Planning Commission Agenda

Of

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

May 9, 2023

REGULAR MEETING

AGENDA

I. CALL TO ORDER: 7:00 p.m., Civic Center Council Chambers, 1175 E. Main Street

II. ANNOUNCEMENTS

III. CONSENT AGENDA

A. Approval of Minutes

1. April 11, 2023, Regular Meeting
2. April 25, 2023 Special Meeting

IV. PUBLIC FORUM

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact PC-publictestimony@ashland.or.us by May 9, 2023 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: https://zoom.us/j/92345839534

V. TYPE II PUBLIC HEARING

A. PLANNING ACTION: PA-T2-2023-00042
SUBJECT PROPERTY: Clear Creek Dr. Parcel 7 - 391E09AB TL 6700 & 391E09AA TL 6200
OWNER: Jacobs on behalf of Union Pacific Railroad
APPLICANT: City of Ashland
DESCRIPTION: A request to modify a condition of approval and change a deed restriction that was required in a 1999 planning approval (PA 99-048), amended in 2016 (PA-2016-00684), and recorded on the vacant 20-acre site owned by Union Pacific Railroad (UPRR). The deed restriction required that the 20-acre site meets Oregon Department of Environmental Quality's (DEQ) cleanup standards applicable to a "single residential property" before further land divisions or development occurs. The proposed revision to the deed restriction clarifies the site be cleaned to an "urban residential standard" to enable future development consistent with the E-1 zoning of the property including commercial, employment, and ground floor residential within mixed-use and apartment buildings. The modified condition would stipulate the deed restriction would be removed from the property upon the City receiving written documentation from the

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Department of Environmental Quality demonstrating compliance with these standards. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 391E09AB & 391E09AA; **TAX LOT:** 6700 & 6200

B. **PLANNING ACTION:** PA-T2-2023-00041
SUBJECT PROPERTY: Tax Lot 404 Clinton St.
OWNER: Magnolia Heights LLC
DESCRIPTION: A request Performance Subdivision Outline Plan approval for a 12-lot, 11-unit residential subdivision. The application also includes requests for an Exception to Street Standards, and a Tree Removal Permit for four significant trees. Additionally, the applicant has applied for a minor amendment to the adopted Physical and Environmental Constraints map to effectively remove a drainage way form the map that is not extant on the property. And finally, the applicant has addressed the applicability standards of the Water Resource Protection Zone WRPZ by providing a wetland determination demonstrating that there are no regulated wetland resources on the subject property. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential**;** **ZONING:** R-1-5; **MAP:** 39 1E 04 DB; **TAX LOT:** 404

VI. OPEN DISCUSSION

VII. ADJOURNMENT

Next Meeting Date: May 23, 2023

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Planning Commission Minutes

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April 11, 2023

REGULAR MEETING

***DRAFT* MINUTES**

I. CALL TO ORDER:

Chair Norton called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

Commissioners Present:
Michael Dawkins
Haywood Norton
Lynn Thompson
Eric Herron
Doug Knauer
Kerry KenCairn
Lisa Verner

Staff Present:
Brandon Goldman, Interim Community Development Director
Aaron Anderson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:

Council Liaison:
Paula Hyatt

II. ANNOUNCEMENTS

Interim Community Development Director Brandon Goldman made the following announcements:

- Jennifer Chenoweth was recently hired to fill the Associate Planner position.
- The Planning Commission's April 25, 2023 meeting will be a Special Session so it can review an application for a Water Treatment Plant at 1111 Granite Street. The application will comprise many components and require significant review by the Commission.
- A Climate Friendly Areas general public meeting is scheduled for Thursday, April 13, 2023 at 6:00-7:00 p.m. at the Talent Community Center.
- The applicants for an apartment complex at 188 Garfield Street have pulled permits for the project, which will add 70 studio apartments to the City.

Chair Norton inquired if the Commission would discuss whether to approve the Water Treatment Plant project, or whether they would be making a recommendation to the City Council. Mr. Goldman responded that the project is a Type II planning action, and that the Commission would be voting whether to approve the application. Chair Norton suggested that the Commission conduct a Site Visit to 1111 Granite on Monday, April 24th in preparation for the meeting. Mr. Goldman responded that such a visit would be arranged.

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III. CONSENT AGENDA

A. Approval of Minutes

1. March 14, 2023, Regular Meeting
2. March 28, 2023 Study Session

Commissioners Verner/Herron m/s to approve the consent agenda. Voice Vote: all AYES. Motion passed 7-0.

IV. PUBLIC FORUM – None

V. UNFINISHED BUSINESS

A. Approval of Findings for PA-T2-2023-00039, 440 Granite Street

Ex Parte Contact

No ex parte contact was reported.

Commissioners Dawkins/KenCairn m/s to approve the Findings for PA-T2-2023-00039 as presented. Voice Vote: all AYES. Motion passed 7-0.

VI. OTHER BUSINESS

A. Recommendation of Housing Production Strategy Draft Report

Mr. Goldman informed the Commission that many of the strategies in the Housing Production Strategy (HPS) would require land use amendments, which would be subject to approval by the Commission. A recommendation for approval to the City Council would also not approve any particular strategy, but would instead identify items that would move forward for consideration.

Beth Goodman of ECONorthwest began by describing the scale of the HPS, as well as the involvement from stakeholders, developers, and the community during the process. Ms. Goodman informed the Commission that the Housing and Human Services Advisory Committee (HHSAC) and the HPS Advisory Committee were both recommending approval of the HPS.

Ms. Goodman described the role that the City and state would play in the adoption and implementation of the HPS. She stated that the City is required to commit to implementation, but not adoption. She added that the HPS is a living document that can be adjusted as some strategies

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become unfeasible and are replaced with more viable options. Ms. Goodman presented the implementation schedule for the strategies identified in the HPS, informing the Commission that late implementation of some strategies is due to the limited staff of the City, as well as the demanding schedules of the Commission and Council (see attachment).

Commission Knauer noted that there was not a specified housing goal within the HPS, and asked how the City and state would gauge success. He further inquired if the state would penalize the City for not meeting its goals. Ms. Goodman noted that the Oregon Housing Needs Analysis, which showed the predicted growth in Jackson County using a variety of factors, could inform the City's housing target. She added that the state does not currently have a housing target, but that it will have one in the future. Mr. Goldman stated that the City had experienced strong growth recently, but that it may lessen and therefore appear disproportionate in comparison. Housing Program Specialist Linda Reid pointed out that the City also showed housing targets in the Housing Capacity Analysis (HCA), which could prove useful moving forward with the HPS. Mr. Goldman said that there will not be one strategy to achieve success.

Public Comments

Cynthia Dettman/Ms. Dettman relayed her experience living in a mobile home park to the Commission, as well as the experience of some of her neighbors who are struggling to find affordable housing. She described how many mobile home parks across the country are being closed or bought and being developed into permanent residences. Ms. Dettman described how many of the City's underprivileged members rely on this form of affordable housing, and implored the City to designate a mobile home park zone to protect the parks' inhabitants.

Echo Fields/Ms. Fields supported Ms. Dettman's call for mobile home parks to receive a new zoning designation, and described how Talent had lost many of its mobile homes to outside developers. She stated that the City should help protect its mobile homes from predatory practices in a way that also promotes diversity and safety. Ms. Fields concluded that, in her capacity as a member of the HHSAC, she fully supports the HPS and implored the Commission to approve it as presented.

Rich Rodhe/Mr. Rodhe stated that he is member of the HHSAC and the HPS Advisory Committee, and thanked the City, Commission, and staff for their work thus far. He described how the HHSAC had made 15 recommendations based off of an independent survey it had conducted, some of which are already being implemented. He stated that the City should hold itself accountable for its work and goals, and that the HHSAC fully supports the HPS. He appealed to the Commission to approve it as presented.

Deliberation and Decision

Commissioner Verner commented that she didn't believe that the HPS will do enough to alleviate the housing needs of the City. She stated that additional housing will require funding being injected into

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the City, which many of the suggested strategies adequately provide. She commented that the City is still in early stages of acquiring funding sources, and that she is hopeful that the HPS will be beneficial.

Commissioner Knauer agreed with Commissioner Verner, adding that the strategies should be prioritized so that some can be achieved more efficiently instead of attempting to complete a variety of goals simultaneously.

Commissioner Thompson shared some of the skepticism expressed by Commissioners Verner and Knauer, adding that the City's main role will be in creating favorable conditions for developers to create additional housing, and hoped that they are attracted to those opportunities. She showed appreciation for those who have been involved in the process thus far, and supported ratifying the HPS.

Commissioner KenCairn suggested that pursuing a variety of strategies will give developers more options to provide needed housing, and voiced her support of the HPS and those who participated in its development.

Councilor Hyatt voiced her appreciation to those involved in the creation and development of the HPS thus far, and expressed the hope that they would continue to be involved when it goes to the Council.

Chair Norton commented that many of the strategies listed would not have been considered in the past. He noted that the housing will not be developed by the City itself. He lamented the lack of involvement from members of the community, and thanked the members of the public who showed up to speak on this topic.

Commissioner Dawkins agreed with the points raised by Commissioners Knauer and Thompson, and remarked on the changes the City is undergoing. He pointed out that lumber was the dominant industry when he was growing up, and that it was unthinkable that that could change. He stated that the news of the Oregon Shakespeare Festival's dire financial situation could harken an equally significant change for the City.

Commissioners Thompson/KenCairn m/s to recommend that the City Council adopt the Housing Production Strategy Report as presented. Roll Call Vote: all AYES. Motion passed 7-0.

VII. OPEN DISCUSSION

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Commission Knauer informed the Commission that he and Senior Planner Derek Severson had spoken before the Social Equity and Racial Justice Advisory Committee (SERJAC) regarding the Commission's work. He stated that SERJAC was focused on housing and fostering a better community, and expressed disappointment that the Commission is limited by the code in what it can accomplish.

VIII. ADJOURNMENT

Meeting adjourned at 8:21 p.m.

Submitted by,
Michael Sullivan, Executive Assistant

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Ashland: Housing Production Strategy

Planning Commission

April 11th, 2023

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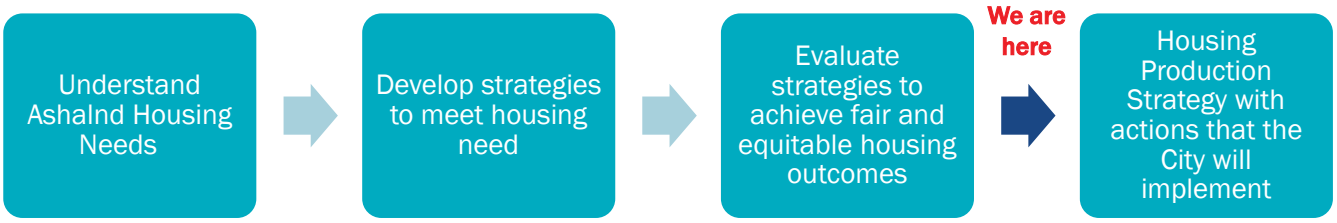
Tonight's Discussion…

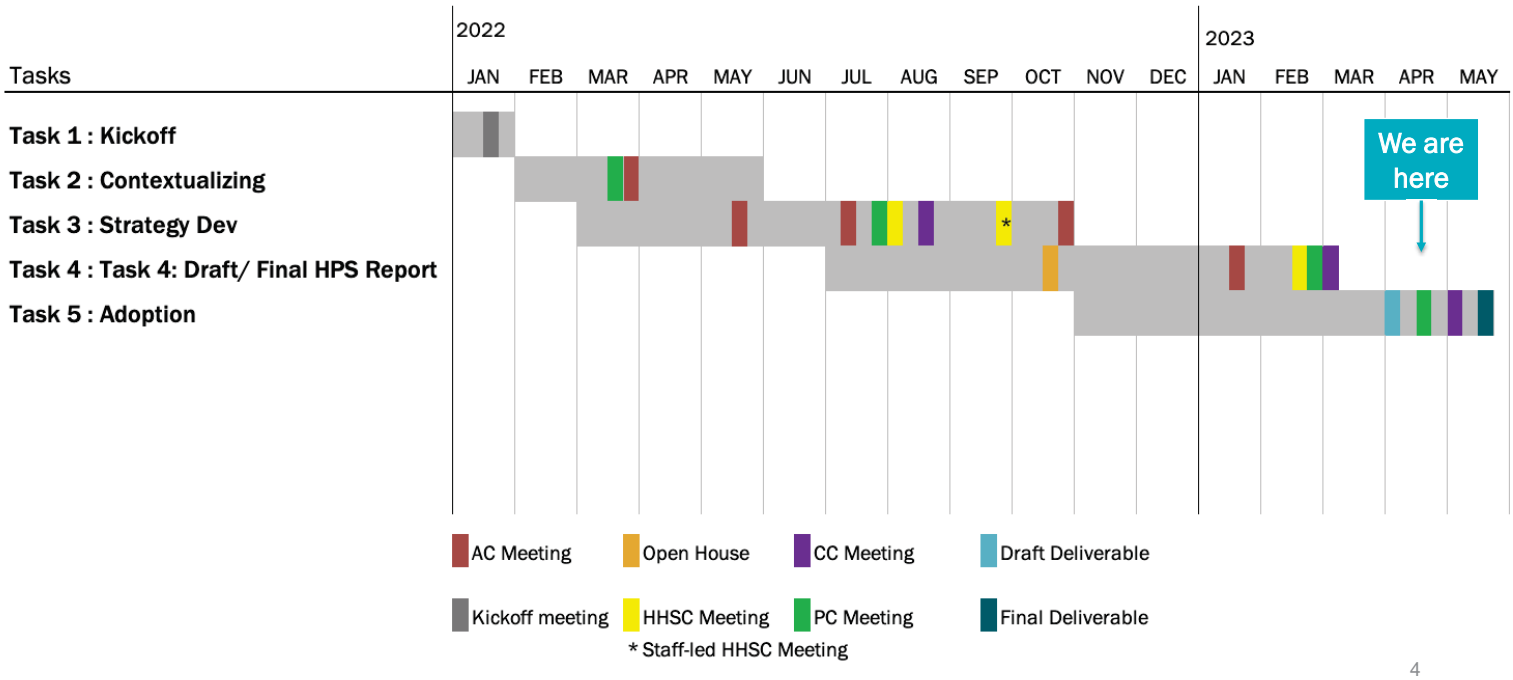
- Discussion
  - Funding sources, partners, and adoption
  - Do you have any questions about the information in the document?
  - Are there any suggested changes to the HPS report?

What is a Housing Production Strategy (HPS)?

An 8-year action plan that identifies near and long-term strategies that the City can take to support the development of needed housing, especially low- and middle-income housing.



Project Schedule and Primary Tasks



Summary of Stakeholder Input

- **HHSAC** – Recommended adoption of the HPS (Feb 23rd, 2023).
  - Highest priority actions included:
    - Identify additional funds to support the **Affordable Housing Trust Fund**
    - Support preservation and development of **manufactured home parks**
    - Participate in a **land trust**
    - Participate in or establish a **land bank**.
- **Advisory Committee** – Recommended adoption of the HPS (Feb 2023)
  - Highest priority actions included:
    - Support preservation and development of **manufactured home parks**
    - Work with partners to support development of additional **permanent supportive housing**.
    - Preserve and improve existing **low-cost, unregulated, rental housing**.
- **City Council** (Aug 2022) –
  - Was supportive of:
    - **Land banking**
    - **Land trust** - they were very interested in long-term affordability
    - Preservation of **manufactured home parks**
    - Evaluating using **Urban Renewal**
    - Potentially using a **CET**
- **Interviews with developers** (Aug 2022):
  - Priorities included:
    - **Urban Renewal** has been effective in neighboring jurisdictions and could be a useful tool in Ashland.
    - **Land banking** could allow developers to construct more workforce housing.
    - **Review the code** for unintended barriers to density.
    - Evaluate opportunities to **streamline development review**.



Strategies to Accommodate Housing Need in Ashland

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Requirements of Strategies in the HPS

- For strategies identified in the final HPS, the City of Ashland will:
  - Commit to implementation
  - Be required to update DLCD on implementation progress, and be required to comment on its effectiveness in the future
- Strategies not identified in the HPS may still be implemented by the City, but the City will not be held to specific action by the State.

Does the new HB 2001 Affect Ashland's HPS?

- The new House Bill 2003 will change how Oregon cities do housing capacity analysis and includes new requirements for housing production strategies.
- Cities currently doing HPS will **not** be impacted by HB 2001.

- Most HB 2001 requirements will start taking effect in 2025.
- After 2025 DLCD will begin to evaluate performance for implementing the new affordable housing development targets for cities newly conducting an HCA
  - Cities found not to be meeting the new requirements may be audited by DLCD
  - Enforcement will start with support, collaboration, and technical assistance

Initiatives Approach

- **Encourage development of low- and moderate-income affordable rental housing.** This initiative seeks to increase the housing options for unregulated rental households earning between 60% and 120% of MFI ($43,900 to $87,700).
- **Increase opportunities for affordable homeownership.** This initiative seeks to increase the housing options for homeownership for households earning less 120% of MFI (less than $87,700).
- **Encourage development of income-restricted affordable housing units.** There are limited options available in Ashland that are affordable to households with income of less than 60% of MFI ($43,900). This initiative supports development of housing affordable in this income group.
- **Preserve existing of low- and moderate-income affordable housing.** This initiative seeks to increase the housing options for households earning less than 120% of MFI (less than $87,700).

Initiatives Approach

■ Primary Focus of the initiative ☐ Secondary Focus of the initiative

Action Name	Initiative Name			
	Encourage development of low- and moderate-income affordable rental housing	Increase opportunities for affordable homeownership	Encourage development of income-restricted affordable housing units	Preserve existing supply of low- and moderate-income affordable housing
Actions				
A. Evaluate participating in or establishing a land bank.	■	■	■	
B. Evaluate opportunities to participate in a land trust.	■	■		
C. Host educational events with the Housing and Human Services Commission	☐	■	■	■
D. Develop an equitable housing plan	☐	■	■	■
E. Disallow SFD in High Density R-3 Zone	■		☐	☐
F. Evaluate increasing allowances for residential dwellings in commercial and employment zones	■			
G. Maintain quality and support development of a new manufactured home park	☐	■		■
H. Increase development capacity of MFR dwellings	■		■	
I. Implement the Multiple Unit Property Tax Exemption (MUPTE) to support multifamily or affordable housing	■			☐
J. Preserve and improve existing low-cost, unregulated, rental housing				■
K. Work with partners to support development of additional permanent supportive housing			■	
L. Evaluate opportunities to improve energy efficiency and reduce GHG emissions during housing development	■	■	☐	
Funding Sources				
M. Establish a Construction Excise Tax	■	■	■	■
N. Evaluate using Urban Renewal	☐	☐	■	■
O. Identify additional funds to support the Affordable Housing Trust Fund	■	■	■	■

City and Partner Roles

Actions	City	Other Government Agencies	Affordable and Market Rate Developers	Local Nonprofits	Other
A. Evaluate participating in or establishing a land bank.	Contribute land or funding		Develop housing		
B. Evaluate opportunities to participate in a land trust.	Contribute land or funding		Develop housing	Manage Land Trust	
C. Host educational events with the Housing and Human Services Commission	Partner to identify needs, develop materials, do outreach and plan/host events			Partner to identify needs, develop materials, do outreach and plan events	Coordinate with HHSC
D. Develop an equitable housing plan	Develop plan, adoption, implementation,	Provide input	Provide input	Provide input	Coordinate with HHSC
E. Disallow SFD in High Density R-3 Zone	Revise development code				
F. Evaluate increasing allowances for residential dwellings in commercial and employment zones	Revise development code				
G. Maintain quality and support development of a new manufactured home park	Revise development code; outreach to property owners and nonprofits	OHCS: partnership on preservation efforts		Partnership on preservation efforts	Owners of manufactured home parks: provide input
H. Increase development capacity of MFR dwellings	Revise development code		Provide input		
I. Implement the Multiple Unit Property Tax Exemption (MUPTE) to support multifamily or affordable housing	Outreach, develop eligibility criteria, adoption, implementation, promotion	Taxing Districts: consider exemption approval	Provide input		
J. Preserve and improve existing low-cost, unregulated, rental housing	Develop program; funding; outreach & promotion	Ashland Housing Authority: provide input & materials; outreach		Partnership; provide input & materials; outreach	Property owners
K. Work with partners to support development of additional permanent supportive housing	Provide funding and development assistance opportunities	Jackson County: partnership to develop regional approach.		Service providers: identify and utilize funding and development assistance opportunities.	
L. Evaluate opportunities to improve energy efficiency and reduce GHG emissions during housing development	Evaluate opportunities; determine implementation steps and identify partners	Ashland Building Division: provide input	Provide input		Ashland Climate Policy Commission: provide input
Funding Sources					
M. Establish a Construction Excise Tax	Develop and implement plans		Provide input		Major employers, and the business community: provide input
N. Evaluate using Urban Renewal or other financing tools	Establish and partner w/Urban Renewal Agency	URA: Select projects; implement the Plan			Property owners
O. Identify additional funds to support the Affordable Housing Trust Fund	Evaluate new sources of funding, develop, and implement plan				Residents: provide input

Implementation Schedule

Actions	July 1 2023 through December 2023	2024	2025	2026	2027	2028	2029	2030	2031
A. Evaluate participating in or establishing a land bank.			Evaluate opportunities	Get policy direction from City Council	Implement				
B. Evaluate opportunities to participate in a land trust.		Evaluate opportunities	Get policy direction from City Council	Implement as opportunity arises					
C. Host educational events with the Housing and Human Services Commission		On-Going							
D. Develop an equitable housing plan	Develop Plan	Adopt	Implement						
E. Disallow SFD in High Density R-3 Zone				Develop Ordinance	Adopt	Implement			
F. Evaluate increasing allowances for residential dwellings in commercial and employment zones			Adopt	Implement					
G. Maintain quality and support development of a new manufactured home park	Begin Refining	Adopt	Implement						
H. Increase development capacity of MFR dwellings				Develop Ordinance	Adopt	Implement			
I. Implement the Multiple Unit Property Tax Exemption (MUPTE) to support multifamily or affordable housing					Begin implementation Steps	Adopt	Implement		
J. Preserve and improve existing low-cost, unregulated, rental housing			Evaluate programs	Get policy direction from City Council	Implement				
K. Work with partners to support development of additional permanent supportive housing		On-Going							
L. Evaluate opportunities to improve energy efficiency and reduce GHG emissions during housing development							Get policy direction from City Council	Implement	
M. Establish a Construction Excise Tax		Evaluate approach	Adopt	Implement					
N. Evaluate using Urban Renewal or other financing tools				Evaluate approach	Develop Plans	Adopt	Implement		
O. Identify additional funds to support the Affordable Housing Trust Fund		Evaluate new sources	City council to give policy direction	On-Going					

Monitoring Actions

Strategies	Annual monitoring
Overall Monitoring	▪ # of affordable units developed by income range ▪ # of affordable projects developed
A. Evaluate participating in or establishing a land bank.	▪ #of acres acquired for land banking ▪ # of dwelling units developed on land from land banking ▪ Amount of funding contributed to land bank
B. Evaluate opportunities to participate in a land trust.	▪ # of partnerships with land trusts ▪ # of acres contributed to land trusts ▪ Amount of funding contributed to land trust ▪ # of dwelling units developed in land trusts
C. Host educational events with the Housing and Human Services Advisory Committee	▪ # of events hosted ▪ # of attendees at events ▪ Demographics of attendees ▪ Topics of events, such as affordable housing or Fair Housing
D. Develop an equitable housing plan	▪ Equitable housing plan developed and adopted.
E. Disallow SFD in High Density R-3 Zone	▪ Ordinance developed and approved. ▪ Comparison of newly developed housing in R-3 with historical densities
F. Maintain quality and support development of a new manufactured home park	▪ Ordinance developed and approved. ▪ # of partnerships established to support preservation efforts. ▪ Amount of funding contributed to support preservation. ▪ Changes in manufactured park ownership
G. Increase development capacity of MFR dwellings	▪ Ordinance developed and approved. ▪ Comparison of newly developed multifamily housing with historical densities

Monitoring Actions (cont.)

Strategies	Annual monitoring
H. Implement the Multiple Unit Property Tax Exemption (MUPTE) to support multifamily or affordable housing	▪ Exemption developed and implemented ▪ # of inquiries about tax exemption ▪ # of projects (and units) granted tax exemption
I. Preserve and improve existing low-cost, unregulated, rental housing	▪ Amount of funding used for rehabilitation or preservation ▪ # of units where funding was given for rehabilitation or preservation ▪ New partnerships established or expanded for preservation
J. Work with partners to support development of additional permanent supportive housing	▪ New partnerships established or expanded ▪ # of permanently supportive housing projects (and units) developed
K. Evaluate opportunities to improve energy efficiency and reduce GHG emissions during housing development	▪ # of new ordinances or policies that encourage energy efficiency ▪ # of new housing units developed under those policies.
L. Establish a Construction Excise Tax	▪ Ordinance adopted ▪ Plan developed for the use of CET funds. ▪ Use of CET funds ▪ # and types of units developed supported by CET; affordability levels
M. Evaluate using Urban Renewal	▪ Urban Renewal Plan developed and adopted ▪ Amount of funding investments made with urban renewal dollars to support affordable housing ▪ # of all units and of affordable units built using urban renewal dollars
N. Identify additional funds to support the Affordable Housing Trust Fund	▪ Additional funding sources identified. ▪ Amount of additional funding directed to the Affordable Housing Trust Fund. ▪ Use of AHTF funds ▪ # and types of units developed supported by AHTF; affordability levels

Recommendations

- Develop pre-approved plan sets for Middle Housing Typologies and Accessory Dwelling Units.

- Consider staff capacity for implementation of the HPS.

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Next Steps for the Planning Committee

- Recommendation to the City Council
- The HPS is not a land-use document.
- Future changes to the development code would come back to the PC for consideration

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Next Steps

- City Council Study Session– April 17
- City Council Adoption by Resolution – May 2



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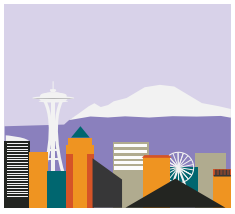
Seattle


Boise

Planning Commission Minutes

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April 25, 2023
SPECIAL MEETING
***DRAFT* MINUTES**

I. CALL TO ORDER:

Chair Norton called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

Commissioners Present:
Lisa Verner
Haywood Norton
Lynn Thompson
Eric Herron
Doug Knauer
Kerry KenCairn

Staff Present:
Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Michael Sullivan, Executive Assistant

Absent Members:
Michael Dawkins

Council Liaison:
Paula Hyatt

II. ANNOUNCEMENTS

Community Development Director Brandon Goldman made the following announcements:

- The Land Use Board of Appeals (LUBA) heard oral arguments earlier today regarding the appeal of PA-T3-2022-00004, 1511 Highway 99 North. LUBA is expected to render a decision on May 9, 2023.
- Derek Severson has been promoted to the position of Planning Manager, and Mr. Goldman has been officially appointed Director of the Community Development Department.
- Commission Dawkins was awarded the Allen C. Bates Public Service Award by the City Council at their April 18, 2023 Business Meeting.

III. PUBLIC FORUM – None

IV. TYPE II PUBLIC HEARINGS

PLANNING ACTION: PA-T2-2023-00040
SUBJECT PROPERTY: 1111 Granite Street

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OWNER: City of Ashland

DESCRIPTION: A request for Site Design Review and Conditional Use Permit approvals to construct a new water treatment plant (WTP) for the 80-acre city-owned property at 1111 Granite Street. The application also includes: Exceptions to the Site Design Development & Design Standards with regard to bicycle parking, pedestrian access and circulation, plant sizes, street trees, irrigation system design standards, fences and walls and open space; Exceptions to the Street Design Standards; Physical & Environmental Constraints Review Permits for Hillside Lands with Severe Constraints and Floodplain Lands, Exceptions to the Development Standards for Hillside Lands, and a Limited Use Permit to construct a new road crossing over Ashland Creek at Horn Creek Road to provide access to the WTP; a Variance to the WR zone's 35-foot maximum building height to allow a 48-foot structure; and a Tree Removal Permit to remove 99 trees within the proposed building envelopes, roads, paved surfaces, and areas to be graded. Trees to be removed will be mitigated on a one-for-one basis, and the remaining 848 trees on the lot will not be impacted. **COMPREHENSIVE PLAN DESIGNATION:** WR-20; **ZONING:** Woodland Residential; **MAP:** 39 1E 17; **TAX LOT:** 600

Ex Parte Contact

No ex parte contact was reported. All Commissioners except for Commission Thompson attended a site visit on April 24, 2023.

Staff Presentation

Planning Manager Derek Severson provided a presentation regarding the saliant points of the application, which include a request for Site Design Review, a Conditional Use Permit (CUP), tree removal permit, and a request for a variance and several exceptions to the Ashland Municipal Code (AMC). Mr. Severson detailed the proposed project site, and remarked that the site would not be visible from adjacent properties, nor would it have any perceived impact to the surrounding area (see attachment #1).

Mr. Severson informed the Commission that the application included a geotechnical analysis, and also contained plans to mitigate any disturbance to the hillside lands and to provide revegetation. The applicant also requested an exception to hillside development standards in order for the building to lessen the plant's impact to the hillside. The application also requested an exception to the height allowance standards from 35ft to 48.38ft. Mr. Severson concluded that staff was generally in favor of the proposal with the conditions included in the staff report.

Questions of Staff

Commissioner Thompson asked why solar panels were included in the proposal, to which Mr. Severson responded that they are intended to provide emergency power to the site.

Commissioner Verner noted that a public comment received prior to the meeting had asked why an

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email planning@ashland.or.us. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Environment Impact Statement (EIS) had not been included in the application (see attachment #2). Mr. Severson responded that the AMC does not have an EIS requirement, and that the applicant provided the requisite information to address the Water Resource Protection Zone and Environmental Constraints permits. Mr. Goldman added that an EIS is typically a requisite element of federal funding, therefore the inclusion of an EIS could occur during the development phase of the project.

Applicant Presentation

Applicant Scott Fleury, Director of the City's Public Works Department, informed the Commission that this project had been considered since the mid-1990s, and was formalized as a future capital project in the 2012 Water Master Plan. He stated that the inclusion of solar panels was at the direction of the Council, and would allow for nearly 170-180 days of operating solely on net-daytime metering. Battery storage and backup will also be considered in the future, and the plant will also have diesel fuel capabilities on-site in the event of an emergency. Mr. Fleury remarked that this is a municipal facility and that some requirements from the Environmental Protection Agency (EPA) and Homeland Security have necessitated some of the exception and variance requests in the application.

Mr. Fleury stated that the City has been working with the Oregon Health Authority to be granted a categorical exclusion for the development of the Water Treatment Plant on this site, which is part of the funding package requirement to receive federal and state funds. The applicant has also coordinated with multiple state and federal agencies, including the Forest Service since the culvert replacement will impact a portion of their property. Mr. Fleury stated that the plant will follow existing land use code and building permit processes for the development, and will also abide by Rogue Valley Sanitary Sewer requirements.

Questions of the Applicant

Commissioner Thompson inquired about potential risks the development could pose to the surrounding area, particularly with regards to flooding. Mr. Fleury responded that the site was chosen because it is outside of the floodplain, and that the facility will be designed to meet current seismic building code requirements. He added that the topography of the site would result in any spill entering Ashland Creek in the event of a rupture.

Commissioner KenCairn asked how a potential failure at the facility could effect the downtown area. Mr. Fleury responded that the effect would be nominal.

Commissioner Knauer asked how much asphalt would be installed for the parking area, and what effect that could have on runoff into Ashland Creek. Mr. Fleury responded that there will be 5-7 parking spaces, a main circulation area between the plant and the pre-treatment ozone generation building, and that all runoff would be collected in the storm drain system before being routed through a bioswale pretreatment system and released into Ashland Creek.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email planning@ashland.or.us. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Commission KenCairn requested clarification regarding the mention of non-combustible surface under the solar field. Pierre Kwan, a member of the applicant's consulting team, responded that it indicates runoff and designates areas of bare granite. Mr. Kwan stated that the runoff will then be captured into an enhanced stormwater collection system, and that the current site location has very little percolation.

Addressing the public testimony received prior to the meeting, Mr. Fleury stated that nearby trails would not be impacted by the plant.

Chair Norton closed the Public Hearing and Record at 7:39 p.m.

Deliberation and Decision

Commissioner Knauer expressed concern that nearby residents could be negatively effected by the project during the development process, and that they be kept apprised during development. Commissioner Herron echoed that concern. Chair Norton remarked that the applicants will also need to obtain a grading permit and that dust control should be considered.

Commissioner Thompson/Verner m/s to approve the application with the conditions recommended by staff. Roll Call Vote: All AYES. Motion passed 6-0.

Commissioner Thompson stated her appreciation to staff and the Commission, and her gratitude for the opportunity to serve her community.

Chair Norton related that he came out of retirement to serve on the Commission, and that he would likely continue to participate in the proceedings as a viewer. He showed appreciation for the civility of all participants in the Commission meetings over the years.

Councilor Hyatt expressed her gratitude to both retiring Commissioners and stated that their depth of knowledge enabled her and the Council to make informed decisions. She thanked both Commissioners for serving their community.

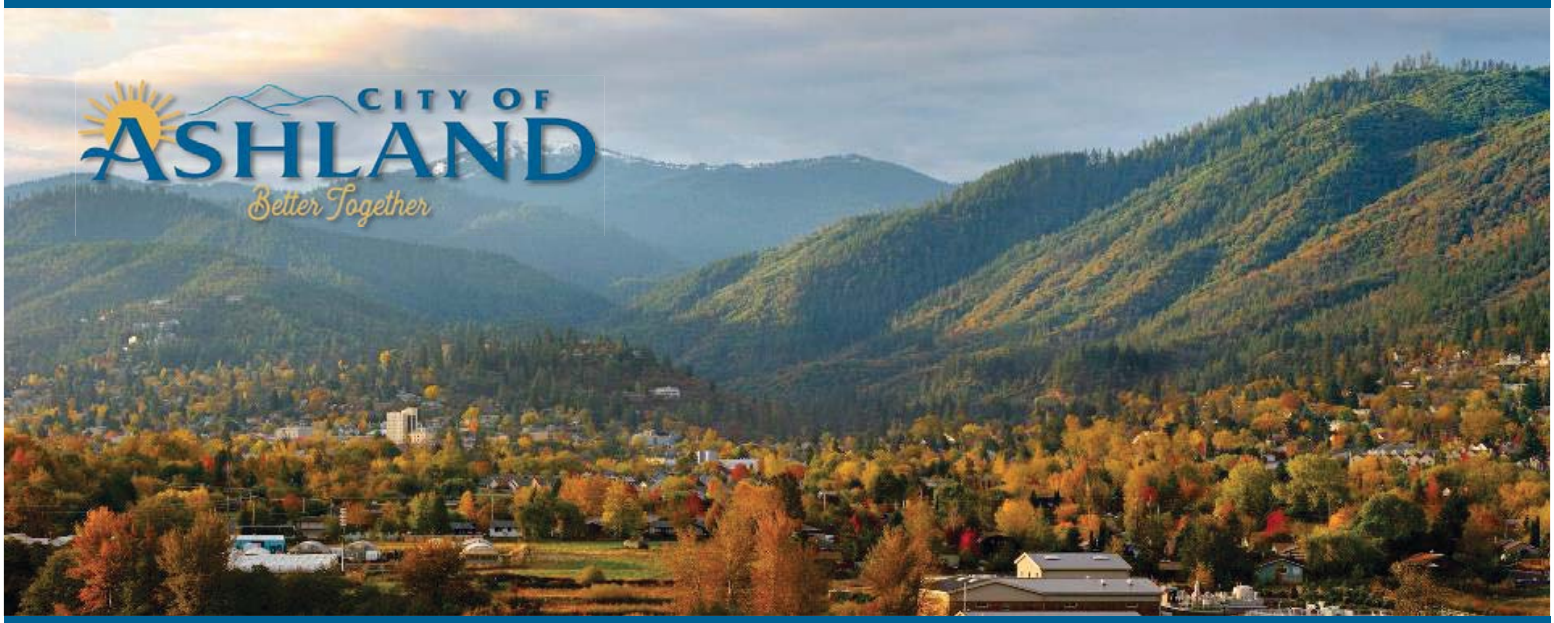
All Commissioners expressed their appreciation to Commissioners Norton and Thompson.

V. ADJOURNMENT

Meeting adjourned at 7:51 p.m.

Submitted by,
Michael Sullivan, Executive Assistant

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email planning@ashland.or.us. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).



