



# Planning Commission Agenda

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.

**October 10, 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**

1. **Approval of Minutes**

a. September 12, 2023 Regular 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](mailto:PC-publictestimony@ashland.or.us) by October 10, 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/92413669474>

**V. TYPE I PUBLIC HEARING**

**A. PLANNING ACTION:** PA-APPEAL-2023-00018

**SUBJECT PROPERTY:** 321 Clay Street

**OWNER / APPLICANT:** Table Rock Tree for Jenny Osborne

**APPELLANT:** Albert Pepe

**DESCRIPTION:** This is an appeal for the removal of the weeping willow tree located at space #19. The original request, PA-TREE-2023-00210, was for approval to remove four (4) trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties. In summary, PA-APPEAL-2023-00018 is an appeal of PA-TREE-2023-00210 which was approved for removal of all four trees. The Notice of Land Use Appeal was submitted for only the removal of the weeping willow tree at space #19. **COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential; **ZONING:** R-2; **MAP:** 39 1E 11C; **TAX LOT:** 3000





# Planning Commission Agenda

VI. OPEN DISCUSSION

VII. ADJOURNMENT

**Next Scheduled Meeting Date:** October 24, 2023 Study Session



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.

**September 12, 2023**

**REGULAR MEETING**

**DRAFT Minutes**

**I. CALL TO ORDER:**

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

**Commissioners Present:**

Lisa Verner  
Doug Knauer  
Eric Herron  
Russell Phillips  
Susan MacCracken Jain  
Kerry KenCairn  
Gregory Perkinson

**Staff Present:**

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

**Absent Members:**

**Council Liaison:**

Paula Hyatt

**II. ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcements:

- The City has acquired the property at 2200 Ashland Street for use as an interim weather shelter, and thereafter for use as a severe weather shelter. The City Council is holding a public meeting on Thursday, September 14, 2023 to address questions or concerns from the public regarding this purchase.
- The Council will hold a business roundtable meeting on September 18, 2023.
- The Council will consider a request from the Community Development Department for funding to conduct an Economic Opportunity Analysis on September 19, 2023. If approved the City will be seeking state grants to fund this analysis.
- The Council will review the Climate Friendly Areas (CFAs) report at its September 19, 2023 meeting. Final approval of the CFAs is not required until December of 2024.
- The Council will review a telecommunications ordinance update at its September 19, 2023 meeting. This ordinance will only address the installation of small cell antennas in the public right-of-way, and will not change the land use code relating to public property.

- The September 26, 2023 Commission Study Session will be cancelled unless items from the current meeting are continued.
- The Department of Environmental Quality (DEQ) will be holding an open house meeting on September 27, 2023 to discuss the cleanup plan for the Union Pacific Railroad Property. The DEQ will then take any public comments received into consideration, as will the Council at its October 23, 2023 meeting.

Chair Verner remarked that the Council had already heard from the DEQ regarding the cleanup plan for the site. Mr. Goldman assented that the Council had, but only with regards to the site being cleaned to urban residential standards. He added that this is a prerequisite to the cleanup effort, and that the DEQ has not yet approved a plan for the site and is requesting public feedback before moving forward.

Chair Verner noted that a letter had been shared with the Commission from James Jarrard regarding the cleanup proposal (see attachment #1). Mr. Goldman stated that this letter had been shared with the DEQ.

### **III. CONSENT AGENDA**

#### **1. Approval of Minutes**

- a. July 25, 2023, Study Session
- b. August 8, 2023, Regular Meeting

**Commissioners Knauer/Phillips m/s to approve the consent agenda as presented. Voice Vote: All AYES. Motion passed 7-0.**

### **IV. PUBLIC FORUM**

**Holly Christiansen**/Ms. Christiansen introduced herself as a member of the Transportation Advisory Committee (TAC), and wanted to provide the Commission with updates from the TAC and to increase coordination between the City's advisory committees and commissions. Ms. Christiansen noted TAC Chair Linda Peterson-Adams will provide all future updates, but was unavailable for this meeting.

Ms. Christiansen stated that the TAC will be holding a public meeting on September 21, 2023, in lieu of their regularly scheduled meeting, to garner feedback from the community regarding the installation of protected bike lanes along North Mountain Avenue. This installation would require the elimination of streetside parking along the west side of North Mountain Avenue from East Main Street to the north of Village Green Drive (see attachment #2). This public input will then be utilized by the

TAC to develop a recommendation to the City Council.

Chair Verner asked if streetside parking would continue after the proposed bike lane ended at Village Green Drive, to which Ms. Christiansen said that it would.

Commissioner KenCairn inquired about the difference between a protected bike lane and unprotected bike lane, and asked why this site had been chosen for this proposal. Ms. Christiansen responded that a protected bike lane is shielded from traffic by a curb or planters, and that this site was chosen because the street is already undergoing maintenance. She added that the residents feel safer and are more likely to ride bicycles when a city has protected bike lanes.

Commissioner Knauer asked if the City is aware of how much the streetside parking along North Mountain is currently being used. Ms. Christiansen responded that the TAC had examined the parking along this street and determined that it was not being fully utilized. Commissioner MacCracken Jain asked if this study was done while the road was undergoing maintenance, to which Ms. Christiansen responded that she did not know. Mr. Severson commented that the Public Works Department had been considering this proposal for the past few years and had reviewed the parking use rate prior to this maintenance taking place.

Commissioner Phillips inquired how the street and protected bike lane would be cleaned. Ms. Christiansen responded that the Director of Public Works, Scott Fleury, had ordered an electric street sweeper that would be used to maintain the area, which could also be used to clean other areas like parking lots that are inaccessible by the City's larger street sweepers.

## **V. UNFINISHED BUSINESS**

### **A. Adoption of Remand Findings for PA-T3-2022-00004, 1511 Highway 99 North**

#### **Ex Parte Contact**

No ex parte contact was reported. Commissioner KenCairn recused herself from this item due to her role as a member of the applicant team.

#### **Staff Presentation**

Mr. Severson stated that copies of the Findings had been distributed to the Commission prior to the meeting that included minor revisions. There was a non-substantive change on page 15 of the Findings, and staff elaborated on the needed housing statute referenced on page 18 (see attachment #3).

Mr. Goldman gave a brief background on the project, beginning with its first application in 2019. The current application was approved in December, 2022 which was subsequently appealed to the Land

Use Board of Appeals (LUBA), where it was remanded back to the City on two points. Mr. Goldman reminded the Commission that the adoption of the Findings is limited to the Record of Appeal. The Findings included a clarification regarding the allowance for a prohibition on parking requirements as part of the Climate Friendly and Equitable Communities (CFEC) rules that went into effect on January 1, 2023. Additionally, the CFEC rules stipulate that parking cannot be required for units of 750sqft or less within a half mile of transit routes, rules which would apply to this project. Mr. Goldman noted that the Oregon Department of Transportation's (ODOT) street standards are in direct conflict with those of the City, and therefore the Findings contend that an exception to street standards is warranted in order to address needed housing as proposed by the application. If approved, the Findings would go before the Council, and then to LUBA for final review and approval.

### **Questions of Staff**

Commissioner Knauer pointed out that Rogue Advocates, who appealed the application to LUBA, had argued that the City had erred in applying CFEC standards to an application that was approved before those standards had gone into effect. He asked if LUBA would support staff's argument that this project was ongoing, and therefore the new CFEC standards could be applied to it. Mr. Goldman responded that there is hope that LUBA will review the application based on the relevant rules retroactively. He added that approval of a subdivision is a two-phase process, and that the second stage of this application would take place after the CFEC standards have taken effect.

**Commissioners Perkinson/Herron m/s to approve the Findings with the amendments recommended by Staff. Commissioner KenCairn recused herself due to her presence on the applicant's team. Roll Call Vote: All AYES. Motion passed 6-0.**

## **VI. OTHER BUSINESS**

- A. Discussion of proposed amendments to the Ashland Municipal Code's Land Use Ordinance to implement the requirements of the Climate-Friendly & Equitable Communities (CFEC) rules regarding parking. This includes amendments to: AMC 18.2.2 Base Zones & Allowed Uses; AMC 18.2.3 Special Use Standards; AMC 18.3.2 Croman Mill District; AMC 18.3.4 Normal Neighborhood District; AMC 18.3.5 North Mountain Neighborhood District; AMC 18.3.9 Performance Standards Option & PSO Overlay; AMC 18.3.14 Transit Triangle Overlay; AMC 18.4.3 Parking, Access & Circulation; AMC 18.5.2 Site Design Review; AMC 18.5.3 Land Divisions & Property Line Adjustments; AMC 18.5.4 Conditional Use Permits; AMC 18.5.5 Variances; AMC 18.5.6 Modifications to Approved Planning Actions. (Under the CFEC rules, parking code amendments must be adopted by December 31, 2023.)**

### **Staff presentation**

Mr. Severson informed the Commission that there are over 700 amendments proposed in this

ordinance change, and that the driving force behind this proposal is that the state is far behind its current plan of reducing greenhouse emissions by 2050. The state hopes to achieve a reduction in greenhouse emissions by employing a variety of strategies, including: the creation of Climate Friendly Areas (CFAs); reforming parking management in cities; supporting electric vehicle charging; planning for high quality pedestrian, bicycle, and transit infrastructure; transcending the sole focus on motor vehicle congestion standards; and prioritizing and selecting projects that meet climate and equity outcomes (see attachment #4). Mr. Severson stated that large numbers of parking lots can inhibit housing development, therefore the state proposed that cities revise their parking requirement standards.

Mr. Severson detailed how the state had given metropolitan cities the option of repealing parking mandates completely, or to unbundle parking from rental units so they would be rented separately from housing and allow residents to consider other modes of transportation. Mr. Severson noted that many apartment complexes are divided equally between housing and parking area space, despite a large number of tenant households not owning a vehicle. He pointed out that many large department stores have parking to accommodate shopping during the busiest shopping days, but that these parking lots are largely empty for the remainder of the year. Mr. Severson stated that the state had given cities three options to improve their parking management, and that staff suggested that the City adopt option #1, which would repeal its parking mandates. He noted that seven Oregon cities had already adopted option #1 and eliminated parking requirements, which could help reduce greenhouse emissions by 30%. Any voluntary parking provided by developers would still be required to abide by parking code guidelines.

Mr. Severson described how staff had already begun to convert bicycle parking requirements to no longer be based on car parking standards. Later versions of the ordinance will update bicycle parking requirements to address on-street parking.

### **Questions of Staff**

Commissioner Knauer asked if electric bicycles were being factored into the new parking standards. Mr. Severson responded that they would be, and that the City would likely need to conduct a Traffic Impact Analysis (TIA) to determine how great of an impact bicycles and electric bicycles would have on parking. He added that the City will likely need to consider constructing protected bike lanes.

Commissioner Knauer requested that staff elaborate on the maximum parking allowed referenced in the Ashland Municipal Code (AMC). Mr. Severson responded that the City imposed a maximum parking limit in order to deter large retail stores from opening locations in the City, thereby limiting unused parking lots that pose barriers to pedestrians and harm the environment. Mr. Goldman commented that no applicant had requested an exception to this maximum during his career.



## Planning Commission Minutes

Commissioner KenCairn asked if staff anticipated that any existing shopping centers, such as Rite Aid, would want to redevelop their parking areas to expand their building facilities. Mr. Severson responded that redevelopment is encouraged by the code, particularly with the parking reduction, and the increased allowance of food trucks in the City.

Commissioner Herron asked how the proposed changes would impact handicap parking requirements. Mr. Severson stated that the City would still mandate handicap parking requirements, to which Commissioner Herron recommended that the potential impact be further explored.

Commissioner MacCracken Jain noted that imposing a parking maximum could restrict businesses in unintended ways, particularly with the already limited parking downtown. Mr. Goldman responded that the imposition of a parking maximum will be a policy decision that the City can choose not to adopt, or that it could choose to increase the maximum allowance based on individual uses.

Commissioner Phillips asked for clarification regarding future parking requirements for segways and electric bikes. Mr. Severson replied that staff had previously allowed changes to parking requirements for projects where the applicant has supplied parking for alternative modes of transportation. He added that staff had received some applications that included charging stations that could be used for cars and bicycles.

The Commission discussed the potential scarcity of parking in the future, as well as paid parking spaces and the difference between paved and unpaved parking lots.

Commissioner MacCracken Jain asked what the Commission's role is in catching errors of omission for ordinance changes. Chair Verner responded that the Commission offers suggestions or changes to what staff presents to them, but that it is the Commission's responsibility to only suggest changes that it believes should be made. Mr. Goldman stated that the City must still abide by state law, which would cover any omissions. Staff would then note the omission or conflict and correct it. Mr. Severson pointed out that the City had contracted 3J Consulting, Inc to consult on the ordinance. The proposed ordinance change will then go to the Department of Land Conservation and Development (DLCD) before being adopted.

Commissioner MacCracken Jain noted that staff had suggested making parking lots an allowed use in all zones, and asked if this would include both paid and unpaid parking. Mr. Severson responded that the ambiguity is intentional in the hope that it could provide additional parking where it is needed.

Mr. Goldman stated that staff will be bringing the proposed changes back to the Commission by the end of November, and that it will go before the Council on December 3, 2023, and December 17, 2023.



**VII. OPEN DISCUSSION**

Commissioner Herron urged all Commissioners to register as a Planning Commissioner with the Oregon Ethics Commission. He informed the Commission that he had been charged a fine for each day that he was unregistered.

**VIII. ADJOURNMENT**

*Meeting adjourned at 8:20 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*

1072 Clear Creek Dr.  
Ashland, Oregon 97520

August 31, 2023

Commissioner Lisa Verner  
City of Ashland Planning Commission  
20 East Main St.  
Ashland, Oregon 97520

Re: Proposed UPRR Yard Remediation Alternatives

Dear Commissioner Verner,

I take issue with the assessment of the Oregon DEQ's proposals for the Union Pacific Railroad Rail Yard Site in Ashland as recently recommended. The alternative proposals all seem to prioritize cost savings over public health, and I am concerned about the potential impacts of leaving three acres of the site contaminated with toxic arsenic and volatile hydrocarbons.

I believe that Alternative #3, which calls for the removal of toxic topsoil via rail for offsite disposal, is closest to a responsible option. Alternative #3 should include offsite rail removal of tainted topsoil to at least ten feet. This would ensure that the health of Ashland residents is not put at risk, and it would also allow for the site to be developed in a way that is consistent with the city's environmental values and need for additional affordable resident housing.

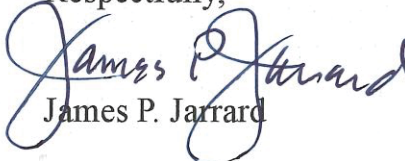
I am disappointed that the Oregon DEQ has not proposed a more comprehensive cleanup plan. I urge them to reconsider their proposals and to make the health of Ashland residents their top priority.

I am also concerned about the future of the Union Pacific Railroad Rail Yard Site. The city of Ashland has a history of approving light-manufacturing flex buildings on the site, but these buildings have often been vacant and have contributed little to the city's tax base. Please assess the vacant condition of many properties near the UPRR acreage.

I believe that the city should focus on developing the site in a way that creates jobs and enhances the existing local economy. This could include mixed-use development that includes housing, retail, entertainment, and office space. It is important to find a way to balance the need for economic development with the need to protect public health.

I hope that the city of Ashland will take the concerns of its residents seriously and will develop a plan for the Union Pacific Railroad Rail Yard Site that is both responsible and sustainable.

Respectfully,

  
James P. Jarrard

Enclosures



# Oregon

Tina Kotek, Governor

Department of Environmental Quality

Salem Office

4026 Fairview Industrial Drive SE

Salem, OR 97302

503-378-8240

FAX 503-378-4196

TTY 711

Aug. 01, 2023

Re: Community Open House  
Proposed Cleanup of Ashland Rail Yard  
Environmental Cleanup Site Information database (ESCI) ID No. 1146

Dear Ashland Community Member,

You are invited to an open house on Sept. 27, 2023, to hear about a new proposed cleanup plan for Union Pacific's Ashland Rail Yard property.

### **DEQ Ashland Rail Yard Cleanup Open House**

5:30 p.m. Wednesday, Sept. 27, 2023

Ashland Library<sup>1</sup>, Gresham Room downstairs

410 Siskiyou Blvd., Ashland, OR 97520

Cleanup officials with DEQ will present the proposed cleanup project and hear questions and concerns from the public. The cleanup plan covers portions of the 21-acre former rail yard property located along A Street in Ashland.

The rail yard was operated by the Southern Pacific Railroad Company for nearly 100 years as a locomotive fueling, maintenance, and railcar repair facility near downtown Ashland until 1986. Over the past 30 years, environmental investigations of the rail yard have shown that soil and groundwater in portions of the property are contaminated with several heavy metals and petroleum products and byproducts. The contamination is at levels that may pose a health risk to people working or living on the rail yard property. Union Pacific Railroad merged with Southern Pacific in 1996 and recently proposed a new cleanup plan for the rail yard that DEQ is prepared to approve.

The new cleanup plan will allow the rail yard to be safely developed for industrial, commercial or urban residential use. The site covered under this cleanup plan is a 11.7-acre area located on the central portion of the former rail yard property. The proposed cleanup plan includes excavation of contaminated soil from the western 8.7-acre area of the site, consolidation on the eastern three-acre area of the site and covering contaminated soil with a protective vegetated cap. For more information and a link to DEQ's Staff Report detailing the revised plan go to [ordeq.org/AshlandRailYardInfo](http://ordeq.org/AshlandRailYardInfo).

DEQ has extended the public comment period for the project into September 2023. Public comments are now due by 5 p.m. on Sep. 30, 2023. Comments should be sent by email to DEQ Project Manager Margaret Oscilia at [margaret.oscilia@deq.oregon.gov](mailto:margaret.oscilia@deq.oregon.gov), given by phone call to 503-726-6522, or sent by mail to Western Region DEQ, Attn: Margaret Oscilia, 4026 Fairview Industrial Drive SE, Salem, OR 97302.

DEQ is happy to answer questions anytime and will formally address all comments after the end of the comment period. DEQ will consider all comments and input before making a final decision.

Sincerely,

*Margaret L Oscilia*

Margaret L. Oscilia P.E, Project Manager  
Western Region Cleanup Program  
Oregon Department of Environmental Quality

<sup>1</sup> This meeting or event is not sponsored nor endorsed by the library.

