Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

12/28/2009

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 08, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Amy Anderson, City of Ashland
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Regional Representative
John Renz, DLCD Regional Representative
Maria Harris, City of Ashland

<paa> YA

FORM 2

DLCD
Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed
DATE STAMP
DEPT OF
DEC 21 2009
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Ashland**
Local file number: **2007-01313**
Date of Adoption: **12/15/2009**
Date Mailed: **12/18/09**
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment
☐ Zoning Map Amendment
☒ New Land Use Regulation
☒ Other: **adoption of LWI**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

At its meeting of December 15, 2009, the Ashland City Council approved second reading of ordinances amending the Ashland Land Use Ordinance (ALUO) to include Chapter 18.63 Water Resource Protection Zones, amending Chapter 18.62 and Chapter 18.108 for consistency with the new Chapter 18.63, adopting the Water Resources Map and adopting the Local Wetlands Inventory as a supporting document to the Ashland Comprehensive Plan.

Does the Adoption differ from proposal? Please select one

Modifications have been made to 18.63 during the Planning Commission and City Council hearings.

Plan Map Changed from: to:
Zone Map Changed from: to:
Location: Acres Involved:
Specify Density: Previous: New:
Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO
Did DLCD receive a Notice of Proposed Amendment...
45-days prior to first evidentiary hearing? ☒ Yes ☐ No
If no, do the statewide planning goals apply? ☐ Yes ☐ No

DLCD File No. 001-08 (16714) [15908]

If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Division of State Lands
U.S. Army Corps of Engineers
Oregon Department of Fish and Wildlife

Local Contact: **Maria Harris** Phone: **(541) 552-2045** Extension:

Address: **20 E. Main St.** Fax Number: **541-552-2050**

City: **Ashland** Zip: **97520-** E-mail Address: **harrism@ashland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3000

AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE CREATING A NEW CHAPTER 18.63 WATER RESOURCE PROTECTION ZONES.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

> Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Municipal Code at a duly advertised public hearing on November 6, 2008 and following deliberations recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on April 21, 2009, and on several additional public hearing continuance dates; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. A new Chapter 18.63 of the Ashland Municipal Code [WATER RESOURCES PROTECTION ZONES] set forth in full codified form on the attached Exhibit A and made a part hereof by this reference, is hereby added to the Ashland Municipal Code.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 3-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of November, 2009, and duly PASSED and ADOPTED this 15 day of December, 2009.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 15 day of December, 2009.

John Stromberg, Mayor

Reviewed as to form:

Richard Appicello, City Attorney

Exhibit A.

Chapter 18.63
WATER RESOURCE PROTECTION ZONES

SECTIONS:

18.63.010 Purpose and Intent

The purpose and intent of this chapter are:

A. To implement state and federal law with respect to the protection of clean water, pollution control and preservation of endangered species.

B. To protect Ashland's Goal 5 significant wetlands and riparian areas, thereby protecting and restoring the hydrologic, ecologic and land conservation functions these areas provide for the community.

C. To implement the provisions of Statewide Planning Goals 6 and 7, which require the buffering and separation of those land uses and activities that lead to or may create impacts on water quality, as well as to reduce the risk to people and property resulting from the inappropriate management of wetland and riparian areas.

D. To implement the goals and policies of the Environmental Resources chapter of Ashland's Comprehensive Plan with respect to water resources, wetlands, floodplains and stream flooding.

E. To reduce flood damage and potential loss of life in areas subject to periodic flooding.

F. To better manage storm water drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality, protect riparian and aquatic fish and wildlife habitat and provide opportunities for trail connections.

G. To protect water associated with Ashland's hydrology for human uses, fish and wildlife and their habitats.

H. To control erosion and limit sedimentation.

I. To protect the amenity values and educational opportunities of Ashland's wetlands, water bodies and associated riparian areas as community assets.

J. To improve public appreciation and understanding of wetlands and riparian areas for their unique ecosystem structure and functions and for the human-nature interactions they provide.

K. To improve and promote coordination among local, state, and federal agencies regarding development activities near Ashland's wetlands, water bodies and associated riparian areas.

L. In cases of hardship, to provide a procedure to alter wetlands and riparian areas only when offset by appropriate mitigation, as stipulated in the ordinance and other applicable state and federal requirements.

18.63.020 Where Regulations Apply

A. The provisions of this chapter apply to all lands containing Water Resources and Water Resource Protection Zones. Water Resources and Water Resource Protection Zones are defined, established and protected in this chapter.

B. State and federal wetland and riparian regulations will continue to apply within the City of Ashland, regardless of whether or not these areas are mapped on Ashland's Water Resources Map. Nothing in this chapter shall be interpreted as superseding or nullifying state or federal requirements. Additionally, the City of Ashland shall provide notification to the Oregon Department of State Lands (DSL), as required by Division 23 of Oregon Administrative Rules, for all applications concerning development permits or other land use decisions affecting wetlands on the inventory.

C. The burden is on the property owner to demonstrate that the requirements of this chapter are met or are not applicable to development activity or other proposed use or alteration of land. The Staff Advisor may make a determination based on the Water Resources Map, field check, and any other relevant maps, site plans and information that a Water Resource or Water Resource Protection Zone is not located on a particular site or is not impacted by proposed development, activities or uses. In cases where the location of the Water Resource or Water Resource Protection Zone is unclear or disputed, the Staff Advisor may require a survey, delineation prepared by a natural resource professional, or a sworn statement from a natural resource professional that no Water Resources or Water Resource Protection Zones exist on the site.

D. All Water Resource Protection Zones shall be protected from alteration and development, except as specifically provided in this chapter. No person or entity shall alter or allow to be altered any real property designated as a Water Resource Protection Zone, except as set forth in an exemption, approved planning application or permit authorized in this chapter. No person or entity

shall use or allow to be used, property designated as a Water Resource Protection Zone, except as set forth in an exemption, approved planning application or permit authorized in this chapter.

E. Where this chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. It is likely that there will be some overlap between the regulations in this chapter and those in Chapter 18.62 Physical and Environmental Constraints, which regulates development in physical constrained areas including floodplains. Where two regulations are in conflict, the most stringent shall govern.

18.63.030 Definitions

Alter or **Alteration** - means any human-induced physical change to the existing condition of land or improvements thereon including but not limited to clearing, grubbing, draining, removal of vegetation (chemical or otherwise), excavation, grading, placement of fill material, placement of structures or impervious surfaces or other construction. "**Permit to be altered**" means allowing or failing to prevent the alteration.

Approval Authority – the Staff Advisor, Planning Commission or its Hearings Board, Hearings Officer, or City Council as determined by the applicable procedural requirements.

Bank Full Stage - means the two year recurrence interval flood elevation.

Centerline of Stream – an imaginary line that is in the midpoint of the stream channel. In cases where a stream has multiple or braided channels, the centerline of stream is the midpoint between the outermost or upland sides of the stream channels (Figure 1).

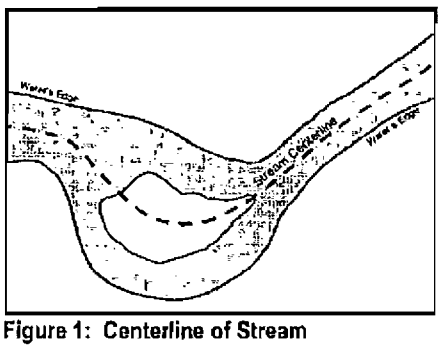

Figure 1: Centerline of Stream

Clearing - means the removal, redistribution or disturbance of vegetation, soil or substrate that may include trees, brush, grass, ground cover, or other vegetative matter from a site.

Drainage Ditch or Channels include:

1. Roadside ditches that carry only storm water runoff from the adjacent road and the immediate surrounding area. (Drainage ditches do not include historically altered streams or channels that convey surface water flows. These features are still classified as streams for the purpose of this ordinance.)

2. Constructed channels designed as part of the storm water infrastructure and drain directly from storm water facilities or storm pipe systems.

Enhancement - means actions performed to improve the condition or functions and values of a Water Resource and its associated Protection Zone. Enhancement actions include but are not limited to increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, and removing invasive plant species.

Fill Material - means a deposit of earth or other natural or manmade material placed by artificial means.

Filling - means the act of placing fill material in any amount, including the temporary stockpiling of fill material.

Fish Bearing or Fish Habitat - means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the state or federal endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification, Oregon Department of Fish and Wildlife and Oregon Department of State Lands maps for salmonid fish distribution.

Hand-held Equipment or Machinery - means equipment or machinery held in and operated by hand. Hand-held equipment or machinery includes but is not limited to manual tools, weed eaters, chainsaws, and equipment or machinery with wheels and a weight of 100 pounds or less such as push lawn mowers and brush mowers. For the purposes of this ordinance, equipment or machinery with wheels and a weight in excess of 100 pounds is not considered hand-held equipment or machinery.

Impervious Surface – means surface materials which prevent the normal infiltration of storm water into the ground.

Lawn - means grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Local Native Plant Species – means those plant species appropriate to planting in or adjacent to a Water Resource that are native species indigenous to the Rogue River Basin. Local native plant species are adapted to the elevation, weather, soils and hydrology of the area; will support the desired structure, functions, and values of the water resource; and once established require significantly less maintenance than non-native species. The City of Ashland Planning Division maintains a list of recognized site-appropriate local native plant species for both wetland and stream bank water resource applications, along with a list of known local suppliers. Plants may be added to or removed from the Local Native Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise and local, state and federal agencies.

Mitigation - means taking one or more of the following actions listed in order of priority:

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.

2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation Plan - means a plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Natural Resources Professional – a "natural resources professional" includes individuals who have a Bachelors degree, or the equivalent or greater, in the field of natural resources, biology, ecology, or related fields, and at least four years of relevant post graduate experience.

Non-native Species - means a plant species which is not indigenous to the local area.

Noxious and Invasive Vegetation – means plant species which are recognized as having a significant potential to disrupt the functions and values of local Water Resource ecosystems. The City of Ashland Planning Division maintains a list of recognized noxious and invasive plants. Plants may be added to or removed from the Prohibited Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise and local, state and federal agencies.

Power-assisted Equipment or Machinery - means equipment or machinery other than hand-held equipment or machinery. For the purposes of this ordinance, equipment or machinery with wheels and a weight in excess of 100 pounds is considered power-assisted equipment or machinery.

Principal Building – a building in which the principal use of the zoning district in which it is located is conducted.

Restoration - means efforts performed to re-establish the functional values and characteristics of a critical area that have been destroyed or degraded by past alterations such as filling, grading or draining.

Riparian Area – means the area adjacent to a stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, which affects or is directly affected by the stream.

Riparian Buffer – an area located adjacent to the stream and including the riparian area that is preserved for the purpose of protecting the functions and values of the stream and the riparian area by serving to reduce the adverse effects of adjacent land uses.

Riparian Corridor - "Riparian Corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. A Riparian Corridor is a type of Stream Bank Protection Zone.

Stream – a stream means a channel such as a creek that carries flowing surface water, including perennial, intermittent and ephemeral streams with defined channels, and excluding man-made irrigation and drainage channels. Drainage channels do not include historically altered streams or channels that convey surface water flows. A stream is a type of Water Resource.

Stream, Ephemeral - an ephemeral stream generally flows only during and following a rain event. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow. Intermittent and Ephemeral Streams is a type of Stream Bank Protection Zone.

Stream, Intermittent - an intermittent stream generally flows only during part of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Intermittent and Ephemeral Streams is a type of Stream Bank Protection Zone.

Stream, Perennial - a perennial stream has flowing water year-round during a typical year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Stream, Local – Local Streams is a type of Stream Bank Protection Zone.

Stream Bank Protection Zone – an area subject to the provisions of this chapter which includes a stream and an associated riparian buffer of varying width, as established herein, located adjacent to the stream, and in which certain human activities are regulated in order to protect the structure and functions of the stream. A Stream Bank Protection Zone is a type of Water Resource Protection Zone. There are three types of Stream Bank Protection Zones defined, established and protected in this chapter – Riparian Corridor, Local Streams and Intermittent and Ephemeral Streams.

Stream Bank Protection Zone Boundary - an imaginary line that is measured horizontally at a standard distance upland from the top of bank or from the center line of the stream as required in section 18.63.050.

Stream Corridor Functions - include providing shade for the stream, stream bank and channel stability, woody debris for the stream, sediment retention, litter for aquatic organisms in the stream, water filtration, aquatic and riparian fish and wildlife habitat.

Top of Bank - means the elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from bare soil to upland vegetation (e.g. oak, fir, pine), a change in vegetation from riparian vegetation (e.g. willows, big leaf maple, alders) to upland vegetation (e.g. oak, fir, pine), a textural change of depositional sediment or changes in the character of the soil (e.g. from sand, sand and cobble, cobble and gravel to upland soils), absence of fine debris (e.g. needles, leaves, cones and seeds), and the presence of water-borne litter or debris, water-stained leaves or water lines on tree trunks (Figure

2). In the absence of physical evidence or where the top of each bank is not clearly defined, the two year recurrence interval flood elevation may be used to approximate the top of bank.

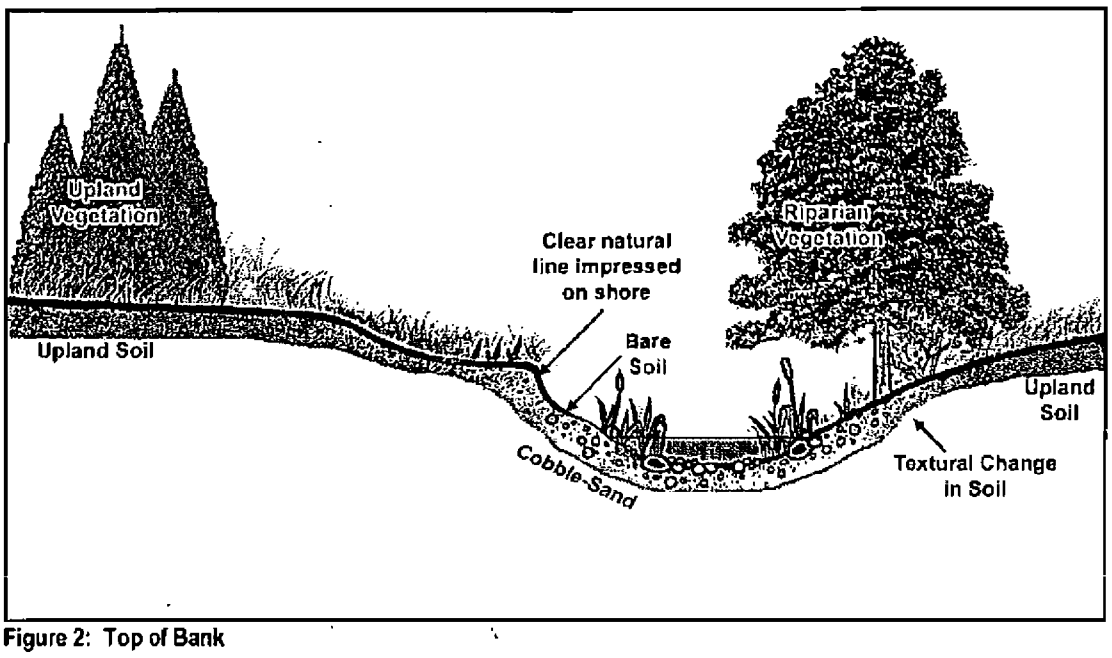

Figure 2: Top of Bank

Upland – land not characterized by the presence of riparian area, water bodies or wetlands.

Water Resource - means a riparian, local, intermittent or ephemeral stream corridor or a wetland, as distinguished from a riparian or wetland buffer, which extends upland from the Water Resource.

Water Resources Map – the adopted City of Ashland map which identifies the approximate locations of Water Resources in Ashland including officially recognized streams and wetlands identified on Ashland's Local Wetland Inventory.

Water Resource Protection Zone - an area subject to the provisions of this chapter which includes a Water Resource and an associated buffer of varying width, as established herein, located adjacent to the Water Resource and in which certain human activities are regulated in order to protect the structure, functions and values of the resource. Water Resource Protection Zone is a category including Stream Bank Protection Zones and Wetland Protection Zones, and is used throughout this chapter to refer to Stream Bank Protection Zones and Wetland Protection Zones.

Wetlands - means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are a type of Water Resource.

Wetlands, Locally Significant – means those wetlands identified on the Water Resources Map and determined "significant wetlands" using the criteria adopted the Oregon Department of State Lands (DSL). Locally Significant Wetlands is a type of Wetland Protection Zone.

Wetlands, Possible – means an area that appears to meet wetland criteria but is loo small (less than a half acre according to Oregon Department of State Lands (DSL) rules) to require its inclusion in the Local Wetland Inventory. The Water Resources Map notes areas that are in the Possible Wetland designation. However, there may be additional existing areas that meet the DSL wetland criteria, but are not included on the Water Resources Map. Possible Wetlands is a type of Wetland Protection Zone.

Wetland Boundary - means a line marked on a map or flagged in the field that identifies the approximate wetland/non-wetland boundary.

Wetland Buffer – means an area extending away from the outer delineated wetland boundary or upland edge that is preserved for the purpose of protecting the functions and values of the wetland by serving to reduce the adverse effects of adjacent land uses.

Wetland Delineation - means a determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

Wetland Functions – include wildlife habitat, fish habitat, water quality and hydrological control.

Wetland Protection Zone – an area subject to the provisions of this chapter that includes all wetlands determined to be Locally Significant and Possible Wetlands with confirmed jurisdictional wetland presence, and an associated buffer area of varying width, as established herein, located adjacent to the wetland, and in which certain human activities are regulated in order to protect the structure and functions of the wetland. A Wetland Protection Zone is a type of Water Resource Protection Zone. There are two types of Wetland Protection Zones defined, established and protected in this chapter – Locally Significant Wetlands and Possible Wetlands.

Wetland Protection Zone Boundary - an imaginary line that is measured horizontally at a standard distance upland from the delineated wetland boundary as required in section 18.63.050.

Wetland Specialist – means an individual who has the appropriate credentials verifying proven expertise and vocational experience conducting wetland delineations.

18.63.040 Inventory of Ashland's Water Resources

The approximate locations of Ashland's Water Resources are identified on official maps adopted by the City of Ashland and added to the Comprehensive Plan through Ordinance 2419 (May 1987), Ordinance 2528 (July 1989) and Ordinance _____ (December 2009). Because the Comprehensive Plan maps are acknowledged to be approximate, the more precise wetland boundaries can be mapped, staked and used for development review purposes without a modification of the Comprehensive Plan maps.

18.63.050 Establishment of Water Resource Protection Zones

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

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

1. **Riparian Corridor** – For streams classified as Riparian Corridor fish-bearing streams with an annual average stream flow less than 1,000 cubic feet per second and on the Water Resources Map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 50 feet upland from the top of bank (Figure 3).

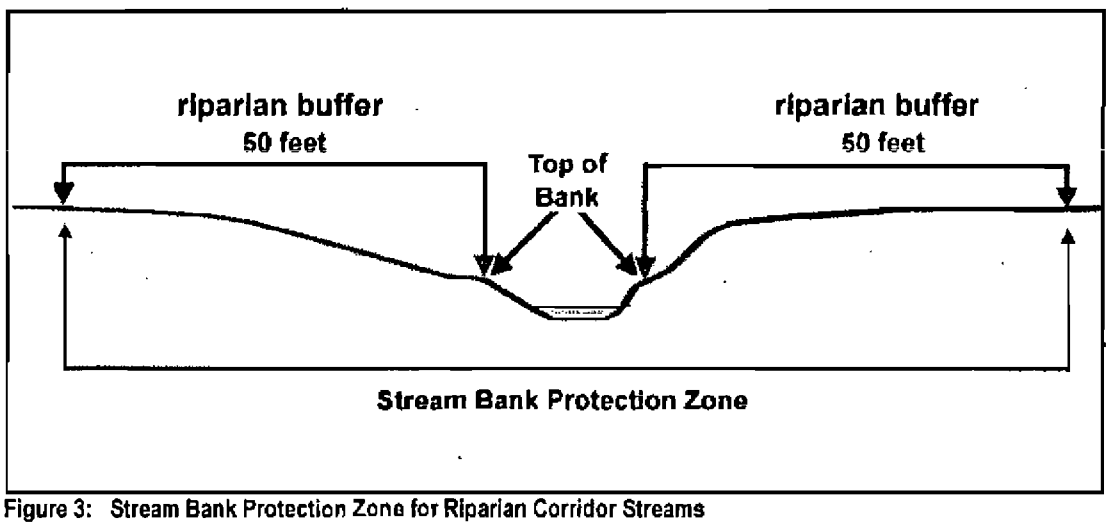

Figure 3: Stream Bank Protection Zone for Riparian Corridor Streams

2. **Local Streams** – For streams classified as non-fish-bearing Local Streams and on the Water Resources Map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands 40 feet from the centerline of the stream (Figure 4).

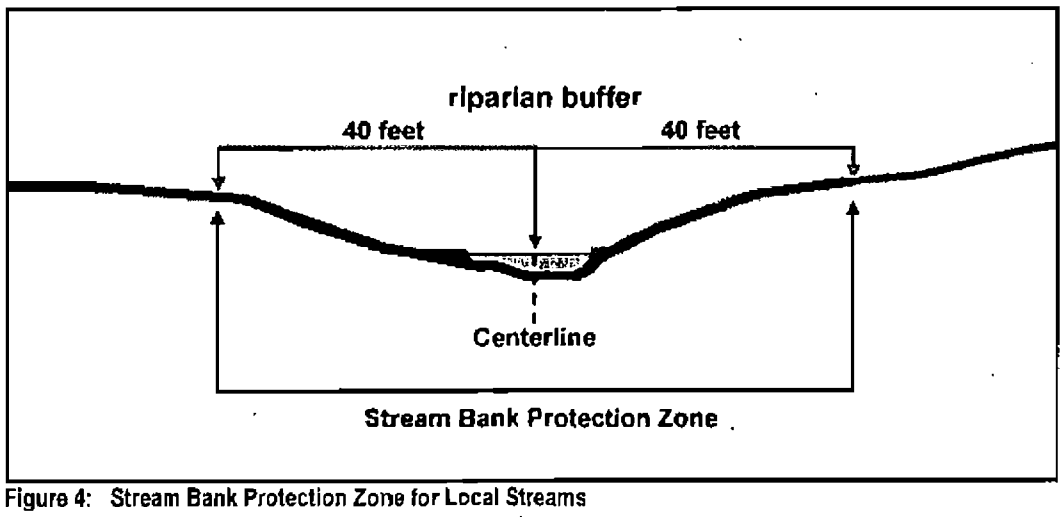

Figure 4: Stream Bank Protection Zone for Local Streams

3. **Intermittent and Ephemeral Streams** – For streams classified as Intermittent and Ephemeral Streams on the Water Resources Map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 30 feet from the centerline of the stream (Figure 5).

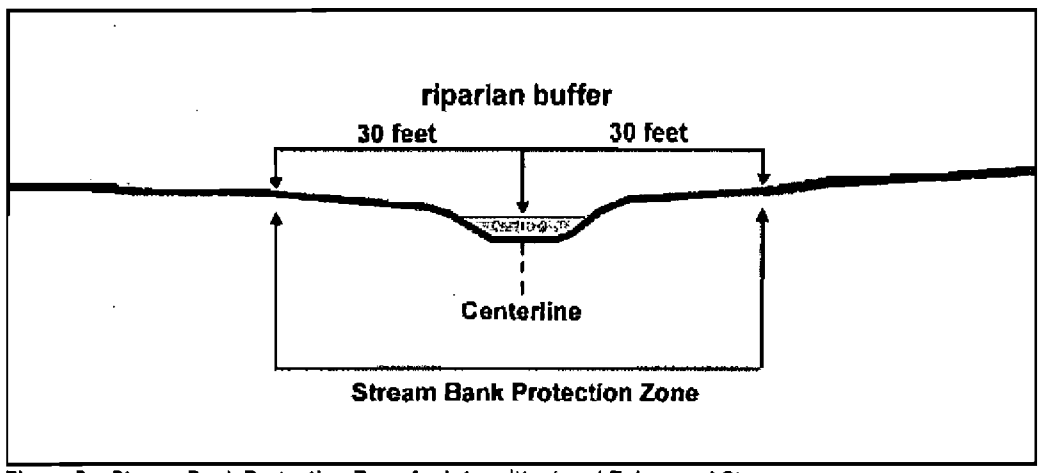

Figure 5: Stream Bank Protection Zone for Intermittent and Ephemeral Streams

4. **Significant Wetland Presence** - Where a Stream Bank Protection Zone includes all or part of a significant wetland as identified on official maps adopted by the City of Ashland, the distance to the Stream Bank Protection Zone boundary shall be measured from, and include, the upland edge of the wetland.

5. **Determination of Protection Zone** - The measurement of the Stream Bank Protection Zones shall be a horizontal distance from the top of bank or from the center line of the stream as specified above. For streams that were piped or culverted prior to the effective date of this chapter, the Stream Bank Protection Zones shall be reduced to half of the required width or the width of any existing easement (e.g. drainageway easement), whichever is greater.

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

1. **Locally Significant Wetlands** – For wetlands classified as Locally Significant on the Water Resources Map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus a wetland buffer consisting of all lands within 50 feet of the upland-wetland edge (Figure 6). A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City of Ashland that graphically represents the location of wetlands on a site plan map in accordance with section 18.63.110.A.3. An average buffer width of 50 feet may be utilized around the perimeter of a significant wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured, and that there will be an enhanced buffer treatment through the implementation and maintenance of a restoration and enhancement plan within the buffer area.

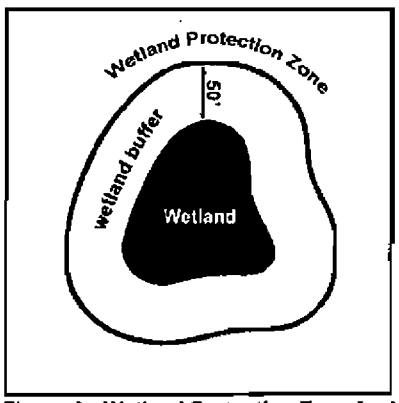

Figure 6: Wetland Protection Zone for Locally Significant Wetlands

2. **Possible Wetlands** – For wetlands not classified as Locally Significant on the Water Resources Map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland-wetland edge (Figure 7). Possible Wetlands includes all areas designated as such on the Water Resources Map and any unmapped wetlands discovered on site. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City of Ashland that graphically represents the location of wetlands on a site plan map in accordance with section 18.63.110.A.3. An average buffer width of 20 feet may be utilized around the perimeter of a possible wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured.

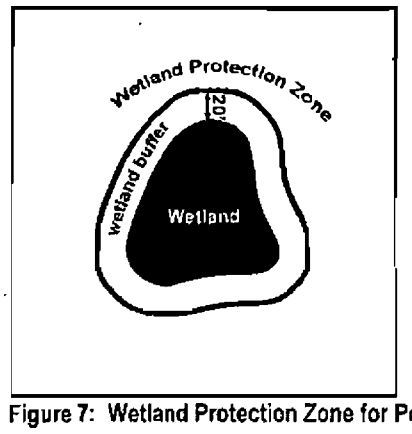

Figure 7: Wetland Protection Zone for Possible Wetlands

3. **Determination of Protection Zone** - The measurement of the Wetland Protection Zone shall be a horizontal distance from the upland-wetland edge as specified above.

18.63.060 Activities and Uses Exempt from These Regulations

A. **Exempt Activities Within Water Resource Protection Zones.** The following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Water Resource Protection Zone. Exempt activities and uses may qualify as development as defined in section 18.62.030.E and may require a permit for development in Floodplain Corridor Lands Chapter.

1. **Vegetation Maintenance, Planting and Removal**

a. **Landscaping Maintenance.** Continued maintenance of existing vegetation such as landscaping, lawn, gardens and trees.

b. **Lawn.** Existing lawn within Water Resource Protection Zones may be maintained, but existing lawn shall not be expanded and new lawn shall not be installed.

c. **Tree Pruning.** Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the Tree Preservation and Protection Chapter 18.61. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, or resource functions (i.e. shade, soil stability, erosion control, etc.)

d. **Non-native, Noxious and Invasive Vegetation Removal.** Removal of non-native, noxious and invasive vegetation, and replacement with local native plant species. The act of removing non-native, noxious and invasive vegetation shall not result in the removal of native vegetation. Local native plant species for both wetland and stream bank applications are identified on the City of Ashland's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City of Ashland's Prohibited Plant List. Removal and mowing of blackberries shall occur before May 1 or after July 31 to protect nesting birds.

e. **Hazardous Tree Removal.** Removal of a hazardous tree. A hazardous tree is a tree that is physically damaged to the degree that it is likely to fall and injure persons or property. A permit for Hazardous Tree Removal shall be processed under the

procedures and approval criteria described in the Tree Preservation and Protection Chapter 18.61.

f. **In-channel Vegetation Removal.** Removal of emergent in-channel vegetation that is likely to cause flooding using non-invasive methods such as mowing or weed-whacking that do not disturb the underlying substrate. Mechanized removal of emergent in-channel vegetation that would involve associated removal of soil below the ordinary high water line is not permitted and would otherwise be subject to state and federal wetland permitting requirements.

g. **Routine Planting.** The planting of local native plant species or the replacement of non-native, noxious and invasive plants with local native plant species. Local native plant species for both wetland and stream bank applications are identified on the City of Ashland's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City of Ashland's Prohibited Plant List.

h. **Use of Hand-held Equipment or Machinery.** Use of hand-held equipment or machinery for vegetation maintenance, planting and removal within Water Resource Protection Zones.

i. **Use of Power-assisted Equipment or Machinery.** Use of power-assisted equipment or machinery for vegetation maintenance, planting and removal within Water Resource Protection Zones when soil disturbance and erosion are minimized by all of the following measures.

i. Use of power-assisted equipment or machinery shall occur from May 1 to October 31, and shall not occur during the remaining wet months of the year.

ii. The general topography of the Water Resource Protection Zone shall be retained.

iii. Soil compaction from construction equipment shall be reduced by distributing the weight of the equipment over a large area (e.g. laying lightweight geogrids, mulch, chipped wood, plywood, OSB, metal plats or other materials capable of weight distribution in the pathway of the equipment).

iv. Local native plant species shall not be damaged or removed.

v. Disturbed areas shall be replanted so that landscaping shall obtain 50% coverage after one year and 90% after five years.

2. **Building, Paving and Grading**

a. **Testing.** Site investigative work with minimal surface area disturbance conducted by or required by a city, county, state, or federal agency such as surveys, percolation tests, soil borings or other similar tests.

b. **Unpaved Trails.** The establishment of unpaved trails and related educational displays. Trail width shall not exceed 36 inches, stair width shall not exceed 50 inches, and trail grade shall not exceed 20% except for the portion of the trail containing stairs. Trails in public parks may be up to 72 inches in width to accommodate high pedestrian traffic areas. Trails construction within a delineated wetland boundary shall be by permit in accordance with local, state and federal permitting requirements and approved management plans.

c. **Storm Water Treatment Facility Maintenance.** Routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales and constructed wetlands in order to maintain flow and prevent flooding when conducted in accordance with local, state and federal permitting requirements and

approved management plans. Multi-year maintenance plans for existing storm water treatment facilities without previously approved management plans require a Limited Activity and Use Permit in accordance with section 18.63.070.A.2.

3. **Nonconforming Activities, Uses and Structures** – An activity, use or structure legally established prior to the adoption of this chapter, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter shall be considered a nonconforming activity, use or structure, and may continue subject to the following provisions.

a. **Nonconforming Structures.** Nonconforming structures within or partially within a Water Resource Protection Zone may be maintained and used.

b. **Expansion of Nonconforming Structures.** Expansion of the footprint of a nonconforming structure within or partially within a Water Resource Protection Zone if the expansion of the footprint occurs outside the Water Resource Protection Zone and additional surface area in the Water Resource Protection Zone is not disturbed. Additional stories may be added to nonconforming structures if the existing building footprint with the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed.

c. **Replacement of Nonconforming Principal Buildings in Residential Zoning Districts.** Nonconforming principal buildings within or partially within a Water Resource Protection Zone and located in residential zoning districts may be replaced or rebuilt if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations Chapter 15.10.

d. **Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Within Historic Districts.** Nonconforming structures within or partially within a Water Resource Protection Zone, located in a non-residential zoning district and within a Historic District may be replaced or rebuilt if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations Chapter 15.10.

e. **Previously Approved Building Envelopes and Driveways.** Previously approved building envelopes and driveways within or partially within a Water Resource Protection Zone may be built as originally approved and do not have to meet the requirements of this chapter if the following conditions are met:

i. Building permits are approved and construction is commenced within 36 months from the effective date of this ordinance.

ii. The building envelope or driveway location was established and received City of Ashland Planning Division approval prior the effective date of this ordinance.

iii. The building envelope is located on a vacant lot.

iv. The building envelope is located on a lot which was created prior to the effective date of this ordinance.

v. The driveway will provide access to a lot which was created prior to the effective date of this ordinance.

f. **Exemptions for Historic Public Parks and Properties.** Nonconforming activities, landscaping, uses and structures included in Lithia Park, Blue Bird Park and Calle Guanajuato and located in the Water Resource Protection Zone may be used, maintained and replaced, but shall not be expanded or enlarged within the Water Resource Protection Zone. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations Chapter 15.10.

