staff has outlined a number of areas where more than one approach or option is possible, in order to permit flexibility for certain proposals based upon project scale (e.g. existing lot versus subdivision) or extenuating circumstances related to pre-existing and potential non-conforming conditions. This is an chance to provide direction to Staff as well as to determine the level of future involvement by the Commission as the ordinance makes its way through public discussion and additional revisions.

Croman Mill Re-Development Plan – Review scope of work & discuss roll of PC

The City of Ashland was recently awarded assistance from the Department of Land Conservation and Development (DLCD) - Transportation and Growth Management Program (TGM) - to conduct a Quick Response Project intended to produce an area master plan for the approximately 65-acre abandoned Croman Mill site. The completion of an Area Master Plan for the Croman Mill site was identified in the 2007-2008 Council goals list. This agenda item is intended to provide a brief update on the status of the project, as well as to identify key project tasks, an approximate timeline and opportunities for Commission involvement.

PC Powers and Duties – Council revisions discussion

For over a year, the Planning Commission diligently worked on revisions to Chapter 2.12 of the Ashland Municipal Code. The chapter specifies the make-up of the Commission, general rules for conducting



business and a summary of the Commission's powers and duties. The Planning Commission proposed revisions to the chapter, which were reviewed by the City Council at one of their previous public meetings. This agenda item presents an opportunity for the Commission to discuss the latest revisions made to ordinance based upon feedback and direction from the City Council.

Attachments:

Wetland and Riparian Area Protection Ordinance – Update, discussion and direction
Croman Mill Re-Development Plan – *Draft* Scope of Work
Revised Chapter 2.12 Planning Commission – Powers and Duties



Ordinance Update – wetlands, stream banks and associated riparian areas

I. Why are we doing a Wetlands and Riparian Ordinance?

- **To make the Land Use Ordinance consistent with the Comprehensive Plan.**

The Environmental Element of Ashland's Comprehensive Plans was revised in early 1992, including several goals and policies related to Ashland's wetlands and riparian areas. These changes were never implemented in the Land Use Ordinance (LUO).

- **It is a Council Goal.**

The Physical and Environmental Constraints section of the LUO was last revised, with respect to flood plains and riparian areas, in 1989. Since then, the important functions and values wetlands and riparian areas contribute to a community's quality of life have become much more apparent, as reflected in this action of the Council.

- **Riparian protection has become part of Ashland's storm water management plan.**

The updated City of Ashland 2000 Storm Water and Drainage Master Plan advocates non-traditional storm water management techniques that include protection and restoration of the City's creek corridors. One of the recommended regulatory tools identified for achieving the goals of the plan is the adoption of riparian corridor protection measures.

- **It keeps the City in compliance with Statewide Planning Goal 5.**

Goal 5 requires local communities to inventory and adopt land use protections for significant natural resources such as wetlands and riparian areas. Adoption of a Local Wetland Inventory and an updated ordinance that regulates activities within and adjacent to significant wetlands, fish-bearing streams and other local creeks is intended to fulfill this State requirement.



II. Some of the Changes

Following is a list of techniques used in the draft ordinance. Each serves as kind of a tool, intended for achieving a particular result. For example, intended results will include helping to define the wetland or riparian area protection zone, determining the size of the protection zone and finally providing directions on how to identify or delineate the protection zone on site.

- **Establishes the type of Protection Zones.** The ordinance describes two types of protection zones – a wetland protection zone and a stream bank (riparian area) protection zone. The protection zone consists of the natural resource, either wetland or stream bank (riparian area), and an associated buffer.
- **Establishes the size (e.g. width) of Protection Zones.** The proposed ordinance prescribes the width of the protection zone. The relative value of the natural resource is the main determinant of the size of the protection zone. For example, larger protection zones are established for wetlands meeting the “significant” criteria in the Local Wetland Inventory (LWI), as well as streams identified a “fish-bearing.” Lesser width protection zones are stipulated for “other” wetlands, and non-fish bearing, intermittent and ephemeral streams
- **Defines the method for determining the on-site location of a Protection Zone.** This section of the draft ordinance establishes the method by which the protection zone is measured. Some ordinances measure the width of the protection zone using a standard distance from “Top of Bank”. Often this technique can require subjective determination by the Planning Department, often using survey data provided by the applicant and on-site, field verification. This can include the identification of the riparian area through locating the boundary of transition between aquatic vegetation and vegetation normally associated with upland areas. In examples of other ordinances, the width of the protection zone is determined by measuring a standard distance from “Bank Full Stage.” Bank fill is considered to correspond to the normal two-year high water or flood event, and generally can be identified through an objective engineering analysis.
- **Establishes what actions and activities are allowed that do not require a permit.** The ordinance will specify types of actions or activities that are permitted without a permit. In general, this would include maintenance of non-conforming buildings and activities (no enlargement),



maintenance of utilities and removal of invasive vegetation with hand-operated equipment.

