

# Grizzly Peak View Subdivision 822 Oak Street

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## Planning Commission Hearing August 10, 2020

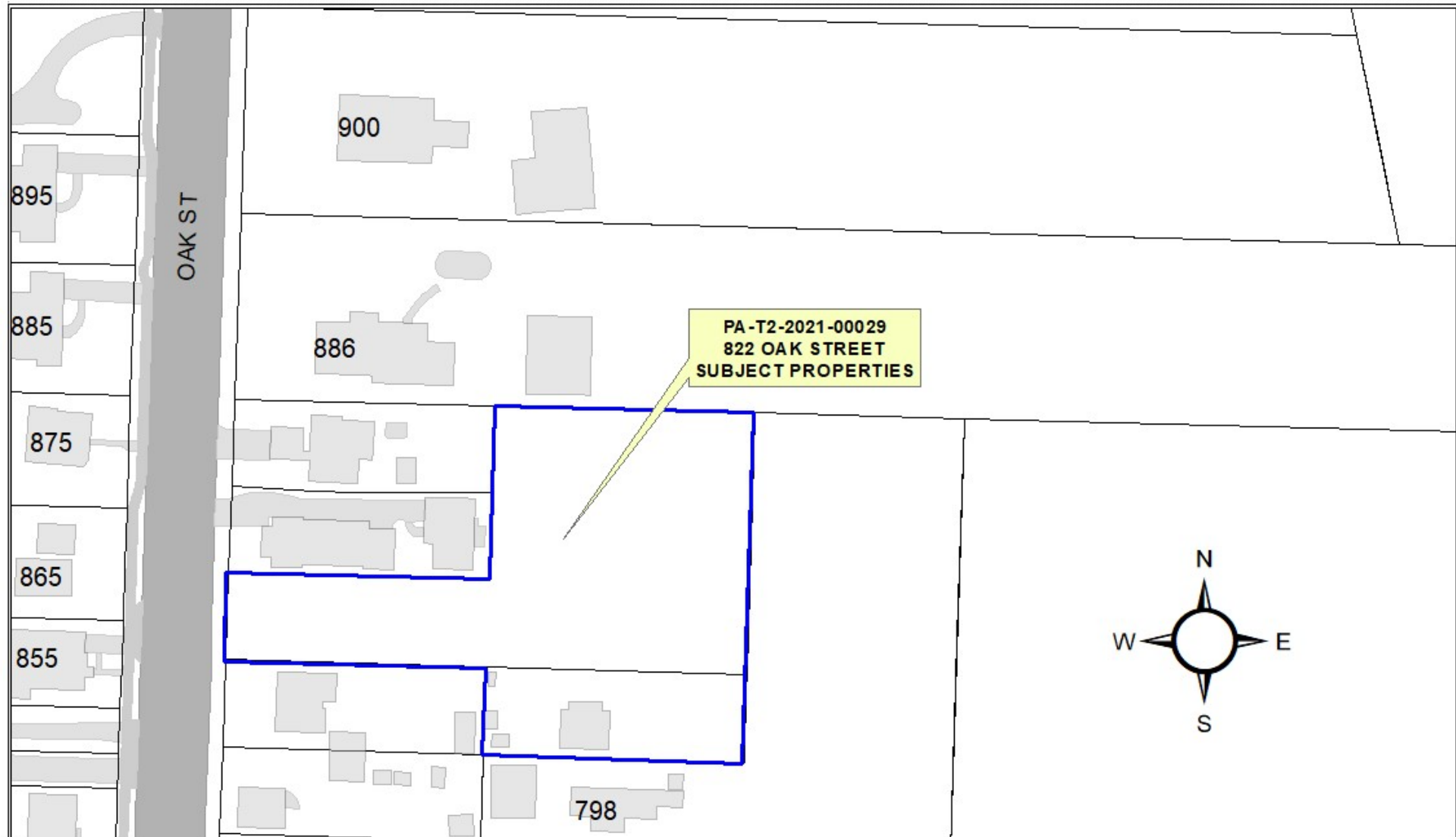


# 822 Oak Street Proposal

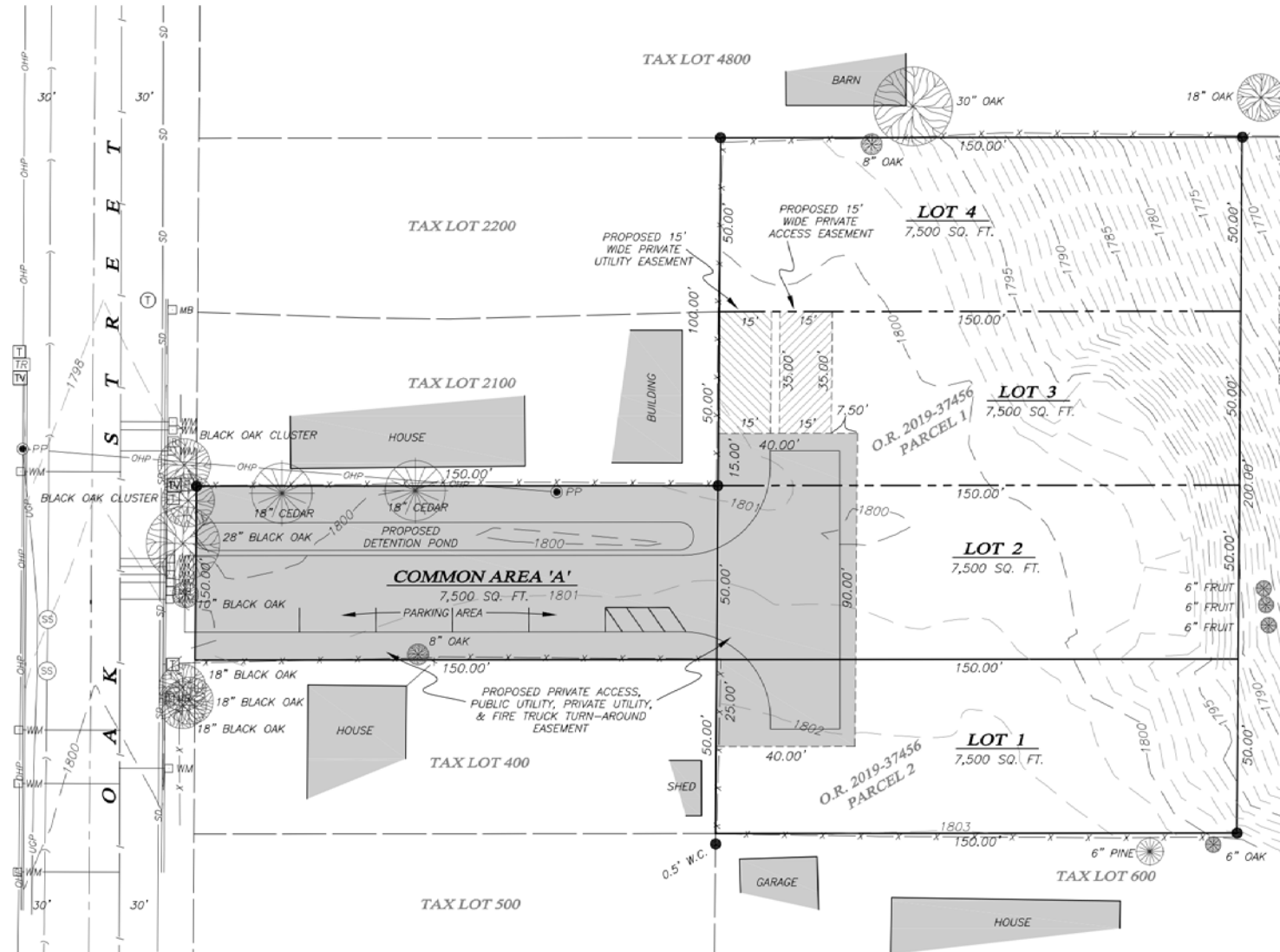
- ❑ Outline and Final Plan approval for a five-lot, four-unit Performance Standards Option subdivision for the two properties located at 822 Oak Street.
- ❑ A Variance to allow a private driveway to serve four units where dedication of a public street is typically required per **AMC 18.4.6.040.C.1.**
- ❑ A Conditional Use Permit to modify a non-conforming development where the required driveway separation is not provided for an avenue under **AMC 18.4.3.080.C.3.a.**
- ❑ An Exception to Street Standards to not install city standard street frontage improvements (i.e. parkrow with street trees and sidewalk) along Oak Street, and
- ❑ A Street Tree Removal Permit to remove three Oak trees along the Oak Street frontage.