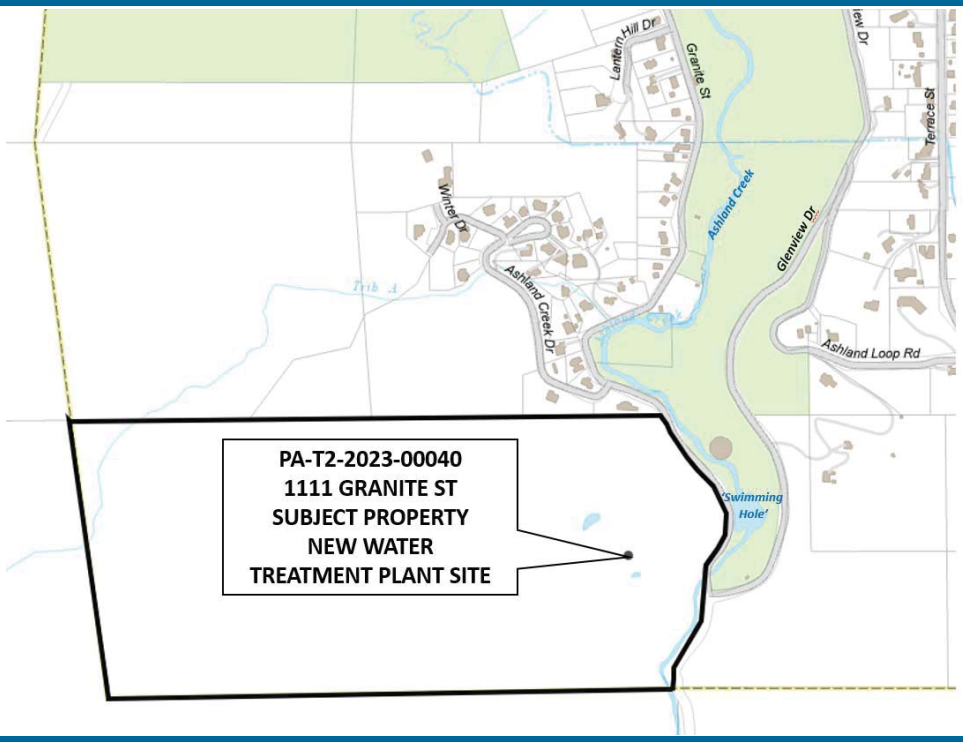
New Water Treatment Plant (WTP)

Planning Commission Hearing
April 25, 2023

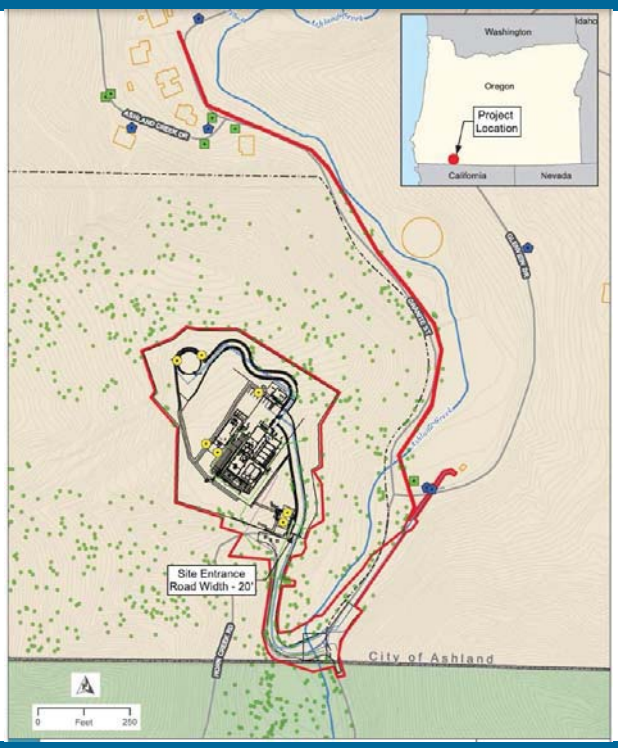
REQUEST

- ❑ **Site Design Review**
  - ✓ **Exceptions to the Site Design Development & Design Standards** (Refuse/Recyling Enclosure, Plant sizes, Irrigation standards)
  - ✓ **Exceptions to the Street Design Standards** (Paving, Sidewalk & Parkrows/Street Trees)
- ❑ **Conditional Use Permit**
- ❑ **Physical & Environmental Constraints Review Permits** (Hillside, Severe Constraints, Floodplain & Wildfire Lands)
  - ✓ **Exceptions to the Development Standards for Hillside Lands**
- ❑ **Limited Activities & Use Permits** (Culvert Replacement for Access & Utilities)
- ❑ **Variance** (Exceed 35-foot maximum height for 850,000 gallon clearwell reservoir)
- ❑ **Tree Removal Permit** (Remove 99 non-hazard trees)

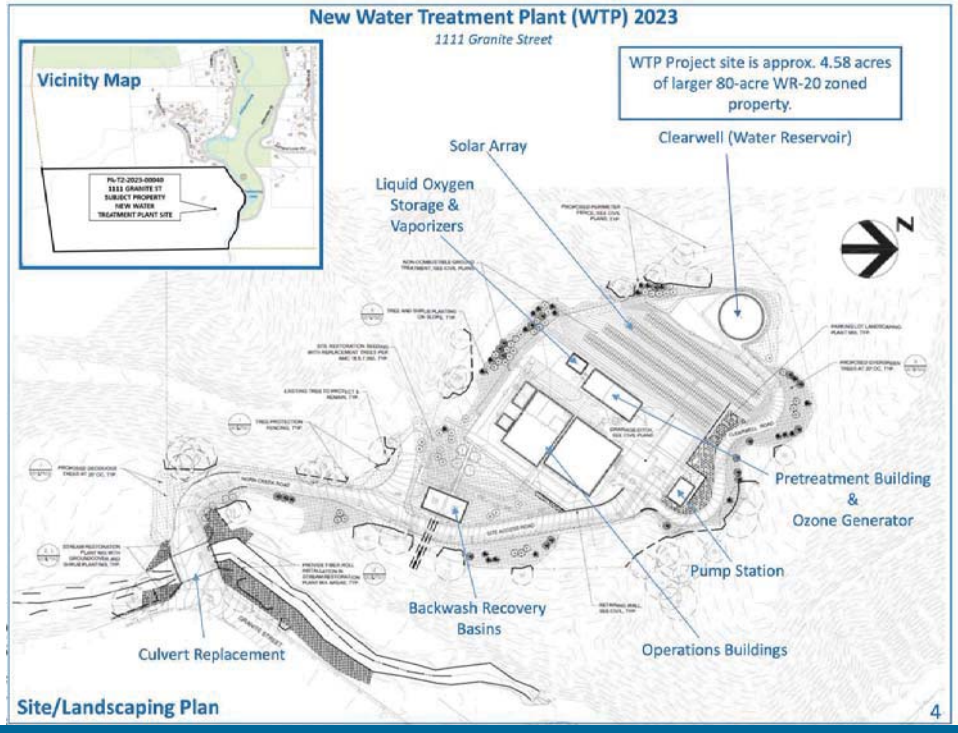
VICINITY MAP



CONTEXT MAP

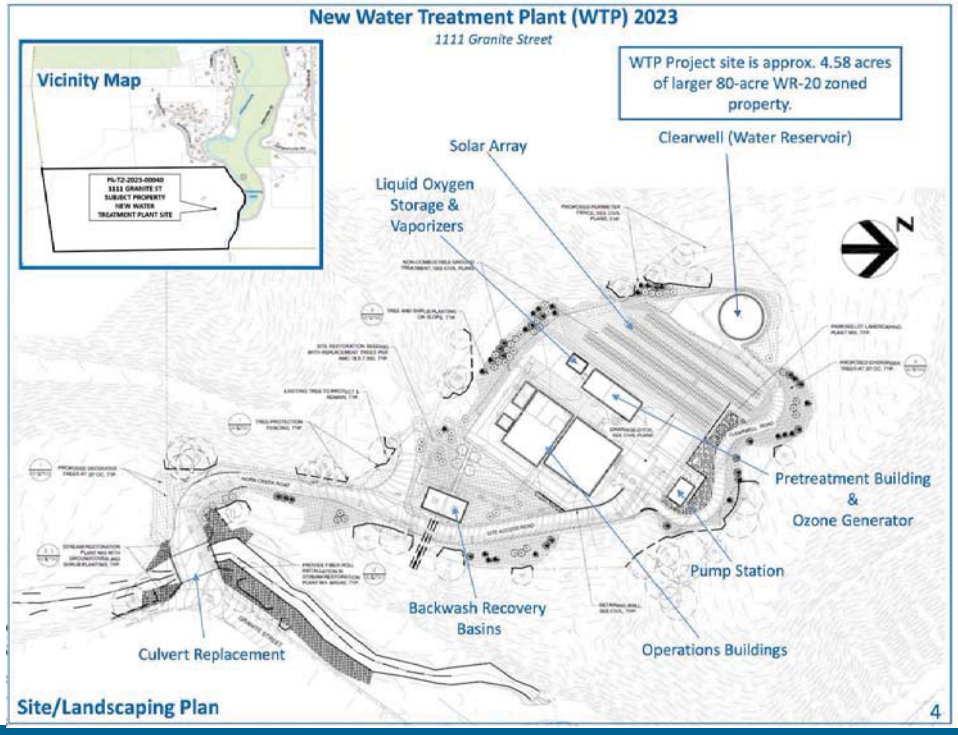


SITE DESIGN REVIEW

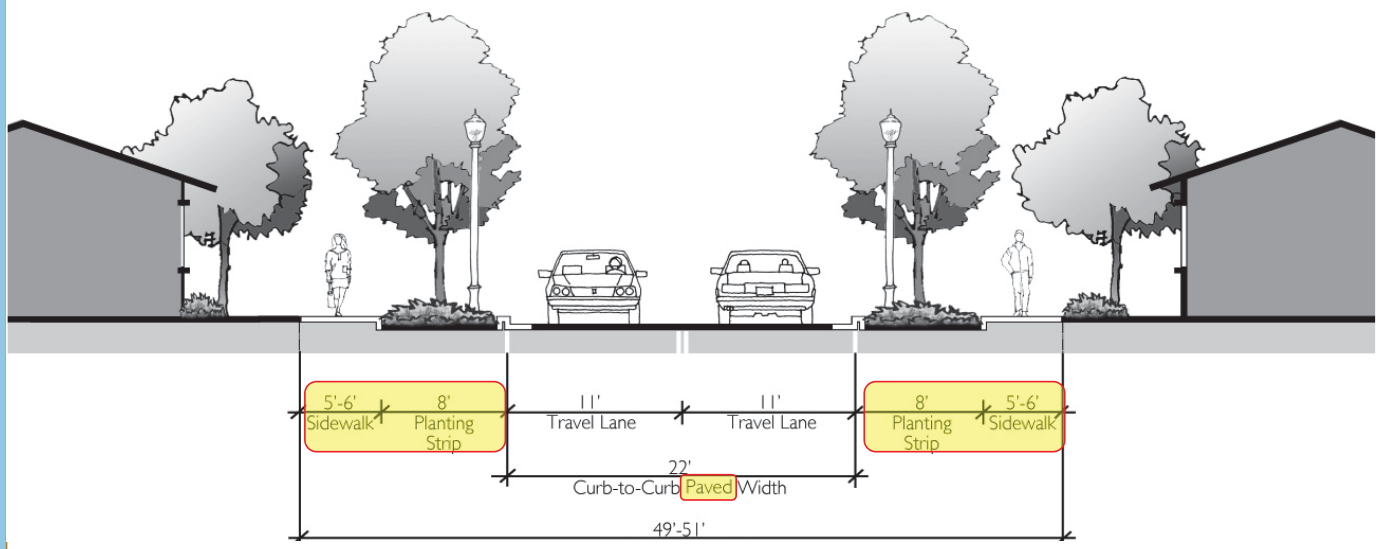


SITE DESIGN REVIEW

EXCEPTIONS TO THE SITE DEVELOPMENT & DESIGN STANDARDS



EXCEPTIONS TO THE STREET DESIGN STANDARDS



AMC Figure 18.4.6.040.G.3.a Typical Cross-Section: Residential Neighborhood Collector w/no on-street parking.

18.4.6.040.I Hillside Streets & Natural Areas

Hillside Streets and Natural Areas. Streets constructed in hillside lands or natural resource areas (e.g., creeks, rock outcroppings, drainages, wetlands) should minimize negative impacts and use minimal cut and fill slopes. Generally, the range of street types provided in subsection 18.4.6.040.G make it possible to construct or improve streets in accordance with the design standards. However, street design may be adjusted in hillside lands and natural resource areas using the exceptions to street standards process in subsection 18.4.6.020.B.1. In addition to the approval criteria for an exception to street standards, the following standards must be met:

1. Approval of Streets in Hillside Lands and Natural Areas. Approval of a street in hillside lands or natural areas shall conform to chapter 18.3.10, Physical and Environmental Constraints Overlay, and the following provisions:

a. Clear Travel Lane. New streets shall provide a 20-foot clear travel lane area in areas designated hillside lands.

b. On-Street Parking. Ample on-street or bay parking shall be provided at the foot of steep hills, especially those prone to snow or ice buildup.

c. Streets shall be located in a manner that preserves natural features to the greatest extent feasible.

d. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is possible.

e. Streets shall be situated between natural features, such as creeks, mature trees, drainages, common or public open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features.

GRANITE STREET CORRIDOR

East Property Frontage on Granite Street at “Swimming Hole”

GRANITE STREET CORRIDOR

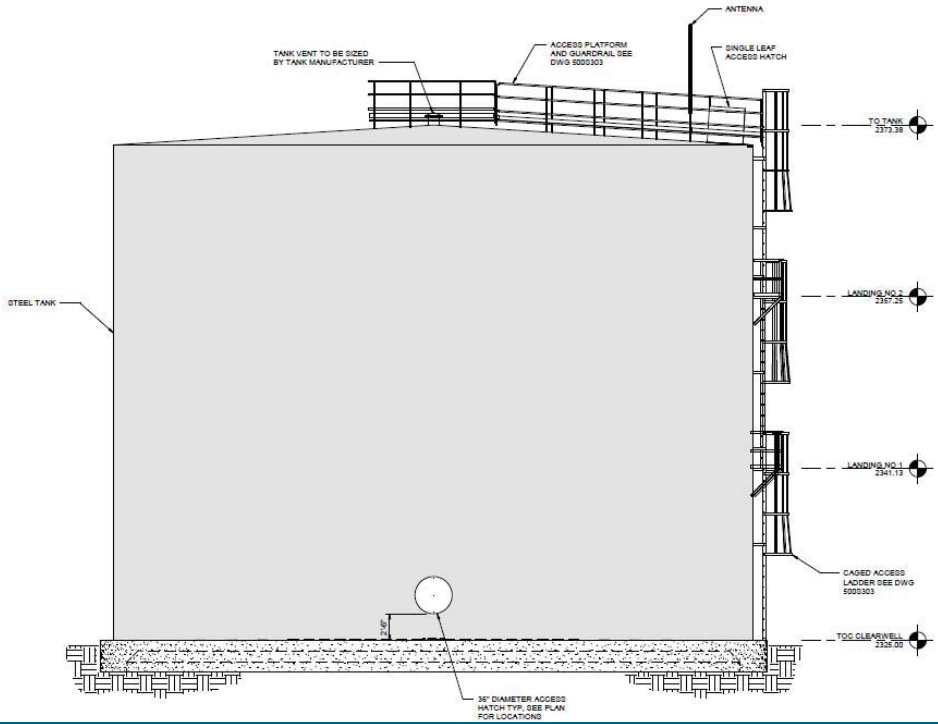
CONDITIONAL USE PERMIT

P&E PERMITS

EXCEPTIONS TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS

LIMITED ACTIVITIES & USES PERMIT

VARIANCE BUILDING HEIGHT



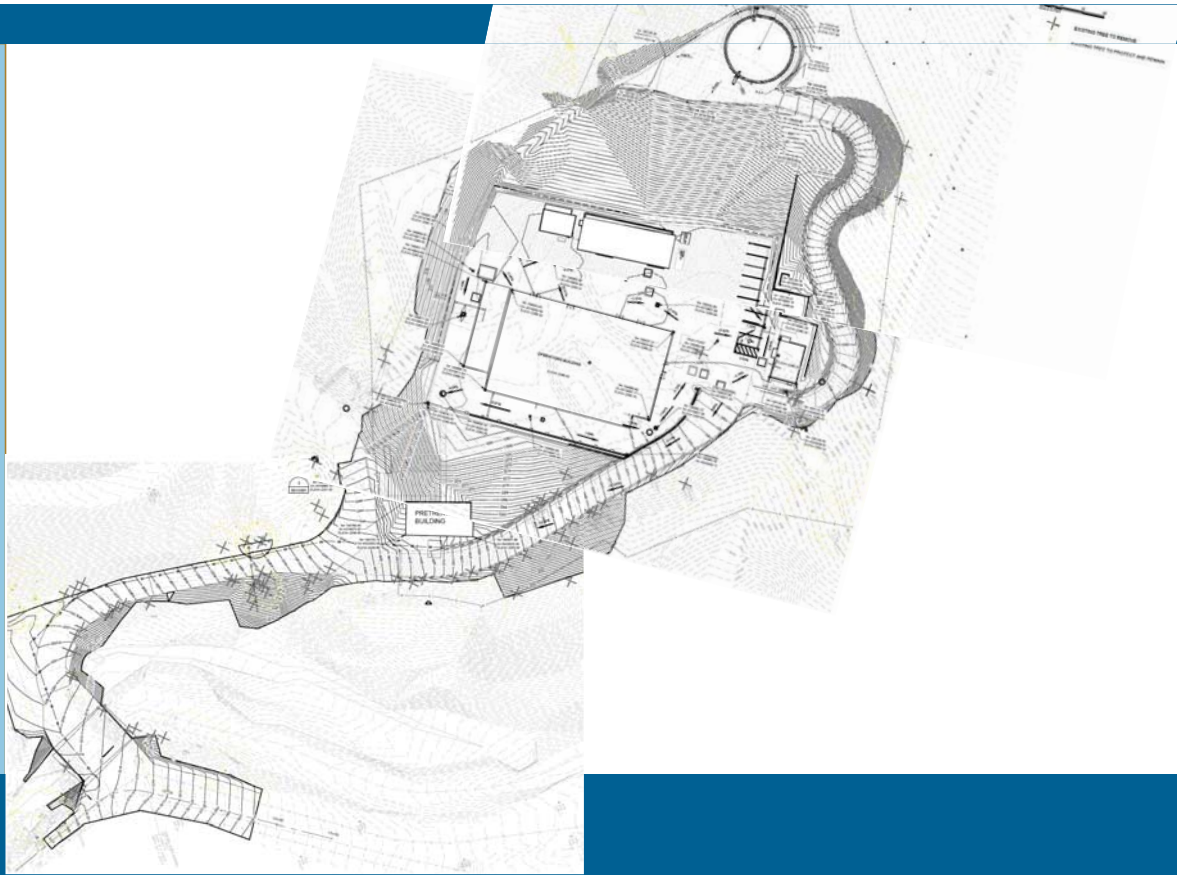
Clearwell Water Reservoir: 850,000 gallons/48.38 feet tall

VARIANCE BUILDING HEIGHT

Clearwell Water Reservoir: 850,000 gallons/48.38 feet tall

TREE REMOVAL PERMIT

TREE REMOVAL PERMIT



STAFF RECOMMENDATION

New Water Treatment Plant (WTP)

Planning Commission Hearing
April 25, 2023

Michael Sullivan

From: David Runkel <davidrunkelor@gmail.com>
Sent: Monday, April 24, 2023 6:58 PM
To: Planning Commission - Public Testimony
Subject: Public hearing -- water treatment plant

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Dear Commissioners, I'm unable to attend Tuesday meeting where I understood there was going to be discussion of the city's proposed new water treatment plant, and in any event my concerns probably are not something you can address. But, I've been frustrated with the lack of response to my concern. That is, this project has never been subject to an Environmental Impact Study, even though it probably is the biggest construction project undertaken by the city ever. I've appealed to the public works department and the CEAP office and gotten no where. I don't understand why when Ashland is so involved with other environmental issues. My request is that in your report to Council you raise this issue. Best regards, David Runkel, 893 Plum Ridge Drive, davidrunkelor!@gmail.com, 541-210-0031.

From: Mark Knox <knox@mind.net>
Sent: Tuesday, April 25, 2023 12:53 PM
To: Derek Severson <derek.severson@ashland.or.us>
Subject: PA-T2-2023-00040

Hey Derek,

I'm supportive of the new water treatment facility in the upper end of Granite Streets, but just wanted to make sure the trail to the east and south remain accessible and that Horn Road (I always call it 2060) remains accessible other than temporary closures for the construction. I'm sure it is, but it wasn't easy to sift through the 130 pages!!!

Overall, I know the facility is necessary and it looks like a well thought-out plan for that heavily disturbed site, but not sure the solar panel array for that location compared to other "full-exposure" areas of town…. That said, the applicants know what they are doing. Thanks – Mark Knox

Virus-free.www.avast.com

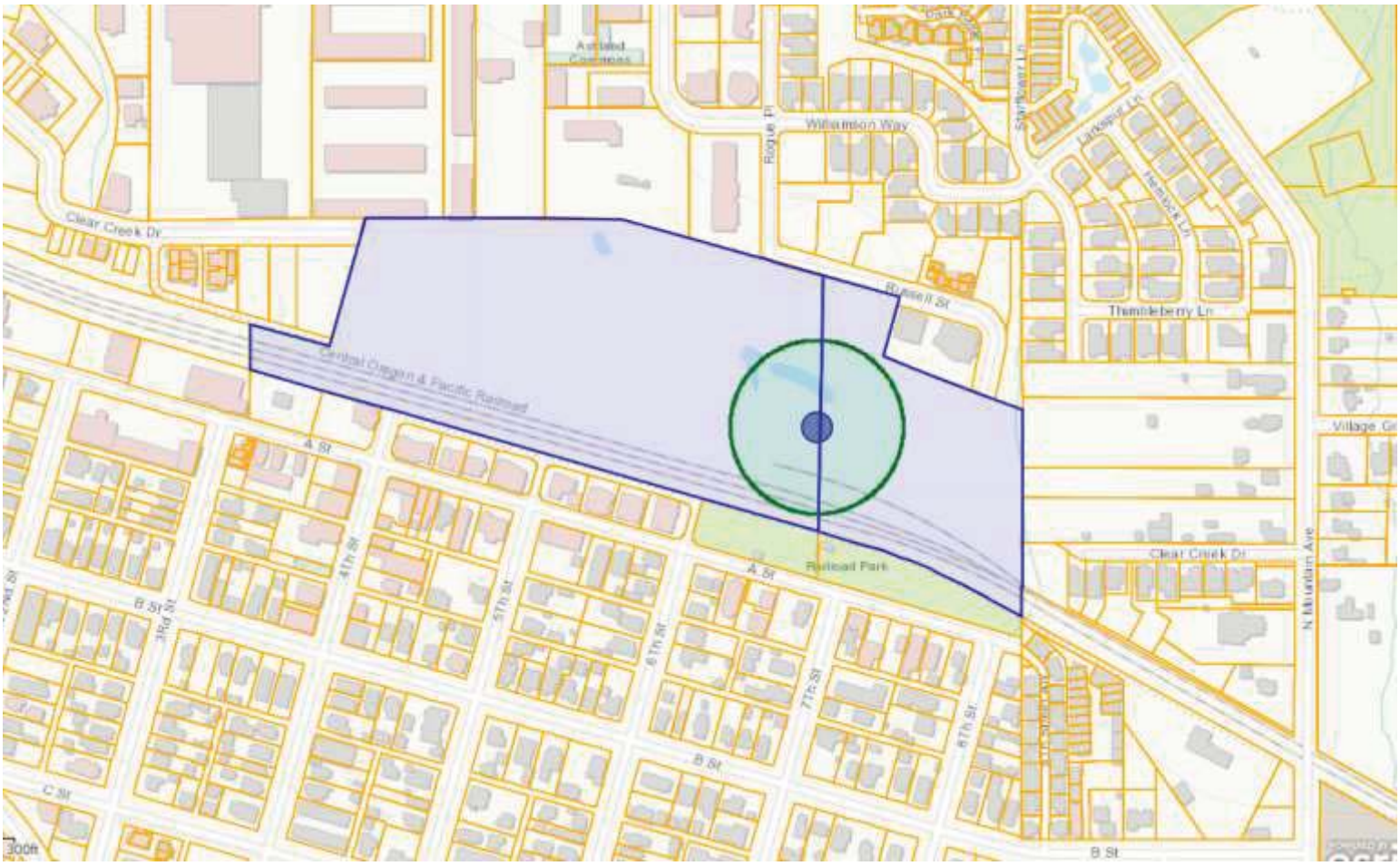
TYPE II PUBLIC HEARING

PA-T2-2023-00042,
Clear Creek Drive, Parcel 7

NOTICE OF APPLICATION

PLANNING ACTION: PA-T2-2023-00042
SUBJECT PROPERTY: Clear Creek Dr. Parcel 7 - 391E09AB TL 6700 & 391E09AA TL 6200
OWNER: Jacobs on behalf of Union Pacific Railroad
APPLICANT: City of Ashland
DESCRIPTION: A request to modify a condition of approval and change a deed restriction that was required in a 1999 planning approval (PA 99-048), amended in 2016 (PA-2006-00684), and recorded on the vacant 20-acre site owned by Union Pacific Railroad (UPRR). The deed restriction required that the 20-acre site meets Oregon Department of Environmental Quality's (DEQ) cleanup standards applicable to a "single residential property" before further land divisions or development occurs. The proposed revision to the deed restriction clarifies the site be cleaned to an "urban residential standard" to enable future development consistent with the E-1 zoning of the property including commercial, employment, and ground floor residential within mixed-use and apartment buildings. The modified condition would stipulate the deed restriction would be removed from the property upon the City receiving written documentation from the Department of Environmental Quality demonstrating compliance with these standards. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 391E09AB & 391E09AA; **TAX LOT:** 6700 & 6200

ASHLAND PLANNING COMMISSION MEETING: ***Tuesday May 9, 2023, at 7:00 PM, Ashland Civic Center, 1175 East Main Street***



COMMUNITY DEVELOPMENT DEPARTMENT
51 Winburn Way
Ashland, Oregon 97520
ashland.or.us
Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

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

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at https://gis.ashland.or.us/developmentproposals/. Copies of application materials will be provided at reasonable cost, if requested. Application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

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

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

If you have questions or comments concerning this request, please feel free to contact Brandon Goldman at planning@ashland.or.us or 541-488-5305.

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

The approval criteria for a Major Modification are detailed in AMC 18.5.6.030.C as follows:

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

1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.
2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

COMMUNITY DEVELOPMENT DEPARTMENT
51 Winburn Way
Ashland, Oregon 97520
ashland.or.us
Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

The approval criteria for a Partition Plat are detailed in AMC 18.5.3.050 as follows:

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.*

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

ASHLAND PLANNING DIVISION
STAFF REPORT

May 9, 2023

PLANNING ACTION:	PA-T2-2023-00042
OWNER	Union Pacific Railroad
APPLICANT:	City of Ashland
LOCATION:	Clear Creek Dr., Parcel 7
ZONE DESIGNATION:	E-1
COMPREHENSIVE PLAN DESIGNATION:	Employment
TAX LOTS	39 1E 09AB 6700; 39 1E 09AA 6200
APPLICATION DEEMED COMPLETE:	March 23, 2023
120-DAY TIME LIMIT:	July 21, 2023
ORDINANCE REFERENCE:	18.5.3 Land Divisions and Property Line Adjustments 18.5.6 Modifications to Approved Planning Actions

REQUEST: A request to modify a condition of approval and change a deed restriction that was required in a 1999 planning approval (PA 99-048), as amended in 2016 (PA-2016-00684), and recorded on the vacant 20-acre site owned by Union Pacific Railroad (UPRR). The deed restriction required that the 20-acre site meets Oregon Department of Environmental Quality's (DEQ) cleanup standards applicable to a "single residential property" before further land divisions or development occurs. The proposed revision to the deed restriction clarifies the site be cleaned to an "urban residential standard" to enable future development consistent with the E-1 zoning of the property including commercial, employment, and ground floor residential within mixed-use and apartment buildings. The modified condition would stipulate the deed restriction would be removed from the property upon the City receiving written documentation from the Department of Environmental Quality demonstrating compliance with these standards.

I. Relevant Facts

A. Planning Action History

In August 1999, the City Council approved a change to the Comprehensive Plan map from Industrial to Employment and to the Zoning map from M-1 to E-1 (Planning Action 99-066, Ordinance 2843). In addition, the area was included in the Detail Site Review and Residential overlay zones.

In November 1999, the Planning Commission approved a land partition, including the construction of a new public street and alley system and a lot line adjustment for the property located southeast of the intersection of Hersey and Oak Streets and north of the railroad tracks (Planning Action 99-048). The west end of Clear Creek Dr. and six surrounding lots were created as a result of the approved land partition and the lot line adjustment. A variety of mixed-use buildings have been developed in the area. The seventh lot created by the land partition and lot line adjustment is the undeveloped Union Pacific Railroad (UPRR) 20-acre site that is the subject of the current application.

In June of 2016 the Planning Commission approved an amendment to the prior condition and change of the deed restriction (Planning Action 2016-00684) finding that the modification of the original 1999 condition and deed restriction would not impede the future use of the subject property for urban purposes. The Commission found that the need to clean up the property has prevented development over the past two decades and the change to the deed restriction would facilitate the cleanup of the property.

B. Background - History of Application

The subject property is commonly referred to as the railroad property because it is the former site of the rail yard and is currently owned by UPRR. The property is also referred to as "Parcel 7" because the remaining vacant 20-acre site was identified as Parcel 7 in the land partition and lot line adjustment that was approved in 1999.

In 1999, the Planning Commission added a condition to a land partition and lot line adjustment approval (PA 99-048) requiring a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ residential standard before further land divisions or development occurs and that written confirmation from DEQ that the cleanup to residential standards is completed be submitted to the City of Ashland.

In April 2015, UPRR proposed remediation of a limited portion of the site and using trucks for transporting outgoing contaminated soil and incoming clean fill. The City Council responded with a request that UPRR conduct a full-site remediation and use railcars for transporting contaminated soil. At the October 6, 2015 City Council study session, a representative of UPRR indicated UPRR would like to cleanup and sell the property. However, the representative said the existing deed restriction from 1999 is a barrier to potential buyers/developers because it requires future subdivided lots that may not be used for residential purposes to be cleaned up to residential standards. DEQ's standards require cleanup to match the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "urban residential" standard for mixed-use developments, and urban multi-story apartments; and the "residential" standard for suburban ground level housing such as single family homes and townhomes.

At the April 5, 2016 meeting, the City Council approved a motion directing staff to prepare, file, and seek an application for a Major Amendment to replace the condition of approval in PA 99-048 with the modified condition of approval presented in the April 5, 2016 Council Communication and to continue working with UPRR and DEQ to achieve remediation of the rail yard site to applicable DEQ standards. According to the UPRR representative, the existing deed restriction language, as revised in 2016, remains inconsistent between DEQ's remediation requirements for the urban residential and occupational development allowable on the property, which has precipitated the current request to again modify the deed restriction and corresponding condition of approval.

On March 21, 2023 the Ashland City Council heard a request from UPRR to modify the 2016 deed restriction (Restrictive Covenant) on the rail yard property in Ashland. After completion of full-site remediation to DEQ's cleanup standards, the proposed revised deed

restriction would allow subdivision and development of individual parcels upon further remediation in conformance with the DEQ risk standards applicable to the proposed actual uses of the parcels and the parcel-specific risks posed by the actual contaminants on them. The City Council directed staff apply for a modification to the prior condition and amend the restrictive covenant and to continue to work with UPRR and DEQ regarding the remediation plan to clean up the property for future development.

> *I move to direct staff to prepare, file, and seek approval of an application for a Major Amendment to replace the condition of approval in PA2016-00684 with the modified condition of approval presented in the March 21, 2023, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards.*

The modified condition approved by Council is as follows:

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the grantor providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

If the deed restriction is modified as directed by the City Council, UPRR has indicated they will move forward with a full cleanup of the site.

C. Detailed Description of the Site and Proposal

The Site

The UPRR property is approximately 20 acres in size and located north of the railroad tracks and between the two dead-end portions of Clear Creek Dr. The west side of Clear Creek Dr. intersects with Oak St. and the east side intersects with N. Mountain Ave. Rogue Place is a third dead-end street that abuts the property in the northeast portion of the site. Clear Creek Dr. and Rogue Place are planned to continue through the UPRR property at the time the site is developed.

The property is zoned Employment (E-1) and located in the Residential and Detail Site Review overlays. The Residential overlay allows 15 dwelling units per acre as a special permitted use in conjunction with permitted commercial and employment uses. A building can have up to 35 percent in residential uses on the ground floor (e.g., ground floor commercial or employment with upper story residential units) or up to half of a lot used for residential purposes if there are multiple building on a site.

The area to the north, south, and west of the property is zoned E-1. The area to the northeast and east is zoned residential and includes Multi-Family Residential (R-2), Suburban Residential (R-1-3.5), and Single Family Residential (R-1) properties.

The general topography of the site slopes to the north toward Hersey St. The property's most significant natural features include Mountain Creek that flows south to north on the eastern boundary of the property. A trail connection is shown in the Mountain Creek area on the City's adopted 2002 Open Space Plan. The Water Resources map also identifies three possible wetlands on the site.

The subject property was used as a rail yard for locomotive maintenance, service, and rail car repair between 1887 and 1986. Various structures including a hotel/passenger station, a freight station, a car repair shed, a turntable, a roundhouse, and miscellaneous work and storage buildings were once present. The Ashland rail yard peaked in the early 1900's. Subsequently, the site was used for light locomotive maintenance and car repair functions until the early 1970's by the Southern Pacific Transportation Company (SPTCo). UPRR acquired SPTCo and many of its assets, including the Ashland site, in 1997. UPRR has not operated or performed railroad related activities at the site since the acquisition in 1997.

The only structures remaining on the site are the foundations of several buildings. There is a fenced area on the eastern portion of the site that includes an oil/water separator and two manmade retention ponds (see sheet EC-1). A mainline track and rail spur operated by Central Oregon and Pacific Railroad, Inc. (CORP) are located along the site's southern boundary.

The Proposal

The request is to modify a condition of approval of the land partition and lot line adjustment (PA 99-048 and PA-2016-00684). The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ "residential" standard before further land divisions or development occurs with the intention of ensuring that mixed-use buildings developed in the E-1 zone, within the Residential Overlay, could accommodate residential uses on the ground floor.

> *PA 99-048 Condition 9:*
> *That a deed restriction be placed on the remaining 25 acres (approximately) precluding further "development" or land divisions until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the City from the Department of Environmental Quality.*

The condition of approval and deed restriction was amended in 2016 as follows:

> PA-2016-00684 *Existing Deed Restriction:*
> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written documentation form the Department of Environmental Quality demonstrating*

compliance with these standards to the City.

The proposed amendment to the restriction currently under consideration would clarify that the initial cleanup of the Parcel 7 (Tax lots 39 1E 09AB 6700; 39 1E 09AA 6200) correspond to the current and future land uses that can be accommodated onsite by meeting DEQ's "Urban Residential" cleanup standards, and to clarify that a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel shall be provided prior to development.

PA-T2-2023-00042 - Proposed Amended Condition and Deed Restriction:
Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the grantor providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

As described earlier, the site has been inactive since 1997 when UPRR acquired the subject property. The property is in DEQ's voluntary cleanup program because the contaminants on the property are considered low-risk. As a result, DEQ cannot compel UPRR to clean up the property in a specific time period. However, the property does have to be cleaned up before it can be redeveloped.

II. Project Impact

The modification of an approved application or condition of approval that could have a detrimental effect on adjoining properties requires Major Modification under chapter 18.5.6. The review procedure (i.e., Type I administrative approval or Type II public hearing) for a modification is the same as the procedure used for the original application. In this case, a Type II public hearing process is required because the original land partition and lot line adjustment were processed as a Type II (AMC 18.5.6.030.A.7).

Major Modifications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request (AMC 18.5.6.030.C). As a result, the application review is limited to the deed restriction modification request and the applicable approval criteria are those for a land partition.

The Planning Commission based the original 1999 condition of approval on the land partition criteria that requires "*the future use for urban purposes of the remainder of the tract will not be impeded.*" Specifically, the staff report included the following discussion.

> *"The application notes that the deed restriction will be placed on the remaining approximately 25 acres due to subsurface contamination resulting from the past railroad operations. The E-1 zoning and residential overlay (R-Overlay) allows for*

a variety of commercial and residential uses. The City's Comprehensive Plan encourages mixed-use development, and existing City ordinances and neighborhood planning efforts provide a variety of incentives in the hope of achieving this goal. Consequently, it is important that the contaminants on the remaining 20+ acres be removed or reduced to levels which would allow for commercial, as well as residential uses. Staff has attached a condition requiring that the final cleanup achieve this goal and verification be provided form the Department of Environmental Quality (DEQ)."

Staff believes the intent of the original condition is somewhat ambiguous because the extent of the required cleanup to residential standards was unclear. In 1999, UPRR and DEQ were not directly involved in the application. Instead, a local real estate agent, representing UPRR and a second property owner, was the applicant. In addition, the focus of the 1999 application was separating the far western end of the UPRR property (now the west end of Clear Creek Dr.) for further development. While the cleanup of the far western end of the property was required by DEQ before the area was developed, staff's understanding is that the level and extent of contaminants was comparatively minor. As a result, the 1999 land partition application and the subsequent Planning Commission public hearing discussion and decision did not involve extensive information regarding UPRR's plans for the remaining UPRR property or about DEQ's remediation process and cleanup standards. The Planning Commission and staff were aware that cleanup of the remaining UPRR property was necessary and would be an issue in the future, but detailed information regarding the remediation process and standards was not presented or evaluated. Further the terminology used to refer to the clean up to "residential" standards is typically applied to single family detached homes, or townhomes, which have individual yards. The presence of such yards and direct occupant access to subsurface contaminants through activities such as gardening can pose an increased risk to access to subsurface contamination. The term "urban residential' is used by DEQ to distinguish such suburban uses from higher density urban levels of development consistent with the E-1 zones permitted uses. Essentially a property cleaned to "urban residential" standards can accommodate a multistory mixed-use building or apartment complex even when residential uses occupy the ground floor. Lastly, if future lots subdivided from the parent parcel are developed to accommodate commercial, employment, or light-industrial buildings, only DEQ's "occupational" standard would be applicable.

A. Long-Range Planning Policies

The UPRR property represents approximately one fourth of the Ashland's inventory of Employment and Industrial zoned land with the bulk of buildable employment lands divided between the UPRR property, the Washington Ave./Jefferson Ave./Benson Way area (Washington Ave. area), and the Croman Mill district on Mistletoe Rd. The three areas require significant infrastructure improvements (utilities and streets) before development is possible and both the UPRR property and the Croman Mill district are required to be cleaned up prior to further development.

The statewide planning program and implementing state laws require all cities to designate sufficient land to accommodate the project land need for employment and job creation for a 20-year planning period. The City's adopted 2010 Economic Opportunity Analysis

(EOA) comparison of land supply and need in Ashland indicated an adequate supply of employment land until 2027 and a deficit in the 2028-2057 planning period.

In contrast to the Washington Ave. area and Croman Mill district, the UPRR property is entirely located in the Residential overlay. The site is zoned E-1 and also included in the Detail Site Review overlay. The combination of the zoning and overlays provides a flexible approach for future development that allows a mix of commercial, employment, and residential uses. This type of mixed-use development is consistent with the following Ashland Comprehensive Plan policies that speak to providing a mix of uses, especially as a buffer between employment areas and residential neighborhoods, and to encouraging a mix of uses in close proximity so that people that work and live in the area have the option of making trips by walking or bicycling.

> *Chapter VII, The Economy, Policy 2, E. The City shall design the Land Use Ordinance to provide for e) Commercial or employment zones where business and residential uses are mixed. This is especially appropriate as buffers between residential and employment or commercial areas and in the Downtown.*
>
> *Chapter X, Transportation Element, Goal III, Policy 2, Promote a mixed land use pattern, where appropriate, and pedestrian environment design that supports walking and bicycling trips.*

Despite the central location and significant contribution to the City's land supply for employment purposes, the UPRR property has been effectively unavailable for development because of the need to clean up the site. Making the UPRR property a viable piece of the City's 20-year land supply for employment purposes, including urban residential mixed use development, is consistent with the City's adopted 2011 Economic Development Strategy (EDS) which includes identifying barriers to development for key industrial lands and working to make them "shovel ready" for re-sale for business development. The EDS includes the following strategy and action.

> *Strategy 6. Provide appropriate land supplies for needed business growth/expansion with quality infrastructure to all commercial and employment lands.*
>
> *Action 6.6 Determine feasibility and cost/benefit for public purchase of key industrial lands to make "shovel ready" for re-sale for business development.*

The EDS discusses identifying lands that have been neglected and determining the existing barriers of development such as lack of services, access limitations, and environmental abatement needs. In addition, the EDS discusses evaluating "... whether direct public financial involvement may be the more appropriate tool to address those barriers and make lands more financially attractive and operationally functional for private development (i.e., the railroad property)."

In staff's opinion, the proposed modification of the condition and deed restriction is consistent with the mix of uses and potential configurations that are allowed on the UPRR property under the current zoning. Further the proposed change in the deed restriction language is consistent with intention of establishing the condition in 1999 and revising it in 2016. The location in

the E-1 zone and the Residential overlay allows residential dwelling units in conjunction with a permitted commercial or employment use. A variety of uses and building and site configurations are possible on the subject property. These uses, including the provision of residential uses on the ground floor of multistory mixed-use, or apartment buildings would be considered "urban residential" development by DEQ. The amended condition would allow each development to be evaluated independently and cleaned up to the DEQ standard that matches the type and configuration of the proposed uses.

III. Procedural - Required Burden of Proof

The approval criteria for a Major Modification are detailed in AMC 18.5.6.030.C as follows:

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

1. Major Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc.
2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

The approval criteria for a Partition Plat are detailed in AMC 18.5.3.050 as follows:

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.*

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

IV. Conclusions and Recommendations

Staff recommends approval of the request to modify the condition of approval and change the deed restriction that was required in a 2016 planning approval (PA-T2-2023-00042) and subsequently recorded on the vacant 20-acre site owned by UPRR.

The original condition from 1999 required a deed restriction on the UPRR property stating that the site is required to be cleaned up to DEQ "residential" standard before further land divisions or development occurs and that written confirmation from DEQ that the cleanup to residential standards is completed be submitted to the City of Ashland. Although the modified deed restriction recorded in 2016 was intended to address the ambiguity by stipulating a residential standard apply to any future developable portion of the site, the now existing deed restriction recorded in 2016 effectively requires two levels of cleanup. First, the initial cleanup of the 20-acre site would be to the residential standard for a single residential property. Subsequent development or subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing.

Upon review of this existing deed restriction, the City, DEQ, and UPRR are concerned that the use of the term "single residential property" to clarify the applicable cleanup standards is inconsistent with the intended future development of the property. Specifically, the City's E-1 (employment zoning) does not permit single-family residential uses. The allowable uses in the E-1 zone include commercial, employment, and mixed-use development, or potentially under a future Climate Friendly Area designation, apartment uses may be permissible under state rules. In each of these cases, the DEQ cleanup standards for "Urban Residential" would allow for such future development.

Therefore, staff finds that modifying the condition and corresponding restrictive covenant as proposed would allow for development of the property consistent with the comprehensive plan designation for the property. The currently proposed amendment to the deed restriction would clarify that the initial cleanup of the 20-acre site would be to an "urban residential" standard consistent with DEQ standards and requirements, which is compatible with the type of development allowed within an E-1 zone with residential overlay.

The E-1 zoning and inclusion in the Residential and Detail Site Review overlays provide a flexible approach for future development that allows a mix of commercial, employment, and residential uses. The potential inclusion of this area as a Climate Friendly Area (CFA) under the Climate Friendly and Equitable Communities program would further provide opportunities for mixed-use development and increases in residential densities consistent with the Ashland Comprehensive Plan policies that speak to encouraging a mix of uses in close proximity so that people that work and live in the area have the option of making trips by walking or bicycling.