- **Establishes what level of development or building construction is allowed and prohibited within Protection Zones.** Permanent alteration of lands within a protection zone by the placement of structures or buildings is prohibited. Exceptions are permitted for public facilities such as streets, bridges, utilities, etc., when specifically called out on adopted City documents and plans.
- **Establishes what other activities are allowed and prohibited in Protection Zones, such as vegetation removal.** The removal of vegetation from within a protection zone is generally prohibited, except as part of an approved enhancement and restoration project, or in the case of removing noxious, invasive non-native plants.
- **Addresses the affect upon pre-existing buildings, activities and uses legally established prior to adoption of the ordinance.** Uses, buildings and activities that existed before adoption of the new ordinance and that do not conform to the standards presented in the new ordinance would be allowed to remain. Routine maintenance of pre-existing buildings and landscaped areas is permitted.
- **Establishes mitigation measures carried out as a condition of approval for actions and development activities in a protection zone.** The draft ordinance requires that alteration of a protection zone associated with development be mitigated. A plan would be submitted identifying the extent of the impact, and a description of the functions or values lost. The mitigation plan clearly describes the objectives and specific steps and terms for addressing (mitigating) the impacts. For example, the potential for erosion shall be minimized through the installation of plants of a certain size and at a particular spacing).
- **Establishes that a Protection Zone Management Plan (PZMP) be recorded and established as a condition of approving a land use application.** In most instances, long term maintenance and protection of lands within the protection zone will be a requirement for application approval. A management plan will be recorded, specifying the location of the protection zone and the details and responsibilities for long-term area maintenance and management.

III. Some Other Options to Consider



Often it is advised to consider more than one option for how best to apply new and revised ordinances. By permitting the ordinance to recognize the need to enlist different approaches depending on the situation, the unintended consequences of a “one size fits all” application can be avoided.

- **Options for Ordinance Flexibility**

This could include the lessening of other requirements to offset overly restrictive impacts resulting from the strict application of the ordinance. Front and side yard setbacks could be relaxed in situations in order to encourage new construction to be located further from a protection zone. Additionally, the amount of lot coverage could be slightly increased to account for use restrictions established for land within a protection zone.

The quality of a wetland, or riparian area associated with a stream is based upon the functions (habitat, water quality, flood and erosion control) performed. As a consequence, often the size of the protection zone is less important than the quality, protection and long term management of the resource. Given that many natural resources within semi-urban and suburban environments have been degraded, ordinance provisions that encourage enhancement and restoration of the degraded resources may be considered to better serve the public's interest and objectives for these areas.

- **Customizing the Code to Address Specific Situations**

- a. **Subdivisions and other Land Divisions vs. Existing Lots**

Divisions, either through a subdivision or land partition, often permit greater design flexibility with regard to the incorporation of natural features. Existing lots with homes that were established well before the proposed ordinance changes often lack the same degree of flexibility due to the location of existing structures and other outdoor spaces and uses, such as lawn areas, impervious patio surfaces, etc.

- b. **Public vs. Private**

Sometimes an ordinance may draw some distinction between public and private lands. For example, a new parcel created for purpose of being maintained as public open space may not need to identify a building envelope for a future building site, as is the case for other land divisions.



- c. **Smaller projects may be permitted to follow a prescriptive path for mitigation, rather than submit a more detailed mitigation plan.** Projects involving a small area of disturbance within a protection zone should be permitted to follow a prescribed set of mitigation measures. This would specify the numbers of trees, shrubs and ground cover plants to install for a certain amount of square footage (e.g. For every 200 square, one tree, two 5-gallon shrubs and six 1-gallon groundcover plants shall be installed).

- **Fee Waivers**

- a. **Voluntary restoration and enhancement projects.** As an incentive for property owners to undertake beneficial restoration actions in wetland and stream bank protection zones, the application fee associated with the land use application could be waived or reduced.

- **Approval Process**

- a. **Administrative (Staff) vs. Planning Commission (Hearing).** In general, a land use application for an Exception within a protection zone to install a building or conduct an activity would be processed as an administrative (Type I) approval. If the proposed development activity within the protection zone was part of another Type II planning application involving a public hearing before the Planning Commission, then the proposed actions within the protection zone would be evaluated and decided upon by the Planning Commission during the public hearing.

- **Level of Protection vs. Property Use (objectives)**

- a. **Meet the minimums.** Minimize the impact on the way a private property owner can use the property, while obtaining a reasonable level of protection of the natural resource.
- b. **More aggressive approach – For a long term goal.** Aggressively protect the natural resource through establishing natural buffers, while recognizing that the use of the property could likely be affected.