# 822 Oak Street

## Vicinity Map



# Preliminary Map for Outline & Final Plan Approval





# 822 Oak Street

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## Two Large Incense Cedars to be Preserved in Open Space



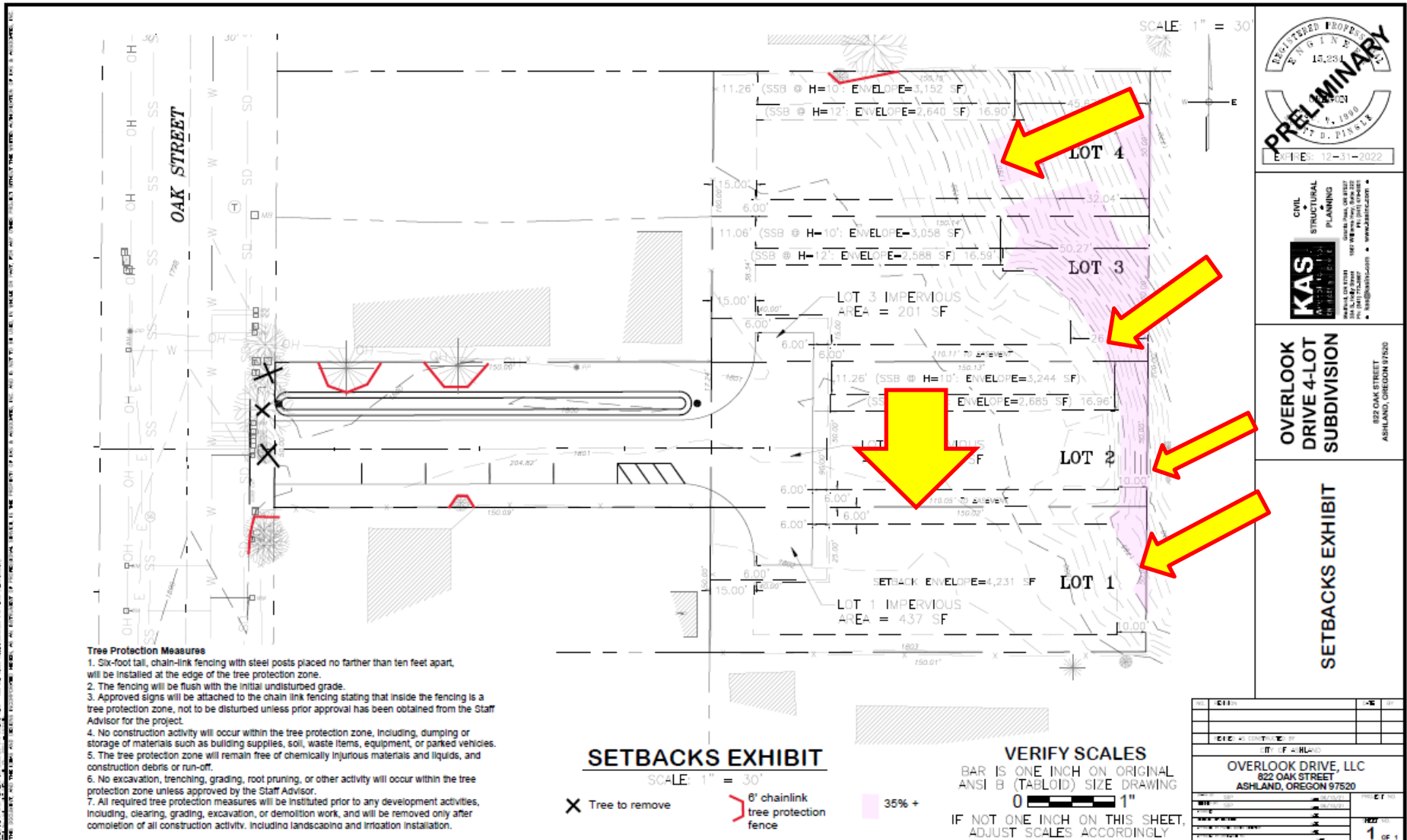