Staff believes the proposed modification of the condition and deed restriction is consistent with the mix of uses and potential configurations that are allowed on the UPRR property under the current zoning. The location in the E-1 zone and the Residential overlay allows residential dwelling units as a special use. As a result, a variety of uses and building and site configurations are possible on the subject property. The amended condition would allow the entirely of the vacant site to be cleaned up to an urban residential standard, with each subsequent development on subdivided parcels to be evaluated independently and cleaned up to the DEQ standard that matches the type and configuration of the uses.

Staff recommends approval of the request for a Major Modification to modify the condition of approval and change the deed restriction that was required in a 2016 planning approval (PA-2016-00684) and subsequently recorded on the vacant 20-acre site owned by UPRR. Staff recommends attaching the following conditions to the approval.

1) All conditions of Planning Action 99-048 shall remain conditions of approval unless otherwise specifically modified herein.

2) That the deed restriction required in condition 9 of PA 99-048, and amended per PA-2016-00684, shall be revised to read as follows:

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property. These land uses correspond with the Department of

Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the grantor providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.

3) That evidence shall be submitted demonstrating that the deed restriction has been revised in accordance with Condition 2 above and recorded prior to issuance of City excavation permit or any site work.

March 23, 2023

Ashland Planning Commission
51 Winburn Way
Ashland, OR 97520

Subject: Modification of Covenant for
Union Pacific Railroad, Ashland Railyard

Dear Ashland Planning Commission,

On behalf of the Union Pacific Railroad Company (UPRR), Jacobs is submitting this request for a Type II public hearing before the Planning Commission regarding modification of an existing covenant on the UPRR Ashland railyard property (site), which is referenced as Parcel 7 of Partition Plan No. P-32-2000. A presentation regarding this covenant modification was given to the City Council on March 21, 2023 and was approved to be brought before the Planning Commission. The existing covenant specifies that the remedial action will achieve cleanup standards applicable to a single residential property, which is inconsistent with the current land use zoning for the site. Modification of the covenant is necessary for consistency with the current zoning and the approved cleanup plan with the Oregon Department of Environmental Quality (ODEQ) for the site.

UPRR is committed to a cleanup agreement for the site with ODEQ through the Voluntary Cleanup Program (VCP). As part of the VCP, a Record of Decision (ROD) for the site was issued by ODEQ in 2001. An updated remediation plan was approved by ODEQ in 2022, which represents a cleanup approach that is based on current data and updated ODEQ guidance. The 2001 ROD specified that the site would be cleaned up to single-family residential standards, which is inconsistent with the current zoning for the property which allows for mixed use commercial and high-density urban residential development (i.e., E-1 with residential overlay).

Due to the potential ambiguity related to the exposure area assumptions used for the single-family residential cleanup calculations, the original covenant on the property from 1999 (Condition 9 of PA 99-048) was amended in 2016 as per PA 2016-00684 to read as follows (with underlining added for emphasis):

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

Because the updated remediation plan is based on current guidance, cleanup levels, and land zoning, an updated ROD for the site will be issued by ODEQ before the cleanup can begin. Before the initiation of the process for issuing a new ROD can begin, the language of the existing covenant must be amended to be consistent with the cleanup approach and the City of Ashland's current land use zoning. UPRR's proposed modifications to PA 2016-00684 are shown below:

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property (i.e., E-1 with residential overlay)~~applicable to a single residential property~~. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of ~~or~~ any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the g~~G~~rantor ~~will provide~~ providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

Modification of the existing covenant is necessary before a new ROD for the site can be issued, and the site cleanup can move forward. It is our understanding that a hearing before the Planning Commission can potentially be scheduled as soon as May 9, 2023. I am planning to attend the hearing in person, on behalf of UPRR, and will be happy to answer any questions pertaining to the modifications needed to the covenant on the property.

Sincerely,
Jacobs

Michael Niemet
Project Manager
541-602-4760
michael.niemet@jacobs.com

Electronic copy only:

John DeJong/Union Pacific Railroad
Robert Bylsma/Union Pacific Railroad
Margaret Oscilia/ODEQ
Jeff Paik/Jacobs

Council Business Meeting

March 21, 2023

Agenda Item	Union Pacific Railroad Restrictive Covenant amendment request	
From	Brandon Goldman	Interim Community Development Director
Contact	Brandon.goldman@ashland.or.us	
Item Type	Requested by Council ☐ Update ☒ Request for Direction ☒ Presentation ☐	

SUMMARY

Before the Council is a request to modify a 2016 deed restriction (Restrictive Covenant) on the Union Pacific Railroad ("UPRR") rail yard property in Ashland. After completion of full-site remediation to DEQ's cleanup standards, the proposed revised deed restriction would allow subdivision and development of individual parcels upon further remediation in conformance with the DEQ risk standards applicable to the proposed actual uses of the parcels and the parcel-specific risks posed by the actual contaminants on them.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan - Economy Element

Goal 7.07.03 To ensure that the local economy increases in its health, and diversifies in the number, type, and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.

Policy 1)The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.
Policy 4) ... the City shall take such actions as are necessary to ensure that economic development can occur in a timely and efficient manner...

BACKGROUND AND ADDITIONAL INFORMATION

In November 1999, the City placed a deed restriction on the Union Pacific Railroad ("UPRR") rail yard property in Ashland. The deed restriction required that the entire property be remediated to DEQ's "Residential" standards before any further development or subdivision could take place, even if the subdivided parcels might be used for purposes like asphalt-capped streets, parking areas, or light industrial or commercial activities. However, the legal language of the originally recorded restriction resulted in years of no progress towards putting the rail yard to beneficial use. The cost of making every possible future subdivided parcel meet the strictest Residential remediation standards, regardless of potential uses, made the property unmarketable and diminished UPRR's incentive to undertake voluntary full-site cleanup.

In April 2015, UPRR proposed remediation of a limited portion of the site containing most of the high concentrations of contaminants, using trucks for transporting outgoing contaminated soil and incoming clean fill. City Council members countered with a request that UPRR conduct a full-site remediation

using rail cars for taking contaminated soils away. UPRR asked the City to consider relaxing the deed restriction. At the January 5, 2016 Council business meeting, Council approved a motion directing staff to initiate the planning process to modify the 1999 deed restriction. Another part of the motion directed staff to try to get agreement from UPRR to clean up the full site as soon as possible and to use rail cars for transporting contaminated soils from the site. Unstated but implicit in the approved motion was the necessity of reaching agreement among the City, UPRR, and DEQ on the wording of the modified deed restriction. The three parties agreed upon revisions to the prior deed restriction, and it was modified in December of 2016 with the following language:

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

Upon review of this amendment, the City, DEQ, and UPRR are concerned that the use of the term "single residential property" to clarify the applicable cleanup standards is inconsistent with the intended future development of the property. Specifically, the City's E-1 (employment zoning) does not permit single-family residential uses. The allowable uses in the E-1 zone would include commercial, employment, and mixed-use development, or potentially under a future Climate Friendly Area designation, apartment uses may be permissible under state rules. In each of these cases, the DEQ cleanup standards for "Urban Residential" would allow for such future development. Therefore, staff finds that modifying the condition and corresponding restrictive covenant as proposed below would allow for development of the property consistent with the comprehensive plan designation for the property.

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the grantor providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

Next Steps

Should the Council authorize staff to seek planning approval to modify the deed restriction to meet "Urban Residential" standards, the anticipated next steps towards realization of full-site remediation include DEQ approval of a cleanup process. Specifically, the cleanup process will include UPRR and DEQ proceeding with the scheduling of a public meeting and presentation to Council regarding the proposed Remediation Plan. Following a public comment period DEQ will render a decision on the proposed remedial actions and enter into a voluntary agreement with UPRR to carry out the cleanup workplan.

The immediate next step should Council be amenable to modifying the restrictive covenant language will be for the City staff to submit to the Planning Commission a request for Major Amendment to modify the existing Planning Action (PA-2016-00684) condition of approval concerning the rail yard's DEQ clearance requirement prior to further subdivision or development. This is the same process that was undertaken in 2016 to amend the 1999 Planning Action (PA-99-048) condition of approval relating to the original subdivision of the property.

FISCAL IMPACTS

There are no noteworthy near-term fiscal impacts. Future development of the railyard site following completion of a DEQ approved remediation plan could yield significant economic activity and City tax revenues.

STAFF RECOMMENDATION

Staff recommends the Council direct the Planning Commission to consider an application for modification of the prior planning condition, and upon approval of such modification that Staff and UPRR execute an amended Restrictive Covenant.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to direct staff to prepare, file, and seek approval of an application for a Major Amendment to replace the condition of approval in PA2016-00684 with the modified condition of approval presented in the April 5, 2016, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards.

DISCUSSION QUESTIONS

Does the Council have any questions about the proposed amendment to the restrictive covenant or process moving forward?

SUGGESTED NEXT STEPS

Next steps include scheduling a public hearing before the Planning Commission to amend the condition of approval as set forth in planning action PA-2016-00684.

REFERENCES & ATTACHMENTS

Attachment #1: UPRR/Jacobs Request for Amendment 03092023
Attachment #2: 2016 UPRR Restrictive Covenant (existing)
Attachment #3: DEQ Response To City Comments dated 03102023

Jacobs

March 9, 2023

Ashland City Council
51 Winburn Way
Ashland, OR 97520

Subject: Modification of Covenant for
Union Pacific Railroad, Ashland Railyard

Dear Ashland City Council,

On behalf of the Union Pacific Railroad Company (UPRR), Jacobs is submitting this request for a hearing before the Ashland City Council. The intent of the hearing is to initiate a subsequent Type II public hearing before the Planning Commission regarding modification of an existing covenant on the UPRR Ashland railyard property (site), which is referenced as Parcel 7 of Partition Plan No. P-32-3000. The existing covenant specifies that the remedial action will achieve cleanup standards applicable to a single residential property, which is inconsistent with the current land use zoning for the site. Modification of the covenant is necessary for consistency with the current zoning and the approved cleanup plan with the Oregon Department of Environmental Quality (ODEQ) for the site.

UPRR is committed to a cleanup agreement for the site with ODEQ through the Voluntary Cleanup Program (VCP). As part of the VCP, a Record of Decision (ROD) for the site was issued by ODEQ in 2001. An updated remediation plan was approved by ODEQ in 2022, which represents a cleanup approach that is based on current data and updated ODEQ guidance. The 2001 ROD specified that the site would be cleaned up to single-family residential standards, which is inconsistent with the current zoning for the property which allows for mixed use commercial and high-density urban residential development (i.e., E-1 with residential overlay).

Due to the potential ambiguity related to the exposure area assumptions used for the single-family residential cleanup calculations, the original covenant on the property from 1999 (Condition 9 of PA 99-048) was amended in 2016 as per PA 2016-00684 to read as follows (with underlining added for emphasis):

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

Because the updated remediation plan is based on current guidance, cleanup levels, and land zoning, an updated ROD for the site will be issued by ODEQ before the cleanup can begin. Before the initiation of the process for issuing a new ROD can begin, the language of the existing covenant must be amended to be consistent with the cleanup approach and the City of Ashland's current land use zoning. UPRR's proposed modifications to PA 2016-00684 are shown below:

> *Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property (i.e., E-1 with residential overlay)~~applicable to a single residential property~~. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the g~~Grantor will provide~~ providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.*

In conclusion, UPRR is requesting the Ashland City Council recommend that the Planning Commission modify the existing covenant on the property. Modification of the covenant is necessary before a new ROD for the site can be

Jacobs

issued, and the site cleanup can move forward. It is our understanding that the City Manager has added this item to the Council's look-ahead calendar on March 21, 2023, as "Union Pacific - Amendment to Restrictive Covenant for Railroad Yard Property". I am planning to attend the hearing in person, on behalf of UPRR, and will be happy to answer any questions pertaining to the amendments needed to the covenant on the property.

Sincerely,
Jacobs

Michael Niemet
Project Manager
541-602-4760
michael.niemet@jacobs.com

Electronic copy only:

John DeJong/Union Pacific Railroad
Robert Bylsma/Union Pacific Railroad
Margaret Oscilia/ODEQ
Jeff Paik/Jacobs

Return Document to:

Barbara Christensen,
City Recorder,
20 East Main,
Ashland, OR 97520

CITY OF ASHLAND
AMENDMENT TO CLEANUP RESTRICTION COVENANT

Owner: Union Pacific Railroad	Property Address: Not Applicable Property Description: Parcel 7 of Partition Plat No. P-32-2000 Index Volume 11 Page 32 in the Record of Partition Plats in Jackson County, Oregon, Jackson County Survey File No. 16528
Planning Action: 2016-00684	Consideration: $Zero, but relief from restrictions of use of the property, the sufficiency of which the Owner deems sufficient.
Name of Development: City of Ashland Planning Action 99-048	

As Owner of the property listed above, Owner hereby consents to the following restrictive covenant as required by the City of Ashland by ordinance in order to permit land use activities on the Subject Property that affect legal rights landowners have in their land. This restrictive covenant is to be binding upon Owner, its heir(s), executors, and assigns, and it is Owner's express intention that this restrictive covenant shall run with the land, and shall be binding upon future owners of the property.

RECITALS

A. As a condition of approval in a City of Ashland Planning Action (PA) 99-048, a Restriction Covenant was recorded on the property and the following notation was included on Parcel 7 of Partition Plat No. P-32-2000 Index Volume 11 Page 32 in the Record of Partition Plats in Jackson County, Oregon, Jackson County Survey File No. 16528.

> "As a condition of approval of this plat, the City of Ashland has required the following statement: Parcel 7 is restricted from further development or land division until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the city form the Department of Environmental Quality."

B. On June 28, 2016 and after a properly noticed public hearing, the City of Ashland Planning Commission approved the following change to the original condition, as of record Planning Action 2016-00684:

> "2) That the deed restriction required in condition 9 of PA 99-048 shall be revised to read as follows
>
> > *Parcel 7 is restricted form further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City."*

C. All periods for appeal to land use decision of PA 2016-00684 have expired; and

THEREFORE, the City has established lawful authority, to which Owner voluntarily consents and agrees, to amend PA 99-048 as follows:

AMENDED RESTRICTION COVENANT

City approves and Owner acknowledges and agrees:

1. The recitals set forth above are hereby incorporated as substantive to this Amended Restriction Covenant.

2. Reference in PA 99-048, the deed, or Partition Plan No. P-32-3000 to the original condition of approval for Parcel 7 from PA 99-048 on 11/9/199, which specifically reads:

> "As a condition of approval of this plat, the City of Ashland has required the following statement: Parcel 7 is restricted from further development or land division until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the city form the Department of Environmental Quality."

is removed as a condition and replaced with the amended condition that is a final land use decision as approved by the Planning Commission in Planning Action 2016-00684 as follows:

> *"Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City."*

4. Except as modified above the terms of the City of Ashland Planning Action 99-048 shall remain in full force and effect.

CITY OF ASHLAND:

By: John Karns
John Karns, Interim City Administrator

OWNER: UNION PACIFIC RAILROAD

By Tony K. Love
TONY K. LOVE
Assistant Vice President - Real Estate

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared before me this 19th day of December, **2016, John Karns, and Interim City Administrator the City of Ashland, Oregon**, and acknowledged the foregoing instrument to be his voluntary act and deed.

OFFICIAL STAMP
DIANA RENEE SHIPLET
NOTARY PUBLIC-OREGON
COMMISSION NO. 932046
MY COMMISSION EXPIRES OCTOBER 02, 2018

Diana R. Shiplet
Notary Public for Oregon
My Commission Expires: October 2, 2018

STATE OF ~~OREGON~~ Nebraska)
) ss.
County of ~~Jackson~~ Douglas)

Personally appeared before me this 31st day of March, 2017, Tony K. Love, and acknowledged the foregoing instrument to be his voluntary act and deed.

General Notary - State of Nebraska
GREGG A. LARSEN
My Comm. Exp. Aug. 28, 2020.

Greg A Larsen
Notary Public for ~~Oregon~~ Nebraska
My Commission Expires: August 28, 2020

Oregon
Tina Kotek, Governor

Department of Environmental Quality
Western Region Salem Office
4026 Fairview Industrial Dr SE
Salem, OR 97302
(503) 378-8240
FAX (503) 373-7944
TTY 711

March 10, 2023

Brandon Goldman
20 East Main Street
Ashland, Oregon 97520

Re: Response to Comments
October 2022 Staff Report Recommended Revision of the Remedial Action
ECSI #1146 Union Pacific Railroad Ashland Rail Yard

Dear Brandon Goldman,

Thank you for providing questions and comments regarding the *Staff Report Recommended Revision of the Remedial Action* dated October 2022. Please see below questions and comments from the City of Ashland in the letter dated December 6, 2022 followed by DEQ's responses:

1) *The proposed cleanup plan relies on the assumption that the highest land use allowed for the western nine acres of the site will be an "urban residential" use scenario. Please provide a detailed plain language explanation of the "urban residential" land use scenario, including how the exposure assumptions differ from a "Single Family Residential" scenario. Note that the zone for this property (E-1) will allow some degree of residential occupation on the first floor of multi-floor mixed use buildings, as is currently the case adjacent to the railyard property on Clear Creek Drive.*

DEQ Response: DEQ's urban residential land use scenario assumes development with any combination of apartments, condos, or townhomes with minimal yard space maintained by the homeowner. Land use may also include mixed use commercial-residential buildings with residents on the first floor. Single family residential land use is assumed to include homes on larger lots (typically greater than 5,000 square ft) where landscaping is maintained by the owner, and the expected exposure duration would be longer than urban residential.

2) *How was the urban residential exposure frequency of 175 days/year established, as noted in Table 1? Can this be reconciled with the City's mixed use zoning designation for the property that allows a portion of the first floor to have residential occupation?*

DEQ Response: 175 days/year is the default exposure frequency used in DEQ's human health risk assessment guidance for urban residential. Risk assessment for the urban residential scenario includes half the exposure time, but the same consumption rate as single family residential. DEQ's urban residential scenario does account for apartment buildings with residence on first floor.

3) *It is not clear why DEQ's site specific cleanup goal for lead is indicated as 1,000 mg/kg, yet the urban residential risk-based concentration is shown in Table 1 as 400 mg/kg. The site-specific risk-based*

concentrations for all other contaminants in Table 1 are shown as being the same as urban residential RBCs.

DEQ Response: Table 1 will be revised to show 400 mg/kg as the site-specific cleanup goal for lead with a footnote added to the Final Site-Specific Goal column header that states, "The Final Site-Specific Cleanup Goals will be compared to the Exposure Point Concentrations (EPCs) calculated from the 90% upper confidence limits within a given exposure area." The EPC calculated from the 90% upper confidence limits of current lead concentrations within the western 8.7 indicated acceptable risk for residential, urban residential, and occupational exposure scenarios when compared to the RBC of 400 mg/kg. Some of the lead concentrations included in the EPC calculations exceeded 400 mg/kg and 1,000 mg/kg. Although the western 8.7 acres has a calculated acceptable risk for lead, DEQ commented in its review of the revised risk assessment[1] that concentrations of lead above 1,000 mg/kg should still be addressed on the western 8.7 acres as part of a risk management strategy.

4) Except briefly in Section 3.1.1, The draft staff report omits any explanation of the 2016/2017 cleanup plan, including total volume of contaminated soil to be excavated or that the soil was proposed to be moved off-site. We request a clear explanation and rationale for why the 2022 cleanup plan is significantly less extensive than the one proposed in 2017. The previous cleanup plan was painstakingly developed with extensive community involvement and the new plan should include a public explanation of how it provides at least an equivalent level of site mitigation and public health protection.

DEQ Response: A more thorough explanation of changes since the 2016/2017 cleanup plan will be included in the final Record of Decision (ROD). Changes to DEQ RBCs for contaminants of concern at the Site required less cleanup to meet urban residential exposure requirements. Capping excavated soil on-site addresses community concerns about transporting the impacted soil through town. Since this cleanup is being done voluntarily by UPRR, they have significant leeway as to how they want to implement a remedial action as long as it is protective of human health. The remedy as proposed in the Staff Report is protective for urban residential and commercial use. The current plan will remove pockets of high levels of contamination that previously would not have been removed.

5) Similarly, the Administrative Record included in the draft staff report omits reference to the 2008 and 2016/2017 cleanup plans. These past documents were publicly available and are expected to be an important part of the project record for community members.

DEQ Response: Reference to the 2008 and 2016/2017 cleanup plans will be included in the Administrative Record in the final ROD.

6) The draft staff report indicates that a deed restriction will be imposed by DEQ requiring its approval before any portion of the eastern three acres of the railyard be subdivided or redeveloped in the future. The staff report should explicitly state that additional site investigation and cleanup work would be required before approval of any land development or site work. How does DEQ contemplate the city's role in this process, including notification and consultation with city planning staff about proposed local

[1] Oregon Department of Environmental Quality (ODEQ). 2019. Comments on the Supplemental Remedial Investigation/Feasibility Study Risk Evaluation 2nd Revision dated June 5, 2019. November 5.

land use changes and requirements for additional environmental work? An outline of DEQ's review and approval process of a proposed subdivision or redevelopment should be provided, including a reference to DEQ's anticipated evaluation criteria and requirements for public notice and comment.

DEQ Response: DEQ anticipates that the City would be notified of a potential subdivision, development, or land use changes through the local permitting process. The requirements and process for notifying DEQ will be outlined in the Site deed restriction, also known as an Environmental Protection Easement and Equitable Servitude (EES) document, that accompanies the property deed. If DEQ determines that additional investigation or cleanup is required, then the identified responsible party would likely have to follow the usual DEQ cleanup process including a work plan review, and possible site investigation, feasibility study, public notification, ROD, remedial design, and closure. DEQ would continue our collaborative communication with the City of Ashland and follow a process similar to that outlined in the following *DRAFT Public Involvement Phases of the UPRR Ashland ROD and Remedial Action.*

7) It appears that DEQ does not contemplate any limitations (e.g., deed restrictions) for the western nine acres of the railyard as long as it is used for commercial, industrial, or urban residential purposes. Since the risk assessment evaluated human exposures of this parcel using hypothetical 1-acre polygons as shown in Figure 5, is it possible that risk assessment outcomes would be different when the western nine acres is subdivided into a different configuration, other than the one acre lots shown in Figure 5?

DEQ Response:

State deed restriction(s) consisting of an EES will be applied to the western 8.7-acres and agreed on by UPRR and DEQ to define controls used to:

- Restrict site use to urban-residential and/or commercial use; and
- Restrict development or subdivision without additional assessment and/or approval from DEQ.

DEQ would need to review and approve any request to subdivide or develop either the western 8.7-acres or the eastern 3-acres to verify that development meets allowed land use requirements and that a subdivision does not result in unacceptable risk within any of the proposed subdivided parcels. DEQ would conduct a risk evaluation similar to how the hypothetical 1-acre subdivisions were considered, but evaluation areas and locations would be based on the proposed subdivision.

8) How did DEQ establish that groundwater beneficial use has not changed since the 2001 ROD? Were Oregon Dept. of Water Resources records reviewed for possible new water wells drilled near the site since 2001? Since water supply is often a big concern to our community, possible use of groundwater for irrigation in the future might be a concern and should be acknowledged in the report.

DEQ Response: A beneficial water use survey has not been conducted since 2001, however changes in water use in this area are unlikely based on requirements for new developments to connect to City water. To be certain, DEQ will include an updated beneficial water use survey in the revised ROD. DEQ can also include groundwater use restrictions in the EES if there is concern about possible future use and climate change and resource demands, etc.

Also, the likelihood that contaminants will migrate to off-site supply wells and affect current and/or future, reasonably likely, beneficial use is minimal. Groundwater is first encountered at the Site within the silt/clay unit and/or discontinuous sand unit at depths between approximately 6 and 20 feet below ground surface. A dense sandy silt unit (weathered bedrock) is located below this shallow water-bearing formation and above a deeper water bearing zone. Groundwater for beneficial use in the Site vicinity is drawn from the deep aquifer at depths greater than 60 to 100 feet below ground surface. Site contaminants of concern (Bunker C Oil and diesel) were detected in shallow groundwater. The likelihood that Bunker C oil and diesel will migrate to off-site supply wells and affect current and/or future, reasonably likely, beneficial use is minimal because: the viscous properties of Bunker C Oil limit its mobility; the vertical separation between the impacted shallow groundwater and the deeper aquifer utilized for beneficial use is at least 40 to 60 feet, containing at least 20 to 40 feet of bedrock; and cross-contamination of the deeper aquifer by a future installation of a well or borehole through contaminated shallow soil or groundwater is minimized through the use of Oregon well construction standards.

9) Two areas with high lead concentrations are targeted for cleanup, as well as one area with high arsenic. Sample resolution in these areas was very limited in past site investigations, so how were polygons determined for the excavations shown in Fig 6? The report should acknowledge the importance of future confirmation sampling when excavation occurs, to ensure removal of soil exceeding the cleanup criteria.

DEQ Response: This information will be added to the final ROD. Confirmation sampling will be required after excavation and removal of contaminated soil. Regarding the excavation areas, the Site risk assessment showed that arsenic was the primary contaminant risk driver, with lead being a secondary driver. Figure 6 shows the sample locations where the arsenic and lead samples exceeded 30 mg/kg and 1,000 mg/kg, respectively. Contiguous rectangular polygons were drawn around sample locations with arsenic and lead exceedances within the 8.7-acre western area to form the remedial action target areas. Each of the rectangular polygons has a minimum dimension of 50 feet in all directions from the sample location. Adjacent areas were extended and connected when there were no clean samples in between. All the arsenic and lead samples to be addressed were in the upper 1.5 feet of the 0- to 3-foot depth horizon of the surface soil, therefore, all the target areas extend to a depth of 1.5 feet.

10) The report briefly acknowledges the presence of significant volumes of subsurface soil saturated with Bunker C oil (NAPL, or non-aqueous phase liquids) in the eastern parcel, and the potential for direct contact with Bunker C oil for future construction or excavation workers. Unlike the September 2016 Remedial Action Workplan, there is no acknowledgement of the estimated extent or volume of these NAPL areas, previously estimated by UP and DEQ as 5,400 cubic yards. For better transparency, shouldn't the three estimated Bunker C areas be shown graphically in Figure 5 (Hypothetical Future Exposure Areas) to address anticipated public concerns about future exposure to subsurface NAPL (similar to how they were shown in the 2016 plan)?

DEQ Response: DEQ will include the estimated extent and volume of NAPL areas in the final ROD. However, there is significant uncertainty associated with both estimates, which will be noted in any graphics or estimates.

11) Regarding the three areas of soil saturated with Bunker C oil, it is evident that the proposed capping and securing of the three eastern acres of the railyard will possibly result in entombing this contamination in perpetuity, rather than eliminating it. How will DEQ address possible community concerns about the stigma of such legacy contamination remaining in an area that will be surrounded by development at some point in the future? Should monitoring wells be required to assure the entombing is effective in protecting the community's groundwater? As a practical matter, the proposed capping of the eastern three acres would appear to add little or no value to the local community, including expansion of the local tax base, facilitating economic growth, or taking development pressures off of undeveloped, open land elsewhere in Ashland or Jackson County. This concern may be important given the City of Ashland's obligation to address State of Oregon statutory goals and policy requirements for Climate Friendly and Equitable Communities.

DEQ Response: Leaving pockets of non-mobile petroleum in-place to degrade naturally is commonplace with the redevelopment of former industrial sites. Acceptable risk for the Site has been demonstrated in the risk assessment with the Bunker C contamination remaining in-place. This is because petroleum compounds are relatively non-toxic, and the toxicity decreases over time as it degrades and weathers. DEQ will attempt to address community concerns by engaging the public to inform them of the proposed plan and gain their input. DEQ does not feel that monitoring is required for the Bunker C based on its observed immobility and age. Clearing the western 8.7 acres for urban residential and/or commercial use will offer opportunities for development. After capping, the eastern 3 acres will also be available for development, recreation or greenspace.

12) The plan states that institutional controls are not uncommon for former industrial properties and if long term management is done properly, they all can be reliable. How will this be assured, and by whom, and with what processes? This would appear to be especially relevant given the current challenges with local and state government staff turnover during these long-term projects.

DEQ Response: Sites with institutional controls are recorded in the DEQ database and property owners are required to provide DEQ environmental reviews typically every five years. This process will be detailed in an EES attached to the property deed.

13) *For the selected alternative, the staff report indicates that "...clean backfill will include 2,710 cubic yards to fill in the excavation areas on the west side plus an additional 2,870 cubic yards to supplement the consolidated soil on the eastern side and fill in the former holding pond depressions." How will the clean soil backfill be delineated from underlying contaminated soil, to facilitate the possibility of future site investigation and cleanup that might be required in the eastern capped parcel? Given the current plan does not anticipate the removal or soil from the site, what is the anticipated site elevation profile following the introduction of the required backfill in relationship to the adjacent properties?*

DEQ Response: The excavation areas in the western 8.7 acres and the pre-remediation topography of the eastern 3 acres will be surveyed. Construction barriers may be used to delineate impacted material from cap material in the eastern 3 acres. Details of the final grading elevations and the use of any construction barriers will be included in the remedial design.

14) The plan states that: "The eastern three-acre area will be fenced to limit access". The fencing installed several years ago by UP to secure the contaminated railyard area have proven to be unreliable for preventing access. How will the proposed fencing be made more secure in perpetuity to prevent unauthorized access? Will signage be posted with information and contact information for citizen inquiries? City staff request an opportunity to review and comment on UP's soil management plan, contaminated media management plan, and cap O&M plan before final DEQ approval.

DEQ Response: These details will be included in the final ROD. DEQ believes a locked gate and sign are adequate to secure the Site. An annual inspection of the cap and fence will be included as part of the Operations and Maintenance (O&M) Plan for the Site after the cleanup remedy has been completed. There is no immediate health risk to trespassers in the Site's current condition and there will be no immediate health risk to trespassers upon cleanup completion. The purpose of the fence is primarily to discourage vagrancy and prevent potential damage to the cap until the property is developed. UPRR also has a no-trespass agreement in place with the Ashland Police Department for the property.

A soil management plan/contaminated media management plan and O&M Plan are typically included in a Remedial Action Completion report and the final EES attached to the property deed. There will be a public comment period on these documents after the ROD cleanup remedy is complete and before Site closure.

15) The staff report briefly acknowledges the need for a new Record of Decision as part of this cleanup. Please include a summary of DEQ's administrative process for making environmental cleanup decisions for this property, including the likelihood of a Certificate of Completion when the cleanup is done. This summary should include DEQ's public involvement milestones as part of its cleanup process going forward.

DEQ Response: Once the public comment period has ended for the Staff Report, DEQ will prepare a final ROD to include a detailed description of the final remedial action. DEQ will then oversee implementation and documentation of the cleanup in conformance with the ROD. DEQ will enter into an RD/RA agreement with UPRR to define implementation timeline and requirements for the remedial action. DEQ will also review a remedial action and remedial design work plan before implementation for cleanup. The responsible party will submit a Remedial Action Completion Summary Report when cleanup is complete. If DEQ determines the cleanup has been performed as directed by the ROD, the regulatory process is complete. DEQ will provide public notice of cleanup completion and allow 30 days for submission of comments or questions. Then DEQ issues a document to the Site owner called a No Further Action letter/Certificate of Completion. Sites may carry long-term requirements that are recorded on their deeds, such as ongoing monitoring and development restrictions, when necessary. Below is a more detailed draft outline of the UPRR Ashland ROD and Remedial Action process with anticipated public involvement milestones:

DRAFT UPRR Ashland ROD and Remedial Action Process and Public Involvement
City Covenant
Revise City Cleanup Restriction Covenant
DEQ Staff Report
DEQ holds 30-day comment period on Staff Report (Draft ROD), including public meeting and presentation to City Council
ROD
DEQ Signs ROD – *provide CC to City*
Remedial Design/Remedial Action (RD/RA)
Enter into RD/RA Voluntary Agreement with UPRR for implementation of the ROD
RD/RA Work Plan prepared for DEQ review
DEQ approve final RD/RA work plan – *provide CC to City*
Remedial Design prepared for DEQ Review
DEQ approve final Remedial Design
Remedial Action
Remedial Action implementation (earthwork)
Remedial Action Completion Summary Report with CMMP/Cap Maintenance Plan(s) drafted for DEQ review
Easement and Equitable Servitude (EES) documents drafted by DEQ and UPRR
CMMP/Cap Maintenance Plans and EES documents reviewed and commented on by DEQ – *provide CC to City*
Public Comment
DEQ holds 30-day comment period on Remedial Action Completion, including draft CMMP/Cap Maintenance Plans and EES documents
Remedial Action Completion
DEQ responds to comments on remedial action completion – *provide CC to City*
EES documents and attachments signed and recorded
DEQ issues NFA/Cert of Completion – *provide CC to City*
City removes Cleanup Restriction Covenant

16) Before DEQ issues its Certificate of Completion when it deems the cleanup is complete, the City requests a public involvement process that is consistent with what is being planned in late 2022 and early 2023 for the proposed cleanup plan. This should include a 60-day public comment period, at least one DEQ-hosted public meeting, a presentation to the Ashland City Council, and continued collaboration with city staff on public communications.

DEQ Response: DEQ anticipates having a 30-day public comment period of the Remedial Action Completion report and follow the typical public notice process before a certificate of completion is processed or NFA is issued, including: Publication of a notice and brief description of the proposed action in a local paper of general circulation and in the Secretary of State's Bulletin, and continued collaboration with city staff on public communications.

I hope the information in this letter addresses your current questions and concerns. Please contact me at (503) 726-6522 with any additional questions. I can also be reached via e-mail at margaret.oscilia@deq.oregon.gov

Sincerely,

Margaret L Oscilia

Margaret L. Oscilia, P.E.
Project Manager
Western Region Cleanup and Emergency Response

Translation or other formats
Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Non-discrimination statement
DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's Civil Rights and Environmental Justice page.

Council Business Meeting March 21, 2023

Updated Potential Motion

Union Pacific Railroad Restrictive Covenant amendment request

For the Union Pacific Railroad Restrictive Covenant amendment request the potential motion included in the Council Communication references the wrong meeting date, and as such a corrected motion referencing this evening's Council Communication is provided below.

"I move to direct staff to prepare, file, and seek approval of an application for a Major Amendment to replace the condition of approval in PA2016-00684 with the modified condition of approval presented in the ~~April 5, 2016~~ **March 21, 2023**, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards."

Modified condition of approval presented March 21, 2023, Council Communication:

> "Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the grantor providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City."

CITY OF
ASHLAND

Background
Union Pacific Railroad Property

June 2016 (Public Notice)
A request to amend a deed restriction that was required in a 1999 planning approval (PA 99-048) and recorded on the vacant 20-acre site owned by Union Pacific Railroad. The original deed restriction required that the 20-acre site be cleaned up to the Oregon Department of Environmental Quality's (DEQ) residential standard before further land divisions or development occur. The proposed revision to the deed restriction clarifies the timing and type of clean up for consistency with DEQ standards so that:
1) before the 20-acre site can be divided into smaller lots or developed, the initial cleanup of the 20-acre site would be to the residential standard and
2) future subdivided lots would have to be cleaned up to the standard DEQ requires for the proposed use of the individual lots: the "occupational" standard for retail, office, or light industrial uses; the "residential" standard for ground level housing.

Prior Planning History

- In 2000 the yard was rezoned to E-1 with residential overlay; it was partitioned into seven parcels. Parcel 7 includes the former active portion of the yard which is the subject of the clean up. As a conditioning of the partitioning, the City of Ashland restricted further development or land division of Parcel 7 until the property had been cleaned to "residential standards", with written compliance provided by DEQ.

- In 2000, the City received a grant to develop a transportation and land use plan for the railroad property. A series of public "charettes" were held that included participation from residents, property owners, elected and appointed official and state and local government agencies. The result of the process was the production of the draft Railroad Property Master Plan. The primary elements of the draft plan include conceptual drawings for various segments of the area, street and open space plans and the identification of neighborhood overlays with suggested design standards and code language.

- In 2001 the DEQ prepared the Record of Decision (ROD) for the railroad property. The ROD includes environmental site assessments and investigation results, extent of impacts relative to risk-based concentrations, remedial action objectives and alternatives, public notice and responses to comments, etc. Further the ROD references the City's condition that the site is cleaned to residential standards, prior to development or land division, with written compliance provided by DEQ.

- In 2006, UPPR submitted to DEQ a Remedial Action Work Plan which detailed the excavation and off-site disposal of the contaminated soils. DEQ raised concerns with the background level for arsenic levels presented in the ROD and the public raised concern with the number of large trucks hauling soil to and from the site. The City requested the soil be removed by rail. NOTE: Since 2006, DEQ has determined the level of arsenic found at the site is consistent with arsenic levels in other areas of southern Oregon. Apparently, soil in southern Oregon has naturally occurring levels of arsenic that are greater than the norm for other parts of the State.

- In 2012, UPPR submitted a revised the Remedial Action Plan to DEQ with the soil being removed by rail as requested by the City in 2006. The plan is a partial clean up and a phased work plan.

    - In September 2012, UPRR and DEQ presented an overview of the plan to the Ashland City Council during a study session.

- In 2013, DEQ met with city staff to clarify the partial cleanup: there are three areas of the property that must be cleaned and the plan calls for cleanup for two of the three areas. DEQ supports that plan but has advised UPRR that a deed restriction will be placed on the property requiring the remaining area to be cleaned as required by the City's 2000 condition of partitioning.

- September 2016 an Updated Remedial Action Work Plan Union Pacific Railroad was submitted to DEQ by CH2MHill on behalf of UPRR

- September 2017 concentrations of contaminants were recalculated for the single sitewide exposure following an update of risk based screening levels, leading to a change in the remedial action without conducting soil removal.

Return Document to:

Barbara Christensen,
City Recorder,
20 East Main,
Ashland, OR 97520

CITY OF ASHLAND
AMENDMENT TO CLEANUP RESTRICTION COVENANT

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THEREFORE, the City has established lawful authority, to which Owner voluntarily consents and agrees, to amend PA 99-048 as follows:

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1. The recitals set forth above are hereby incorporated as substantive to this Amended Restriction Covenant.

2. Reference in PA 99-048, the deed, or Partition Plan No. P-32-3000 to the original condition of approval for Parcel 7 from PA 99-048 on 11/9/199, which specifically reads:

> "As a condition of approval of this plat, the City of Ashland has required the following statement: Parcel 7 is restricted from further development or land division until the property has been cleaned to residential standards. Written compliance with these standards shall be provided to the city form the Department of Environmental Quality."

is removed as a condition and replaced with the amended condition that is a final land use decision as approved by the Planning Commission in Planning Action 2016-00684 as follows:

> *"Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City."*

4. Except as modified above the terms of the City of Ashland Planning Action 99-048 shall remain in full force and effect.

CITY OF ASHLAND:

By: John Karns
John Karns, Interim City Administrator

OWNER: UNION PACIFIC RAILROAD

By Tony K Love
TONY K. LOVE
Assistant Vice President - Real Estate

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared before me this 19th day of December, **2016**, **John Karns, and Interim City Administrator the City of Ashland, Oregon**, and acknowledged the foregoing instrument to be his voluntary act and deed.

OFFICIAL STAMP
DIANA RENEE SHIPLET
NOTARY PUBLIC-OREGON
COMMISSION NO. 932046
MY COMMISSION EXPIRES OCTOBER 02, 2018

Notary Public for Oregon
My Commission Expires: October 2, 2018

STATE OF ~~OREGON~~ Nebraska)
) ss.
County of ~~Jackson~~ Douglas)

Personally appeared before me this 31st day of March, 2017, Tony K. Love, and acknowledged the foregoing instrument to be his voluntary act and deed.

General Notary - State of Nebraska
GREGG A. LARSEN
My Comm. Exp. Aug. 28, 2020.

Notary Public for ~~Oregon~~ Nebraska
My Commission Expires: August 28, 2020

Oregon
Tina Kotek, Governor

Department of Environmental Quality
Western Region Salem Office
4026 Fairview Industrial Dr SE
Salem, OR 97302
(503) 378-8240
FAX (503) 373-7944
TTY 711

March 10, 2023

Brandon Goldman
20 East Main Street
Ashland, Oregon 97520

Re: Response to Comments
October 2022 Staff Report Recommended Revision of the Remedial Action
ECSI #1146 Union Pacific Railroad Ashland Rail Yard

Dear Brandon Goldman,

Thank you for providing questions and comments regarding the *Staff Report Recommended Revision of the Remedial Action* dated October 2022. Please see below questions and comments from the City of Ashland in the letter dated December 6, 2022 followed by DEQ's responses:

1) *The proposed cleanup plan relies on the assumption that the highest land use allowed for the western nine acres of the site will be an "urban residential" use scenario. Please provide a detailed plain language explanation of the "urban residential" land use scenario, including how the exposure assumptions differ from a "Single Family Residential" scenario. Note that the zone for this property (E-1) will allow some degree of residential occupation on the first floor of multi-floor mixed use buildings, as is currently the case adjacent to the railyard property on Clear Creek Drive.*

DEQ Response: DEQ's urban residential land use scenario assumes development with any combination of apartments, condos, or townhomes with minimal yard space maintained by the homeowner. Land use may also include mixed use commercial-residential buildings with residents on the first floor. Single family residential land use is assumed to include homes on larger lots (typically greater than 5,000 square ft) where landscaping is maintained by the owner, and the expected exposure duration would be longer than urban residential.