## RECOMMENDED REVISION OF THE REMEDIAL ACTION Ashland Union Pacific Railroad Yard

- The paper discusses the evaluation of different alternatives for remedial action at a contaminated site in Ashland, Oregon.
- Alternative 1 is deemed not protective and will not be further evaluated.
- Alternative 2 is considered more protective and allows for unrestricted urban residential and occupational future use without any engineering or institutional controls.
- Alternative 3 is found to be about as protective as Alternative 4.
- The remedial action involves excavation of impacted soil to eliminate risks associated with urban residential exposure scenarios.
- The protectiveness of the shallow excavation in the eastern 3-acre area depends on engineering and institutional controls.
- The western 8.7-acre area does not require deed restrictions or other controls.
- The total volume of soil to be excavated in the western area is 2,710 cubic yards.
- The paper also mentions the time until remedial action objectives are achieved and the long-term reliability of treatment technologies as factors for evaluation.
- The Administrative Record for the site includes the Phase II Environmental Site Assessment conducted by Cascade Earth Sciences Ltd. in 1992.

Alternative 2 from the paper:

- Alternative 2 involves the excavation of soils in the remedial action target areas, specifically the western 8.7-acre area and the eastern 3-acre area.
- Excavation of impacted soil in the western 8.7-acre area would enable unrestricted urban residential and occupational future use without any engineering or institutional controls.
- The protectiveness of the shallow excavation in the eastern 3-acre area would depend on engineering and institutional controls to protect receptors against potential contact with the NAPL-contaminated deep soil.
- Direct receptor exposure to impacted surface soil would be prevented by the removal of shallow soil over the entire 11.7-acre site.
- A deed restriction would be required for the eastern 3-acre area as part of the institutional controls, while no deed restrictions or other controls would be necessary for the western 8.7-acre area.

### **Deed restriction on the eastern 3-acre area in Alternative 2:**

- A deed restriction would be required for the eastern 3-acre area as part of the institutional controls in Alternative 2.
- The deed restriction would restrict the use of the eastern 3-acre area from activities that could potentially result in exposure to the underlying contaminated soil.
- The restriction would prevent single-family residential use without approval from the Department of Environmental Quality (DEQ).
- If the land in the eastern 3-acre area is sold, subdivided, or redeveloped for a different use in the future, additional assessment and approval from DEQ would be required before the intended land use could be changed.

### Summary of Alternative 3:

- Alternative 3 involves the excavation and offsite disposal of shallow soil in the western 8.7-acre area and shallow soil in the eastern 3-acre area, along with the implementation of institutional controls.
- The excavation of soil in both areas aims to eliminate risks associated with urban residential exposure scenarios.
- In the western 8.7-acre area, the excavation and offsite disposal of shallow soil would be conducted to protect human health.
- In the eastern 3-acre area, the excavation and offsite disposal of shallow soil would also be carried out, but the protectiveness of this action would depend on the implementation of engineering and institutional controls.
- Alternative 3 is considered to have a similar level of protectiveness as Alternative 4, which involves excavation in the western area and consolidation with a vegetated soil cap in the eastern area.
- The cost estimates for Alternative 3 are significantly higher than Alternative 4, making Alternative 4 a more cost-effective option .

### Summary of Alternative 4:

- Alternative 4, recommended for implementation at the UPRR Ashland Site, involves excavation in the western 8.7-acre area and consolidation with a vegetated soil cap in the eastern 3-acre area.
- In Alternative 4, the same quantity of soil will be excavated in the western 8.7-acre area as in Alternatives 2 and 3, ensuring equal effectiveness in achieving protection in this area.
- The most contaminated soil would be removed in the eastern 3-acre area, and **engineering and institutional controls** would be relied upon for effectiveness.
- Alternative 4 is the easiest to implement as it **does not require the removal of contaminated soil from the site**, unlike Alternatives 2 and 3. It is also the most cost-effective option, with significantly lower cost estimates compared to Alternatives 2 and 3.
- Alternative 4 would have the lowest carbon footprint and no waste generation, as all waste would be managed onsite.



Developing the railroad yard without removing most of the toxins in the soil from years of rail operations may not be safe, aesthetically pleasing, or conducive to healthy breathing.

- The rail yard site has been found to be contaminated with various substances, including inorganic lead, arsenic, polynuclear aromatic hydrocarbon compounds (PAHs), and petroleum hydrocarbons.
- The selected remedial action for the site involves excavation and offsite disposal of contaminated soil to prevent human exposure and protect human health.
- Alternative 2 and 3, which involve excavation and offsite disposal of contaminated soil, are considered more protective than Alternative 1.
- Excavation of soil deeper than 5 feet may require additional measures to protect against collapse, and deep contamination could potentially end up in larger excavation areas than estimated.

The remedial action objectives include preventing human exposure to contaminated soil and surface water. Therefore, it is **advisable to remove most of the toxins in the soil before developing the railroad** yard to ensure the safety, aesthetics, and breathing quality for the humans living in the vicinity of the UPRR rail yard.

# CITY OF ASHLAND

September x, 2023

Resident  
North Mountain Avenue  
Ashland OR, 97520

RE: Streetside Parking Elimination

Dear Resident,

The Transportation Committee will be holding a public hearing at the September 21, 2023 meeting to take public input on installation of a protected bike lane along North Mountain Avenue. The meeting will be held in person at the Council Chambers, located at 1195 East Main Street. The meeting will start at 6pm.

Protected bike lane improvements have been highly supported by a substantial portion of the community and align with improving multimodal access within the City's transportation network. The inclusion of protected bike lanes along North Mountain Avenue requires the elimination of streetside parking along the west side of North Mountain Avenue from East Main Street to just north of Village Green Drive.

Public input will be utilized by the Transportation Committee to generate a recommendation to the City Council on whether to keep the parking or install protected bike lanes as part of the North Mountain Avenue roadway rehabilitation project.

After the Committee meeting and development of their recommendation, another meeting will be scheduled for discussion at the City Council. The City Council will be asked to make the final policy decision regarding parking versus protected bike lanes.

If you wish to submit written testimony, please send to [scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us) or via regular mail to 20 East Main Street, Ashland

Sincerely,

Scott Fleury PE  
Public Works Director  
City of Ashland

Linda Peterson-Adams  
Ashland Transportation Committee Chair

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CITY OF ASHLAND  
20 East Main Street  
Ashland, Oregon 97520  
[www.ashland.or.us](http://www.ashland.or.us)

Tel: 541-488-6002  
Fax: 541-488-5311  
TTY: 800-735-2900



# Memo

CITY OF  
ASHLAND

Date: August 10, 2023  
From: Scott A. Fleury  
To: Transportation Advisory Committee  
RE: North Mountain Avenue Rehabilitation Public Hearing Boundary

## **BACKGROUND:**

The Committee previously discussed holding a public hearing to take input on the potential addition of protected bike lanes along North Mountain Avenue as part of the roadway rehabilitation project, which would require the elimination of parking along a section of North Mountain Avenue. This input would then be used as part of the recommendation process to the City Council. The discussion also included the noticing boundary limits for the hearing.

The boundary map has been completed and the TAC requested a couple updates to staff's noticing letter. The TAC also requested to move the meeting to the September date and hold it in person in the Council Chambers.

The new noticing letter is attached for review and the meeting will be held September 21, 2023 in Council Chambers starting at 6pm. This will be the only agenda item for the evening to allow appropriate time for public input and discussion.

The TAC was also interested in potentially recoding the meeting. Currently the only meetings under contract with RVTV to record are the Planning Commission and City Council Meetings. There are no requirements to record committee meetings, only provide appropriate minutes as required by ORS. Neither is their comprehensive direction from Administration to record and post committee meetings. Until such time as direction is given from either Council or Administration, staff will continue to follow the standard practice for committees.

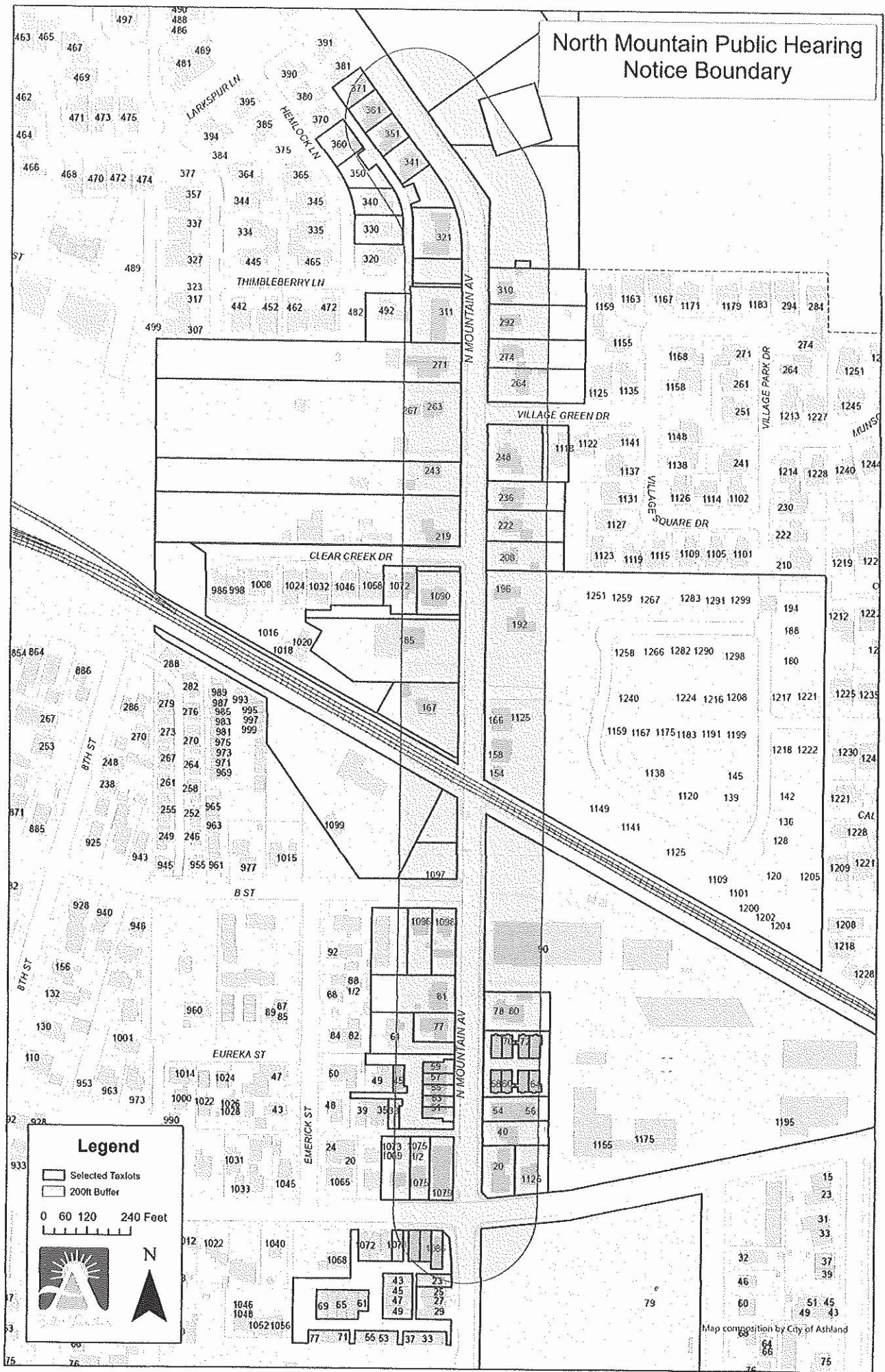
## **CONCLUSION:**

Staff is requesting the TAC confirm the following;

1. Notification Letter is appropriate
2. Define public comment time limits (typically 3 minutes)
3. The meeting to occur in person

This will not be an in-person/hybrid meeting so those wishing to provide public comment can either do so via written comment submitted prior to the meeting date or register and provide comment during the meeting time.

# North Mountain Public Hearing Notice Boundary



**Legend**

- Selected Taxlots
- 200ft Buffer

0 60 120 240 Feet

Map composition by City of Ashland

**BEFORE THE PLANNING COMMISSION**  
**September 12, 2023**

IN THE MATTER OF PLANNING ACTION #PA-T3-2022-00004, A )  
REMAND OF THE ANNEXATION OF 16.86 ACRES LOCATED AT 1511 )  
HIGHWAY 99 NORTH INTO THE CITY OF ASHLAND, ALONG WITH )  
6.6 ACRES OF ADJACENT OREGON DEPARTMENT OF )  
TRANSPORTATION (ODOT) STATE HIGHWAY RIGHT-OF-WAY AND )  
7.68 ACRES OF CALIFORNIA, OREGON & PACIFIC (CORP) RAILROAD )  
PROPERTY. THE PROPERTIES ARE CURRENTLY LOCATED IN )  
JACKSON COUNTY AND ARE ZONED RURAL RESIDENTIAL (RR-5); )  
WITH ANNEXATION THESE PROPERTIES WOULD BE BROUGHT )  
INTO THE CITY AS LOW-DENSITY, MULTI-FAMILY RESIDENTIAL (R- )  
2). CONCURRENT WITH ANNEXATION, THE APPLICANT ALSO )  
REQUESTS OUTLINE PLAN SUBDIVISION APPROVAL TO CREATE 12 )  
LOTS; SITE DESIGN REVIEW APPROVAL TO CONSTRUCT 230 )  
APARTMENTS IN TEN BUILDINGS INCLUDING AT LEAST 38 )  
AFFORDABLE UNITS; EXCEPTIONS TO THE STREET DESIGN )  
STANDARDS; AND TREE REMOVAL PERMITS TO REMOVE TWO )  
TREES GREATER THAN SIX-INCHES IN DIAMETER-AT-BREAST- )  
HEIGHT (DBH).

**FINDINGS,  
CONCLUSIONS &  
ORDERS**

**OWNER:** LINDA ZARE/CASITA DEVELOPMENTS, LLC  
**APPLICANT:** CASITA DEVELOPMENTS, LLC

**RECITALS:**

- 1) Tax lots #1700 and #1702 of Map 38 1E 32 are located at 1511 Highway 99 North, are presently outside the city limits within the city's urban growth boundary, and are currently zoned RR-5, Jackson County Rural Residential.
  
- 2) The applicant requested the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. The property is currently located in Jackson County and zoned Rural Residential (RR-5); with Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2). Concurrent with Annexation, the application also requests Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 affordable units; an Exceptions to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. The proposal is outlined in plans on file at the Department of Community Development.

3) The approval criteria for Annexation are described in AMC 18.5.8.050 as follows:

*An application for an annexation may be approved if the proposal meets the applicable criteria in subsections A through H below. The approval authority may, in approving the application, impose conditions of approval consistent with the applicable criteria and standards, and grant exceptions and variances to the criteria and standards in this section in accordance with subsection 18.5.8.050.I.*

- A. The annexed area is within the City's Urban Growth Boundary.*
- B. The annexation proposal is consistent with the Comprehensive Plan plan designations applicable to the annexed area, including any applicable adopted neighborhood, master, or area plan, and is an allowed use within the proposed zoning.*
- C. The annexed area is contiguous with the city limits.*
- D. Adequate City facilities for the provision of water to the annexed area as determined by the Public Works Department; the transport of sewage from the annexed area to an approved waste water treatment facility as determined by the Public Works Department; the provision of electricity to the annexed area as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided from the annexed area. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities. All required public facility improvements shall be constructed and installed in accordance with 18.4.6.030.A.*
- E. Adequate transportation can and will be provided to serve the annexed area. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.*
  - 1. For vehicular transportation a minimum 22-foot wide paved access exists, or can and will be constructed, providing access to the annexed area from the nearest fully improved collector or arterial street. All streets bordering on the annexed area shall be improved, at a minimum, to an applicable City half-street standard. The approval authority may, after assessing the impact of the development, require the full improvement of streets bordering on the annexed area. All streets located within annexed areas shall be fully improved to City standards unless exception criteria apply. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.*
  - 2. For bicycle transportation safe and accessible bicycle facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation)*

*exist, or can and will be constructed. Should the annexed area border an arterial street, bike lanes shall be constructed along the arterial street frontage of the annexed area. Likely bicycle destinations within a quarter of a mile from the annexed area shall be determined and the approval authority may require the construction of bicycle lanes or multi-use paths connecting the annexed area to the likely bicycle destinations after assessing the impact of the development proposed concurrently with the annexation.*

3. *For pedestrian transportation safe and accessible pedestrian facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation). exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side of all streets bordering on the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the annexed area is within a quarter of a mile of an existing sidewalk system or a location with demonstrated significant pedestrian activity, the approval authority may require sidewalks, walkways or multi-use paths to be constructed and connect to either or both the existing system and locations with significant pedestrian activity.*
4. *For transit transportation, should transit service be available to the annexed area, or be likely to be extended to the annexed area in the future based on information from the local public transit provider, the approval authority may require construction of transit facilities, such as bus shelters and bus turn-out lanes.*
5. *Timing of Transportation Improvements. All required transportation improvements shall be constructed and installed in accordance with 18.4.6.030.A.*

**F.** *For all residential annexations, a plan shall be provided demonstrating that the development of the annexed area will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units are necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the annexed area shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing unbuildable lots, parcels, or portions of the annexed area such as existing streets and associated rights-of-way, railroad facilities and property, wetlands, floodplain corridor lands, slopes greater than 35 percent, or land area dedicated as a public park, shall not be included.*

**G.** *Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or*

*commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.*

1. *The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein. The base density of the annexed area for the purpose of calculating the total number of affordable units in this section shall exclude any unbuildable lots, parcels, or portions of the annexed area such as existing streets and associated rights-of-way, railroad facilities and property, wetlands, floodplain corridor lands, water resource areas, slopes greater than 35 percent, or land area dedicated as a public park.*
  - a. *Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.*
  - b. *Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.*
  - c. *Ownership or rental units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.*
2. *As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.*
  - a. *The land to be transferred shall be located within the project meeting the standards set forth in sections 18.5.8.050.G.5 and 18.5.8.050.G.6.*
  - b. *All needed public facilities shall be extended to the area or areas proposed for transfer.*
  - c. *Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.*
  - d. *The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.*
  - e. *Transfer of title of buildable land in accordance with this subsection shall exempt the project from the development schedule requirements set forth in 18.5.8.050.G.4.*