# 822 Oak Street

## Driveway & Open Space Corridor



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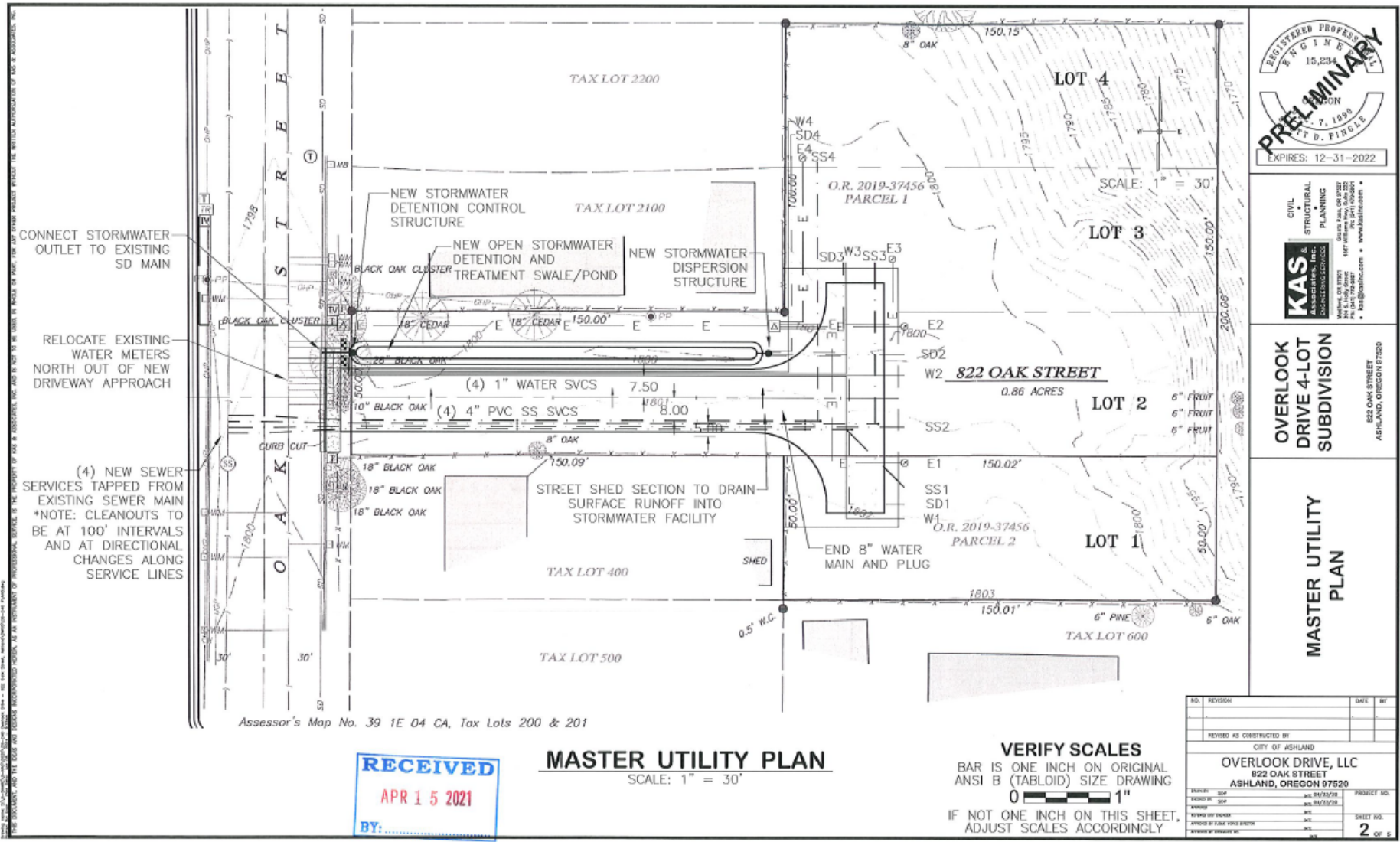


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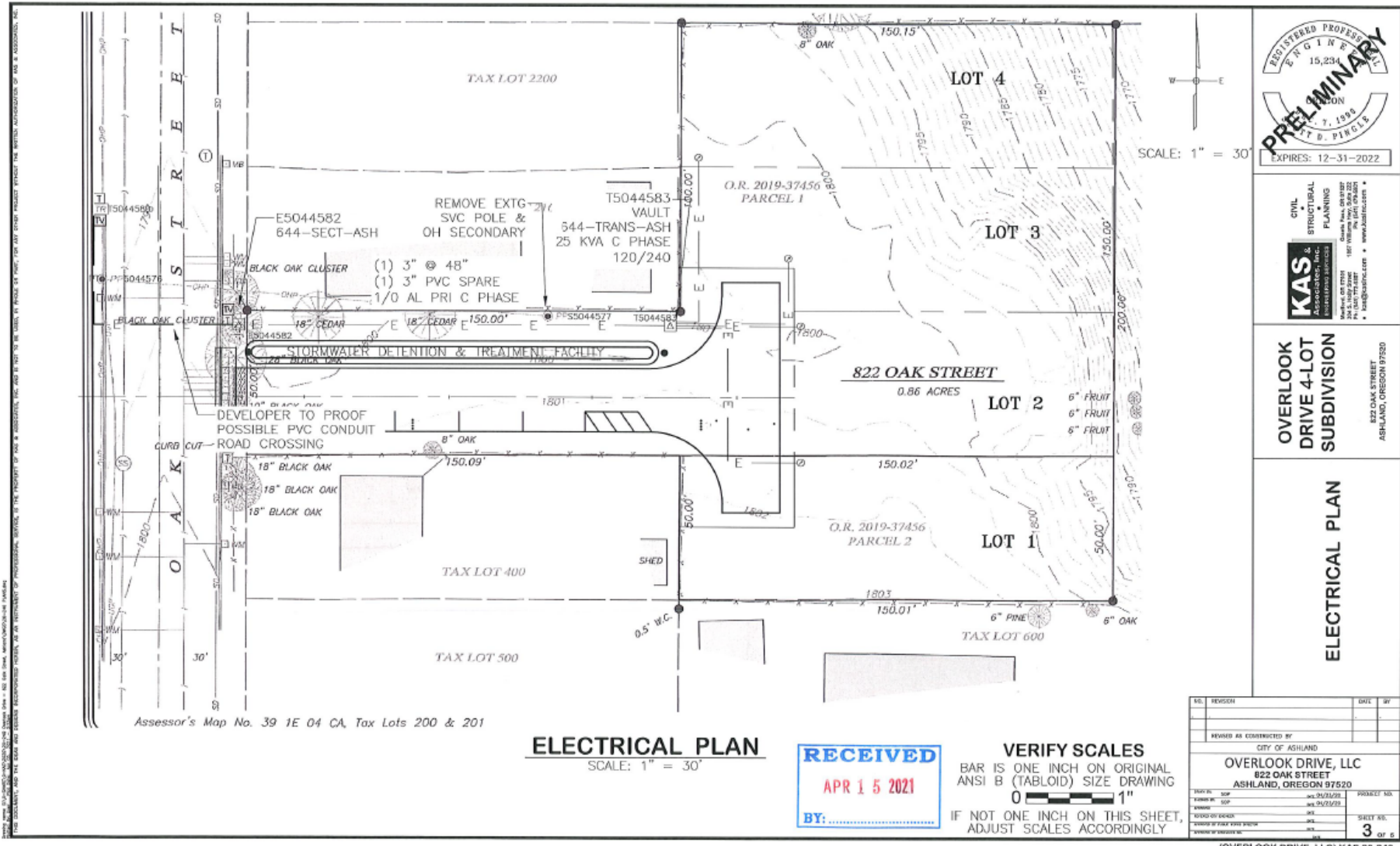