2) *How was the urban residential exposure frequency of 175 days/year established, as noted in Table 1? Can this be reconciled with the City's mixed use zoning designation for the property that allows a portion of the first floor to have residential occupation?*

DEQ Response: 175 days/year is the default exposure frequency used in DEQ's human health risk assessment guidance for urban residential. Risk assessment for the urban residential scenario includes half the exposure time, but the same consumption rate as single family residential. DEQ's urban residential scenario does account for apartment buildings with residence on first floor.

3) *It is not clear why DEQ's site specific cleanup goal for lead is indicated as 1,000 mg/kg, yet the urban residential risk-based concentration is shown in Table 1 as 400 mg/kg. The site-specific risk-based*

concentrations for all other contaminants in Table 1 are shown as being the same as urban residential RBCs.

DEQ Response: Table 1 will be revised to show 400 mg/kg as the site-specific cleanup goal for lead with a footnote added to the Final Site-Specific Goal column header that states, "The Final Site-Specific Cleanup Goals will be compared to the Exposure Point Concentrations (EPCs) calculated from the 90% upper confidence limits within a given exposure area." The EPC calculated from the 90% upper confidence limits of current lead concentrations within the western 8.7 indicated acceptable risk for residential, urban residential, and occupational exposure scenarios when compared to the RBC of 400 mg/kg. Some of the lead concentrations included in the EPC calculations exceeded 400 mg/kg and 1,000 mg/kg. Although the western 8.7 acres has a calculated acceptable risk for lead, DEQ commented in its review of the revised risk assessment[1] that concentrations of lead above 1,000 mg/kg should still be addressed on the western 8.7 acres as part of a risk management strategy.

4) Except briefly in Section 3.1.1, The draft staff report omits any explanation of the 2016/2017 cleanup plan, including total volume of contaminated soil to be excavated or that the soil was proposed to be moved off-site. We request a clear explanation and rationale for why the 2022 cleanup plan is significantly less extensive than the one proposed in 2017. The previous cleanup plan was painstakingly developed with extensive community involvement and the new plan should include a public explanation of how it provides at least an equivalent level of site mitigation and public health protection.

DEQ Response: A more thorough explanation of changes since the 2016/2017 cleanup plan will be included in the final Record of Decision (ROD). Changes to DEQ RBCs for contaminants of concern at the Site required less cleanup to meet urban residential exposure requirements. Capping excavated soil on-site addresses community concerns about transporting the impacted soil through town. Since this cleanup is being done voluntarily by UPRR, they have significant leeway as to how they want to implement a remedial action as long as it is protective of human health. The remedy as proposed in the Staff Report is protective for urban residential and commercial use. The current plan will remove pockets of high levels of contamination that previously would not have been removed.

5) Similarly, the Administrative Record included in the draft staff report omits reference to the 2008 and 2016/2017 cleanup plans. These past documents were publicly available and are expected to be an important part of the project record for community members.

DEQ Response: Reference to the 2008 and 2016/2017 cleanup plans will be included in the Administrative Record in the final ROD.

6) The draft staff report indicates that a deed restriction will be imposed by DEQ requiring its approval before any portion of the eastern three acres of the railyard be subdivided or redeveloped in the future. The staff report should explicitly state that additional site investigation and cleanup work would be required before approval of any land development or site work. How does DEQ contemplate the city's role in this process, including notification and consultation with city planning staff about proposed local

[1] Oregon Department of Environmental Quality (ODEQ). 2019. Comments on the Supplemental Remedial Investigation/Feasibility Study Risk Evaluation 2nd Revision dated June 5, 2019. November 5.

land use changes and requirements for additional environmental work? An outline of DEQ's review and approval process of a proposed subdivision or redevelopment should be provided, including a reference to DEQ's anticipated evaluation criteria and requirements for public notice and comment.

DEQ Response: DEQ anticipates that the City would be notified of a potential subdivision, development, or land use changes through the local permitting process. The requirements and process for notifying DEQ will be outlined in the Site deed restriction, also known as an Environmental Protection Easement and Equitable Servitude (EES) document, that accompanies the property deed. If DEQ determines that additional investigation or cleanup is required, then the identified responsible party would likely have to follow the usual DEQ cleanup process including a work plan review, and possible site investigation, feasibility study, public notification, ROD, remedial design, and closure. DEQ would continue our collaborative communication with the City of Ashland and follow a process similar to that outlined in the following *DRAFT Public Involvement Phases of the UPRR Ashland ROD and Remedial Action.*

7) It appears that DEQ does not contemplate any limitations (e.g., deed restrictions) for the western nine acres of the railyard as long as it is used for commercial, industrial, or urban residential purposes. Since the risk assessment evaluated human exposures of this parcel using hypothetical 1-acre polygons as shown in Figure 5, is it possible that risk assessment outcomes would be different when the western nine acres is subdivided into a different configuration, other than the one acre lots shown in Figure 5?

DEQ Response:

State deed restriction(s) consisting of an EES will be applied to the western 8.7-acres and agreed on by UPRR and DEQ to define controls used to:

- Restrict site use to urban-residential and/or commercial use; and
- Restrict development or subdivision without additional assessment and/or approval from DEQ.

DEQ would need to review and approve any request to subdivide or develop either the western 8.7-acres or the eastern 3-acres to verify that development meets allowed land use requirements and that a subdivision does not result in unacceptable risk within any of the proposed subdivided parcels. DEQ would conduct a risk evaluation similar to how the hypothetical 1-acre subdivisions were considered, but evaluation areas and locations would be based on the proposed subdivision.

8) How did DEQ establish that groundwater beneficial use has not changed since the 2001 ROD? Were Oregon Dept. of Water Resources records reviewed for possible new water wells drilled near the site since 2001? Since water supply is often a big concern to our community, possible use of groundwater for irrigation in the future might be a concern and should be acknowledged in the report.

DEQ Response: A beneficial water use survey has not been conducted since 2001, however changes in water use in this area are unlikely based on requirements for new developments to connect to City water. To be certain, DEQ will include an updated beneficial water use survey in the revised ROD. DEQ can also include groundwater use restrictions in the EES if there is concern about possible future use and climate change and resource demands, etc.

Also, the likelihood that contaminants will migrate to off-site supply wells and affect current and/or future, reasonably likely, beneficial use is minimal. Groundwater is first encountered at the Site within the silt/clay unit and/or discontinuous sand unit at depths between approximately 6 and 20 feet below ground surface. A dense sandy silt unit (weathered bedrock) is located below this shallow water-bearing formation and above a deeper water bearing zone. Groundwater for beneficial use in the Site vicinity is drawn from the deep aquifer at depths greater than 60 to 100 feet below ground surface. Site contaminants of concern (Bunker C Oil and diesel) were detected in shallow groundwater. The likelihood that Bunker C oil and diesel will migrate to off-site supply wells and affect current and/or future, reasonably likely, beneficial use is minimal because: the viscous properties of Bunker C Oil limit its mobility; the vertical separation between the impacted shallow groundwater and the deeper aquifer utilized for beneficial use is at least 40 to 60 feet, containing at least 20 to 40 feet of bedrock; and cross-contamination of the deeper aquifer by a future installation of a well or borehole through contaminated shallow soil or groundwater is minimized through the use of Oregon well construction standards.

9) Two areas with high lead concentrations are targeted for cleanup, as well as one area with high arsenic. Sample resolution in these areas was very limited in past site investigations, so how were polygons determined for the excavations shown in Fig 6? The report should acknowledge the importance of future confirmation sampling when excavation occurs, to ensure removal of soil exceeding the cleanup criteria.

DEQ Response: This information will be added to the final ROD. Confirmation sampling will be required after excavation and removal of contaminated soil. Regarding the excavation areas, the Site risk assessment showed that arsenic was the primary contaminant risk driver, with lead being a secondary driver. Figure 6 shows the sample locations where the arsenic and lead samples exceeded 30 mg/kg and 1,000 mg/kg, respectively. Contiguous rectangular polygons were drawn around sample locations with arsenic and lead exceedances within the 8.7-acre western area to form the remedial action target areas. Each of the rectangular polygons has a minimum dimension of 50 feet in all directions from the sample location. Adjacent areas were extended and connected when there were no clean samples in between. All the arsenic and lead samples to be addressed were in the upper 1.5 feet of the 0- to 3-foot depth horizon of the surface soil, therefore, all the target areas extend to a depth of 1.5 feet.

10) The report briefly acknowledges the presence of significant volumes of subsurface soil saturated with Bunker C oil (NAPL, or non-aqueous phase liquids) in the eastern parcel, and the potential for direct contact with Bunker C oil for future construction or excavation workers. Unlike the September 2016 Remedial Action Workplan, there is no acknowledgement of the estimated extent or volume of these NAPL areas, previously estimated by UP and DEQ as 5,400 cubic yards. For better transparency, shouldn't the three estimated Bunker C areas be shown graphically in Figure 5 (Hypothetical Future Exposure Areas) to address anticipated public concerns about future exposure to subsurface NAPL (similar to how they were shown in the 2016 plan)?

DEQ Response: DEQ will include the estimated extent and volume of NAPL areas in the final ROD. However, there is significant uncertainty associated with both estimates, which will be noted in any graphics or estimates.

11) Regarding the three areas of soil saturated with Bunker C oil, it is evident that the proposed capping and securing of the three eastern acres of the railyard will possibly result in entombing this contamination in perpetuity, rather than eliminating it. How will DEQ address possible community concerns about the stigma of such legacy contamination remaining in an area that will be surrounded by development at some point in the future? Should monitoring wells be required to assure the entombing is effective in protecting the community's groundwater? As a practical matter, the proposed capping of the eastern three acres would appear to add little or no value to the local community, including expansion of the local tax base, facilitating economic growth, or taking development pressures off of undeveloped, open land elsewhere in Ashland or Jackson County. This concern may be important given the City of Ashland's obligation to address State of Oregon statutory goals and policy requirements for Climate Friendly and Equitable Communities.

DEQ Response: Leaving pockets of non-mobile petroleum in-place to degrade naturally is commonplace with the redevelopment of former industrial sites. Acceptable risk for the Site has been demonstrated in the risk assessment with the Bunker C contamination remaining in-place. This is because petroleum compounds are relatively non-toxic, and the toxicity decreases over time as it degrades and weathers. DEQ will attempt to address community concerns by engaging the public to inform them of the proposed plan and gain their input. DEQ does not feel that monitoring is required for the Bunker C based on its observed immobility and age. Clearing the western 8.7 acres for urban residential and/or commercial use will offer opportunities for development. After capping, the eastern 3 acres will also be available for development, recreation or greenspace.

12) The plan states that institutional controls are not uncommon for former industrial properties and if long term management is done properly, they all can be reliable. How will this be assured, and by whom, and with what processes? This would appear to be especially relevant given the current challenges with local and state government staff turnover during these long-term projects.

DEQ Response: Sites with institutional controls are recorded in the DEQ database and property owners are required to provide DEQ environmental reviews typically every five years. This process will be detailed in an EES attached to the property deed.

13) *For the selected alternative, the staff report indicates that "…clean backfill will include 2,710 cubic yards to fill in the excavation areas on the west side plus an additional 2,870 cubic yards to supplement the consolidated soil on the eastern side and fill in the former holding pond depressions." How will the clean soil backfill be delineated from underlying contaminated soil, to facilitate the possibility of future site investigation and cleanup that might be required in the eastern capped parcel? Given the current plan does not anticipate the removal or soil from the site, what is the anticipated site elevation profile following the introduction of the required backfill in relationship to the adjacent properties?*

DEQ Response: The excavation areas in the western 8.7 acres and the pre-remediation topography of the eastern 3 acres will be surveyed. Construction barriers may be used to delineate impacted material from cap material in the eastern 3 acres. Details of the final grading elevations and the use of any construction barriers will be included in the remedial design.

14) The plan states that: "The eastern three-acre area will be fenced to limit access". The fencing installed several years ago by UP to secure the contaminated railyard area have proven to be unreliable for preventing access. How will the proposed fencing be made more secure in perpetuity to prevent unauthorized access? Will signage be posted with information and contact information for citizen inquiries? City staff request an opportunity to review and comment on UP's soil management plan, contaminated media management plan, and cap O&M plan before final DEQ approval.

DEQ Response: These details will be included in the final ROD. DEQ believes a locked gate and sign are adequate to secure the Site. An annual inspection of the cap and fence will be included as part of the Operations and Maintenance (O&M) Plan for the Site after the cleanup remedy has been completed. There is no immediate health risk to trespassers in the Site's current condition and there will be no immediate health risk to trespassers upon cleanup completion. The purpose of the fence is primarily to discourage vagrancy and prevent potential damage to the cap until the property is developed. UPRR also has a no-trespass agreement in place with the Ashland Police Department for the property.

A soil management plan/contaminated media management plan and O&M Plan are typically included in a Remedial Action Completion report and the final EES attached to the property deed. There will be a public comment period on these documents after the ROD cleanup remedy is complete and before Site closure.

15) The staff report briefly acknowledges the need for a new Record of Decision as part of this cleanup. Please include a summary of DEQ's administrative process for making environmental cleanup decisions for this property, including the likelihood of a Certificate of Completion when the cleanup is done. This summary should include DEQ's public involvement milestones as part of its cleanup process going forward.

DEQ Response: Once the public comment period has ended for the Staff Report, DEQ will prepare a final ROD to include a detailed description of the final remedial action. DEQ will then oversee implementation and documentation of the cleanup in conformance with the ROD. DEQ will enter into an RD/RA agreement with UPRR to define implementation timeline and requirements for the remedial action. DEQ will also review a remedial action and remedial design work plan before implementation for cleanup. The responsible party will submit a Remedial Action Completion Summary Report when cleanup is complete. If DEQ determines the cleanup has been performed as directed by the ROD, the regulatory process is complete. DEQ will provide public notice of cleanup completion and allow 30 days for submission of comments or questions. Then DEQ issues a document to the Site owner called a No Further Action letter/Certificate of Completion. Sites may carry long-term requirements that are recorded on their deeds, such as ongoing monitoring and development restrictions, when necessary. Below is a more detailed draft outline of the UPRR Ashland ROD and Remedial Action process with anticipated public involvement milestones:

DRAFT UPRR Ashland ROD and Remedial Action Process and Public Involvement
City Covenant
Revise City Cleanup Restriction Covenant
DEQ Staff Report
DEQ holds 30-day comment period on Staff Report (Draft ROD), including public meeting and presentation to City Council
ROD
DEQ Signs ROD – *provide CC to City*
Remedial Design/Remedial Action (RD/RA)
Enter into RD/RA Voluntary Agreement with UPRR for implementation of the ROD
RD/RA Work Plan prepared for DEQ review
DEQ approve final RD/RA work plan – *provide CC to City*
Remedial Design prepared for DEQ Review
DEQ approve final Remedial Design
Remedial Action
Remedial Action implementation (earthwork)
Remedial Action Completion Summary Report with CMMP/Cap Maintenance Plan(s) drafted for DEQ review
Easement and Equitable Servitude (EES) documents drafted by DEQ and UPRR
CMMP/Cap Maintenance Plans and EES documents reviewed and commented on by DEQ – *provide CC to City*
Public Comment
DEQ holds 30-day comment period on Remedial Action Completion, including draft CMMP/Cap Maintenance Plans and EES documents
Remedial Action Completion
DEQ responds to comments on remedial action completion – *provide CC to City*
EES documents and attachments signed and recorded
DEQ issues NFA/Cert of Completion – *provide CC to City*
City removes Cleanup Restriction Covenant

16) Before DEQ issues its Certificate of Completion when it deems the cleanup is complete, the City requests a public involvement process that is consistent with what is being planned in late 2022 and early 2023 for the proposed cleanup plan. This should include a 60-day public comment period, at least one DEQ-hosted public meeting, a presentation to the Ashland City Council, and continued collaboration with city staff on public communications.

DEQ Response: DEQ anticipates having a 30-day public comment period of the Remedial Action Completion report and follow the typical public notice process before a certificate of completion is processed or NFA is issued, including: Publication of a notice and brief description of the proposed action in a local paper of general circulation and in the Secretary of State's Bulletin, and continued collaboration with city staff on public communications.

I hope the information in this letter addresses your current questions and concerns. Please contact me at (503) 726-6522 with any additional questions. I can also be reached via e-mail at margaret.oscilia@deq.oregon.gov

Sincerely,

Margaret L Oscilia

Margaret L. Oscilia, P.E.
Project Manager
Western Region Cleanup and Emergency Response

Translation or other formats
Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Non-discrimination statement
DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's Civil Rights and Environmental Justice page.

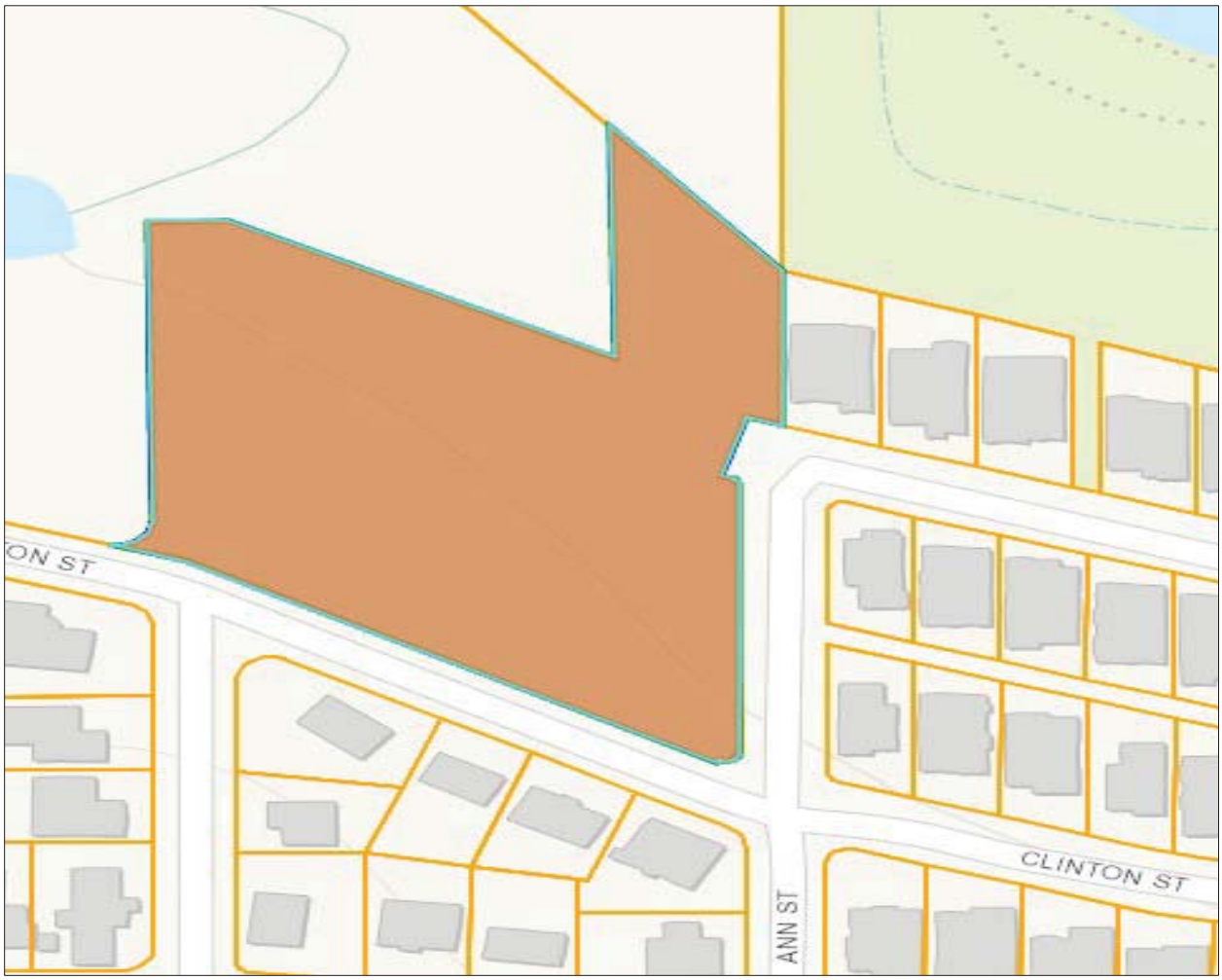
TYPE II PUBLIC HEARING

PA-T2-2023-00041,
Tax Lot 404, Clinton Street

NOTICE OF APPLICATION

PLANNING ACTION: PA-T2-2023-00041
SUBJECT PROPERTY: Tax Lot 404 Clinton St.
OWNER: Magnolia Heights LLC
DESCRIPTION: A request Performance Subdivision Outline Plan approval for a 12-lot, 11-unit residential subdivision. The application also includes requests for an Exception to Street Standards, and a Tree Removal Permit for four significant trees. Additionally, the applicant has applied for a minor amendment to the adopted Physical and Environmental Constraints map to effectively remove a drainage way form the map that is not extant on the property. And finally, the applicant has addressed the applicability standards of the Water Resource Protection Zone WRPZ by providing a wetland determination demonstrating that there are no regulated wetland resources on the subject property. COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-5; MAP: 39 1E 04 DB; TAX LOT: 404

ASHLAND PLANNING COMMISSION MEETING: *Tuesday May 9, 2023 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



COMMUNITY DEVELOPMENT DEPARTMENT
51 Winburn Way
Ashland, Oregon 97520
ashland.or.us
Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

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

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at https://gis.ashland.or.us/developmentproposals/. Copies of application materials will be provided at reasonable cost, if requested. Application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

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

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

If you have questions or comments concerning this request, please feel free to contact Aaron Anderson at 541-552-2052 or aaron.anderson@ashland.or.us.

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

OUTLINE PLAN SUBDIVISION APPROVAL (AMC 18.3.9.040.A.3)

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

a. The development meets all applicable ordinance requirements of the City.
b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
f. The proposed density meets the base and bonus density standards established under this chapter.
g. The development complies with the Street Standards.
h. The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.

COMMUNITY DEVELOPMENT DEPARTMENT
51 Winburn Way
Ashland, Oregon 97520
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Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1

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

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

TREE REMOVAL PERMIT (AMC 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.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

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

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

Magnolia Meadows Subdivision

PA-T2-2023-00041 is an application for Outline Plan approval for a 12-lot, 11-unit residential subdivision including a requests for an Exception to Street Standards, a Tree Removal Permit for four significant trees, a minor amendment to the adopted Physical and Environmental Constraints map to effectively remove a drainage way form the map that is not present on the property. And finally, the applicant has addressed the applicability standards of the Water Resource Protection Zone WRPZ by providing a wetland determination demonstrating that there are no regulated wetland resources on the subject property.

Proposal Details

Site Description

The subject property is 2.66 acres in area and zoned R-1-5 (Single Family Residential) and within the Performance Standards Overlay (PSO). The property is currently vacant. The property was created in its current configuration on Partition Plat No. P-30-2022 recorded as CS 23736 and approved as City of Ashland Planning Action PA-T1-2020-00109

Subdivision Request

As proposed, the entire 2.6-acre property is to be subdivided to create 11 residential lots and a single common area lot. A new extension of both Phelps and Briscoe create a new block very similar in size to the western block of Riverwalk Subdivision to the east. The proposed streets are to be constructed to city street design standards within the subdivision to provide connectivity to the surrounding neighborhoods' streets.

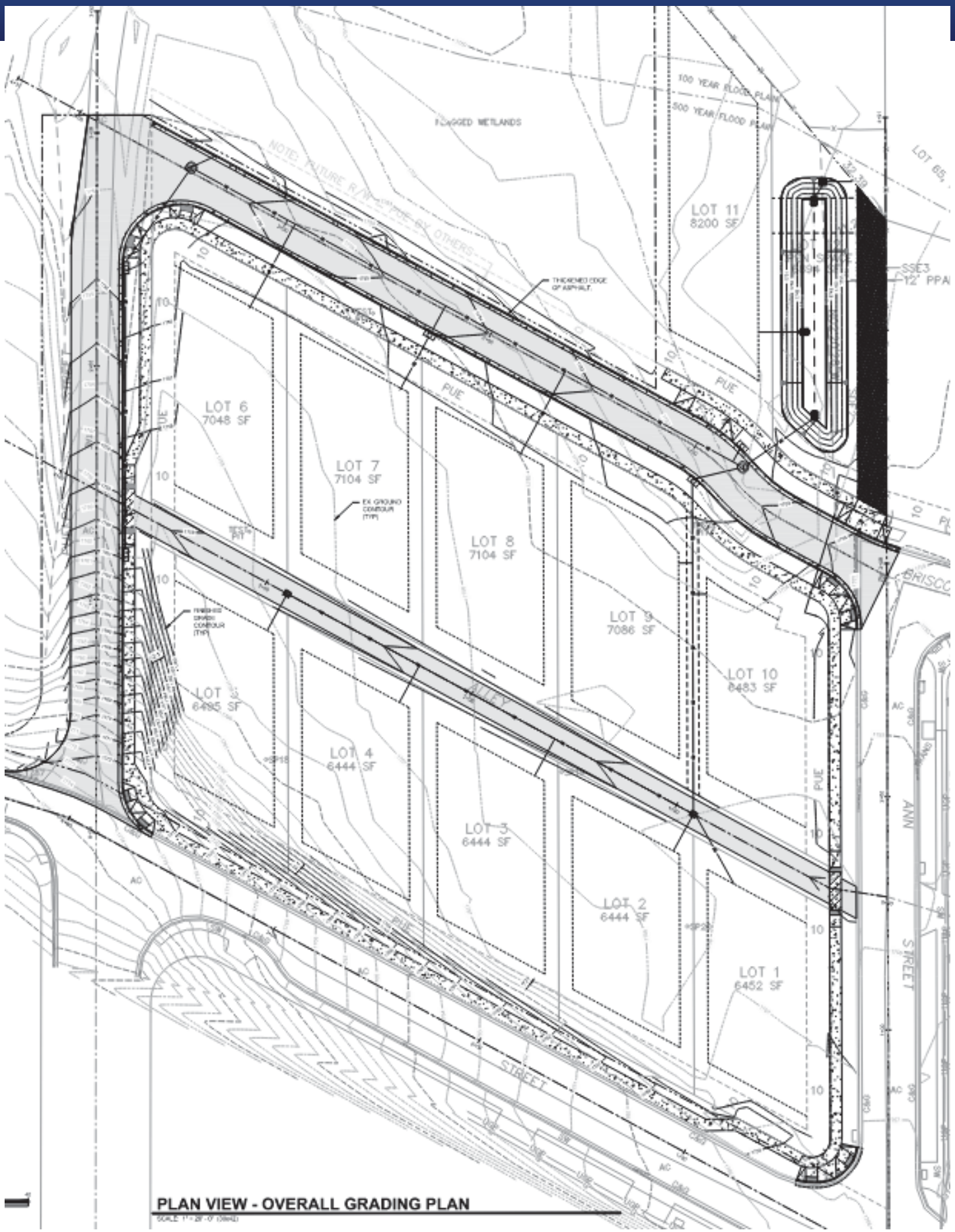
Exception to Street Standards

An Exception to the Street Design Standards is requested to not install a park row planting strip in the southwest corner of the subdivision due to an immediate change in grade.

Tree Removal

The four significant trees are all proposed to be removed due to be located either in the proposed right-of-way or in the storm water facility which will require significant grading. The Ashland Tree Management Advisory Committee has reviewed the proposal and recommended approval.

Magnolia Meadows Subdivision



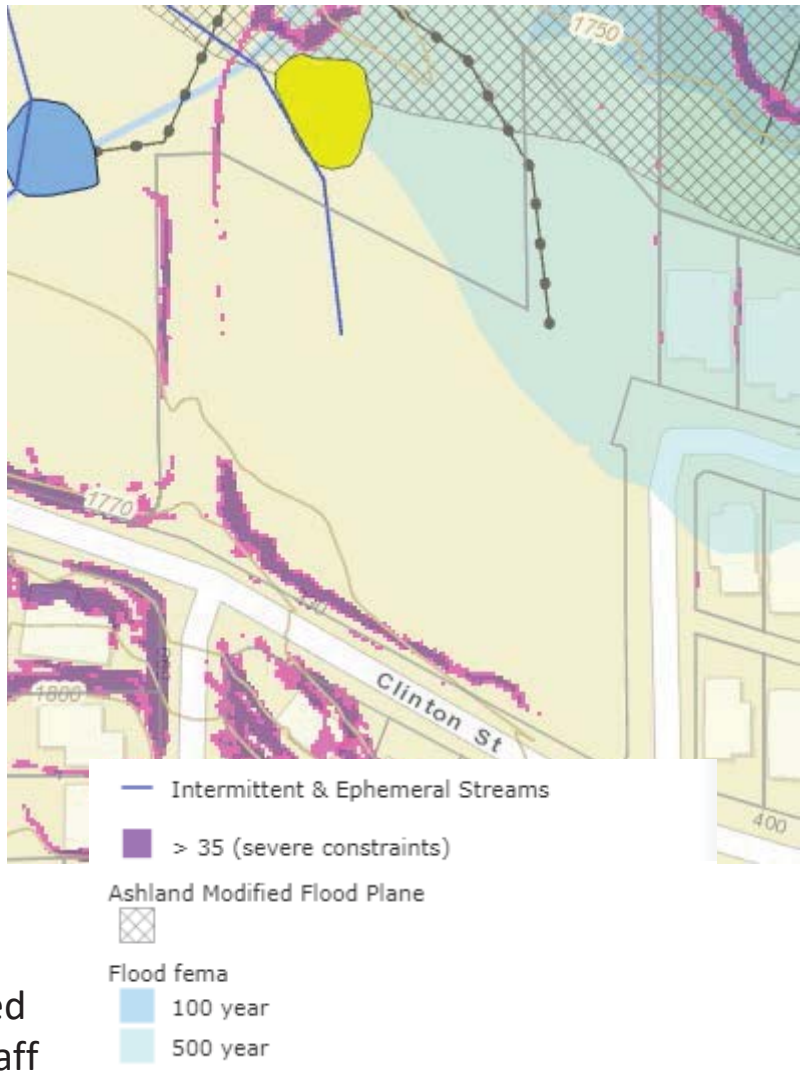
Magnolia Meadows Subdivision

Proposal Details (Con't)

Physical Constraints

There are regulated elements shown on the adopted maps of the subject property including:

- An 'open channel' flood plain corridor 10' buffer as shown on the adopted Physical and Environmental Constraints map.
- An 'intermittent and ephemeral stream' as shown on the adopted Water Resources Protection Zone map
- The Ashland modified flood zone, as well as the 500-year flood zone
- Steep slopes more than 35%



Resolutions / Discussion

An amendment to the PE map is requested as the feature was shown not to exist. Staff Have visited the site and saw no evidence of a drainage. The code allows amendments 'more accurately reflect' condition on the ground.

A wetland delineation, acknowledged by the Department of State Lands, concluded that there are no regulated wetlands or streams on the subject property.

There is no Special Flood Hazard Area (SFHA) on the subject property, and there are no regulated flood plain in building envelopes

The slopes adjacent to Cliton St. are considered vestigial of the road grading and de minimums in nature. The slopes consist of a thin band that is less than ten feet in width. Each individual resultant lot will have a minor encroachment into these steep slope.

Magnolia Meadows Subdivision

PA-T2-2023-00041 is an application for Outline Plan approval for a 12-lot, 11-unit residential subdivision including a requests for an Exception to Street Standards, a Tree Removal Permit for four significant trees, a minor amendment to the adopted Physical and Environmental Constraints map to effectively remove a drainage way form the map that is not present on the property. And finally, the applicant has addressed the applicability standards of the Water Resource Protection Zone WRPZ by providing a wetland determination demonstrating that there are no regulated wetland resources on the subject property.

Staff Recommendation

Staff recommends that the application be approved with the conditions detailed in the attached draft findings.

BEFORE THE PLANNING COMMISSION

JUNE 13, 2023

IN THE MATTER OF PLANNING ACTION PA-T2-2023-00041 A REQUEST FOR OUTLINE PLAN APPROVAL FOR A 12 LOT, 11 RESIDENTIAL UNIT SUBDIVISION. INCLUDED IN THE APPLICATION IS A REQUEST FOR AN EXCEPTION TO STREET STANDARDS, A TREE REMOVAL PERMIT FOR TWO SIGNIFIGANT TREES AND A MINOR MAP AMENDMENT TO THE ADOPTED PHYSICAL AND ENVIRONMENTAL CONSTRAINT MAP.		DRAFT **FINDINGS, CONCLUSIONS, AND ORDERS.**
OWNER	MAGNOLIA FINE HOMES	
APPLICANT:	ROGUE DEVELOPMENT SERVICES	

RECITALS:

1) Tax lot #404 of Assessor's Map 39-1E-04-DB is located at the northwest corner of the intersection of Clinton and Ann Streets. The subject property is 2.66 acres in area and zoned R-1-5 (Single Family Residential) and within the Performance Standards Overlay (PSO).

2) The property was created in its current configuration on Partition Plat No. P-30-2022 recorded as CS 23736 and approved as City of Ashland Planning Action PA-T1-2020-00109.

3) There are regulated elements shown on the adopted maps of the subject property including:
   a. A 10' drainage in the northwest corner of the property as shown on the adopted Physical and Environmental Constraints map.
   b. A small stretch of an 'intermittent and ephemeral stream' in the northeast of the property as shown on the adopted Water Resources Protection Zone map,
   c. A small part of the Ashland modified flood zone exist in the most northern portion of the development, as well as the 500-year flood zone (No portion of the property is in the regulated SFHA (100-year / AE Flood zone)),
   d. Steep slopes more than 35% (severely constrained) at the southern edge of the property along Clinton Street.

4) The applicant is requesting Outline Plan approval for a 12-lot, 11-unit residential subdivision. The application also includes requests for an Exception to Street Standards, and a Tree Removal Permit for four significant trees. Additionally, the applicant has applied for a minor amendment to the adopted Physical and Environmental Constraints map to effectively remove a drainage way form the map that is not extant on the property. And finally, the applicant has addressed the applicability standards of the Water Resource Protection Zone WRPZ by providing a wetland determination demonstrating that there are no regulated

wetland resources on the subject property. The applicant's proposal is detailed in plans which are on file at the Department of Community Development and by their reference are incorporated herein as if set out in full.

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

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

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

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

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

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

f. The proposed density meets the base and bonus density standards established under this chapter.

g. The development complies with the street standards.

h. The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.

6) The criteria for an Exception to the Street Standards are described in **AMC 18.4.6.020.b** as follows:

a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:

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

ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.

iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or

b. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purposes, intent, and background of the street design standards in subsection 18.4.6.040.A.

7) The applicability for Tree Removal is set forth at AMC 18.5.7.020.B and requires a type 1 review for "Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes …"

8) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:

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

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

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.

9) AMC 18.3.10.070 provides for "Minor amendments of the maps to correct mapping errors when the amendments are intended to more accurately reflect the mapping criteria contained in this chapter … " and may be processed as a Type 1 procedure.

10) The Water Resource Protection Zone applicability at AMC 18.3.11.020 states the following: "The burden is on the property owner to demonstrate that the requirements of this chapter are met or are not applicable to development activity or other proposed use or alteration of land. The Staff Advisor may make a determination based on the Water Resources map, field check, and any other relevant maps, site plans, and information that a Water Resource or Water Resource Protection Zone is not located on a particular site or is not impacted by proposed development, activities or uses. In cases where the location of the Water Resource or Water Resource Protection Zone is unclear or disputed, the Staff Advisor may require a survey, delineation prepared by a natural resource professional, or a sworn

statement from a natural resource professional that no Water Resources or Water Resource Protection Zones exist on the site."

11) The Planning Commission, following proper public notice, held a public hearing on May 09, 2023. Testimony was received, and exhibits were presented.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that AMC Title 18 Land Use regulates the development pattern envisioned by the Comprehensive Plan and encourages efficient use of land resources among other goals. When considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the AMC.

2.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the Staff Report, the public hearing testimony, and the exhibits received.

2.3 The Planning Commission notes that the application was deemed complete on April 17, 2023, and further finds that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners within 200-feet of the subject property on April 25, 2023.

2.4 The Planning Commission finds that the proposal for Outline Plan approval meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3 and detailed below.

The first approval criterion for Outline Plan approval is that *"The development meets all applicable ordinance requirements of the City*." The application materials assert that, except as discussed elsewhere herein, the proposed subdivision meets all applicable ordinance requirements of the City. The Planning Commission finds that the proposal meets all applicable ordinance requirements or has requested exceptions thereto, and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that "*Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity."* The application materials explain that all of the site's utilities will be extended through the new public street rights-of way from adjacent services surrounding the site as illustrated in the conceptual utility plans provided. The Planning Commission notes that at the time of Final Plan application submittal, engineered civil drawings will be provided with full utility, electrical, grading and drainage plans. The application materials further note that after discussions with the various service providers, no capacity deficiencies have been identified. The Public Works/Engineering Department has confirmed that:

- **Water** – At the northwest corner of the site there is an eight-inch stub to city water at the end of Briscoe Place. A condition of approval required by Public Works for water quality will be to continue that connection along the newly dedicated Phelps Street. creating a looped system. The Planning Commission notes that the Public Works Department has no concerns about capacity or water pressure.
- **Sanitary Sewer** - At the northwest corner of the site there is a 12-inch concrete main that extends north and connects to a twenty-four-inch trunk line. The Planning Commission notes that the Public Works Department has no concerns about capacity.
- **Transportation** – The Planning Commission notes that the proposal can and will provide paved access and transportation to and through the development. The Planning Commission notes that the street standards for local access street require a 22' paved width which allows for a 15' queuing lane and parking on one side. The Planning Commission notes that along the southern right-of-way (ROW) of the extension of Briscoe there is over 244 feet of frontage, with additional frontage along the eastern side of the ROW of the extension of Phelps. The Planning Commission notes that on-street parking is required per AMC 18.3.9.060 at a ratio of one space per unit. The Planning Commission notes that the available frontage provides for at least 16 on street parking spaces exceeding the required amount.
- **Storm Drainage** - At the northwest corner of the site there is a 36-inch storm drain main. The Planning Commission notes that the applicant will be required to meet all Rogue Valley Sewer Services (RVSS) cooperative regional requirements. The Planning Commission notes that the Public Works Department has no concerns about capacity.

The Planning Commission finds based on the above that adequate key City facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments, and that civil infrastructure be installed by the applicants according to the approved plans, inspected and approved prior to the signature of the final survey plat. The Planning Commission concludes that this criterion has been satisfied.

The third criterion for approval of an Outline Plan is that "*The existing and natural*

features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas." The Planning Commission notes that the application includes a wetland delineation prepared by Schott and Associates concluding that no regulated wetlands are located on the subject property and further notes that the delineation was acknowledged by the Department of State Lands (DSL). The Planning Commission notes that there is a small portion of the Ashland Modified Floodplain on the northern portion of lot-11 but is outside of the building envelope. The Planning Commission notes that there are no ponds or rock outcroppings. The Planning Commission notes that there are four significant trees and will discuss them further under section 2.6.

Finally, The Planning Commission notes that the steep slopes adjacent to Clinton St. are the result of the development of Clinton Street and a vestige of the street cut and are not 'unbuildable areas.' The Planning Commission notes that the band of severely constrained land is less than ten feet in width and finds that these steep slopes are not representative of the overall site. The Planning Commission notes that each individual resultant lot will have a minor encroachment into these steep slopes and further finds that the encroachment into these steep slopes is de minimums enough to not be subject to further planning review at the time of the development of the individual lots.

The Planning Commission finds based on the above that existing natural features have been addressed in the application and concludes that this criterion has been satisfied.

The fourth criterion for approval of an Outline Plan is that *"The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan."* The Planning Commission notes that to the east and south of the subject property the neighborhoods are fully developed. The Planning Commission further notes that the land to the north has been preserved as city open space and contains flood plain and possible wetlands. The Planning Commission notes that the parent parcel to the subject parcel lies to the west and is over nine acres and has over 245' of frontage along Clinton and will also be fronted by the extension of Phelps. The Planning Commission concludes that the proposed development of the subject property will not prevent the adjacent land from developing as envisioned in the Comprehensive Plan and that this criterion has been satisfied.