3. *The affordable units shall be comparable in bedroom mix with the market rate units in the development.*
  - a. *The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor area based as set forth in Table 18.5.8.050.G.3, or as established by the U.S. Department of Housing and Urban Development (HUD) for dwelling units developed under the HOME program.*

<i>Table 18.5.8.050.G.3 – Minimum Required Floor Area for</i>	
<i>Unit Type</i>	<i>Minimum Required Unit Floor Area</i>
	<i>(Square Feet)</i>
<i>Studio</i>	<i>350</i>
<i>1 Bedroom</i>	<i>500</i>
<i>2 Bedroom</i>	<i>800</i>
<i>3 Bedroom</i>	<i>1,000</i>
<i>4 Bedroom</i>	<i>1,250</i>

4. *A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.*
  - a. *That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.*
  - b. *Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.*
5. *That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.*
  - a. *The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the*

*development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units*

- b. Affordable units may differ from market-rate units with regard to floor area, interior finishes and materials, and housing type provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.*
- 6. Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.*
  - a. That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, then would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.*
  - b. That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.*
  - c. That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.5, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.*
- 7. The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding up fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years for units qualified as affordable rental housing, or 30 years for units qualified as affordable for-purchase housing.*

*H. One or more of the following standards are met.*

- 1. The annexation proposal shall meet the requirements of subsection 18.5.8.080.B, above.*
- 2. A current or probable danger to public health exists within the proposed area for annexation due to lack of full City sanitary sewer or water services in accordance with the criteria in ORS Chapter 222 or successor state statute.*
- 3. Existing development in the proposed area for annexation has inadequate water or sanitary sewer service, or the service will become inadequate within one year.*

4. *The proposed area for annexation has existing City water or sanitary sewer service extended, connected, and in use, and a signed consent to annexation agreement has been filed and accepted by the City.*
5. *The proposed area for annexation is an island surrounded by lands within the city limits.*

*I. Exceptions and Variances to the Annexation Approval Criteria and Standards. The approval authority may approve exceptions to and variances from the approval criteria and standards in this section using the criteria in section 18.4.6.020.B.1 Exceptions to the Street Design Standards or chapter 18.5.5. Variances.*

4) The criteria for Outline Plan subdivision approval are described in 18.3.9.040.A as follows:

***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 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.*

***Approval of the Outline Plan.***

- a. *After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.*
- b. *If an outline plan is phased, 50 percent of the value of the common open space shall be provided in the first phase and all common open space shall be provided when two-thirds of the units are finished.*

- 5) The criteria for Site Design Review approval are described in 18.5.2.050 as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
  - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
  - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
  - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
  - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
    - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*  
*or*
    - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 6) The criteria for the approval of a Tree Removal Permit are described in 18.5.7.040.B as follows:
- 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 18.3.10.*

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.*

7) The criteria for an Exception to the Street Design Standards are described in AMC Section 18.4.6.020.B.1 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.*

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.*

8) The Planning Commission, following proper public notice held a public hearing on September 13, 2022 at which time testimony was received and exhibits were presented both in person and via Zoom. Prior to the conclusion of this initial evidentiary hearing, participant Steve Rouse representing Rogue Advocates requested an opportunity to present additional evidence, arguments or testimony regarding the application as provided in ORS 197.797(6)(a). The Planning Commission granted this request by continuing the public hearing to October 11, 2022 at 7:00 p.m. at the Ashland Civic Center at 1175 East Main Street.

The Planning Commission reconvened the continued hearing on October 11, 2022 and an opportunity was provided at this continued hearing for persons to present and rebut new evidence, arguments or testimony. Subsequent to the closing of the hearing and the record, the Planning Commission approved the request for Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 affordable units; Exceptions to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height subject to the City Council's approval of the Annexation request. The Planning Commission also adopted a recommendation that the City Council approve the Annexation request subject to a number of conditions.

9) The City Council, following proper public notice held a public hearing and conducted first reading of an ordinance annexing the property and withdrawing it from Fire District #5 on December 6, 2022, at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the City Council approved the Annexation request subject to a number of conditions. The second reading of the annexing ordinance was conducted on December 20, 2022.

10) Subsequent to the City's approval of the application and mailing of a Notice of Decision, the approval was timely appealed to the Oregon Land Use Board of Appeals (LUBA) by Rogue Advocates. After considering the application on the appeal, LUBA remanded the decision back to the City with regard to two issues:

- 1) That the city erred in approving an exception to the on-street parking requirement in AMC 18.3.9.060; and
- 2) That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet.

11) The Planning Commission, following proper public notice held a limited public hearing on August 8, 2023, at which time testimony was received and exhibits were presented. As explained in the Notice of Public Hearing, this hearing was strictly limited to consideration of the two remand issues. Subsequent to the closing of the limited hearing and the record, the Planning Commission found that with regard to the first remand issue dealing with on-street parking requirements, the Climate Friendly and Equitable Community parking rules as adopted under OAR660-012-430(3) could be appropriately applied here to not require either on- or off-street parking, and the findings for the original approval amended accordingly. With regard to the minimum size requirements for affordable units, in relation to the stipulated conditions for approval, it

should be noted that the initial approval criteria mandated adherence to the specifications outlined in 18.5.8.050.G. This encompassed the requisite fulfillment of the minimal unit dimensions as outlined in Table 18.5.8.G.3. To elucidate, the original condition of approval could be satisfied through the presentation of architectural layouts by the applicant. These layouts demonstrated the feasibility of accommodating augmented floor areas within the existing building footprints.

The Commission determined that the concern raised in this subsequent remand review is effectively resolved by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G3 and making clear that as configured in the original proposal the studio units need not be considered among the required affordable units. This resolution entails a slight augmentation in the dimensions of the one-bedroom units, an alteration adding one-half of a square-foot to each designated affordable unit, ensuring compliance with AMC 18.5.8.050.G.3. Furthermore, the commission clarified that, as per the initial proposal's configuration, the studio units need not be regarded as mandated affordable units.

In light of this determination, the Planning Commission recommended a modification to the wording of the original condition #7e for the purposes of clarity. Moreover, it proposed that the City Council adopt this course of action in its response to the remand review process. Now, therefore, with regard to the two remand issues, 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, Miscellaneous Exhibits lettered with an "M"

## **SECTION 2. FINDINGS & CONCLUSIONS**

2.1 The Planning Commission finds that it has received all information necessary to make a decision with regard to the two remand issues, and to make a recommendation to the City Council based on the staff's report, public hearing testimony and the exhibits received.

2.2 The Planning Commission notes that the originally approved application included a request for Outline Plan subdivision approval under the Performance Standards Options (Chapter 18.3.9) to create ten buildable lots and two common open space properties. During the public hearing process, the Planning Commission noted that AMC 18.3.9.060 dealing with Parking Standards for subdivisions proposed under AMC 18.3.9 requires that:

All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter [18.4.3](#), Parking, Access, and Circulation.

**A. On-Street Parking Required.** At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all developments in R-2 and R-3 zones that create or improve public streets.

**B. On-Street Parking Standards.** On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection [18.4.3.060.A](#).

The Planning Commission finds that while no Variance or Exception to this standard was requested as part of the original application, the Planning Commission at the time determined that AMC 18.3.9.060 was applicable, that an Exception to the Street Design Standards was the appropriate procedure if on-street parking could not be provided, and that such an Exception was merited.

The Planning Commission notes that new Climate-Friendly and Equitable Communities (CFEC) rules were adopted July 21, 2022, by the Land Conservation and Development Commission (LCDC) in response to Executive Order #20-04 by Governor Kate Brown and took effect August 17, 2022. The CFEC rules address how cities may regulate a variety of land use and transportation issues, including a number of changes to the ways cities may regulate parking. Among these new CFEC rules:

- Oregon Administrative Rule (OAR) 660-012-0430(2) states that “*Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally established property.*” **Parking spaces** are defined in OAR 660-012-00005(29) as meaning “... *on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.*”
- OAR 660-012-430(3) states that, “*Cities and counties may not require parking for the following development types.... (d) Residential units smaller than 750 square feet; (e) Affordable housing as defined in OAR 660-039-0010;*” The Planning Commission notes here that all of the residential units proposed in the application under consideration are smaller than 750 square feet, and under the new CFEC rules the city may not require parking for this development type.
- OAR 660-012-440(3) states that “*Cities and counties may not enforce parking mandates for development on a lot or parcel that includes land within one-half mile of frequent transit corridors, including... corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.*” In OAR 660-012-00005(27),



**parking mandates** are defined as “*requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.*” In this instance, the Rogue Valley Transit District’s (RVTDs) Route 10 runs on Highway 99 North, which fronts directly on the subject properties here, with a peak hour scheduled frequency of every 20 minutes, and as such qualifies as frequent transit. Under the new CFEC rules, Ashland may not enforce parking mandates (i.e., require off-street parking) for the subject properties.

The Planning Commission further notes that under OAR 660-012-0012(5)(e) cities and counties were required to “*implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.*” Guidance from the Department of Land Conservation and Development (DLCDD) has been that cities must either modify their regulations or implement these new rules directly from the OAR and disregard local regulations. Ashland is in the process of amending its parking codes to comply with these new CFEC parking rules, and others which took effect on June 30, 2023, and has received an extension allowing these code amendments to occur no later than December 31, 2023. In the interim, the City has been directly applying the applicable state rules.

With regard to the current application, the Planning Commission notes that it was initially submitted on July 8, 2022, however it remains in process now more than eight months after these new CFEC rules have taken effect. The Commission further notes that the Performance Standards subdivision process requires a preliminary or outline plan review followed by a final plan review, so prior to the physical development of the site, another development application for final plan approval will be required at which time the applicant will not be subject to parking requirements under the new CFEC rules and could request to amend their proposal as it relates to parking.

The Planning Commission further finds that Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including “*needed housing.*” Standards and conditions may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The Planning Commission finds that the rules having changed so that an applicant proposing needed housing is subject to one set of rules for the first part of a two-part application process and a different set of rules for the second part of the procedure does not provide the applicant a clear path to approval without unreasonable cost or delay. In addition, the city’s parking on-street parking requirement under AMC 18.3.9.060 in this instance would require that the applicant install on-street parking facilities on a state highway for which the city has no jurisdiction and where on-street parking is not allowed by the Oregon Department of Transportation (ODOT), which regulates this roadway. The Planning Commission finds that the city’s on-street parking standard being in direct conflict with ODOT’s standard for the roadway does not provide a clear procedure for the applicant to move forward without unreasonable cost or delay. As such, the Planning Commission finds that this standard should not be applied to the application.

The Planning Commission believes that the Council has the discretion to assess the current request based on the new CFEC rules, which remove the requirement for parking since all proposed residential units are smaller than 750 square feet. The CFEC parking regulations have been in effect for eight months, and the LUBA remand for further review here means the final decision of the City on this application is occurring well after the new regulations were implemented. In addition, the applicant will be required to submit a second development application, Final Plan review, during which the city will be unable to enforce parking requirements under the new Climate Friendly and Equitable Communities rules. The Planning Commission further finds that to comply with ORS 197.307(4), which requires that the City apply only clear and objective standards, conditions, and procedures, when regulating the development of housing, the on-street parking standard in AMC 18.3.9.060 should not be applied. The Planning Commission accordingly recommends that the application be considered by the City Council under the current State law specified in OAR 660-012-0430 and -0440, without requiring on- or off-street parking given the size of the proposed residential units.

DLCD's implementation guidance to cities notes that the parking rule changes seek to help "*meet Oregon's climate pollution reduction targets, while providing more housing and transportation choices and improving equity.*" The Planning Commission finds that applying the new parking rules to a project that combines small market rate units with deed-restricted affordable housing, situated on a transit route and providing substantial improvements to support both transit and pedestrian travel is exactly what the Climate Friendly and Equitable Communities rules seek to enable, and requiring an applicant to withdraw and reapply with an identical proposal now in order to be subject to the new rules, when their application is still in process eight months after the new rules have taken effect, would pose an unreasonable impediment which would discourage the production of needed housing during a housing crisis.

2.3 The Planning Commission notes that the original application identified each of the ten identical buildings proposed as containing 20 one-bedroom units of 499.5 square feet each, and three studio units of 250 square feet each. Two of these ten buildings were to be relied on in meeting the affordability requirements, which were a total of 38 deed restricted affordable units assuming that the applicant either builds the units themselves or does so in cooperation with a non-profit affordable housing provider partner.

AMC 18.5.8.050.G.3 requires that the minimum square footage for affordable one-bedroom units be 500 square feet, and that the minimum square footage for affordable studios be 350 square feet. The adopted conditions relating to affordability were as follows:

**Condition #7e.** *[That prior to final approval and annexation of the property, the applicant shall provide:]* A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that where the required number of affordable units is fractional it shall be rounded up, and that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI.

**Condition #10g.** If the applicant opts to dedicate land area to a non-profit affordable housing developer, dedication shall occur in a manner consistent with AMC 18.5.8.050.G.2 and

recording of deed restrictions guaranteed affordability described herein shall occur in conjunction with plat signature and recording.

The Commission notes that the approval was remanded by LUBA on the basis “That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet.”

In response to this issue, the applicant has provided a revised floor plan demonstrating how the floor area of the one-bedroom units could be modified by reducing their recessed entry depth by three-inches to achieve the required 500 square feet per affordable one-bedroom unit.

- **AS PROPOSED:**  $12.5 \times 42 = 525$  square feet less 25.98 square feet for recessed entry = 499.02 square feet.
- **AS MODIFIED:**  $12.5 \times 42 = 525$  square feet less 24.8975 feet for recessed entry = 500.1025 square feet.

In addition, the applicant notes that affordable basement level studios could be modified to be 499.5 square feet to significantly exceed the required 350 square feet per affordable studio unit.

The Planning Commission notes that the affordability requirements for the project call for 38 affordable units to be provided. Each building proposed has 20 one-bedroom units and three studio units, and assuming that two buildings will be developed by an affordable housing provider partner or the applicant themselves, the 38 required affordable units could be accommodated entirely with one-bedroom units, leaving one one-bedroom unit and three studios in each of the two buildings to be rented at market rate or provided as voluntarily affordable, rather than being deed-restricted as affordable. Those units not required as affordable would not subject to the square footage requirements of AMC 18.5.8.050.G.3.

The Planning Commission finds that the original condition intended that the units’ sizes would be adjusted a *de minimis* amount (*i.e., a three-inch adjustment to recessed entry depth*) to comply with AMC 18.5.8.050.G, however this should have been articulated in the condition itself. The Commission finds that the second remand issue can be fully addressed by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G.3 and by making clear in the findings that as configured in the original proposal the studio units need not be considered among the required affordable units. The Planning Commission accordingly recommends that the City Council modify the previous Condition #7e as follows:

**Condition #7e.** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a**

**minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**

2.4 The Planning Commission finds that while the project's density was not an issue under remand, the appellant has provided written testimony questioning the project density both in the original proposal and as modified here through the increase in square footage of the affordable units to comply with AMC 18.5.8.050.G.3. The Planning Commission finds that the *de minimis* increase in affordable unit sizes does nonetheless affect the project density, and as such needs to be addressed. The Planning Commission first notes that no density bonuses were granted with the original proposal. The *base* density of the subject property is 185.625 units (13.75 buildable acres x 13.5 units/acre). The *minimum* density of the subject property as required for annexation is 167.0625 units (0.90 x 185.625). The Planning Commission further notes that as initially proposed, all units were less than 500 square feet, and units less than 500 square feet are counted as 0.75 units for purposes of density calculations as detailed in AMC 18.2.5.080.B.2. The density as originally proposed was 172.5 units (230 x 0.75 units).

The Planning Commission finds that the increase in size of the 38 affordable units from 499.5 square feet to 500 square feet to comply with the minimum affordable unit size requirement will increase the project density to 182 units ([192 x 0.75 units] + [38 x 1.0 units]). The Planning Commission concludes that this is within the 185.625 unit base density of the property without the grant of any bonuses and that it exceeds the minimum 167.0625 unit density required for annexation.

### **SECTION 3. DECISION**

3.1 The issues remanded to the City are limited to addressing the on-street parking requirements of AMC 18.3.9.060, and to the minimum size requirements for studio and one-bedroom affordable units under AMC 18.5.8.050.G.3.

For the first remand issue regarding on-street parking, the Commission notes that the application was initially submitted on July 8, 2022, but remains in process, now more than eight months after new Climate Friendly & Equitable Communities (CFEC) rules limiting cities' abilities to require parking took effect. In addition, the Performance Standards subdivision process requires outline plan review, as requested here, followed by a final plan review, so prior to the physical development of the site, another development application for final plan approval will be required at which time the application will no longer be subject to parking requirements under the new CFEC rules and the applicant could request to amend their proposal as it relates to parking. Oregon Revised Statutes (ORS) 197.307(4) require that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including "needed housing." The proposal here involves market-rate and deed-restricted affordable multi-family residential rental units, both of which are needed housing types locally. Standards and conditions may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. The Planning Commission finds that rules relating to parking having changed so that an applicant proposing needed housing is subject to one set of rules for the first part of a two-part application process and a different set of rules for the second part of the procedure does not provide the applicant a clear path to their development approval without unreasonable cost or delay. In addition, the city's on-street parking requirement under AMC 18.3.9.060 in this instance requires that

the applicant install on-street parking facilities on a state highway for which the city has no jurisdiction and where on-street parking is not allowed by the Oregon Department of Transportation (ODOT), which has jurisdiction over improvements to the highway. The Planning Commission finds that the city's on-street parking standard being in direct conflict with the standards of the jurisdiction with authority for the roadway does not provide a clear procedure for the applicant to move forward without unreasonable cost or delay. As such, the Planning Commission finds that the on-street parking standard should not be applied to the application, and it should instead be considered in light of the new CFEC parking rules.

The Department of Land Conservation and Development (DLCD) implementation guidance to cities notes that the parking rule changes seek to help “*meet Oregon’s climate pollution reduction targets, while providing more housing and transportation choices and improving equity.*” The Planning Commission finds that applying the new parking rules to a project that combines small market rate units with deed-restricted affordable housing, situated on a transit route and providing substantial improvements to support both transit and pedestrian travel is exactly what the Climate Friendly and Equitable Communities rules seek to enable. The Planning Commission further finds that requiring an applicant to withdraw and reapply with an identical proposal now in order to be subject to the new rules, when their application is still in process eight months after the new rules have taken effect, is not a clear or objective process and would pose an unreasonable impediment which would discourage the production of needed housing during a housing crisis.