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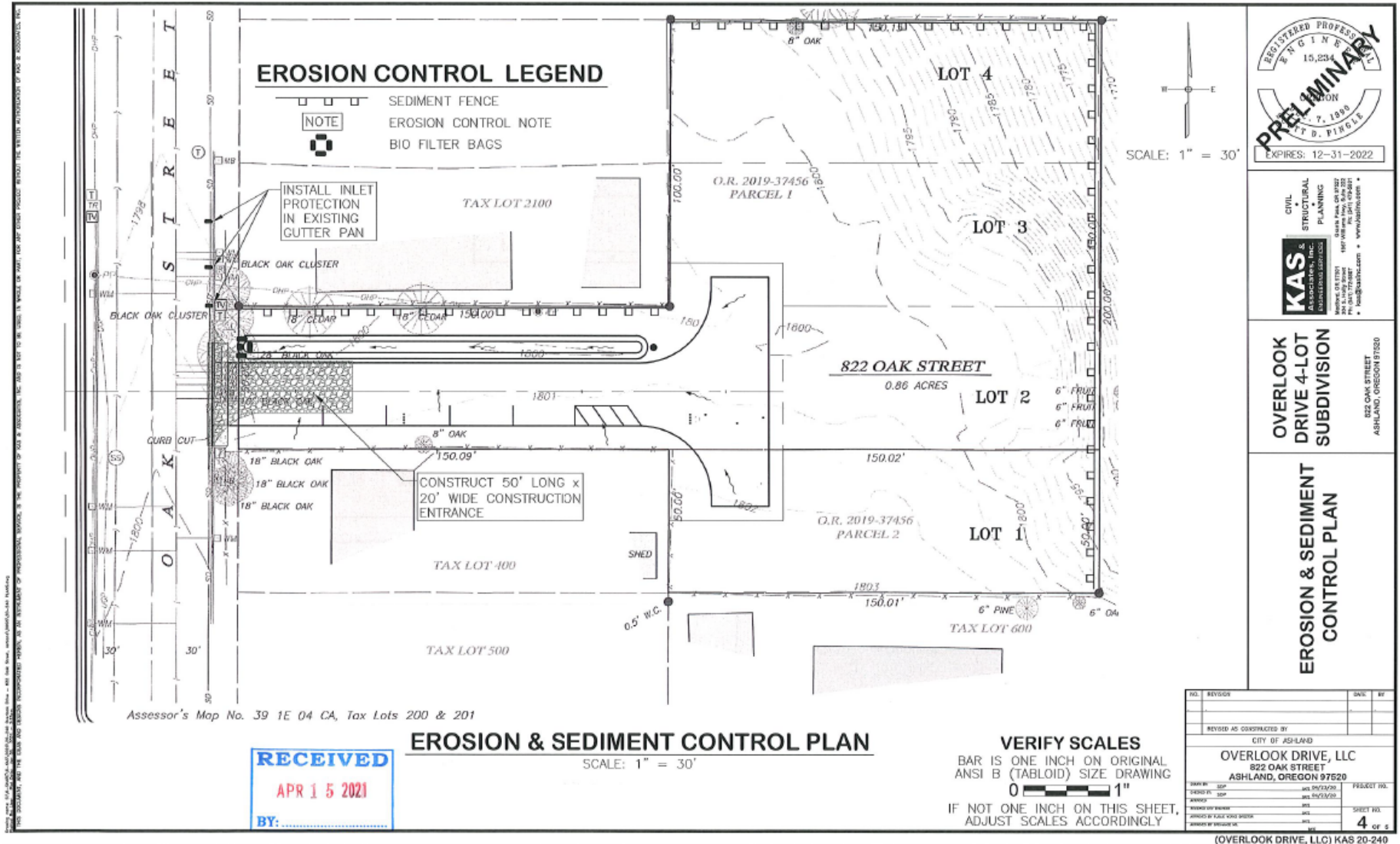
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# 822 Oak Street