The fifth approval criterion is that *"There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project."* The Planning Commission notes that the application states that the final plan application will include draft Conitions, Covenants & Restrictions (CC&Rs) and that "the CC&Rs will provide details regarding the maintenance of the open space and standards for the subdivision." The Planning Commission notes that all open spaces identified in the subdivision are to be owned and managed in perpetuity by the subdivision's Homeowners' Association (HOA), and the Final Plan application will include draft CC&Rs outlining the HOA's budget and maintenance responsibilities for such open spaces. Conditions have been included below

to require that the CC&R's include provisions for the long-term operation and maintenance of open space and common areas including the trees preserved and protected with the subdivision, common utilities and the drainage system, including a stormwater operations and maintenance plan. With the inclusion of these conditions, the Planning Commission finds that there are adequate provisions for the maintenance of the open space and common areas and concludes that this criterion has been satisfied.

The sixth criterion is that "*The proposed density meets the base and bonus density standards established under this chapter*." The application materials explain that the subject property is 2.66-acres and is zoned R-1-5, a Single-Family Residential zoning district with a base density of 4.5 units per acre which yields a base density of 11.9 total units. The application proposes a total of 11 residential lots. The Planning Commission finds that the proposed 11 lots are within the allowed density for the zone and concludes that this criterion has been satisfied.

The seventh Outline Plan approval criterion is that *"The development complies with the Street Standards."* The application materials explain that all proposed streets and alleys have been designed according to the City's adopted Street Design Standards for residential neighborhood streets and alleys, and that connections will be provided to transition the proposed new streets to the improvements already in place within the surrounding established subdivisions. The application includes a request for an Exception to the Street Design Standards to not include required park row planting strips with street trees along Clinton. The exception is discussed in detail in section 2.5 below. A condition has been included to require that final civil engineering be provided with the Final Plan submittal illustrating full street designs and cross-section consistent with the City's Street Design Standards for residential neighborhood streets and alleys. The Planning Commission finds that with the approval of the street exception below the proposal complies with the Street Standards and concludes that this criterion has been satisfied.

The final Outline Plan approval criterion is that *"The proposed development meets the common open space standards"* AMC 18.4.4.070 requires that Performance Standards Option subdivisions with a base density of ten units or more must provide a total of at least five percent of the total lot area in common open space. The total subject property area is 115,738 square feet; five percent of this is 5,786. The Planning Commission notes that the applicant proposes an open space lot that is 6,894 square feet exceeding the required amount. The Planning Commission finds that the proposal meets the common open space standards and concludes that this criterion has been satisfied.

The Planning Commission concludes based on the above that all applicable approval criteria for Outline Plan subdivision approval have been satisfied.

2.5 The Planning Commission finds that the proposal satisfies all applicable criteria for the approval of an Exception to the Street Design Standards described in AMC 18.4.6.020.B1a and detailed below.

An option to demonstrate that an Exception to the Street Design Standards is justified is to show that, "*There is demonstrable difficulty in meeting the specific requirements of*

this chapter due to a unique or unusual aspect of the site or proposed use of the site." The application materials explain that the requested exception is required due to the immediate change in grade adjacent to the proposed improvement. The application explains that the topography creates "challenges to construction of a park row and sidewalk as there would be a large retaining wall required to hold the sidewalk up which will then require a guardrail or other barrier." The Planning Commission finds that the steepness of the slope immediately adjacent to an improved ROW which is a result of the original creation of Clinton Street is an unusual aspect of the site and that the exception is justified.

The Planning Commission notes that when it has been found that there is a demonstrable difficulty meeting the requirements to must also be shown that: "*the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity…*" The Planning Commission notes that the only areas where an exception is requested are the areas along the southwest corner of the development where the topography is challenging and find that the proposed exception is therefore the minimum necessary. The Planning Commission further notes that the application proposes the installation of shade trees directly behind the sidewalk in areas where the parkrow cannot be installed. The Planning Commission finds that the exception requested is consistent with the Purpose and Intent of the Street Standards and that the result is Equal or superior transportation facilities for all modes of travel.

The Planning Commission concludes that the exception request satisfies all applicable criteria for an Exception to the Street Design Standards.

2.6 The Planning Commission notes that the application includes a request to remove four significant trees. The Planning Commission further notes that the only regulated trees on the property are those that meet the threshold requirement to be considered significant[*]. The Planning Commission further notes that each of the four significant trees are either located in the proposed street Right-of-way or storm drain infrastructure where significant grading is required.

The Planning Commission notes that one of the approval criteria for a non-hazard tree removal includes that "The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards." The Planning Commission notes that the orientation of the roadway network conforms to the standards in the land use ordinance, and that that the location of the storm drain facility is dictated by topography. The Planning Commission notes that the removal of these trees will not have a significant negative impact to the environment nor on the tree densities. The Planning Commission further notes that the trees to be planted along the new park rows far exceed the required mitigation plantings. The Planning Commission finds that the removal of the four trees meets the relevant approval criteria.

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[*] AMC 18.6.1 Significant Tree: A conifer tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH), or a deciduous tree having a trunk 12 caliper inches in diameter at breast height.

2.7 The Planning Commission notes that AMC 18.3.10.070 provides for "Minor amendments of the maps to correct mapping errors when the amendments are intended to more accurately reflect" the conditions on the ground. The Planning Commission notes that the Staff Advisor made a site visit and saw no evidence of a drainage in the area. The application states that the area does "not contain the physiographic conditions or significant natural vegetation or trees or soil characteristics to warrant calling it a stream or a protected floodplain." The Planning Commission concludes that a minor amendment is appropriate to 'more accurately reflect' the conditions on the ground and formally amend the adopted Physical and Environmental map herein.

2.8 The Planning Commission notes that the Water Resource Protection Zone applicability at AMC 18.3.11.020 (full text set out above) puts the burden on the property owner that the regulations of AMC 18.3.11 "are met or are not applicable" to a proposed development. The Planning Commission notes, as mentioned above, that the application included a wetland delineation acknowledged by the Department of State Lands concluding that there is no regulated wetland on the subject property. The Planning Commission finds, based on the above, that the regulations at AMC 18.3.11 are not applicable to the present development.

2.9 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria have been met, as was presented in the applicant's submittal, as well as the Staff Report, and by each of their reference are hereby incorporated herein as if set out in full.

2.10 After the close of the public hearing the Planning Commission deliberated and approved the application subject to the conditions of approval in the Staff Report. The Planning Commission finds that with the conditions of approval included in the decision, the proposal satisfies the applicable approval criteria.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for a 12-lot, 11-residential unit Performance Standards subdivision including a request for an Exception to Street Standards, a Tree Removal Permit for four significant trees and a Minor Map Amendment to the adopted physical and environmental constraint map is supported by evidence contained within the whole record with the conditions of approval below:

1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
2) That any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
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 driveway approaches, street improvements, utilities or any necessary encroachments.

4) That the recommendations of the project arborist including tree protection fencing placement, provisions for temporary watering systems and pruning recommendations shall be conditions of this approval.

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.

6) That a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

7) That the Final Plan application shall include:

   a) Final electric service, utility and civil plans including but not limited to the water, sewer, storm drainage, electric, street and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments with the Final Plan submittal. The street system plan shall include full street designs with cross-sections consistent with the City's Street Design Standards for the proposed residential neighborhood streets and alleys, as approved, except that no parkrow planting strip is required on the bridge over Beach Creek. Street lights shall be included in keeping with city street light standards. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes; fire hydrant; sanitary sewer lines, manholes and clean-out's; storm drain lines and catch basins; and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers, cabinets and vaults shall be located in areas least visible from streets, while considering the access needs of the utility departments. Any required private or public utility easements shall be delineated on the civil plans. All civil infrastructure shall be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

   b) That the applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets, street lights and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located in areas least visible from streets and outside of the sidewalk corridor and vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to signature of

the final survey plat. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to installation of facilities.

c) A final storm drainage plan detailing the location and final engineering for all storm drainage improvements associated with the project shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.

d) A final grading and erosion control plan.

e) Calculations demonstrating that the proposed new lots have been designed to permit the location of a 21-foot high structure with a solar setback that does not exceed 50 percent of the lot's north-south dimension based on Solar Standard A, or identification of a solar envelope for each lot which provides comparable solar access protections, as required in AMC 18.4.8.040

f) That the requirements of the Ashland Fire Department relating to approved addressing; fire apparatus access, fire apparatus access approach, aerial ladder access, firefighter access pathways, and fire apparatus turn-around; fire hydrant distance, spacing and clearance; fire department work area; fire sprinklers; limitations on gates, fences or other access obstructions; and addressing standards for wildfire hazard areas including vegetation standards and limits on work during fire season shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings.

g) That draft CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor with the Final Plan submittal. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including driveway, open space, landscaping, utilities, and stormwater detention and drainage system, and shall include an operations and maintenance plan for the stormwater detention and drainage system.

h) The approved Tree Protection Plan, Water Resource Protection Zone Mitigation and Management Plans, and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the approved Tree Preservation and Protection Plan or Water Resource Protection Zone Mitigation and Management Plans shall be considered violations of the Planning approval and subject to penalties described in the Ashland Municipal Code.

i) 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, and

that fencing around common open space, except for deer fencing, shall not exceed four feet in height. 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.

8) That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:

   a) All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.

   b) The final survey plat shall include the dedication of right-of-way necessary to accommodate the proposed street system.

   c) That the subdivision name and all street names shall be approved by the City of Ashland Engineering Division.

   d) Subdivision infrastructure improvements including but not limited to utilities, driveways, streets and common area improvements shall be completed according to approved plans, inspected and approved.

   e) Irrigated street trees selected from the Recommended Street Tree Guide and planted according to city planting and spaces standards shall be planted along the full North Mountain Avenue of the subject property, inspected and approved by the Staff Advisor.

   f) Electric services shall be installed underground to serve all lots, inspected and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.

   g) That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.

9) That the building permit submittals shall include the following:

   a) Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, and fire apparatus access easements.

   b) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula [(Height –6)/(0.445 + Slope) = Required Solar Setback] and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.

   c) Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the R-1-5 zoning district. Lot

coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.

Planning Commission Approval _____ Date _____

Magnolia Heights LLC

Magnolia Meadows Subdivision

Outline Plan Performance Standards Subdivision, Street Standards Exception and Tree Removal Permit

ROGUE PLANNING & DEVELOPMENT SERVICES, LLC

Magnolia Meadows Subdivision

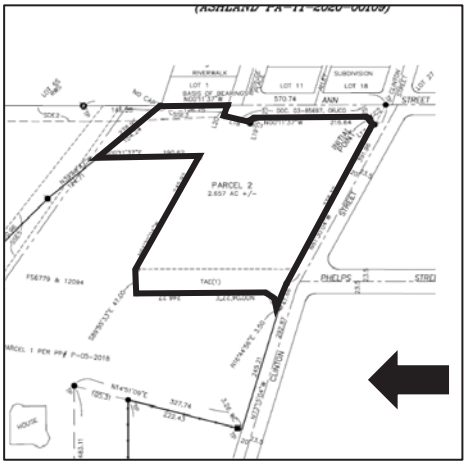
Property Owner:	Magnolia Heights LLC 2974 Chapman Lane Ashland, OR 97520
Planning Consultant:	Rogue Planning & Development Services 1314-Center Dr., PMB#457 Medford, OR 97501
Surveyor:	L.J. Friar & Associates P.C. PO Box 1947 Phoenix, OR 97535
Civil Engineering:	Powell Engineering 100 E Main Street, Suite O Medford, OR 97501
Landscape Architecture:	Terrain Landscape Architecture 310 Oak Street, Unit #3 Ashland, OR 97520
Map & Tax Lot:	39 1E 04DB: Tax Lot: 404
Property Zoning:	R-1-5
Adjacent Zones:	R-1-5
Overlay Zones:	Performance Standards Overlay Water Resource Protection Zones FEMA Floodplain Ashland Modified Flood zone

Request:

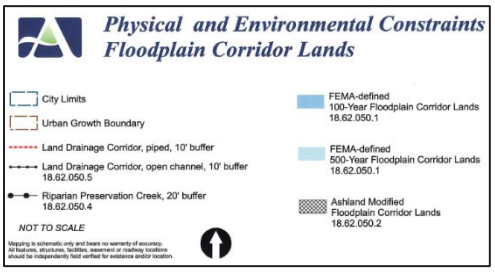
A request for approval of the Outline Plan for the Magnolia Meadows Subdivision, a twelve lot, Performance Standards Subdivision of a vacant, 2.6-acre parcel of land. The application requests an Exception to Street Standards and a Tree Removal Permit.

Property Description:

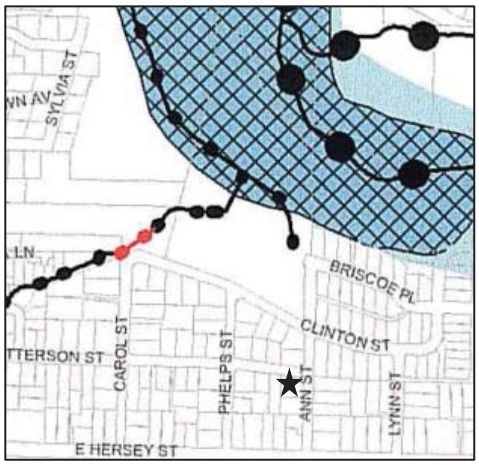
The subject property is a 2.6-acre parcel is to the northwest of the Clinton and Ann Streets. The parcel was created as part of a partition of the adjacent property to the west (PA-2020-00109). The property to the west is a 9.636-acre parcel that is occupied by a residential home and outbuildings. To the east of the subject property is Ann Street. The properties to the east of Ann Street are part of the Riverwalk Subdivision and are developed with residential homes. To the north is city of Ashland Park property that is part of Riverwalk Park. The properties to the south, across Clinton Street are developed with residential lots with homes and accessory structures.



The subject property and the adjacent properties are zoned R-1-5, Single Family Residential, 5,000 square foot minimum lot area. The property is within the Performance Standards Overlay, and the Wildfire Hazards Overlay.

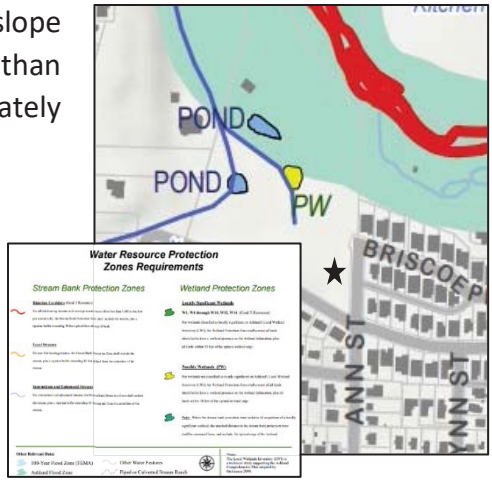


The northern most point of a small portion of the property is within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, 500-year floodplain of Bear Creek which is to the north and east of the property. The Ashland Modified Floodplain Corridor crosses the north portion of the property. None of the property is within the regulated FEMA floodplain.



According Physical & Environmental Constraints, Floodplain Corridor Lands and the Water Resource Protection Zone Maps, there is a potential wetland located on the east side of the property. Schott and Associates, Wetlands Biologists have evaluated the site and met with representatives from the Department of State Lands (DSL) and have not found evidence of a wetland. Additionally, there is not a land drainage as identified on the maps.

The property has varying degrees of slope with a steep road slope along Clinton Street and adjacent to the existing driveway. Other than the road slope area, the average slope of the property is approximately four percent from the southwest to northeast.



There are a number of smaller stature trees that are between 6-inches in diameter at breast height (DBH) and 12-inches DBH. These smaller stature trees are mostly clustered in the north portion of the property. There are few smaller stature trees scattered throughout the property. All trees have been evaluated for suitability for preservation.

Clinton Street is classified as a Neighborhood Street and it is paved with partial street improvements. There is curb and gutter along the frontage of the property. Clinton Street has curbside sidewalks, curb and gutter on the southside of Clinton Street. Ann Street, also a classified as a Neighborhood Street. Ann Street has curb and gutter along the frontage of the property. Along east side of Ann Street is improved with to the east and Briscoe Place are improved with curb, gutter, park row and sidewalk.

A stormwater utility main extends from Ann Street to the north along the eastern property line and on into Riverwalk Park. There are public utilities within Clinton Street and Ann Street.

The subject property is vacant of structures. A driveway leading to the residence at 345 Clinton Street is within an access easement along the west property line. The private drive is paved.

Proposal:

Outline Plan Subdivision:

The proposal is to divide the property into a 12 lot, residential subdivision with a common area parcel. The proposed subdivision is required to be processed under AMC 18.3.9., Performance Standards Options Subdivision.

Street Standards Exception:

The proposal includes a request for an Exception to the city Street Standards processed under AMC 18.4.6.020.B., to exclude the park row (planting strip) and street trees adjacent to the streets curb for a portion of Clinton Street and the new extension of Phelps Street where there is a steep grade approximately six feet behind the curb.

Tree Removal Permit:

There are 37 trees on the property. Most are multi-stemmed Hawthorne trees, there are mulberry and Pines. Of the 37 trees, there are four deciduous trees proposed for removal that are considered

Significant Trees and have diameter at breast height of more than 12-inches. The tree removal is processed under AMC 18.5.7.

Detailed Proposal:

The layout of the proposed subdivision is based on a number of factors, but primarily it is based on the physical characteristics of the property and the existing street pattern in the area that connects to the subject property.

The locations of and angles of the existing street that are to the south and east of the property lines that will be connected to and through the development of the subject property. The connection to the streets creates an obvious street pattern for the proposed development. The proposed street layout and alley connection also complies with the City's Transportation System Plan and policies relating to street connectivity which support dispersing vehicular trips. The connected streets and alley connection provides adequate transportation for vehicles, bicycles, and pedestrians, connects to the adjacent subdivision to create a larger and more cohesively connected neighborhood.

The subdivision proposal includes improving Clinton Street and Ann Street, and the extension of Phelps Street and Briscoe Place and the creation of a public alley.

Ann Street is proposed to be improved with a five-foot sidewalk and a seven-foot landscape park row.

Briscoe Place is proposed to be dedicated as a Neighborhood Street. The majority of the street improvements, 37 feet of improved width, is proposed to be improved with the subdivision. The street is proposed to have five-foot sidewalk, seven-foot landscape park row and the south side of the street and curb and gutter along the north side of street. The frontage of Lots 11 and 12 is proposed to be improved with five-foot sidewalk and a seven-foot landscape park row that will connect to the existing improvements of Briscoe Place to the east. West of Lot 11, there is not a sidewalk or landscape park row proposed because the property to the north is outside of the boundaries of the subdivision.

Phelps Street is proposed to be extended into the subdivision and include half street improvements including curb and gutter. The sidewalk is proposed to be curbside where Phelps intersects with Clinton Street and will shift to landscape park row and sidewalk north of the alley.

Clinton Street along the south boundary of the subdivision is proposed to be improved with a curbside sidewalk from Phelps Street to the east towards Ann Street. The sidewalk will transition to landscape park row and sidewalk near Ann Street.

Along the existing Clinton Street right-of-way there is a substantial road slope that extends to the proposed extension of Phelps Street. There is an Street Standards Exception to no include a landscape park row between the sidewalk and the curb and gutter where the steep slope is present.

The proposal includes a dedication of property along the east property line to provide a bicycle and pedestrian pathway that will lead to the city park that is north of the property. There is presently a storm sewer easement through the property and a gravel service road that will be reconstructed as part of the subdivision open space improvements. The dedication will occur at the time of the Final Plat for a future path.

There are 11 residential lots and one open space parcel for a total of 12 lots. All of the proposed lots comply with minimum lot dimensions in the zone with more than 50-feet of lot width and more than 100 feet of lot depth. The lot areas are proposed between 6,444 and 8,200 square feet in area which exceeds minimum lot area in the zone.

The slope of each lot varies slightly between two to four percent downhill to the north, lots are subject to Solar Setback Standard A and all lots exceed the minimum north / south dimension.

Building envelopes that provide for standard setbacks in the R-1-5 zone. These include a 10-foot setback for unenclosed, covered front porches that are more than 6 feet by 8 feet; 15-foot front yard setback; 6-foot side yard setbacks (internal lots); 10-foot side yard on the corner lots abutting the street; 10-foot per story rear yard setback. Additionally, detached accessory structure or accessory residential units that are less than 15-feet tall are allowed to have a setback of four feet from the alley and three feet from side yards.

Lots 1 – 10 will have vehicular access from the 16-foot public alley. Lot 11 will have a driveway apron near the east property line. A driveway opening with collapsible bollards to allow authorized vehicle access to the proposed public walkway/bicycle path along the east boundary of the subdivision through Lot 12, the open space parcel.

The subdivision requires 5,794 square feet of open space. Lot 12 is proposed to be 6,894 square feet and is the subdivision open space parcel. The lot will include a common stormwater detention facility, public pedestrian/bicycle pathway leading to the city park north of the subject property. The open space includes a pathway and a seating area.

Conclusion:

The project team believes that it can be found that the Magnolia Meadows Subdivision Outline Plan application demonstrates substantial compliance with the Outline Plan approval. The number of lots, the density, lot layout, open space development, public infrastructure improvements all substantially conform to the Outline Plan proposal. The proposed open space and landscape plan demonstrate compliance with the standards for both area of open space provided and timing of improvements. The Exception to Street Standards for the curbside sidewalk is requested and these findings demonstrate compliance with purpose and intent of the street standards.

Criteria from Ashland Land Use Ordinance

PERFORMANCE STANDARDS SUBDIVISION

18.3.9.030 – PSO Overlay

The proposed Magnolia Meadows Subdivision complies with the standards for a standard subdivision but is within the PSO overlay thus required per AMC 18.3.9.030.B. to be processed as a Performance Standard Subdivision.

18.3.9.040 Review Procedures and Criteria

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

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

Finding:

The proposed development demonstrates compliance with the standards for Outline Plan approval of a Performance Standards Subdivision. The proposal complies with the Site Design Standards, Tree Removal Standards and the limited request for street standards exception for curbside sidewalk where topography constraints are present.

The subdivision residences will consist of one- and two-family dwellings as allowed in the R-1-5 zone. The property is within the PSO Overlay and is required to be processed as such.

The open space is in the area of the property where there are floodplain overlays and the proposal preserves this natural feature.

The required Covenants, Conditions & Restrictions (CC&Rs) that will describe the maintenance and irrigation of the park rows and common areas. An agreement with the city Public Works Department will be rendered to address the maintenance of the storm water facility.

The development will be financed by private lending through a federally backed loan. The property owner is the developer and is seeking approval to begin construction summer 2023.

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

Finding:

Adequate City facilities can and will be provided to the subdivision.

There is adequate water pressure for the residences, common area irrigation and the fire hydrants.

The proposed sanitary sewer lines are shown on the conceptual utility plan.

Storm drainage has been conceptually designed. There are below grade collection systems and a large open space parcel that has a dry pond storm drain facility. This facility is not a standing water pond and the lot will typically remain dry except during extreme weather events. Even then, the drainage will be designed in a manner that does not allow water to 'stand' in the dry pond.

In initial discussions with the City of Ashland utility departments, all facilities in the area are adequate for the proposed development and will not operate beyond their capabilities.

The proposed layout provides a complete street system. The City's Comprehensive Plan and Land Use Ordinance require connected streets and to avoid dead ends or cul-de-sacs, the existing streets provide logical connections. The streets are proposed to be improved to the city standards for neighborhood streets with curb, gutter, landscape park row with street trees.

A Traffic Impact Analysis was not conducted because there will be less than 50 peak hour vehicle trips generated by the subdivision.

All utilities will extend to and through the property as identified on the Conceptual Utility Plans. At the time of Final Plan submittal, Civil Engineered drawings will be submitted identifying specific utility details and information. It can be found that adequate utilities and transportation can be provided to and through the subdivision with the proposed street extensions.

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

Finding:

The existing natural features of the land including the floodplain corridors are identified on the plan. The floodplain is within the open space area. There are no other significant natural features on the subject property.

There are 37 trees and only five of those are significant. They are not proposed for preservation as they are within the street, the alley or within the area that will be graded where the steep slopes is founThe only trees exist at the perimeter of the property on the adjacent parcels. Where the Helman Ditch currently creates a "natural" feature, upon piping of the irrigation system, the vegetation created by the

above ground water will no longer have a source of water. A Jurisdictional Review of the property is being processed by the Department of State Lands to verify that no jurisdictional wetlands exist on site.

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

Finding:
The proposed subdivision will not prevent adjacent land from being development for the uses shown in the Comprehensive Plan.

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

Finding:
With the Final Plan application, the subdivisions Homeowners Association CC&R's will be submitted. The CC&Rs will provide details regarding the maintenance of the open space and standards for the subdivision.

f. The proposed density meets the base and bonus density standards established under this chapter.

Finding:
The total lot area is 2.657 acres and has a base density of 11.95 units (2.657 X 4.5 = 11.95). There are 11 residential lots proposed which complies with the minimum density standards.

g. The development complies with the Street Standards.

Finding:
The proposed streets demonstrate compliance with the street standards. The proposed streets are intended to be extended as Neighborhood Streets.

The proposed right-of-way widths and improvements to the proposed rights-of-way conform to the standards for residential neighborhood streets.

The subdivision layout allows for accommodation of emergency vehicles. All turning radii accommodate large vehicles such as fire trucks and delivery vehicles.

The streets are designed in a manner that allows for shared street space and the curb to curb area accommodates vehicle, parked cars and bicycles. Each street is proposed to provide for a seven-foot landscape park row, and a five-foot sidewalk except where exception to the street standards is requested.

As provided on the attached Civil Engineering Conceptual drawings, the proposed streets comply with the City's adopted Street Standards and are consistent with existing and proposed right-of-way widths and street improvements. An exception to the Street Standards for the park row and street trees abutting the travel lane of Clinton Street and portion of the extension of Phelps Street is proposed.

Cul-de-sacs and other dead-end streets are not proposed as there are no areas where topographic, wetland, and other physical features preclude connection. The streets have been designed to meet the needs of pedestrians and bicyclists, thus encouraging walking and bicycling. There are sidewalks, park rows and ample travel lanes that can accommodate one side, on-street parking, moving automobile and bicycle traffic.

There are driveway curb cuts and aprons provided no closer than 24-feet from the next adjacent driveway and all proposed driveway curb cuts are more than 35-feet from the intersections. With the incorporation of a park row, when pedestrians are walking on the sidewalk, there is not the dropped curb in their walking path as the sidewalk and driveway are at the same grade.

The streets are designed to accommodate the local, neighborhood traffic. The proposed streets connect neighborhood streets and provide connectivity.

Street trees are proposed to buffer pedestrians and adjacent residences from traffic, enhance street image and neighborhood character, calm motor vehicle traffic speeds, and enhance neighborhood identity or sense of place. The trees planted in the park row, will be selected be from the Ashland Recommended Street Tree Guide.

Residential style Sternberg, pedestrian scale streetlights are proposed.

18.2.2.030 Allowed Uses

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

Finding:

A Performance Standards Subdivision for the creation of a 12-lot subdivision is a permitted use in the zone. The proposed Magnolia Meadows Subdivision allows for 11 residential lots, and a common open-space parcel.

18.2.5.090 Standards for Single-Family Dwellings

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

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

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

Finding:

The attached photographs of residences constructed by the property owner and designs that are of a similar aesthetic demonstrate that two or more of the design features listed above will be provided on the proposed single-family residential units. Modern craftsman bungalows is the typical design style.

Solar Access (18.4.8.040): Assignment of solar factor.

The proposed lots are subject to solar setback standard A.

Compliance with the solar setback assignment will be demonstrated with the building permit submittals for each residence. The slope of each lot varies slightly between two to four percent downhill to the north. All lots exceed the minimum north / south dimension required for solar setback standard A lots and a 21-foot tall structure setback will not exceed the lots north/south dimension by 50 percent..

The State of Oregon Department of State Lands is reviewing the request for Jurisdictional Determination of the wetland and the land drainage. There is not evidence that a land drainage or a wetland are present within the boundaries of the subdivision. Representatives from the DSL have been to the property to review the lack of hydric soil, the lack of hydrology and the vegetation.

A 1200C permit is required for the development of the property. Those permits will be obtained prior to site development.

18.4.6.020.B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from section 18.4.6.040 Street Design Standards are subject to 18.4.6.020.B.1 Exceptions to the Street Design Standards, below.

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

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

Finding:
There are topographical constraints that present difficulty in meeting the standards. The topography along the north side of Clinton Street and adjacent to the existing driveway where Phelps Street will be extended. The six to ten feet of grade change presents challenges to construction of a park row and sidewalk as there would be a large retaining wall required to hold the sidewalk up which will then require a guardrail or other barrier.

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

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

Finding:
No transit facilities are present in the neighborhood.

ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.

Finding:
The type of streets in the development, Neighborhood Streets share bicycle and vehicle travel lanes.

iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.

Finding:

The requested curbside sidewalks are for a portion of the Clinton Street improvements and where the Phelps Street intersection is proposed.

The right-of-way and pavement width of Clinton Street is wide and there is a low volume of vehicular traffic on the street. This increases the safety of the curbside sidewalks which are found across Clinton Street.

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

Finding:
The only locations where the exception to the street standards for the curbside sidewalks is where topographical constraints are present. This is along Clinton Street and at the intersection of the proposed extension of Phelps Street. This is the minimum necessary to alleviate the difficulty of the slope behind the sidewalk.

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

Finding:
The proposed exception is consistent with the purpose and provides a safe environment for all users. The streets are designed to encourage pedestrian and bicycle travel, there are park rows on the majority of the proposed streets.

Where no park row present, shade trees will be provided directly behind the sidewalk. Consistent with the standards, in certain situations where the physical features of the land create severe constraints, exceptions may be made. Exceptions could result in construction of curbside sidewalk segments instead of setback walks. Exceptions should be allowed when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include topography which is the reason for the requested curbside sidewalk.

18.5.7.040 Tree Removal Permit Criteria

B. Tree Removal 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 18.3.10.

Finding:
There are four deciduous trees that have a DBH of 12-inches or more that are proposed for removal. These trees are within the future street extensions including in the areas of disturbance where the park row and sidewalk will be located along Ann Street. The tree removal permit is necessitated by the requirement to extend public streets and public street infrastructure.

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 four mulberry trees will not have a significant impact on erosion, soil stability or protection of adjacent trees or 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.

Finding:
There are four mulberry trees proposed for removal. The removal of these trees will not have a significant impact on tree densities, sizes, canopies and species diversity. There are substantial numbers of deciduous trees within 200 feet of the property. There are hundreds of trees just to the north of the property within the city park land.

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.

Finding:
The tree removal facilitates the extension of the public services. The trees are not a unique, high quality, native species. There is no reason to alter the subdivision proposal to preserve mulberry trees.

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

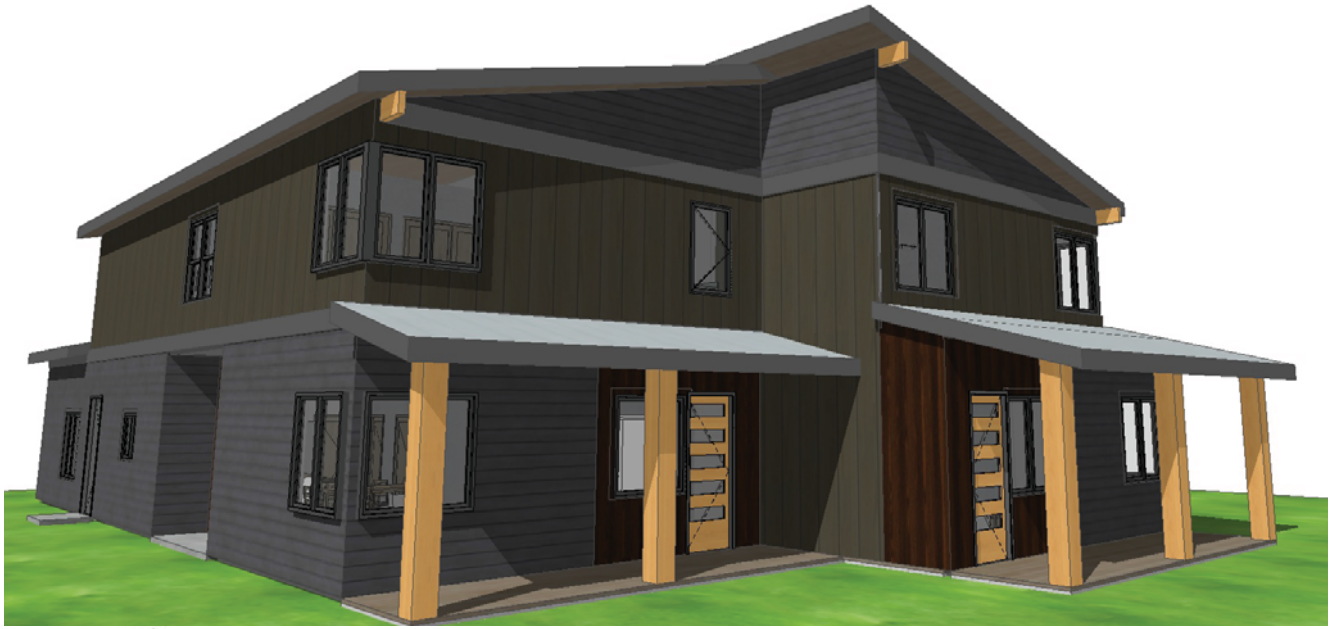
Finding:
There are numerous street trees and landscape trees in the open space to mitigate for the removal of the mulberry trees. The mitigation trees will be identified on the landscape plan that will be submitted with the Final Plan application.

Attachments:
Conceptual Elevations
Jurisdictional Wetlands Evaluation
Outline Plan preliminary survey
Site Plan (L-1)
Tree Removal Plan (L-2)
Conceptual Civil Plans (C.3 – C.5)

MODERN DUPLEX

Duplex town house plan w/ rear garage & main floor bedroom D-694


26'-7 1/2"
8'-1 1/8"
8'-1 1/8"

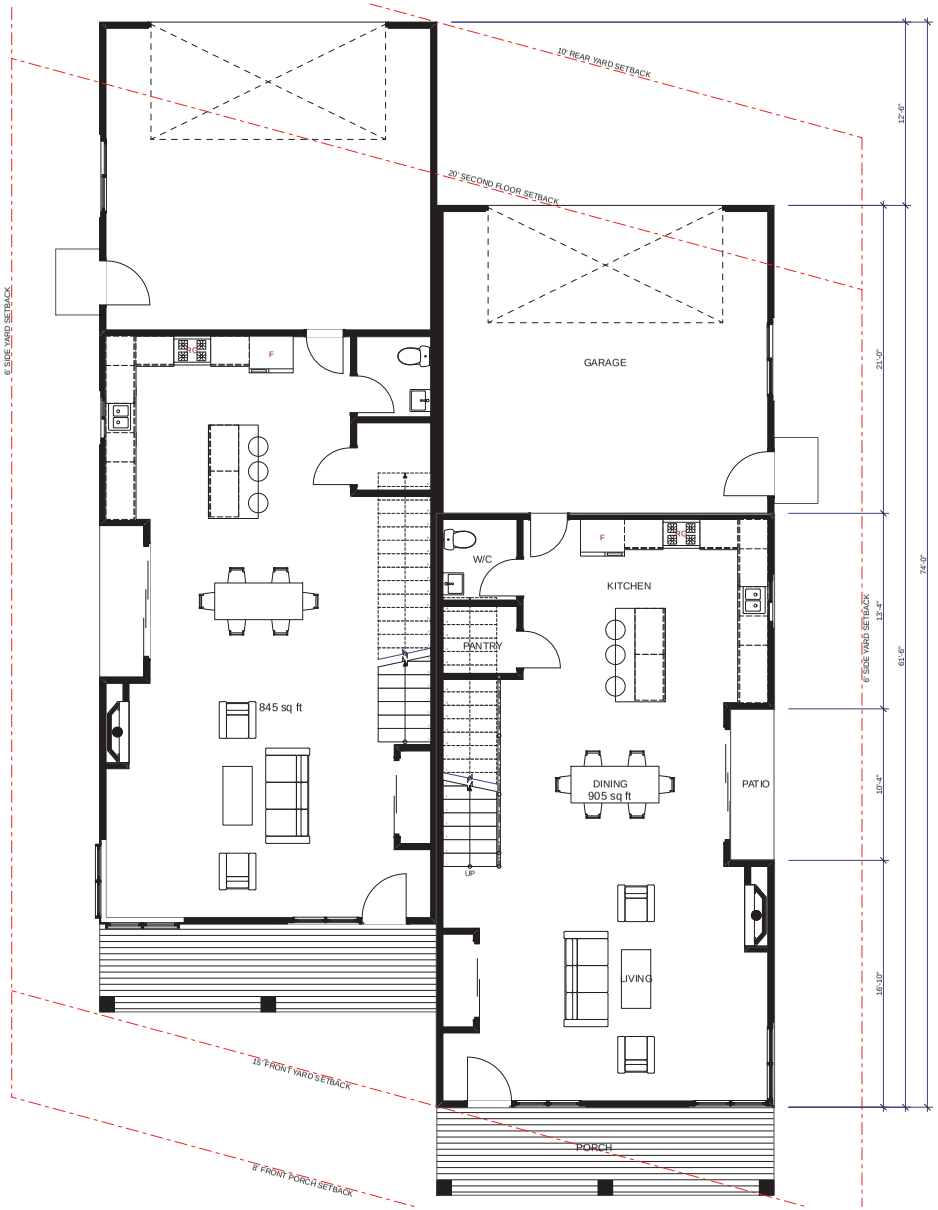


Clinton Concept - Front

SCALE: 1/4" = 1'-0"

Clinton Concept - Rear

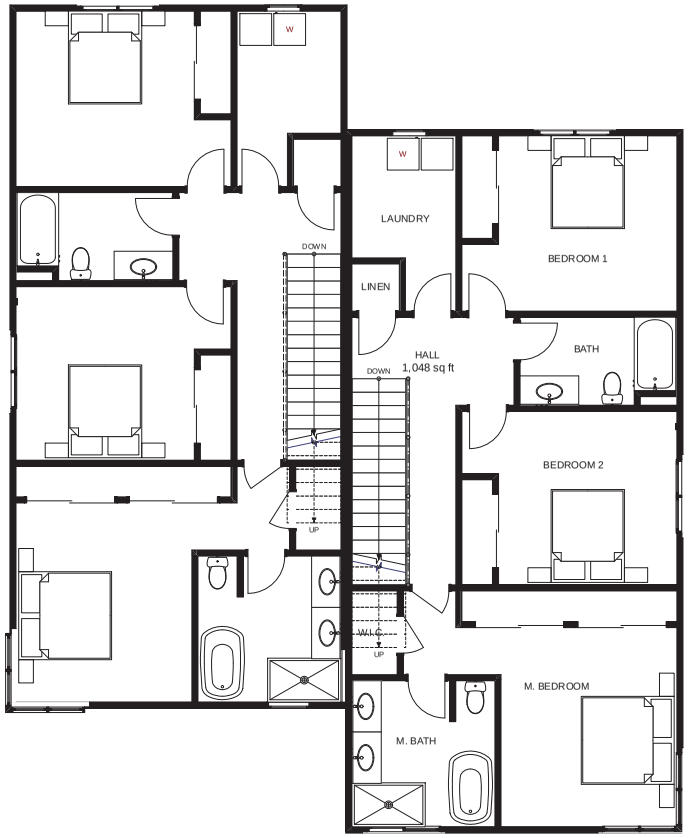
SCALE: 1/4" = 1'-0"



First Floor Concept

SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE:	
UNIT 1:	
-FIRST FLOOR	905 SQ FT
-SECOND FLOOR	1,048 SQ FT
-GARAGE	483 SQ FT
-PORCH	138 SQ FT
-TOTAL CONDITIONED	1,953 SQ FT
UNIT 2:	
-FIRST FLOOR	905 SQ FT
-SECOND FLOOR	1,048 SQ FT
-GARAGE	483 SQ FT
-PORCH	138 SQ FT
-TOTAL CONDITIONED	1,953 SQ FT
-TOTAL FOOTPRINT	3,042 SQ FT



Second Floor Concept

SCALE: 1/4" = 1'-0"

345 Clinton Duplex

Magnolia Fine Homes, LLC
Ashland, OR

345 Clinton Concept Design
11/7/22

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- OR a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

☒ Applicant ☒ Owner Name, Firm and Address:
Magnolia Investment, LLC
Attn: Gil Livni Id
441 Talent Avenue Unit 60
Talent, Oregon 97535

Business phone # (510) 913-5440
Mobile phone # (optional)
E-mail: magnoliafinehomes@gmail.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #
Mobile phone # (optional)
E-mail:

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

Typed/Printed Name: Gil Livni **Signature:** gil livni
Date: 1/17/23 Special instructions regarding site access: _____

Project and Site Information

Project Name: Magnolia Meadows

Latitude: 42.203863 Longitude: -122.704385
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
Residential Development

Tax Map # 391E4DB
Tax Lot(s) 401 (portion of)

Tax Map #
Tax Lot(s)

Project Street Address (or other descriptive location):
345 Clinton Street

Township 39S Range 1E Section 4DB QQ
Use separate sheet for additional tax and location information

City: Ashland County: Jackson

Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Schott & Associates, Inc
Attn: Jodi Forgione
PO Box 589
Aurora, Oregon 97002

Phone # (503) 678-6007
Mobile phone # (if applicable)
E-mail: Jodi@schottandassociates.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.
Consultant Signature: Jodi Forgione Date: 01/17/2023

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

Wetland/Waters Present? ☐ Yes ☒ No Study Area size: 2.59 Total Wetland Acreage: 0.0000

Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☐ EFSC/ODOE Proj. Mgr:
☐ Wetland restoration/enhancement project (not mitigation)
☒ Previous delineation/application on parcel
If known, previous DSL # WD2022-0219

☐ Fee payment submitted **$** _____
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # _____ Expiration date_____
☒ LWI shows wetlands or waters on parcel
Wetland ID code PW

For Office Use Only

DSL Reviewer: _____ Fee Paid Date: ____ / ____ / ____ DSL WD # _____

Date Delineation Received: ___/ ___/ ___ DSL App.# _____

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

JURISDICTIONAL WETLAND DELINEATION REPORT FOR

345 Clinton Street

T39S, R1E, 4DB, TL 401 (portion)
Ashland, Jackson County, Oregon

Prepared for

Magnolia Investment, LLC
441 Talent Avenue Unit 60
Talent, Oregon 97535

Prepared by

Jodi Forgione
&
Kim Cartwright
of
Schott & Associates, Inc.