For the second remand issue, the Planning Commission notes that the original application identified each of the ten identical buildings proposed as containing 20 one-bedroom units of 499.5 square feet each, and three studio units of 250 square feet each. Two of these ten buildings were to be relied on in meeting the affordability requirements, which were a total of 38 deed restricted affordable units assuming that the applicant either builds the units themselves or does so in cooperation with a non-profit affordable housing provider partner. AMC 18.5.8.050.G.3 requires that the minimum square footage for affordable one-bedroom units be 500 square feet, and that the minimum square footage for affordable studios be 350 square feet. In response to this discrepancy between the proposed and required affordable unit sizes, the applicant has provided a revised floor plan demonstrating that the one-bedroom units could be modified with a de minimis reduction in their recessed entry depth (i.e., reducing the depth by three-inches) to achieve the required 500 square feet per affordable one-bedroom unit. The applicant further indicates that the affordable basement level studios could be modified to be 499.5 square feet to significantly exceed the required 350 square feet per affordable studio unit.

The Planning Commission finds that the affordability requirements for the project call for 38 affordable units to be provided. Each building proposed has 20 one-bedroom units and three studio units, and assuming that two buildings will be developed by an affordable housing provider partner or the applicant themselves, the 38 required affordable units could be accommodated entirely with 19 one-bedroom units in each of the two buildings, leaving one one-bedroom unit and three studios in each of the two buildings to be rented at market rate or provided as voluntarily affordable, rather than being deed-restricted as affordable. Those units not required as affordable would not subject to the square footage requirements of AMC 18.5.8.050.G.3.

The Planning Commission finds that while the original condition intended that the units' sizes would be adjusted a de minimis amount (*i.e., a three-inch adjustment to recessed entry depth*) to comply with AMC 18.5.8.050.G, this was not clearly articulated in the condition itself. The Commission finds that the second remand issue can be fully addressed by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G.3 and by making clear in the findings that as configured in the original proposal the studio units need not be considered among the required affordable units. The Planning Commission accordingly recommends that the City Council modify the previous Condition #7e as follows:

**Condition #7e.** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**

The Planning Commission recommends that the City Council find that the Climate Friendly & Equitable Communities parking rules are appropriate for this planning action, that neither on- or off-site street parking are required in this case, and that the findings for the original approval should be amended accordingly.

Therefore, based on our overall conclusions, the Planning Commission recommends that the City Council adopt findings addressing the two remand issues as discussed above, and modify existing Condition #7e as detailed below, with all other conditions to remain as originally adopted:

**#7e)** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**



Planning Commission Approval

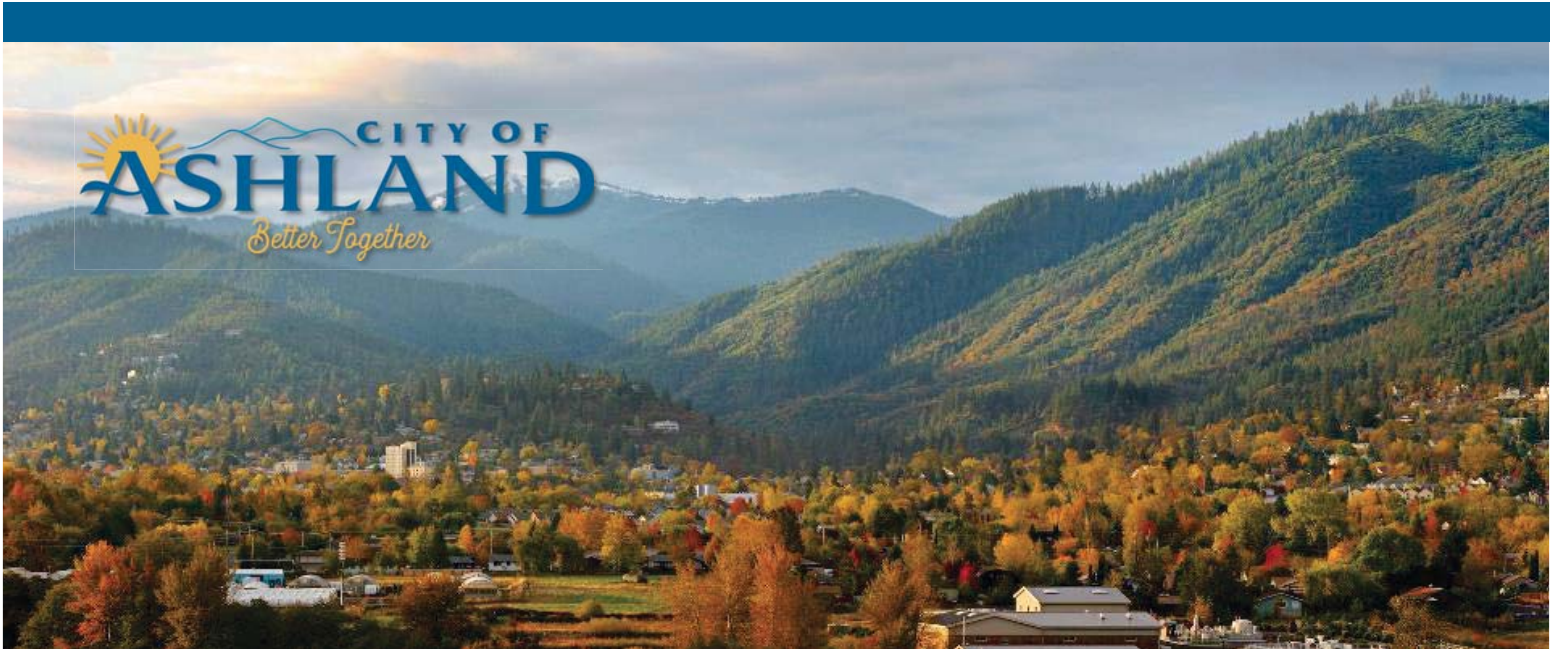
September 12, 2023

Date

REMAND.PA-T3-2022-00004

September 12, 2023

Page 18



# CFEC Parking Code Amendments

Planning Commission  
September 12, 2023



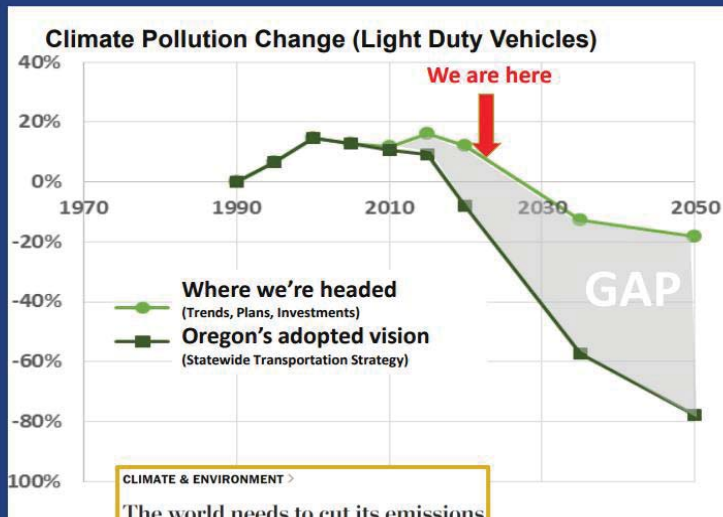
**Tom Flood**  
@tomflood1

If only we were prepared to tackle catastrophic climate change the way we are in the off chance everyone on the planet drives to the same mall on the same day.

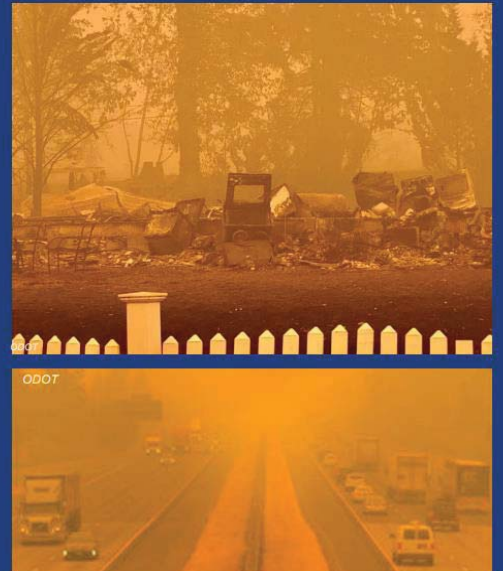


## Why these Rules?

### Missing Oregon's Pollution Reduction Targets Has Real Costs



CLIMATE & ENVIRONMENT >  
The world needs to cut its emissions seven times as fast to hit climate goals, U.N. report finds



DLCD Slides for Climate Friendly & Equitable Community Rule Implementation



## Updated Land Use and Transportation Rules

Focus Areas

### Land Use/Building

- Designate walkable climate-friendly areas
- Reform parking management ←
- Support electric vehicle charging

### Transportation

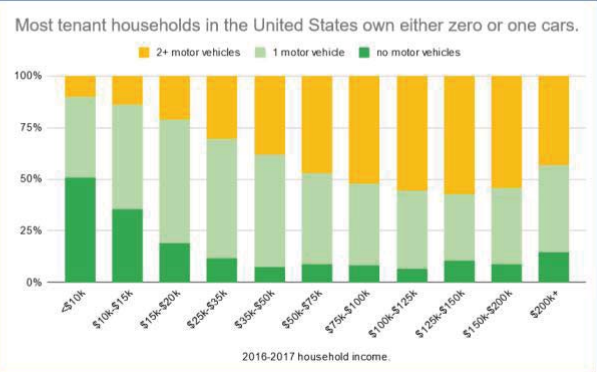
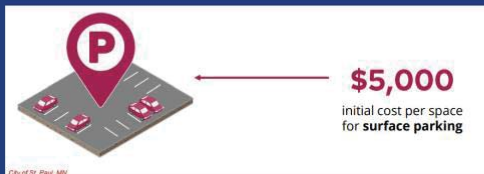
- Plan for high quality pedestrian, bicycle, and transit infrastructure
- Go beyond sole focus on motor vehicle congestion standards
- Prioritize and select projects meeting climate/equity outcomes







## Reforming Costly Parking Mandates



Mandates can prevent housing from being built; parking is a significant cost and displaces housing footprint

People with no cars or few cars are subsidizing parking for those with many

*“Form follows parking...”*



# Reforming Costly Parking Mandates

## Corvallis data

Use	% of all city area
Driveways	3.3%
Parking lots	7.2%
On-street parking	Some part of 9.7% for roads

Parking uses huge amount of land, making areas less walkable

## Parking behaviour: Bundled parking and travel behavior in American cities

Michael Manville\*, Miriam Pinski  
UCLA Luskin School of Public Affairs, Los Angeles, CA 90095, USA

### ARTICLE INFO

Keywords:  
 Parking

### ABSTRACT

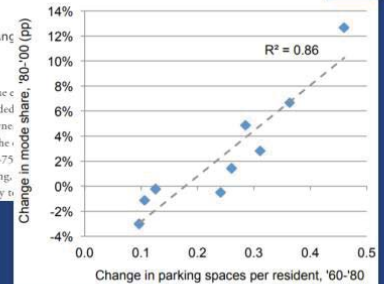
We investigate the relationship between bundled residential parking and travel behavior, with a particular focus on car ownership and residential car ownership. When the cost of parking is bundled into housing, it tends to increase car ownership. These lower costs are more than offset by the higher costs of parking in cities without bundled parking, as we examine empirically. In this article, we use data from the 2000 American Housing Survey. We estimate that

## Bundled parking and vehicle ownership: Evidence from the American Housing Survey

Michael Manville

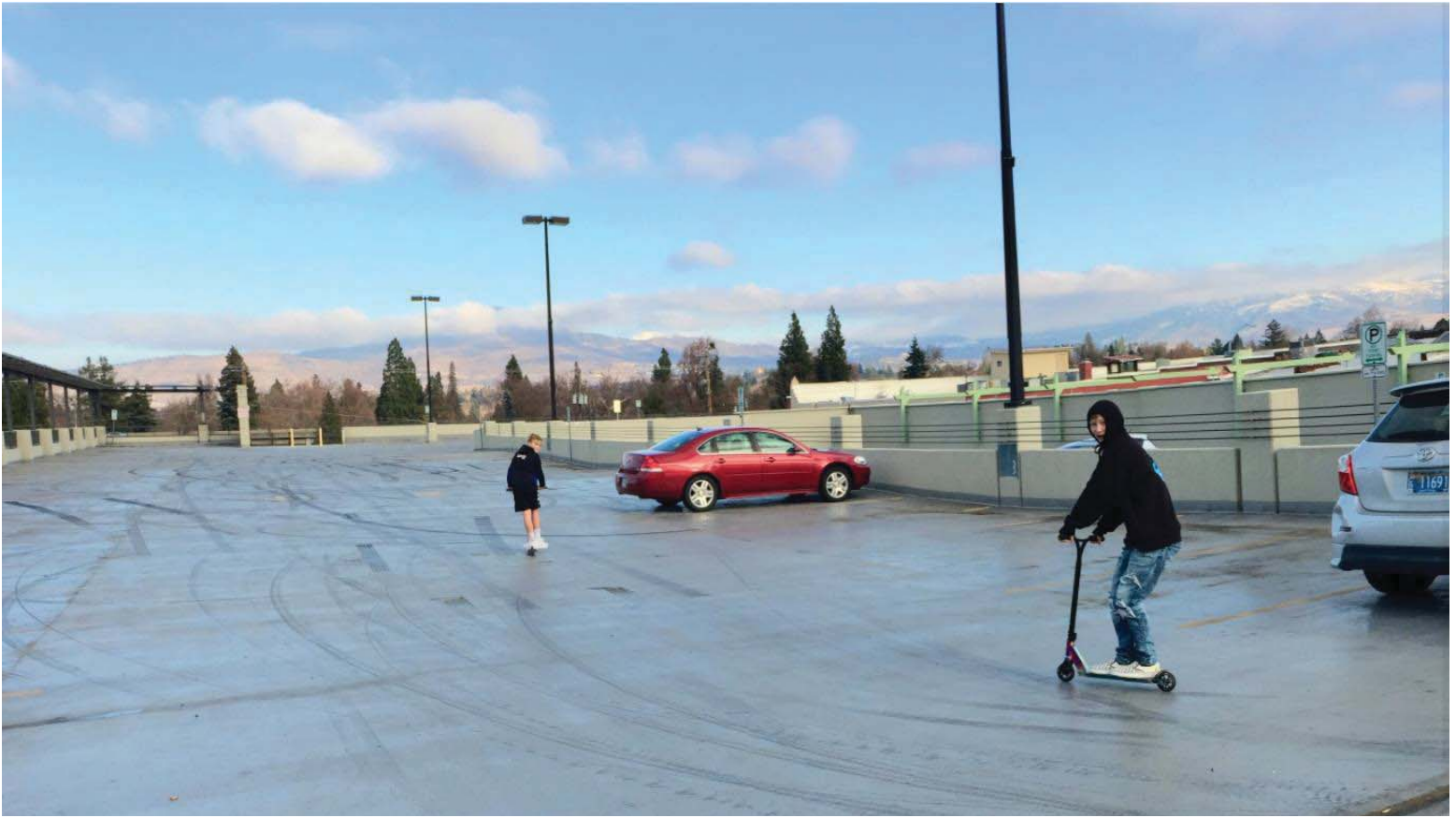
University of California, Los Angeles  
 mkm253@cornell.edu

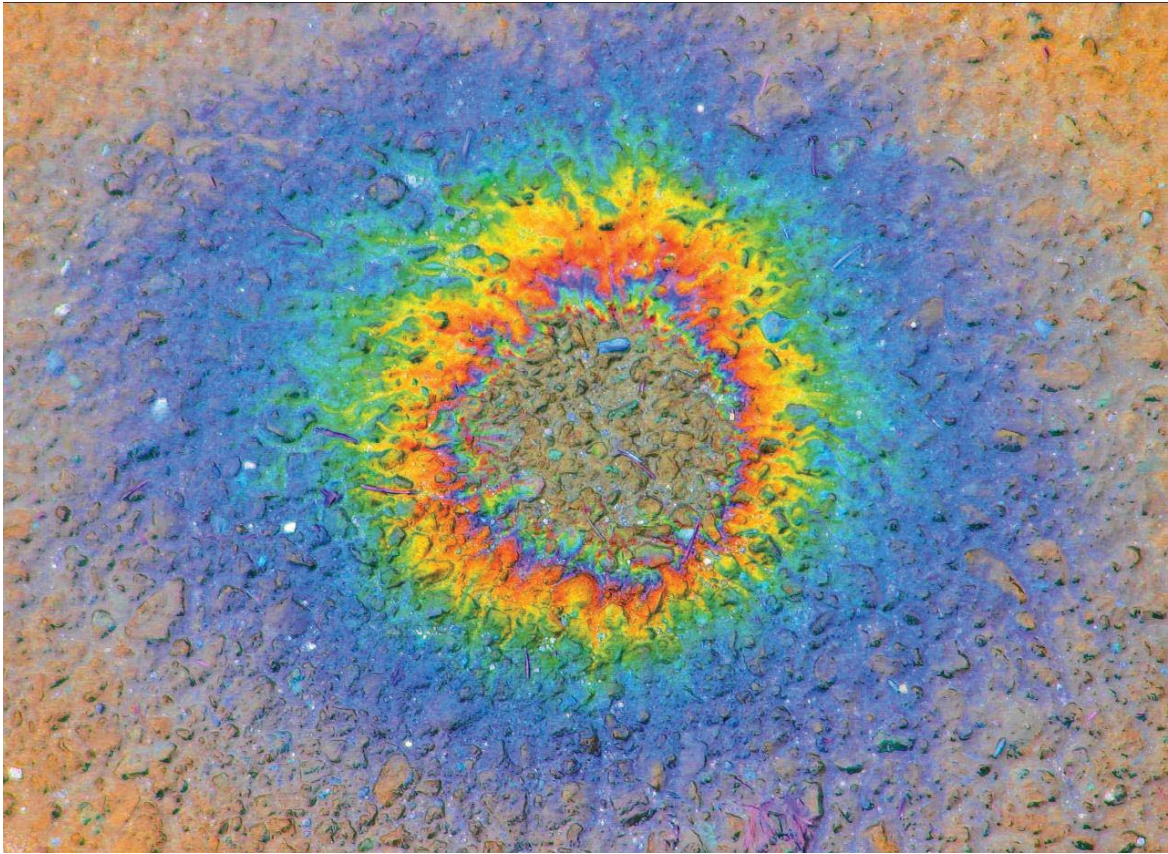
**Abstract:** This article estimates the relationship between bundled parking and vehicle ownership. When the cost of parking is included in housing—on household vehicle ownership—on household vehicle ownership. I show that the parking being vehicle-free are 50–75% households without bundled parking, cities near transit are twice as likely to