4. **City Emergency Activities** - Emergency repair authorized by the City Administrator or his/her designee which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, in order to address at least one of the following.

a. Prevent an imminent threat to public health or safety.
b. Prevent imminent danger to public or private property.
c. Prevent an imminent threat of serious environment degradation.

B. **Additional Exempt Activities and Uses within Stream Bank Protection Zones.** In addition to the Exempt Activities and Uses in section 18.63.060.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Stream Bank Protection Zone.

1. **Fire Hazard Prevention** – Cutting or thinning of vegetation for fire hazard prevention provided that the cutting or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in the Physical and Environmental Constraints Chapter 18.62.

2. **Stream Restoration and Enhancement** – Stream restoration and enhancement projects when all of the following are met.

a. The restoration and enhancement results in a net gain in stream bank corridor functions.
b. The lot is in a residential zoning district and occupied only by a single-family dwelling and accessory structures.
c. The property has not undergone stream restoration and enhancement work in the past 12 months.
d. The restoration and enhancement project does not involve in-stream work.
e. The restoration and enhancement project may include minor earth moving activities involving excavation or placement of up to five cubic yards of soil and earth-moving activity disturbing a surface area of no more than 1,000 square feet.

3. **Fences** – Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the upland half of the riparian buffer furthest away from the stream. Solid wood fencing is prohibited in Water Resource Protection Zones. Fencing in a designated floodplain shall conform to the requirements of section 18.62.070.K.

4. **Outdoor Patio Areas**– Outdoor patio areas consisting of porous solid surfaces up to 150 square feet in size per lot, but not including decks, may be constructed in the upland half of the riparian buffer furthest away from the stream.

5. **Public Utility Maintenance and Replacement** - Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs no more total surface area than the area inside the public utility easement and up to an additional five percent surface area of the public utility easement outside of the public utility easement.

6. **Private Utility Maintenance and Replacement** - Routine maintenance and replacement of existing private utilities and irrigation pumps.

7. **Driveway and Street Maintenance and Paving** - Maintenance, paving and reconstruction of existing public and private streets and driveways if work disturbs no more total surface area than the area inside the street right-of-way or access easement and up to an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

C. **Additional Exempt Activities and Uses within Wetland Protection Zones.** In addition to the Exempt Activities and Uses in section 18.63.060.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Wetland Protection Zone.

1. **Fire Hazard Prevention** – Perimeter mowing or thinning of vegetation only within the wetland buffer for fire hazard prevention provided that the mowing or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in the Physical and Environmental Constraints Chapter 18.62.

2. **Fences** – Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the wetland buffer. Solid wood fencing is prohibited in Water Resource Protection Zones. Fencing in a designated floodplain shall conform to the requirements of section 18.62.070.K.

18.63.070 Limited Activities and Uses within Water Resource Protection Zones

The following activities and uses within Water Resource Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.

A. **Limited Activities and Uses within Water Resource Protection Zones.**

1. **Use of Power-assisted Equipment or Machinery** – Use of power-assisted equipment or machinery for vegetation maintenance unless otherwise exempted in section 18.63.060.A.1.i.

2. **Multi-year Maintenance Plans** – Multi-year maintenance plans may be authorized as follows for existing areas or storm water treatment facilities in Water Resource Protection Zones which do not have a previously approved management plans.

a. **Publicly and Commonly Owned Properties.** The routine restoration and enhancement of publicly and commonly owned properties such as public parks and private open spaces.

b. **Storm Water Treatment Facilities.** The ongoing routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales and constructed wetlands in order to maintain flow and prevent flooding. Routine maintenance of storm water treatment facilities in accordance with an approved management plan is exempted as outline in section 18.63.060.A.2.c.

3. **Building, Paving, and Grading Activities** - Permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized as follows.

a. **New Public Access and Utilities.** The location and construction of public streets, bridges, trails, multi-use path connections and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This title, the Comprehensive Plan, Transportation System Plan, adopted utility master plans and other adopted documents shall guide this determination.

b. **New Private Access and Utilities.** The location and construction of private streets, driveways and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside the Water Resource Protection Zone exists.

c. **Storm Water Treatment Facility Installation.** Installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales and constructed wetlands.

d. **Replacement of Nonconforming Accessory Structures in Residential Districts and Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Outside Historic Districts.** Replacement of nonconforming structures located within or partially within the original building footprint, except those nonconforming principal buildings exempted in section 18.63.060.A.3, provided replacement does not disturb additional surface area within the Water Resource Protection Zone.

B. **Additional Limited Activities and Uses within Stream Bank Protection Zones.** In addition to the Limited Activities and Uses in section 18.63.070.A, the following activities and uses with the Stream Bank Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.

1. **Stream Restoration and Enhancement** – Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in section 18.63.060.B.2. Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. **Driveway and Street Maintenance and Paving** - Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs more total surface area than the area inside the street right-of-way or access easement and an additional five percent

surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

3. **Public Facility Paving and Reconstruction** – Paving and reconstruction of public parking areas and walkways if additional surface area in the Stream Bank Protection Zone is not disturbed, the public facilities are deemed necessary to maintain a functional system and upon finding that no other reasonable alternate location outside the Water Resource Protection Zone exits.

4. **Public Utility Maintenance and Replacement** - Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs more total surface area than the area inside the public utility easement and an additional five percent surface area of the public utility easement outside of the public utility easement.

5. **Erosion Control** - Erosion control and stream bank stabilization measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agencies, and that utilize non-structural bio-engineering methods.

6. **Storm Water Outfall** - Construction of a storm water outfall discharging treated storm water from an adjacent developed area provided that the discharge meets local, state and federal water quality regulations.

7. **Bridges** - The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.

8. **Flood Control Measures** - Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.

C. **Additional Limited Activities and Uses within Wetland Protection Zones.** In addition to the Permitted Activities and Uses in section 18.63.070.A, the following activities and uses with the Wetland Protection Zones are allowed under a Type I land use procedure provided the activities or uses comply with the approval standards set forth in section 18.63.070.D.

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

2. **Driveway and Street Maintenance and Paving** - Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.

3. **Public and Private Utility Maintenance and Replacement** - Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.

D. **Approval Standards for Limited Activities and Uses within Water Resource Protection Zones.** All Limited Activities and Uses within Water Resource Protection Zones described in section 18.63.070 shall be processed as a Type I land use procedure. The approval authority may approve or approve with conditions a request to conduct Limited Activities and Uses in a Water Resource Protection Zone based upon findings that the following standards have been satisfied.

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

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

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

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

5. Stream channel repair and enhancement, riparian habitat restoration and enhancement and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.63.120.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.63.080 Water Resource Protection Zone Reductions

A Water Resource Protection Zone may be reduced by up to 25% through a Type I land use procedure, and by greater than 25% and up to 50% through a Type II land use procedure to allow alteration within the Water Resource Protection Zone based upon findings that the following approval criteria have been satisfied.

A. The proposed use or activity is designed to avoid intrusion into the Water Resource Protection Zone through the use of up to a 50% reduction of any dimensional standards (e.g. required front, side and rear yard setbacks; required distance between buildings) to permit development as far outside or upland of the Water Resource Protection Zone as possible. Such adjustment to any applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Variance application under Chapter 18.100. Reductions to

dimensional standards may not be used to reduce required Solar Access setbacks without evidence of agreement by the effected property owner(s) to the north through a concurrent Solar Access Variance application as described in section 18.70.060.

B. The alteration of the Water Resource Protection Zone is the minimum necessary to efficiently perform the proposed activity and/or use. The proposed development shall minimize disturbance to the Water Resource Protection Zone by utilizing the following design options to minimize or reduce impacts of development.

1. Multi-story construction shall be considered.

2. Parking spaces shall be minimized to no more than that required as a minimum for the use.

3. Pavement shall be minimized, and all pavement used shall be installed and maintained in a pervious paving material.

4. Engineering solutions shall be used to minimize additional grading and/or fill.

C. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement and mitigation measures. The structures, functions and values of the Water Resource will be restored through the implementation of a restoration and enhancement strategy set forth in a mitigation plan prepared in accordance with the standards and requirements described in section 18.63.120.

D. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.63.090 Hardship Variances

Hardship Variances shall be processed as a Type II land use procedure. Hardship Variances are not subject to the Variance requirements of Chapter 18.100. The approval authority may approve or approve with conditions a request for a Hardship Variance based upon findings that the following approval criteria have been satisfied.

A. The application of this chapter unduly restricts the development or use of the lot, and renders the lot not buildable.

B. The proposed activity or use of land would have been permitted prior to the effective date of this ordinance.

C. The applicant has explored all other reasonable options available under this chapter and throughout the Ashland Land Use Ordinance to relieve the hardship.

D. Adverse impacts on the structures, functions or values of the resource including water quality, erosion, or slope stability that would result from approval of this Hardship Variance have been minimized and will be mitigated to the greatest extent possible through restoration and

enhancement of the Water Resource Protection Zone in accordance with a mitigation plan prepared in accordance with the standards and requirements in section 18.63.120.

E. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.63.100 Approval Standards for Land Divisions and Property Line Adjustments within Water Resource Protection Zones

Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or lot line adjustments shall comply with the following provisions and shall include the plan requirements in section 18.63.110.A.3.

A. **Building Envelope Established.** Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.

B. **Conservation Area.** Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.

C. **Density Transfer.** Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.

1. Partitions and subdivisions involving density transfer shall be processed under the Performance Standards Options Chapter 18.88.

2. A map shall be submitted showing the land area not within the Water Resource Protection Zone to which the density will be transferred.

3. The Water Resource Protection Zone shall be included in a separate preservation tract to be managed by a homeowner's association or other common ownership entity responsible for management of the area.

4. Density may only be transferred within the subject property or to a lot or lots contiguous to the subject property and within the same ownership.

5. The density transferred to lands not within the Water Resource Protection Zone may not be increased to more than one and a half times the base density of the underlying zoning district. Fractional units are to be rounded down to the nearest whole number.

D. **Management Plan.** Long term conservation, management and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in section 18.63.120.C.

E. **Mitigation Requirements.** The approval authority may require a mitigation plan in accordance with the requirements of section 18.63.120 to mitigate impacts resulting from land divisions.

F. **Exemptions for a Public Purpose.** An exemption to the requirements described above shall be granted for lots created for public park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.

18.63.110 Plan Requirements

A. **Required Plans and Information.** The following plans and information shall be submitted with the application for activities and uses in a Water Resource Protection Zone which are required to be processed under a Type I or Type II land use procedure including Limited Activities and Uses, Water Resource Protection Zone Reductions and Hardship Variances.

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

2. Written findings of fact addressing all applicable development standards and approval criteria.

3. Site development plan map, drawn to scale - The application shall include a site map of the subject property prepared by a licensed surveyor, civil engineer or other design professional that includes the information described below. The Staff Advisor may request additional information based upon the character of the site or the specific nature of the proposal.

a. All watercourses identified (including any drainage ways, ponds, etc).

b. Surveyed location of the Water Resource Protection Zone, as described in section 18.63.050. For applications involving single-family residences or Limited Activities and Uses, in lieu of a surveyed location, the Staff Advisor may approve a field determination of the Water Resource Protection Zone by the Staff Advisor or his/her designee in which the applicant shall be required to stake the top-of-bank or the upland-wetland edge and the boundary of the Water Resource Protection Zone.

c. For activities and use proposed within a Stream Bank Protection Zone: identification of the stream as being either fish-bearing or non-fish-bearing; identification of the top-of-bank or center line as required; and surveyed location of the stream's floodway and floodplain, if applicable.

d. For activities and uses proposed within a Wetland Protection Zone: a wetland delineation (with an accompanying site map) prepared by a natural resource professional and that has been concurred with by the Oregon Department of State Lands (DSL); and an aerial photo with the wetland boundaries identified.

e. Topographic information at two foot contour increments identifying both existing grades and proposed grade changes.

f. Surveyed locations of all trees six inches in diameter at breast height (dbh) or greater located in the Water Resource Protection Zone and within 15 feet of the Water Resource Protection Zone, identified by edge of canopy, diameter at breast height and species;

g. The outlines of non-tree vegetation, with a dominant species and any occurrence of non-native, invasive species identified.

h. Location of existing and proposed development, including all existing and proposed structures, any areas of fill or excavation, stream or wetland crossings, alterations to vegetation, or other alterations to the site's natural state.

i. The location of natural features, proposed and existing structures, and other proposed and existing improvements associated with lands wilhin 100 feet of the Water Resource Protection Zone.

j. Proposed and existing land uses within 100 feet of the Water Resource Protection Zone.

k. The location of temporary fencing and erosion control measures installed to prevent encroachment and flow of material into the Water Resource Protection Zone, such as sediment fencing and hay bales, etc.

l. North arrow and scale.

m. Sources of information (federal, state and local).

4. Mitigation Plan prepared in accordance with the requirements described in section 18.63.120.

5. Management Plan prepared in accordance with lhe requirements described in section 18.63.120.C., except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

B. **Building Permits and Development Activities.** When approval of a planning action is not required, other permit applications for the construction of structures or other development activities on properties containing Water Resource Protection Zones shall be reviewed by the Staff Advisor to assure that Water Resource Protection Zones are accurately identified on a site plan and that

Limited Activities and Uses or other site disturbances will not be conducted within the Water Resource Protection Zone.

1. **Temporary Fencing and Erosion Control Measures** - Temporary fencing and erosion control measures may be required to be installed to prevent encroachment and flow of material or other debris into the Water Resource Protection Zone and to otherwise prevent impacts to the Water Resource Protection Zone by clearly identifying its boundaries. When required, these measures shall be installed and site-verified by the Staff Advisor before any permits are issued and prior to the commencement of excavation, grading, site clearing, construction or similar site work resulting in changes to the land.

C. **Required Information Waived – Determination.** Applications under this chapter involving properties containing a Water Resource Protection Zone shall accurately indicate the locations of these features and all other information as described and required above. The Staff Advisor may waive one or more of the required elements of the site development plan map in section 18.63.110.A.3 if evidence is provided conclusively demonstrating that proposed excavation, grading, site clearing, construction or similar actions resulting in changes to the property are not located within the boundaries of the Water Resource Protection Zone.

18.63.120 Mitigation Requirements

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

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

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

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

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

B. **Options for Satisfying Restoration and Enhancement Requirements in Mitigation Plans.** Mitigation plans are required to meet the standards in either the Prescriptive Option or Alternative Option as follows.

1. **Prescriptive Option** The mitigation plan shall meet the following standards.

a. **Re-planting Timeline.** Re-planting shall occur within 90 days of authorized land disturbance.

b. **Restoration Area Ratio.** Disturbed areas shall be re-planted and an additional area restored, re-planted and enhanced at a one square foot to one and a half square feet (1:1.5) ratio (e.g. if 100 square feet of surface area is disturbed, 150 square feet shall be restored, re-planted and enhanced).

c. **Local Native Plant Species Coverage.** The Stream Bank Protection Zone shall be a minimum of 50% plant coverage in local native plant species with the installation of new trees only to consist of native trees (Figures 8, 9 and 10). The Wetland Protection Zone shall be 100% plant coverage in local native plant species and in accordance with local, state and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City of Ashland's Local Native Plant Species List. The use of noxious and invasive plants on the City of Ashland's Prohibited Plant List in Water Resource Protection Zones is prohibited.

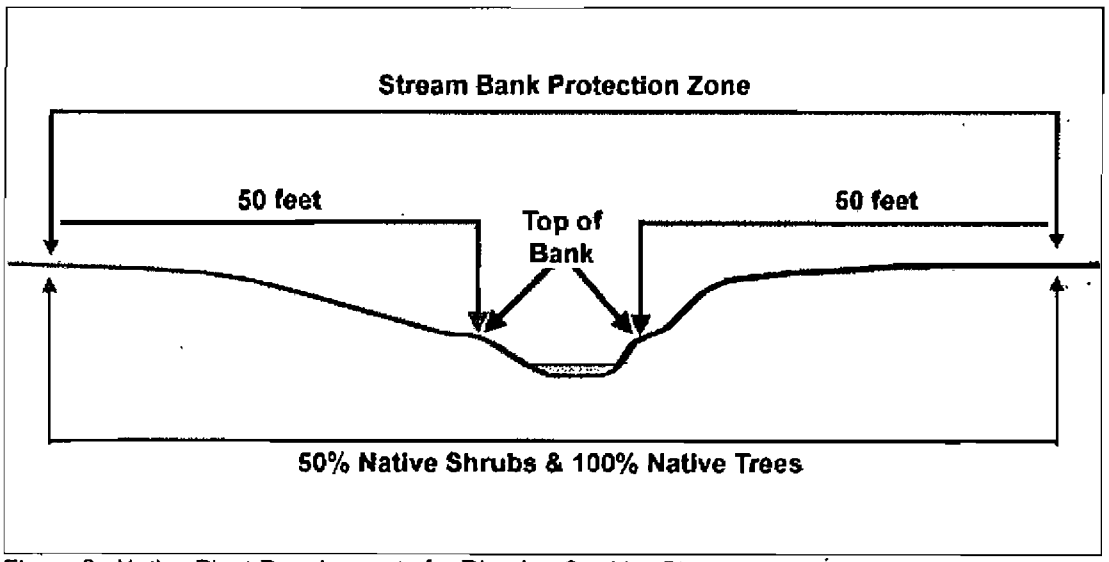

Figure 8: Native Plant Requirements for Riparian Corridor Streams

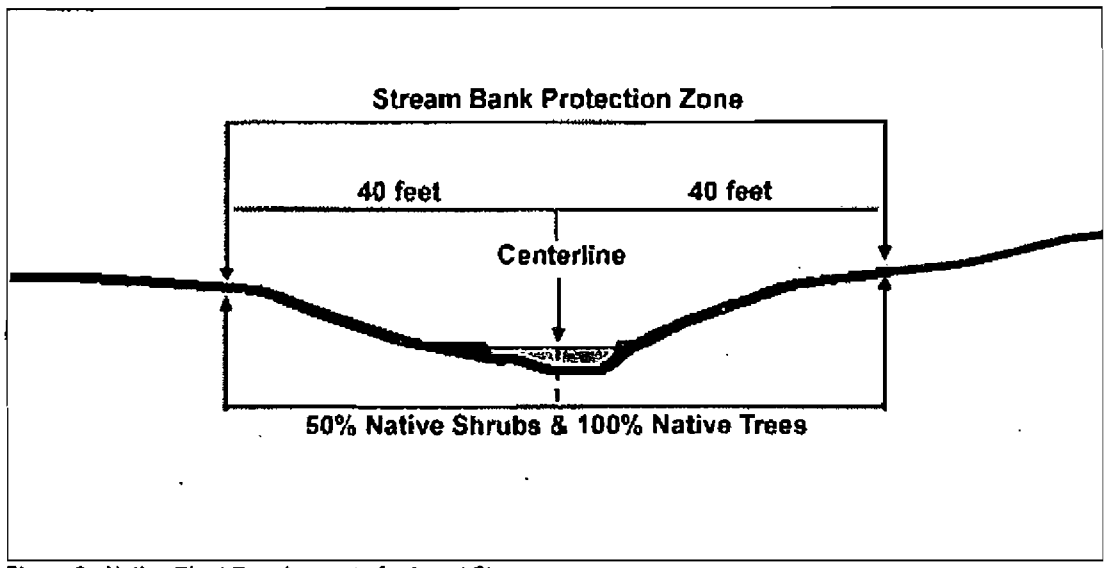

Figure 9: Native Plant Requirements for Local Streams

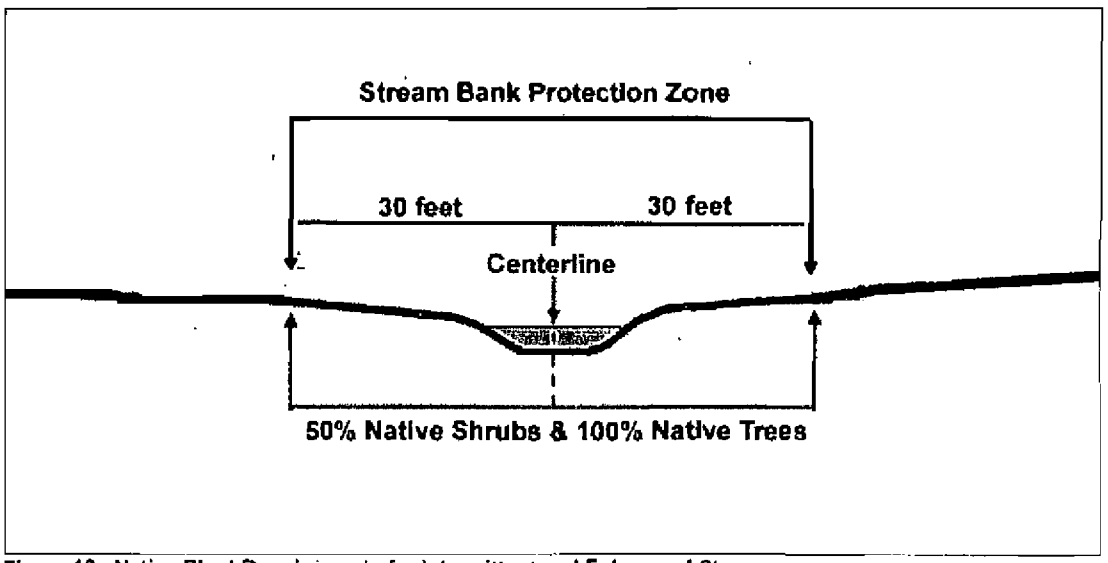

Figure 10: Native Plant Requirements for Intermittent and Ephemeral Streams

d. **Re-planting Priorities.**

i. Priority shall be given to removal of noxious and invasive vegetation and planting of local native plant species.

ii. Plant materials shall be located in such a manner as to maximize enhancement and restoration of the Water Resource Protection Zone, with particular emphasis on temperature reduction of watercourses, erosion control, bank stabilization and wildlife habitat enhancement.

iii. Nearby riparian plant communities should be used as a guide for developing a re-vegetation plan.

e. **Shrub and Tree Requirements.** Re-planting shall include shrubs and tree canopy layers in accordance with the following coverage and spacing requirements,.

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

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

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

g. **Irrigation.** New plantings shall be irrigated for a period of five years to ensure establishment.

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

i. **Landscape and Irrigation Plans**. A miligation plan shall include landscape and irrigation plans, with details addressing the proposed plant species, variety, size of plant materials, number of plants, timing of plantings, plant spacing and installation methods. The landscape plan shall address the plant coverage by local native plant species after five years.

2. **Alternative Option** –The mitigation plan shall address the following requirements, and shall meet or exceed the standards in the Prescription Option in section 18.63.120.B.1. The Staff Advisor may require the mitigation plan to be prepared by a natural resource professional.

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

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

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

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

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

1. The approved mitigation plan.

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

3. The following statements.

a. "There shall be no alteration of the Water Resource Protection Zones as delineated and shown on the attached plan" (attach reduced plan).
b. "There shall be no alteration of the size, shape or design of an approved Water Resource Protection Zone without prior approval by the City of Ashland".

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

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

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

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

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

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

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

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

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

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

18.63.130 Map Errors and Adjustments

A. **Map Errors and Adjustments.** The Staff Advisor may authorize a correction to a wetland on the Water Resources Map when the applicant has shown that a mapping error has occurred and the error has been verified by the Oregon Department of State Lands (DSL). Delineations verified by DSL shall be used to automatically update the Water Resources Map and record the wetland delineation document. No formal variance application or plan amendment is required for map

corrections where an approved delineation with a DSL letter of concurrence is provided. Approved delineations shall be subject to the terms of expiration set forth in the DSL approval.

18.63.140 Enforcement and Penalties

A. **Fine.** A violation of any provision of this chapter, a permit issued under this chapter or any condition of a permit issued under this chapter shall be a violation as defined by General Penalty Chapter 1.08 and punishable by a fine as set forth in that section.

B. **Mitigation and Management.** Within 30 days of notification by the City of Ashland Planning Division of a violation of a provision of this chapter or any condition of a permit issued under this chapter, mitigation shall be required and the Staff Advisor may require the property owner to submit a mitigation plan prepared by a natural resource professional and in accordance with section 18.63.120.B.

C. **Enforcement Fee.** In addition to a fine, the court may impose an enforcement fee as restitution for the enforcement costs incurred by the City. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any issued permit under this chapter. The fee shall be in an amount established by resolution of the City Council.

ORDINANCE NO. 2998

AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE PHYSICAL & ENVIRONMENTAL CONSTRAINTS CHAPTER (AMC 18.62) AND PROCEDURES CHAPTER (AMC 18.108), CONCERNING CONSISTENCY WITH NEW CHAPTER AMC 18.63, WATER RESOURCE PROTECTION ZONES, AND RESERVATION OF REGULATIONS FOR PURPOSES OF CLAIMS.

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

> Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Municipal Code at a duly advertised public hearing on November 6, 2008 and following deliberations recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on April 21, 2009, and on several additional public hearing continuance dates; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 18.62 (section index) of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS] is hereby amended to read as follows:

Chapter 18.62

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

SECTIONS:

SECTION 3. Section 18.62.020 of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS - Regulations] is hereby amended to read as follows:

SECTION 18.62.020 Where Regulations Apply ~~Regulations.~~

The type of regulation applicable to the land depends upon the classification in which the land is placed, as provided in Section 18.62.050. **~~If these regulations conflict with other regulations of the City of Ashland's Municipal Code, the more stringent of the two regulations shall govern~~**. **Where this Chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. It is likely that there will be some overlap between the regulations in this Chapter and those in Chapter 18.63 Water Resources. Where two (2) regulations are in conflict, the most stringent shall govern.**

SECTION 4. Sections 18.62.040A – C of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS – Approval and Permit Required] are hereby amended to read as follows:

SECTION 18.62.040 Approval and Permit Required.
A Physical Constraints Review Permit is required for the following activities:

A. Development, as defined in 18.62.030.D, in areas identified as Flood plain Corridor Land, ~~Riparian Preserve~~, Hillside Land, or Severe Constraint land.

B. Tree removal, as defined in 18.62.030. ~~R~~T., in areas identified as Flood plain Corridor Land ~~and Riparian Preserve~~.

C. Commercial logging, in areas identified as Flood plain Corridor Land, ~~Riparian Preserve~~, Hillside Land, or Severe Constraint Land.

SECTION 5. Section 18.62.050 of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS – Land Classifications] is hereby amended to read as follows:

SECTION 18.62.050 Land Classifications.
The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them:

A. Flood plain Corridor Lands - Lands with potential stream flow and flood hazard. The following lands are classified as Flood plain Corridor lands:
1. All land contained within the 100 year Flood plain as defined by the Federal Flood Insurance Program, and in maps adopted by Chapter 15.10 of the Ashland Municipal Code.
2. All land within the area defined as Flood plain Corridor land in maps adopted by the Council as provided for in section 18.62.060.
3. All lands which have physical or historical evidence of flooding in the historical past.
4. All areas within 20 feet (horizontal distance) of any **stream** ~~**creek designated for**~~ **identified as a** Riparian Preservation **Creek** ~~**in 18.62.050.B and depicted as such on maps adopted by the Council as provided for in**~~ **on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to** section 18.62.060
5. All areas within ten feet (horizontal distance) of any **stream** ~~**drainage channel**~~ **identified as a Land Drainage Corridor** ~~**depicted on maps adopted by the Council**~~ **on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.62.060** ~~**but not designated as Riparian Preservation**~~.

~~**B. Riparian Preservation - The following Flood plain Corridor Lands are also designated for Riparian Preservation for the purposes of this section and as listed on the Physical and Environmental Constraints Overlay Maps: Tolman, Hamilton, Clay, Bear, Kitchen, Ashland, Neil and Wrights Creeks.**~~

~~**C**~~ **B.** Hillside Lands - Hillside Lands are lands which are subject to damage from erosion and slope failure, and include areas which are highly visible from other portions of the city. The following lands are classified as Hillside Lands:

1. All areas defined as Hillside Lands on the Physical Constraints Overlay map and which have a slope of 25 % ~~percent~~ or greater.

~~D~~C. Wildfire Lands - Lands with potential of wildfire. The following lands are classified as Wildfire Lands:
1. All areas defined as wildfire lands on the Physical Constraints Overlay map.

~~E~~D. Severe Constraint Lands - ands with severe development characteristics which generally limit normal development. The following lands are classified as Severe Constraint Lands:
1. All areas which are within the floodway channels, as defined in Chapter 15.10.
2. All lands with a slope greater than 35 % ~~percent~~.

~~F~~ E. Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel.

SECTION 6. Section 18.62.070 of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS – Development Standards for Flood Plain Corridor Lands] is hereby amended to read as follows:

SECTION 18.62.070 Development Standards for Flood plain Corridor Lands.
For all land use actions which could result in development of the Flood plain Corridor, the following is required in addition to any requirements of Chapter 15.10:

A. Standards for fill in Flood plain Corridor lands:
1. Fill shall be designed as required by the International Building Code and International Residential Code, where applicable.
2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in section 15.10, and the fill shall not exceed the angle of repose of the material used for fill.
3. The amount of fill in the Flood plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
   a. Poured concrete and other materials necessary to build permitted structures on the lot.
   b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.
   c. Plants and other landscaping and agricultural material.
   d. A total of 50 cubic yards of other imported fill material.
   e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
4. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All

additional fill material shall be obtained from the portion of the lot in the Flood plain Corridor.

5. Adequate drainage shall be provided for the stability of the fill.
6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood plain Corridor as feasible.

B. ~~Culverting or bridging~~ **Stream crossing for streets, access or utilities** of any waterway or **stream** ~~creek~~ identified on the official maps adopted pursuant to section 18.62.060 must be designed by an engineer. Stream crossings shall be designed to the standards of Chapter 15.10, or where no floodway has been identified, to pass a one hundred (100) year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the **crossing** ~~culvert~~ will be blocked by debris in a severe flood, and accommodate expected overflow. **The crossing shall be at right angles to the stream channel to the greatest extent possible.** Fill for ~~culverting and bridging~~ **stream crossings** shall be kept to the minimum necessary to achieve property access, but is exempt from the limitations in section (A) above. ~~Culverting or bridging of streams identified as Riparian Preservation are subject to the requirements of 18.62.075.~~

C. Non-residential structures shall be flood-proof to the standards in Chapter 15.10 to one foot above the elevation contained in the maps adopted by chapter 15.10, or up to the elevation contained in the official maps adopted by section 18.62.060, whichever height is greater. Where no specific elevations exist, then they must be floodproofed to an elevation of ten feet above the ~~creek~~ **stream** channel on Ashland, Bear or Neil Creek; to five feet above the ~~creek~~ **stream** channel on all other Riparian ~~Preserve creeks~~ **Preservation Creeks** ~~defined in section 18.62.050.B~~ **identified on the official maps adopted pursuant to section 18.62.060**; and three feet above the stream channel on all other ~~drainage ways identified~~ **Land Drainage Corridors identified** on the official maps **adopted pursuant to section 18.62.060.**

D. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in chapter 15.10, or to the elevation contained in the official maps adopted **pursuant to** ~~by~~ section 18.62.060, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the ~~creek~~ **stream** channel on Ashland, Bear, or Neil Creek; to five feet above the ~~creek~~ **stream** channel on all other Riparian ~~Preserve creeks~~ **Preservation Creeks** ~~defined in section 18.62.050.B~~ **identified on the official maps adopted pursuant to section 18.62.060**; and three feet above the stream channel on all other ~~drainage ways identified~~ **Land Drainage Corridors identified** on the official maps **adopted pursuant to section 18.62.060**, or one foot above visible evidence of high flood water flow, whichever is greater. The elevation of the finished lowest habitable floor shall be certified to the city by an engineer or surveyor prior to issuance of a certificate of occupancy for the structure.

E. To the maximum extent feasible, structures shall be placed on other than Flood plain Corridor Lands. In the case where development is permitted in the Flood plain corridor area, then development shall be limited to that area which would have the shallowest flooding.

F. Existing lots with buildable land outside the Flood plain Corridor shall locate all residential structures outside the Corridor land, unless 50% or more of the lot is within the Flood plain Corridor. For residential uses proposed for existing lots that have more than 50% of the lot in Corridor land, structures may be located on that portion of the Flood plain corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek **identified on the official maps adopted pursuant to section 18.62.060.** Construction shall be subject to the requirements in paragraph D above.

G. New non-residential uses may be located on that portion of Flood plain Corridor lands that equal to or above the flood elevations on the official maps adopted in section 18.62.060. Second story construction may be cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters over the Flood plain corridor for a distance of 20 feet if it does not impact riparian vegetation, and the clearance from finished grade is at least ten feet in height~~, and have minimal impact on the flow of floodwaters~~. The finished floor elevation may not be more than two feet below the flood corridor elevations.