Date:

January 2023

Project #: 3027

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LIST OF APPENDICES

(A) Landscape Setting and Land Use

Schott & Associates (S&A) was contracted to conduct wetland delineation on a 2.59-acre study site located on a portion of the approximately 12 acre property located at 345 Clinton Street in Ashland, Oregon (T39S, R1E, Section 4DB, portion of TL401; Figures 1 and 2). The purpose of this study was to document the presence and extent of existing onsite wetlands and other waters that may be regulated under the Clean Water Act (CWA) by the U.S. Army Corps of Engineers (Corps) and under the Removal-Fill Law by the Oregon Department of State Lands (DSL). This report complies with all standards and requirements set forth in Oregon Administrative Rules (OAR) 141-090-0035 (1-17) for wetland delineation reports and jurisdictional determinations for the purpose of regulating fill and removal within waters of the state. This report will be used to fulfill federal and state regulatory requirements for project permitting.

The study site encompassed the southeastern 2.59-acres of the tax lot. The western study area boundary was defined by an existing paved roadway which extended north from Phelps Street and essentially divided the property in two from east to west. The undeveloped study site is flat to gently sloping, with a gentle swale extending southeast to northwest along the northern portion of the property. The outer margins of the swale were historically dominated by Himalayan blackberry (*Rubus armeniacus,* FAC), which have been regularly mowed.

Site vegetation generally consisted of mown grasses, including tall fescue (*Schedonorus arundinaceus*; FAC) and perennial ryegrass (*Lolium perenne*; FAC). A stand of apple trees (*Malus domestis)* with an understory of Himalayan blackberry was present in the northeastern portion of the site. The northwest swale was dominated by slough sedge a swaths of slough sedge (*Carex obnupta*; OBL).

Surrounding land use was generally low-density residential. North Mountain Park Nature Center, which is preserved open space, was to the north.

(B) Site Alterations

Aerial photographs for the time period between 1994 and 2021 were reviewed, available from Google Earth. Aerial photographs indicate that study site conditions have remained relatively stable during that timeline (Figure 5a-5b).

(C) Precipitation Data and Analysis

Precipitation data for the date of fieldwork and the time period preceding it were reviewed to evaluate observed wetland hydrology conditions relative to actual and statistically normal precipitation. Precipitation that deviates from normal ranges can affect site conditions and impact observed wetland hydrology indicators. Precipitation data was acquired from the Natural Resources Conservation Service (NRCS) Agricultural Applied Climate Information System (AgACIS). Significant data was missing from the closest stations. Data was obtained from the Ashland station to provide context for observed hydrological conditions of the study area at the time of the site visit (AgACIS 2019). Table 1 provides the precipitation data for the date of field work, the two weeks

preceding, and the water year with comparison to the normal water year. WETS table data was not available for the 0.5N station. Table 2 provides a precipitation summary for the entire month of January as well as the three months preceding fieldwork and comparison to average and normal monthly ranges of precipitation representing 70% probability as reported for the Ashland NRCS WETS station (NRCS 1991-2020).

Table 1. Precipitation Summary for the Date of Fieldwork and Preceding Water Year (October 1, 2022 – Date of Fieldwork)

	Observed Precipitation*				
Date of Field Visit	Date of Visit (in.)	2 weeks prior (in.)	Water Year to-Date (in.)	Normal Water Year to-Date (in.)	% of Normal Water Year-to Date
December 8, 2022	0.0	0.2	3.31	4.92	67%

*Data provided by NRCS AgACIS data from Ashland Station, OR, 2022

Table 2. Precipitation Assessment for The Three Months Preceding Fieldwork

Month	Total Precipitation (inches)[1]	WETS Normal Range (inches)[2]	Condition (Value)	Month Weight	Weighted Condition (value*weight)[3]
November	2.27	1.63-3.03	Normal (2)	3	6
October	0.93	0.65-1.74	Normal (2)	2	4
September	0.53	0.22-0.57	Normal (2)	1	2
				Sum	**12 (Normal)**

[1]Data provided by NRCS AgACIS data from Ashland Station OR, 2021-2022
[2]Data provided by NRCS WETS station for Ashland Station, OR, 1991-2020
[3]Sum = 6-9: Dry conditions, Sum = 10-14: normal conditions, Sum = 15-18: wet conditions

Fieldwork took place on December 8, 2022, when no precipitation was observed. In the two weeks preceding fieldwork, 0.2 inches of precipitation was observed. Precipitation observed in the three months preceding fieldwork was within the WETS normal range. Precipitation for the water year through the date of fieldwork (October 1, 2022-December 8, 2022) was observed at 67% of normal (3.31 inches).

Based on a weighted summary of weather conditions in the three months preceding fieldwork, hydrological conditions were estimated to be normal during the time of fieldwork.

(D) Site Specific Methods

Prior to visiting the site, the following existing data and information was reviewed:

- Jackson County tax map (Figure 2)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and Oregon Department of Forestry (ODF) stream mapping (Figure 3)
- Ashland Local Wetland Inventory (LWI; Appendix D)

- U.S. Department of Agriculture (USDA) National Resource Conservation Service (NRCS) gridded Soil Survey Geographic (gSSURGO) database for Jackson County (Figure 4)
- Recent and historical aerial photographs provided by Google Earth (Figures 5a-5b)
- Department of Oregon Geology and Mineral Industries (DOGAMI) 2009 LiDAR data (Figures 6)

Three soil series were mapped within the study site boundary according to the USDA NRCS soil survey for Jackson County. Medford silty clay loam was mapped along the northeastern edge of the site, Coker clay was mapped within the middle portion of the site, and Carney cobbly clay was mapped in the southwestern corner of the site. Onsite soils are summarized in Table 3 below.

Table 3. Soil Summary Table

Table Map Unit Name	Slopes (%)	Hydric Rating (% Inclusions)
Medford silty clay loam	0-3	Predominantly nonhydric (3)
Coker clay	0-3	Predominantly nonhydric (8)
Carney cobbly clay	20-35	Predominantly nonhydric (7)

Schott & Associates visited the site on December 8, 2022, to determine the presence and boundaries of onsite wetlands and waters. Formal delineation data were collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, Coast Region (Version 2.0)*. Ten sample plots were established where data on vegetation, hydrology, and soils were collected, recorded in the field, and later transferred to data forms (Appendix B). Plant wetland indicator status was determined using the 2020 National Wetland Plant List (Corps 2020).

Any identified wetlands and waters were classified according to the USFWS Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979) and the Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites (DSL 2001).

Representative ground level photographs were taken to document site conditions (Appendix C; Figure 6).

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

Based on soil, vegetation, and hydrology data, no wetlands or other waters were identified within the study site. Sample plot and photo point locations are shown in Figure 6.

Sample plots established throughout the site featured hydrophytic vegetation, largely tall fescue (*Schedonorus arundinaceus*; FAC) and teasel (*Dipsacus fullonum*; FAC), with slough sedge (*Carex obnupta*; OBL) dominating the northwestern swale. No hydric soil indicators or wetland hydrological indicators were observed. Soils were dark (10 YR 2/1 or 10 YR 3/2) clay with no redoximorphic features.

(F) Deviation from LWI or NWI

NWI mapping shows a persistent seasonally flooded palustrine emergent (PEM1C) wetland mapped in the northern part of the study area, roughly corresponding with the location of the slough sedge-vegetated swale. The City of Ashland Local Wetland Inventory (Appendix D) shows a pond and a possible wetland (PW) within the vicinity of the study area. No wetlands were identified onsite by this study.

(G) Mapping Method

The study site, sample plot, and photo point locations were recorded with a handheld Trimble GPS unit capable of sub-meter accuracy following differential correction with Pathfinder Office desktop software. These data were converted to ESRI shapefile and mapped using ArcMap 10.6 desktop software.

(H) Additional Information

S&A has completed a wetland delineation on the rest of the property (west of the access drive) and wetlands were documented (WD2022-0219).

(I) Summary and Conclusions

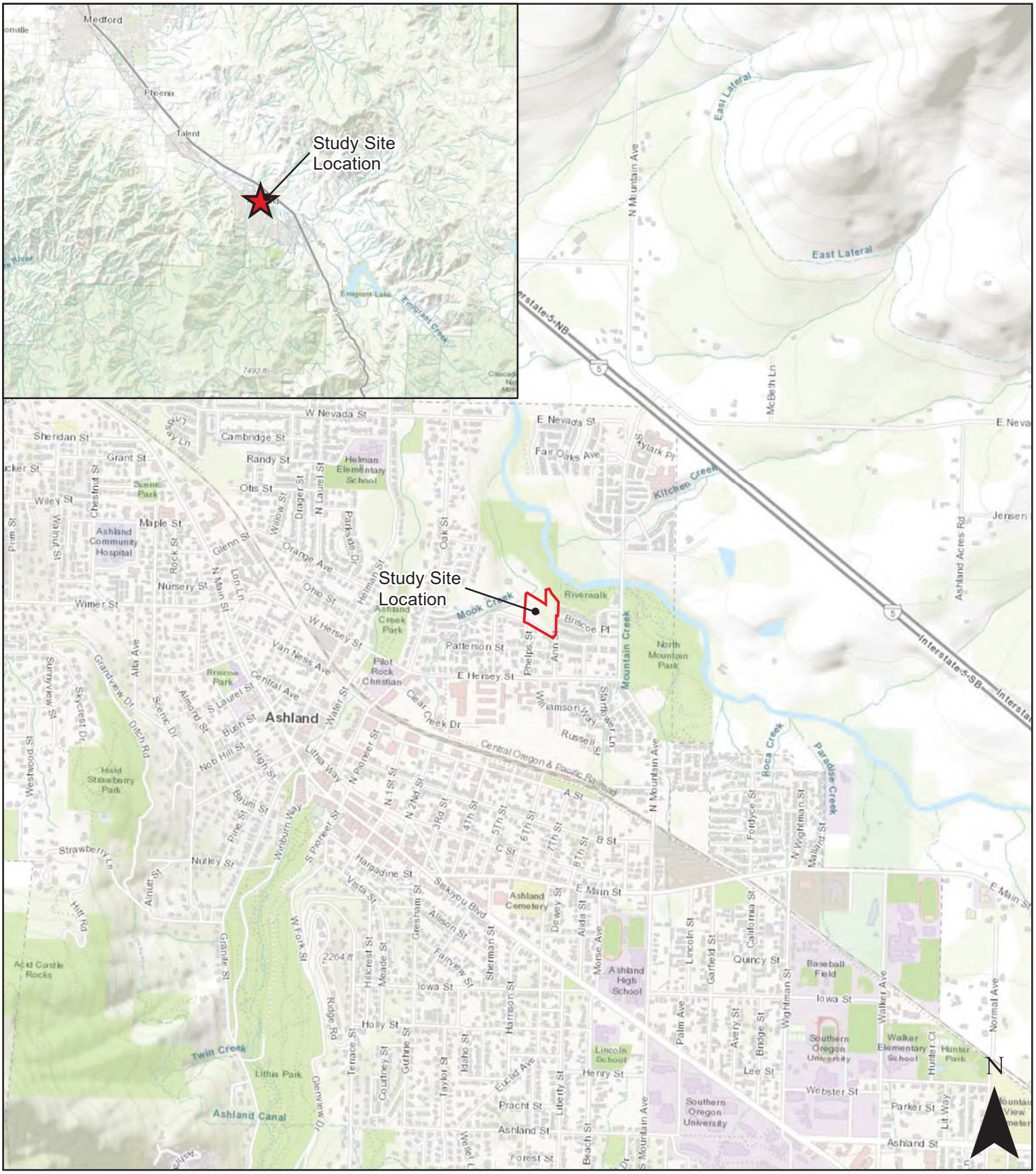
Based on vegetation, soils, and hydrology data gathered onsite, no wetlands or other waters were identified.

(J) Disclaimer

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

APPENDIX A: FIGURES

FIGURE 1: LOCATION MAP



Date: 12/20/2022

Data Source: ESRI, 2022

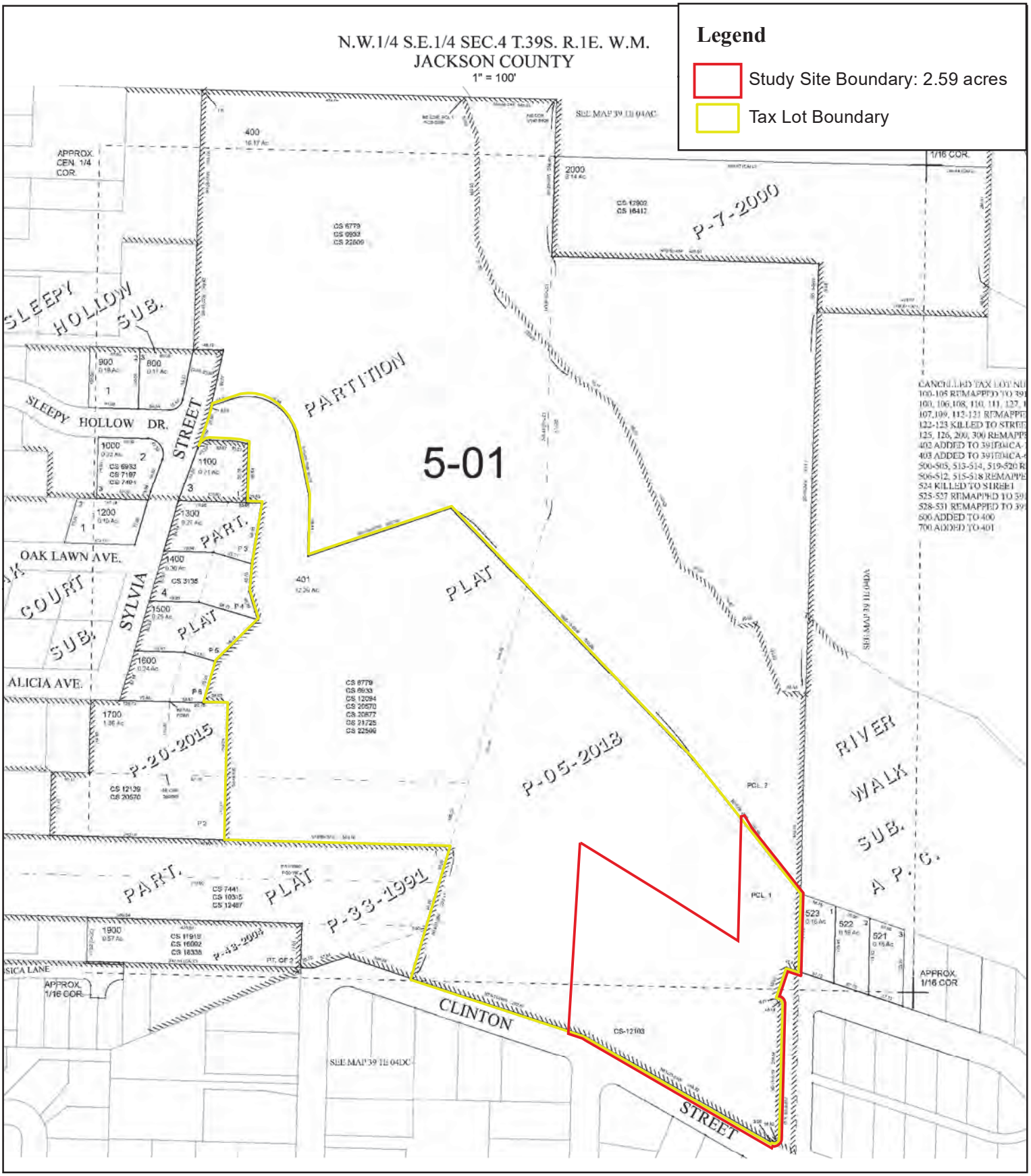
Figure 1. Location Map

Clinton Street Project Site: S&A #3027

0 1,000 2,000 4,000 Feet

SCHOTT & ASSOCIATES, Inc.

FIGURE 2: TAX MAP



Date: 12/20/2022

Data Source: Jackson County GIS Dept, 2022

Figure 2. Jackson County Tax Map - 391E4DB

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 3027

0 100 200 400 Feet

FIGURE 3: NATIONAL WETLAND INVENTORY MAP

Date: 12/20/2022

Data Source: ESRI, 2022; Jackson County GIS Dept, 2022; USFWS, NWI, 2022; ODF, 2022

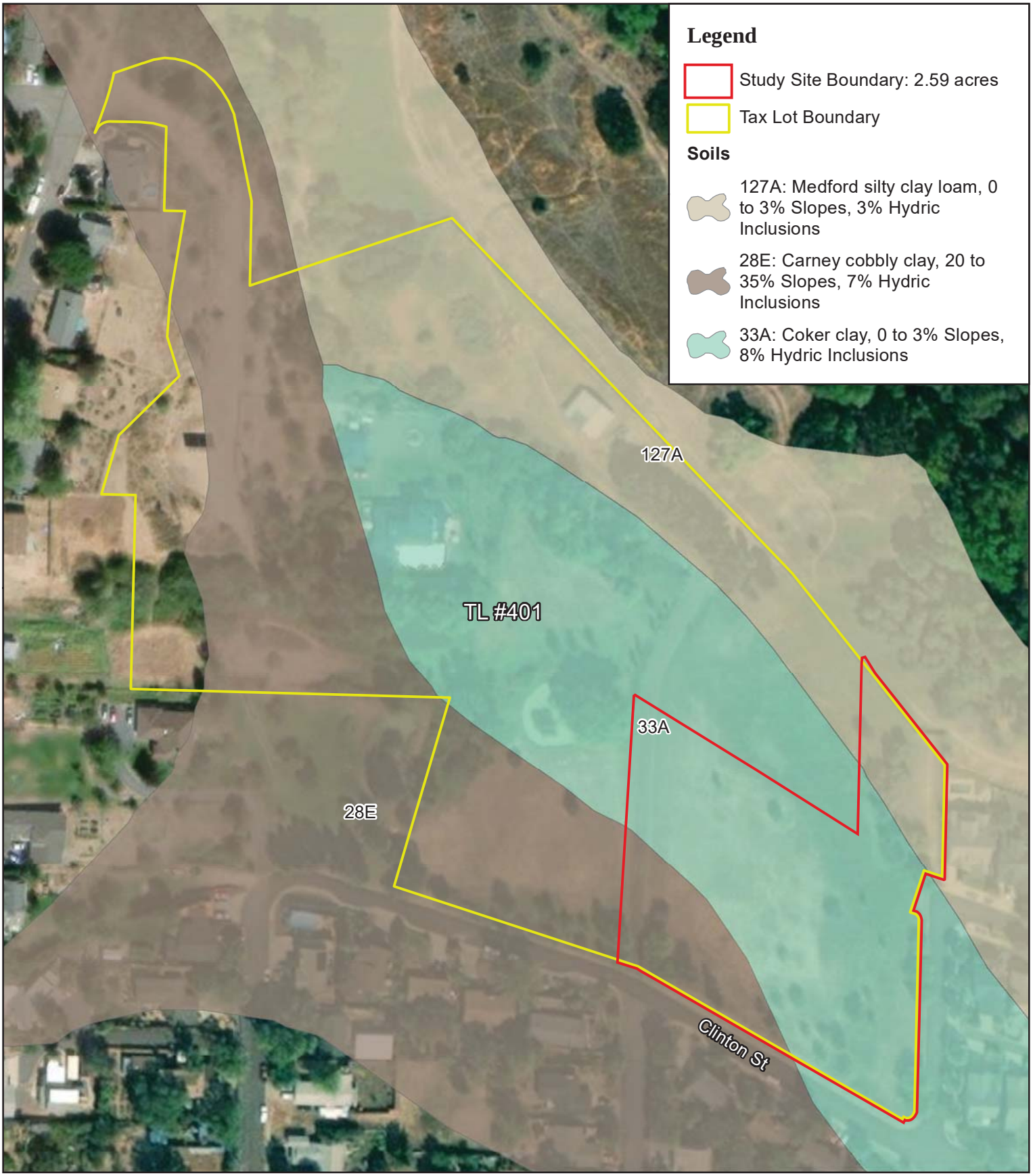
Figure 3. Wetland Inventory Map

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 3027

0 50 100 200 Feet

FIGURE 4: USDA/NRCS SOIL SURVEY MAP



Date: 12/20/2022

Data Source: ESRI, 2022; Jackson County GIS Dept, 2022; Soil Survey Staff; USDA, NRCS, 2022

Figure 4. USDA/NRCS Soil Survey Map for Jackson County

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 3027

0 50 100 200 Feet

FIGURE 5A: RECENT AERIAL IMAGE

Date: 12/20/2022

Data Source: ESRI, 2022;
Jackson County GIS Dept, 2022

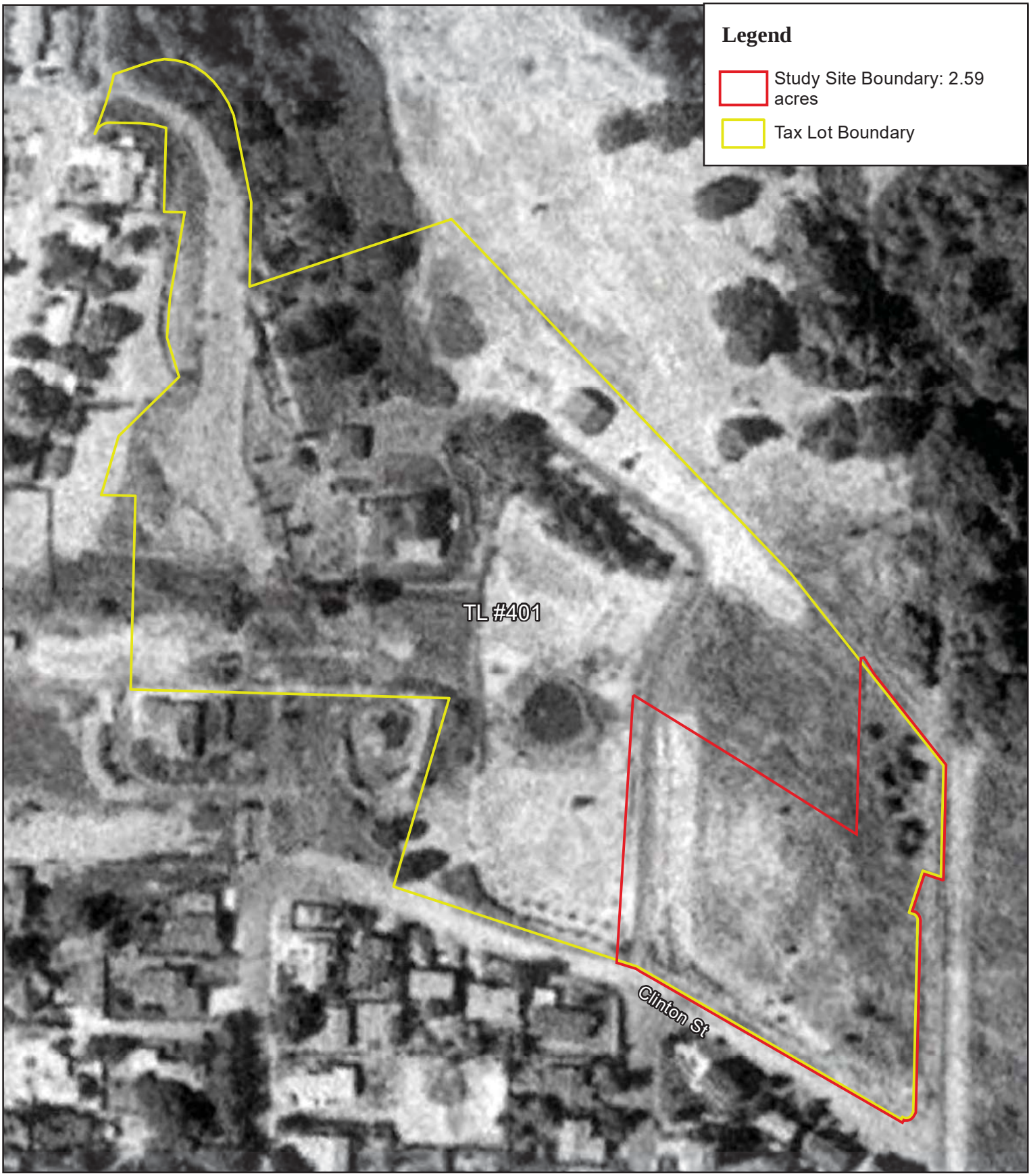
Figure 5a. Recent Aerial Image - September 15, 2021

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 2736

0 50 100 200 Feet

FIGURE 5B: HISTORICAL AERIAL IMAGE



Date: 12/20/2022

Data Source: Google Earth, 2022;
Jackson County GIS Dept, 2022

Figure 5b. Historical Aerial Image - August 5, 1994

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 3027

0 50 100 200 Feet

FIGURE 6: WETLAND DELINEATION MAP

Mapping Method and Precision Statement: The mapped areas were based vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The study site, sample plots, and feature boundaries were recorded utilizing aTrimble Geo XT hand-held unit and post-processedto a +/- 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

Date: 1/12/2023

Data Source: ESRI, 2020 Jackson County GIS, Dept., 2019; DOGAMI, 2009

Figure 6. Wetland Delineation Map

SCHOTT & ASSOCIATES, Inc.

Clinton Street Project Site: S&A # 3027

0 50 100 200 Feet

APPENDIX B: DATA FORMS

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 1
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): 0-1
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20416999 Long: -122.704304 Datum: WGS 84
Soil Map Unit Name: Medford Silty Clay Loam (0-3 percent slopes) NWI Classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" Present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes ____ No X	**Is the Sampled Area within a Wetland?**	**Yes** ____ **No X**
Hydric Soil Present?	Yes ____ No X		
Wetland Hydrology Present?	Yes ____ No X		

Remarks: Plot loacted in shallow depression on slight hillslope.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1. *Pyrus sp.*	10	Y	NOL
2.			
3.			
4.			
Total Cover:	10		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Schedonorus arundinaceus*	90	Y	FAC
2. *Dacus carota*	5		FACU
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	95		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)
Total Number of Dominant Species Across All Strata: **2** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **50%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x1 = **0**
FACW species ____	x2 = **0**
FAC species ____	x3 = **0**
FACU species ____	x4 = **0**
UPL species ____	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
____ 1 - Rapid Test for Hydrophytic Vegetation
____ 2 - Dominance Test is >50%
____ 3 - Prevalence Index is ≤3.0[1]
____ 4 - Morphological Adaptation1 (Provide supporting
____ data in Remarks or on a separate sheet)
____ 5 - Wetland Non-Vascular Plants[1]
____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** ____ **No** X

Remarks: 5% Litter

SOIL

Sampling Point: 1

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR2/2	100					LC	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	_____	No	X	Depth (inches): _____
Water table Present?	Yes	_____	No	X	Depth (inches): _____
Saturation Present? (includes capillary fringe)	Yes	_____	No	X	Depth (inches): _____

Wetland Hydrology Present? **Yes** _____ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 2
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): concave Slope (%): 0
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20406661 Long: -122.704321 Datum: WGS 84
Soil Map Unit Name: Medford Silty Clay Loam (0-3 percent slope) NWI Classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes	No X	**Is the Sampled Area within a Wetland?** **Yes** **No X**
Hydric Soil Present?	Yes	No X	
Wetland Hydrology Present?	Yes	No X	

Remarks: Plot located adjacent to schrub/shrub orchard area. Orchard area is heavily dominated by RUAR.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1. *Pyrus sp.*	20	Y	NOL
2.			
3.			
4.			
Total Cover:	20		
Shrub Stratum			
1. *Rubus armeniacus*	10	Y	FAC
2.			
3.			
4.			
5.			
Total Cover:	10		
Herb Stratum			
1. *Schedonorus arundinaceus*	60	Y	FAC
2. *Alopecurus pratensis*	30	Y	FACW
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	90		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **2** (A)
Total Number of Dominant Species Across All Strata: **4** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **50%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
_____ 1 - Rapid Test for Hydrophytic Vegetation
_____ 2 - Dominance Test is >50%
_____ 3 - Prevalence Index is ≤3.0[1]
_____ 4 - Morphological Adaptation1 (Provide supporting
_____ data in Remarks or on a separate sheet)
_____ 5 - Wetland Non-Vascular Plants[1]
_____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** **No** X

Remarks: 10% Litter

SOIL

Sampling Point: 2

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR2/2	100					CL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 3
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Hillslope/Swale Local relief (concave, convex, none): Concave Slope (%): 0-3%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20402182 Long: -122.7043962 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: PEM1C
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?**	**Yes No X**
Hydric Soil Present?	Yes No X		
Wetland Hydrology Present?	Yes X No		

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Schedonorus arundinaceus*	60	Y	FAC
2. *Alopecurus pratensis*	30	Y	FACW
3. *Plantago lanceolata*	5		FACU
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	95		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **2** (A)
Total Number of Dominant Species Across All Strata: **2** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks: Recently mowed. 5% Litter

SOIL

Sampling Point: 3

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR2/2	100					LC	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes ___	No x	Depth (inches): ___	
Water table Present?	Yes ___	No x	Depth (inches): ___	
Saturation Present? (includes capillary fringe)	Yes ___	No x	Depth (inches): ___	**Wetland Hydrology Present?** **Yes** ___ **No** x

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnlia Heights State: OR Sampling Point: 4
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Swale Local relief (concave, convex, none): Concave Slope (%): 10-May
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.203863 Long: -122.704385 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: PEM1C
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?** **Yes** **No X**
Hydric Soil Present?	Yes No X	
Wetland Hydrology Present?	Yes No X	

Remarks: Plot placed in low point within the swale.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Schedonorus arundinaceus*	30	Y	FAC
2. *Carex obnupta*	30	Y	OBL
3. *Dipsacus fullonum*	20	Y	FAC
4. *Daucus carota*	10		FACU
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	90		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **3** (A)
Total Number of Dominant Species Across All Strata: **3** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:

SOIL

Sampling Point: 4

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR2/1	100					C	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 5
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): none Slope (%): 0-3%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.203886 Long: -122.704225 Datum: WGS 84
Soil Map Unit Name: Medford Silty Clay Loam (0-3 percent Slopes) NWI Classification: PEM1C
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?** **Yes** **No X**
Hydric Soil Present?	Yes No X	
Wetland Hydrology Present?	Yes No X	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1. *Malus domestis*	20	Y	NOL
2.			
3.			
4.			
Total Cover:	20		
Shrub Stratum			
1. *Rubus armeniacus*	20	Y	FAC
2.			
3.			
4.			
5.			
Total Cover:	20		
Herb Stratum			
1. *Schedonorus arundinaceus*	70	Y	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	70		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 30 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **2** (A)
Total Number of Dominant Species Across All Strata: **3** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **67%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:		Multiply by:
OBL species	x1 =	**0**
FACW species	x2 =	**0**
FAC species	x3 =	**0**
FACU species	x4 =	**0**
UPL species	x5 =	**0**
Column Totals: **0** (A)		**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:

SOIL

Sampling Point: 5

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR3/2	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 6
Investigator(s): JRF, MRS Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): concave Slope (%): 0-3%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20372 Long: -122.704205 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: PEM1C
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" Present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No ____	**Is the Sampled Area within a Wetland?**	**Yes ____ No X**
Hydric Soil Present?	Yes ____ No X		
Wetland Hydrology Present?	Yes ____ No X		

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Schedonorus arundinaceus*	50	Y	FAC
2. *Carex obnupta*	40	Y	OBL
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	90		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **2** (A)
Total Number of Dominant Species Across All Strata: **2** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:		Multiply by:
OBL species	x1 =	**0**
FACW species	x2 =	**0**
FAC species	x3 =	**0**
FACU species	x4 =	**0**
UPL species	x5 =	**0**
Column Totals: **0** (A)		**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
____ 1 - Rapid Test for Hydrophytic Vegetation
X 2 - Dominance Test is >50%
____ 3 - Prevalence Index is ≤3.0[1]
____ 4 - Morphological Adaptation1 (Provide supporting
____ data in Remarks or on a separate sheet)
____ 5 - Wetland Non-Vascular Plants[1]
____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

SOIL

Sampling Point: 6

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR2/1	100					C	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 1/28/2020
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 7
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Swale Local relief (concave, convex, none): Concave Slope (%): 0-2
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20370372 Long: -122.7042686 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: PEM1C
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?**	**Yes** **No X**
Hydric Soil Present?	Yes No X		
Wetland Hydrology Present?	Yes No X		

Remarks: Plot within low area of swale.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Carex obnupta*	90	Y	OBL
2. *Conium maculatum*	5		FAC
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	95		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 5 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)
Total Number of Dominant Species Across All Strata: **1** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:

SOIL

Sampling Point: 7

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR2/1	100					C	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 8
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Terrace/Hillslope Local relief (concave, convex, none): none Slope (%): 0-3%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20322184 Long: -122.7043501 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?**	**Yes No X**
Hydric Soil Present?	Yes No X		
Wetland Hydrology Present?	Yes No X		

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1. *Pyrus sp*	20	Y	NOL
2.			
3.			
4.			
Total Cover:	20		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Schedonorus arundinceus*	10	Y	FAC
2. *Conium maculatum*	30	Y	FAC
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	40		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 40 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **2** (A)
Total Number of Dominant Species Across All Strata: **3** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **67%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks: 20 percent litter

SOIL

Sampling Point: 8

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR2/1	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 9
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): none Slope (%): 0-3%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20340416 Long: -122.7050108 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?**	**Yes** **No X**
Hydric Soil Present?	Yes No X		
Wetland Hydrology Present?	Yes No X		

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Lolium perenne*	80	Y	FAC
2. *Conium maculatum*	15		FAC
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	95		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 5 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)
Total Number of Dominant Species Across All Strata: **1** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species x1 =	**0**
FACW species x2 =	**0**
FAC species x3 =	**0**
FACU species x4 =	**0**
UPL species x5 =	**0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:

SOIL

Sampling Point: 9

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR2/2	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Clinton St. City/County: Ashland/Jackson Sampling Date: 12/8/2022
Applicant/Owner: Magnolia Heights State: OR Sampling Point: 10
Investigator(s): JRF Section, Township, Range: 4DB, 39S, 1E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): none Slope (%): 0-5%
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 42.20341917 Long: -122.7050108 Datum: WGS 84
Soil Map Unit Name: Coker Clay 0-3% NWI Classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" Present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes X No ____	**Is the Sampled Area within a Wetland?**	**Yes** ____ **No** **X**
Hydric Soil Present?	Yes ____ No X		
Wetland Hydrology Present?	Yes ____ No X		

Remarks: Plot located in soutwestern portion of the site. Documenting conditions.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1.			
2.			
3.			
4.			
Total Cover:	0		
Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	0		
Herb Stratum			
1. *Lolium perenne*	80	Y	FAC
2. *Schedonorus arundinaceus*	5		FAC
3. *Dipsacus fullonum*	5		FAC
4. *Lactuca serriola*	5		FACU
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	95		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 5 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)
Total Number of Dominant Species Across All Strata: **1** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x1 = **0**
FACW species ____	x2 = **0**
FAC species ____	x3 = **0**
FACU species ____	x4 = **0**
UPL species ____	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
____ 1 - Rapid Test for Hydrophytic Vegetation
X 2 - Dominance Test is >50%
____ 3 - Prevalence Index is ≤3.0[1]
____ 4 - Morphological Adaptation1 (Provide supporting
____ data in Remarks or on a separate sheet)
____ 5 - Wetland Non-Vascular Plants[1]
____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

SOIL

Sampling Point: 10

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

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-15	10YR3/2	100					SiCL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

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

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): ___

Water table Present? Yes ___ No x Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

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

Remarks:

APPENDIX C: SITE PHOTOGRAPHS

Photo Point 1. Facing north.

Photo Point 1. Facing east.

Photo Point 1. Facing south.

Photo Point 1. Facing west.

Photo Point 2. Facing northwest.

Photo Point 2. Facing souitheast.

Photo Point 2. Facing south.

Photo Point 2. Facing west.

Photo Point 3. Facing southeast.

Photo Point 3. Facing southwest.

Photo Point 3. Facing northwest.

Photo Point 3. Facing northeast.

Photo Point 4. Facing north.

Photo Point 4. Facing east.

Photo Point 4. Facing southeast.

Photo Point 4. Facing south.

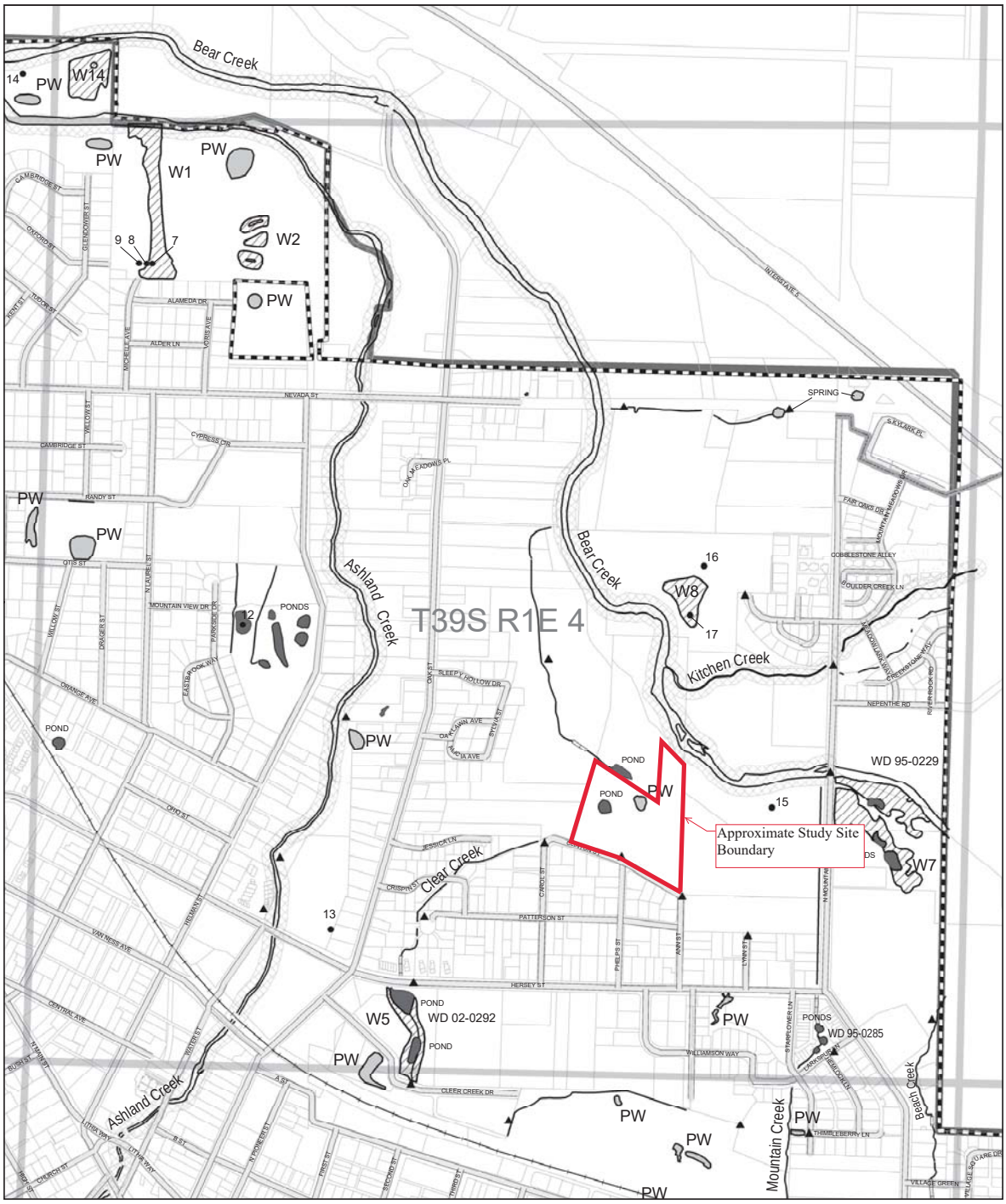
APPENDIX D: ASHLAND LWI

City of Ashland

Local Wetlands Inventory

T39S R1E 4

APPROVED LOCAL WETLANDS INVENTORY
3/20/2007
OREGON DEPARTMENT OF STATE LANDS



Legend

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

Feet
300 150 0 300 600

Study area is contained within the Bear Creek watershed

Fishman Environmental Services
A DIVISION OF SWCA

SWCA Environmental Consultants, Inc.
www.swca.com
434 NW 6th Ave, Suite 304
Portland, OR 97209-3600
503-224-0333

Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

The local wetlands inventory has been prepared in accordance with OAR 141-086-0180 through 141-086-0240 and OAR 141-086-0300 through 141-086-0350 by SWCA, Inc.