Parking mandates can lead to more car ownership and driving

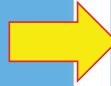








## Improving Parking Management



- No parking mandates near frequent transit
- No mandates for shelters, small units, affordable or public housing, childcare, facilities for people with disabilities
- Mandates no higher than one space/unit multifamily Now in Effect
- Cities choose an approach: By 12/31/23\*

**1**

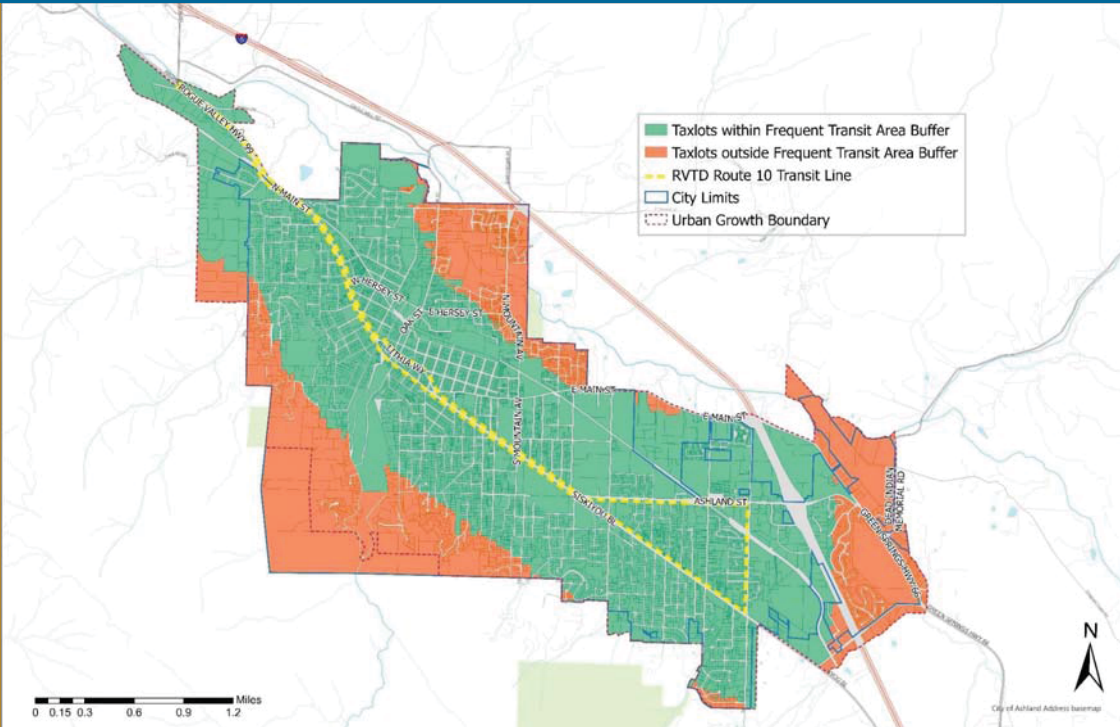
**Repeal parking mandates**

**2**

**Adopt at least three fair parking policies (e.g. unbundling, flexible commute benefit)**

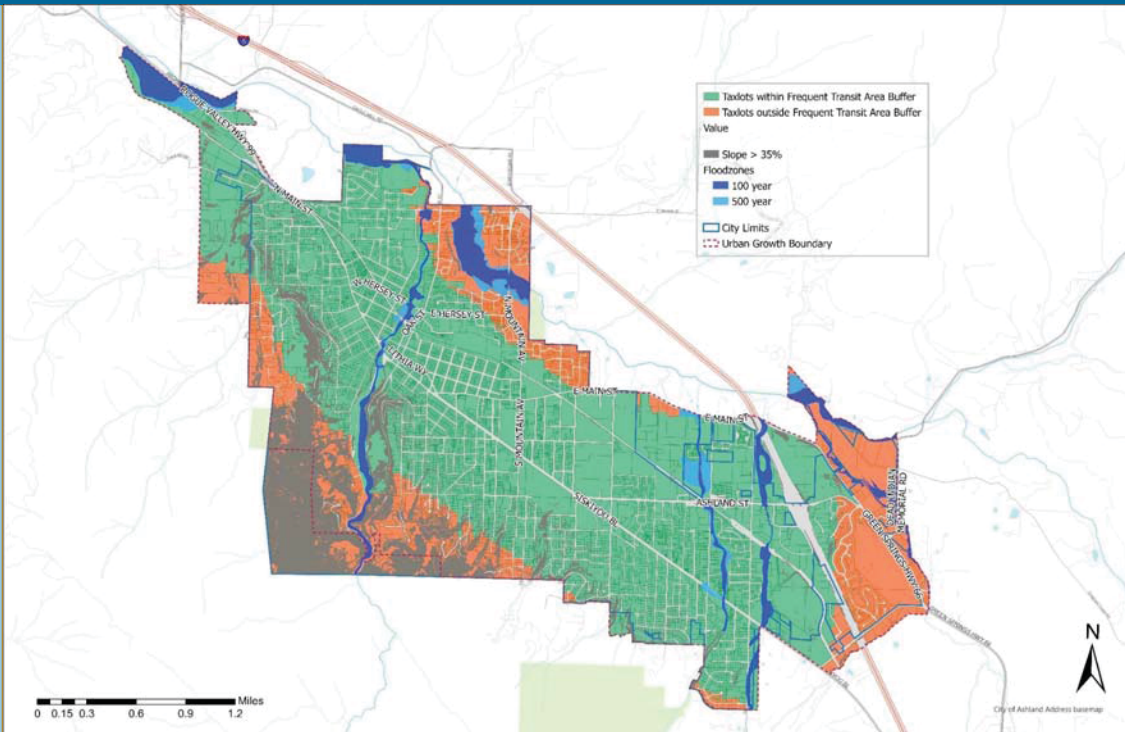
**3**

**Remove mandates for more dev't types and near climate-friendly areas**



**“Reduced Parking Mandates” Now in Effect**





## Improving Parking Management

- No parking mandates near frequent transit
- No mandates for shelters, small units, affordable or public housing, childcare, facilities for people with disabilities
- Mandates no higher than one space/unit multifamily **Now in Effect**
- Cities choose an approach: **By 12/31/23\***

**1**  
Repeal parking mandates

**2**  
Adopt at least three fair parking policies (e.g. unbundling, flexible commute benefit)

**3**  
Remove mandates for more dev't types and near climate-friendly areas



Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal parking mandates	Reduce parking burdens – reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. Must unbundle parking for multifamily units near frequent transit. May not require garages/carports.	
	Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units	
	Cities pop. 100,000+ adopt on-street parking prices for 5% of on-street parking spaces by September 30, 2023 and 10% by September 30, 2025	
no additional action needed	<p style="text-align: center;"><b>Option 2</b> enact at least three of:</p> <ol style="list-style-type: none"> <li>1. Unbundle parking for residential units</li> <li>2. Unbundle leased commercial parking</li> <li>3. Flexible commute benefit for businesses with more than 50 employees</li> <li>4. Tax on parking lot revenue</li> <li>5. No more than ½ parking space/unit mandated for multifamily development</li> </ol>	<p style="text-align: center;"><b>Option 3</b></p> <p>No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for changes in use, redevelopments, expansions of over 30%.</p> <p>Adopt parking maximums.</p> <p>No mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>



Land used for parking in downtown Corvallis

## Other Parking Provisions

### Best Practices

- Facilitate shared parking
- Convert underused parking
- Larger parking lots provide tree canopy or solar panels
- No garage requirements
- Incentives for car share, EV charging, accessible housing units
- Some parking maximums

### Over 100,000 population

- If retaining mandates, price 5% of on-street parking spaces at least 50 cents/day by Sept 30, 2023 and 10% of spaces by Sept 30, 2025

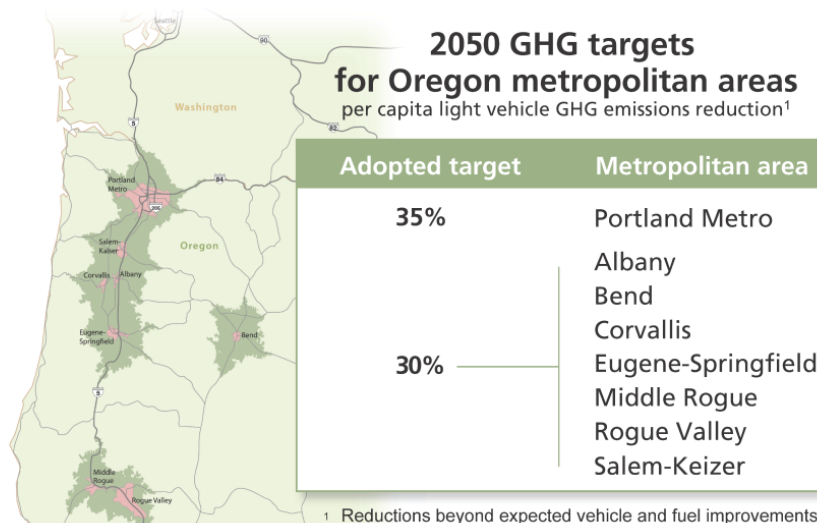


# Rules Apply in Oregon's Metropolitan Areas

These contain over 60% of Oregon's population and 70% of jobs



## Meeting Oregon's Climate Pollution Reduction Targets





STAFF  
RECOMMENDATION

- Select “Option 1” to eliminate parking mandates city-wide.
- Modify codes to require that voluntarily provided parking comply with existing standards (dimensions, circulation, parking lot treatment, etc.)
- Convert bicycle parking requirements so they are no longer based on auto parking requirements and update to comply with new state rules (*well-lit, accommodate cargo & family bikes*)
- Retain existing parking maximums.

STAFF  
RECOMMENDATION

- Updated Bicycle Parking Standards & Graphics
- Add specific code language to address on-street parking requirements (can be generally required for market rate units greater than 750 square feet).

Still to come...



ANY QUESTIONS?



# **TYPE I APPEAL**

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**PA-APPEAL-2023-00018**  
**321 Clay Street**

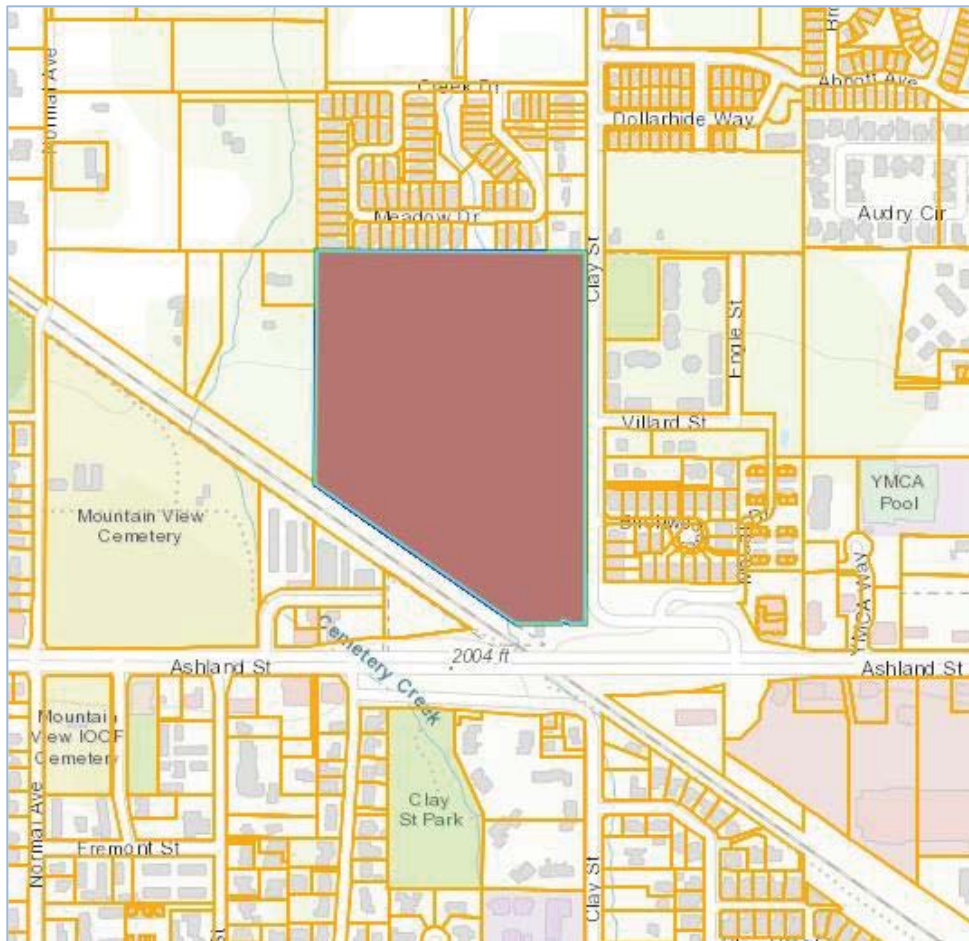


**NOTICE OF PUBLIC HEARING**

**PLANNING ACTION:** PA-APPEAL-2023-00018  
**SUBJECT PROPERTY:** 321 Clay Street  
**OWNER / APPLICANT:** Table Rock Tree for Jenny Osborne  
**APPELLANT:** Albert Pepe

**DESCRIPTION:** This is an appeal for the removal of the weeping willow tree located at space #19. The original request, PA-TREE-2023-00210, was for approval to remove four (4) trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties. In summary, PA-APPEAL-2023-00018 is an appeal of PA-TREE-2023-00210 which was approved for removal of all four trees. The Notice of Land Use Appeal was submitted for only the removal of the weeping willow tree at space #19. **COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential; **ZONING:** R-2; **MAP:** 39 1E 11C; **TAX LOT:** 3000

**ASHLAND PLANNING COMMISSION MEETING:** *Tuesday October 10, 2023 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



**COMMUNITY DEVELOPMENT DEPARTMENT**

51 Winburn Way  
 Ashland, Oregon 97520  
[ashland.or.us](http://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](mailto: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 Jennifer Chenoweth at 541-552-2045 or [Jennifer.chenoweth@ashland.or.us](mailto:Jennifer.chenoweth@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).

### 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.

### **COMMUNITY DEVELOPMENT DEPARTMENT**

51 Winburn Way  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.5305  
Fax: 541.552.2050  
TTY: 800.735.2900



# STAFF REPORT

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**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT**

October 10, 2023

**PLANNING ACTION:** PA-APPEAL-2023-00018  
appealing PA-TREE-2023-00210

**OWNER/APPLICANT:** Jenny Osburne  
**APPELLANT:** Albert Pepe

**LOCATION:** 321 Clay Street #19  
39-1E-11-C Tax Lot 3000

**ZONE DESIGNATION:** R-2  
**COMP. PLAN DESIGNATION:** Multi Family Residential

**ORDINANCE REFERENCES:** 18.2.5 Standards for Residential Zones  
18.5.1 General Review Procedures  
18.5.7 Tree Removal Permits  
18.6.1 Definitions

**SUBMITTAL DATE:** July 5, 2023  
**DEEMED COMPLETE DATE:** July 18, 2023  
**STAFF APPROVAL DATE:** August 11, 2023  
**APPEALED:** August 23, 2023  
**120-DAY DEADLINE:** December 22, 2023

**REQUEST:** An appeal of the administrative approval of Planning Action PA-TREE-2023-00210, to remove a weeping willow tree in the Wingspread Mobile Home Park at space #19.

**I. Relevant Facts**

The application that is being appealed was submitted on July 5, 2023, was deemed complete on July 18, 2023, and was approved on August 11, 2023. A Notice of Decision was mailed the same day. The deadline to appeal was August 23, 2023, and on that same day a Notice of Land Use Appeal was timely filed by Albert Pepe.

**Property Description**

The subject property is 20.37 acres and zoned R-2, a Multi-Family Residential zone. According to Jackson County records the property has been developed as a mobile home park since at least 1973 (per City records) and is accessed from Clay Street.

**Proposal**

The application is a request for a Tree Removal Permit to remove four trees from several residences at Wingspread Mobile Home Park. The application was prepared by a certified arborist. The only tree concerned with this appeal is a weeping willow located behind

space #19. The willow tree is 47-inches diameter at breast height (DBH). The arborists' report states that the tree is nearing the end of its lifespan and is declining in health and vigor. There are several large dead leaders and branches that range from 6-inches to 12-inches in diameter and are roughly 100 to 400 pounds. Some branch failures have already caused minor property damage in this area. The arborist indicates that many of the existing branches are likely to fail within the next several years.

## **II. Staff review and approval of PA-TREE-2023-00210**

As mentioned at the outset, the proposal is a request for tree removal from several locations in the Wingspread Mobile Home Park. However, the appeal is limited to the approval to remove the weeping willow at space #19. The application includes an arborist report recommending removal of all four trees.

In addition, the application was reviewed during the regular August 2023 meeting of the City of Ashland Tree Management Advisory Committee (MAC). Staff presented the application and provided an overview of the project request. In addition to reviewing the application, public comments were considered. The discussion mainly involved the weeping willow tree. Tree MAC committee members acknowledged that the willow tree is old and in decline. There was discussion of whether the hazard could be mitigated through pruning alone. Ultimately, the Tree MAC determined that to address the hazard adequately more than 40 percent of the existing tree canopy would need to be pruned away. In addition, aggressive pruning would require continued maintenance on a two-to-three-year cycle. All members of the Tree MAC were sympathetic to those who raised concerns about the removal of the old willow tree. However, when considering the totality of the application including the liability associated with denying the removal of a hazard tree, the consensus was to recommend removal of all identified hazard trees based on the professional opinion of the project arborist.

Staff carefully considered the proposal and found that it meets all the relevant approval criteria as outlined below. As staff understands the proposal, all four trees including the willow tree will be completely removed. To mitigate the loss of the four trees, two trees for every one tree removed (eight trees in total) will be planted within one year of tree removal. Tree species, including type and size at maturity and locations near the residential area will be considered. Newly planted trees will be maintained and regularly irrigated, especially during the driest months, for at least the first three to five growing seasons.