H. All lots modified by lot line adjustments, or new lots created from lots which contain Flood plain Corridor land must contain a building envelope on all lot(s) which contain(s) buildable area of a sufficient size to accommodate the uses permitted in the underling zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

I. Basements.

1. Habitable basements are not permitted for new or existing structures or additions located within the Flood plain Corridor.
2. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to the standards of Chapter 15.10.

J. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Flood plain Corridor lands.

K. ~~Fences constructed within 20 feet of any Riparian Preservation Creek designated by this chapter shall be limited to wire or electric fence, or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing~~ **Fences shall be located and constructed in accordance with section 18.63.060.B. 3.** Fences shall not be constructed across any **waterway or stream identified on the official maps adopted pursuant to section 18.62.060** ~~identified riparian drainage or riparian preservation creek~~. Fences shall not be constructed within any designated floodway.

L. Decks and structures other than buildings, if constructed on Flood plain Corridor Lands and at or below the levels specified in section 18.62.070.C and D, shall be flood-proofed to the standards contained in Chapter 15.10.

M. Local streets and utility connections to developments in and adjacent to the Flood plain Corridor shall be located outside of the Flood plain Corridor, except for crossing

the Corridor, ~~and~~ except **as provided for in Chapter 18.63 Water Resource Protection Zones, or** in the ~~**Bear Creek**~~ Flood plain corridor as outlined below:

1. Public street construction may be allowed within the Bear Creek Flood plain corridor as part of development following the adopted North Mountain Neighborhood Plan. This exception shall only be permitted for that section of the Bear Creek Flood plain corridor between North Mountain Avenue and the Nevada Street right-of-way. The new street shall be constructed in the general location as indicated on the neighborhood plan map, and in the area generally described as having the shallowest potential for flooding within the corridor.
2. Proposed development that is not in accord with the North Mountain Neighborhood Plan shall not be permitted to utilize this exception.

SECTION 7. Section 18.62.075 of the Ashland Municipal Code [PHYSICAL & ENVIRONMENTAL CONSTRAINTS – Development Standards for Riparian Preservation Lands] is hereby amended to read as follows:

~~**18.62.075 Development Standards for Riparian Preservation lands**~~

~~**A. All development in areas indicated for Riparian Preservation, as defined in section 18.62.050(B), shall comply with the following standards:**~~

~~**1. Development shall be subject to all Development Standards for Flood plain Corridor Lands (18.62.070)2.**~~
~~**2. Any tree over six inches d.b.h. shall be retained to the greatest extent feasible**~~
~~**3. Fill and Culverting shall be permitted only for streets, access, or utilities. The crossing shall be at right angles to the creek channel to the greatest extent possible. Fill shall be kept to a minimum.**~~
~~**4. The general topography of Riparian Preservation lands shall be retained.**~~

SECTION 8. Section 18.108.040. A 2. of the Ashland Municipal Code [TYPE I PROCEDURE, Miscellaneous Actions] –is hereby amended to read as follows:

SECTION 18.108.040 Type I Procedure.

* * *

2. Miscellaneous Actions.
   a. Amendments or modification to conditions of approval for Type I planning actions.
   b. Amendment or modification to conditions of approval for Type II actions where the modification involves only changes to tree removal and/or building envelopes. planning actions.
   c. Physical and Environmental Constraints Review permits as allowed in Chapter 18.62.
   d. Tree removal permits as required by Section 18.61.042(D).
   e. Limited Activities and Use permits as allowed in Chapter 18.63.
   f. Water Resource Protection Zone Reductions of up to 25% as allowed in Chapter 18.63.

SECTION 9. Section 18.108.050. A. of the Ashland Municipal Code [TYPE II PROCEDURES] –is hereby amended to read as follows:

SECTION 18.108.050 Type II Procedure.

A. Actions Included. The following planning actions shall be subject to the Type II Procedure:
1. All Conditional Use Permits not subject to a Type I procedure.
2. All variances not subject to the Type I procedure.
3. Outline Plan for subdivisions under the Performance Standard Options (AMC Chapter 18.88).
4. Preliminary Plat for subdivisions under the standard subdivision code (AMC Chapter 18.80).
5. Final Plan approval for all subdivision requests under the Performance Standard Options not requiring Outline Plan approval.
6. Water Resource Protection Zone Reductions greater than 25% and up to 50% as allowed in Chapter 18.63.
7. Hardship Variances as allowed in Chapter 18.63.
68. Any appeal of a Staff Advisor decision, including a Type I Planning Action or Interpretation of the Ashland Land Use Code.
~~7~~9. Any other planning action not designated as subject to the Type I or Type III Procedure.

SECTION 10. Note: Reservation of Existing Regulations for Purposes of Claims.

Notwithstanding that existing land use regulations are being amended and/or repealed in this Ordinance and that those amendments and/or repeals shall be reflected in the Codification of the Ashland Municipal Code, the amendments and/or repeals implemented by this ordinance shall not be effective for purposes of claims against the City of Ashland, including but not limited to regulatory taking and Measure 49 claims. Notwithstanding the amendments and/or appeals shown herein, existing regulations that are shown as amended or repealed in this Ordinance shall continue in full force and effect with regard to any claim filed, and shall stand behind the new or amended regulations should the new or amended regulations be set aside. The City Recorder shall maintain a copy of the existing 18.62 regulations without the amendments and repeals implemented by this ordinance for purposes of future claims and shall place a note in Section 18.110 [Measure 49] indicating the reservation of existing ordinances for purposes of claims.

SECTION 11. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 12. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions or other actions as required by state law, were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in

this Ordinance affects the validity of prosecutions or applications commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 13. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 11-13) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors, including specifically changing the words "flood plain" to "floodplain" throughout the code.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of November, 2009, and duly PASSED and ADOPTED this 15 day of December, 2009.

Barbara M. Christensen

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 15 day of December 2009.

John Stromberg

John Strömberg, Mayor

Reviewed as to form:

Richard Appicello

Richard Appicello, City Attorney

ORDINANCE NO. 2999

AN ORDINANCE AMENDING THE CITY OF ASHLAND COMPREHENSIVE PLAN CHAPTER IV, [ENVIRONMENTAL RESOURCES] TO ADD A NEW AND UPDATED RESOURCE MAPS AND ADOPTING THE LOCAL WETLANDS INVENTORY AS A SUPPORTING DOCUMENT

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **bold ~~lined through~~** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

> Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Municipal Code at a duly advertised public hearing on October 28, 2008 and following deliberations recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on April 21, 2009, and on several additional public hearing continuance dates; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Comprehensive Plan in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The City of Ashland Comprehensive Plan, Chapter IV, [ENVIRONMENTAL RESOURCES] is hereby amended to add the 2009 Ashland Water Resources Map, attached hereto as Exhibit A, and made a part hereof by this reference.

SECTION 3. The City of Ashland Comprehensive Plan, Chapter IV, [ENVIRONMENTAL RESOURCES] is hereby amended to replace the existing Physical and Environmental Constraints Floodplain Map with a new 2009 Physical and Environmental Constraints Floodplain Map Ashland Water Resources Map, attached hereto as Exhibit B, and made a part hereof by this reference.

SECTION 4 The City of Ashland Comprehensive Plan, Chapter IV, [ENVIRONMENTAL RESOURCES] is hereby amended to add as a support document to the Comprehensive Plan, Ashland Local Wetlands Inventory, attached hereto as Exhibit C, and made a part hereof by this reference.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 7 day of November, 2009, and duly PASSED and ADOPTED this 15 day of December, 2009.

Barbara M. Christensen

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 15 day of December, 2009.

John Stromberg

John Stromberg, Mayor

Reviewed as to form:

Richard Appicello

Richard Appicello, City Attorney

Water Resource Protection Zones Requirements

Stream Bank Protection Zones

Riparian Corridors (Goal 5 Resource)

For all fish-bearing streams with average annual stream flow less than 1,000 cubic feet per second (cfs), the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 50 feet upland from the top of bank.

Local Streams

For non-fish-bearing streams the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 20 feet upland from the centerline of the stream.

Intermittent and Ephemeral Streams

For intermittent and ephemeral streams the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 30 feet upland from the centerline of the stream.

Wetland Protection Zones

Locally Significant Wetlands

W1, W4 through W10, W12, W14 (Goal 5 Resource)

For wetlands classified as locally significant on Ashland's Local Wetland Inventory (LWI) the Wetland Protection Zone shall consist of lands identified to have a wetland presence on the wetland delineation, plus all lands within 50 feet of the upland wetland edge.

Possible Wetlands (PW)

For wetlands not classified as locally significant on Ashland's Local Wetland Inventory (LWI) the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland wetland edge.

Note: Where the stream bank protection zone includes all or portions of a locally significant wetland, the standard distance to the stream bank protection zone shall be measured from, and include, the upland edge of the wetland.

Other Relevant Data:

- 100-Year Flood Zone (FEMA)
- Ashland Flood Zone
- Other Water Features
- Piped or Culverted Stream Reach

*Note:
The Local Wetlands Inventory (LWI) is a technical study supporting the Ashland Comprehensive Plan adopted by Ordinance _____.

DRAFT MAP

Water Resources

CITY OF ASHLAND

Physical and Environmental Constraints
Floodplain Corridor Lands

- City Limits
- Urban Growth Boundary
- Land Drainage Corridor, piped, 10' buffer
- Land Drainage Corridor, open channel, 10' buffer
  18.62.050.A.5
- Riparian Preservation Creek, 20' buffer
  18.62.050.A.4

- FEMA-defined
  100-Year Floodplain Corridor Lands
  18.62.050.A.1
- FEMA-defined
  500-Year Floodplain Corridor Lands
  18.62.050.A.1
- Ashland Modified
  Floodplain Corridor Lands
  18.62.050.A.2

NOT TO SCALE

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

This is to certify that this is the Official Physical and Environmental Constraints Map referred to in Section 18.62.050 of Title 18 of the Ashland Municipal Code.

Signed:

Mayor _____ Date _____

City Recorder _____ Date _____

Oregon
Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

March 21, 2007

John Morrison, Mayor
City of Ashland
20 East Main Street
Ashland, OR 97520

Re: Approval of the City of Ashland Local Wetlands Inventory and Assessment

Dear Mayor Morrison:

I am pleased to notify you that the Department of State Lands (DSL) has approved your Local Wetlands Inventory (LWI) and assessment. We appreciate your planning staff and the wetland consultant working with our staff to ensure that the inventory meets state LWI requirements (OAR 141-86-180 to 240) and the city's needs. The final inventory requirement is for the city to notify property owners with wetlands mapped on their property within 120 days of this approval. Please provide us with a copy of the landowner notification, once completed, indicating the date of notification.

Approval by DSL means that the LWI becomes part of the Statewide Wetlands Inventory. The LWI must now be used by the city instead of the National Wetlands Inventory for the Wetland Land Use Notification Process (ORS 227.350). The LWI and functional assessment also form the foundation for your wetland planning under Statewide Planning Goal 5, and the LWI must be adopted by the city per the Goal 5 requirements. Please note when significant wetlands are designated by the city, "non-significant" wetlands may be coded to distinguish them from "significant wetlands," but must not be removed from the approved LWI maps. These wetlands are still subject to state and federal permit requirements.

While considerable effort has been made to accurately identify most wetlands within the study area, DSL's approval does not guarantee that all regulated wetlands have been mapped. The mapped wetland boundaries are estimated boundaries, they have not been surveyed, and there are inherent limitations in mapping accuracy. DSL advises persons proposing land alteration on parcels containing mapped wetlands to contact DSL or obtain a wetland boundary delineation by a qualified consultant and submit it to DSL for approval prior to the land alteration.

It will be important to annotate your map (and associated database, if any) as new wetland delineations are completed and approved by DSL in order to keep your LWI updated. Future wetland delineation report approvals will be provided to the planning department.

We are pleased that the City of Ashland has conducted a thorough wetlands inventory and has made wetland planning a high priority. We look forward to working with you and your staff as you continue on the Goal 5 wetland planning effort. Please feel free to contact Peter Ryan at extension 232, with any questions you may have about the LWI or its use.

Sincerely,

Louise Solliday
Director

cc: Bill Molnar, Planning Manager, City of Ashland
John Renz, DLCD
Stacy Benjamin, SWCA
Yvonne Vallette, EPA
Jim Goudzwaard & Benny Dean, Corps of Engineers (enclosure)
John Marshall, FWS, Portland Field Office
Patty Snow, ODFW
Bill Kirchner, FWS Regional Office
Bob Lobdell, DSL
Kevin Moynahan, DSL

CITY OF ASHLAND

LOCAL WETLANDS INVENTORY AND ASSESSMENT

& RIPARIAN CORRIDOR INVENTORY

CITY OF
ASHLAND

Prepared for:

City of Ashland
Bill Molnar, Senior Planner
Community Development
20 E. Main Street
Ashland, Oregon 97520

Prepared by:

SWCA Environmental Consultants
434 NW 6th Avenue, Suite 304
Portland, Oregon 97209

July 2005
Revised February 2007

SWCA®
ENVIRONMENTAL CONSULTANTS

City of Ashland Local Wetlands Inventory
& Riparian Corridor Inventory
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List of Tables

Summary

SWCA Environmental Consultants[1] (Fishman/SWCA), conducted a Local Wetlands Inventory and Assessment and Riparian Corridor Inventory for the City of Ashland. The study area included the Ashland city limits and urban growth boundary. Total study area boundary acreage is 4,959 acres or 7.75 square miles.

Fourteen wetland units (W1 – W14) were inventoried and assessed. Eight of these 13 units (W1, W4, W5, W6, W7, W11, W12 and W13) were not previously mapped in the National Wetlands Inventory or the City's GIS database. Eleven wetland units were associated with streams or were hydrologically connected to a stream via roadside or agricultural drainage ditches. Three (W2, W8 and W9) wetlands did not contain a surface water connection to a stream or other wetland and were therefore determined to be isolated. Total wetland acreage within the study area was calculated to be 28.31 acres.

Locally significant wetlands were identified using the Oregon Freshwater Wetland Assessment Method (OFWAM). Significance was determined based on a wetland's ability to provide high function in one or more of the following categories: wildlife habitat, fish habitat, water quality or hydrologic control, or the wetland's ability to provide medium water quality function if located within 0.25 mile of a DEQ water quality listed stream. Eleven wetland units were determined to be locally significant. The Ashland Demonstration Wetlands (W2) were not designated as locally significant due to their creation for the purpose of wastewater treatment per OAR 141-086-350(1). The Billings Ranch wetland (W3) and the Washington Street wetland (W11) were determined to be non-locally significant.

All riparian corridors were inventoried to evaluate general stream characteristics and hydrology, adjacent landform, and vegetation. Significant riparian corridors were determined using the Goal 5 Safe Harbor criteria. Riparian corridors along streams identified by the Oregon Department of Fish and Wildlife as being fish-bearing were determined to be significant according to the Safe Harbor criteria. Significant riparian corridors in the study area include Ashland Creek, Bear Creek, Emigrant Creek, Kitchen Creek, Neil Creek, and Tolman Creek.

Further information is included in the accompanying report, and the reader is referred to the appendices for wetland and riparian summary sheets, wetland sample plot data, OFWAM data sheets and other information.

[1] The Portland, Oregon office of SWCA Environmental Consultants was acquired from Fishman Environmental Services in 2004.

Project Purpose

The City of Ashland is required to update their Comprehensive Plan under periodic review for Goal 5 wetland resources. The Goal 5 rule requires the City to inventory its natural resources according to the general inventory process outlined in OAR 660-023-0030 as well as specific guidelines for wetlands (660-023-0100) and riparian corridors (OAR 660-023-0090). Fishman Environmental Services, a Division of SWCA Environmental Consultants (Fishman/SWCA), conducted a Local Wetlands Inventory (LWI) and Riparian Corridor Inventory (RCI) for the City of Ashland to meet statewide planning Goal 5 requirements. The LWI was prepared to meet the Department of State Lands (formerly the Division of State Lands) Local Wetlands Inventory Standards and Guidelines (OAR 141-086-0180 through 141-086-0240; effective July 1, 2001). Significant riparian corridors were mapped using the Safe Harbor criteria identified under OAR 660-023-0090(5). The LWI and RCI are required to be submitted to the Oregon Department of State Lands (DSL) and the Department of Land Conservation and Development (DLCD) for review and approval before they can be adopted by the City and used to develop a land use program to conserve and protect significant Goal 5 resources.

Background Information

Study Area

The study area for the Local Wetlands Inventory and Riparian Corridor Inventory includes the City of Ashland city limits and the urban growth boundary. Total study area boundary acreage is 4,959 acres or 7.75 square miles. The study area is located in Township 38 South, Range 1 East, Sections 31, 32, and 33 and Township 39 South, Range 1 East, Sections 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, and 23. An index map of the study area is included in Appendix 1. The study area is contained on 12 base maps.

Drainage Basin

The City of Ashland is located within the Rogue River basin. The study area is contained entirely within the Bear Creek watershed. The study area contains two major drainages: Bear Creek in the north and Ashland Creek in the west.

Topography

Topography of the study area consists of steeply sloped foothills in the south, a relatively flat central portion that is highly developed, and the Bear Creek floodplain in the north. Streams in the higher elevation areas are confined within steep V-shaped drainages, and streams in lower elevation areas are typically confined within a well-defined stream channel. Therefore, stream-associated wetlands are generally either not present or are limited to a narrow fringe along the stream channel. Fishman/SWCA obtained two-foot contours of the study area from the City of Ashland. Two-foot contours were not available for the northwest portion of the study area in Sections 31 and 32.

Vegetation

Wetland indicator status is according to the U.S. Fish and Wildlife Service National List of Plant Species that Occur in Wetlands: Northwest (Region 9).

Soils

Soils were mapped in the Soil Survey of Jackson County Area, Oregon (USDA SCS 1993). The vast majority of the study area is mapped as containing hydric soil inclusions. The only area of mapped hydric soils in the study area is located along Kitchen Creek.

National Wetlands Inventory & Previous Wetland Inventory

Approximately fifty wetlands were mapped in the National Wetlands Inventory (NWI) on the Ashland, Oregon NWI quadrangle. A few mapped wetlands are associated with streams, but the majority of wetlands appear to be isolated. A field survey of Ashland's wetlands was conducted by two Southern Oregon University students in 1990. The 1990 study area generally coincided with the study area of the present inventory, with the exception of that the previous inventory did not include the area located outside the City limits and inside the UGB in Sections 5, 31, and 32. The 1990 inventory focused almost exclusively on field verifying the presence of NWI-mapped wetlands, collecting sample plot data, and photodocumenting the wetlands.

Floodplain

The floodplain was mapped by the Federal Emergency Management Agency on the Flood Insurance Rate Map for the City of Ashland, Oregon. A 100-year floodplain is mapped along Ashland, Bear, Clay, Emigrant, Hamilton, and Neil creeks. The City of Ashland modified the FEMA floodplain boundaries following the 1997 flood, including mapping the 100-year floodplain adjacent to Cemetery Creek.

Department of State Lands Files

Fishman/SWCA obtained copies of wetland determinations, delineations, and permit applications within the study area from the Department of State Lands. A list of the DSL files obtained along with their approximate locations and current status of these wetlands is included in Appendix 2. Wetland delineation boundaries from maps included in DSL files were hand mapped onto aerial photograph base maps and were field verified where permission to access was granted.

Aerial Photographs & GIS Data

Fishman/SWCA obtained black and white aerial photographs dated April 16, 1998, which showed spring hydrology, and color aerial photographs dated July 2001 from the City of Ashland. The 1998 aerial photos were previously used by the City of Ashland Geographic Information Department to prepare a Geographic Information System (GIS) layer of streams, ditches and ponds in the study area.

Scope of Work

Local Wetlands Inventory

A Local Wetlands Inventory has been prepared in accordance with the Department of State Lands Local Wetlands Inventory Standards and Guidelines (OAR 141-086-0180 through 141-086-0240; effective July 1, 2001). Fishman/SWCA mapped all wetlands greater than 0.5 acre according to the LWI rules. The approximate locations of many wetlands less than 0.5 acre in size were also mapped. These small wetlands are identified as "possible wetlands" on the LWI maps. Many isolated man-made ponds are present in the study area, most of which are less than 0.5 acre. Man-made ponds were also included on the LWI maps. Mapping protocol follows the DSL LWI rules and wetland boundaries have been digitized in an ESRI-compatible format for use by the City and DSL.

Wetland Assessment and Determination of Locally Significant Wetlands

Wetlands greater than 0.5 acre in size have been assessed using the Oregon Freshwater Wetland Assessment Method (OFWAM) as required by the LWI rules. The OFWAM assessment consisted of evaluating Wildlife Habitat, Fish Habitat, Water Quality, and Hydrologic Control functions. Per the Department of State Lands Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86-350), if the assessed wetland unit provided diverse wildlife habitat, intact fish habitat, intact water quality function, or intact hydrologic control function, then the wetland was determined to be significant.

Wetlands not meeting the significance criterion based upon the OFWAM assessment were also evaluated according to the other criteria for determining Locally Significant Wetlands established by DSL. These criteria include (but are not limited to): the wetland or a portion of the wetland is within a horizontal distance less than one-fourth mile from a water quality limited water body (DEQ's 303(d) list) and its water quality function is intact or impacted or degraded; the wetland contains one or more rare plant communities; the wetland is inhabited by any species listed by the federal government as threatened or endangered or listed by the state as sensitive, threatened or endangered; or the wetland has a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids and the wetland is determined to have intact or impacted or degraded fish habitat function.

Riparian Corridor Inventory

Although the Goal 5 Rule is very specific regarding Local Wetlands Inventory methodology, the Goal 5 Rule does not include a prescribed method for the preparation of a Riparian Corridor Inventory. Discretion provided to local communities through the Goal 5 rule allows for inventory methods which are created by the City, reviewed by its' citizens, and implemented in a manner that best fits with the local natural resources.

The process of determining an exact location of a riparian corridor requires an on-site resource delineation. Even among the experts, the definition of "riparian" and the position of the boundary is often debated.

Determination of Significant Riparian Corridors

Goal 5 provides a Safe Harbor optional course of action rather than following the standard Goal 5 process, including the ESEE decision process. The Safe Harbor criteria identified under OAR 660-023-0090(5) establish a standard setback distance from all fish-bearing lakes and streams as follows:

> (a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank.
>
> (b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.
>
> (c) Where the riparian corridor includes all or portions of a significant wetland as set out in OAR 660-023-0100, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
>
> (d) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, local governments shall apply OAR 660-023-0030 rather than apply the safe harbor provisions of this section.

Public Involvement Process

A newspaper article was published in the Ashland Daily Tidings on May 23, 2003 notifying the public of the onset of the Local Wetlands Inventory and Riparian Corridor Inventory. A second newspaper article appeared in the Medford Mail Tribune on July 23, 2003 describing the status of the inventory process.

Fishman/SWCA conducted two public open house meetings for the project. The first meeting was held on June 4, 2003 to present the Goal 5 requirements and inventory process. The second meeting was held on November 20, 2003 to present the draft inventory results and maps and to receive public comments on the draft maps. Approximately two dozen citizens attended the second meeting. A third public meeting will occur to present the final inventory and maps to the City planning commission.

Local Wetlands Inventory and Assessment (OAR 660-023-0090)

Wetland Definition

Wetlands are federally defined as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (Environmental Laboratory 1987). In other words, wetlands typically display three wetland criteria: a predominance of hydrophytic (wetland) vegetation, the presence of hydric (wet) soils, and wetland hydrology (ponding or near-surface saturated soils for at least 5 percent of the growing season; typically 11 days or so

during the growing season. According to the Jackson County soil survey, the growing season in Medford is April 7th through November 3rd (the growing season may vary annually).

Wetland Methodology

The Goal 5 rule is very specific in the method required for wetland inventories. The wetland inventory must be prepared using OAR 141-086-0210 through 0240. The product of the wetland inventory is a Local Wetlands Inventory (LWI). The Oregon Department of State Lands (DSL) must approve the LWI.

Prior to conducting field work, background information was reviewed in the office to identify possible wetland areas and to prioritize sites for field verification. Background information included USGS topographic map, national wetlands inventory map, Jackson County soil survey, and FEMA floodplain maps; DSL wetland determination/delineation and permit files; two-foot contour mapping from the City; and 1998 and 2001 aerial photos from the City. Field work included verification of the presence or absence of NWI mapped wetlands and wetlands previously identified in DSL files; identification of previously unmapped wetlands areas greater than 0.5 acre; and identification of possible wetlands less than 0.5 acre, even though these areas are not required to be mapped according to LWI standards. Identification of new (i.e. previously unmapped) wetland areas was facilitated by field visits of sites which contained either a topographic drainage on the 2-foot contour maps or a wetland hydrology signature visible on the aerial photographs.

Letters requesting permission to access were mailed to 1,513 property owners. The City sent out letters to the property owners requesting written permission to access these parcels. The list of parcels for which permission to access was requested was generated primarily based upon a GIS query identifying parcels containing either NWI or City mapped streams, wetlands or ponds, parcels mapped within the 100-year floodplain, and parcels located within 50 feet of any one of these mapped resource boundaries. In addition, several parcels which contained either a topographic drainage based upon 2-foot contours or a wetland hydrology signature on the aerial photographs were also included on the list. Of the approximately 1,500 letters, the City received 589 yes responses and 104 no responses. Field work was conducted on June 3, 4, 5, 24, 25, and 26, 2003.

Properties for which on-site data collection was allowed were identified on a tax lot base map which was color coded to identify publicly-owned parcels as well as properties for which permission to access was either granted or granted with conditions (i.e. call to notify property owner prior to site visit). On-site data collection consisted of either preparation of wetland determination sample plot data sheets documenting vegetation, soils, hydrology, and topography (included in Appendix 3) or field notes recording our visual observations of one or more of these parameters. No on-site data was collected on parcels for which permission to access was not granted or for which no response to the public notice requesting permission to access was received by the City. For areas where permission to access was not granted, off-site data was collected where possible by viewing the site with the use of binoculars from adjacent roads, parking lots or public

properties. Base maps used for field work and mapping consisted of 2001 color aerial photographs plotted at a scale of 1 inch to 300 feet. The City's stream, ditches and ponds GIS layer, which was created based on interpretation of 1998 aerial photographs, and the NWI mapping were overlayed onto the aerial photographs. Wetland and riparian boundaries, sample plots, and off-site observation points were hand mapped on the aerial photograph base maps in the field.

Wetlands were identified based on the methodology contained in the 1987 Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987), used by the Department of State Lands. Wetlands generally include swamps, marshes, bogs, and similar areas, but also include seasonally wet meadows, farmed wetlands and other areas that may not appear "wet" at all times throughout the year. Aerial photograph signatures of wetland habitat types were groundtruthed at the start of the inventory at publicly owned sites including the Ashland Demonstration Wetlands and adjacent BMX park and at the North Mountain Nature Park. Wetland habitat types were labeled according to Cowardin class. Wetland habitat types present in the study area include: palustrine scrub-shrub (PSS), palustrine emergent (PEM), and palustrine open water (POW).

Wetland boundaries, sample plot locations, and field observation points were mapped by hand on the color aerial photo base maps. Wetland boundaries and other data were then digitized onto digital aerial photographs in a Geographic Information System. The GIS attribute tables contain data for each wetland polygon including unique polygon ID number, wetland unit number, habitat type, wetland acreage, and DSL file number (if any).

The locations of several isolated wetlands that were too small to be inventoried according to DSL rules (<0.5 acre) were mapped approximately as "possible wetlands". In addition, several other areas that appeared to be wetland from off-site, but for which the presence of wetland could not be field verified since permission to access these properties was not granted, were also mapped as possible wetlands. Many isolated man-made ponds are present in the study area, most of which are less than 0.5 acre. Man-made ponds were mapped separately from possible wetlands and wetlands greater than 0.5 acre.

Wetland summary sheets have been prepared for each wetland unit. Wetland summary sheets include the site name, site code, general location, Township, Range, and Section location, DSL file number (if any), acreage, Cowardin (NWI) classification, hydrogeomorphic classification, hydrologic basin, mapped soils, sample plot numbers (if any), date(s) of field work, dominant vegetation, primary hydrology source, OFWAM summary, significance determination, and general wetland description including basis for wetland boundary determination. Wetland summary sheets are included in Appendix 4.

The approximate locations of potential wetland mitigation/restoration sites are also required to be identified according to DSL's local wetlands inventory standards and guidelines. According to OAR 141-086-210 (19), "Vacant, former wetlands, consisting mostly of relict (dewatered) hydric soils, which are five (5) acres or larger in size shall be identified and mapped as potential wetland mitigation or restoration sites...." No sites

within the study area meeting these criteria were identified; therefore, a map of potential wetland mitigation/restoration sites is not included in the LWI.

Wetland Assessment Criteria

Wetlands were assessed using the Oregon Freshwater Wetland Assessment Methodology (OFWAM; Roth et al. 1996), which evaluates wetland functions and values relative to other wetlands within the study area. The four functions listed below were assessed for each OFWAM unit, and each function was rated high, medium or low based on how many of the criteria listed below for each function were met. OFWAM evaluation sheets are included in Appendix 5. OFWAM wetlands of special interest for protection and wetland characterization evaluation sheets which evaluate general watershed characteristics are included in Appendix 6.

Wildlife Habitat - The following criteria contribute to wetlands having high wildlife habitat function: two or more Cowardin wetland classes (i.e. forested, scrub-shrub, emergent) are present; woody vegetation is the dominant wetland vegetation cover type; there is high interspersion among Cowardin classes; more than one acre of open water is present; the wetland is connected to other wetlands or bodies of water by surface water (stream, lake, pond, ditch, or culvert); no upstream or adjacent stream reaches are listed as water quality limited; the dominant existing land use within 500 feet of the wetland's edge is exclusive forest use or open space; and greater than 40 percent of the wetland's edge is bordered by a vegetated buffer at least 25 feet wide.

Fish Habitat - The following criteria contribute to wetlands having high fish habitat function: more than 75 percent of the stream is shaded by stream-side (riparian) vegetation; the stream is in a natural channel, or modified portions of the stream are returning to a natural channel; more than 25 percent of the entire stream contains instream structures such as large woody debris, floating submerged vegetation, large rocks, or boulders; no upstream or adjacent stream reaches are listed as water quality limited; the dominant existing land use within 500 feet of the wetland's edge is exclusive forest use or open space; and salmon, trout or sensitive species are present in a stream, lake or pond associated with the wetland at some time during the year.

Water Quality Protection - The following criteria contribute to wetlands having high water quality protection function: the wetland's primary source of water is surface flow, including streams and ditches, or precipitation; there is evidence of flooding or ponding during a portion of the growing season; wetland vegetation cover is greater than 60 percent; the wetland is greater than 5 acres in size or is between 0.5 acre and 5 acres in size and is connected to other wetlands within a 3 miles radius by surface water (stream, ditch, canal or lake); the dominant existing land use within 500 feet of the wetland's edge is developed uses or agriculture; and one or more upstream or adjacent stream reaches are listed as water quality limited.

Hydrologic Control - The following criteria contribute to wetlands having high hydrologic control function: the wetland is located within the 100-year floodplain or within an enclosed basin; there is evidence of flooding or ponding during a portion of the

growing season; the wetland is greater than 5 acres in size; waterflow out of the wetland is restricted (beaver dam, concrete structure, undersized culvert) or the wetland has no outlet; woody vegetation is the dominant wetland vegetation cover type; the dominant existing land use within 500 feet of the wetland on the downstream or downslope edge of the wetland is developed uses; and the dominant land use in the watershed upstream from the assessment area is urban or urbanizing.

OFWAM Units

Fourteen wetland units (W1 – W14) were inventoried and assessed. Wetland units are listed below along with their Township, Range and Section, general location, Cowardin wetland habitat classification, and wetland acreage. Wetland units may contain one or more wetland areas. Wetlands along the same stream reach with the same hydrology source and adjacent land use are grouped into the same OFWAM unit for assessment purposes. Similarly, if a wetland is bisected by a road crossing and each wetland area contains similar characteristics, they are grouped into the same wetland unit. Eleven wetland units were associated with streams or were hydrologically connected to a stream via roadside or agricultural drainage ditches. Three (W2, W8 and W9) wetlands did not contain a surface water connection to a stream or other wetland and were therefore determined to be isolated. Narrow wetland fringes, ranging from 1 to 5 feet wide, were present along several streams within the study area. These wetland fringes were much smaller than 0.5 acre (the minimum wetland size required by DSL to be mapped) and are not included in the OFWAM units in the table below. It was not possible to map wetland fringes given the map scale of a wetland inventory. Wetland fringes were included within the riparian corridor mapping along streams in the study area, including forested wetland fringes along Ashland Creek and Bear Creek.