Oregon Transportation and Growth Management Program (TGM)
Quick Response Project for City of Ashland
Croman Mill Redevelopment Plan

A. PROJECT MANAGEMENT TEAM

Table with 5 rows and 2 columns. Row 1: Consultant (Crandall Arambula, George Crandall, Don Arambula, Jason Graf, 520 SW Yamhill, Roof Suite 4, Portland, OR 97204). Row 2: City of Ashland (Bill Molnar, Community Development Director, 51 Winburn Way, Ashland OR 97520). Row 3: TGM Project Manager (Matt Crall, Oregon Dept. Land Conservation & Development, 635 Capitol St NE Suite 150, SALEM OR 97301-2564). Row 4: ODOT Regional Planner (David Pyles, Oregon Department of Transportation, Region 3, 100 Antelope Road, White City OR 97503). Row 5: DLCD Regional Representative (John Renz, Oregon Dept. Land Conservation & Development, 155 N First St., PO Box 3275, Central Point, OR 97502). Each row includes contact information like email and phone/fax numbers.

B. INTRODUCTION

Background

The immediate impetus for this project is a proposed development by the Kaufman Family on the site formerly occupied by the Croman Lumber mill located in the southern portion of the City of Ashland (hereinafter referred to as City). The site is zoned industrial and intended to provide employment opportunities. City desires that the entire site be developed under a master plan. A

critical component of the proposed development is a site for Plexis (a healthcare software company) to consolidate and expand operations in a campus setting. Residential uses are also a potential component, including affordable housing and work force housing. Development of the site is challenged with several transportation issues.

- Railroad right of way along northeast side, interferes with street connections
- Highway 99 (Siskiyou Boulevard) along the southwest Interstate 5 along the east side, mostly at different grade from the site, access limited as an arterial
- Significant grade differences along north side
- ODOT Maintenance yard on Tolman Creek Road within the alignment for an extension of Nova Drive

Given these transportation issues, and issues about appropriate residential use within an employment district, City concluded that a comprehensive and area-wide planning effort would be beneficial.

Goals for the project

- A. Involve owners, nearby residents, local government, state government and others interested in the area.
- B. Develop an identity and vision for the area.
- C. Maximize opportunities for business development and employment growth consistent with the findings of the Economic Opportunities Analysis (EOA).
- D. Identify and analyze potential transportation connections from within the area to the citywide transportation system, especially integration with the Ashland Central Area Multi-Use Path (along the railroad) and public transit along Tolman Creek Road..
- E. Establish internal circulation for pedestrians, bicycles and automobiles at the collector level with connection points for local roads.
- F. Determine appropriate land-uses for the area, including appropriate locations for nodes of commercial, residential, and mixed-use development.
- G. Identify contingent development scenarios to address uncertainty about potential on-site contamination or clean-up.
- H. Develop a parking plan including financing information designed to minimize land used for parking.
- I. Analyze the transportation impacts of land use alternatives and vice-versa.
- J. Analyze potential passenger rail connections and identify current actions to preserve opportunities for passenger rail.
- K. Incorporate sustainability and energy efficiency in site planning and building design (e.g. LEED for Neighborhood Development).
- L. Adopt a Redevelopment Plan and implementing code amendments.

Project Study Area

The project study area is bounded by the Railroad (CORP), Crowson Road, Siskiyou Boulevard (Highway 99) and Hamilton Creek. The project will include analysis outside the project study area to evaluate potential connections to nearby collector or arterial streets, as well as potential impacts to existing neighborhoods situated between Hamilton Creek and Tolman Creek Road.

Purpose of Contract - Transportation Relationships and Benefits

The Transportation and Growth Management (TGM) Program is a joint effort of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). The purposes of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Transportation Planning Rule, to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services.

This area offers an opportunity to plan for the transportation impacts of growth, and to plan growth in such a way as to reduce the demands placed on the transportation system. The concepts and plans for this area will be consistent with compact, mixed, pedestrian-friendly development.

It is not the purpose of this project to relieve property owners from obligations to provide detailed plans and analysis as required for development within City. This project will provide background information and conceptual level planning that are intended to be used by property owners in preparing the required analysis and findings for specific development applications.

Coordination with citywide Economic Opportunities Analysis (EOA)

City has already initiated a separate project for a citywide Economic Opportunities Analysis (EOA), and a Final report is available. The area-specific planning project described in this SOW will not duplicate any of the work already performed for the citywide project, but instead elements of the citywide project will be incorporated into this area-specific project. The deliverable costs listed in this SOW reflect the fact that information will be available from the citywide project. This project will be coordinated with the citywide project at all times.

C. WORK TASKS (DELIVERABLES, COSTS AND COMPLETION DATES)

Task 1 – Information Assembly and Review

- 1.1 Consultant shall schedule and facilitate a teleconference with local and state government staff to initiate the project and discuss the planning process.
- 1.2 City will provide Consultant with relevant background information. When available, native format computer files will be sent (i.e. Microsoft Office or ArcView); otherwise hard copy or scanned computer files will be provided. Information includes (but is not limited to):
 - Comprehensive Plan, maps and text
 - Development regulations, zoning maps and text
 - Transportation System Plan
 - Aerial photos (City or State to provide)
 - Topographic maps
 - Site plans or pending applications within the Project Area