### **Approval Criteria**

The approval criteria for a Tree Removal Permit are described in Ashland Municipal Code (AMC) 18.5.7.040.B. A Hazard Tree Removal Permit shall be granted if it is found that the application meets all of the criteria or if the proposal can be made to conform through the imposition of conditions.

The criteria of approval for hazard trees are: 1). 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.” And that 2). The city may require the applicant to mitigate for the removal of each hazard tree. Such mitigation requirements shall be a condition of approval of the permit.

Further, the definition of hazard tree as defined in AMC 18.6.1.030, is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.

The project arborist determined that all trees in this proposal met the definition of a hazard tree and recommended removal, and this determination was supported by the Tree MAC. In approving the request, staff found that the proposal complied with the applicable approval criteria, with the implementation of the conditions attached.

### **Public Input**

Notice of the planning action was mailed to all properties within 200 feet of the subject property, and a physical notice was posted along the frontage of the property. The notice included a staff contact name and number. In accordance with AMC 18.5.1.050, the Type I procedure for planning applications allows a 14-day period for the submission of written comments starting from the date of mailing. Three written comments were received from the public: two comments requesting that the weeping willow tree in space #19 be retained and pruned rather than removed; and the third comment is in favor of removal of the cottonwood tree in space F. One phone call was received on July 17, 2023, by resident of space #19, who submitted one of the written comments, regarding concerns for removal of the weeping willow.

In considering the public comments, staff notes that the proposal meets all the required approval criteria, and that none of the objections raised in the public comments provided a basis denial of the application based on the relevant criteria.

### **Staff Decision**

AMC 18.5.7 regulates the removal of trees located in multi-family residential zones due to the fact that these zones often have special landscaping circumstances, and potential to affect a larger number of individuals if left unregulated. When considering the decision to approve or deny an application for tree removal staff consider the application materials against the relevant approval criteria in the AMC 18.5.7.040. Staff determined that the application, with the attached conditions, complied with applicable ordinances and met all standards and criteria for approval and as such Planning Action TREE-2023-00210 was approved.

## **III. Appeal Request**

As mentioned above, the proposed request to remove four trees, including the weeping willow tree, was approved administratively on August 11, 2023, with a Notice of Decision mailed the same day. The 12-day appeal period extended through August 23,

2023, and on that same day a Notice of Land Use Appeal was timely filed by Albert Pepe. Albert Pepe resides in the space immediately adjacent to the tree and submitted public comment in the proceedings below, and as such has standing to appeal.

The request for appeal included the standard Notice of Land Use Appeal – Type I form. The form submitted by Albert Pepe contains three specific grounds for appeal for which the decision should be reversed or modified as followed:

1. *There is another option to complete removal by pruning upper dead branches and removing some of the weight to make it not a hazard tree.*
2. *Once upper pruning is complete it [is] not clear that the tree is likely to fall and injure persons or property.*
3. *Once upper pruning is complete, Mr. Pepe offered to continue to maintain the tree at his cost every 2–3 years.*

#### **IV. Procedural - Required Burden of Proof**

The approval criteria for tree removal are provided in AMC 18.5.7.040. The approval criteria state that the approval shall be granted if the application meets all of the following criteria or can be made to conform through imposition of conditions.

#### **The approval criteria for hazard tree are detailed in AMC 18.5.7.040 as follows:**

- 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.*

#### **The approval criteria for trees that are not a hazard are detailed in AMC 18.5.7.040 as follows:**

- 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.

## V. Conclusions and Recommendations

Planning Action TREE-2023-00210 approved the removal of four trees described in the application including the willow. Staff determined that the application with the attached conditions complied with applicable ordinances and met all standards and criteria for approval of hazard tree removal.

After staff approved the application, a Notice of Decision (NOD) was mailed per AMC 18.5.1.050.D. Subsequent to the NOD, adjacent property owner Albert Pepe filed a Notice of Land Use Appeal. Albert Pepe resides in the noticing area for the application and had previously submitted written comments to be considered during the public comment period and thus had standing to appeal. This staff report addresses items raised on appeal and staff determined that there is sufficient evidence in the record to demonstrate that all applicable approval standards have been met.

The applicants have submitted application materials to the Planning Department to demonstrate compliance with the applicable approval standards for the proposed tree removal. In staff's assessment, the application with the conditions recommended below satisfies the applicable approval criteria. While the appellant asserts that pruning of the tree's upper canopy would alleviate the hazard, and that the appellant would then take responsibility for on-going maintenance, the project arborist indicated that pruning out and removing the hazardous branches on this tree would "leave very little canopy with a high probability of more epicormic sprouts that would become very hazardous over time. Because of this, the only practical approach to eliminating this hazard is to completely remove this tree." The Tree Management Advisory Committee supported the arborist's recommendation.

On that basis, staff recommends that the Planning Commission deny the appeal and uphold the original approval. Should the Commission choose to uphold the original approval as recommended, staff would recommend that the following conditions be attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That two trees are planted for every one tree removed. Proposed trees shall be planted within one year of tree removal and shall be of appropriate species and locations considering tree maturity and location to residences. Newly planted trees shall be maintained and regularly irrigated, especially during the driest months for at least the first three to five growing seasons.

# Wingspread Tree Removals (2023)

321 Clay Street



# Wingspread Tree Removal Appeal (2023)

An appeal of the Staff Advisor's approval of a Tree Removal Permit to remove four trees near residences at the Wingspread Mobile Home Park at 321 Clay Street. The trees proposed for removal are a 47-inch diameter weeping willow at space #19; a 12-inch diameter cottonwood at space F; and two silver maples (9-inch & 11-inch) located between spaces 92 and 94. The application has been prepared by a certified arborist and states that the trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they pose a hazard to nearby properties. The appeal request is specific to the removal of the weeping willow.

## Site Description

The subject property is located on the west side of Clay Street, north of the railroad right-of-way. The property is 20.37 acres in size and is zoned R-2, a Low Density Multi-Family Residential zoning. The property is developed with a Mobile Home Park and has over 100 mobile homes. The property includes a section of Clay Creek, a Local Stream, which runs generally north-south through the center of the subject property.

## Tree Removal

The requested Tree Removal Permit proposes to remove four trees near residences: the trees proposed for removal are a 47-inch diameter weeping willow at space #19; a 12-inch diameter cottonwood at space F; and two silver maples (9-inch & 11-inch) located between spaces 92 and 94. The application was prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties. The appeal request is specific to the removal of the weeping willow.

## Appeal

*An appeal was timely filed by a party with standing. The appeal is specific to the weeping willow tree's removal and asserts 1) That there is another option to complete removal by pruning upper dead branches and removing some of the weight to make it not a hazard tree; 2) That once upper pruning is complete it is not clear that the tree is likely to fall and injure persons or property; and 3) That once upper pruning is complete, the appellant offered to continue to maintain the tree at his cost every 2–3 years.*

## Staff Recommendation

The project arborist's determination is that the willow poses a hazard and should be removed, and that pruning would leave very little canopy with a high probability of more epicormic sprouts that would become very hazardous over time. The arborist indicates that the only practical approach to eliminating this hazard is to completely remove the tree. On that basis, staff recommend that the appeal be denied and the original staff approval upheld.

PA-TREE-2023-00210 and PA-APPEAL-2023-00018

321 Clay Street

# Wingspread Tree Removal Request & Appeal

The following are vertical aerial photos taken from 2018 through 2023 and oblique aerial photos taken 2019 through 2023 showing the condition of the weeping willow tree canopy. Photos from Nearmap:

<https://apps.nearmap.com/maps>

(<https://apps.nearmap.com/maps/#/@42.1884303,-122.6770156,19.00z,0d/V+R/20230615>)





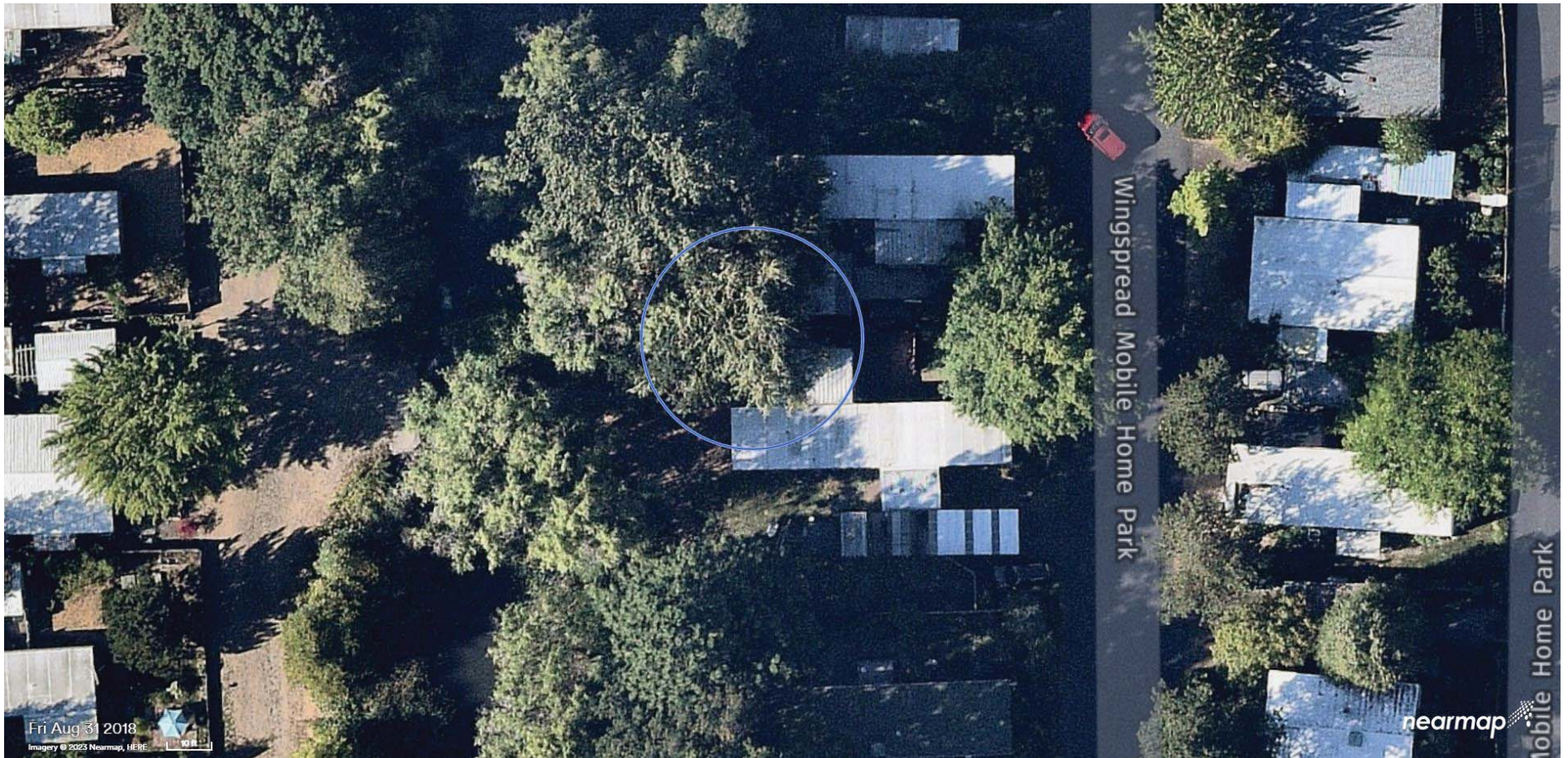


Figure 1. Nearmap aerial photo taken on August 31, 2018

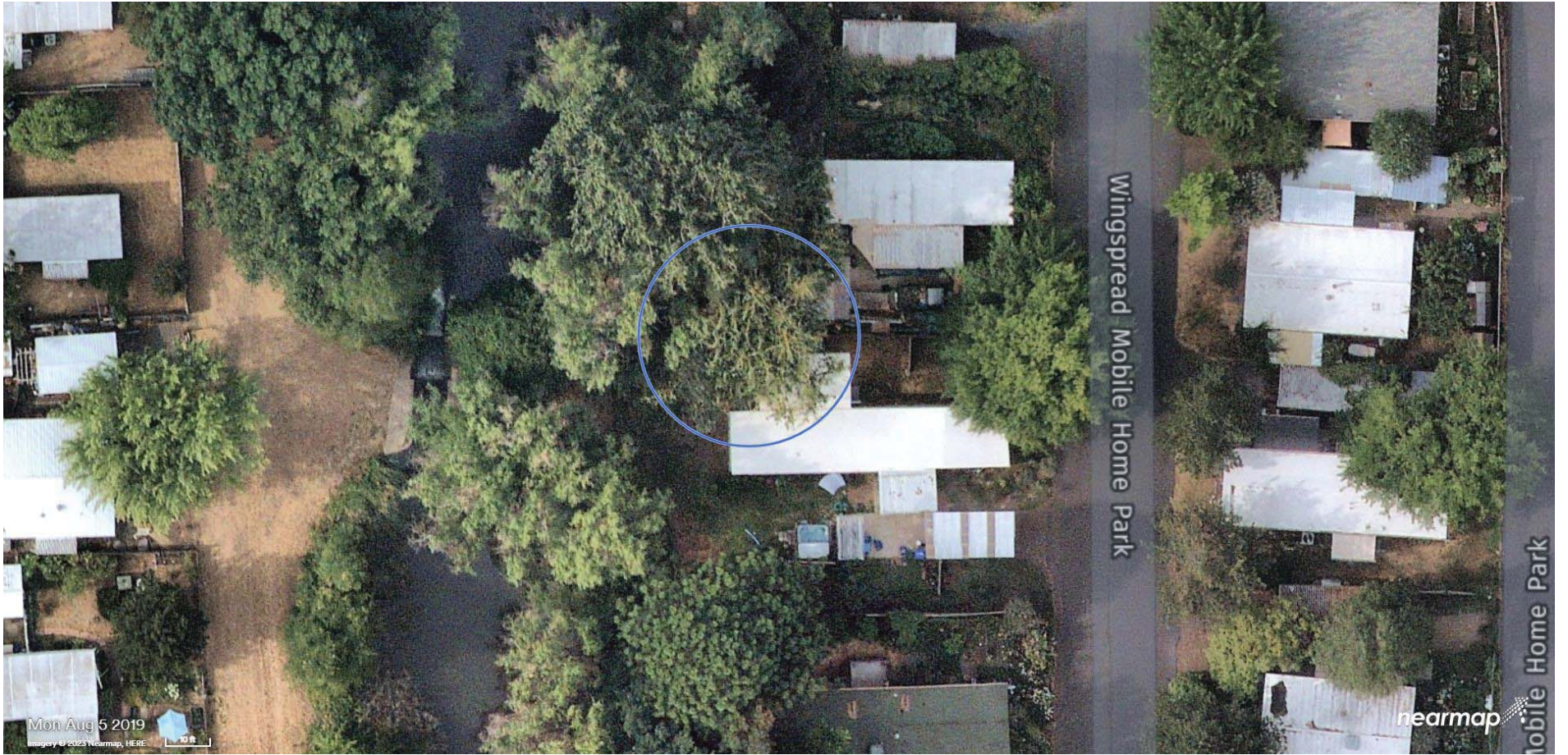


Figure 1. Nearmap aerial photo taken on August 5, 2019



Figure 1. Nearmap aerial photo taken on August 20, 2020

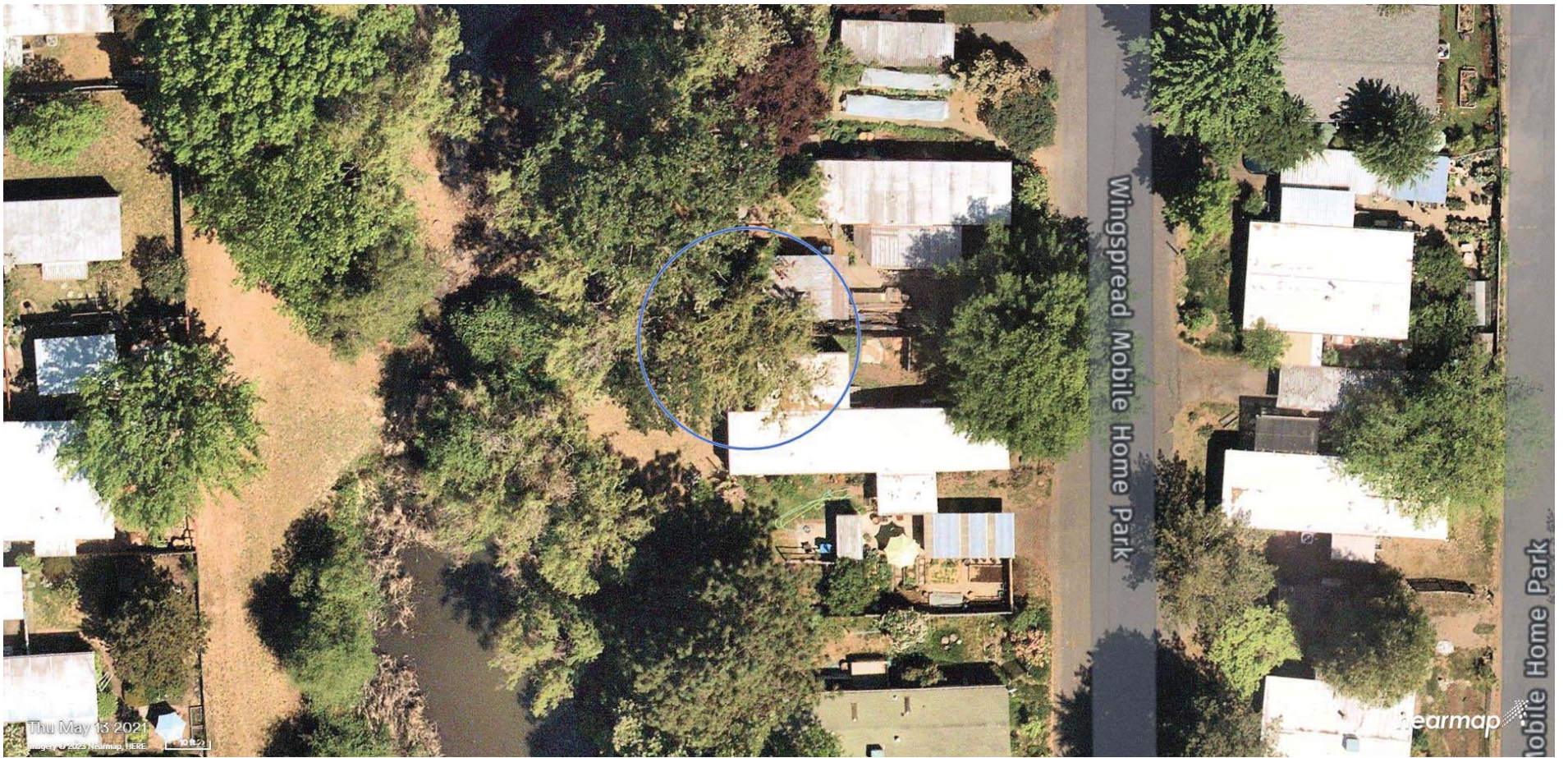


Figure 1. Nearmap aerial photo taken on May 13, 2021



Figure 1. Nearmap aerial photo take on June 21, 2022



Figure 1. Nearmap aerial photo take on June 15, 2023



Figure 1. Nearmap oblique aerial photo take on August 5, 2019



Figure 1. Nearmap oblique aerial photo take on June 21, 2022





Figure 1. Nearmap oblique aerial photo take on June 15, 2023



# **PUBLIC COMMENTS**

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**From:** [Kate Lynde](#)  
**To:** [Jennifer Chenoweth](#)  
**Subject:** tree in wingspread park  
**Date:** Saturday, September 23, 2023 3:28:21 PM

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[EXTERNAL SENDER]

Hello Jennifer

Nice to speak with you last week. I live in Space 19 in Wingspread Mobile Home Park. The willow tree is near and behind my home. I believe the tree to be a hazard and it appears to be dying from the top down. It hangs over my home and i don't want to have it fall on my place. It has also gotten very messy., dropping branches on my porch and yard. I want to go on recored as believing the tree a hazard and in support of the Arborist's opinion on removal of the tree.