TABLE 1. OFWAM UNITS, WETLAND HABITAT TYPES & ACREAGES

Wetland Unit	TRS	Location	Habitat Type*	Wetland Acreage
W1	T39S, R1E, S4	Ashland Creek/BMX Park	PEM	2.23
W2	T39S, R1E, S4	Ashland Demonstration Wetlands	POW/PEM	0.64
W3	T39S, R1E, S5	Billings Ranch	PEM	1.83
W4	T39S, R1E, S10	Cemetery Creek	PEM	3.86
W5	T39S, R1E, S4 & 9	Clear Creek Village	PEM/POW	1.29
W6	T39S, R1E, S11	Knoll Creek	PEM	1.71
W7	T39S, R1E, S4	North Mountain Nature Park	PEM/POW	3.25
W8	T39S, R1E, S4	NWI Wetland 4G	PSS	0.90
W9	T39S, R1E, S10	NWI Wetland 10B	PEM	5.38
W10	T39S, R1E, S13	NWI Wetland 13B & 13C	PEM	2.12

TABLE 1. OFWAM UNITS, WETLAND HABITAT TYPES & ACREAGES				
Wetland Unit	**TRS**	**Location**	**Habitat Type***	**Wetland Acreage**
W11	T39S, R1E, S14	Washington Street	PEM	0.85
W12	T39S, R1E, S10	West of Cemetery Creek	PEM	1.68
W13	T39S, R1E, S11	West of Hamilton Creek	PEM	1.41
W14	T38S, R1E, S33	Ashland Creek, near sewage treatment plant	POW/PEM	1.16
			Total Wetland Acreage	28.31

* PEM = palustrine, emergent; POW = palustrine, open water; PSS = palustrine, scrub-shrub

Determination of Significance for Wetland Areas

The 14 wetland units listed above were evaluated using the Oregon Freshwater Wetland Assessment Methodology (OFWAM) as required by the LWI rules. The OFWAM assessment consisted of evaluating Wildlife Habitat, Fish Habitat, Water Quality, and Hydrologic Control functions. Per the Department of State Lands Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86-350), if the assessed wetland unit provided diverse wildlife habitat, intact fish habitat, intact water quality function, or intact hydrologic control function, then the wetland was determined to be locally significant. Wetlands W1, W4-W9 and W12-W14 were determined to be locally significant wetlands according to this methodology. Although Wetland W2 displays intact water quality function, it is excluded from the locally significant wetland criteria according to OAR 141-086-0350(1) "Exclusions. Regardless of their standing in relation to the criteria in OAR 141-086-0350(2) or (3) of these rules, wetlands shall not be designated as locally significant if they fall within any one of the following categories:...(E) Of any size and created for the purpose of wastewater treatment...."

Three wetlands (W3, W10 and W11) did not meet the significance criterion based upon the OFWAM assessment and were therefore evaluated according to the other criteria for determining Locally Significant Wetlands established by DSL. These criteria include: the wetland or a portion of the wetland is within a horizontal distance less than one-fourth mile from a water quality limited water body (DEQ's 303(d) list) and its water quality function is intact or impacted or degraded; the wetland contains one or more rare plant communities; the wetland is inhabited by any species listed by the federal government as threatened or endangered or listed by the state as sensitive, threatened or endangered; or the wetland has a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids and the wetland is determined to have intact or impacted or degraded fish habitat function.

Wetland W10 was determined to be locally significant based on rating medium for water quality function and occurring within ¼ mile of a water-quality limited stream listed by DEQ on the 303(d) list. Wetlands W3 and W11 did not meet any of these criteria and were therefore determined to be non-locally significant.

The table below summarizes the wetland function ratings and wetland significance for each OFWAM unit. OFWAM evaluation sheets for each unit are included in Appendix 5, and OFWAM wetlands of special interest for protection and wetland characterization evaluation sheets are included in Appendix 6. A complete list of all vegetation observed in wetlands and uplands in the study area is included in Appendix 7.

TABLE 2. LOCAL WETLANDS INVENTORY
DETERMINATION OF LOCALLY SIGNIFICANT WETLANDS

Wetland Unit	OFWAM FUNCTIONS[1]				SIGNIFICANT[2]
	Wildlife Habitat	Fish Habitat	Water Quality	Hydrologic Control	
1	M	L	H	M	Y
2	M	L	H	M	N[3]
3	M	L	M	M	N
4	M	M	H	M	Y
5	M	M	H	H	Y
6	M	H	H	M	Y
7	H	M	H	H	Y
8	M	L	M	H	Y
9	M	L	H	H	Y
10	M	L	M	M	Y[4]
11	M	L	M	M	N
12	M	L	H	M	Y
13	M	L	H	M	Y
14	H	M	M	H	Y

[1] Wildlife Habitat Function: H = Diverse wildlife habitat, M = Habitat for some species, L = Lost or not present. Fish Habitat, Water Quality and Hydrologic Control Functions: H = Intact, M = Impacted or degraded, L = lost or not present

[2] Wetlands which score high in at least one of the four functions evaluated are determined to be locally significant according to DSL rules, except as noted below.

[3] Wetlands of any size that were created for the purpose of wastewater treatment shall not be designated as locally significant per OAR 141-086-350(1).

[4] Wetland W10 was determined to be locally significant based on rating medium for water quality function and occurring within ¼ mile of a water-quality limited stream listed by DEQ on the 303(d) list.

Status of National Wetlands Inventory Mapped Wetlands

We attempted to field verify the presence or absence of all wetlands mapped on the NWI in the study area. Several of the larger NWI-mapped wetlands have been incorporated into the wetlands mapped in the local wetlands inventory, including units W3, W8, W9, W10 and W13. Many of the NWI-mapped wetlands were determined to be man-made ponds and are mapped as ponds on the local wetlands inventory maps. Several wetlands mapped as less than 0.5 acre in size on the NWI could not be field verified due to lack of permission to access the sites and are therefore identified as Possible Wetlands (PW) on the local wetlands inventory maps. The local wetlands inventory maps replace the national wetlands inventory maps and the City's stream, ditches and ponds GIS layer and

provide the most accurate inventory of wetlands inside the Ashland urban grown boundary.

Riparian Corridor Inventory (OAR 660-023-0090)

Riparian Corridor Definition

Goal 5 definitions:

"Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

"Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

"Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top of bank...

Riparian Corridor Methodology

The method for conducting a riparian corridor inventory is not prescribed. The Goal 5 Rule permits the application of a "Safe Harbor" setback distance to all fish bearing lakes and streams. The standard setback is 50 feet for streams with more than 1000 cubic feet per second (cfs) stream flow and 50 feet for fish bearing lakes and streams with less than 1000 cfs. The rule also lists the following resources that must be consulted when completing the riparian corridor inventory:

- Oregon Department of Forestry stream classification maps
- USGS 7.5-minute quadrangle map
- National Wetland Inventory Maps
- Oregon Department of Wildlife (ODFW) maps indicating fish habitat
- Federal Emergency Management Agency (FEMA) flood maps
- Aerial photographs

Fishman/SWCA has prepared the riparian corridor inventory using a modified on-site method. Time and budget constraints typically make it infeasible to conduct an on-site delineation of all riparian corridors in the City. Therefore, we conducted brief on-site field visits to document vegetation and topography adjacent to streams at several locations along each stream to determine the approximate location of the riparian corridor. The location of the riparian corridor was hand mapped on the aerial photo base map (photo date 2001, scale 1 inch to 300 feet). Two foot contour data and vegetation signatures on the aerial photos were used to approximate the location of the riparian corridor for areas that were not field verified. For areas where permission to access was not granted, off-site data was collected if possible by viewing the site with the use of binoculars from adjacent roads, parking lots or public properties. No field data was collected for Strawberry Creek or Twin Creek since permission to access the properties

containing these small sections of stream was not granted, and the streams were not visible from adjacent public roads. Field work was conducted on June 3, 4, 5, 24, 25, and 26, 2003.

Riparian summary sheets include the site name, Township, Range, and Section location, sample plot numbers (if any), dates(s) of field work, dominant vegetation, and general riparian corridor description. Riparian summary sheets are included in Appendix 8.

Riparian Corridor Units

Riparian corridors were mapped along all streams in the study area, which include:

- Ashland Creek
- Ashland Creek Tributary 1
- Beach Creek
- Bear Creek
- Bear Creek Tributary 1
- Cemetery Creek
- Clay Creek
- Clear Creek
- Emigrant Creek
- Fordyce Creek
- Golf Course Creek
- Hamilton Creek
- Hamilton Creek Tributaries 1 & 2
- Kitchen Creek
- Knoll Creek
- Mountain Creek
- Neil Creek
- Paradise Creek
- Paradise Creek East
- Pinecrest Creek
- Roca Creek
- Strawberry Creek
- Tolman Creek
- Twin Creek
- Wrights Creek
- Wrights Creek Tributaries 1 - 5

Determination of Significance for Riparian Corridor Areas

Significant riparian corridors mapped using the Safe Harbor criteria identified under OAR 660-023-0090(5). The Safe Harbor criteria establish a standard setback distance from all fish-bearing lakes and streams as follows:

> a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank. (Top of bank is defined by the DSL as "bankfull stage." and in the absence of obvious tops of bank can be approximated by the two-year flood

elevation. Most streams in the City of Ashland have well-defined channels and the top of bank is in most cases easily observed in the field.)

b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.

c) Where the riparian corridor includes all or portions of a significant wetland, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

d) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, local governments shall apply OAR 660-23-030 (the inventory process defined in the subject document) rather than apply the safe harbor provisions.

Fish-bearing streams were determined based upon ODFW StreamNet data and a map from the Oregon Department of Fish and Wildlife showing stream segments where fish presence was documented based upon ODFW observations during electroshocking and snorkel surveys conducted in 1997 through 2000. The ODFW map identifies Ashland Creek, Bear Creek, Emigrant Creek, Kitchen Creek, Neil Creek, and Tolman Creek as being fish-bearing within the study area. According to the Safe Harbor criteria, a 50 foot buffer is required adjacent to these streams.

Most of the streams in Ashland are not documented as fish-bearing, and therefore would not be protected under the safe harbor requirements. Short sections of Clay Creek, Hamilton Creek and Wrights Creek located downstream of the study area were mapped as fish-bearing; however, the streams are not documented as being fish-bearing within the study area, so a safe harbor has not been applied to these streams. The City currently requires 10 to 20 foot buffers adjacent to all streams within the Ashland urban growth boundary, including those that are not fish-bearing. The City of Ashland is currently discussing alternatives for additional inventory, assessment, and regulation of riparian corridors not addressed under the Safe Harbor.

Staff Qualifications

As required by LWI rules, technical staff qualifications are described below.

Project Manager: Daniel Stark, AICP, Natural Resource Planner / GIS Program Manager

Responsibilities: Dan provided project management and coordination with the City of Ashland Planning Staff, provided coordination of the GIS database development, and assisted in preparing the Goal 5 report.

Dan Stark is certified by the American Institute of Certified Planners and provides land use expertise and public service sector personal experience. Dan's specialties include natural resource planning, GIS, and land use planning. Dan had more than five years

experience as a Planner and GIS Analyst for Marion County, Oregon where he developed and maintained the County Planning Division GIS using ArcInfo, ArcView and Map Objects. Dan has developed tools using AML (Arc Macro Language) to analyze the county groundwater consumption rates and determine compliance with the county groundwater ordinance. His GIS database included tax lot-level analyses of soils, wetlands, floodplains, other natural resource features and urban infrastructure. Dan also participated in the long-range planning program at Marion County by providing support to the periodic review tasks including Goals 3, 4, 5, 7, 14 and others. Since joining Fishman/SWCA in November of 1999, Dan has managed several large inventory and assessment projects including the City of Hillsboro Local Wetlands, Riparian Corridor, and Wildlife Habitat Inventory and Assessment (Goal 5 project), Watersheds 2000 stream assessment for Clean Water Services (Washington County's stormwater management agency), and has also assisted with the City of Wilsonville's Goal 5 Inventory, Title 3 Compliance, and ESA Compliance project.

Field Inventory Staff: Stacy N. Benjamin, Wetland Ecologist
Responsibilities: Stacy managed the field inventory, prepared the wetland and riparian corridor maps, conducted OFWAM, prepared the resource site summary sheets and summary tables, and prepared the Goal 5 report. Stacy provided review and quality control of GIS map products.

Stacy Benjamin is experienced in wetland determination and delineation, wetland permitting, mitigation design, wetland monitoring, and natural resource assessment. Stacy's Goal 5 experience includes conducting local wetlands inventories for the Cities of Hillsboro and Lakeside; wetland, riparian and upland habitat function and value assessments; and updating the natural resource inventory (riparian and upland resources) for the Lane Council of Governments. Stacy is experienced in both on-site and off-site wetland inventory methodology, aerial photograph interpretation and mapping, and conducting function and value assessments for wetland, riparian, and upland areas. Stacy has completed training in the 1987 Wetlands Delineation Manual and has been conducting wetland determinations and delineations since she joined Fishman/SWCA in 1996.

Field Inventory Staff: C. Mirth Walker, PWS, CWD, Wetlands Program Manager
Responsibilities: Mirth assisted with the field inventory and provided review and quality assurance for all inventory and assessment products.

Mirth Walker is responsible for coordination of wetland work orders and provides wetland delineation QA/QC and project management. She is certified as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists and is a provisionally certified Wetland Delineator by the Seattle District U.S. Army Corps of Engineers. Mirth's specialties include wetland determinations and delineations, wetland mitigation and monitoring, permit coordination, aerial photograph interpretation, wetland training, and natural resource inventories. Mirth managed and conducted the City of Wilsonville LWI / RCI / Upland Wildlife Habitat Inventory and Assessment, the Lakeside LWI, the

La Grande LWI, and she assisted with the Cities of Hillsboro, Tualatin, Tigard, and Stayton wetland inventories and assessments.

Geographic Information System Management: Rafael Gutierrez, GIS Analyst
Responsibilities: Preparation of GIS maps and management of the GIS database

Rafael's specialties include ESRI's ArcView and ArcInfo software, Global Positioning Systems, database design and development, and cartographic design. He has a firm understanding of projection, datum, and coordinate system concepts. Rafael also has four years experience in web development and design including client/server administration, PHP and MySQL database construction and CGI programming. Many of Rafael's projects include digitizing, editing and topological operations, area calculations, transforming datasets to and from various projections and coordinate systems, and spatial analysis using raster datasets. Other project experience includes using dynamic segmentation for linear surveys, multiple criteria analyses, and integrating large relational database management systems with GIS.

Project / Contract Oversight: Paul A. Fishman, CEP, Principal Ecologist
Responsibilities: Paul provided contract management oversight and assistance as necessary in this project, and assisted with public involvement

Paul is a Certified Environmental Professional by the Academy of Board Certified Environmental Professionals. Paul has over 34 years management experience in natural resource assessment and planning. He has managed small and large, individual consultant and multi-discipline team efforts for dozens of clients in the western U.S. Paul has organized and/or participated in community-based processes to guide and implement these efforts. He has developed an extensive network in the environmental community, including resource and regulatory agencies, local jurisdictions, consultants, and public groups. He has developed his company as a key consultant to local jurisdictions for natural resource inventory and planning projects. Paul has a history of providing training and educational seminars to a variety of audiences: in 1996, he conducted a half-day wetland training to help attendees understand the basic requirements for wetland issues; in 1999, Paul provided an educational program for recognizing wetlands, Goal 5 criteria and conducting assessments for the Endangered Species Act.

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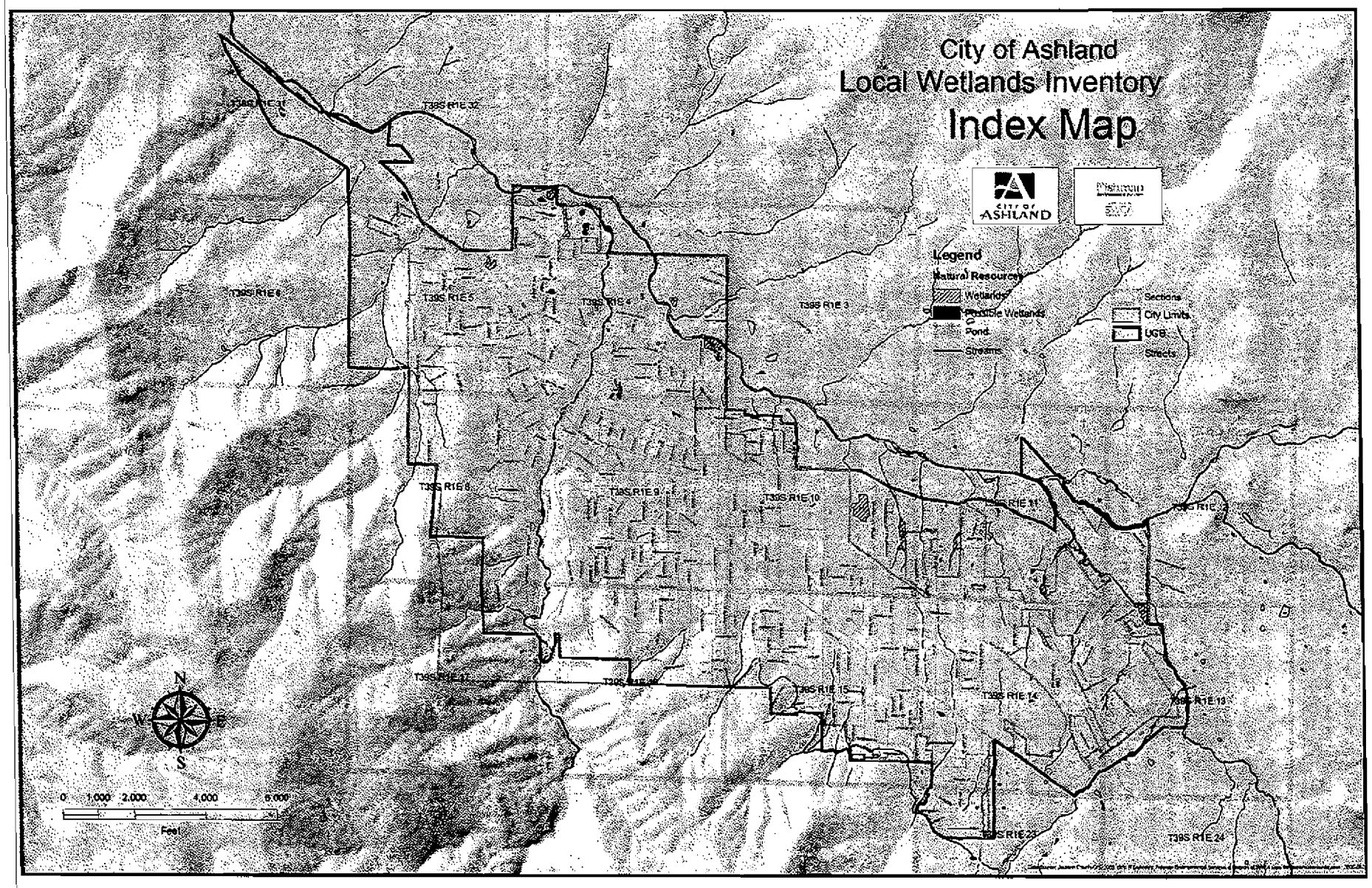
Enclosures:
City of Ashland Local Wetlands Inventory Maps

APPENDICES

Appendix 1: Local Wetlands Inventory Index Map & Detail Maps
Appendix 2: List of DSL Wetland Determination and Permit Files
Appendix 3: Wetland Determination Sample Plot Data Sheets
Appendix 4: Wetland Summary Sheets
Appendix 5: OFWAM Evaluation Sheets
Appendix 6: OFWAM Wetlands of Special Interest for Protection & Wetland Characterization Sheets
Appendix 7: Vegetation List
Appendix 8: Riparian Corridor Summary Sheets


City of Ashland
Local Wetlands Inventory
Index Map
CITY OF ASHLAND
Legend
Natural Resources
Wetlands
Possible Wetlands
Pond
Streams
Sections
City Limits
UGB
Streets
T39S R1E 6
T39S R1E 5
T39S R1E 4
T39S R1E 3
T39S R1E 8
T39S R1E 9
T39S R1E 10
T39S R1E 11
T39S R1E 15
T39S R1E 14
T39S R1E 13
T39S R1E 23
T39S R1E 24
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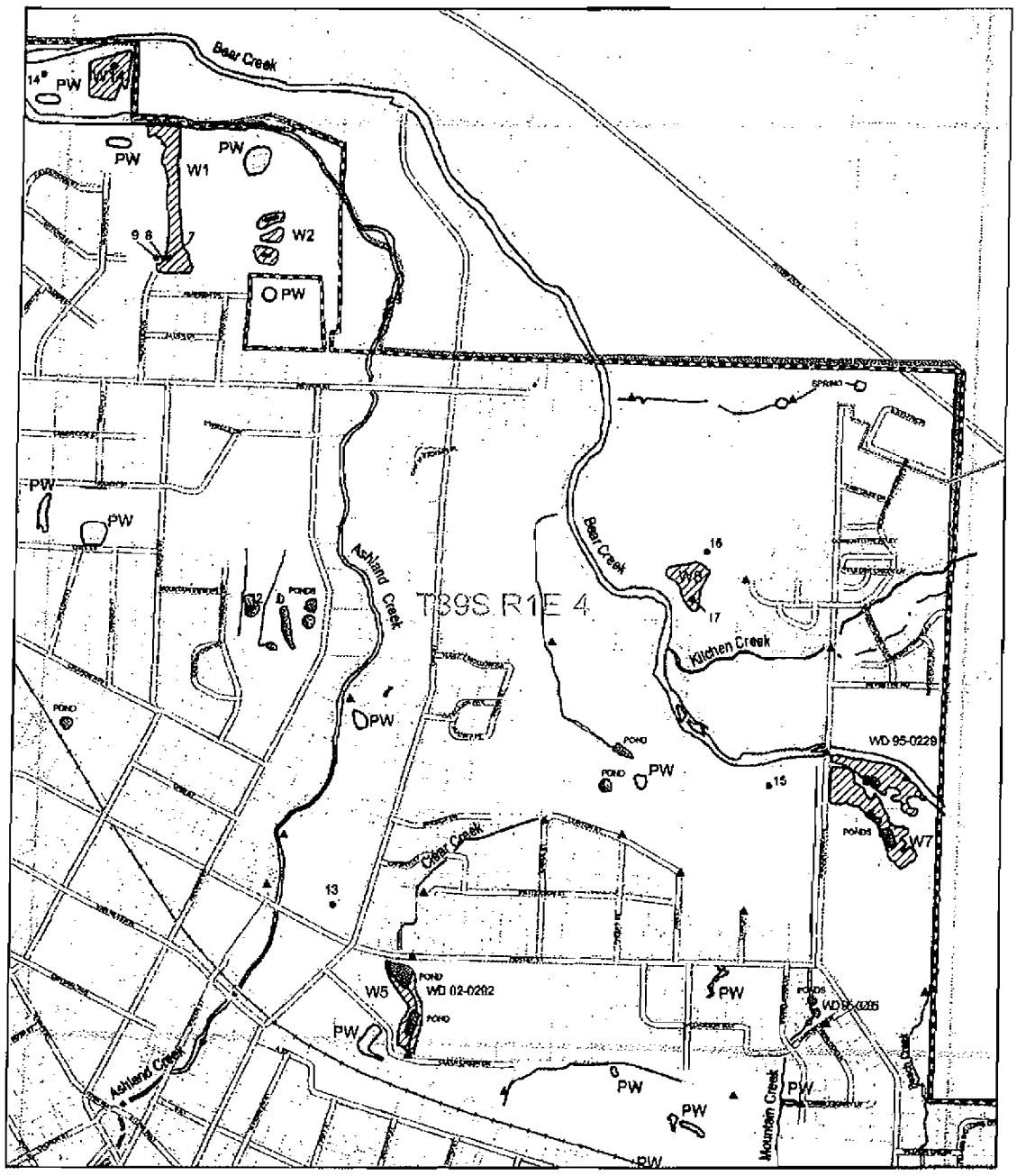
Feet

City of Ashland

Local Wetlands Inventory

T39S R1E 4



Legend

- Wetlands, field verified
- Wetlands, not field verified
- Possible Wetlands
- Pond
- Riparian Corridor Bella Harbor (50 feet)
- Sample Plot
- Observation Point
- Taxlots
- Urban Growth Boundary
- City Limits
- Sections
- Streets
- Railroad
- Streams, intermittent drainages, and ditches
- Laterals
- Talent Irrigation District Canal
- Culverted Streams
- WI-WI4 Wetland Unit

Fishman Environmental Services

SWCA

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503-914-4500

Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation, and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

The local wetlands inventory has been prepared in accordance with OAR 141-086-0180 through 141-086-0240 and OAR 141-086-0300 through 141-086-0360 by SWCA, Inc.

Maps have been prepared using City of Ashland digital orthophotos.
Photos are 2005 aerials.
Plot Resolution: 1" plot
Date of Photography: July 2005

Projection Information:
NAD 1983 StatePlane Oregon South FIPS 3602 Feet
Lambert Conformal Conic
False Easting: 4921960.000000
False Northing: 0.000000
Central Meridian: -120.500000
Standard Parallel 1: 42.333333
Standard Parallel 2: 44.000000
Latitude Of Origin: 41.666667

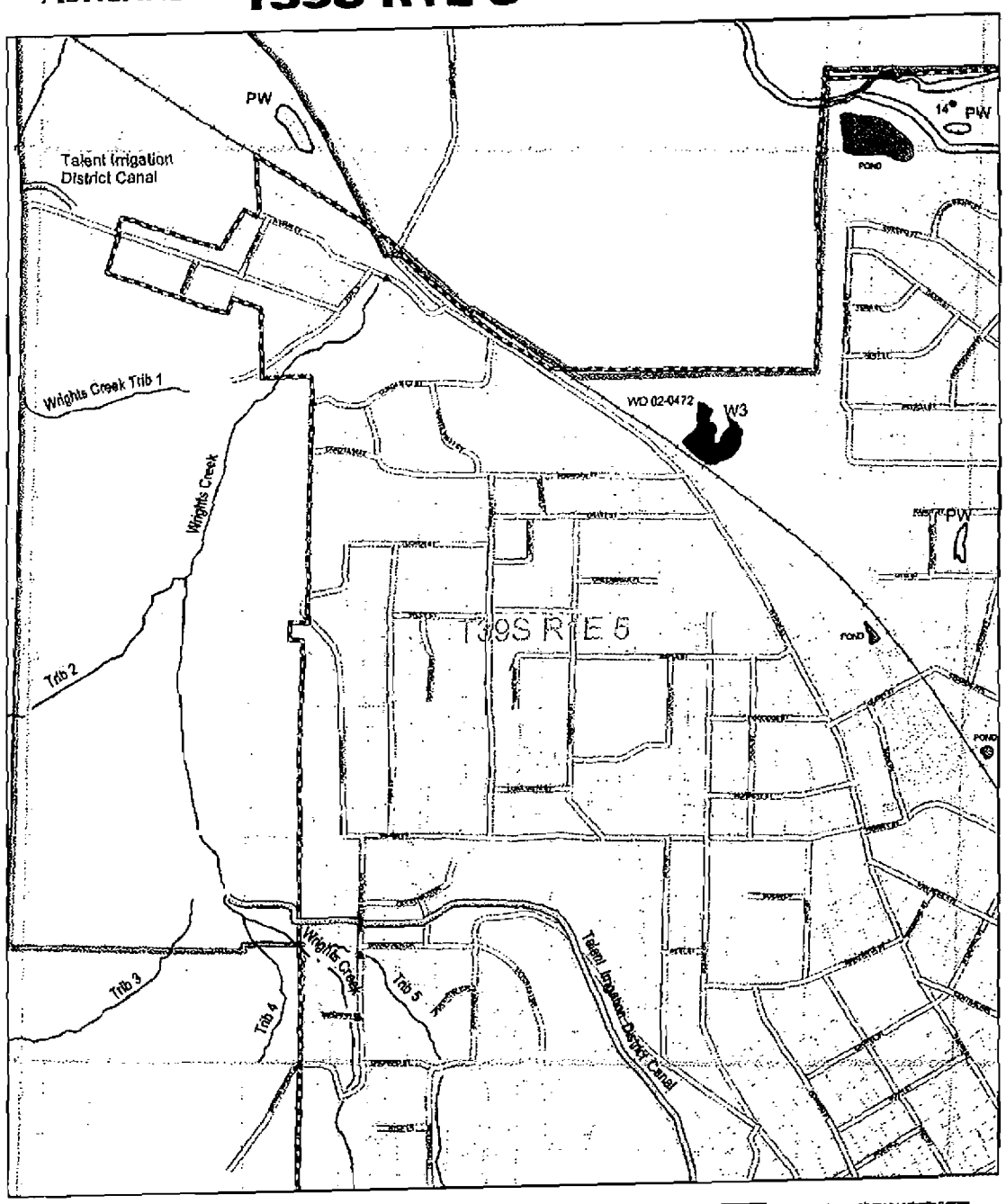
GCS North American 1983
Print date: 12/2/06, Prepared By: R. Gutierrez

Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T39S R1E 5



Legend

- Wetlands, field verified
- Wetlands, not field verified
- Possible Wetlands
- Pond
- Riparian Corridor Safe Harbor (50 feet)
- Sample Plot
- Observation Point
- Taxlots
- Urban Growth Boundary
- City Limits
- Sections
- Streets
- Railroad
- Streams, intermittent drainages, and ditches
- Laterals
- Talent Irrigation District Canal
- Culverted Streams
- W1-W14 Wetland Unit

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Portland, OR 97209-3400
503.224-0333

Information shown on this map is for planning purposes only and wetland information is subject to change. These may be used/applied materials subject to regulation and all wetland boundary mapping is approximate. In all cases, official field specifications determine wetland boundaries. You are advised to contact the Oregon Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

The local wetlands inventory was been prepared in accordance with OAR 141-086-0180 through 141-086-0240 and OAR 141-086-0300 through 141-086-0350 by SWCA, Inc.