## Erosion & Sediment Control Plan

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# 822 Oak Street

## *Conceptual Elevations*

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# 822 Oak Street

## Variance – Street Dedication

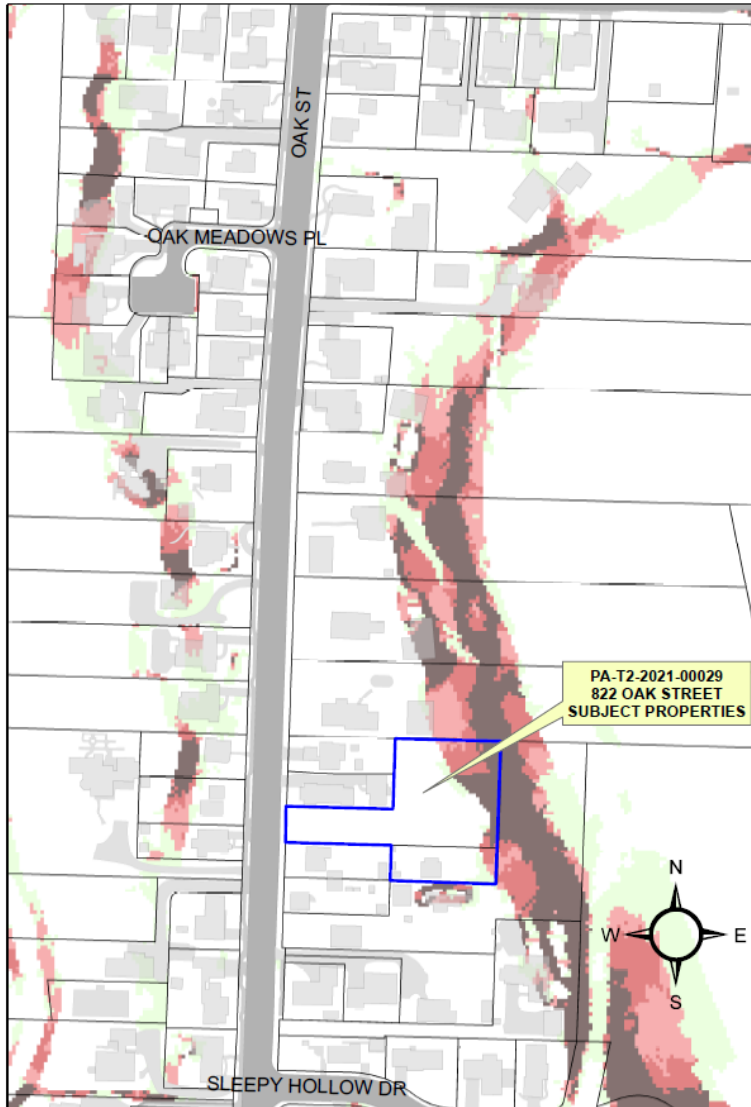
Code requires a public street dedication where four or more lots are being served. In staff's assessment the requested Variance is merited here.

- Slopes at the east edge of property exceed 35 percent.
- The grade of an east-west street extension would be in the 30 percent range, while AMC 18.4.6.040.C5 provides that public street grades shall not exceed a maximum grade of 15 percent, and further explicitly precludes any variances to the maximum grade for public streets.
- The topography is too steep for an east-west street extension, and an E/W street would disturb slopes and floodplain corridor below.
- Placement of existing buildings on properties immediately to the north and south combine with the topography at the rear of the property to prevent easy north-south street connectivity.
- The Street Dedication Map (Figure 10-1) of the Transportation System Plan does not identify any planned streets on the subject properties or in the immediate vicinity.

Street dedication requirements do not account for those situations where topography precludes installation of a street meeting the street grade requirements. Four lots rather than three via a private drive seems the minimum variance possible to address the difficulty while seeking more efficient land use, with the benefit that there would not be public responsibility for the maintenance of a private driveway without any associated public benefit from connectivity, and the Bear Creek floodplain corridor and the slopes that overlook it would be protected.

With regard to potential pedestrian connectivity, there is one property between the subject properties here and the Parks property below, but the slopes on that property – *like the rear of the subject properties here* – exceed 35 percent and are unlikely to support further development. In staff's assessment, these slopes are too great to require that a pedestrian connection/easement be provided.

