

BEFORE THE PLANNING COMMISSION
October 12, 1999

Findings, Conclusions and Orders

IN THE MATTER OF PLANNING ACTION #99-048, REQUEST FOR LOT LINE ADJUSTMENT AND LAND PARTITION, INCLUDING THE CONSTRUCTION, OF A NEW PUBLIC STREET AN ALLEY SYSTEM FOR THE PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF HERSEY AND OAK STREETS, AND NORTH OF THE RAILROAD TRACKS.

APPLICANT: Donna Andrews

RECITALS:

- 1) Tax lot 2000 of 391E 13B is located at and is zoned
- 2) The applicant is requesting Lot Line Adjustment and Land Partition, including the construction of a new public street and alley system for the property southeast of the intersection of Hersey and Oak Streets and north of the railroad tracks. Site improvements are outlined on the Site Plan on file at the Department of Community Development.
- 3) The criteria for approval of a Land Partition are described in 18.76 as follows:
 - A. The future use for urban purposes of the remainder of the tract will not be impeded.
 - B. The development of the remainder of any adjoining land or access thereto will not be impeded.
 - C. The tract of land has not been partitioned for 12 months.
 - D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
 - E. The partitioning is in accordance with the design and street standards contained in the Chapter on Subdivisions.
 - F. When there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.

- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street. (amended Ord. 2757, 1995)

4) The Planning Commission, following proper public notice, held a Public Hearing on October 12, 1999, at which time testimony was received and exhibits were presented. The Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposed Lot Line Adjustment and Land Partition, including the construction of a new public street and alley system, for the property southeast of the intersection of Hersey and Oak Streets and north of the railroad tracks meets all applicable criteria described in the Partitions Chapter 18.76

2.3 The Commission finds that the future use of the remainder of the tract will not be impeded by the proposal. The proposed street design and layout allows for the new street to be extended further to the east at a later date. This will provide public street access to the remaining 25 acres and the needed infrastructure to support future land divisions.

2.4 The Commission finds that there exists adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity. Sere, water and electric services are available from the adjacent rights-of-way of Hersey and Oak Streets. In addition, the preliminary engineering plan for the project indicates that a portion of the run-off from impervious surfaces situated south and west of the wetland (parcels 4 and 5) can be directed to storm drain facilities located within the new street and Oak Street. The project engineer and written findings of fact identify additional storm water improvements. Specifically, the existing storm drain line in Hersey Street will be extended to the west to provide an overflow for the wetland, as well as accommodating other run-off from the development. Finally, a filtration system will be installed at existing, as well as new discharge points alongside the wetland.

2.5 The Commission finds that the partition is in accordance with the design and street standards contained in the Land Use Ordinance. The revised map includes a 60-foot wide street right-of-way consistent with City standards for Neighborhood Commercial Collectors. This will provide adequate width for the construction of travel lanes, on-street parking, planting strips and sidewalks. Based upon the revised right-of-way width of 60 feet, it is the Commission's opinion that the final street design to Neighborhood Commercial Collector standards will be adequate to accommodate the development of the remaining 25 acres.

2.4 SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #99-048. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #99-048 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant be conditions of approval unless otherwise modified here.
- 2) That the wetland mitigation plan be reviewed and approved by the Oregon Division of State Lands and City of Ashland prior to signature of the final survey plat. The Wetland Mitigation Plan shall include mitigation strategies for expansion, protection and enhancement, as well as engineered filtration devices to filter storm run-off prior to entering the wetland. The mitigation strategies and storm water filtration system shall be reviewed by the Ashland Tree Commission and approved by the Public Works Department and Staff Advisor prior to signature of the final survey plat. All required improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.
- 3) That a engineered storm drainage plan be submitted for review and approval by the Engineering Division and Staff Advisor prior to signature of the final survey plat. Plan to include: improvements that accommodate run-off south of the property from "A" Street, a filtration system prior to entering the wetland, an overflow system at the north end of the wetland, and the westerly extension of the existing storm drain within Hersey Street to its intersection with the overflow system. All improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.
- 4) That the construction of full street and alley improvements end at the southern boundary of parcel 6. An approved turnaround, complying with the specifications of the Ashland Fire Department, shall be installed at the terminus of the street. In addition, street plugs shall be dedicated on the survey plat at the ends of the street and alley.
- 5) That the final construction design for the proposed bicycle path from the south end of parcel 1, across the wetland and connecting to Hersey Street be providing for review and approval by the Engineering Division and Staff Advisor prior to signature of the final survey plat. Final design shall be consistent with City "multi-use path" standards, with the path installed or bonded for prior to signature of the final survey plat.
- 6) That automobile access to parcel 5 shall be from the public alley adjacent to the east property line. Additional driveway access along the new street shall be prohibited.
- 7) That engineered construction documents for all proposed public facilities be provided for review and approval of the Engineering Division and Staff Advisor prior to the signature of the Final Survey Plat. Plans to include but not be limited to street and alley cross-sections and profiles, utility/drainage layout, grading plan (including elevations of building footprint), and multi-use path design. The new street shall be

designed and constructed in accordance with Ashland's Local Street Standards for Neighborhood Collectors, including travel lanes, on-street parking, curb and gutter, curb radii, storm drains, planting strips, street lights, street trees and sidewalks. All improvements noted above shall be installed or bonded for prior to the signature of the final survey plat.

8) That the overhead electric line crossing the southern portion of Parcel 1 be relocated as per the requirements of the Ashland Electric Utility. Under-grounding of the electric line shall be completed or bonded for prior to the signature of the final survey plat.

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

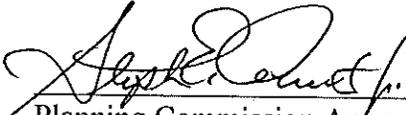
10) That parcel 2, 4, 5, 6 and 7 sign in favor of a local improvement district for the construction of a new railroad crossing from the new street to "A" Street. Final agreement shall be reviewed by the City Attorney and signed by all affected property owners prior to signature of the final survey plat.

11) That additional right-of-way shall be dedicated on the survey plat along the south side of the approximately first 150 feet of new Public Street. Full street improvements including a 24 foot wide paved surface, curb and gutter, planting strip and sidewalk to be installed or bonded for prior to signature of the survey plat.

12) That all requirements of the Ashland Fire Department be identified on the Engineered Construction documents, including but not limited to hydrant spacing and installation, turnaround placement, etc.

13) That all necessary public utility easements for sewer, water, electric, phone service, storm drainage, streets, etc. be indicated on the final survey plat as required by the City of Ashland.

14) That temporary construction fencing shall be installed along the boundary of the wetland prior to any site preparation, grading, grubbing or construction of public facilities.



Planning Commission Approval

11-9-99
Date

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TO BE RECORDED ON PARCEL 7 (EXCLUDING RIGHT-OF-WAY)

Plat language:

Further development or division of the property is restricted until the City of Ashland receives a written statement of compliance from the Oregon Department of Environmental Quality that the property's soil and groundwater have been cleaned of hazardous substance contamination sufficient to allow for residential development.

WILLIAMS, DEBRA

The above language shall appear on the parcel plat map but it is the City's understanding that Union Pacific Railroad has agreed to clean up the property to commercial standards only and the remainder of the degree of clean up between commercial and residential shall be the responsibility of the developer of the property.

signatures



Original Signed:

R. D. RICE

Sr. Mgr. Real Estate