Maps have been prepared using City of Ashland digital orthophotos. Photos are 2ft0 inches. Aerial Photos flot: 1" plant Date of Photography: July 2001

Projection Information: NAD 1983 StatePlane Oregon South FIPS 3602 Feet Lambert Conformal Conic False Easting: 4921250.000001 False Northing: 0.000000 Central Meridian: -120.500000 Standard Parallel 1: 42.333333 Standard Parallel 2: 44.000000 Latitude Of Origin: 41.666667

GCS North American 1983 Print date: 12/12/08. Prepared By: R. Goldman

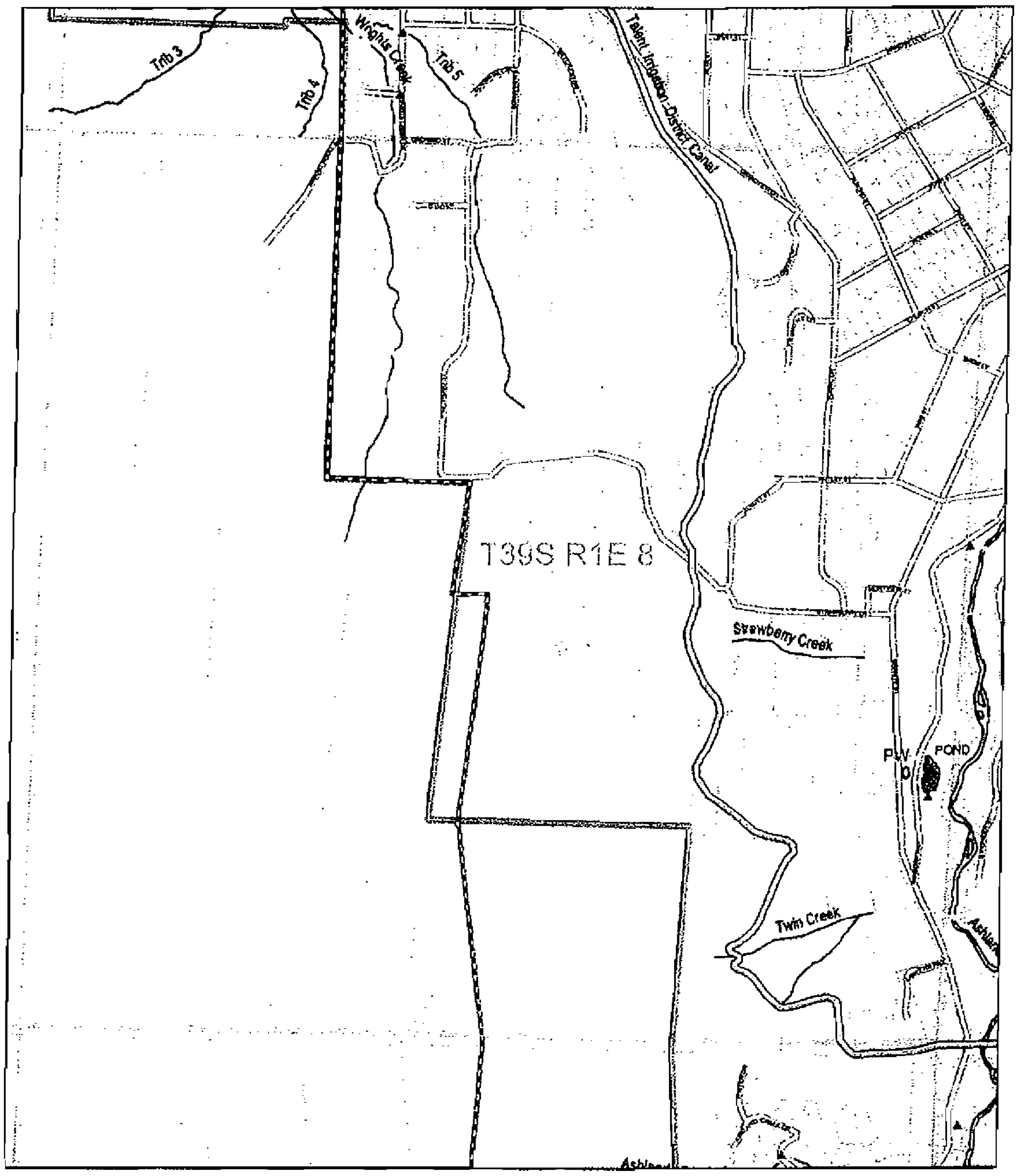
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 8



Legend

- Wetlands, field verified
- Wetlands, not field verified
- Possible Wetlands
- Pond
- Riparian Corridor Safe Harbor (50 feet)
- Sample Plot
- Observation Point
- Taxlots
- Urban Growth Boundary
- City Limits
- Sections
- Streets
- Railroad
- Streams, intermittent drainages, and ditches
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- W1-W14 Wetland Unit

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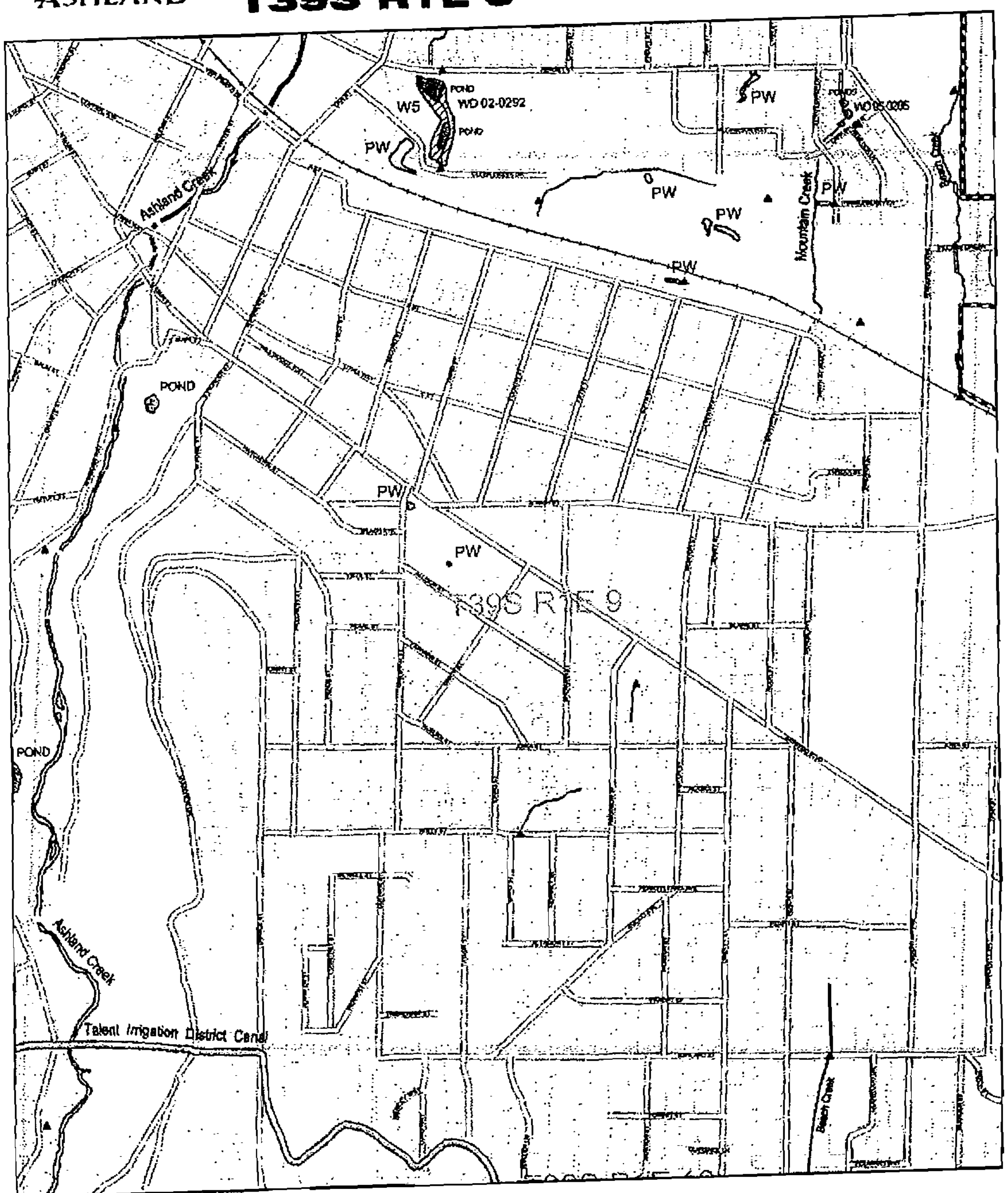
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 9



Legend

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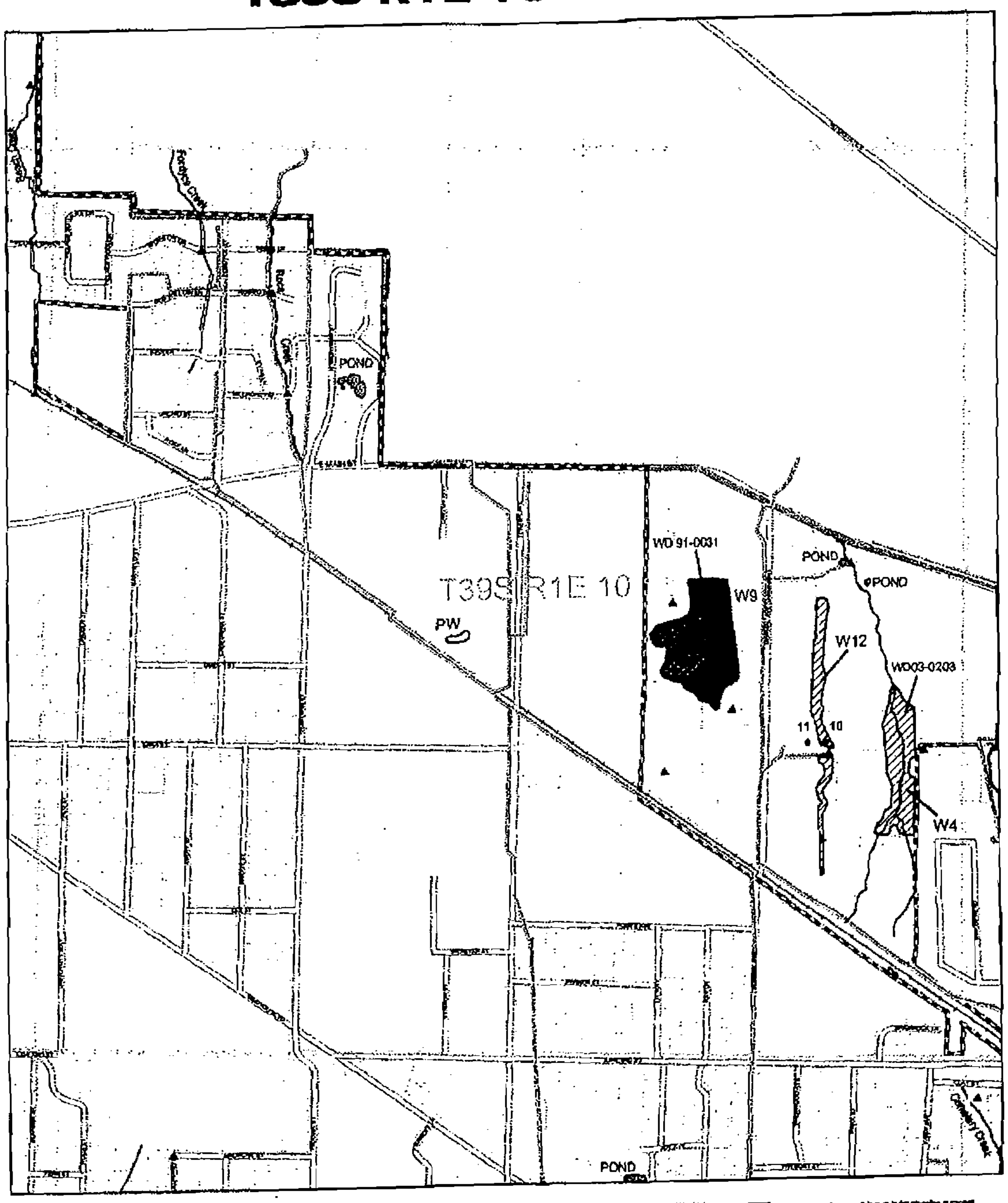
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland
Local Wetlands Inventory
T39S R1E 10



Legend

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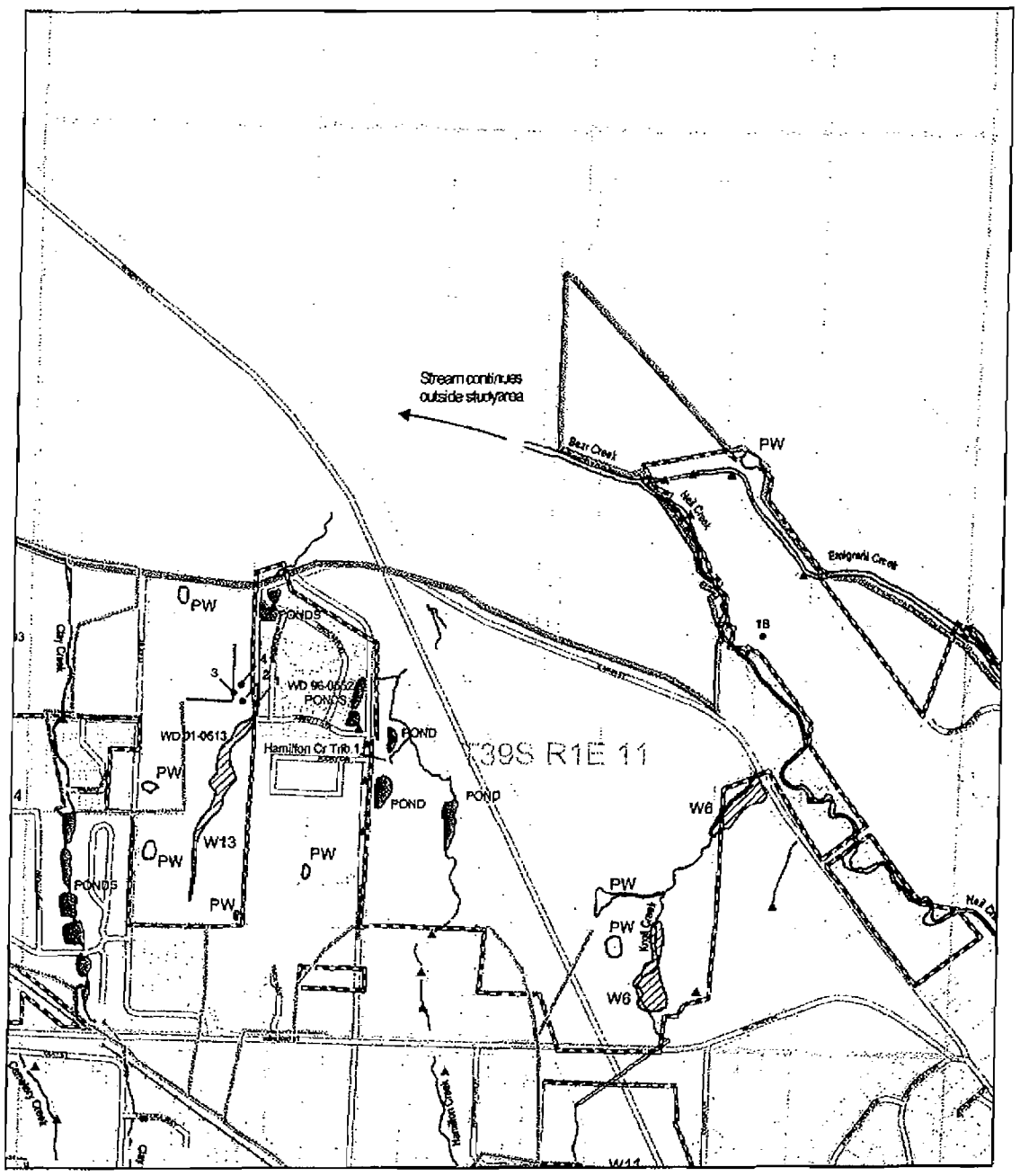
Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T39S R1E 11



Legend

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Maps have been prepared using City of Ashland digital orthophotos. Photos are 1999 flown. Photo resolution: 1' pixel. Date of Photography: July 2001

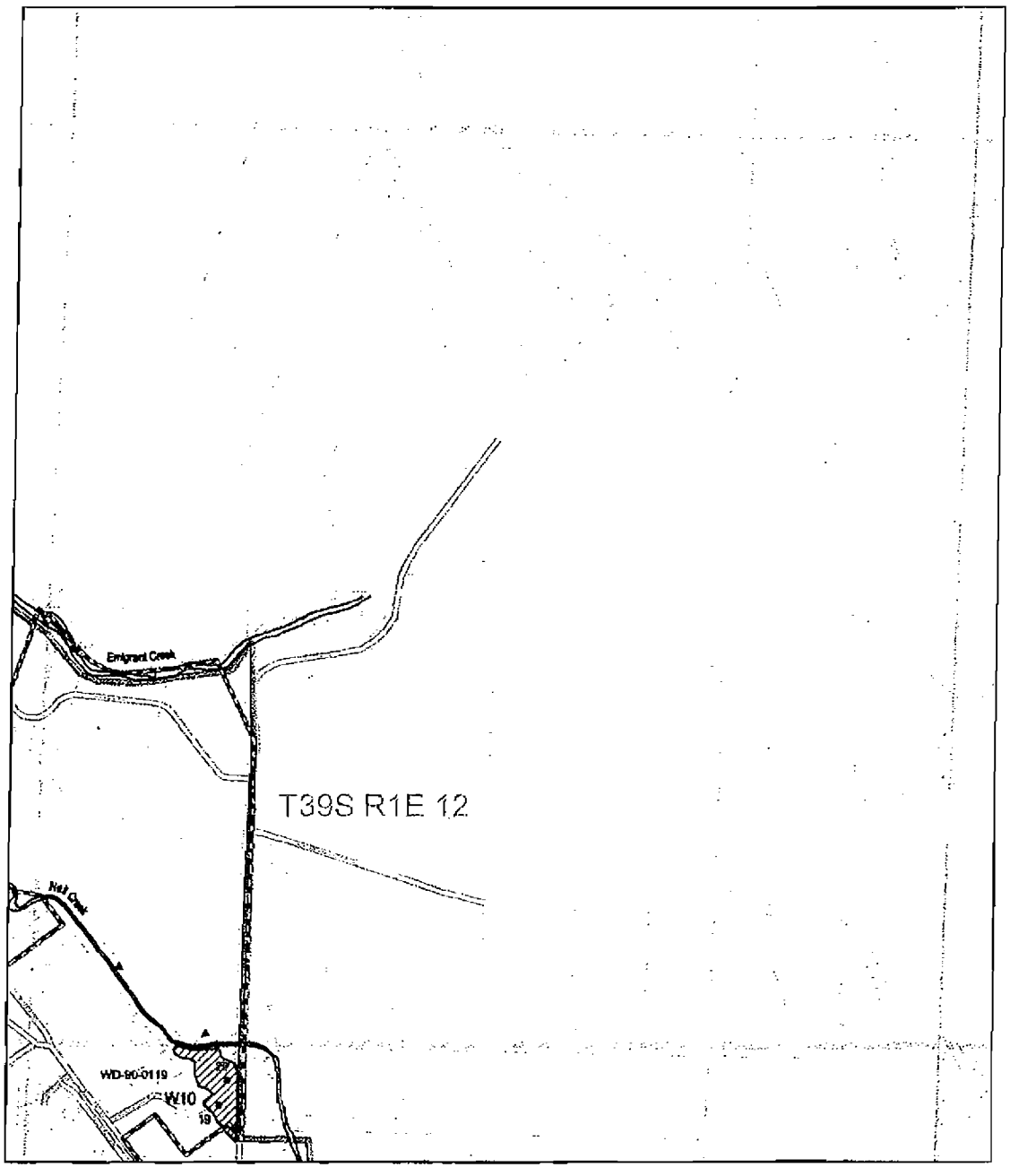
Projection Information: NAD 1983 StatePlane Oregon South FIPS 3602 Feet Lambert Conformal Conic Units: Feet Spheroid: GRS 1980 Datum: North American 1983

Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T39S R1E 12



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Maps have been prepared using City of Ashland digital orthophotos. Photos are B/W format. Pixel Resolutions: 1' pixel. Date of Photography: July 2001

Projection Information: NAD 1983 StatePlane Oregon South FIPS 3602 Feet. Lambert Conformal Conic. False Easting: 4921259.842520. False Northing: 0.000000. Central Meridian: -120.500000. Standard Parallel 1: 43.333333. Standard Parallel 2: 44.000000. Latitude Of Origin: 41.666667.

GCS North American 1983. Print date: 07/30/04. Prepared By: R. Gutierrez

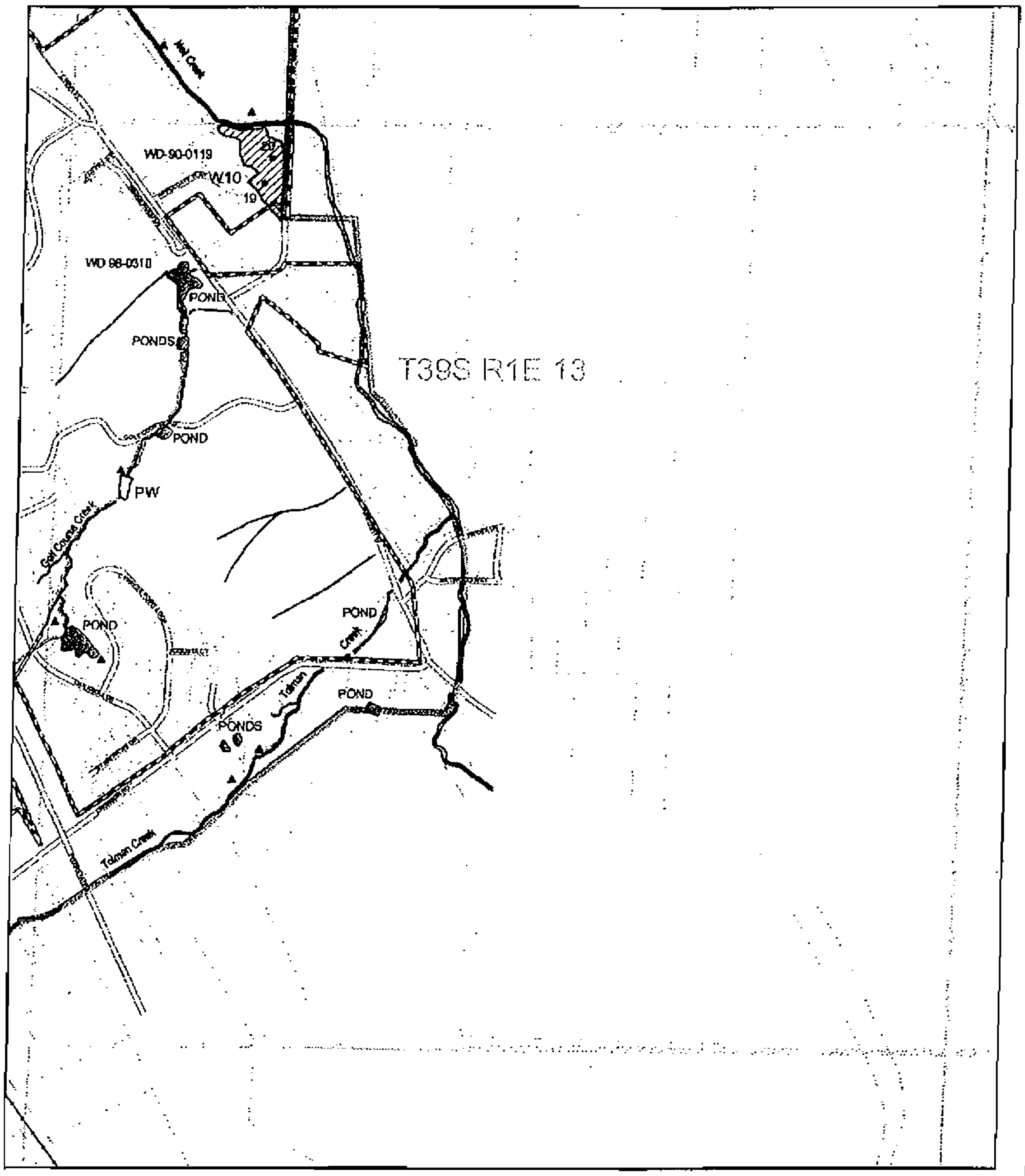
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 13



Legend

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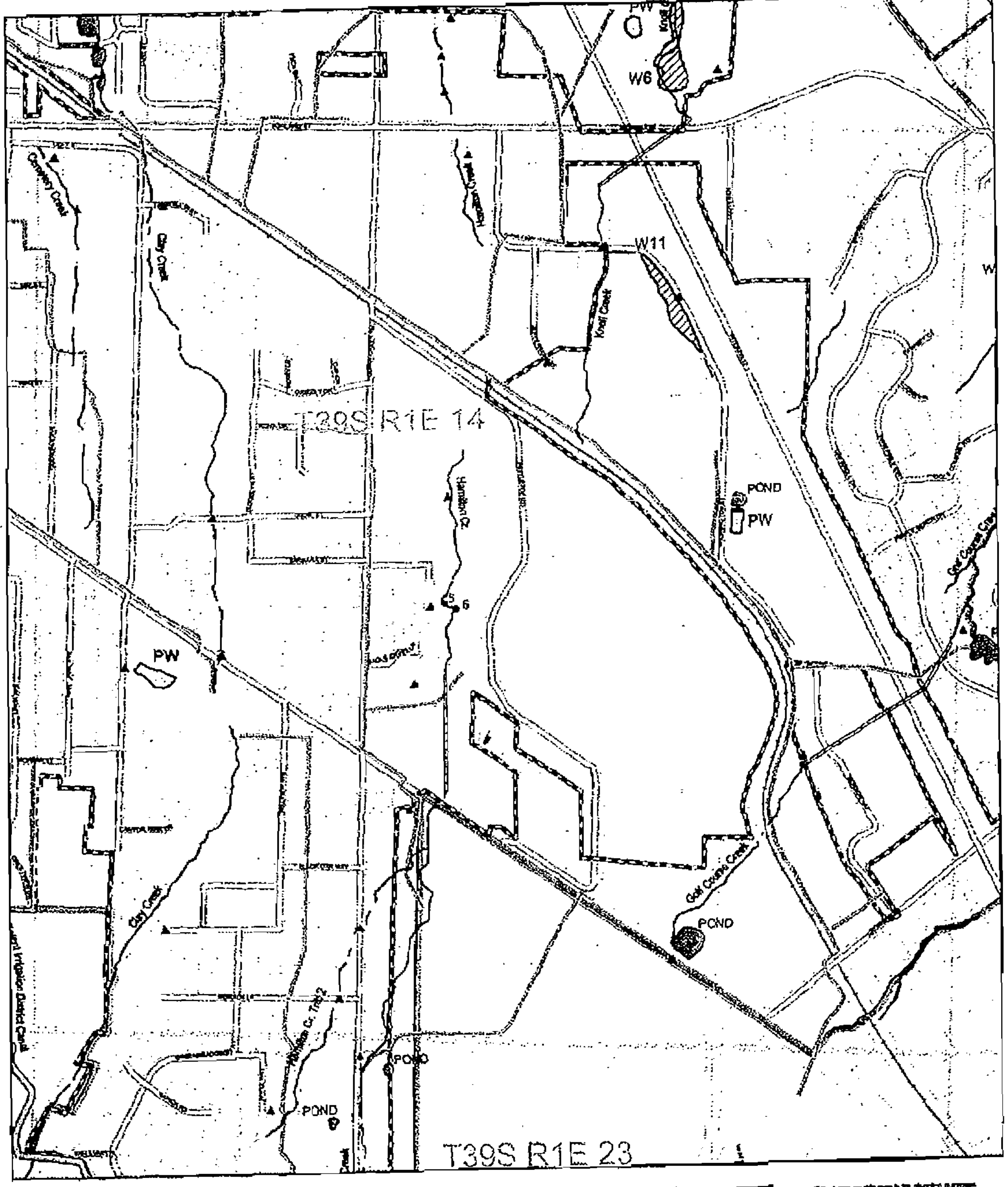
Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T39S R1E 14



Legend

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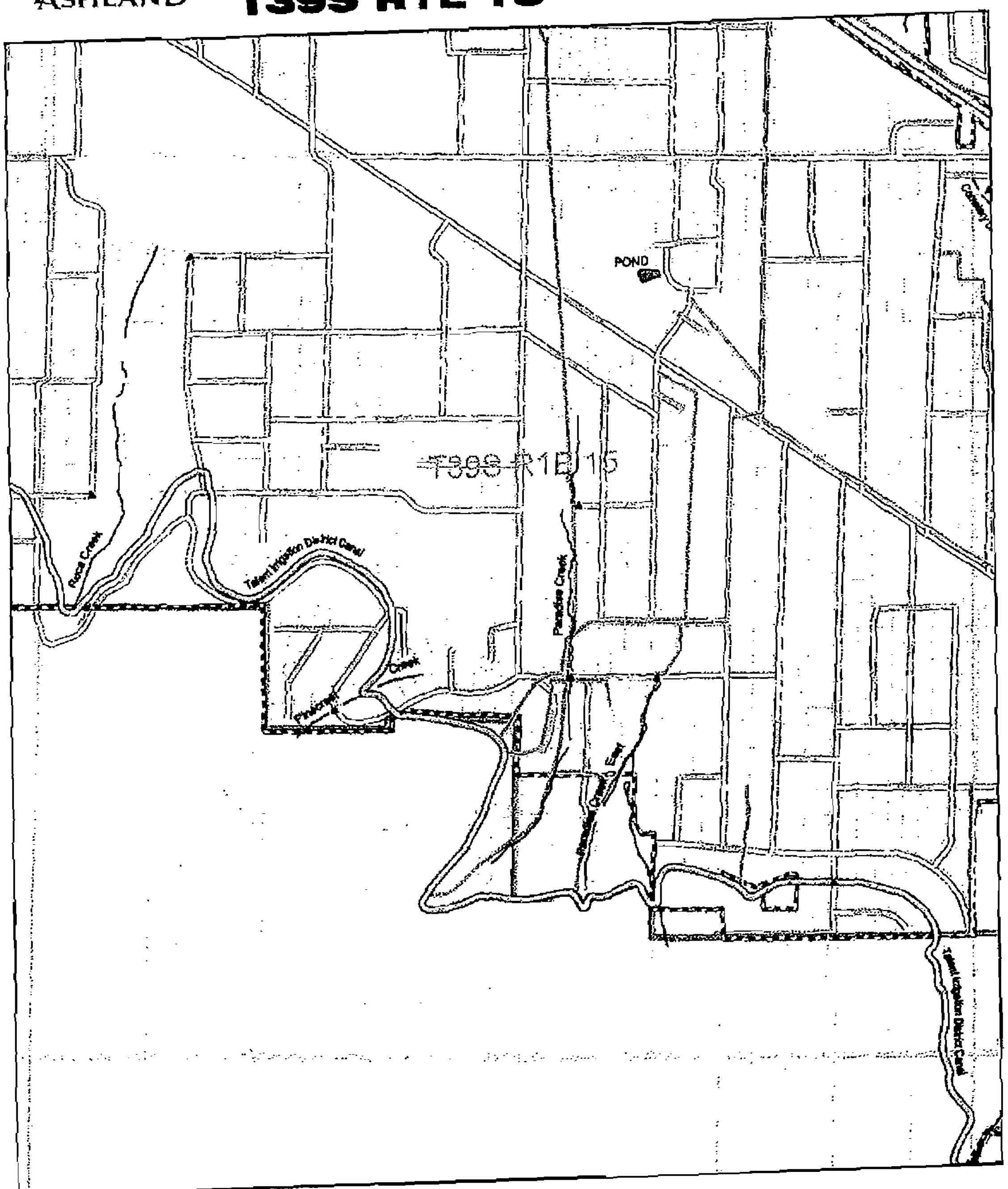
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 15



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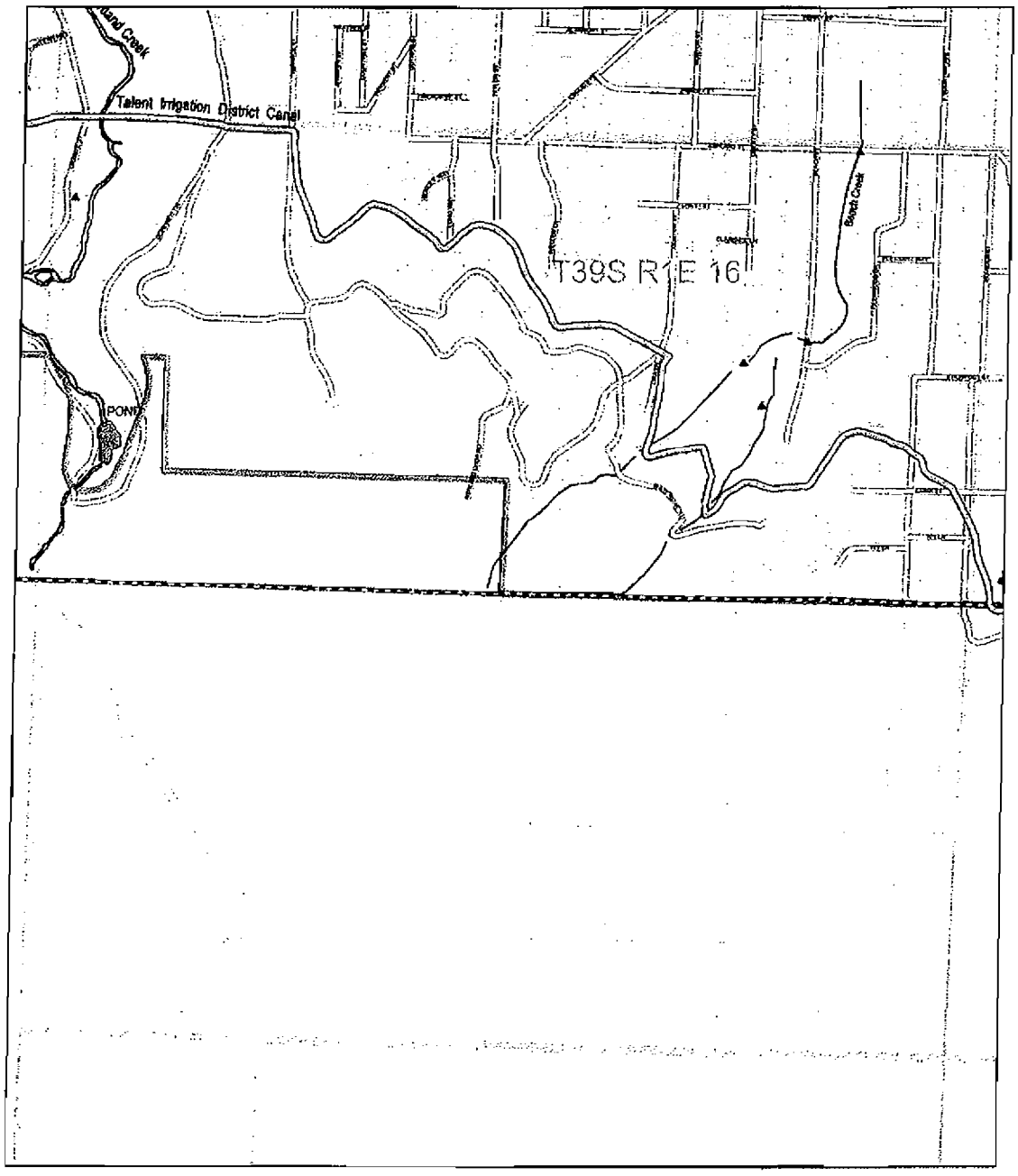
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 16



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Maps have been processed using
City of Ashland digital orthophoto
Photos are Mid August
Pixel Resolution: 1' pixel
Date of Photography: July 2001

Projection Information
NAD 1983 StatePlane Oregon South FIPS 3602 Feet
Lambert Conformal Conic
False Easting: 4921250.0000
False Northing: 0.0000
Central Meridian: -120.5000
Standard Parallel 1: 42.3333
Standard Parallel 2: 44.0000
Latitude Of Origin: 41.6667