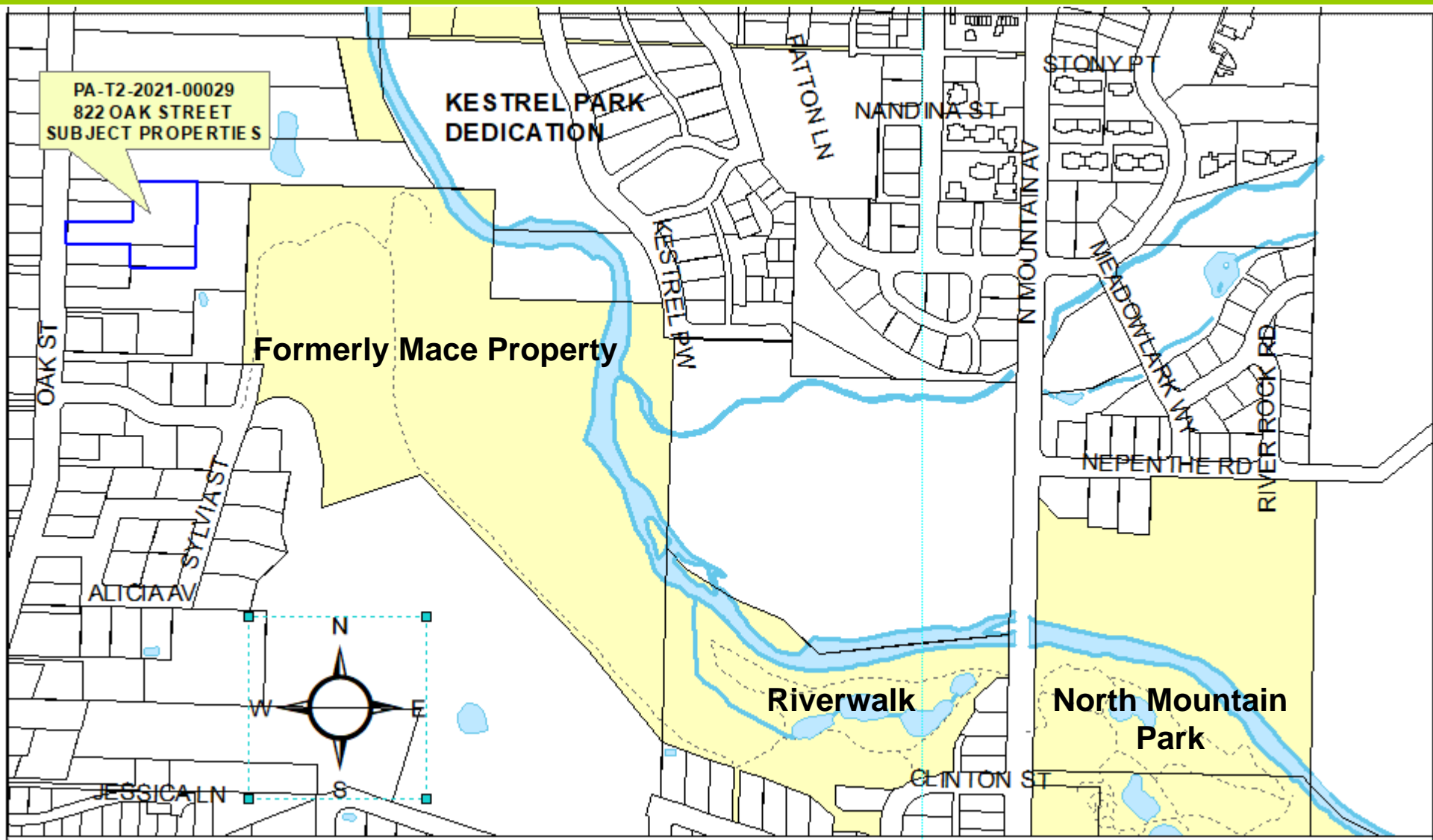
# 822 Oak Street



# 822 Oak Street

## Broader Context

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# 822 Oak Street

August 9<sup>th</sup> PC Site Visit

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# 822 Oak Street

## Slope & Development Pattern (North)





# 822 Oak Street

## Slope & Development Pattern (South)

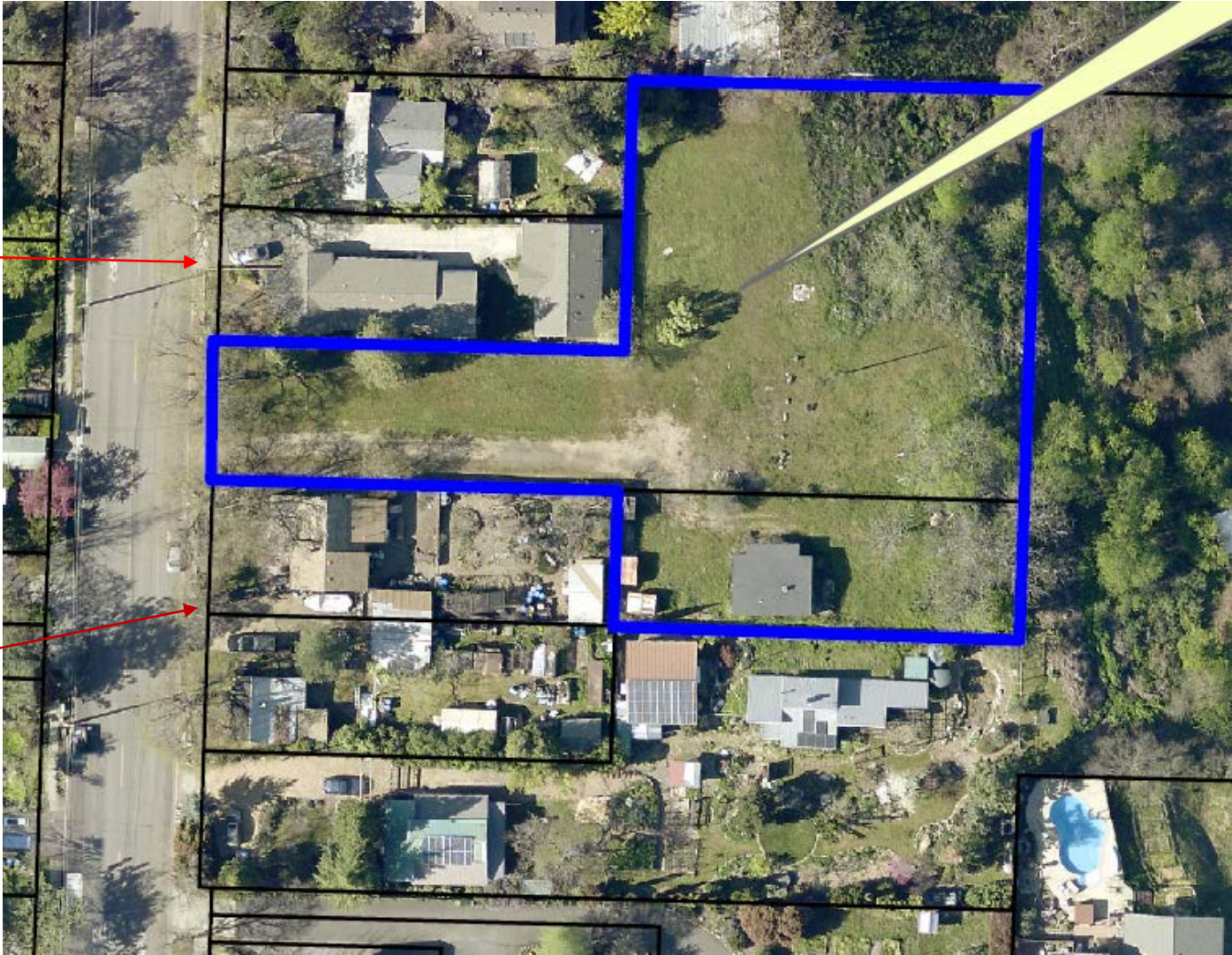




Driveway Approx. 60  
Feet  
To the North

- Applicant calls out 75-foot separation requirement for an avenue
- AMC says for an Avenue separation is 75 between drives, 50' from intersection.
- AMC does not call out controlled access as applicable to R-1 – i.e. we've previously determined in R-1 required driveway separation is 24'.

Driveway Approx. 39  
Feet  
To the South



# 822 Oak Street

## Conditional Use Permit (CUP) – Driveway Separation

Request includes a CUP to modify a non-conforming development where the existing driveway separation does not meet the standards for an Avenue street type detailed in **AMC 18.4.3.080.C.3**, and the proposal will increase the non-conformity. As explained in the application materials, the closest driveway to the north is approximately 60 feet from the existing driveway on the subject property, while the driveway to the south is approximately 39 feet from the existing driveway. The application materials explain that Oak Street is considered to be an ‘**Avenue**’ or ‘**Major Collector**’ street type in the Transportation System Plan (**TSP**) and these existing driveway separations do not meet the 75-foot driveway separation required by code for this street type. The application further explains that the proposed driveway will increase this non-conformity by decreasing the separation from 60 feet to 54 feet for the driveway to the north.

In staff’s assessment, while the ‘*Intersection and Driveway Separation*’ standards in **AMC 18.4.3.080.C.3** generally seek a separation of 75 feet between driveways on a collector street, as detailed in section **18.4.3.080.C.3.b**, these separation standards come into play for ‘*Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone*’. **AMC 18.4.3.080.C.3.c** further provides that ‘*Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited...*’ In this instance, the subject property is zoned R-1-5 and is therefore not subject to the limitations listed in **C.3.b** or **C.3.c**, but rather to **AMC 18.4.3.080.C.3.a**, which provides that, ‘*In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.*’ Within the R-1-5 zoning district, the minimum lot width is 50 feet, and being subject to a driveway separation substantially greater than the lot width would pose complications for single family development in a single family zoning district. An R-1-5 property along a collector street must only provide the minimum 24-foot separation between driveways while the applicant here is providing substantially more – *and serving four properties with a single driveway* - and as such, a Conditional Use Permit is not required.