*Kate Lynde  
321 Clay St, space 19  
Ashland, Or  
97520  
541 205 8029*

## RE: 321 Clay Street

Jennifer Chenoweth <jennifer.chenoweth@ashland.or.us>

Thu 2023-09-21 01:36 PM

To:MAEW <centerforwellness1@gmail.com>

Cc:Aaron Anderson <aaron.anderson@ashland.or.us>;Derek Severson <derek.severson@ashland.or.us>

 1 attachments (67 KB)

Brochure\_Participating In Land Use Decisions (1).pdf;

Hello Mary Ann,

Thank you for your comment on the silver maples. The two silver maple trees were approved for removal under Planning Action TREE-2023-00210. The public comment period for the removal of those two trees closed on August 1, 2023. All comments needed to be received by August 1, 2023, to be added to the final record.

The new notice you received and may have seen posted at the entrance of the park is for an appeal, Planning Action APPEAL-2023-00018, to the removal of one weeping willow tree at space #19. Public testimonies may be made in regard to the weeping willow tree during the October 10, 2023, Public Hearing before the Planning Commission. I have attached a brochure regarding Public Testimonies and how to be involved. You can also find more information about this on the City of Ashland website Planning Commission page here, <https://www.ashland.or.us/CCBIndex.asp?CCBID=198>

Again, thank you for your comment and please let me know if you have any additional questions.

**Jennifer Chenoweth, Associate Planner**

*Pronouns she, her*



**City of Ashland**

**Community Development**

51 Winburn Way, Ashland, Oregon 97520

541.552.2045 | TTY 800.735.2900

[jennifer.chenoweth@ashland.or.us](mailto:jennifer.chenoweth@ashland.or.us)

Online [ashland.or.us](http://ashland.or.us); social media (Facebook @CityOfAshlandOregon | Twitter @CityofAshland)

*This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at 541.552.2045*

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**From:** MAEW <centerforwellness1@gmail.com>  
**Sent:** Thursday, September 21, 2023 12:03 PM  
**To:** Jennifer Chenoweth <jennifer.chenoweth@ashland.or.us>  
**Subject:** planning@ashland.or.us

[EXTERNAL SENDER]

To Whom It May Concern:

I am asking your staff for consideration of requested tree removal of two silver maples, 11 inch DBH and 9 inch DBH located in Wingspread Mobile Park, spaces 92 and 94. Both of these trees have grown so large, they present a hazard to the surrounding homes. If and when they fall, it will be directly on top of those homes or and present a safety hazard for people in wheelchairs, and those walking and driving on Mallard Avenue. Meanwhile, the strong wind blows branches and trees everywhere in the area, frequently hitting windows, doors, sides of our homes and parked automobiles, as well as a mess to clean up for local residents.

I do not believe the removal of these trees will present a negative impact on erosion, soil stability, flow of surface waters or protection of adjacent trees. Removal would create less density since so many other trees are near to these.

The major issues and concerns of course, are the damage that will be done if they fall. The mobile park was not designed to be able to withstand the outcome of such damages. Already this has happened twice in Wingspread in other locations.

Thank you for taking time to read my letter. Several people here do not have internet access or ability to attend the meeting on October 10th. I am writing on behalf of not only myself but for those neighbors in this specific location of our park.

Sincerely,  
Mary Ann Woodman  
Wingspread Park, Space 95  
Ashland, Oregon  
541-941-0235





# **APPELLANT'S SUBMITTAL**

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**PA-APPEAL-2023-00018**  
**321 Clay Street**





Planning Division  
 51 Winburn Way, Ashland OR 97520  
 Phone: 541-488-5305 Fax: 541-488-6006  
 Email: Planning@ashland.or.us

Better Together

**ZONING PERMIT APPLICATION**

FILE # PA-TREE 2023-00210

**DESCRIPTION OF PROJECT** Tree Removal of 47" DBH Weeping Willow

Pursuing LEED® Certification?  YES  NO

**DESCRIPTION OF PROPERTY**

Street Address 321 Clay St #21 Ashland, OR 97520

Assessor's Map No. 39 1E 39.1E-11C Tax Lot(s) 3000

Zoning R-2 Comp Plan Designation Multi Family Residential

**APPLICANT**

Name Albert L Pepe Phone (541) 821-4667 E-Mail albertlpepe2@gmail.com

Address 321 Clay St #21 City Ashland Zip 97520

**PROPERTY OWNER** CPM / Jenny Osborn Manufactured Home Division

Name Hank Hammond Phone ? E-Mail j.osborne@cpmrealestate.com

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

**SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER**

Title Arborist Name Tabé Dunn Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address Table Rock Tree Service City \_\_\_\_\_ Zip \_\_\_\_\_

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

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

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

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

[Signature] Date 8/22/23

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

Property Owner's Signature (required) \_\_\_\_\_ Date \_\_\_\_\_

(To be completed by City Staff)

Date Received \_\_\_\_\_ Zoning Permit Type \_\_\_\_\_ Filing Fee \$ \_\_\_\_\_

OVER >>

**Notice of Land Use Appeal – Type I**  
 Ashland Municipal Code § 18.5.1.050.G.

<b>A. Name(s) of Person Filing Appeal:</b>	<b>B. Address(es):</b>
1. Albert Pepe	321 Clay # 21
2.	

Attach additional pages of names and addresses if other persons are joining the appeal.

**C. Decision Being Appealed**

Date of Decision: 8/11/23	Planning Action #: Tree-2023-00210	Title of planning action: Tree Removal of 47" DBH Weeping Willow.
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**D. How Person(s) Filing Appeal Qualifies as a Party**

(For each person listed above in Box A, check the appropriate box below.)

The person named in Box A.1. above qualifies as a party because:	<input checked="" type="checkbox"/> I am the applicant. <input type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.
The person named in Box A.2. above qualifies as a party because:	<input type="checkbox"/> I am the applicant. <input type="checkbox"/> I received notice of the planning action. <input type="checkbox"/> I was entitled to receive notice of the action but did not receive notice due to error.

Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.

**E. Specific Grounds for Appeal**

1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *There is another option to complete Removal, By Pruning upper Dead Branches + Removals some of the weight to make it not a Hazard Tree.*

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § \_\_\_\_\_ or other law in § \_\_\_\_\_ requires that \_\_\_\_\_ (attach additional pages if necessary):

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2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *Once upper pruning is complete it would not be clear that it is likely to fall + injure persons or property*

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § \_\_\_\_\_ or other law in § \_\_\_\_\_ requires that \_\_\_\_\_ (attach additional pages if necessary):

---

3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): *Once upper-pruning is complete I offered to continue to maintain at my own cost every 2-3 years*

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § \_\_\_\_\_ or other law in § \_\_\_\_\_ requires that \_\_\_\_\_ (attach additional pages if necessary):

4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

**Appeal Fee**

With this notice of appeal I(we) submit the sum of **\$150.00** which is the appeal fee required by § 18.5.1.050 of the Ashland Municipal Code.

Date: 8/23/23

Signature(s) of person(s) filing appeal (attach additional pages if necessary):

A handwritten signature in black ink, appearing to read "A. Pepe", is written over the signature line.

*Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the Community Development Department, Attn: Planning Commission Secretary, 20 E Main St, Ashland, OR 97520, telephone 541-488-5305, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.5.1.050.*

- I ID of decision: Tree Removal of
- II 47" DBH Willow Tree      Approval Date 8/11/23
- Resident of 321 Clay St # 21  
Albert Pepe
- III Pruning of Hazard upper Dead Branch's  
Vs entire Removal of Tree.
- IV Sent letter to Planning expressing my  
objection to entire removal  
Expressed my objection + stated  
Preference of Pruning Vs Removal  
at Tree Advisory Meeting Aug 2023

\* It is not clear That the tree is likely  
to fall + injure persons or property  
yes this tree need major pruning  
but not Removal

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**PA-APPEAL-2023-00018**  
**321 Clay Street**







August 11, 2023

**Notice of Final Decision**

On August 11, 2023, the Community Development Director approved the request for the following:

**Planning Action:** PA-TREE-2023-00210

**Subject Property:** 321 Clay Street

**Applicant:** Table Rock Tree for Jenny Osborne

**Description:** A request for approval to remove four (4) trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties. **COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential; **ZONING:** R-2; **MAP:** 39 1E 11C; **TAX LOT:** 3000

The Community Development Director’s decision becomes final and is effective on the 12<sup>th</sup> day after the Notice of Final Decision is mailed. Approval is valid for a period of 18 months and all conditions of approval identified on the attached Findings are required to be met prior to project completion.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

Prior to the final decision date, anyone who was mailed this Notice of Final Decision may request a reconsideration of the action as set forth in the Ashland Land Use Ordinance (ALUO) 18.5.1.050(F) and/or file an appeal to the Ashland Planning Commission as provided in ALUO 18.5.1.050(G). The ALUO sections covering reconsideration and appeal procedures are attached. The appeal may not be made directly to the Oregon Land Use Board of Appeals.

If you have any questions regarding this decision, please contact Jennifer Chenoweth in the Community Development Department at (541) 488-5305.

cc: Parties of record and property owners within 200 ft

**COMMUNITY DEVELOPMENT DEPARTMENT**

51 Winburn Way  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.5305  
Fax: 541.552.2050  
TTY: 800.735.2900



## ASHLAND PLANNING DIVISION

### FINDINGS & ORDERS

**PLANNING ACTION:** PA-TREE-2023-00210  
**SUBJECT PROPERTY:** 321 Clay Street  
**OWNERS / APPLICANT:** Table Rock Tree for Jenny Osborne  
**DESCRIPTION:** A request for approval to remove four trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties.  
**COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential **ZONING:** R-2  
**ASSESSOR'S MAP & TAX LOTS:** 39 1E 11C; **TAX LOT:** 3000

<b>SUBMITTAL DATE:</b>	July 5, 2023
<b>DEEMED COMPLETE DATE:</b>	July 18, 2023
<b>STAFF APPROVAL DATE:</b>	August 11, 2023
<b>DEADLINE TO APPEAL (4:30 p.m.):</b>	August 23, 2023
<b>FINAL DECISION DATE:</b>	August 24, 2023
<b>APPROVAL EXPIRATION DATE:</b>	February 24, 2025

### DECISION

The application requests a Tree Removal Permit to remove four trees from several residences at Wingspread Mobile Home Park. The property is approximately 20.37 acres and zoned R-2. Because the trees are greater than 6 inches diameter at breast height (DBH) and the property is zoned R-2 multifamily residential, tree removal is regulated and processed as a Type I permit.

The application was prepared by a certified arborist. The first tree recommended for removal is a weeping willow located behind space 19. The tree is 47-inches diameter at breast height (DBH). The arborists' report states that the tree is nearing the end of its lifespan and is declining in health and vigor. There are several large dead leaders and branches that range from 6-inches to 12-inches in diameter and are roughly 100 to 400 pounds. Some branch failures have already caused minor property damage in this area. Many of the existing branches are likely to fail within the next several years.

The second tree recommended for removal is a 12-inch DBH cottonwood located in the backyard of space F. The report states that the roots from this tree are sprouting into new trees. In addition, surface roots are growing into underground plumbing and breaking waterlines, causing property damage. The report states that cottonwoods are fast growing and have a relatively short lifespan, and as these trees decline, they shed large branches and could become a hazard to nearby residents and property. The arborist recommends removal to prevent current damage to utilities and to prevent potential future damage to life and property.

The next set of trees proposed for removal are two silver maples growing right next to each other

between spaces 92 and 94. One tree is 9 inches DBH and the other tree is 11 inches DBH. These trees are close to both residential structures and appear to have cracking and decay in the main stems. The report notes that silver maples tend to be a brittle species and that at maturity they will outgrow the narrow space they are planted in with a potential crown spread of 80–100 feet. Also, the larger of the two trees has a severe lean that is too advanced to correct. Due to the location of the trees, decay, cracking, and leaning that cannot be alleviated, the arborist is recommending removal of both silver maples.

The applicability for tree removal (per AMC 18.5.7.020) is that it shall be carried out in accordance with the requirements of AMC Chapter 18.5.7. The application included a narrative of the certified arborists' observations of the trees and has determined that all trees identified pose a future hazard to nearby residences and property. The arborist recommends removal to alleviate the hazards. The application includes that the property owner will plant two trees for every one tree removed. This has been included in the conditions of approval below.

The Notice of Complete Application (NOCA) was mailed to all properties within 200 feet of the subject property as well as a physical notice posted along the frontage of the property on July 18, 2023. The notice included staff contact information. In accordance with AMC 18.5.1.050, the Type I procedure for planning applications allows a 14-day period for the submission of written comments, starting from the date of mailing. Three written comments were received from the public: two comments requesting that the weeping willow tree in space 19 be retained and pruned rather than removed; and the third comment is in favor of removal of the cottonwood tree in space F. One phone call was received on 7/17/2023 by resident of space 19, who submitted one of the written comments, regarding concerns for removal of the weeping willow.

The application was reviewed during the regular August 2023 meeting of the City of Ashland Tree Management Advisory Committee (MAC). Staff presented the application and provided an overview of the project request. In addition to reviewing the application, public comments were considered. The discussion mainly involved the weeping willow tree. Tree MAC arborists acknowledged that the willow tree is old and in decline. There was discussion about if the hazard could be mitigated through pruning alone. Ultimately, the Tree MAC determined that to address the hazard adequately more than 40% of the existing tree canopy would need to be pruned away. In addition, aggressive pruning would require continued maintenance on a two-to-three-year cycle. All members of the Tree MAC were sympathetic to those who raised concerns about the removal of the old willow tree. However, when considering the totality of the application including the liability associated with denying the removal of a hazard tree, the consensus was to recommend removal of all identified hazard trees based on the professional opinion of the project arborist.

The applicant has submitted a burden of proof document showing that they meet the criteria of approval for a Tree Removal Permit. That document is incorporated herein by this reference. In staff's assessment, the proposed removal of the four trees identified in the application is in conformance with the land use ordinance approval criteria as cited below.

In summary, to be deemed a "hazard tree" the condition or location of the tree must clearly present a public safety hazard (i.e., that the tree is likely to fall and injure persons or property), or that there is 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. The application materials state that at least one tree is causing damage to utilities and all four are showing signs of

decay, decline or failure. Based on the materials provided, due to the size, declining conditions, and locations of the trees to nearby residences, there is an unavoidable hazard to pedestrians and property that cannot be ultimately alleviated by pruning and limbing the trees alone. Staff finds the application has sufficiently demonstrated compliance with all approval criteria for tree removal.

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

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.

AMC 18.6.1.030 Hazard Tree. A hazard tree is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.

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Staff finds that Planning Action TREE-2023-00210, a request to remove four hazard trees, complies with all applicable City ordinances with the implementation of conditions attached below. Therefore, Planning Action TREE-2023-00210 is **approved**. If any one or more of the following conditions are found to be invalid, for any reason whatsoever, then Planning Action TREE-2023-00210 is denied. The following are conditions of approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That two trees are planted for every one tree removed. New proposed trees shall be planted within one year of tree removal and shall be of appropriate species and locations considering tree maturity and location to residences. Newly planted trees shall be maintained and regularly irrigated, especially during the driest months for at least the first three to five growing seasons.



Derek D. Severson, *Planning Manager*  
Department of Community Development, Planning Division

August 11, 2023

Date

ASHLAND TREE COMMISSION  
PLANNING APPLICATION REVIEW COMMENT SHEET  
August 3, 2023



**PLANNING ACTION:** PA-TREE-2023-00210  
**SUBJECT PROPERTY:** 321 Clay Street  
**OWNERS:** Jenny Osborne  
**APPLICANT:** Table Rock Tree  
**DESCRIPTION:** A request for approval to remove four trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties.  
**COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential  
**ZONING:** R-2  
**ASSESSOR'S MAP NUMBER:** 39 1E 11C; **TAX LOT:** 3000

---

The Tree Commission recommends **approving** the application.

The application was reviewed during the regular August 2023 meeting of the City of Ashland Tree Management Advisory Committee (MAC). Staff presented the application and provided an overview of the project request. In addition to reviewing the application, public comments were considered. The discussion mainly involved the weeping willow tree. Tree MAC arborists acknowledged that the willow tree is old and in decline. There was discussion about if the hazard could be mitigated through pruning alone. Ultimately, the Tree MAC determined that to address the hazard adequately more than 40% of the existing tree canopy would need to be pruned away. In addition, aggressive pruning would require continued maintenance on a two-to-three-year cycle. All members of the Tree MAC were sympathetic to those who raised concerns about the removal of the old willow tree. However, when considering the totality of the application including the liability associated with denying the removal of a hazard tree, the consensus was to recommend removal of all identified hazard trees based on the professional opinion of the project arborist.