GCS North American 1983
Print date: 1/1/2005 Prepared By: R. Gutierrez

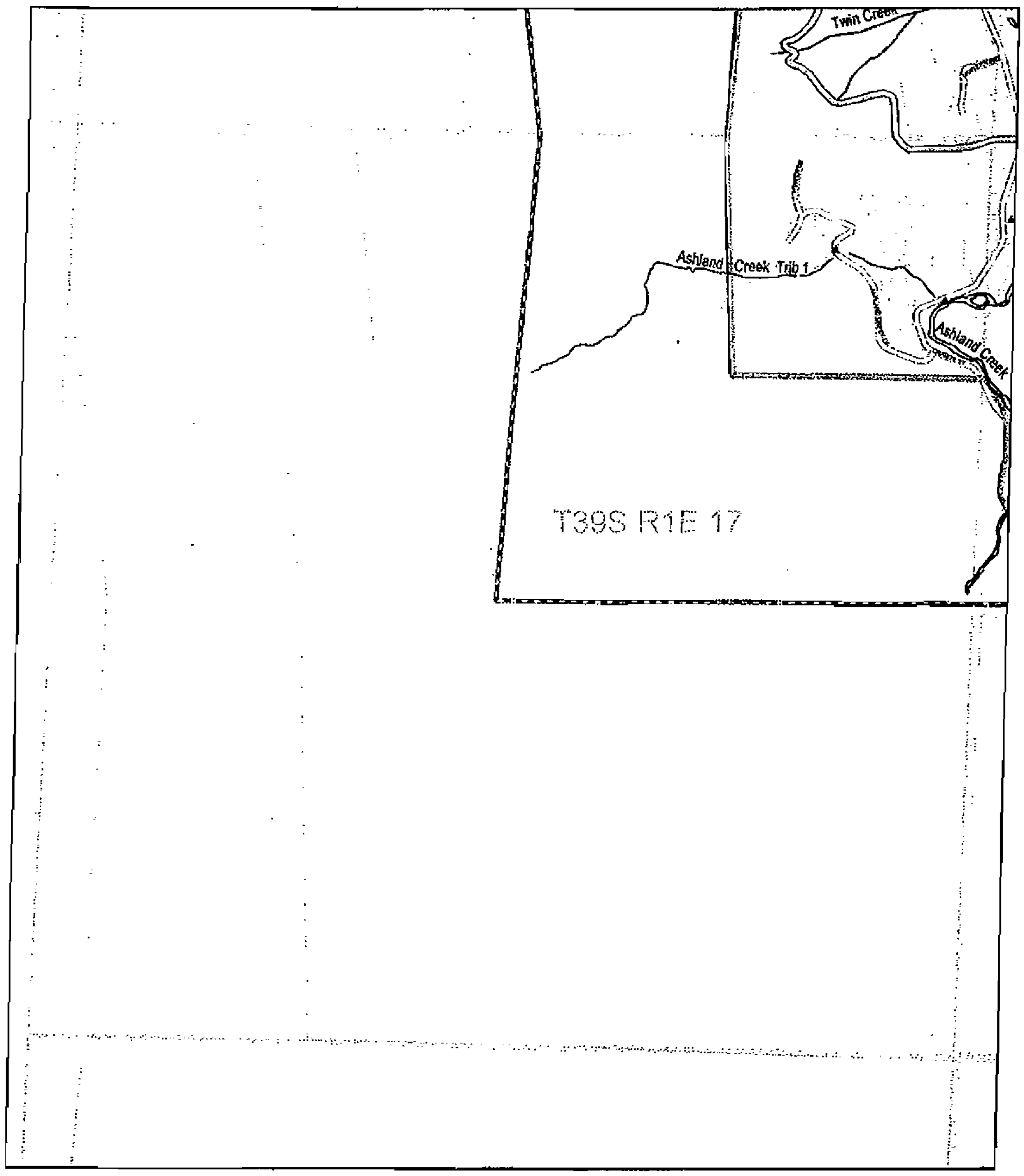
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T39S R1E 17



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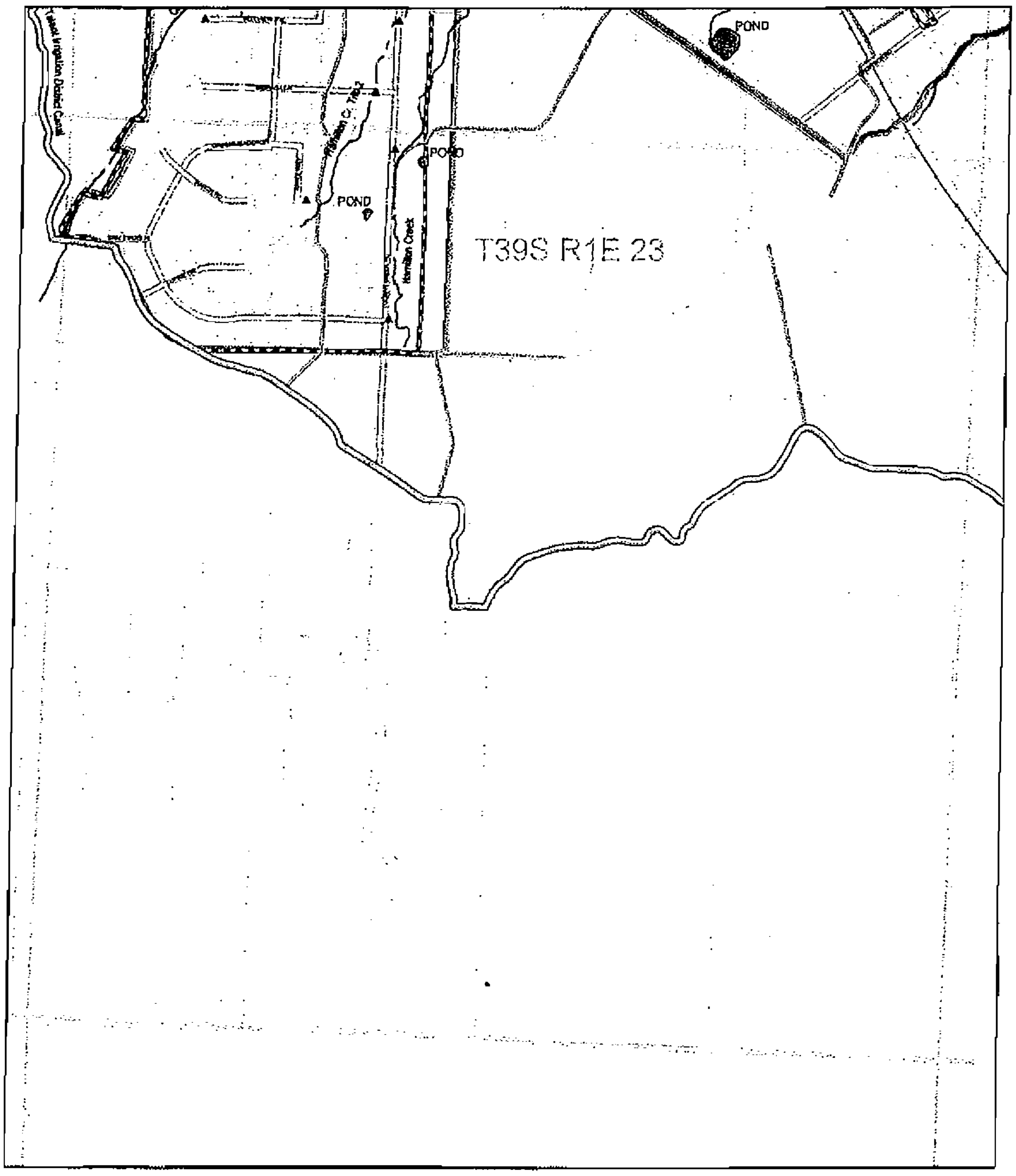
Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T39S R1E 23



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[illegible]

[illegible]

Projection information

[illegible]

GCS North American 1983

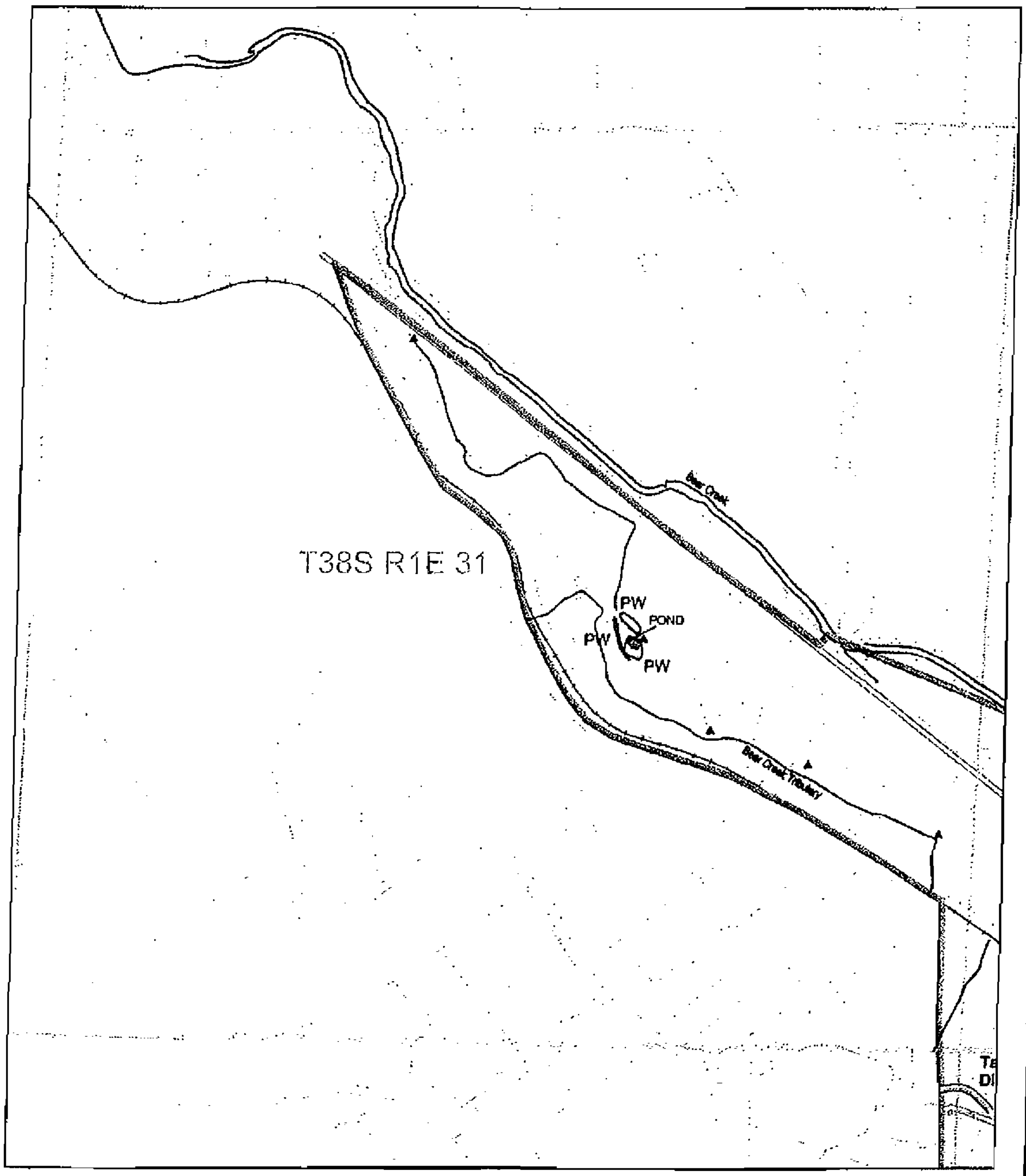
[illegible]

Study area is contained within the Bear Creek watershed

City of Ashland

Local Wetlands Inventory

T38S R1E 31



Legend

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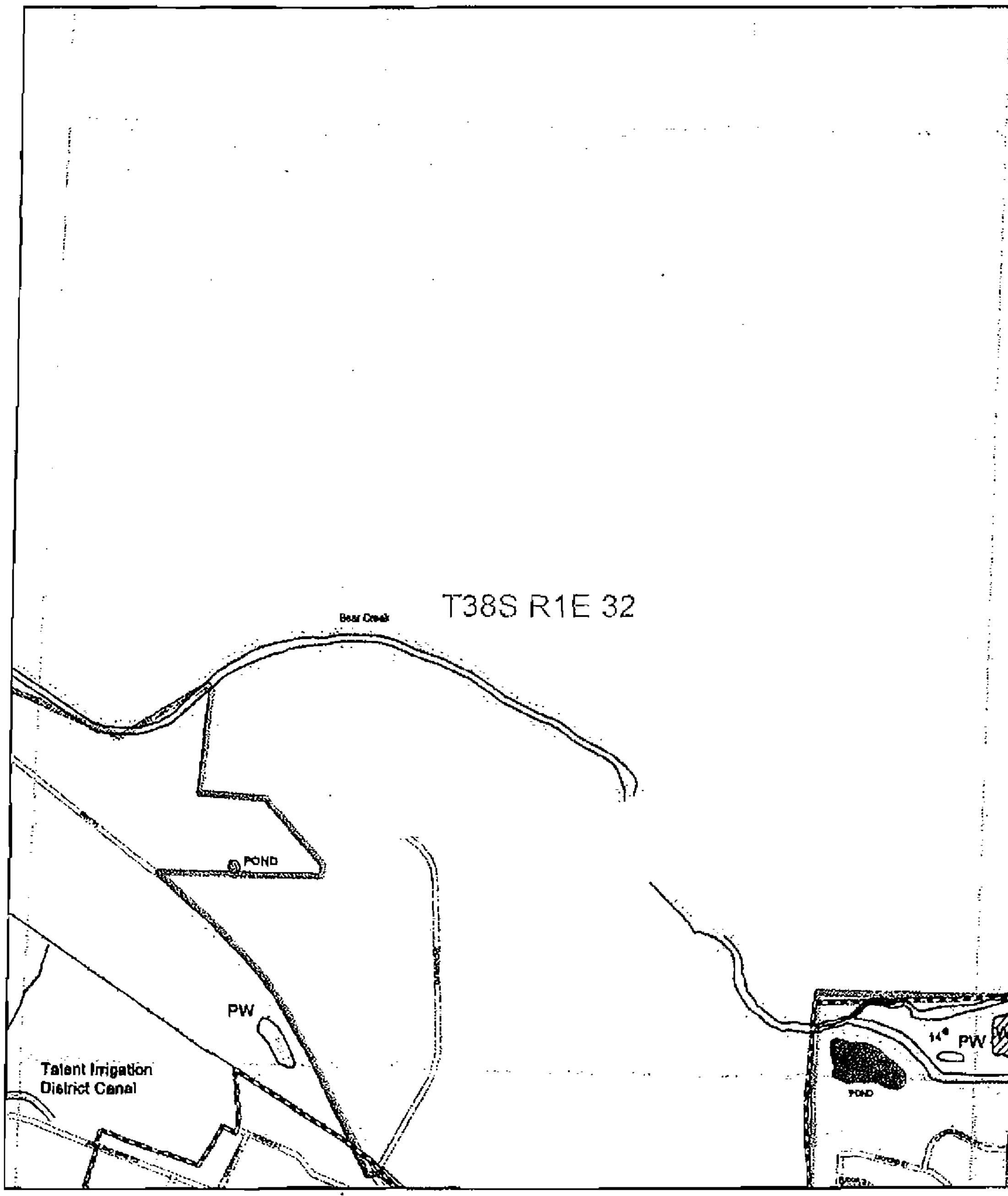
Study area is contained within the Bear Creek watershed

CITY OF ASHLAND

City of Ashland

Local Wetlands Inventory

T38S R1E 32



Legend

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- W1-W14 Wetland Unit

Study area is contained within the Bear Creek watershed

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SWCA Environmental Consultants, Inc.

Date of Photography: July 2001

Projection Information:

Lambert Conformal Conic

WETLAND SUMMARY SHEETS
TABLE OF CONTENTS

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 1

Site Code: **W1**
Location: South of Ashland Creek, west of sewage treatment plant, east of BMX park
Township **39S** Range **1E** Section **4** Quarter **NW**
Tax Map Tax lot(s) 391E04BB 102 & 200
DSL #: none

Approximate size (acres): 2.23
Cowardin classification: PEM
HGM classification: Slope Valley
Hydrologic basin: Ashland Creek
Soil type(s): Brader-Debenger, Barron

Sample Plot Number(s): 7, 8 & 9
Field verification date(s): 6/4/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: cattail, poison hemlock, and creeping spikerush

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation & groundwater seeps

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, Ashland Creek is WQ limited
Hydrologic Control:	Medium	unrestricted outlet, no woody veg., upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This emergent wetland is dominated by cattail, poison hemlock (a noxious species) and creeping spikerush. Other species noted in the wetland include meadow foxtail, teasel, Himalayan blackberry, willow-herb, soft rush, sedge and bedstraw. The wetland is connected to Ashland Creek at its downslope edge. Adjacent uplands are dominated by ryebrome, downy cheat grass, tall fescue, geranium and hairy vetch.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 2

Site Code: **W2**
Location: Ashland Demonstration Wetlands, south of Ashland Creek, east of sewage treatment plant
Township **39S** Range **1E** Section **4** Quarter **NW**
Tax Map Tax lot(s) 391E04BB 200
DSL #: none

Approximate size (acres): 0.16 + 0.22 + 0.26 = 0.64
Cowardin classification: POW/PEM HGM classification: Depressional Closed Nonpermanent
Hydrologic basin: Isolated
Soil type(s): Brader-Debenger

Sample Plot Number(s): none Field verification date(s): 6/4/03 & 6/24/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: narrow-leaf cattail, hardstem bulrush

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	sparse woody veg., low interspersion, <0.5 acre open water, isolated
Fish Habitat:	Low	small seasonal ponds with no connection to stream, no cover or shade
Water Quality:	High	evidence of ponding, high veg. cover, Ashland Creek is WQ limited
Hydrologic Control:	Medium	outside floodplain, no woody veg., upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Not locally significant, not subject to state jurisdiction. Note: although Wetland W2 displays intact water quality function, it is excluded from the locally significant wetland criteria according to OAR 141-086-0350(1) since it was created for the purpose of wastewater treatment. The wetland is also non-jurisdictional since it was created in upland soils and is smaller than 1 acre.

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
The Ashland Demonstration Wetlands consist of 3 excavated ponds, 0.16, 0.22 and 0.26 acre in size, dominated by narrow-leaf cattail and hardstem bulrush. The upper pond also contained poison hemlock (noxious) and floating pennywort with red-osier dogwood, rose and willow shrubs planted on the side slopes. The middle pond also contained globepodded hoarycress, a noxious species. The ponds were constructed in 1996 and were lined and planted. The ponds were built as an experimental system to determine their effectiveness for removing

Wetland 2, continued

phosphorous from the City's wastewater. The ponds received 10,000 gallons per day from the sewage treatment plant until 1998 or 1999 when the experiment was discontinued since preliminary results revealed that this type of natural treatment system would not be adequate to meet DEQ's phosphorous standard given the volume of the City's wastewater and small size of the treatment ponds. The wetland/upland boundaries are well-defined by topography and a change to non-hydrophytic vegetation surrounding the ponds consisting of ripgut brome, ryebrome, tall fescue, hairy vetch, and two-color lupine.

Three rectangular areas were excavated immediately north of the Ashland Demonstration Wetlands to provide stormwater infiltration. These areas are currently dominated by non-hydrophytic vegetation and do not meet the wetland criteria. The upper two excavated areas are dominated by dead giant reed (invasive in California), and the lower excavated area is dominated by a brome species. These three excavated areas are not included in the mapping for wetland unit 2.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 3

Site Code: W3
Location: Billings Ranch, north of railroad, just south of City limits
Township 39S Range 1E Section 5 Quarter NE
Tax Map Tax lot(s) 391E05 200
DSL #: WD 02-0472; RF-30032

Approximate size (acres): 1.83
Cowardin classification: PEM
HGM classification: Slope Valley
Hydrologic basin: Bear Creek
Soil type(s): Shefflein, Coker

Sample Plot Number(s): none (recent delineation)
Field verification date(s): 6/25/03 (off-site)

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: common velvetgrass, grass species, bulrush and cattail

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation & groundwater seeps (seeps noted in wetland delineation report)

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody veg., <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	Medium	primary water source = groundwater, evidence of ponding, high veg. cover
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Not locally significant but still jurisdictional

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
The Billings Ranch residential subdivision site was under construction at the time of the site visit. This wetland was viewed from off-site from Nevada Street using binoculars. Grading activity was occurring, and orange construction fencing was present adjacent to the wetland area. Vegetation was dominated by grasses, including common velvetgrass (all species could not be identified with binoculars). Trace amounts of teasel, hardstem bulrush, rush and dock were also noted. The wetland delineation report describes the portion of the wetland to be impacted as being dominated by upland and wetland grasses (often facultative wetland grasses) with lesser amounts of rushes and sedges. The portion of the wetland to be protected is described as having bulrush and cattails.

Wetland 3, continued

This site was delineated in 2002 (DSL WD 2002-0472). A portion of this wetland is slated to be filled under permit (DSL RF-30032), with mitigation to occur adjacent to Billings Pond just north of this wetland. The size of the wetland to remain after permitted impacts is 1.14 acres.

Site: Wetland 4

Site Code: **W4**
Location: Cemetery Creek, north of railroad, south of Main Street
Township **39S** Range **1E** Section **10** Quarter **SE**
Tax Map Tax lot(s) 391E10D 201; 391E10DA 3200, 3500 & 3600
DSL #: WD 03-0203 (east side of tax lot 3600 only)

Approximate size (acres): 3.86
Cowardin classification: PEM HGM classification: Riverine Flow-Through
Hydrologic basin: Cemetery Creek
Soil type(s): Kubli

Sample Plot Number(s): none (no permission to access) Field verification date(s): 6/3/03

Dominant Plant Species (Common Names):
Trees:

Shrubs: Pacific willow, weeping willow

Herbs: reed canarygrass, cattail

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Cemetery Creek, also stormwater input from adjacent residential development to east noted

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody veg., <0.5 acre open water
Fish Habitat:	Medium	low shading and cover, adjacent land use is agriculture
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is agriculture
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland unit is associated with Cemetery Creek. Vegetation is dominated by reed canarygrass (invasive) and cattail, with areas of Pacific willow and weeping willow shrubs. Himalayan blackberry and white poplar shrubs were also noted in areas. A few black cottonwood trees are also present along the stream. The wetland is closely bordered by residential development along its east edge. The western wetland boundary is defined by a change to upland grasses. A wetland fill violation occurred at the west end of Creek Drive, and an on-site wetland determination was conducted by the Division of State Lands in April 2003 (DSL WD 03-0203).

Site: Wetland 5

Site Code: **W5**
Location: Clear Creek Village mitigation site, north of Chegar Street, south of Hersey Street
Township **39S** Range **1E** Section **4** Quarter **SW**
Tax Map Tax lot(s) 391E04CD 1904
DSL #: WD 02-0292

Approximate size (acres): 1.29
Cowardin classification: PEM/POW
HGM classification: Riverine Impounding
Hydrologic basin: Clear Creek
Soil type(s): Coker

Sample Plot Number(s): none
Field verification date(s): 6/3/03

Dominant Plant Species (Common Names):
Trees:

Shrubs: Oregon ash, red-osier dogwood, Douglas spirea, willow, red elderberry

Herbs: cattail, hardstem bulrush, rush, blue wildrye, tufted hairgrass, buttercup

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Stormwater runoff, wetland is the headwaters of Clear Creek

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	mod. interspersion, <0.5 acre open water, adjacent land use = developed
Fish Habitat:	Medium	low shading and cover, adjacent land use is developed
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is developed
Hydrologic Control:	High	enclosed basin, evidence of ponding, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
A wetland delineation of the Clear Creek Village mitigation site was recently conducted by Integrated Environmental Design (DSL WD 02-0292). Two on-line ponds are present on Clear Creek. The site contains a diverse vegetation community in the emergent wetland area and native shrub plantings should develop into a scrub-shrub wetland community over time. Wetland boundaries are well-defined by topography and a change to non-hydrophytic vegetation.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 6

Site Code: **W6**
Location: Knoll Creek, north of Interstate-5, south of East Main Street
Township **39S** Range **1E** Section **11** Quarter **SE**
Tax Map Tax lot(s) 391E11D 100, 300, 900 & 1000
DSL #: none

Approximate size (acres): 1.71
Cowardin classification: PEM HGM classification: Riverine Flow-Through
Hydrologic basin: Knoll Creek
Soil type(s): Kubli, Brader-Debenger, Central Point

Sample Plot Number(s): none (no permission to access) Field verification date(s): 6/4/03 (off-site)

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: cattail, rush

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Knoll Creek

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	sparse woody vegetation, moderate interspersion, <0.5 acre open water
Fish Habitat:	High	natural stream channel, adjacent land use is undeveloped
Water Quality:	High	surface water-driven, evidence of ponding, high veg. cover
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This unit was viewed from off-site from the Windmill Inn parking lot using binoculars. Two stream-associated wetlands are present along Knoll Creek. The wetlands are predominantly emergent with a minor scrub-shrub component. Vegetation is dominated by cattail and rush, with a few willow, black cottonwood, Oregon ash and rose shrubs also present. Adjacent uplands are dominated by Himalayan blackberry and upland grasses.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 7

Site Code: **W7**
Location: North Mountain Nature Park, south of Bear Creek, east of Mountain Avenue
Township **39S** Range **1E** Section **4** Quarter **SE**
Tax Map Tax lot(s) 391E04DA 300; 391E04DD 100 & 400
DSL #: WD 95-0229

Approximate size (acres): 3.25
Cowardin classification: PEM/POW
HGM classification: Riverine Impounding
Hydrologic basin: Bear Creek
Soil type(s): Camas-Newberg-Evans

Sample Plot Number(s): none
Field verification date(s): 6/24/03

Dominant Plant Species (Common Names):
Trees:

Shrubs: Douglas spirea, Oregon ash, sandbar willow, black hawthorn and black cottonwood

Herbs: cattail, hardstem bulrush, soft rush, sedge, meadow foxtail, bentgrass and creeping buttercup

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Beach Creek (ponds) & precipitation (emergent wetlands)

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	High	connected to Beach & Bear Creeks, moderate interspersion, wide buffer
Fish Habitat:	Medium	low shading and cover, stream channel modified (on-line ponds)
Water Quality:	High	surface water-driven, evidence of ponding, high veg. cover
Hydrologic Control:	High	within floodplain, evidence of ponding, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
Three on-line ponds (upper, middle and lower ponds) are present on Beach Creek. We refer to the pond at the downstream end of Beach Creek as the lower pond and to the pond further upstream on Beach Creek the upper pond, although the North Mountain Park informational brochure refers to the lower pond as the upper pond and vice versa. The ponds are fringed by emergent wetlands containing cattail, hardstem bulrush, soft rush, sedge, and meadow foxtail with Douglas spirea, Oregon ash, sandbar willow, black hawthorn, and black cottonwood shrubs. The lower wetlands are located in the floodway of Bear Creek. Floating aquatic vegetation in the ponds includes lesser duckweed and Mexican water fern. Western pond turtle were observed in the upper pond. Additional emergent wetland vegetation observed in the non-ponded areas included meadow foxtail, bentgrass, creeping buttercup, teasel, Watson's willow-herb, and rush.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 8

Site Code: **W8**
Location: North of Bear Creek, west of Mountain Avenue
Township **39S** Range **1E** Section **4** Quarter **NE**
Tax Map Tax lot(s) 391E04AC 900
DSL #: none

Approximate size (acres): 0.90
Cowardin classification: PSS HGM classification: Slope Valley
Hydrologic basin: Isolated, no apparent connection to Bear Creek
Soil type(s): Camas-Newberg-Evans, Darow, Medford

Sample Plot Number(s): 16 & 17 Field verification date(s): 6/24/03

Dominant Plant Species (Common Names):
Trees:

Shrubs: sandbar willow, Pacific willow and Himalayan blackberry

Herbs:

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation, may be spring-fed

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, <0.5 acre open water, isolated
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	Medium	no evidence of ponding, high veg. cover, Bear Creek is WQ limited
Hydrologic Control:	High	restricted outlet, woody veg., upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This scrub-shrub wetland is dominated by sandbar willow and Pacific willow shrubs surrounded by a dense Himalayan blackberry thicket. One Oregon ash tree was also present in the wetland, along with trace amounts of soft rush, spreading rush and teasel (invasive). This wetland is bordered on the south and west by a gravel road, and no culvert was observed under the road that would connect the wetland with Bear Creek to the south. Upland vegetation adjacent to the wetland is dominated by yellow starthistle (noxious), ripgut brome, tumblemustard, poison hemlock (noxious), teasel and Himalayan blackberry and hairy.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 9

Site Code: **W9**
Location: North of railroad, south of East Main Street, west of Cemetery Creek
Township **39S** Range **1E** Section **10** Quarter **NE & SE**
Tax Map Tax lot(s) 391E10D 903, 909, 910, 913 & 1000
DSL #: WD 91-0031

Approximate size (acres): 5.38
Cowardin classification: PEM
HGM classification: Slope Valley
Hydrologic basin: Isolated
Soil type(s): Kubli

Sample Plot Number(s): none (difficult access)
Field verification date(s): 6/25/03 (off-site)

Dominant Plant Species (Common Names):
Trees:

Shrubs: Himalayan blackberry is around the perimeter

Herbs: (from 1991 delineation) fine grass, cattail, soft rush, creeping buttercup, common velvetgrass

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation, apparently spring-fed

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, <0.5 acre open water, isolated
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is developed
Hydrologic Control:	High	evidence of ponding, outlet restricted, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland was difficult to view from off-site due to the presence of berms bordering much of the site and the lack of viewing points from adjacent roads. The south portion of the wetland was partially viewed from a permission to access parcel on Normal Street and was observed to be surrounded by dense blackberry with a few a few willow and black cottonwood. A portion of this wetland was delineated in 1991 (DSL WD 91-0031). Wetland vegetation on the wetland data sheets included a fine grass, cattail, soft rush, creeping buttercup, common velvetgrass and Himalayan blackberry.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 10

Site Code: **W10**
Location: North of Highway 66, south of Neil Creek
Township **39S** Range **1E** Section **13** Quarter **NW**
Tax Map Tax lot(s) 391E13B 2001
DSL #: WD 90-0119

Approximate size (acres): 2.12
Cowardin classification: PEM HGM classification: Slope Valley
Hydrologic basin: Neil Creek
Soil type(s): Barron, Kubli, Camas-Newberg-Evans

Sample Plot Number(s): 19 & 20 Field verification date(s): 6/25/03 & 6/26/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: reed canarygrass, poison hemlock, teasel

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	Medium	no evidence of ponding, high veg. cover, Neil Creek is WQ limited
Hydrologic Control:	Medium	within floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland is dominated by reed canarygrass (invasive), poison hemlock (noxious) and teasel (invasive). A few willow, white alder and Oregon ash shrubs are also present. Soils are hummocky, indicating possible prior agricultural use. The wetland appears to be connected to Neil Creek at its downslope end. Adjacent uplands consist of quack grass, ripgut brome, downy cheat grass, yellow starthistle (noxious), globepodded hoarycress (noxious) and Himalayan blackberry.

Historically this site appears to have been upland, per the 1990 wetland determination; however, recent normal hydrologic conditions present for several years support a revised finding that it is now jurisdictional wetland.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 11

Site Code: **W11**
Location: Southwest of Washington Street & Interstate-5, north of railroad
Township **39S** Range **1E** Section **14** Quarter **NE**
Tax Map Tax lot(s) 391E14A 1102 & 1104
DSL #: none

Approximate size (acres): 0.85
Cowardin classification: PEM HGM classification: Slope Valley
Hydrologic basin: Knoll Creek
Soil type(s): Kubli

Sample Plot Number(s): none (no permission to access) Field verification date(s): 6/5/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: meadow foxtail

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	Medium	no evidence of ponding, high veg. cover, adjacent land use is developed
Hydrologic Control:	Medium	outside floodplain, no evidence of ponding, upstream land use developed

Determination of Goal 5 Locally Significant Wetland: Not locally significant but still jurisdictional

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland was viewed from off-site from Washington Street with binoculars. This wetland consists of a roadside emergent wetland along the southwest side of Washington Street, dominated by meadow foxtail, with lesser amounts of blue wildrye, birdsfoot-trefoil and catchweed bedstraw. This wetland is connected to Knoll Creek via a roadside ditch at its downstream end. The wetland boundary is defined by a change to upland grasses.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 12

Site Code: **W12**
Location: West of Cemetery Creek, north of railroad, south of East Main Street
Township **39S** Range **1E** Section **10** Quarter **NE & SE**
Tax Map Tax lot(s) 391E10D 201, 203, 204, 300 & 700
DSL #: none

Approximate size (acres): 1.68
Cowardin classification: PEM — HGM classification: Slope Valley
Hydrologic basin: Cemetery Creek
Soil type(s): Kubli

Sample Plot Number(s): 10 & 11 — Field verification date(s): 6/5/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: cattail, meadow foxtail, water foxtail and soft rush

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation & TID

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is agriculture
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland swale originates in a horse pasture north of the railroad tracks and is located approximately 400 feet west of Cemetery Creek. The wetland is dominated by cattail, meadow foxtail, water foxtail and soft rush. Lesser amounts of western buttercup, forget-me-not, common velvetgrass, spreading rush and creeping spikerush were also present, with a few black cottonwood trees also present in the northern portion. Adjacent uplands contain Mediterranean barley, ryebrome, tall fescue, yellow clover and mayweed chamomile.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Wetland Summary Sheet

Site: Wetland 13

Site Code: **W13**
Location: West of Hamilton Creek, north of Ashland Street, south of East Main Street
Township **39S** Range **1E** Section **11** Quarter **SW**
Tax Map Tax lot(s) 391E11C 2500; 391E11CA 2762 & 12761; 391E11CB 1000 & 1100
DSL #: WD 01-0613

Approximate size (acres): 1.41
Cowardin classification: PEM
Hydrologic basin: Bear Creek
Soil type(s): Kubli

HGM classification: Slope Valley

Sample Plot Number(s): 1 - 4

Field verification date(s): 6/3/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs: common velvetgrass, meadow foxtail, Kentucky bluegrass, soft rush, cattail and spearmint

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Precipitation & TID

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is agriculture
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland is the headwaters of a small unnamed tributary to Bear Creek that flows behind a residential subdivision. The wetland consists of a gentle topographic swale trending north through several agricultural properties. A portion of this wetland was previously delineated (DSL WD 01-0613) and the adjacent area was partially plowed up to the edge of wetland. The wetland is described as containing common velvetgrass, meadow foxtail, Kentucky bluegrass, soft rush, cattail and spearmint in the wetland delineation report. Several Canada geese were observed on the headwater area in this area from off-site. Uplands are meadow foxtail, brome, tall fescue and orchard grass.