Maps have been prepared using
City of Ashland digital orthophotos.
Photos are SID format
Pixel Resolution: 1' pixel
Date of Photography: July 2001

Projection Information:
NAD 1983 StatePlane Oregon South FIPS 3602 Feet
Lambert Conformal Conic
False Easting: 4921250.000000
False Northing: 0.000000
Central Meridian: -120.500000
Standard Parallel 1: 42.333333
Standard Parallel 2: 44.000000
Latitude Of Origin: 41.666667

GCS North American 1983
Print date: 12/12/06; Prepared By: R. Gutierrez

APPENDIX E: LITERATURE CITATIONS

Environmental Laboratory, 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS.

Environmental Laboratory, 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Mountains and Valleys West (Version 2.0), Wetlands Regulatory Assistance Program ERDC/EL TR-10-3 U.S. Army Engineer Research and Development Center. Vicksburg, MS.

Federal Interagency Committee for Wetland Delineation, 1989. Federal Manual for Identifying and Delineating Jurisdictional Wetlands, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 138 pp.

Federal Register, 1980. 40 CFR Part 230: Section 404(b)(1), Guidelines for Specification of Disposal Sites of Dredged or Fill Material, Vol. 45, No. 249, pp. 85352-85353, U.S. Govt. Printing Office, Washington, D.C.

Federal Register, 1982. Title 33, Navigation and Navigable Waters; Chapter II, Regulatory Programs of the Corps of Engineers. Vol. 47, No. 138, p. 31810, U.S. Govt. Printing Office, Washington, D.C.

Federal Register, 1986. 33 CFR Parts 320 through 330, Regulatory Programs of the Corps of Engineers; Final Rule, Vol. 51, No. 219 pp. 41206-41259, U.S. Govt. Printing Office, Washington, D.C.

Kollmorgen Corporation, 1975. Munsell Soil Color Charts. Macbeth Division of Kollmorgen Corporation, Baltimore, MD.

Natural Resource Conservation Service Water Agricultural Applied Climate Information Center: Ashland. 1991-2021. U.S. Department of Agriculture. Available: http://agacis.rcc-acis.org

Oregon Department of State Lands. 2012. A Guide to the Removal-Fill Permit Process. Salem, OR. April 2012.

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/. Accessed [12/20/2022]

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TENTATIVE PLAT OF
MAGNOLIA MEADOWS
A replat of Parcel 2 per Partition Plat No. P-30-2022 & in the S.E. 1/4 of Sec. 4, T.39S., R.1E., W.M. City of Ashland Jackson County, Oregon

LEGEND:

- ⊙ = FD. BRASS CAP MKD. L.J. FRIAR & ASSOC. IN MON WELL PER RWS.
- ⌀ = FD. 1.5" IRON PIPE PER VOL. 263, PG. 599, JCDR.
- ● = FD. 5/8" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC. PER FS20570, 20667, 21725, 22509, 23736 OR RWS.
- ○ = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⌀ = SET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ◎ = SET 5/8" X 30" IRON PIN & ALUMINUM CAP MKD. L.J. FRIAR & ASSOC.

C1/L1 = SEE COURSE DATA TABLE.
JCDR = JACKSON COUNTY DEED RECORDS.
ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
RWS = RIVERWALK SUBDIVISION (FS17815).
FS = FILED SURVEY #.
-x- = FENCE LINE.
SSE3 = CENTERLINE SANITARY SEWER EASEMENT PER DOC. 76-15853, ORJCO (10' WIDE).
SDE2 = STORM DRAINAGE EASEMENT PER DOC. 91-02033, ORJCO.
TAE = TEMPORARY ACCESS EASEMENT PER PP# P-30-2022.
PUE1 = PUBLIC UTILITY EASEMENT PER RWS.
PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT.
PPAE = PUBLIC PEDESTRIAN ACCESS EASEMENT PER THIS PLAT.

COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	CHORD	
C1	72°54'55"	10.18	8.00	N36°39'05"W	9.51
C2	118°41'33"	16.57	8.00	N59°09'09"E	13.76
C3	106°40'29"	37.24	20.00	N53°24'42"E	32.09
C4	118°25'29"	20.67	10.00	S59°17'11"W	17.18
C5	61°34'31"	21.49	20.00	S30°42'49"E	20.47
C6	98°19'42"	13.73	8.00	N48°56'14"E	12.10
C7	21°02'22"	36.17	98.50	N50°58'53"W	35.97
C8	19°52'28"	34.17	98.50	N51°33'50"W	34.00
C9	1°09'54"	2.00	98.50	N41°02'39"W	2.00
C10	21°02'22"	18.91	51.50	S50°58'53"E	18.81
C11	21°02'22"	18.91	51.50	N50°58'53"W	18.81
C12	21°02'22"	36.17	98.50	S50°58'53"E	35.97
C13	21°02'22"	27.54	75.00	N50°58'53"W	27.39
C14	21°02'22"	27.54	75.00	S50°58'53"E	27.39

NUM	BEARING	DISTANCE	NUM	BEARING	DISTANCE
L17	S28°29'56"W	3.00	L21	N16°44'56"E	3.50
L18	S16°53'27"W	50.00	L22	S81°17'49"E	25.30
L19	S73°06'33"E	4.71	L23	N61°30'04"W	64.21
L20	N73°06'33"W	21.41	L24	N40°27'42"W	27.85

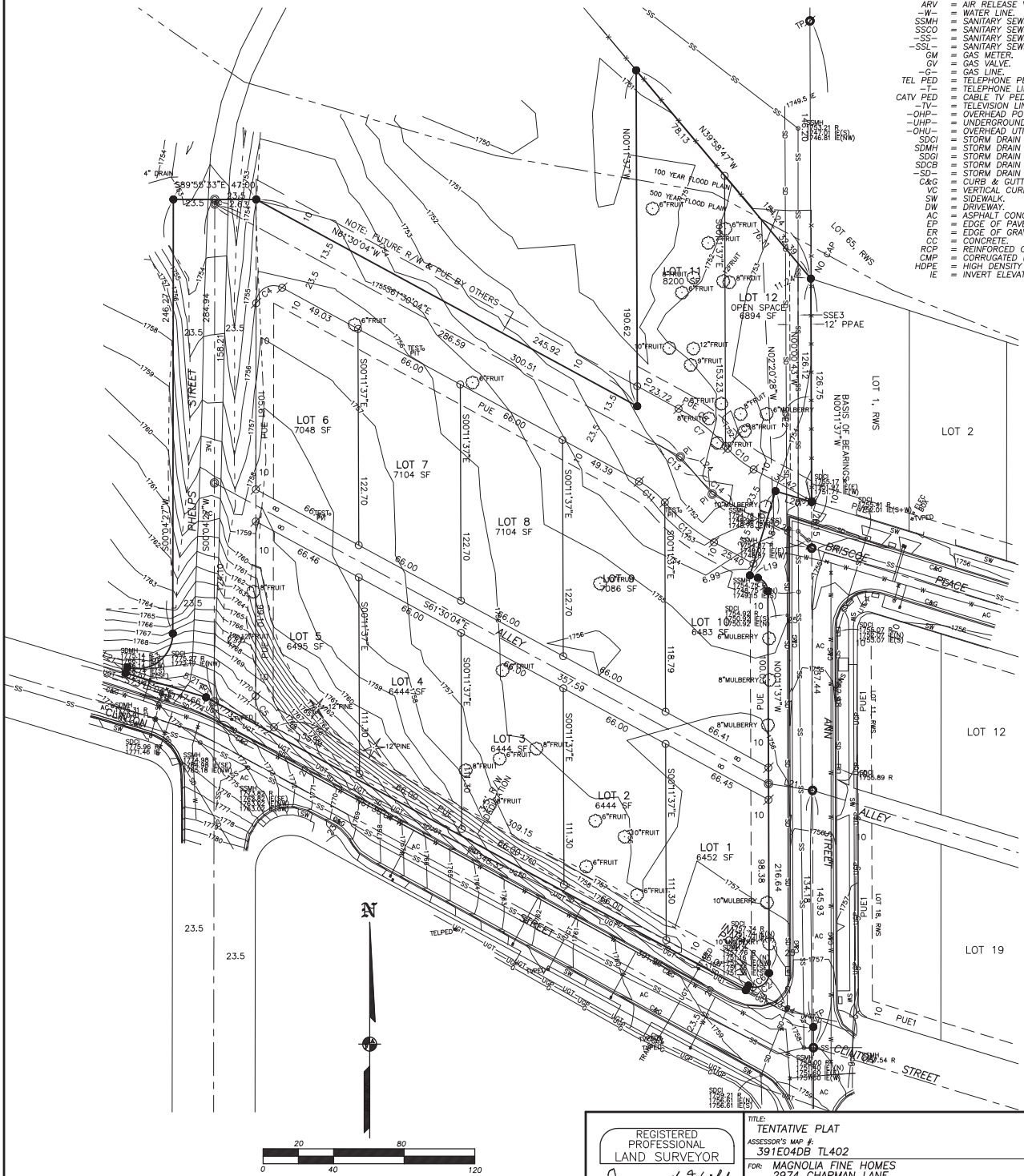
BASIS OF BEARINGS:

NOAA TRUE BEARINGS BASED ON SURVEY NO. 17815 AS SHOWN HEREON.

UNIT OF MEASUREMENT = FEET SCALE: 1" = 100'

TOPOGRAPHIC LEGEND:

WM = WATER METER.
WV = WATER VALVE.
FH = FIRE HYDRANT.
ARV = AIR RELEASE VALVE.
-W- = WATER LINE.
SSMH = SANITARY SEWER MANHOLE.
SSCO = SANITARY SEWER CLEANOUT.
-SS- = SANITARY SEWER LINE.
-SSL- = SANITARY SEWER LATERAL.
GM = GAS METER.
GV = GAS VALVE.
-G- = GAS LINE.
TEL PED = TELEPHONE PEDESTAL.
-T- = TELEPHONE LINE.
CATV PED = CABLE TV PEDESTAL.
-TV- = TELEVISION LINE.
-OHP- = OVERHEAD POWER LINE.
-UHP- = UNDERGROUND POWER LINE.
-OHU- = OVERHEAD UTILITY LINES.
SDCI = STORM DRAIN CURB INLET.
SDMH = STORM DRAIN MANHOLE.
SDGI = STORM DRAIN GUTTER INLET.
SDCB = STORM DRAIN CATCH BASIN.
-SD- = STORM DRAIN LINE.
C&G = CURB & GUTTER.
VC = VERTICAL CURB.
SW = SIDEWALK.
DW = DRIVEWAY.
AC = ASPHALT CONCRETE.
EP = EDGE OF PAVEMENT.
ER = EDGE OF GRAVEL ROAD.
CC = CONCRETE.
RCP = REINFORCED CONCRETE PIPE/
CMP = CORRUGATED METAL PIPE.
HDPE = HIGH DENSITY POLYETHYLENE PIPE.
IE = INVERT ELEVATION.



ELEVATION DATUM:

NGVD29/56 BASED ON RM4 PER FEMA HISTORIC FIRM 410090 0001B DATED JUNE 1, 1981. ELEV. 1760.04'.

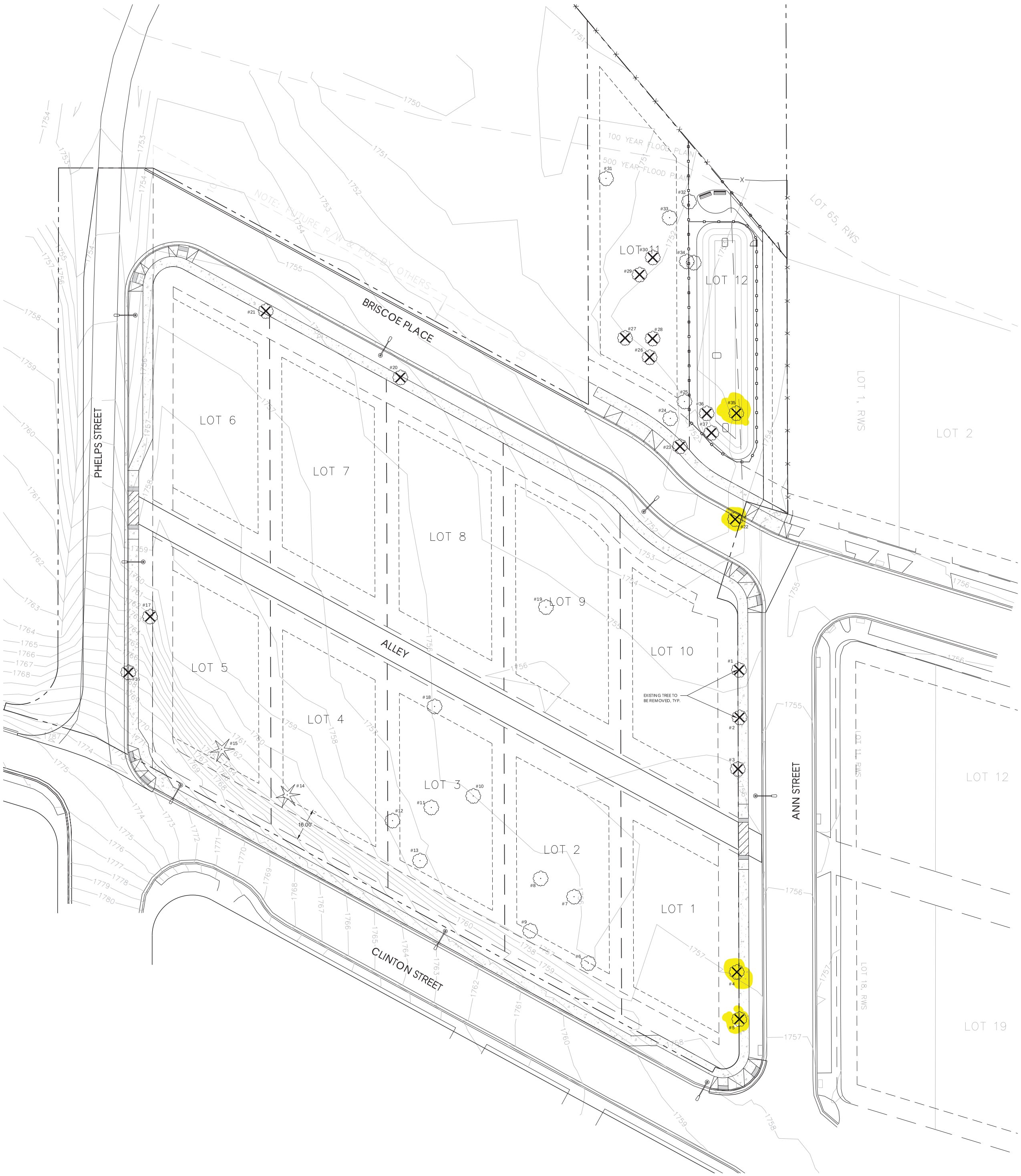
REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE: 6-30-23

© L.J. FRIAR & ASSOCIATES, P.C. 2023

TITLE: TENTATIVE PLAT
ASSESSOR'S MAP #: 391E04DB TL402
FOR: MAGNOLIA FINE HOMES
2974 CHAPMAN LANE
ASHLAND, OR 97520

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. Box 1947, Phoenix, OR 97535
Phone: (541) 772-2782
Email: ljfriarandassociates@charter.net

DATE: 10 JAN 2023
SCALE: 1 inch : 40 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
ROTATION: 0°
JOB#: 22130FM



EXISTING TREE INVENTORY

TREE DESCRIPTION

#	DBH (APPROX)	BOTANICAL NAME	COMMON NAME
1	8"	MORUS SPP.	MULBERRY
2	8"	MORUS SPP.	MULBERRY
3	10"	MORUS SPP.	MULBERRY
4	12"	MORUS SPP.	MULBERRY
5	12"	MORUS SPP.	MULBERRY
6	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
7	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
8	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
9	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
10	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
11	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
12	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
13	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
14	14"	PINUS MONTICOLA	WESTERN WHITE PINE
15	14" - 2 LEADERS	PINUS MONTICOLA	WESTERN WHITE PINE
16	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
17	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
18	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
19	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
20	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
21	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
22	12"	MORUS SPP.	MULBERRY
23	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
24	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
25	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
26	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
27	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
28	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
29	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
30	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
31	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
32	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
33	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
34	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
35	16"	MORUS SPP.	MULBERRY
36	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE
37	MULTI	CRATAEGUS MONOGYNA	COMMON HAWTHORNE

NOTES:
1. TREE LOCATIONS WERE TAKEN FROM PRELIMINARY PLAT SURVEY, DATED JANUARY 10, 2023.

TREE PROTECTION LEGEND

SYMBOL	DESCRIPTION
	TREE TO REMAIN
	TREE TO BE REMOVED
	TREE PROTECTION FENCE

TYPICAL TREE PROTECTION AND REMOVAL NOTES

1. PRIOR TO DELIVERING EXCAVATION EQUIPMENT OR COMMENCING ANY CONSTRUCTION ACTIVITIES ON THE SITE, THE GENERAL CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR A PRE-CONSTRUCTION MEETING WITH THE LANDSCAPE ARCHITECT AND EXCAVATION SUPERVISOR PRIOR TO COMMENCING ANY WORK ON THE SITE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED BY THE CONTRACTOR 48 HRS. IN ADVANCE FOR ALL SITE VISITS REQUESTED. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FROM THE OWNER'S REPRESENTATIVE THAT CONSTRUCTION MAY BEGIN AFTER ALL OF THE DESCRIBED FENCING IS IN PLACE. FENCING SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETED.
2. FENCES MUST BE ERECTED TO PROTECT TREES TO BE PRESERVED AS SHOWN IN DIAGRAM. FENCING SHALL BE 6' TALL TEMPORARY CHAIN LINK PANELS INSTALLED WITH METAL CONNECTIONS TO ALL PANELS AREA INTEGRATED, THESE FENCES SHALL BE INSTALLED SO THAT IT DOES NOT ALLOW PASSAGE OF PEDESTRIANS AND/ OR VEHICLES THROUGH IT. FENCES DEFINE A SPECIFIC PROTECTION ZONE FOR EACH TREE OR GROUP OF TREES. FENCES ARE TO REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED. FENCES MAY NOT BE RELOCATED OR REMOVED WITHOUT THE PERMISSION OF THE LANDSCAPE ARCHITECT.
3. CONSTRUCTION TRAILERS, TRAFFIC AND STORAGE AREAS MUST REMAIN OUTSIDE FENCED TREE PROTECTION ZONES AT ALL TIMES. SEE DETAIL #1 "TREE PRESERVATION FENCING" FOR ADDITIONAL REQUIREMENTS.
4. ALL PROPOSED UNDERGROUND UTILITIES AND DRAIN OR IRRIGATION LINES SHALL BE ROUTED OUTSIDE THE TREE PROTECTION ZONE. IF LINES MUST TRANSVERSE THE PROTECTION AREA, THEY SHALL BE TUNNELED OR BORED UNDER THE TREE ROOTS. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IF ANY PROJECT PLANS CONFLICT WITH THIS REQUIREMENT.
5. NO MATERIALS, EQUIPMENT, SPOIL, OR WASTE OR WASHOUT WATER MAY BE DEPOSITED, STORED, OR PARKED WITHIN THE TREE PROTECTION ZONE (FENCED AREA).
6. NOTIFY THE LANDSCAPE ARCHITECT IF TREE PRUNING IS REQUIRED FOR CONSTRUCTION CLEARANCE .
7. IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY. ALL DAMAGE CAUSED BY CONSTRUCTION TO EXISTING TREES SHALL BE COMPENSATED FOR BY THE OFFENDING PARTY, BEFORE THE PROJECT WILL BE CONSIDERED COMPLETE.
8. WATERING SCHEDULE: WATERING PROTECTED TREES SHALL FOLLOW THESE STANDARDS, HOWEVER PERIODS OF EXTREME HEAT, WIND, RAINFALL OR DROUGHT MAY REQUIRE MORE OR LESS WATER THAN RECOMMENDED IN THESE NOTES.
   A. MOST SPECIES: 1 TIME PER MONTH DURING IRRIGATION SEASON (USUALLY MARCH THROUGH SEPTEMBER)
   B. QUERCUS/OAK: DEEP WATER IN MAY AND SEPTEMBER, DO NOT WATER DURING OTHER MONTHS. FOR OAKS ALREADY IN THE VICINITY OF IRRIGATED CONDITIONS, AUTOMATIC SPRINKLERS OR REGULAR WATERING SHALL NOT BE ALLOWED TO SPRAY ON OR WITHIN 3 FEET OF THE TRUNK. THE WATER SHALL NOT BE ALLOWED TO POOL OR DRAIN TOWARDS THE TRUNK.
   C. WATERING METHOD: HAND WATERING SYSTEMS, RECOMMENDED FOR TREES THAT ARE PART OF A DEVELOPMENT PROJECT THAT MUST BE WATERED TO INSURE TREE SURVIVAL DURING THE COURSE OF CONSTRUCTION UNTIL AUTOMATIC IRRIGATION IS INSTALLED.
9. EROSION CONTROL DEVICES SUCH AS SILT FENCING, DEBRIS BASINS, AND WATER DIVERSION STRUCTURES SHALL BE INSTALLED ON THE UPHILL SIDE OF THE TREE PROTECTION ZONE TO PREVENT SILTATION AND/ OR EROSION WITHIN THE TREE PROTECTION ZONE.
10. BEFORE GRADING, PAD PREPARATION, OR EXCAVATION FOR THE FOUNDATIONS, FOOTINGS, WALLS, OR TRENCHING, ANY TREES WITHIN THE SPECIFIC CONSTRUCTION ZONE SHALL BE ROOT PRUNED 1 FOOT OUTSIDE THE TREE PROTECTION ZONE BY CUTTING ALL ROOTS CLEANLY AT A 90 DEGREE ANGLE TO A DEPTH OF 24 INCHES. ROOTS SHALL BE CUT BY MANUALLY DIGGING A TRENCH AND CUTTING EXPOSED ROOTS WITH A SAW, VIBRATING KNIFE, ROCK SAW, NARROW TRENCHER WITH SHARP BLADES, OR OTHER APPROVED ROOT-PRUNING EQUIPMENT.
11. ANY ROOTS DAMAGED DURING GRADING OR CONSTRUCTION SHALL BE EXPOSED TO SOUND TISSUE AND CUT CLEANLY AT A 90 DEGREE ANGLE TO THE ROOT WITH A SAW. PLACE DAMP SOIL AROUND ALL CUT ROOTS TO A DEPTH EQUALING THE EXISTING FINISH GRADE WITHIN 4 HOURS OF CUTS BEING MADE.
12. IF TEMPORARY HAUL OR ACCESS ROADS MUST PASS OVER THE ROOT AREA OF TREES TO BE RETAINED, A ROAD BED OF 6 - 8 INCHES OF WOOD MULCH OR GRAVEL SHALL BE CREATED TO PROTECT THE SOIL. THE ROAD BED MATERIAL SHALL BE REPLENISHED AS NECESSARY TO MAINTAIN A MIN. 6 INCH DEPTH.
13. SPOIL FROM TRENCHES, BASEMENTS, OR OTHER EXCAVATIONS SHALL NOT BE PLACED WITHIN THE TREE PROTECTION ZONE, EITHER TEMPORARILY OR PERMANENTLY.
14. NO BURN PILES OR DEBRIS PILES SHALL BE PLACED WITHIN THE TREE PROTECTION ZONE. NO ASHES, DEBRIS, OR GARBAGE MAY BE DUMPED OR BURIED WITHIN THE TREE PROTECTION ZONE.
15. MAINTAIN FIRE-SAFE AREAS AROUND FENCED AREA. ALSO, NO HEAT SOURCES, FLAMES, IGNITION SOURCES, OR SMOKING IS ALLOWED NEAR MULCH OR TREES.
16. DO NOT RAISE THE SOIL LEVEL WITHIN THE DRIP LINES TO ACHIEVE POSITIVE DRAINAGE, EXCEPT TO MATCH GRADES WITH SIDEWALKS AND CURBS, AND IN THOSE AREAS, FEATHER THE ADDED TOPSOIL BACK TO EXISTING GRADE AT APPROXIMATELY 3:1 SLOPE.
17. REMOVE THE ROOT WAD FOR EACH TREE THAT IS INDICATED ON THE PLAN AS BEING REMOVED.
18. EXCEPTIONS TO THE TREE PROTECTION SPECIFICATIONS MAY ONLY BE GRANTED IN EXTRAORDINARY CIRCUMSTANCES WITH WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO ANY WORK COMMENCING.
19. AS A PROTECTIVE MEASURE TO COMPENSATE FOR CONSTRUCTION IMPACTS, TWO TO SIX WEEKS PRIOR TO CONSTRUCTION, ALL RETAINED TREES SHOWN ON THIS PLAN SHALL RECEIVE AN APPLICATION OF MYCOAPPLY ALL PURPOSE SOLUBLE PER MANUFACTURER'S INSTRUCTIONS. THIS MYCORRHIZAE PRODUCT IS A SPECIALLY FORMULATED NATURAL ROOT BIOSTIMULANT WHICH ENHANCES THE ABSORPTIVE SURFACE AREA OF THE TREES' ROOT SYSTEMS. THIS PROMOTES AND IMPROVES NUTRIENT AND WATER UPTAKE CAPABILITIES OF THE REMAINING ROOT STRUCTURE. DISTRIBUTE MYCOAPPLY EVENLY WITHIN THE ACTIVE ROOT ZONE OF RETAINED TREES. APPLY 30 GALS. OF SOLUTION PER TREE 6" DBH AND GREATER, A MINIMUM OF 4" BELOW SOIL SURFACE IN QUANTITIES OF 1/2 GALLON AT EACH POINT OF APPLICATION. LOCATE THE ACTIVE ROOT ZONES WITH LANDSCAPE ARCHITECT PRESENT.
   MYCOAPPLY IS AVAILABLE FROM MYCORRHIZAL APPLICATION, INC., PHONE (541) 476-3985.

TERRAIN
LANDSCAPE ARCHITECTURE
310 Oak Street, Suite 3
Ashland, Oregon 97520
541.500.4776
TERRAINARCH.COM

MAGNOLIA MEADOWS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OR 97520

REVISIONS

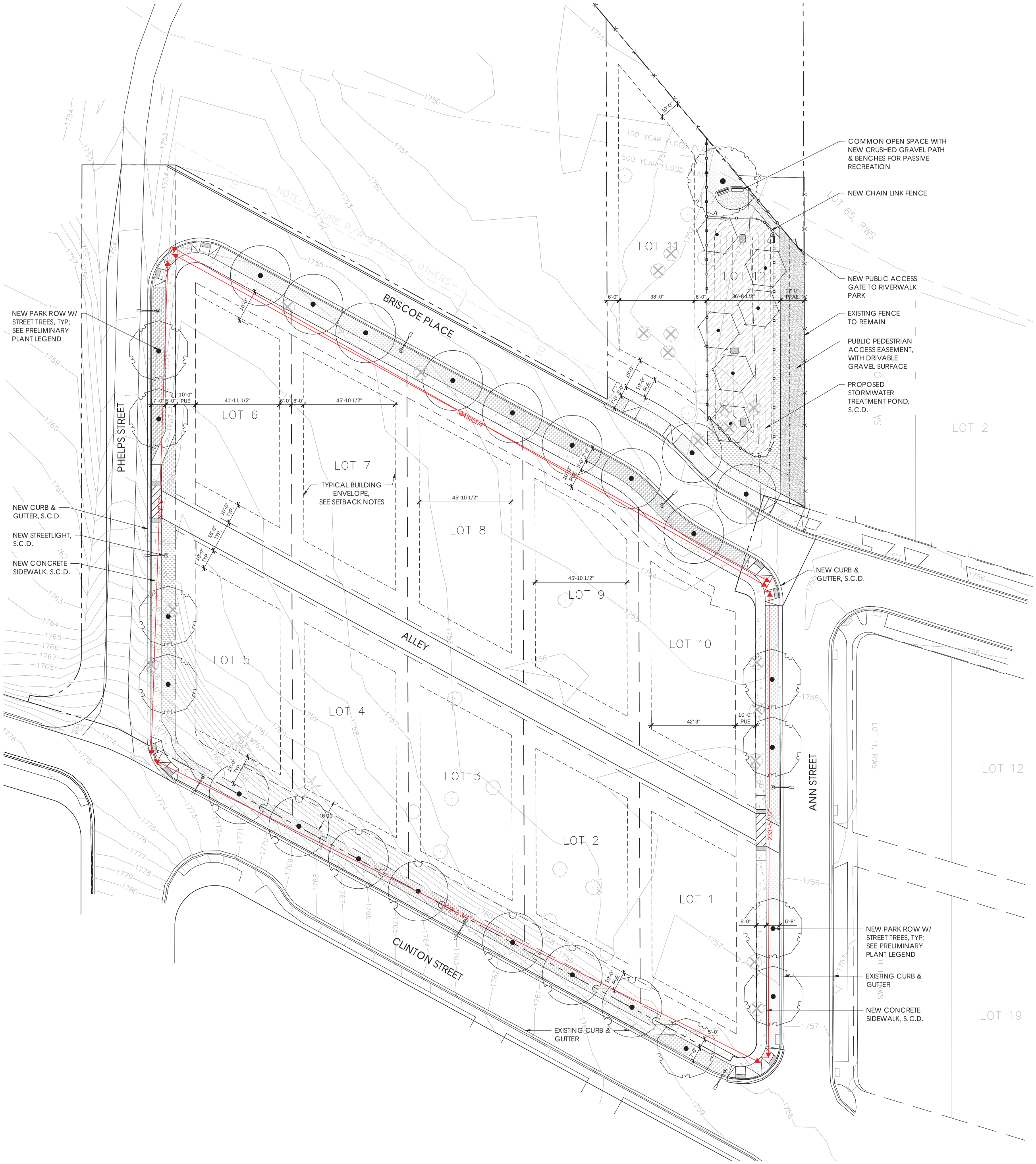
#	DATE	DESCRIPTION
-		
-		
-		
-		
-		

PRELIMINARY PLAT FOR SUBDIVISION

TREE PRESERVATION PLAN

L1.0

PROJECT NO. 2303
03.06.2023
TEAM: PvC, EG



CONCEPT IMAGE:

COMMON OPEN SPACE FOR PASSIVE RECREATION

LANDSCAPE NARRATIVE

Magnolia Meadows subdivision will add 12 new lots to the existing neighborhood, including 11 buildable residential lots and one lot containing open space and stormwater detention. The new homes will be compatible with the existing character of the surrounding residential neighborhood.

The landscape will meet all applicable AMC requirements for zoning designation R-1-5, including landscaping a minimum of 50% of lot areas and maximum lot coverage of 50%.

Appropriate street trees will be included at a rate of one per 30 feet of street frontage, along the street edges that will improved as part of this subdivision. Groundcover planting & irrigation will be included in park rows and open space. Planting shall be drought tolerant and firewise, per City of Ashland Standards for Wildfire Lands.

The common open space for this subdivision will include a stormwater detention pond, shade trees, a gravel path and a bench for passive recreation such as bird watching. The open space will be bordered by a chain link fence with a pedestrian-sized gate.

All lots will be 'Solar Setback Standard A' lots, designed to permit the location of a 21-foot high structure with a setback which does not exceed 50 percent of the lot's north-south lot dimension per Land Use Ordinance section 18.4.8.030A. The solar slope of these lots ranges from 0.02-0.04, downhill to the North and the lots all exceed the solar setback standards.

PRELIMINARY PLANT LEGEND

SYMBOL	DESCRIPTION
TREES	
	CERCIS CANADENSIS, BETULA NIGRA OR SIMILAR
	GYMNOCLADUS DIOICUS
	QUERCUS COCCINEA
	QUERCUS KELLOGGII OR SIMILAR
	TILIA CORDATA
SHRUBS, GROUNDCOVER & OTHER PLANTS	
	STORMWATER PLANTING PER ROGUE VALLEY STORMWATER QUALITY DESIGN MANUAL
	MIX OF CISTUS SPP, MULENBERGIA CAPILLARIS, HELICTOTRICHON, AUBRETIA, ARCTOSTAPHYLOS AND OTHER FIREWISE AND DROUGHT TOLERANT PLANTS

SETBACK NOTES

FRONT YARD	15'
REAR YARD	10' PLUS 10' FOR EACH STORY OVER ONE STORY
SIDE YARD	6'
SIDE YARD AT CORNER, ABUTTING A PUBLIC STREET	10'

- When a 6-foot by 8-foot, covered porch is proposed, a 16-foot front facade setback is required.
- 4-foot rear yard setback from the alley and 3-foot side yard setback for detached accessory structures when less than 15 feet in average height and comply with solar setbacks.

TERRAIN
LANDSCAPE ARCHITECTURE
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Ashland, Oregon 97520
541.500.4776
TERRAINARCH.COM

MAGNOLIA MEADOWS

MAP 39-1E-04-DB, TAX LOT 404

BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OR 97520

REVISIONS

#	DATE	DESCRIPTION
-		
-		
-		
-		
-		

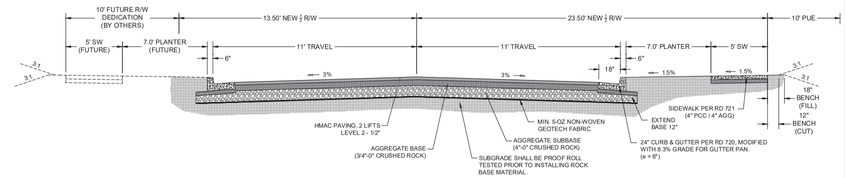
PRELIMINARY PLAT FOR SUBDIVISION

CONCEPTUAL LANDSCAPE PLAN

L2.0

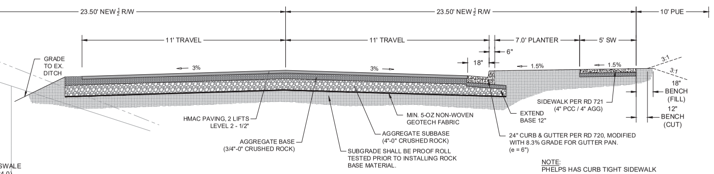
PROJECT NO. 2303
03.06.2023
TEAM: PvC, EG

NW 1/4 OF THE SE 1/4 OF SEC.4, T.39S., R1E., W.M. JACKSON COUNTY, OREGON



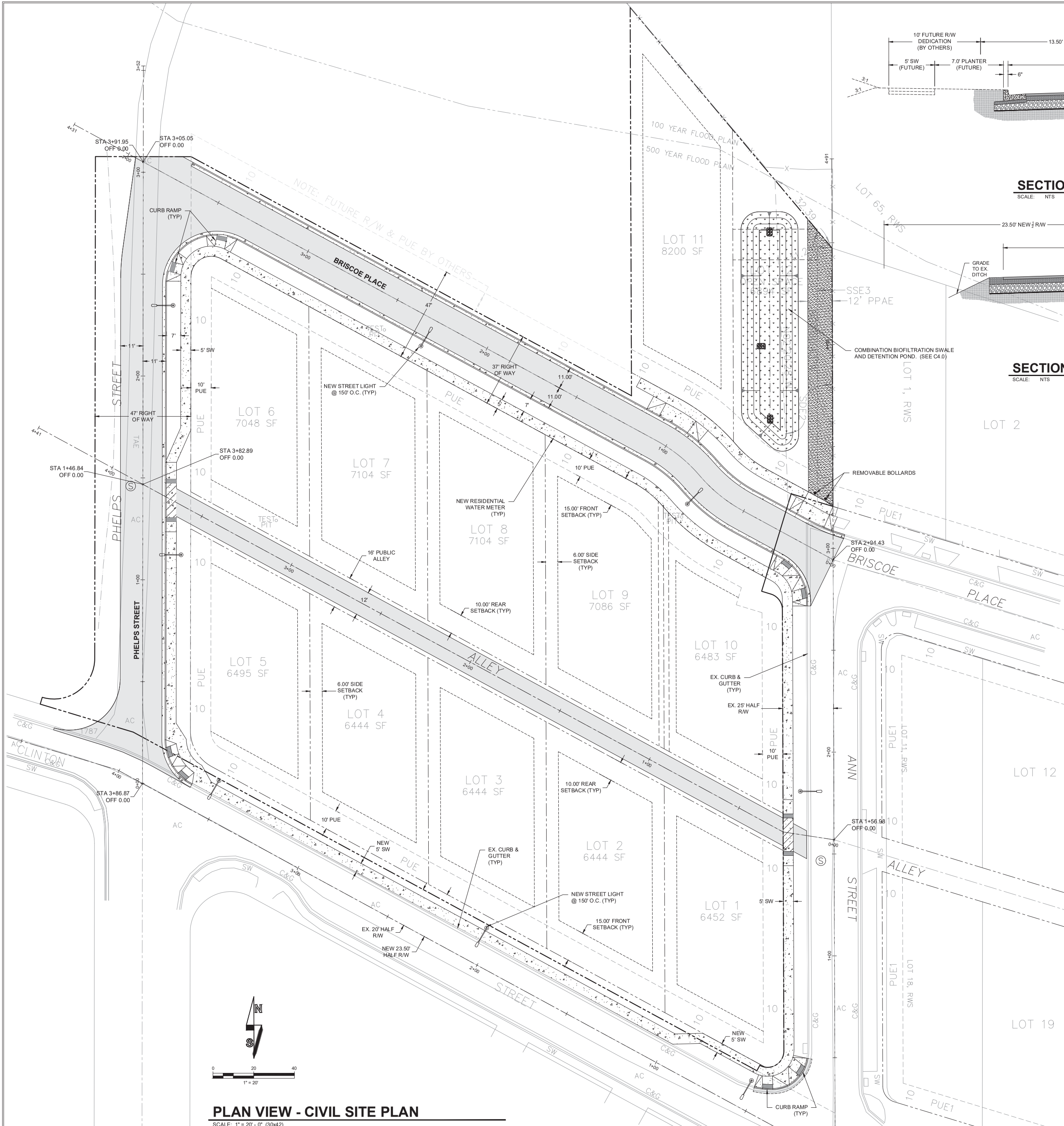
SECTION - BRISCOE PLACE

SCALE: NTS



SECTION - PHELPS ROAD

SCALE: NTS



PLAN VIEW - CIVIL SITE PLAN

SCALE: 1" = 20' - 0" (30x42)

SETBACK NOTES

1) WHEN A 6-FOOT BY 8-FOOT, COVERED PORCH IS PROPOSED, A 16-FOOT FRONT FACADE SETBACK IS REQUIRED.
2) 4-FOOT REAR YARD SETBACK FROM THE ALLEY AND 3-FOOT SIDE YARD SETBACK FOR DETACHED ACCESSORY STRUCTURES WHEN LESS THAN 15 FEET IN AVERAGE HEIGHT AND COMPLY WITH SOLAR SETBACKS.