**From:** [Watha M. Dubonnet](#)  
**To:** [planning](#)  
**Subject:** Wingspread Mobile Home Park Tree Removal  
**Date:** Monday, July 31, 2023 1:14:39 PM

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[EXTERNAL SENDER]

It is my understanding the owner has requested a few trees be removed from the park. While it is his decision in the end, there are those of us who live here and would like him to reconsider the removal and maybe consider trimming and maintaining the trees there are here. Park of the attraction, and to some the only attraction, to this place is the creek and the surrounding trees. They may be right. What would this place look like without the trees? A mud hole exposed to an increasingly unforgiving sun. The trees offer refuge to the best of their ability for those of us who live here. What does it mean to save a tree? Saving a tree, even an old damaged tree such as the Willow tree that stands almost at the very center of Wingspread Mobile Home Park, is to save the natural habitat that lives beneath her and around her. This Willow stands next to Clay Creek as she has for many years. She has been and continues to be the home of countless species of birds, raccoons, geese, more varieties of insects and assorted domestic creatures than I can count or even pretend to know the names of. All have sought refuge under this Willows dripping limbs at one time or another. It would be a shame to lose her. Does she need to be trimmed and cleaned up? Of course! Don't we all! And of course the arborist says she needs to come down. He stands to profit from his biased assessment. She is, without a doubt, worth saving. This entire riparian zone is worth saving. Who among us here in Ashland want to live in a place without our trees? No one I know. Ashland has its quirks, but we have our values. Saving this trees is one of them. Trees do so much for the environment. Let's save the trees! Please!

Watha

Watha M. Dubonnet LMFT  
Ashland, OR  
(541) 227-9036  
WDubonnet@aol.com  
CA Lic. 43199  
OR Lic. T1399

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**From:** [Albert Pepe](#)  
**To:** [planning](#)  
**Subject:** Tree202300210  
**Date:** Friday, July 28, 2023 10:19:49 PM

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[EXTERNAL SENDER]

Here are my comments in relation to the proposed removal of the Willow tree at 321 Clay st . I have resided at Wingspread for the past 20 yrs also I have been a landscape gardener for over 25 yrs in this community pruning and maintaining many trees in and around Ashland. The beautiful weeping willow is directly behind my shed of unit 21. This Grandmother Willow shades and covers my home offering a protective and scared feeling. one of the branches drapes over the room I sleep in and the room my father died in . He inspired in me a strong love for the natural world and appreciated his last home under this Grand tree. Yes there are dead branches in the upper canopy, some being there for several years . Most of the tree is lush and full this year and I have no fear of its presence. actually I am grateful for its presence and the shade and habitat it provides. It is my hope that She remains as intact as possible, pruning dead and dying limbs thereby reducing any current hazards. I believe this is doable by an experienced arborist such as Table Rock . Until recently I have pruned what I could safely reach and have hired an arborist last year to take off several branches I could not manage myself. I will continue to do so in the future at my expense once the upper branches are removed . Yes this tree is old, but She is bold and strong residing in the riparian zone of lower Clay Creek. I trust that Her proposed removal will be viewed as not necessary and that She remains standing for many years to come. As you know trees are sacred and old trees deserve to be held in such a place. Thank You Albert Pepe and Grandmother Willow !

**From:** [Regan Trapp](#)  
**To:** [planning](#)  
**Subject:** Fwd: Tree202300210  
**Date:** Monday, August 07, 2023 3:35:44 PM  
**Attachments:** [image001.png](#)

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**From:** Albert Pepe <albertpepe2@gmail.com>  
**Sent:** Monday, August 7, 2023 3:14:10 PM  
**To:** Regan Trapp <Regan.Trapp@ashland.or.us>  
**Subject:** Re: Tree202300210

[EXTERNAL SENDER]

Please inform me when a Planning decision is made in regards to the large Willow . Thanks  
Albert Pepe

On Mon, Jul 31, 2023 at 8:30 AM Regan Trapp <[Regan.Trapp@ashland.or.us](mailto:Regan.Trapp@ashland.or.us)> wrote:

Your comments for TREE-2023-00210 have been received.

**Regan M. Trapp**

**Permit Technician II**

**Building Inspector/Plans Examiner**

**Secretary & Membership, OPTA**



**City of Ashland**

**Community Development**

51 Winburn Way, Ashland, Oregon 97520



541-552-2233 | TTY 800.735.2900

[Regan.Trapp@ashland.or.us](mailto:Regan.Trapp@ashland.or.us)

Online [ashland.or.us](http://ashland.or.us); social media (Facebook @CityOfAshlandOregon | Twitter @CityofAshland)

*This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at 541-552-2233.*

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**From:** Albert Pepe <[albertpepe2@gmail.com](mailto:albertpepe2@gmail.com)>  
**Sent:** Friday, July 28, 2023 10:19 PM  
**To:** planning <[planning@ashland.or.us](mailto:planning@ashland.or.us)>  
**Subject:** Tree202300210

[EXTERNAL SENDER]

Here are my comments in relation to the proposed removal of the Willow tree at 321 Clay st . I have resided at Wingspread for the past 20 yrs also I have been a landscape gardener for over 25 yrs in this community pruning and maintaining many trees in and around Ashland. The beautiful weeping willow is directly behind my shed of unit 21. This Grandmother Willow shades and covers my home offering a protective and scared feeling. one of the branches drapes over the room I sleep in and the room my father died in . He inspired in me a strong love for the natural world and appreciated his last home under this Grand tree. Yes there are dead branches in the upper canopy, some being there for several years . Most of the tree is lush and full this year and I have no fear of its presence. actually I am grateful for its presence and the shade and habitat it provides. It is my hope that She remains as intact as possible, pruning dead and dying limbs thereby reducing any current hazards. I believe this is doable by an experienced arborist such as Table Rock . Until recently I have pruned what I could safely reach and have hired an arborist last year to take off several branches I could not manage myself. I will continue to do so in the future at my expense once the upper branches are removed . Yes this tree is old, but She is bold and strong residing in the riparian zone of lower Clay Creek. I trust that Her proposed removal will be viewed as not necessary and that She remains standing for many years to come. As you know trees are sacred and old trees deserve to be held in such a place. Thank You Albert Pepe and Grandmother Willow !

Tree Removal Permit (AMC 18.57) | Avg 1-23 | submitted by ANDREW Sarhamis  
(adolescent) .0408 | SPACE (E) 488 6494

The tree on space F growing 2 feet from my boundary is 50' H x 30' W, approximately. IN 5-10 yrs IT will be a monster. + I will be unable to grow a vegetable garden, to feed my body + soul. Currently there are **IN 7 LOCATIONS** 35 OR SO tree sprouts growing from its roots which are all over my yard. I MUST grow my veggies IN containers raised off the ground OR the trees feeder roots will completely take over my soil. This species has<sup>an</sup> especially aggressive root system.

IN the past 3 years I've had to pay helpers \$200 to dig out root sections sprouting new trees. These sprouts can easily reach up to 8' IN 1 season. + can number 12 from 1 location. Each year the tree extends sideways 3-4' further shading my garden.

my questions are: is the arborist going to take use a stump remover to grind the stump

otherwise it will grow right back. I would like to speak to the arborist about the growth characteristics of this specie to ascertain what it will take to insure The Trees root systems dies and no more root sprouts will cause me further anguish. OR is just my problem, I am not on speaking terms with the owner of F due to past extremely mean, <sup>verbal</sup> outward behavior attacking me

Ashland needs to take measures to <sup>see submitted</sup> specimen effectively, at least de facto ban this tree from being cultivated as it will just cause strife between neighbors + we have enough of that in this world

"Good fences make good neighbors" folk wisdom

What your neighbor plants next to you can be a drag both above + below ground level

P.S. As a farmer + de facto forester + orchardist over 30 year. I cut down, trimmed many hundreds of trees when I walk I study trees structure, form, growth characteristics

**NOTICE OF APPLICATION**

**PLANNING ACTION:** TREE-2023-00210

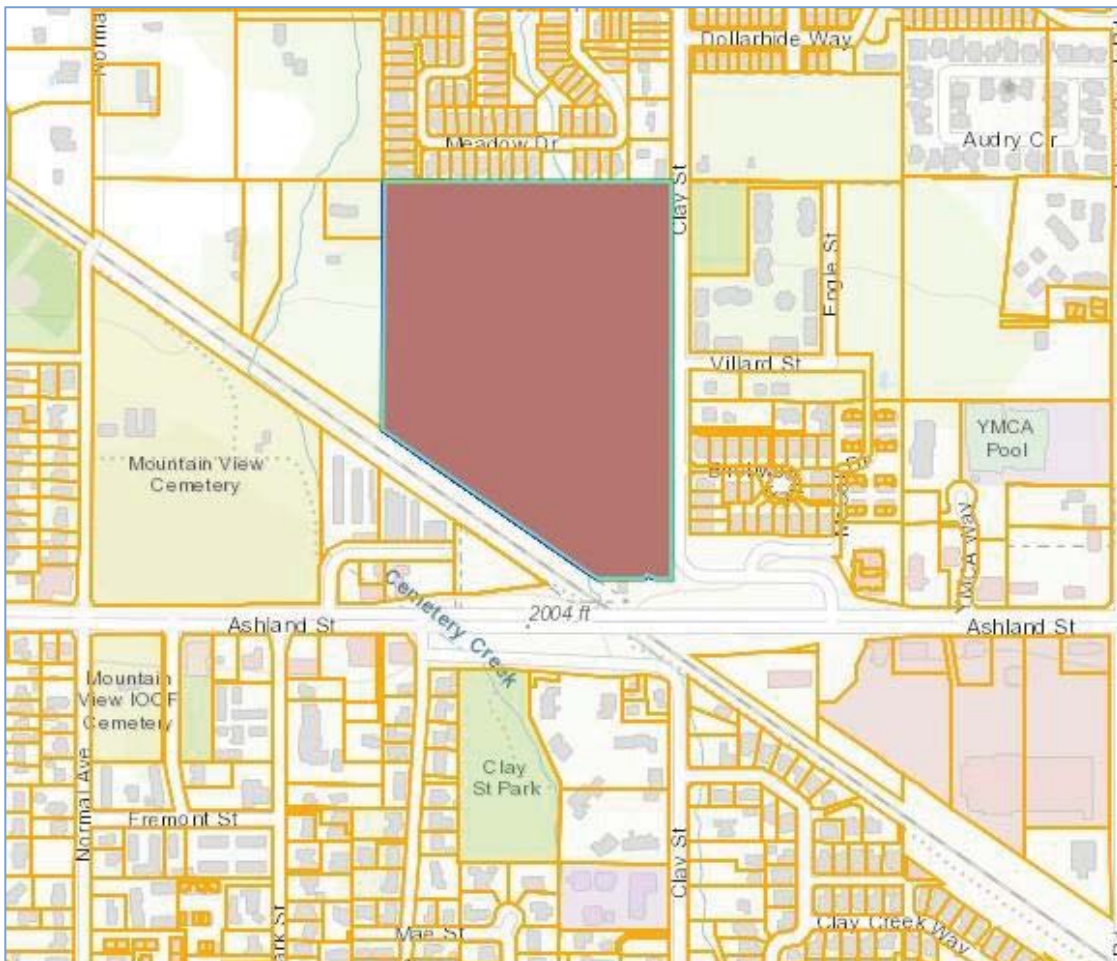
**SUBJECT PROPERTY:** 321 Clay Street

**OWNER / APPLICANT:** Table Rock Tree for Jenny Osborne

**DESCRIPTION:** A request for approval to remove four (4) trees near residences at the Wingspread Mobile Home Park; located near spaces 19, F, 92, and 94. The trees are as follows: weeping willow, 47 inch diameter at breast height (DBH) at space 19; cottonwood, 12 inch DBH at space F; two silver maples 11 inch DBH and 9 inch DBH located between spaces 92 and 94. The application has been prepared by a certified arborist and states that trees are in a state of decline; causing damage to property; severely leaning, and have evidence of decay, respectively. As the trees continue to decline, they present a hazard to nearby properties. **COMPREHENSIVE PLAN DESIGNATION:** Multi Family Residential; **ZONING:** R-2; **MAP:** 39 1E 11C; **TAX LOT:** 3000

**NOTICE OF COMPLETE APPLICATION:** July 18, 2023

**DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS:** August 1, 2023



**COMMUNITY DEVELOPMENT DEPARTMENT**

51 Winburn Way  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.5305  
Fax: 541.552.2050  
TTY: 800.735.2900

The Ashland Planning Division Staff has received a complete application for the property noted on Page 1 of this notice.

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](mailto:planning@ashland.or.us).

Any affected property owner or resident has a right to submit written comments within the 14-day comment period to [planning@ashland.or.us](mailto:planning@ashland.or.us) or to the City of Ashland Planning Division, 51 Winburn Way, Ashland, Oregon 97520 prior to 4:30 p.m. on the deadline date shown on Page 1.

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

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

If you have questions or comments concerning this request, please feel free to contact our Planning Dept at 541-488-5305 or [planning@ashland.or.us](mailto:planning@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).

### 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.

### **COMMUNITY DEVELOPMENT DEPARTMENT**

51 Winburn Way  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.5305  
Fax: 541.552.2050  
TTY: 800.735.2900





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

**ZONING PERMIT APPLICATION**

FILE # \_\_\_\_\_

DESCRIPTION OF PROJECT Tree Removal

DESCRIPTION OF PROPERTY Pursuing LEED® Certification?  YES  NO

Street Address 321 Clay St.

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

Zoning R-2 Comp Plan Designation \_\_\_\_\_

**APPLICANT**

Name Tate Dunn Phone 541-890-1550 E-Mail Tdunn.track@gmail.com

Address 4521 Beagle Rd. City White City Zip 97503

**PROPERTY OWNER**

Name Jenny Osborne Phone 541-951-1925 E-Mail \_\_\_\_\_

Address 321 Clay St. City Ashland Zip 97520

**SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER**

Title Arborist Name Tate Dunn Phone Same E-Mail Same

Address Same City Same Zip Same

Title \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

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

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

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

Applicant's Signature [Signature] Date 6/24/23

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.  
Property Owner's Signature (required) Jenny Osborne Date 6/29/23

(To be completed by City Staff)  
Date Received \_\_\_\_\_ Zoning Permit Type \_\_\_\_\_ Filing Fee \$ \_\_\_\_\_

OVER ➡

C:\ccom-01\planning\Forms & Handouts\Zoning Permit Application.doc

6/24/2023

Dear City of Ashland Planning Department,

This report is regarding several properties located at Wingspread Mobile Home Park. The physical address of this park is 321 Clay Street. The report concerns the removal of four different trees on this property in three separate locations throughout the park. All four trees have been marked on their main stems with pink flagging for easy identification.

The first proposed removal is a Weeping Willow (*Salix babylonica*) tree with a DBH of 47". This tree is located behind space 19. It has reached the end of its lifespan and is declining in health and vigor, resulting in dieback within the upper canopy due to a declining root system. Most of the main lead branches in this tree have died with very little live tissue back to the main stem. These dead leads vary in size and weight from 6" diameter to 12" diameter and 100 pounds to roughly 400 pounds. Many of these branches are likely to fail within the next several years. There have already been some large branch failures that have only caused minor property damage so far. Some of these branch failures have torn into the main stem of the tree causing large wounds that have not been able to properly compartmentalize the decay that was introduced to the main stem of the tree. The tree has also been pruned in the past with severe heading cuts that have caused a large amount of epicormic growth directly over a nearby dwelling. These issues combined with the rapid decline in the upper canopy makes this tree very hazardous to the people living nearby. Unfortunately, pruning out and removing the hazardous branches on this tree would leave very little canopy with a high probability of more epicormic sprouts that would become very hazardous over time. Because of this, the only practical approach to eliminating this hazard is to completely remove this tree. It is my professional recommendation that we do remove this tree.

The second proposed removal is a Cottonwood (*Populus deltoides*) tree with a DBH of 12". This tree is located in the back yard of space F. After looking at this tree it is clear that it's sending out roots that are sprouting and growing into separate trees nearby. In fact, this tree is likely a sprout from another nearby tree of the same species. This is very common with Cottonwood trees. These aggressive surface roots are beginning to grow into underground plumbing and breaking the water lines. This tree will also ultimately outgrow the space that it is in and needs to be removed at some point. It will only become larger and more costly to remove when this happens. These trees are fast growing with a relatively short life span. As they begin to decline, they will shed large branches that can no longer be supported and will become very hazardous for the people and structures nearby. It is my professional recommendation that this tree be removed sooner, rather than later in order to prevent any of this potential damage in the future.

The final set of proposed tree removals are for two Silver Maples (*Acer saccharinum*) located between spaces 92 & 94. One tree has a DBH of 9" and the other tree has a DBH of 11". There are several concerns with both trees relating to their safety and functionality in the future. This species of tree is brittle and does a poor job preventing the spread of decay from wounds in the main stem. Silver Maples also have a mature height and crown spread of 80'-100'. The smaller

maple has included main stem unions that are beginning to cause cracking and separation at the base of the tree. Something that will only get worse over time and is impossible to correct at this stage of development. The larger of the two trees has a severely phototropic lean that is concerning and is also too developed to properly correct. It also has a large wound at the base that has developed a significant amount of decay further compromising the strength of the tree. It is my professional recommendation that both trees be removed.

The property owner is planning to plant 2 trees in place of each tree that is removed. These trees will be selected based on pest and disease resistance and healthy growth habit. They will also be planted in appropriate locations for the mature size of each species. As always, please feel free to contact me with any questions or concerns on this matter. Thank you very much for your time and consideration.

Sincerely,

Tate Dunn

Arborist Certification # PN-8062A

Certified Tree Worker- Climber Specialist

BS Ecological and Sustainable Horticulture (OSU)-2011

Associate in Science (Linn Benton CC)-2009

Landscape Contracting Business License # 9475

541-890-1370

Tdunn.trock@gmail.com

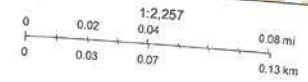
Table Rock Tree Care, LLC.



# A3 Landscape



6/13/2023  
Taxlots  
County



Jackson County GIS