Site: Wetland 14

Site Code: **W14**
Location: East pond between Ashland Creek & Bear Creek, downstream of sewage treatment plant
Township **38S** Range **1E** Section **33** Quarter **SW**
Tax Map Tax lot(s) 391E05 100
DSL #:

Approximate size (acres): 1.16
Cowardin classification: POW/PEM HGM classification: Depressional Closed Nonpermanent
Hydrologic basin: Ashland Creek
Soil type(s): Camas-Newberg-Evans

Sample Plot Number(s): Field verification date(s): 6/24/03

Dominant Plant Species (Common Names):
Trees:

Shrubs: Himalayan blackberry, Oregon ash, willow and black cottonwood

Herbs: cattail, knotweed (*Polygonum* species), yellow iris, poison hemlock and willow-herb

Other:

Primary hydrology source:
(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)
Inlet from Ashland Creek

OFWAM Summary:

Function	Rating	Rationale
Wildlife Habitat:	High	>1 acre open water (seasonal) & emergent veg., connected to Ashland Cr.
Fish Habitat:	Medium	low shading and cover, Ashland Creek is water quality limited
Water Quality:	Medium	moderate veg. cover, adj. land use undeveloped, Ashland Cr. WQ limited
Hydrologic Control:	High	within floodplain, evidence of ponding, restricted outlet

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:
This wetland is a seasonal open water pond located near the confluence of Ashland Creek with Bear Creek just downstream of the Ashland sewage treatment plant. The pond is signed as the "Ashland Sediment Passive Treatment Pond" and was reportedly constructed in 1987 as a settlement pond to divert water from Ashland Creek during sluicing of the upstream Reader Reservoir. Sluicing last occurred in 1985. The pond is connected to Ashland Creek and contains both an inlet and outlet structure. The pond bottom and side slopes are comprised of granite sediment. Pond depth appeared to range from 1 to 6 feet. Vegetation fringing the pond includes cattail, yellow iris, poison hemlock, willow-herb, a few Oregon ash, willow and black cottonwood shrubs. Dense Himalayan blackberry is present along the north side adjacent to Bear Creek. Small diameter

Wetland 14, continued

branches and woody debris were present in the pond. The pond dries up in the summer and becomes an emergent wetland dominated by knotweed in the middle and other emergents around the perimeter. Wildlife use included the following birds: wood duck, mallard, barn swallow, tree swallow, red-winged blackbird, and great blue heron.

RIPARIAN SUMMARY SHEETS
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City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Ashland Creek

Township **38S** Range **1E** Section **32**; Township **39S** Range **1E** Sections **4, 9, 16 & 17**

Sample Plot Number(s): 13 (upland) Field verification date(s): 6/4/03, 6/5/03, 6/24/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:
White alder, black cottonwood, big-leaf maple, Oregon ash, and Pacific willow; with lesser amounts of weeping willow, choke cherry, incense cedar, and Douglas fir

Shrubs:
Oregon ash, Pacific willow, sandbar willow, red-osier dogwood, and Himalayan blackberry, with lesser amounts of snowberry, mock orange, Pacific ninebark, bittersweet nightshade, Pacific yew, thimbleberry, oceanspray, beaked hazelnut, madrone, and California myrtle

Herbs:
English ivy, periwinkle, sword fern

Other:

Description:
Ashland Creek originates outside the study area in the steep hillside south of Ashland. The Granite Street Reservoir is present on Ashland Creek at the upstream end of the study area. The reservoir is surrounded by a fringe of Himalayan blackberry with black cottonwood, white alder, Pacific willow, Oregon ash, Oregon white oak and big-leaf maple trees.

The upstream portion of Ashland Creek meanders through Lithia Park for approximately 1 mile. Ashland Creek receives flow from Lithia Springs. The stream channel ranges from 15 to 30 feet wide and generally widens as it trends downstream. Cobbles, boulders, and woody debris provide good in-stream structure, and the stream is well shaded by a riparian and upland forest consisting of white alder, big-leaf maple, and Oregon ash. Invasive species including Himalayan blackberry and English ivy are present in a few areas along Ashland Creek. The stream channel is confined by well-defined stream banks in Lithia Park. No wetland benches were noted; however, a few off-channel shallow water areas were created during the 1996 flood. These shallow water areas contain mannagrass, common velvetgrass, American speedwell, sawbeak sedge, and willow-herb. Two off-line ponds are present adjacent to Ashland Creek. Both ponds have concrete lined sides with embedded boulders and contain floating "Lake Restorer" islands designed to improve water quality. The upper pond is the larger pond and is used by wood ducks, mallards, and turtles. A few topographic draws were noted in the steep hillside above Ashland Creek, indicating that intermittent drainages may flow downslope to Ashland Creek. At the downstream end of Lithia Park beginning at the bridge at Calle Guanajuato Way, Ashland Creek is confined within a series of concrete sidewalls, some with adjacent planter boxes containing red-osier dogwood and willow shrubs.

The downstream portion of Ashland Creek ranges from 10 to 20 feet wide and is bordered predominantly by residential development, a few agricultural parcels and the Ashland Community Garden. Ashland Creek contains good in-stream structure with many cobbles and boulders as well as

Ashland Creek, continued

in-stream woody debris in some areas. Portions of the stream channel bottom are comprised of bedrock. Ashland Creek is confined within its stream banks due to topography of the adjacent side slopes and armoring of banks with riprap and boulders in some areas; therefore, wetland benches are generally not present along Ashland Creek. A riparian and upland forest corridor generally ranging from 50 to 150 feet wide is present along Ashland Creek. Development along Ashland Creek has resulted in some fragmentation and open canopy areas, but the stream is well-shaded in many areas. Dominant riparian vegetation consists of white alder, black cottonwood, Oregon ash, Pacific willow, sandbar willow, weeping willow and red-osier dogwood. Some areas of Himalayan blackberry and English ivy were noted, although invasive species are not generally dominant along the stream corridor.

Two large man-made open water ponds are present near the confluence of Ashland Creek with Bear Creek just downstream of the Ashland sewage treatment plant. The east pond is seasonal and becomes an emergent wetland in the summer and was therefore mapped as wetland unit W14.

The west pond (1.9 acres) is accessible from a trail off the end of Glendower and appears to be a diversion pond from Ashland Creek. The pond was reported to have been constructed approximately 30 years ago. An overflow structure to Ashland Creek was noted at the west end. The pond contains a fringe of reed canarygrass, teasel, and poison hemlock with scattered black cottonwood, sandbar willow, Oregon ash and rose shrubs. This pond appears to contain water year-round and was therefore mapped as a pond rather than a wetland. Wildlife use noted includes wood duck, mallards and western pond turtle.

Site: Ashland Creek Tributary 1

Township 39S Range 1E Section 17

Sample Plot Number(s): none

Field verification date(s): 6/26/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:
Willow, Himalayan blackberry, Oregon ash

Herbs:
Common horsetail, soft rush, periwinkle, sword fern, hosta, columbine

Other:

Description:
The headwaters of this tributary to Ashland Creek are located in the steep hillside to the west of Ashland Creek. The stream channel is confined within steep side slopes and is 2 to 5 feet wide with large cobbles. The stream was not flowing during the June site visits. Riparian side slopes contained a mixture of native and ornamental species in the herb layer. Adjacent uplands contain paintbrush, oceanspray, poison oak, madrone, and Oregon white oak.

Site: Beach Creek

Towuship **39S** Range **1E** Sections **4, 9 & 16**

Sample Plot Number(s): none

Field verification date(s): 6/4/03, 6/24/03

Dominant Plant Species (Common Names):
Trees:
Big-leaf maple, Oregon white oak

Shrubs:
Oregon ash, Pacific willow, willow

Herbs:
cattail, curve-pod yellow-cress, poison hemlock, spearmint, teasel, bittersweet nightshade, yellow starthistle

Other:

Description:
The downstream section of Beach Creek daylights north of the railroad tracks where the stream is confined within steep Himalayan blackberry covered slopes. A weir structure is present on Beach Creek at the BPA substation site. Sedimentation has occurred upstream of the weir and a narrow wetland fringe is present containing cattail, curve-pod yellow-cress, poison hemlock and Pacific willow. A few Oregon ash and willow shrubs are also present, along with planted big-leaf maple and Oregon white oak saplings. Downstream vegetation along the stream channel consists of spearmint, teasel, bittersweet nightshade and yellow starthistle. Uplands consist of downy cheat grass, blue wildrye, Italian ryegrass, and planted big-leaf maple saplings. Downstream of the BPA substation, Beach Creek and an emergent wetland swale flow northwest through the North Mountain Nature Park to Bear Creek. Three on-line ponds (upper, middle and lower ponds) are present on Beach Creek. These ponds and associated wetlands were mapped as wetland unit 7.

The headwaters of Beach Creek originate in the steep hillside south of Ashland Street. Much of the stream is culverted through residential development. Beach Creek is intermittent where it is daylighted above Ashland Street. Downstream of Beach Street, the stream is bordered by steep side slopes with dense Himalayan blackberry and Pacific willow, black cottonwood and weeping willow trees in the riparian area. Adjacent uplands contain catchweed bedstraw, periwinkle, Himalayan blackberry, Oregon white oak and ponderosa pine. Upstream of Beach Street, Beach Creek is forked. The east fork is approximately 1 foot wide and flows through a rock and flagstone water feature through a backyard area and then continues upslope where it is confined at the bottom of steep Himalayan blackberry covered side slopes with tall fescue, bulbous bluegrass, and Oregon white oak further upslope. The west fork is an undefined channel at the bottom of a steep topographic ravine with very sparse herb layer that had been recently cleared of blackberry. Oregon white oak, madrone, big-leaf maple, Douglas fir and ponderosa pine were present in the tree canopy.

Site: Bear Creek

Township **38S** Range **1E** Sections **31 & 32**; Township **39S** Range **1E** Sections **4 & 11**

Sample Plot Number(s): 14 (upland) Field verification date(s): 6/5/03, 6/24/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:
black cottonwood, white alder, Oregon ash, weeping willow

Shrubs:
Himalayan blackberry, Pacific willow, sandbar willow, Piper's willow, black hawthorn

Herbs:
cattail, soft rush, common horsetail, curve-pod yellow-cress, buttercup, poison hemlock, teasel, hardstem bulrush

Other:

Description:
Bear Creek originates at the confluence of Emigrant Creek and Neil Creek just downstream of the airport. The downstream portion of Bear Creek varies from 30 to 75 feet wide. Bear Creek was observed at the Mountain Avenue bridge and the Bear Creek Greenway Trail bridge (Talent-Ashland Trail segment). The portion of Bear Creek located within the study area is bordered mostly by undeveloped land. Bear Creek has good in-stream structure with many cobbles and nice channel meanders. Bear Creek is topographically confined within its stream banks; therefore, wetland benches are generally not present. The stream is well-shaded by its riparian corridor which contains a mixture of native trees and shrubs and is generally dominated by black cottonwood, white alder, and Oregon ash in the tree canopy and by Pacific willow, sandbar willow and Piper's willow in the shrub layer. The stream channel is inaccessible in many areas due to dense thickets of Himalayan blackberry in the riparian corridor. An approximately 20 foot wide wetland bench containing cattail, yellow iris, American speedwell and soft rush is present on the north bank, downstream of Mountain Avenue. The stream channel is confined in this location by a steep Himalayan blackberry covered slope on the south bank. Two great blue heron nests with herons were observed in black cottonwood trees in the riparian corridor near Mt. Meadows Drive. Adjacent uplands contain a variety of upland pasture grasses, yellow starthistle, poison hemlock, Himalayan blackberry, oak and ponderosa pine.

The North Mountain Nature Park borders Bear Creek to the south at the northeast edge of the study area. The 14 acre park is being managed and enhanced by planting a variety of native species with the goal of improving the quality of fish and wildlife habitat in the Bear Creek riparian corridor. Bear Creek adjacent to the North Mountain Nature Park was approximately 30 to 35 feet wide and was flowing 1 to 2 feet deep and contained many in-stream cobbles and boulders.

Site: Bear Creek Tributary 1

Township 38S Range 1E Section 31

Sample Plot Number(s): none Field verification date(s): 6/5/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:
Oregon ash, white alder

Shrubs:
Himalayan blackberry, Pacific willow, Piper's willow, cherry

Herbs:
Cattail, curve-pod yellow-cress, reed canarygrass, soft rush, common horsetail, hardstem bulrush, poison hemlock, mannagrass, buttercup, forget-me-not

Other:

Description:
This Bear Creek tributary is located in the northwest corner of the study area, outside the city limits and inside the UGB. The headwaters of the tributary originate in the steep hillslope south of the study area. The tributary flows northwesterly along the bottom of the hillslope behind several car dealerships and the Lithia Springs Inn. The stream is culverted under West Jackson Road, heads northerly through the Jackson Hot Springs RV Park, then continues northwesterly prior to being culverted under Highway 99 and joining Bear Creek. The stream varies from 3 to 10 feet wide and is bordered by a narrow emergent wetland fringe behind the Lithia Springs Inn. Wetland vegetation consists of cattail, curve-pod yellow-cress, reed canarygrass, soft rush, common horsetail, hardstem bulrush, poison hemlock, mannagrass, buttercup, forget-me-not with areas of Himalayan blackberry, willow and cherry shrubs. Oregon ash and white alder trees are present along the downstream portion. Adjacent uplands consist of brome, Himalayan blackberry, Oregon white oak, big-leaf maple, ponderosa pine, and Douglas fir.

Hydrology of the triburary is partially fed by sulfur springs, one of which was observed at the rear of the Lithia Springs Inn property. Sulfur springs also appear to be feeding a small concrete-lined pond south of West Jackson Road. Two-foot contours and black and white aerial photo coverage was not available for this area, and mapping the stream location was difficult in areas due to tree canopy cover and lack of permission to access the area.

Site: Cemetery Creek

Township **39S** Range **1E** Sections **10 & 14**

Sample Plot Number(s): none Field verification date(s):6/3/03, 6/5/03, 6/25/03

Dominant Plant Species (Common Names):
Trees:
Weeping willow, Pacific willow, black cottonwood

Shrubs:
Himalayan blackberry, sandbar willow, Pacific willow, choke cherry

Herbs:
Cattail, meadow foxtail, water foxtail, reed canarygrass, creeping buttercup, small-fruited bulrush, western buttercup, creeping spikerush, forget-me-not, velvetgrass

Other:

Description:
The headwaters of Cemetery Creek originate north of Siskiyou Boulevard. The stream channel is approximately 10 feet wide at the Clay Street Park with a narrow fringe of cattail, creeping buttercup and bittersweet nightshade. The riparian area contained Himalayan blackberry, sandbar willow, Pacific willow, choke cherry and black cottonwood. Adjacent uplands consisted of Himalayan blackberry, and mowed lawn (park) with a few pine and ornamental maple trees.

The stream channel is forked to the north of the railroad tracks. Emergent wetlands are associated with Cemetery Creek along this downstream section and were mapped as wetland unit 4. A wetland fill violation has been reported at the west end of Creek Drive (DSL WD 03-0203). Cemetery Creek generally ranges from 1 to 5 feet wide and is bordered by agricultural fields. The downstream portion is channelized through a landscaped yard where it is bordered by mowed lawn, the escaped ornamental periwinkle (*Vinca* species) and a few Piper's willow and weeping willow. Three small landscaped ponds are present adjacent to the stream.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Clay Creek

Township **39S** Range **1E** Sections **11 & 14**

Sample Plot Number(s): none Field verification date(s): 6/3/03, 6/25/03

Dominant Plant Species (Common Names):
Trees:
white alder, Pacific willow, weeping willow, black cottonwood, black locust

Shrubs:
white alder, Pacific willow, Himalayan blackberry, Japanese knotweed, tree of heaven

Herbs:
Mannagrass, American speedwell, reed canarygrass, cattail, soft rush, sawbeak sedge, waterweed, monkey-flower, forget-me-not, English ivy

Other:

Description:
Clay Creek is labeled on the USGS and NWI maps as Hamilton Creek (Hamilton Creek the next stream east of Clay Creek). The headwaters of Clay Creek are located outside the study area in the steep hillside south of Ashland. The upstream section of Clay Creek, south of Ashland Street, is channelized through residential development and is generally 5 feet wide. A narrow wetland fringe of reed canarygrass, cattail, and soft rush is present along the stream channel, and riparian vegetation consists of Himalayan blackberry, white alder, Pacific willow, weeping willow, and black cottonwood. Invasive species including English ivy and Japanese knotweed were noted adjacent to Siskiyou Boulevard. Adjacent uplands contain tall fescue, orchard grass, Mediterranean barley, tall oatgrass, hairy vetch, Himalayan blackberry, snowberry, Oregon white oak, California black oak, ponderosa pine, and madrone.

Downstream of Ashland Street, six on-line ponds are present on Clay Creek in the Wingspread Mobile Home Park. These ponds are characterized as open water ponds, some of which have a narrow fringe of cattail or contain a small island with a few willlow. The ponds are connected by concrete spillways and are bordered by mowed lawn.

Much of the riparian vegetation along Clay Creek was removed in the Meadowbrook Park Estates and the side slopes adjacent to the stream are covered with bark dust. Downstream of this subdivision, the riparian corridor is more natural, although some clearing has occurred at the top of slope within the riparian buffer, and contains Pacific willow and black cottonwood on the side slopes and mannagrass, American speedwell, sawbeak sedge and waterweed (*Elodea* species) in and along the stream channel.

Site: Clear Creek

Township **39S** Range **1E** Section **4**

Sample Plot Number(s): none

Field verification date(s): 6/4/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:
Oregon ash, weeping willow, black cottonwood

Shrubs:
Himalayan blackberry

Herbs:
Cattail, soft rush

Other:

Description:
Clear Creek originates just north of Clear Creek Drive at the Clear Creek Village wetland mitigation site (DSL App. #12783; wetland unit 5) that was under construction during the June site visits. Just downstream and north of Hersey Street, Clear Creek is channelized through residential development and is approximately 3 feet wide with a narrow fringe of cattail and soft rush and is bordered by mowed lawns with a few weeping willow and black cottonwood at the top of bank. A section of Clear Creek is culverted north of Clinton Street and then daylights as an approximately 5 foot wide channel surrounded by dense Himalayan blackberry and an Oregon ash overstory. This section of Clear Creek, as well as two off-line ponds, are reported to receive flow from an irrigation ditch fed by Ashland Creek. Adjacent uplands consist of Himalayan blackberry with poison hemlock, Canada thistle and hairy vetch.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Emigrant Creek

Township **39S** Range **1E** Sections **11 & 12**

Sample Plot Number(s): none

Field verification date(s): 6/25/03

Dominant Plant Species (Common Names):
Trees:
white alder, black cottonwood, Pacific willow

Shrubs:
Himalayan blackberry, Oregon ash, Pacific willow, bittersweet nightshade

Herbs:
cattail, common horsetail, hardstem bulrush, mannagrass, water foxtail, meadow foxtail

Other:

Description:
Emigrant Creek originates east of the Ashland city limits and enters the study area at the northeast corner of the airport property, northwest of Dead Indian Memorial Road. Emigrant Creek is culverted through the mowed field at the northwest end of the runway in a very large (15 to 20 feet diameter) culvert. The stream is approximately 25 to 30 feet wide with abundant cobbles and boulders and occasional woody debris in the stream channel. The stream was flowing several feet deep during the June site visit, and channel meanders were noted in some areas. A narrow fringe of cattail, common horsetail, hardstem bulrush, mannagrass, water foxtail, meadow foxtail, bittersweet nightshade is present along the stream in a few areas. The stream is confined within steep side slopes with Himalayan blackberry, white alder, black cottonwood, Oregon ash and Pacific willow in the riparian area. Stream banks are armored with riprap in areas. Adjacent uplands consist of downy cheatgrass, ripgut brome, tall oatgrass, bulbous bluegrass, tumblemustard.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Fordyce Creek

Township **39S** Range **1E** Section **10**

Sample Plot Number(s): None

Field verification date(s): 6/4/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs:
Yellow nut-sedge, common velvetgrass, curve-pod yellow-cress

Other:

Description:
The majority of the Fordyce Creek has been culverted through residential development. Two small, unculverted stream sections remain south of Munson Drive and north and south of Kirk Lane. These remnant stream segments are 1 to 2 feet wide and consist of either a mowed grass channel or have rock lined sides with a fringe of emergent vegetation. The stream channel is bordered by mowed lawns and bark dust.

Site: Golf Course Creek

Township **39S** Range **1E** Sections **13 & 14**

Sample Plot Number(s): none Field verification date(s): 6/5/03, 6/25/03

Dominant Plant Species (Common Names):
Trees:
Weeping willow

Shrubs:
Pacific willow, sandbar willow, white alder

Herbs:
cattail, soft rush, hardstem bulrush, yellow iris, buttercup, American speedwell, curve-pod yellow-cress, sawbeak sedge

Other:

Description:
The headwaters of Golf Course Creek are located south of Highway 99, outside the UGB. An on-line pond (LWI –mapped wetland 14A) is present on Golf Course Creek at the upstream end of the study area. The pond contains a fringe of soft rush and is bordered by mowed grass up to the edge. Some woody debris and branches were present in the edge of the pond, and Canada goose were noted using the site.

Golf Course Creek receives flow from an off-line pond reportedly fed by TID water located in the residential subdivision north of Crowson Road and east of I-5. The pond has riprap sides with crushed gravel at the top of slope with a few Oregon white oak, ponderosa pine and black cottonwood surrounding the pond. Canada goose, wood ducks, great blue heron, and bullfrogs were noted at the pond. Golf Course Creek downslope from the pond was approximately 3 feet wide with a wetland fringe of curve-pod yellow-cress, birdsfoot trefoil, Watson's willow-herb and reed canarygrass and a few weeping willow. The stream was bordered by a mowed lawn with oak located further upslope.

On the Oak Knoll Golf Course, the stream is 2 to 3 feet wide with a narrow wetland fringes containing cattail, soft rush, hardstem bulrush, yellow iris, buttercup, American speedwell, curve-pod yellow-cress, sawbeak sedge, and a few willow shrubs. An on-line pond mapped on the NWI has been mostly filled (DSL Det. #98-0318) and several smaller on-line ponds were created on the downstream portion as wetland mitigation. Several very small seasonal drainages are visible on the golf course in the black and white aerial photographs. These drainages were visible during the site visit as very slight drainage patterns that followed site topography which decreases to the northeast. Uplands consist of mowed lawn with a few large weeping willow trees along the stream.

Upstream of Interstate-5, Golf Course Creek has a narrow riparian fringe consisting of a few willow and white alder shrubs. Adjacent uplands consist of orchard grass, hairy vetch, tumblemustard, Himalayan blackberry, and Oregon white oak.

Site: Hamilton Creek

Township **39S** Range **1E** Sections **11, 14 & 23**

Sample Plot Number(s): 5, 6 (upland) Field verification date(s): 6/3/03, 6/25/03

Dominant Plant Species (Common Names):
Trees:
Black cottonwood

Shrubs:
Pacific willow, sandbar willow, Himalayan blackberry

Herbs:
Broad-leaved cattail, soft rush, yellow iris, white waterlily, giant reed

Other:

Description:
Hamilton Creek is generally confined within a moderately steeply sloped riparian corridor. Narrow wetland benches (up to 5 feet wide) are present along the stream channel in downstream areas where topography adjacent to the stream channel is less steep (see sample plot 5). Wetland benches contain several species including mannagrass, reed canarygrass, buttercup, soft rush, American speedwell, curve-pod yellow-cress, cattail and willow. Periwinkle (*Vinca major*), an escaped ornamental species, was noted along the stream channel in the upstream portion that is bordered by residential development. A large on-line pond is present in the downstream portion. A small tributary (Hamilton Creek tributary 1) and several ponds are present downstream of the on-line pond. These ponds include two emergent wetland stormwater ponds north of Abbott Avenue in a residential subdivision as well as two ponds east of Tolman Road which contain a fringe of cattail and yellow iris and 2 clumps of giant reed (invasive in California). Uplands contain tall fescue, ryebrome, ripgut brome, medusahead rye, bulbous bluegrass, perennial ryegrass, oak, ponderosa pine, walnut and incense cedar, with dense thickets of Himalayan blackberry present in disturbed areas.

The upstream portion of Hamilton Creek, above Siskiyou Boulevard, is generally 2 to 3 feet wide and is bordered by a fringe of reed canarygrass, soft rush and mannagrass with Himalayan blackberry on the side slopes. Adjacent upland areas are dominated by tall fescue, sweatpea, ripgut brome, Himalayan blackberry, Oregon white oak, and ponderosa pine. A small tributary (Hamilton Creek tributary 2) joins Hamilton Creek a few hundred feet upstream of Siskyou Boulevard. A section of Hamilton Creek flows along Tolman Creek Road where it is confined between the road fill slope and an adjacent mowed lawn. Further upstream, the channel is confined within steep side slopes with a narrow riparian fringe of reed canarygrass, common horsetail and willow. Adjacent uplands contain Himalayan blackberry, beaked hazelnut, western crabapple and Oregon white oak.

The headwaters of Hamilton Creek originate outside the study area boundary.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Kitchen Creek

Township 39S Range 1E Section 4

Sample Plot Number(s): None Field verification date(s): 6/4/03

Dominant Plant Species (Common Names):
Trees:
black cottonwood, Pacific willow, white alder

Shrubs:
Himalayan blackberry

Herbs:
hardstem bulrush, cattail, creeping buttercup, meadow foxtail

Other:

Description:
The headwaters of Kitchen Creek originate outside the study area. Kitchen Creek is forked in the upstream portion through residential development. The north fork is 3 to 5 feet wide and contains a narrow wetland fringe of hardstem bulrush, creeping buttercup, and meadow foxtail with black cottonwood, Pacific willow and white alder along the streambanks. The south fork is 5 to 10 feet wide and contains a small on-line pond with a fringe of hardstem bulrush and cattail. A small putting green and a mowed lawn is present between the two forks. Non-landscaped upland areas adjacent to Kitchen Creek contain ripgut brome, ryebrome, tall fescue, orchard grass, California poppy and a few oak. The two forks of Kitchen Creek join below Mountain Avenue, and the stream flows to Bear Creek through a steeply sloped riparian corridor dominated by Himalayan blackberry with a few Pacific willow.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Knoll Creek

Township **39S** Range **1E** Sections **11 & 14**

Sample Plot Number(s): none

Field verification date(s):6/4/03, 6/25/03

Dominant Plant Species (Common Names):
Trees:
Black cottonwood, Pacific willow

Shrubs:
Himalayan blackberry

Herbs:
Common horsetail, meadow foxtail

Other:

Description:
Knoll Creek is generally confined within steep Himalayan blackberry covered slopes with a few black cottonwood and Pacific willow present in the riparian corridor. Adjacent uplands are dominated by Himalayan blackberry and Oregon white oak. Two stream associated emergent wetlands are present north of I-5 and west of the Windmill Inn and were mapped as wetland unit 6.

Site: Mountain Creek

Township **39S** Range **1E** Sections **4 & 9**

Sample Plot Number(s): none

Field verification date(s): 6/3/03, 6/24/03

Dominant Plant Species (Common Names):
Trees:
Oregon ash, weeping willow

Shrubs:
Sandbar willow, Himalayan blackberry

Herbs:
knotweed, willow-herb, cattail, hardstem bulrush

Other:

Description:
The majority of the historic upstream portion of the stream has been culverted through residential development, although two small unculverted sections remain north of Holly Street and north of Iowa Street. The section of Mountain Creek north of Holly Street is a 2 to 3 foot wide stream channel confined at the bottom of steep Himalayan blackberry covered slopes. The upper portion of the slopes contain periwinkle, English ivy, cherry, black cottonwood, and big-leaf maple. The section of Mountain Creek located north of Iowa Street flows through a rock lined channel bordered by English ivy, sword fern and English laurel shrubs.

Mountain Creek is daylighted north of the railroad tracks along the east edge of the Southern Pacific Railroad property. The riparian corridor along Mountain Creek contains Oregon ash, sandbar willow, weeping willow and Himalayan blackberry. Two small on-line ponds are present in the residential subdivision south of Hersey Street and contain cattail, and a scrub-shrub wetland fringe of sandbar willow, Pacific willow, weeping willow, white alder and black cottonwood. North of Hersey Street, Mountain Creek is confined to a roadside ditch until it joins Bear Creek. A 6 to 10 foot wide intermittent drainage containing knotweed, willow-herb and small amounts of cattail and hardstem bulrush originates west of Mountain Creek on the Southern Pacific site and may be culverted to Mountain Creek. Uplands contain ripgut brome, bulbous bluegrass, tall oatgrass, and vetch.

Site: Neil Creek

Township **39S** Range **1E** Sections **11, 12 & 13**

Sample Plot Number(s): 18 (upland) Field verification date(s): 6/25/03

Dominant Plant Species (Common Names):
Trees:
Oregon ash, Pacific willow, black cottonwood

Shrubs:
Himalayan blackberry, Oregon ash, sandbar willow, black hawthorn

Herbs:
creeping buttercup, yellow iris, mint, soft rush, reed canarygrass, teasel

Other:

Description:
Neil Creek originates southeast of the Ashland city limits and enters the study area at the southeast corner of the airport property, on the west side of Dead Indian Memorial Road. The downstream section of Neil Creek is approximately 10 to 12 feet wide and was flowing approximately 6 to 12 inches deep during the June site visit, with a narrow wetland fringe of creeping buttercup, yellow iris, mint, soft rush, reed canarygrass, and teasel. Cobbles were observed in one section of stream where the stream channel was not obscured by Himalayan blackberry. The stream channel is confined at the bottom of steep side slopes dominated by Himalayan blackberry in most areas. Oregon ash, Pacific willow, sandbar willow, black hawthorn, and black cottonwood trees and shrubs are also present in the riparian corridor. A berm is present at the top of the slope along the west edge of the airport runway and is dominated by ripgut brome, hairy vetch, tumblemustard, yellow starthisle, poison hemlock, and redstem filaree.

The upstream portion of Neil Creek, just prior to its confluence with Emigrant Creek, is approximately 20 to 25 feet wide. Adjacent uplands are dominated by Himalayan blackberry, rattail fescue and tumblemustard.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Paradise Creek

Township **39S** Range **1E** Section **15**

Sample Plot Number(s): none

Field verification date(s): 6/25/03

Dominant Plant Species (Common Names):
Trees:
white alder

Shrubs:
Himalayan blackberry

Herbs:
creeping buttercup, curve-pod yellow-cress, soft rush, common velvetgrass, American speedwell, sedge, cattail

Other:

Description:
The headwaters of Paradise Creek are located outside the study area in the steep hillside south of Ashland. Paradise Creek is daylighted in the south portion of the study area; however, the majority of the downstream portion, below Clarke Avenue, has been culverted due to development. The upstream portion of Paradise Creek, above Peachey Road, is 2 to 3 feet wide with a fringe of creeping buttercup, curve-pod yellow-cress, soft rush, common velvetgrass, American speedwell, sedge, and cattail. Side slopes above the stream are dominated by Himalayan blackberry and white alder. Adjacent uplands consist of tall fescue, ripgut brome, hare's-foot clover, tumblemustard, hairy vetch, Oregon white oak and ponderosa pine.

The downstream portion of Paradise Creek and its riparian area, adjacent to Sunset Avenue, have been encroached upon by residential development. Portions of the stream channel are confined within a rock lined channel and the stream is bordered by mowed grass, ornamental species, and other landscaping.