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REGISTERED PROFESSIONAL ENGINEER OREGON TODD D. POWELL EXPIRES: 12/31/24

VERIFY SCALES

MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE: LAND USE SET

DATE: 03/06/23

PROJECT NUMBER: 23-001

DRAWING TITLE: CIVIL SITE PLAN

SHEET NUMBER: C3.0

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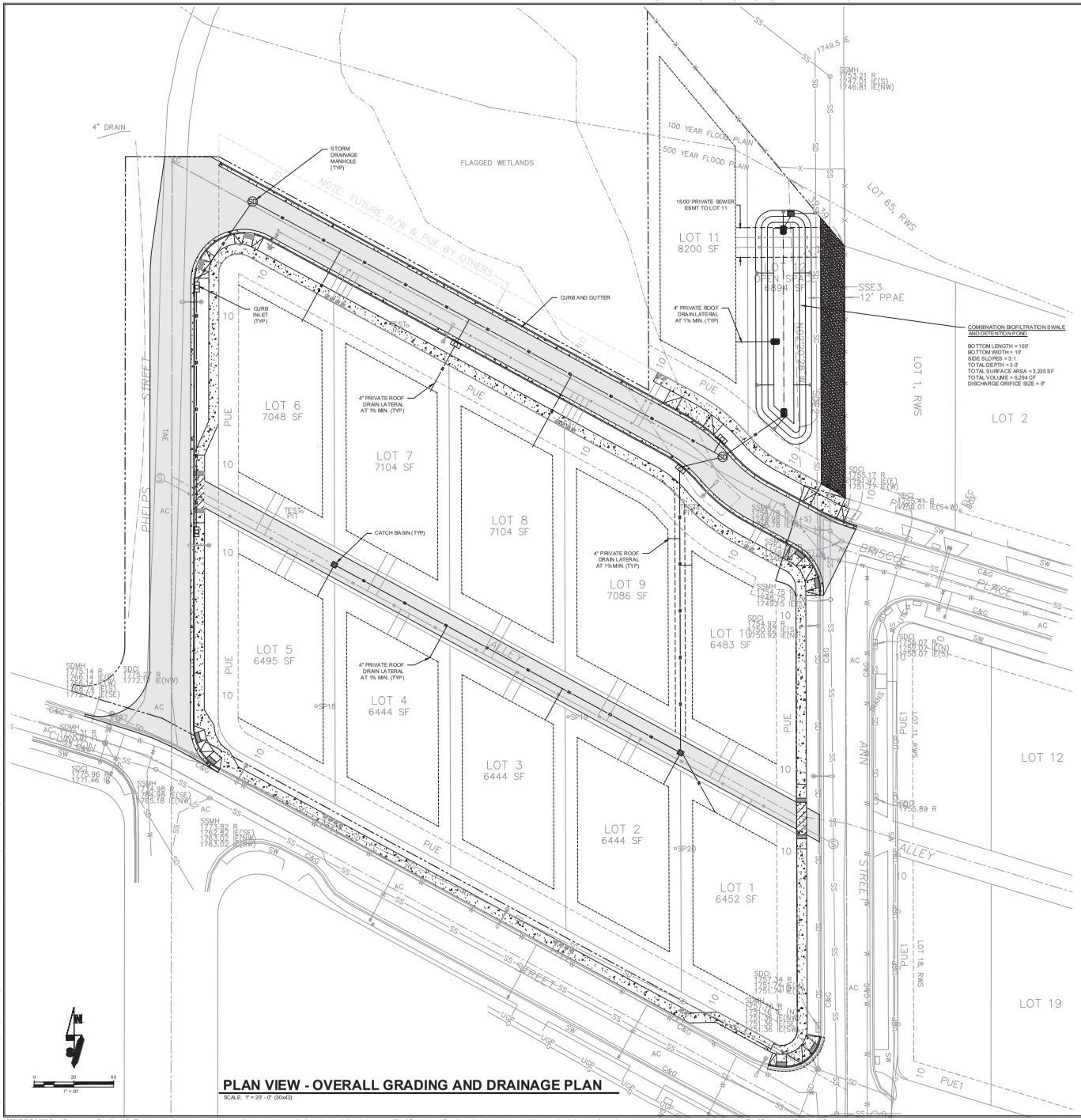

PLAN VIEW - OVERALL GRADING AND DRAINAGE PLAN

SCALE: 1" = 20' - 0" (30x42)

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MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE: LAND USE SET

DATE: 03/06/23

PROJECT NUMBER: 23-001

DRAWING TITLE: **OVERALL GRADING AND DRAINAGE PLAN**

SHEET NUMBER: **C4.0**

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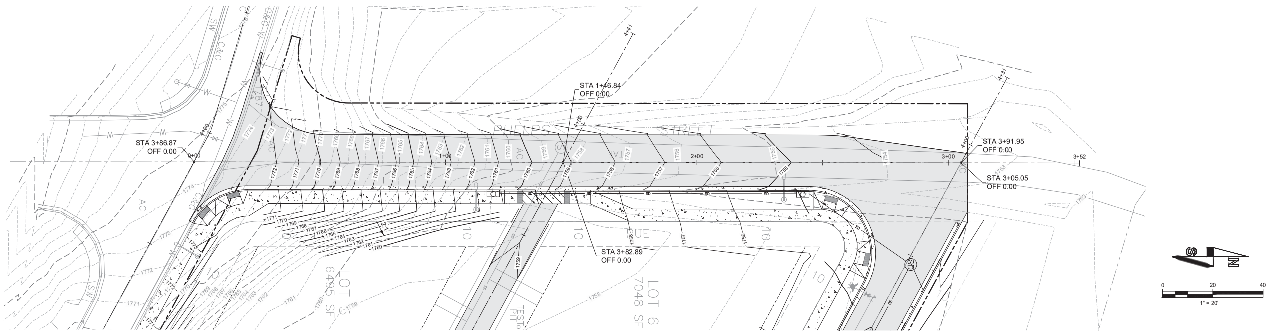
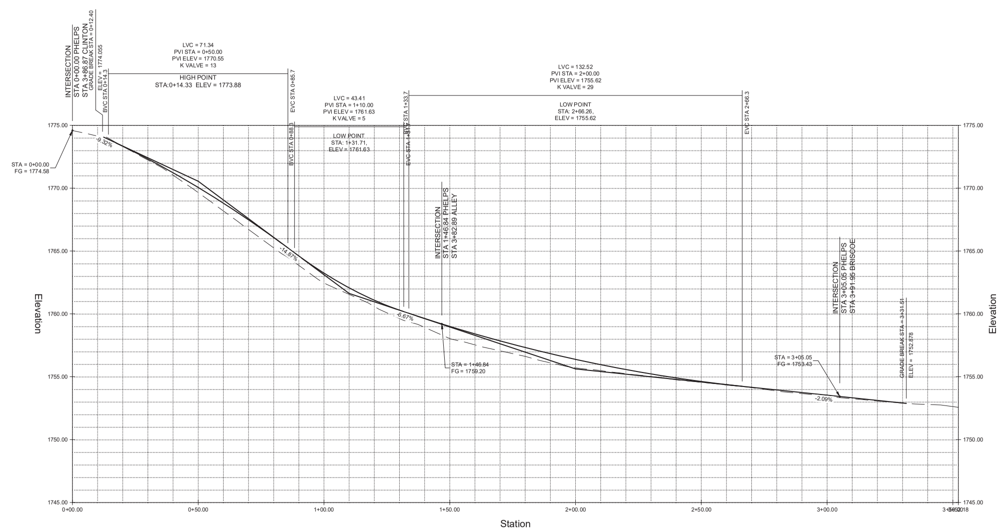


PLAN VIEW - PHELPS ROAD

SCALE: 1" = 20' - 0" (30x42)



PROFILE VIEW - PHELPS ROAD

SCALE: 1" = 20' - 0" (HORIZ)
1" = 5' - 0" (VERT)

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OREGON
TODD D. POWELL
EXPIRES: 12/31/24

VERIFY SCALES

MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE:
LAND USE SET

DATE:
03/06/23

PROJECT NUMBER:
23-001

DRAWING TITLE:
PHELPS ROAD PLAN & PROFILE

SHEET NUMBER:
C4.1

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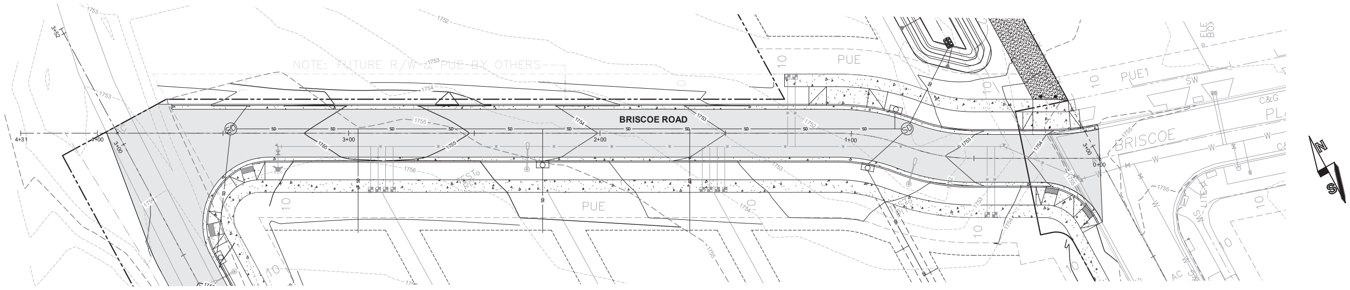
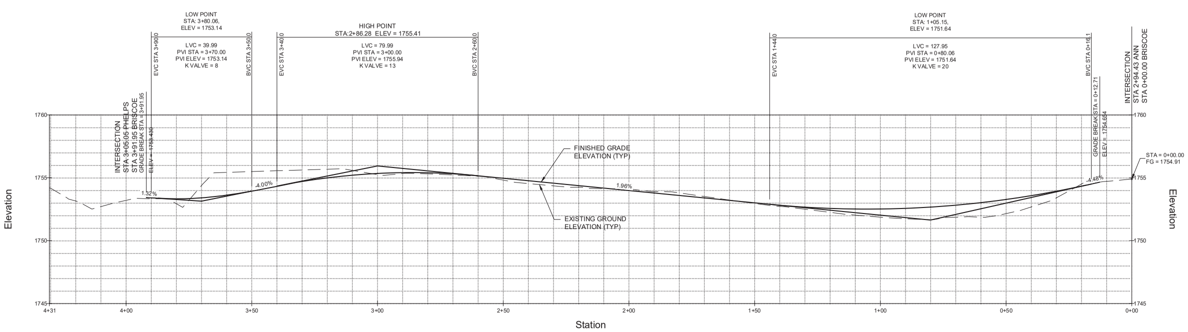


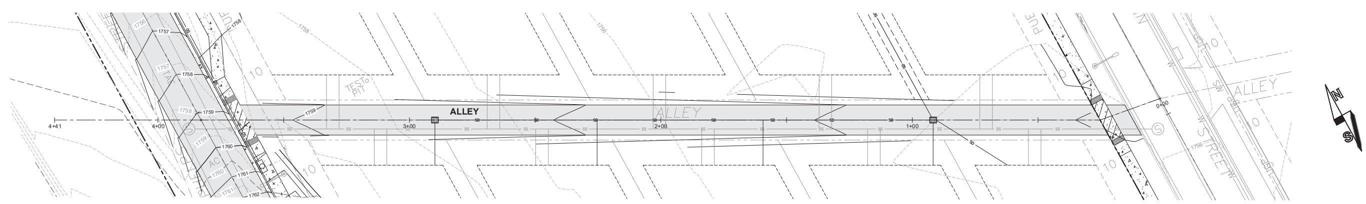
PLAN VIEW - BRISCOE ROAD

SCALE: 1" = 20' - 0" (30x42)



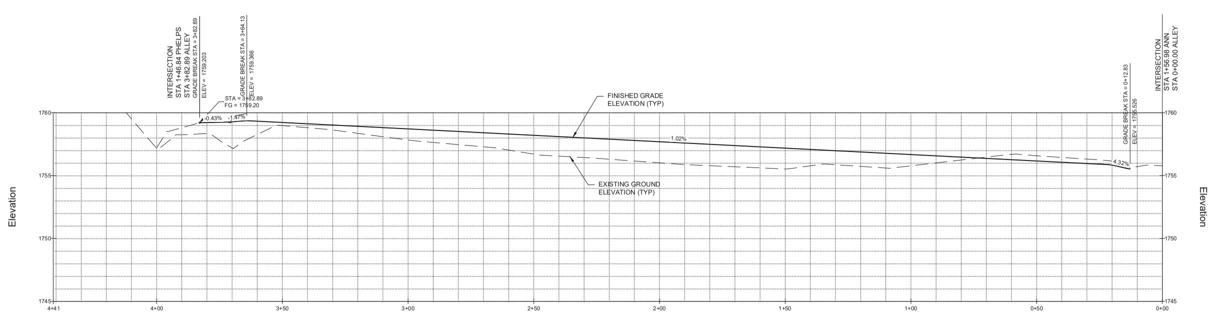
PROFILE VIEW - BRISCOE ROAD

SCALE: 1" = 20' - 0" (HORIZ)
1" = 5' - 0" (VERT)



PLAN VIEW - ALLEY

SCALE: 1" = 20' - 0" (30x42)



PROFILE VIEW - ALLEY

SCALE: 1" = 20' - 0" (HORIZ)
1" = 5' - 0" (VERT)

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EXPIRES: 12/31/24

VERIFY SCALES

MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE: LAND USE SET
DATE: 03/06/23
PROJECT NUMBER: 23-001
DRAWING TITLE: BRISCOE & ALLEY PLAN & PROFILE
SHEET NUMBER: C4.2

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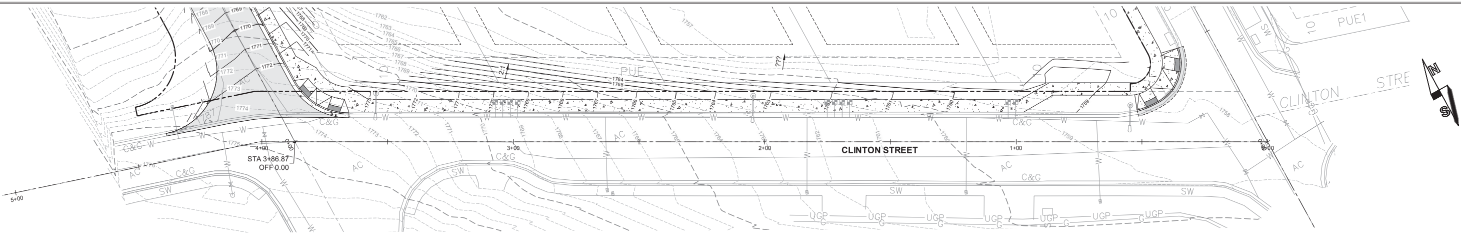
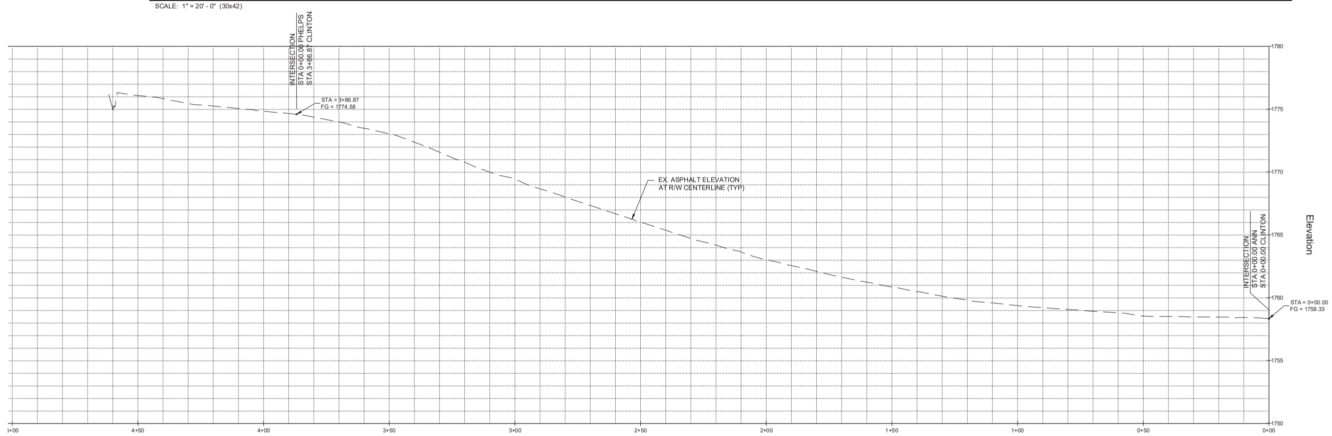


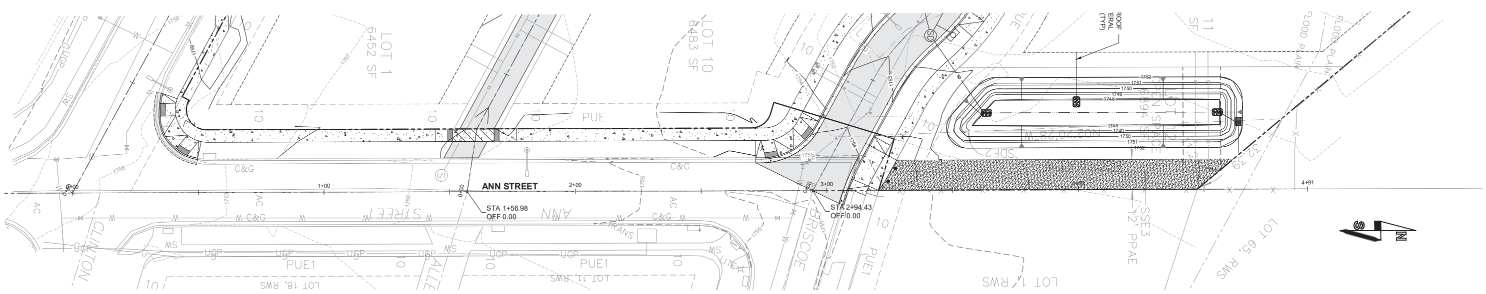
PLAN VIEW - CLINTON STREET

SCALE: 1" = 20' - 0" (30x42)



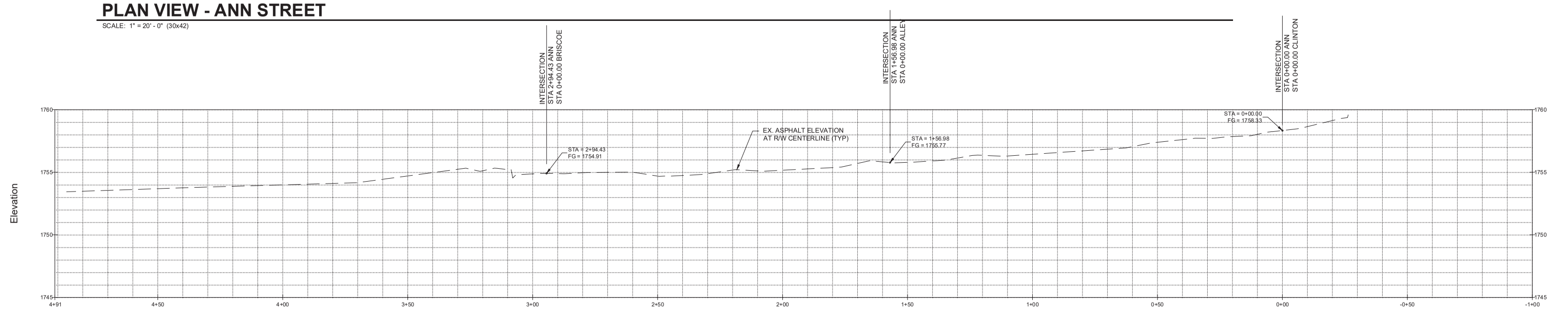
PROFILE VIEW - CLINTON STREET

SCALE: 1" = 20' - 0" (HORIZ)
1" = 5' - 0" (VERT)



PLAN VIEW - ANN STREET

SCALE: 1" = 20' - 0" (30x42)



PROFILE VIEW - ANN STREET

SCALE: 1" = 20' - 0" (HORIZ)
1" = 5' - 0" (VERT)

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TODD D. POWELL
EXPIRES: 12/31/24

VERIFY SCALES

MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE: LAND USE SET

DATE: 03/06/23

PROJECT NUMBER: 23-001

DRAWING TITLE: CLINTON & ANN PLAN & PROFILE

SHEET NUMBER: C4.3

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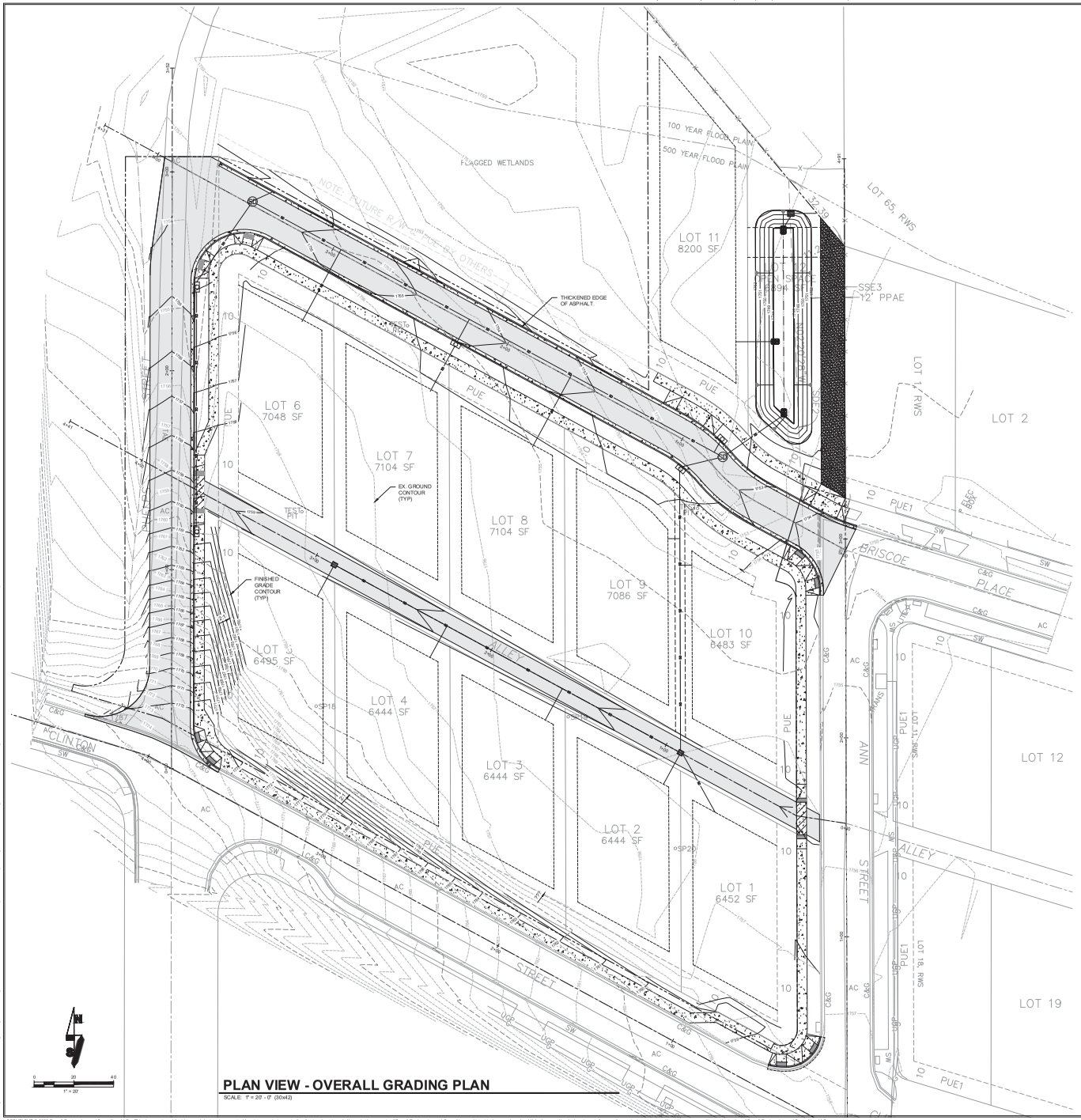

PLAN VIEW - OVERALL GRADING PLAN

SCALE: 1" = 20' - 0" (30x42)

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VERIFY SCALES

MAGNOLIA MEADOWS

TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

ISSUANCE: LAND USE SET

DATE: 03/06/23

PROJECT NUMBER: 23-001

DRAWING TITLE: **OVERALL GRADING PLAN**

SHEET NUMBER: **C4.4**

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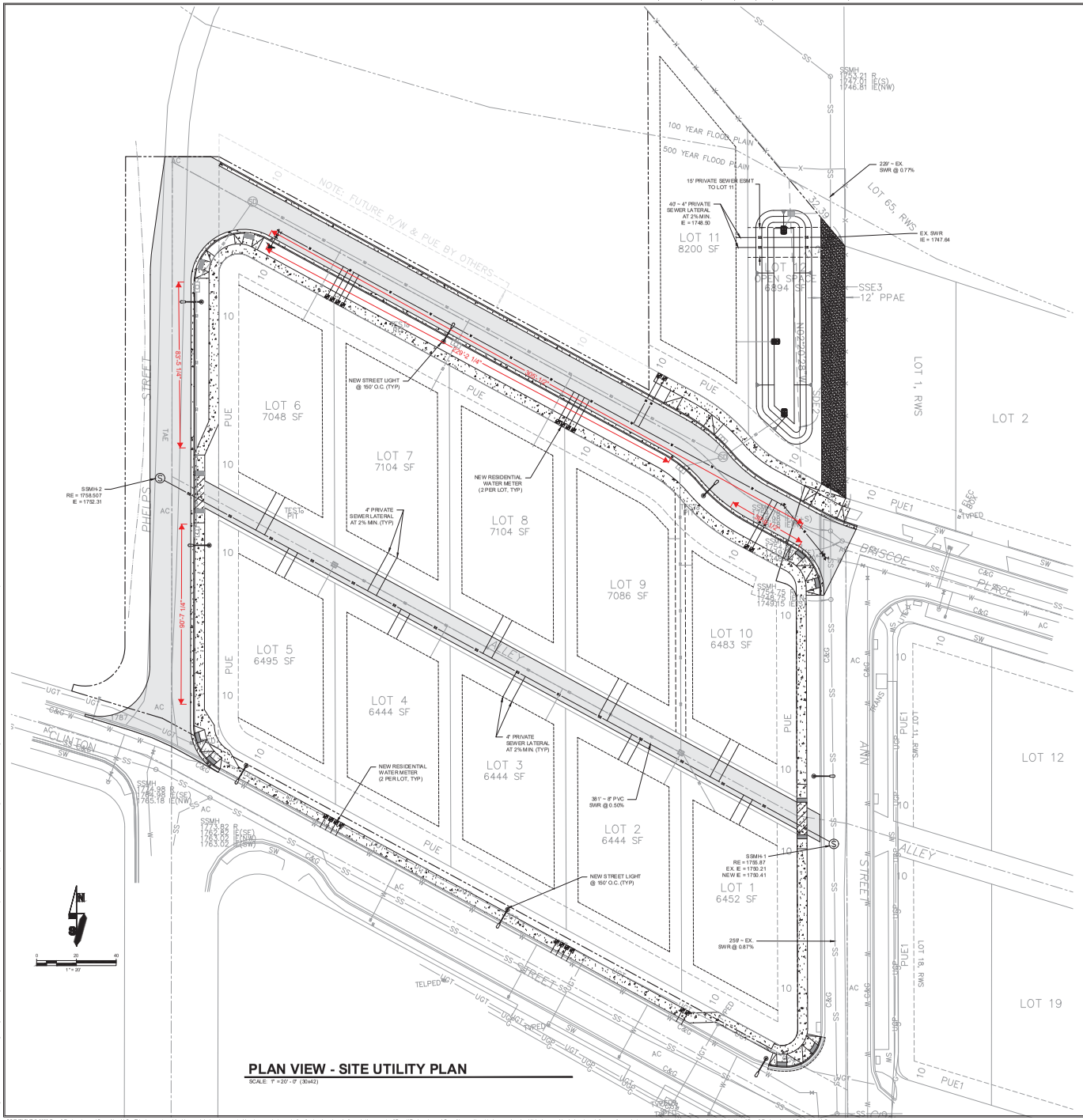

PLAN VIEW - SITE UTILITY PLAN

SCALE: 1" = 20' - 0" (30x42)

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION DETAILS AND SPECIFICATIONS.
2. SEE C5.1 FOR WATER PROFILES

LANDSCAPE AND IRR. NOTES:

1. LANDSCAPE AND IRRIGATION PLAN SHALL BE SUBMITTED SEPARATELY BY OTHERS.
2. IRRIGATION PLAN SHALL DEMONSTRATE THAT THE IRRIGATION SYSTEM IS CORRECTLY CONNECTED TO A CITY APPROVED BACKFLOW ASSEMBLY.
3. DOUBLE CHECK BACKFLOW DEVICES ON THE IRRIGATION PLAN SHALL BE REQUIRED AS "POINT OF USE" PROTECTION ON ALL WATER SERVICES CONTAINING MULTIPLE ZONES.

UTILITY STATEMENT:

EXISTING UNDERGROUND UTILITIES ILLUSTRATED IN THESE PLANS ARE APPROXIMATED BASED ON MAPS OBTAINED FROM THE CITY OF MEDFORD PUBLIC WORKS, OR HAVE BEEN LOCATED BY A UTILITY LOCATE COMPANY. LAYOUT INDICATED IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. ALL LINES WITHIN PROJECTED WORK ZONE SHALL BE FIELD VERIFIED AS REQUIRED PRIOR TO CONSTRUCTION.

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REGISTERED PROFESSIONAL ENGINEER — OREGON — TODD D. POWELL
EXPIRES: 12/31/24

VERIFY SCALES

MAGNOLIA MEADOWS
TENTATIVE CIVIL ENGINEERING DRAWINGS

MAP 39-1E-04-DB, TAX LOT 404
BRISCOE LANE - ANN ST - CLINTON ST, ASHLAND, OREGON

811 Know what's below. Call before you dig.

REVISIONS:

NO.	DESCRIPTION	DATE
5	GRADING	05/15/2019
4	STORMWATER	05/02/2019
3	STORMWATER	05/02/2019
2	STORMWATER	05/02/2019
1	STORMWATER	05/02/2019
0	STORMWATER	05/02/2019

ISSUANCE:
LAND USE SET

DATE:
03/06/23

PROJECT NUMBER:
23-001

DRAWING TITLE:
SITE UTILITY PLAN

SHEET NUMBER:
C5.0

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Additional Information:

The northern most approximately 1,900 square foot area of the 2.66-acre property is within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) 100-year floodplain of Bear Creek. Bear Creek is a Goal 5 protected resource that is 300-feet to the northeast of the property. Riverwalk Park is between the property and the creek. The northern most property boundary is delineated by a 6-foot wooden fence.

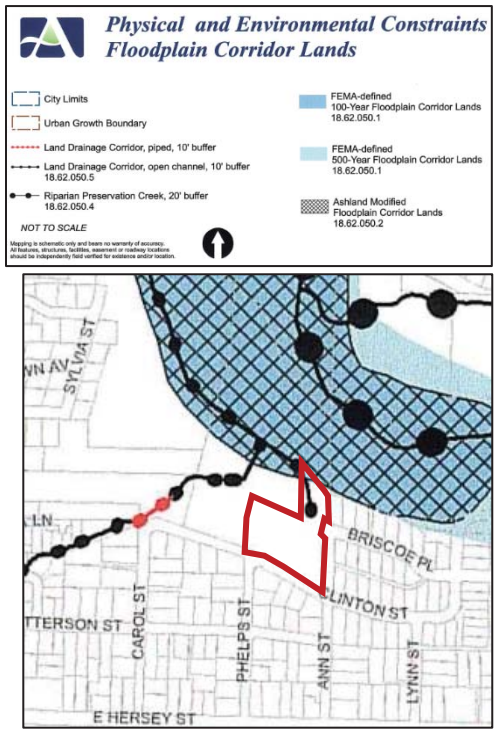

Figure 1: Official Map 18.3.10.070

The proposed subdivision plat map depicts the area of the FEMA, 100-year floodplain. The floodplain area and the Ashland Modified Floodplain Corridor Lands are depicted on the official maps (Figure 1).

The proposed building envelope for Lot 10 does not encroach into the 100-year floodplain. The area of Lot 11 where the stormwater detention facility is proposed is outside of the regulatory floodplain.

There is a land drainage identified as an open channel, 10'foot buffer on the Official Map (smaller black circles with line) depicted along the west property line. This does not exist on the property.

The Water Resource Protection Zone Map (Figure 2) depicts a potential wetland on the adjacent property to the west (PW yellow circle). Schott and Associates, Wetlands Biologists have evaluated the site and met with representatives from the Department of State Lands (DSL) on-site and have not found evidence of a wetland on the subject property.

An Ephemeral Stream (blue line) which requires a 30-foot buffer from centerline of stream does not exist on the property. It is unclear if the previously mapped 'land drainage' is this Ephemeral Stream.

Regardless, there is not a land drainage as identified on the Official Maps.

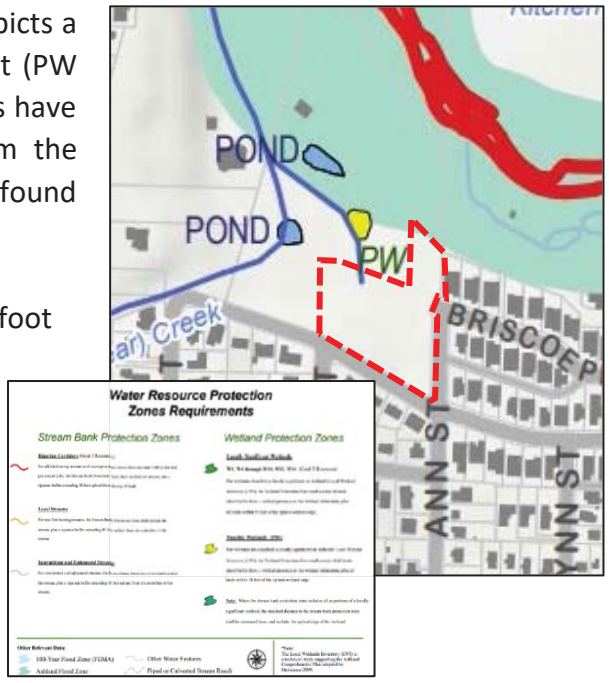

Figure 2: Water Resource Protection Zone Map

There are several smaller stature trees that are between 6-inches in diameter at breast height (DBH) and 12-inches DBH. These trees are depicted on the survey, and the landscape site plan.

These trees include crabapples, apple, hawthorn, and mulberry. These smaller stature trees are mostly clustered in the north portion of the property with others scattered throughout the lot. These trees are within the building envelopes and within the areas of extension of the public streets. These trees are not a regulated size.

There are two 14-inch DBH White Pines in the regraded area adjacent to Clinton Street improvements. These pine trees are not of a regulated size, and the species should not be planted in the defensible space of the homes because they are highly flammable.

Numerous appropriate street trees and landscape trees will be planted throughout the subdivision, with care and management, the replacement canopy will be superior to the voluntary trees that will be replaced with the development of the residential property as envisioned in the Comprehensive Plan.

Attached are additional findings addressing the presence of the 100-year floodplain, and the applicability of the Water Resource Protection Zone ordinance and the Severe Constraints Standards.

Criteria from Ashland Land Use Ordinance

PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY
Chapter 18.3.10

18.3.10.020. Applicability

A. Physical Constraints Review Permit. A Physical Constraints Review Permit is required for the following activities in the land classifications in section 18.3.10.060.

Finding:
There is an area of ~1,900 square feet of area in the north portion of proposed Lot 10 it is identified on the survey plat. The building envelope does not encroach into the 100-year floodplain.

1. Alteration of Land. The alteration of the land surface by any of the following activities in areas identified as Flood Plain Corridor Land, Hillside Land, or Severe Constraint Land.

a. Earth-moving activities such as grading, filling, stripping, or cutting involving more than 20 cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 square feet on any lot.

b. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 square feet to the existing building footprint shall not be considered development for section 18.3.10.090 Development Standards for Hillside Lands.

c. Culverting or diversion of any stream designated by chapter 18.3.10.

Finding:
The area of Lot 10 that is floodplain is separated from Bear Creek by a six-foot tall fence and lacks any floodplain or riparian vegetation.

During site development, silt fencing will be provided along the surveyed, 100-year floodplain boundary.

Any earth moving activities associated with development of the property will not trigger the thresholds for development. There would be less than 1,000 square feet in area and not more than 20 cubic yards of material would be brought into the property and placed in the floodplain area to grade the disturbed area from the home and yard area development into the 100-year floodplain as part of finished site work.

Any site retaining walls or structures would be kept to the south of the 100-year floodplain boundary.

2. Special Flood Hazard Area. All activities located within an area of special flood hazard are subject to the provisions for a Development Permit under AMC 15.10 Flood Damage and Prevention Regulations.

Finding:
Not Applicable. No development will occur in the SFHA.

3. Tree Removal.

i. 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.

ii. 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).

Finding:
Not Applicable. There are no trees proposed for removal in the floodplain.

18.3.10.060 - Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them.

A. Flood Plain Corridor Lands. Lands with potential stream flow and flood hazard. The following lands are classified as Flood Plain Corridor Lands.

1. All land contained within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM) adopted by the City Council as provided for in AMC 15.10.

2. All land within the area defined as Flood Plain Corridor Land in maps adopted by the Council as provided for in section 18.3.10.070 Official Maps.

5. All areas within ten feet (horizontal distance) of any stream identified as a Land Drainage Corridor on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.3.10.070 Official Maps.

Finding:
The northernmost ~1,900 square feet of proposed Lot 10 is within the FEMA 100-year floodplain and the Ashland Modified Floodplain and within the Ashland Modified Floodplain. No disturbance will occur in this area which would trigger a floodplain development review.

A Floodplain Corridor Land is identified on the property near the west property boundary as a "Land Drainage Corridor, open channel, 10' buffer 18.62.050.5" on the Official Maps of section 18.3.10.070. This does not exist.

18.3.10.070 - Official Maps

A. The City Council shall adopt official maps denoting the above-identified areas. Substantial amendments of these maps shall be a Type III procedure in section 18.5.1.070.

Finding:
The mapping error is not substantial.

B. Minor amendments of the maps to correct mapping errors when the amendments are intended to more accurately reflect the mapping criteria contained in this chapter or in the findings of the Council in adopting an official map may be processed as a Type I procedure in section 18.5.1.050.

Finding:
It can be found that the land drainage / ephemeral stream depicted on the official maps does not exist on the subject property proposed for development. There is a land depression that possibly one could call a swale, but the swale does not contain the physiographic conditions or significant natural vegetation or trees or soil characteristics to warrant calling it a stream or a protected floodplain with a 10-foot buffer.

WATER RESOURCE PROTECTION ZONE
Chapter 18.3.11

18.3.11.020 – Applicability

C. The burden is on the property owner to demonstrate that the requirements of this chapter are met or are not applicable to development activity or other proposed use or alteration of land. *The Staff Advisor may make a determination based on the Water Resources map, field check, and any other relevant maps, site plans, and information that a Water Resource or Water Resource Protection Zone is not located on a particular site or is not impacted by proposed development, activities or uses.* In cases where the location of the Water Resource or Water Resource Protection Zone is unclear or disputed, the Staff Advisor may require a survey, delineation prepared by a natural resource professional, or a sworn statement from a

natural resource professional that no Water Resources or Water Resource Protection Zones exist on the site.

Finding:

There is not an ephemeral or a riparian land drainage located on the property. There is not a wetland on the subject property. There is a lack of hydrology and no soil types that are indicative of wetlands. A wetlands delineation has been filed with the Department of State Lands (DSL), and representatives from the DSL have made a site visit.

In accordance with the criteria from 18.3.11.020.C., a site visit by the Staff Advisor was conducted and it can be found that the requirements of 18.3.11 do not apply to development activity or alteration of the land. Water Resources are not located on the portion of the property proposed for development.