# 822 Oak Street

## Exception – Parkrow & Sidewalk

First, in terms of inadequate right-of-way, AMC 18.4.6.050 explicitly provides that:

**B. *Street Dedication Required.*** *The approval authority may require the dedication of land for the construction of a city street, greenway, or portion thereof, provided that the impact of the development on the city transportation system is roughly proportional to the dedication. It is assumed that all development requiring planning actions will increase traffic generated in the area unless it can be proven otherwise to the satisfaction of the Planning Commission. Land will be dedicated by a property owner for the construction of a street or greenway when:*

- 1. A development requiring a planning action, partition, or subdivision takes place on the owner's property;*
- 2. The development will result in increases in the traffic generated (i.e., pedestrian, bicycle, auto) in the area, by some measure;*
- 3. The property contains a future street or greenway dedicated on the official map adopted pursuant to [18.4.6.050.D](#);*
- 4. Where required neighborhood street connections are not shown on the Street Dedication Map, the development shall provide for the reasonable continuation and connection of the transportation system to serve the development and adjacent vacant or redevelopable lands, conforming to section [18.4.6.040.E](#) Connectivity Standards; and*
- 5. The City may require additional right-of-way for streets that do not meet the street standards of this chapter, or as necessary for realignments of intersections or street sections, which do not have to be shown on the official map.*

Based on the above, the applicant can and should be required to dedicate additional right-of-way to accommodate the future installation of city-standard frontage improvements along Oak Street both in terms of being proportional to the impacts of added pedestrian trips within the system and because the applicant is also requesting a Variance not to provide the required public street serving the proposed new lots/units. A condition has been recommended to require the dedication of the additional right-of-way necessary to accommodate standard frontage improvements, which equates to an additional approximately five-and-a-half feet along the subject properties' full Oak Street frontage.

Typically, developments are required to install incremental improvements to city standard along their frontage so that as infill occurs, the system is gradually brought up to city standards. On the Oak Street corridor in the immediate vicinity, between East Nevada Street and Sleepy Hollow Drive, there are currently two sections of parkrow and sidewalk that were required with incremental development that illustrate this approach (see 780 Oak Street and 952-982 Oak Street).

# 822 Oak Street

## Exception – Parkrow & Sidewalk

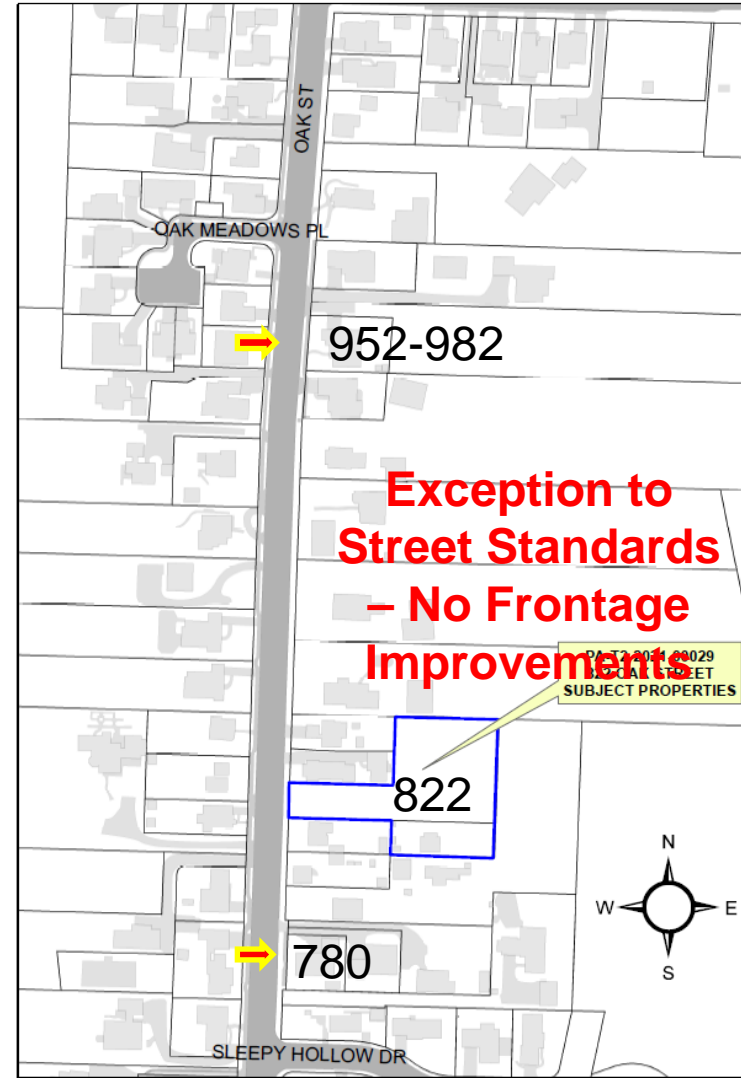
However, in this instance staff DO believe that the requested Exception is merited.

In addition to there being large stature Oaks on the properties immediately to the north and south, there are also fences, rockwork, utility pedestals, mailboxes, grade changes behind the curb which mean that a pedestrian using a short section of sidewalk installed here on the subject property's frontage would be forced back into the street immediately at either end, and could face potential trip hazards if they were inattentive (*whether a curbside sidewalk were installed or one with a standard parkrow*).

In staff's view, to avoid this situation it would be preferable to have the applicant sign-in favor of a future Local Improvement District (LID) for the improvement of the east side of Oak Street as required in AMC 18.4.6.030.B which would enable a more comprehensive planning process for the corridor to address the various constraints in place, dedicate the additional right-of-way necessary to support eventual sidewalk and parkrow installation along the frontage (*approximately five-and-a-half feet*) and to have the applicant re-grade the frontage to curb level and install a five-foot wide compacted granite path behind the curb to support on-street parking until an LID occurs.









# 822 Oak Street

## Street Frontage Looking South

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# 822 Oak Street

Street Frontage Looking North

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# 822 Oak Street

## Tree Removal Permits (3)

The application requests to remove three native Black Oak trees (*Quercus Kelloggii*) located behind the curb line. These are described as stressed and unhealthy, and the project arborist indicates that the three trees show signs of decline, noting that there is an animal burrow being created at the base of the southernmost tree which is actively undermining the base of the tree and that all three trees have numerous dead branches in the crown which are over two-inches in diameter. The trees are elevated above the street on a small berm, and in their current state would not respond well to even slight alterations to their environment. The arborist indicates that the trees show obvious signs of past branch shedding, and concludes that the likelihood of preserving the trees or improving their health is very poor. Staff observations on site support the arborist's assessment and confirm that the base of southernmost tree has been significantly undermined, and that there is dead wood in the canopies, as illustrated in the photos below.