Site: Paradise Creek East

Township **39S** Range **1E** Section **15**

Sample Plot Number(s): none

Field verification date(s): 6/25/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:
Himalayan blackberry, Piper's willow, Pacific willow

Herbs:
common velvetgrass

Other:

Description:
The headwaters of Paradise Creek East are located outside the study area in the steep hillside south of Ashland. A small section of Paradise Creek East is daylighted in the south portion of the study area. Paradise Creek East, above Peachey Road, is topographically confined within a 2 to 3 foot wide stream channel with a fringe of common velvetgrass. A small off-line pond is present just west of Peachey Road. The riparian area contains Himalayan blackberry, Piper's willow and Pacific willow shrubs. Adjacent uplands consist of tall fescue, Himalayan blackberry, Oregon white oak, ponderosa pine and backyard areas. Further upslope, Paradise Creek East becomes a forked drainage.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Pinecrest Creek

Township **39S** Range **1E** Section **15**

Sample Plot Number(s): none

Field verification date(s): 6/25/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:
snowberry, Himalayan blackberry

Herbs:
tall oatgrass, false Solomon's seal

Other:

Description:
The headwaters of Pinecrest Creek are located just outside the study area in the steep hillside south of Ashland. A small section of Pinecrest Creek is daylighted in the south portion of the study area upslope of Oneida circle. The majority of Pinecrest Creek has been culverted due to development. The upstream portion of Pinecrest Creek at Pinecrest Terrace is a narrow 6 to 12 inch wide channel that is not very well defined by topography. The stream channel was dry during the June site visit, with leaves in the bottom of the channel and only a trace amount of riparian vegetation consisting of tall oatgrass, false Solomon's seal, snowberry, and Himalayan blackberry. Adjacent uplands were steeply sloped with hare's-foot clover, Oregon grape, Himalayan blackberry, California black oak, ponderosa pine, and madrone.

Site: Roca Creek

Township **39S** Range **1E** Sections **10 & 15**

Sample Plot Number(s): None Field verification date(s): 6/4/03, 6/25/03, 6/26/03

Dominant Plant Species (Common Names):
Trees:
white alder, black cottonwood, Pacific willow, weeping willow

Shrubs:
white alder, black cottonwood, Pacific willow, Oregon ash, bittersweet nightshade, red-osier dogwood, big-leaf maple

Herbs:
Reed canarygrass, soft rush, hardstem bulrush

Other:

Description:
The headwaters of Roca Creek are located outside the study area in the steep hillside south of Ashland. The upstream daylighted portion of Roca Creek, above Madrone Street, is 2 to 3 feet wide and is confined at the bottom of very steep side slopes. Riparian vegetation consists of white alder, black cottonwood and Pacific willow shrubs and trees. Adjacent uplands are dominated by orchard grass, ripgut brome, charming barley, hare's-foot clover, common oat, hairy vetch, Himalayan blackberry, and Oregon white oak.

The majority of the downstream portion of Roca Creek has been culverted due to development. The stream daylights north of East Main Street in a residential subdivision. A small on-line pond is present on Roca Creek with a water control structure. A patch of hardstem bulrush is present at the upper end of the pond, and red-osier dogwood, white alder and big-leaf maple plantings are present on the side slopes. Downstream from the pond, the stream channel ranges from 3 to 6 feet wide and contains a narrow fringe of reed canarygrass, bittersweet nightshade, and soft rush with a few willow shrubs. The stream channel is bordered by mowed lawn with a few planted Oregon ash and big-leaf maple saplings. A portion of the stream channel consists of a mowed grass channel with a few weeping willow and Pacific willow, bordered by mowed lawn.

Roca Creek downstream of Seena Lane is approximately 10 feet wide and contains dense reed canarygrass in and adjacent to the stream channel, along with bittersweet nightshade, willow and Oregon ash shrubs.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Strawberry Creek

Township **39S** Range **1E** Section **8**

Sample Plot Number(s): none

Field verification date(s): 6/26/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs:

Other:

Description:
Strawberry Creek is located in the steep hillside to the west of Ashland Creek. No field data was collected since permission to access was not granted, and Strawberry Creek is not visible from adjacent public roads.

Site: Tolman Creek

Township **39S** Range **1E** Sections **13 & 14**

Sample Plot Number(s): none

Field verification date(s): 6/5/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:
Pacific willow

Herbs:
yellow iris, American speedwell, buttercup, curve-pod yellow-cress

Other:

Description:
Tolman Creek on the Oak Knoll Golf Course is 3 to 5 feet wide and is bordered by a narrow wetland fringe of yellow iris, American speedwell, buttercup, curve-pod yellow-cress and a few Pacific willow shrubs. A small on-line pond is present. Adjacent uplands contain tall fescue, catchweed bedstraw, Himalayan blackberry, and a few white alder.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment
Riparian Summary Sheet

Site: Twin Creek

Township **39S** Range **1E** Section **8**

Sample Plot Number(s): none

Field verification date(s): 6/26/03

Dominant Plant Species (Common Names):
Trees:

Shrubs:

Herbs:

Other:

Description:
Twin Creek is located in the steep hillside to the west of Ashland Creek. No field data was collected since permission to access was not granted, and Twin Creek is not visible from adjacent public roads.

Site: Wrights Creek

Township **39S** Range **1E** Sections **5, 6 & 8**

Sample Plot Number(s): none Field verification date(s): 6/5/03

Dominant Plant Species (Common Names):
Trees:
Big-leaf maple, Pacific willow, ponderosa pine, quaking aspen

Shrubs:
Snowberry, serviceberry, Oregon ash, western wahoo, Himalayan blackberry

Herbs:
English ivy

Other:

Description:
Wrights Creek is confined within tall steep slopes and no wetland benches were observed at several road crossings. The stream channel is approximately 10 feet wide and contains many cobbles and boulders in the downstream portion. The riparian corridor contains good tree and shrub cover. Himalayan blackberry is present in open canopy areas. Uplands upslope of the riparian corridor contain downy cheat grass, tall fescue, tall oatgrass and hairy vetch.

Five tributaries to Wrights Creek are also included in this unit. Tributaries are similarly confined within steep side slopes, but the stream channels are narrower and contain more Himalayan blackberry than the mainstem of Wrights Creek. Adjacent uplands contain downy cheat grass, bulbous bluegrass, blue wildrye, common oat, hairy vetch, and catchweed bedstraw.

BEFORE THE CITY COUNCIL
CITY OF ASHLAND, JACKSON COUNTY, OREGON

December 15, 2009

In the Matter of Amendments to the City of Ashland	)
Comprehensive Plan and Land Use Ordinances to Update	) FINDINGS OF FACT AND
Land Use Regulations Concerning the Protection of	) CONCLUSIONS OF LAW
Wetlands and Riparian Corridors, including Significant	)
Wetlands and Significant Riparian Corridors	)

PURPOSE:

Complete Periodic Review Work Task on Goal 5.

PUBLIC HEARINGS:

On March 28, 2008, a notice of the Public Workshop and Public Hearing was sent by first class mail to approximately 1,800 owners of properties that may have the use of the property impacted by the proposed rules in accordance with ORS 227.186. Additional public information efforts included a "Frequently Asked Questions" handout on the proposed rules that was mailed with the 1,800 notices, and a project web page was established at the same time the March 2008 notices were mailed. The project web page included the proposed rules and map amendments so that recipients of the notice could go on-line to look up the proposed Chapter 18.63. The web page has been updated throughout the public hearing process with meeting materials as well as the record. Notice was published in The Ashland Daily Tidings on April 17, 2008 prior to the Planning Commission public workshop and public hearing and on April 6, 2009 prior to the City Council public hearing. Notice was also sent to the Department of Land Conservation and Development on February 20, 2008 and March 31, 2008.

A Public Workshop was held at the Planning Commission on April 22, 2008 and public hearings were held at the Planning Commission on May 13, 2008 and continued to May 13, June 10, June 24, June 22, Sept 9 and October 28. Public Hearings were held at the City Council on April 21, 2009 with the record left open to May 19, 2009.

REVIEW CRITERIA

The decision of the City Council together with the recommendation by the Planning Commission was based on consideration of the following factors:

A. Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 5 as implemented by OAR Chapter 660, Division 23.
B. Applicable policies of the Ashland Comprehensive Plan.

EVALUATION AND COUNCIL FINDINGS:

A. Oregon Statewide Planning Goal 5 and the Goal 5 Rule (OAR Chapter 660, Division 23).

1. The City has inventoried wetlands and riparian resources. The City conducted a stream inventory in 1987, which was subsequently adopted as the Physical and Environmental Constraints Riparian Lands Map on May 21, 1987 by Ordinance 2419. At the same time, Chapter 18.62 Physical and Environmental Constraints was also adopted by Ordinance 2419, which established all streams inventoried and identified on the Physical and Environmental Constraints Riparian Lands Map as significant water resources, and established protected and regulated riparian areas surrounding those streams. Chapter 18.62 established a permitting process for development in the protected riparian lands, and Development Standards for Riparian Preservation Lands addressing tree preservation, minimizing fill and culverting and retaining the general topography of the riparian areas. Chapter 18.62 Physical and Environmental Constraints was replaced in its entirety in July 7, 1989 by Ordinance 3528. However, the regulations addressing the riparian lands and the Physical and Environmental Constraints Riparian Lands Map were retained and were not changed. The City adopted digital versions of the Comprehensive Plan Maps on April1, 2008 by Ordinance 2951 including the Physical and Environmental Constraints Riparian Lands Map. The title of the map was changed to Physical and Environment Constraints Floodplain Corridor Lands Map, but the riparian lands stream inventory and designations were not changed.

In 2003, the City conducted a Local Wetlands Inventory (LWI). Approximately 1,500 letters were mailed to properties with potential natural resource sites, requesting the property owner to permit access to their property to conduct fieldwork. The City then determined which wetlands are locally significant following methods prescribed in Division of State Lands administrative rules. The LWI also includes information on the riparian corridors including an evaluation of the general stream characteristics, hydrology, adjacent land form and vegetation. Subsequently, notices were mailed a second time to the approximately 1,500 property owners with potential natural resource sites informing them of a public open house meeting on November 2003 to discuss and update citizens on the status of the inventory and project

The Oregon Division of State Lands (DSL) approved the LWI in March 2007. The City is adopting the Water Resources Map as a Comprehensive Plan Map which identifies the significant wetland and riparian corridor resource sites, as required by OAR 660023-030. The Water Resources Map combines the mapped stream inventory from 1987 as depicted on the Physical and Environmental Constraints Floodplain Corridors Map and the wetlands identified in the LWI.

2. The City developed a program to achieve Goal 5 for water resources and conducted the necessary ESEE analysis as required by OAR 660-023-040 with the update

of the Chapter IV Environmental Resources of the Ashland Comprehensive Plan (Ordinance 2650, October 15, 1991). The ESEE analysis in the updated Environmental Resources chapter of the comprehensive plan addressed the environmental energy, social and economic consequences of policies that limit or prohibit conflicting uses in wetlands and riparian corridors. Based on the evaluation of ESEE consequences, the City decided to protect significant wetlands and riparian corridors.

3. The new Chapter 18.63 Water Resource Protection Zones is intended to limit land use and development activities in wetlands and riparian corridors in accordance with the safe harbor provisions of OAR 660-023-100 (4)(b) and OAR 660-023-090(8). Existing Physical and Environmental Constraints regulations are "reserved" for claims, (e.g. Measure 49).

4. In Ashland, all streams inventoried and identified on the Physical and Environmental Constraints Riparian Lands Map have been protected as significant water resources since 1987. The current update of the regulations provides consistency with the requirements of OAR 660-023-0100(4)(b) (safe harbor provisions for wetlands) and OAR 660-023-0090(8) (safe harbor provisions for riparian corridors)as well as OAR 660-023-050 (standard Goal 5 process for wetlands and riparian corridors). The proposed amendment creates protection zones around and adjacent to the significant wetland or riparian corridor resource. The proposed amendment limits or prohibits land uses and development activities within the protection zone (buffer) andsignificant resource. The protection program is based on clear and objective standards that have been adopted as Chapter 18.63 Water Resource Protection Zones of the Ashland Land Use Ordinance.

5. Chapter 18.63 provides safe harbor protection for significant riparian corridors and associated wetlands, and establishes protection zonesof 50 feet consistent with OAR 660-023-090(5). Chapter 18.63 imposes limitations on development activities as required by OAR 660-023-090(8). The Oregon Department of Fish and Wildlife has listed Ashland Creek Bear Creek, Emigrant Creek Kitchen Creek, Neil Creek and Tolman Creekas fish-bearing waterways.

6. Chapter 18.63 provides protection zones of 50 feet for locally significant wetlands.

7. There were many issues raised during the public hearings. The City Council finds and determines that all substantive issues were adequately addressed by City staff in the numerous staff reports and staff responses, and other materials in the record, whether such responses were made orally at the hearings or provided in written form as set forth in the record. All staff reports, staff materials, and other staff responses are hereby accepted by the City Council and are incorporated herein by this reference.

The significant issues raised during the public hearings are summarized below and are addressed in the record.

(a) A concern was raised by Bonnie Broderson regarding not using the most recent findings to designate streams as fish bearing or non-fish bearing, and that the Oregon "Fish Wildlife's StreamNet database as its authority and that the database has not been updated for over eight years" (written comments from Bonnie Broderson, May 8, 2008). Additional reference was made to recent surveys by Oregon Fish and Wildlife in Clay, Hamilton and Wrights Creek. As described in the Ashland Local Wetlands Inventory and Assessment and Riparian Corridor Inventory July 2005/Revised February 2007, the City consulted maps and information from state and federal agencies as well as aerial maps as required by OAR 660-023-0090(4) to determine fish habitat. Additionally, the City contacted Oregon Fish and Wildlife to obtain information on fish surveys in Ashland. As described in the July 28, 2008 letter from Dan Van Dyke, District Fish Biologist, fish use has been confirmed in Clay, Hamilton and Wrights Creek. However, the locations are all within .30 river miles of Bear Creek and outside of the Ashland Urban Growth Boundary (UGB) and city limits. For Clay Creek, fish use is confirmed "not far from the confluence with Bear Creek," which is approximately .19 of a mile north of the UGB and .36 of a mile north of the city limits. For Hamilton Creek, fish use is confirmed up to a culvert barrier where the creek flows under East Main Street, and East Main Street is the boundary of the UGB and is .53 of a mile north of the city limits. For Wrights Creek, fish use is confirmed up to river mile 0.2, downstream of Highway 99, and Highway 99 is the boundary of the UGB and city limits.

(b) Takings concerns were raised several times. In terms of impact to private property owners, increasing the size of the riparian buffers and requiring wetland buffers can potentially impact the size of the developable area. For properties adjacent to the six streams with delineated floodplains, the impact will be negligible because the existing floodplain boundaries are generally wider and existing regulations already limit further development. The proposed Water Resource Protection Zone Chapter 18.63 includes provisions for the transfer of density in the water resource protection zones to lands outside the water resource protection zone within the same development for land divisions. Additionally, the Water Resource Protection Zone Reduction and Hardship Variances provide two processes to address lots existing before the effective date of the ordinance that will not be able to meet the proposed requirements. The variance provision of Chapter 18.63 is intended to address situations in which the application of Chapter 18.63 unduly restricts the development or use of a lot, and renders the lot not buildable. As required by OAR 660-023-090, the procedure and criteria for variance approval is well stated in the proposed ordinance. Finally, vacant lots with non-conforming building envelopes and driveway plans

that were approved prior to the effective date of the ordinance are exempt from the requirements of the proposed ordinance for a period of three years.

(c) To address concerns raised regarding a one size does not fit all approach, and to address urban conflicts in particular in existing neighborhoods where houses and developments are very close to significant wetlands and riparian corridors a Water Resource Protection Zone reduction is included in Chapter 18.63 in accordance with OAR 660-023-0090(8)(c). The Water Resource Protection Zone reduction provides additional flexibility in the water resource protectionzones when it can be shown efforts have been made to avoid the protection zone, minimize impacts to the protection zone and restoration and enhancement will provide long term equal or better protection for the resources.

(d) Concerns regarding the definition of top of bank were raised several times. In the original draft of Chapter 18.63, the top of bank definition is the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas, and in the absence of physical evidence of the top of bank, the bankfull stage or line of non-aquatic vegetation is used. Additionally, the top of bank was used for measuring the stream bank protection zone of the three classes of streams. Throughout the public hearing and review process, the definition was revised to includea list of physical characteristics that indicate where top of bank is located. Additionally, the measurement for the stream bank protection zone for two stream classifications (i.e. Local Streams and Intermittent and Ephemeral Streams) was changed to the center line of the stream. The top of bank was retained to measure the stream bank protection zone for Riparian Corridors continue to be measured 50 feet from top of bank, in accordance with 660-023-0090(5). Staff produced research indicating the top of bank is a widely accepted physical feature that is used as a basis for measuring riparian buffer zones, including examples of adopted top of bank definitions used in communities in Oregon including Corvallis, Eugene and Medford.

(e) Concerns were raised regarding increasing the current setback requirements for the streams. The proposed Chapter 18.63 Water Resource Protection Zones revised existing regulations so that the size of the buffer area for streams will generally increase. In the case of Riparian Corridors the increase is from 20 to 50 feet from top of bank, for Local Streams the change is from 20 feet from top of bank to 40 feet from the center line of the stream, and for Intermittent and Ephemeral Stream the change is from 10 feet from top of bank to 30 feet from center line of the stream. For Riparian Corridors with 50 feet wide protection zones, staff presented information showing the floodplain was typically significantly wider than the existing flood plains. The flood plains are protected by existing regulations in Chapter 18.62 Physical and Environmental Constraints

from development activities. Staff presented information regarding the functions of a riparian area including the reduction of the chance of damaging floods, improvement in water quality and providing habitat and food for fish and wildlife. The majority of creeks in Ashland have setbacks ranging 10 to 20 feet from the creek under existing regulations. Staff presented examples of the intrusion of structures and impact of structures in the riparian corridors under current setback requirements for Local Streams and Intermittent and Ephemeral Streams. Testimony was received from Jeannine Rossa, a professional Fish Biologist and Stream Ecologist, indicating that a 50-foot buffer encompasses the active corridor of most small to medium sized streams. She added that the science behind how much area to protect recommends one full tree height, because that is essentially how much wood is going to fall into the creek. She added federal land utilize this tree height measurement. The conclusion was that structures placed within 10-20 feet of the creek under current requirements typically result in negative impacts to the riparian corridor (e.g. construction impacts, structure maintenance impacts and construction of prohibited structures). In testimony by Jeannine Rossa she commented that the smaller stream in Ashland have been straightened and somewhat channelized over the years due to development, and while that can not be changed very easily, said that the ecological function can be improved. The conclusion was that the buffers should be increased in width to maintain the functions of the streams and to fully address the following goals from the Environmental Resources Chapter of the Ashland Comprehensive Plan: 1) *Protect the quality of riparian resource lands, and preserve their wildlife habitats*, and 2) *To preserve existing wildlife habitats and natural areas within the city wherever possible.*

(f) Concerns were raised regarding the use of stream corridors for the conveyance of Talent Irrigation District (TID) water on Intermittent and Ephemeral Streams. Specifically, opponents argued that without TID water, many of the Intermittent and Ephemeral Streams would not exist and should not be considered natural streams deserving protection. According to data from the Ashland Engineering Division, TID uses nine of the 28 streams identified on the Water Resource Map for the distribution of irrigation water to customers and the return of unused irrigation water. The streams used for TID water delivery and return are Ashland, Tolman, Cemetery, Clay, Hamilton, Wrights, Golf Course, Paradise and Roca. Therefore, three of the 20 streams classified as Intermittent and Ephemeral Streams are used for TID delivery and return – Golf Course, Paradise and Roca. Therefore, it was determined that the assertion that all or most of the streams classified as Intermittent and Ephemeral would not flow if it were not for TID water is inaccurate.

(g) Opponents raised charges that there is no evidence that local native plants are beneficial to riparian corridors. Additionally, concerns were raised regarding the

availability of native plants. Staff presented the arguments for the advantages of using native plants in riparian areas including: 1) native plants are unlikely to be invasive or overly competitive with other native plants, 2)they provide food sources for native butterflies, insects, fish,birds and other animals, 3) they are better adapted to local drought and flooding conditions in riparian areas, 4) they reduce the need for pesticides, 5) they protect at-risk species and 6) protect biodiversity. Research presented by staff and included in the record indicate that healthy riparian areas include a variety of types and ages of plants including trees, shrubs, grasses and groundcovers, and that those plants adapted to local rainfall, climate, insects and soil conditions tend to be easier to care for because they need less water and pesticides ("Taking Care of Streams in Washington, Oregon, Idaho and Alaska", October 2002, Pacific Northwest Extension publication). Chuck Fustish, STEP Biologist of Oregon Department of Fish and Wildlife submitted written comments regarding the need tolimit the use of non-native species to minimize the possibility of new exotics spreading via the sterams. The Council decided to require 50% native plants with all native trees in stream bank protection zones for projects requiring mitigation. Additionally, removal of existing native vegetation, and the replacement of removed non-native vegetation with native plant species is required by Chapter 18.63 in accordance with OAR 660-023-0090(8)(b).

(h) Concerns were raised regarding the accuracy of the native and prohibited plants list, and questions were raised regarding the need for locally drafted plant lists. The plant lists were based on the Vegetation List in Appendix 7 of the LWI which identified specific native and noxious plants found in Ashland wetland and riparian areas. Additional information on plants lists for the Rogue Valley was from Stream and Wetland Enhancement Guide by the Water Resources Department of Rogue Valley Council of Governments (RVCOG). Sources for the RVCOG materials included: SPROut – Sustainable Plant Research & Outreach Center http://www.oregongarden.org/SPROUT/SPROUT_Home.html, Citizens Guide to Stream Restoration, Izack Walton League, 1995, *Gardening with Native Plants of the Pacific Northwest*, Kruckeberg, University of Washington Press, 1982, *Going Native*: Biodiversity in Our Own Backyards, Rice, Wilson 4 West, 199., *Redesigning the American Lawn*, Dorman, Dalmori and Gaballe, Yale University Press, 1993, *The Natural Habitat Garden*, Druse, Clarkson Potter Publishers, 1994 and the USDA National Plant Database System: http://plants.usda.org. Several professionals with plant expertise specific to the Ashland environs were reviewed and made suggestions on the draft plants lists including Donn Todt, Ashland Parks Horticulturist, Ann Rich, Assistant Ashland Parks Horticulturist, Chris Chambers, Ashland Fire Forest Resource Specialist and Dr. Frank Lang, Professor Emeritus SOU. Staff reported that the general recommendation of the professionals consulted with plant expertise is that the preferred method is to develop plant lists specific to the ecosystems of Ashland, as opposed to relying

on state lists of a more general nature.

(i) Opponents argued that the ordinance was developed by city planning staff and did not include sufficient technical review and inputby persons with scientific expertise in stream ecology, botany or hydrology. Chapter 18.63 was reviewed by a variety of specialists with scientific expertise and experience with stream environments including Paul Fishman, Ecologist, Kent Smith, Hydrologist, Jeannine Rosa, Fish Biologist, Amanda Puton, Natural Resource Specialist, Frances Oyung, Ashland Watershed Assessment and Action Plan project team, John Ward, Ashland Watershed Assessment and Action Plan project team, Ann Rich, Assistant Parks Horticulturist andDonn Todt, Parks Horticulturist. While the science of water resources is one component to consider in updating the local wetland, stream and riparian corridor regulations, the workability in planning applications, compliance with the Oregon Statewide Planning Program and integration of community values are of equal importance. In this area, the Planning Commission as well as city planning and legal staff have spent considerable time in public hearings, and review and revision of the new ordinance.

(j) Concerns were raised regarding inadequacy of the citizen involvement process, and the need to involve technical advisory committee. In terms of public participation, the project began with two public open houses to discuss the project and the wetlands and riparian corridor inventory work in June 2003 and March 2003. Subsequently, the Wetland and Riparian Technical Advisory Committee was formed, and commented on the format and content of the ordinance. Finally, beginning in April 2008, the formal public hearing process began. The Planning Commission held a public workshop on April 22, 2008; public hearings on May 13, 2008, June 10, 2008, June 24, 2008, July 22, 008, September 9, 2008 and October 28, 2008; and deliberations on October 28 and November 6, 2008. In addition, the Planning Commission held two site visits on July 7, 2008 and July 17, 2008. All Planning Commission meetings and site visits were properly noticed. The City Council held a public hearing on April 21, 2009 with the record left open for written comments to May 19, 2009. The City Council held deliberations on May 19, 2009, July 21, 2009, August 18, 2009 and September 8, 2009. In addition, the City Council conducted site visits on April 9, 2009 and April 15, 2009. All Planning Commission meetings and site visits were properly noticed. Hard copies of all project materials have been on file for public review throughout the process, as well as on the project web page at www.ashland.or.us/waterresouces. The project web page has been updated throughout the public hearing process with meeting materials as well as the record. See finding (i) regarding professional technical involvement in Chapter 18.63 development.

(k) Concerns were raised regarding the integration of the flood plain regulation in Chapter 18.62 and Chapter 18.63 into one chapter. The conclusion was that the regulations should be separated because the chapters serve different purposes. The flood plain regulations are for public safety purposes, and while the water resource protection zones have some flood control functions, the additional function addressed are water quality and providing habitat and food for fish and wildlife.

(l) Concerns were raised regarding an educational component to provide property owners with information on wetland and riparian corridor land management. Arguments were made the regulations should not be requirements, but rather guidelines with educational program. The Council recognized the need for more training of the land owners about wetlands and stream management, as well as assistance with restoration and enhancement projects. The Council considered the idea of guidelines and education in lieu of standards, protection zones, and rules, but in the end determined there was history to show that education and enforcement are not stand alone solutions, and must be buttressed by effective regulations.

(m) Opponents argued that the changes to Chapter 18.62 Physical and Environmental Constraints were not sufficiently noticed. Chapter 18.62 as well as Chapter 18.108 Procedures were revised for consistency with the new Chapter 18.63. The amendments to Chapter 18.62 involve the deletion of the riparian corridor development standards because the new Chapter 18.63 is an update of those previous development standards. Additionally, some terminology is modified for consistency with Chapter 18.63. The changes to Chapter 18.108 involve the addition of the three new planning approvals included in Chapter 18.63 to the list of Type I and Type II procedures. The amendments to Chapter 18.63 and 18.108 simply provide consistency throughout the Ashland Land Use Ordinance (ALUO), and do not involve the addition of new regulations which would affect the permissible uses of a property.

(n) Concerns were raised by building owners in the downtown and on Water Street regarding the ability to replace their nonconforming structures in the event of a flood, natural hazard or fire. In converse, environmental concerns were raised regarding not allowing nonconforming structures and uses to remain in perpetuity, and the need to have a goal of removing nonconforming uses and structures in water resource protection zones. Many of the properties in question are historic structures built in close proximity to Ashland Creek, of which have sustained damage in flood events, most recently the 1997 New Year's flood. In the original draft of Chapter 18.63, a planning approval was required to replace a nonconforming structure. The ordinance was revised to exempt the replacement of nonconforming residential principal buildings and nonconforming non-

residential structures, while the requirement for a planning approval was retained for the replacement of nonconforming accessory structures in residential zoning districts.

Conclusion: For the above stated reasons, and based on information found in the record of these proceedings, the Council findsand determines that the proposed wetland and riparian corridor program complies with Goal 5 and its implementing rule. The program consists of inventories of significant wetlands and riparian corridors, and comprehensive plan policies that commit the City to a protection program embodied in Ashland Land Use Ordinance Chapter 18.63 Water Resource Protection Zones. The City has updated existing regulations to provide consistency with the requirements of OAR 660-023-0100(4)(b) (safe harbor provisions for wetlands) and OAR 660-023-0090(8) (safe harbor provisions for riparian corridors) as well as OAR 660-023-050 (standard Goal 5 process for wetlands and riparian corridors).

EVALUATION AND COUNCIL FINDINGS:

B Consistency with the Ashland Comprehensive Plan.

1. The LWI was adopted as a supporting document to the Ashland Comprehensive Plan.

2. The proposed implementation program is consistent with and adequate to carry out Goals and Policies in the Ashland Comprehensive Plan.

Chapter IV Environmental Resources

Goal: Protect the quality of riparian resource lands and preserve their wildlife habitats.

Policy 18: Identify, protect and seek conservation easements throughout significant riparian areas (streams, stream banks and flood plain areas), and wildlife habitat areas.

Policy 19: Encourage more public access to waterways but define what public activities can take place. Ensure that such access doesnot result in water and visual pollution.

Policy 20: Where possible, utilize water-related areas for visual relief pockets of wildlife habitat, landscaping amenities, natural site design elements, recreational uses, bike paths and pedestrian and jogging trails.

Policy 21: Utilize local resources to form a technical advisory committee to identify plants and animals which rely on riparian habitat for their continued existence. Retaining these areas in a natural state should be of high priority and development should consider and accommodate the habitat utilized by these plants and animals.

Goal: To preserve and protect significant wetlands and to mitigate potential impacts on these areas due to development and conflicting uses.

Policy 22: Evaluate the quantity and quality of wetland resources inside the City Limits and within the Urban Growth Boundary through the compilation of an inventory of significant wetlands.

Policy 23: Develop site review procedures and performance standards using buffering techniques setbacks and mitigation measures to reduce the impacts of development on significant wetland areas.

Policy 24: The City should actively pursue the use of Transfer of Development Rights dedications, direct-lease arrangement and purchase or other acquisition strategies as viable methods for preserving and insuring public access to significant wetland areas.

Policy 25: Examine the Physical and Environmental Constraints chapter of Ashland's Land Ordinance concerning wetland and riparian areas, and insure that existing zoning regulations maintain these valuable areas in a natural state.

Policy 26: Utilize local resources to form a technical advisory committee to identify potential plants and animals which rely on wetland habitat for their continued existence. Retaining these areas in a natural state should be of high priority and development should consider and accommodate the habitat utilized by these plants and animals.

Conclusion: The Council finds and determines that the proposed wetland and riparian corridor program complies with applicable Ashland Comprehensive Plan Goals and Policies. The program consists of inventories of significant wetlands and riparian corridors, comprehensive plan policies that commit the City to a protection program and regulations implementing the protection

program in Ashland Land Use Ordinance Chapter 18.63 Water Resource Protection Zones.

OVERALL COUNCIL CONCLUSIONS

1) The inventory of significant riparian corridor resources was completed, adopted and submitted to the State in 1987. Additional information on the riparian corridors including an evaluation of the general stream characteristics, hydrology, adjacent land form and vegetation is included in the Local Wetlands Inventory (LWI).
2) The LWI has been completed and approved by the Division of State Lands on March 21, 2007.
3) Oregon Statewide Planning Goal 5 is met with the completion of this action.
4) Ashland Comprehensive Plan goals and policies have been met as regards Goal 5 natural resources with the completion of this action.
5) Any federal or state statutes or guidelines found applicable have been complied with as is applicable and/or possible with the completion of this action.
6) The sections of Ashland Land Use Ordinance Chapter 18.62 Physical and Environmental Constraints regulating the protection of riparian corridors havebeen repealed and replaced with Chapter 18.63 Water Resource Protection Zones
7) Oregon Revised Statute Chapter 197 and Oregon Administrative Rules Chapter 660, Division 023 has been fulfilled as regards Goal 5 natural resources with the completion of this action.
8) Testimony and evidence in the record supports the recommendation of the Planning Commission and the final decision of the City Council.
9) OAR 660-023 only requires that the listed significant resources must be protected.
10) The proposed implementing rules incorporate OAR 660-023-100(4)(b) requirements for Wetlands and OAR 660-023-090(8) requirements for Riparian Corridors as well as OAR 660-023-050 (standard Goal 5 process for wetlands and riparian corridors).
11) The proposed protection zones are justified by testimony and evidence in the record but are not absolutes.
12) The Ashland Planning Commission has recommended adoption of the new Chapter 18.63 and other amendments to the existing Ashland Land Use Ordinance.

Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the City Council hereby APPROVES the ADOPTION of the following amendments to the Ashland Land Use Ordinance and Ashland Comprehensive Plan as reflected in three distinct ordinances

- Chapter 18.63 Water Resource Protection Zones is to be added to the Ashland Land Use Ordinance.
- Chapter 18.62 Physical and Environmental Constraints and Chapter 18.108 shall be amended to provide consistency with the new Chapter 18.63 Water Resource Protection Zones

- Chapter IV Environmental Resources of the Ashland Land Use Ordinance shall be amended to add new and updated resource maps and adopt the Local Wetlands Inventory as a supporting document.

Ashland City Council Approval

John Stromberg, Mayor — 12-15-09 Date

Signature authorized and approved by the full Council this 15th day of December, 2009

Attest:

Barbara Christensen, City Recorder — 12-15-09 Date

Approved as to form:

Ashland City Attorney — 12/15/09 Date

CITY HALL
COMMUNITY DEVELOPMENT
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ASHLAND OR 97520

CITY OF ASHLAND

Attention: Plan Amendment Specialist
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