The arborist suggests that the best long-term strategy for the health of Ashland's urban forest would be to remove all three trees, and once the development is complete to plant healthy replacement trees in the form of two- to three-inch caliper *Quercus Kelloggii* or other large-canopied, regionally-acclimated tree species (i.e. Swamp White Oak, Valley Oak, Willow Oak, Shumard Oak or Red Oak) located slightly further from the street. The arborist suggests that the soil in the area where the replacement trees will be planted should be protected from compaction during development, and that mulch, fertilizer and drip irrigation should be provided and maintained on a schedule for at least three years post planting. The application indicates that six replacement Oaks will be planted along the driveway to recover lost canopy coverage, shade the non-permeable surfaces and aid in the absorption of stormwater run-off, and that the replacement trees would be at least two-inch caliper with proper soil conditions and irrigation.

In staff's view, the Planning Commission could reasonably find, based on the arborist's assessment, that these three Oaks represent a potential future public safety hazard which cannot reasonably be alleviated by treatment, relocation, or pruning in that their current condition and state of decline will only further deteriorate with time and development of the property.



# 822 Oak Street

Base of Southernmost Oak Undermined





# 822 Oak Street

## Deadwood in Canopy





# 822 Oak Street



## Tree Commission Recommendations (August 5, 2021)

<b>PLANNING ACTION:</b>	PA-T2-2021-00029
<b>SUBJECT PROPERTY:</b>	822 Oak Street
<b>APPLICANT/OWNER:</b>	Suzanne Zapf for Overlook Drive, LLC
<b>DESCRIPTION:</b>	A request for Outline and Final Plan approval for a five-lot/four-unit Performance Standards subdivision for the properties located at 822 Oak Street. The application also includes requests for: a Variance to allow a private driveway to serve four units (AMC 18.4.6.040.C.1) where dedication of a public street is typically required; a Conditional Use Permit to modify a non-conforming development where the required driveway separation is not provided for an avenue (AMC 18.4.3.080.C.3.a), an Exception to Street Standards to not install city standard street frontage improvements along Oak Street, and a Street Tree Removal Permit to remove three Oak trees.
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	R-1-5; <b>ZONING:</b> Single Family Residential; <b>ASSESSOR'S MAP:</b> 39 1E 04CA; <b>TAX LOT:</b> 200 & 201

**The Tree Commission recommends approving the application subject to the following:**

- 1. That all proposals of the applicant be conditions of approval.**
- 2. That the project arborist monitor the protected trees for their health for the duration of construction.**
- 3. That three replacement Oaks be planted prior to completion of the project.**



# 822 Oak Street

## Risa Buck Issues Raised (E-mailed Comments)

1. There are 3 Oak trees on Oak Street they wish to remove. Two are healthy and one is not. The driveway proposed is already non-conforming, so could preserve the healthy Oaks and design the driveway accordingly. *(Arborist indicated Oak trees in decline and likely would not survive development. Tree Commission reviewed and supported removal.)*
2. I have looked for guidance concerning the invasive "Trees of Heaven" at 822 Oak Street.... Last year, 822 Oak Street cut about 11 Trees of Heaven without a permit and claimed they were not as large as they were; the diameters ranged from eight-inches to 15.5-inches. When they were cut, they were not immediately treated with chemicals (i.e. protocol) to inhibit their growth. The time of year of the cutting was the least desirable for spread.... now more than a year later, they have regrown and multiplied exponentially. I have researched and followed protocol recommended by an expert from Grange Co-op. The proliferation of Tree of Heaven sprouts from the next door property continues. The new sprouts (some 6" tall) in multiple locations on my property is creating havoc. Several are at the base of a 20-year old Oak tree and others at the base of a 15-year old Olive tree. One garden area is full of sprouts. More emerge daily. These sprouts cannot be chemically treated without killing my trees and vegetation. They cannot be dug out because that action stimulates more root system growth. Trees of Heaven have earned their invasive species title and I am really concerned. If I am unsuccessful "Trees of Heaven" will work their way across to the new parks property on Riverwalk. *(Noxious vegetation rules look at whether a "weed" is a "fire, health, or traffic hazard." In this case, not on the prohibited flammable plant list, is not "harboring vermin" to be considered a health hazard, and does not pose a traffic hazard so there was little staff could do to abate or address sucker growth across property lines under the Municipal Code.)*
3. I understand that (the applicant) wishes to remove all three Oak trees along Oak Street and they request an exception to street standards. If the trees are healthy they should be given priority. Ashland is a "Tree City". Nearly every tree on this property has been removed. The plums and another Oak were removed at the same time as the stand of Trees of Heaven. Prior to any permits to develop this property the topography of the eastern edge bordering my property below is of considerable concern. The mound of dirt are actually a result of years of treating this area as if it were a landfill. The ground is unstable and with the deer traffic and rainfall more "material" from the dumping rolls down onto my property. A wall or fence post would not be stable, and if it becomes someone's backyard the amount of broken glass, metal pieces and many other discarded items would be found. Planting a garden or any digging seems dangerous. I do not wish for 822 Oak debris to continue falling on my property. *(Slope stability and status of fill material would be looked at by the Building Division with building permit review. The staff-recommended conditions also seek to avoid any disturbance of the sloped areas with adjusted envelopes.)*
4. On a related note though not appropriate for this hearing, I have one other concern: Does the city have a "best practices" guideline to support citizens who have invasive species as a result of neighbor's inaction or poor choices? A "Tree City" and "Bee City" needs some resources to help the city achieve it's commitment. *(No.)*

# 822 Oak Street

## Staff Recommendations

- ❑ Outline and Final Plan approval for a five-lot, four-unit Performance Standards Option subdivision for the two properties located at 822 Oak Street. *(Staff support with modifications to building and solar envelopes.)*
- ❑ A Variance to allow a private driveway to serve four units where dedication of a public street is typically required per **AMC 18.4.6.040.C.1**. *(Staff support given slopes at rear of property and adjacent development pattern.)*
- ❑ A Conditional Use Permit to modify a non-conforming development where the required driveway separation is not provided for an avenue under **AMC 18.4.3.080.C.3.a**. *(Staff does not believe a CUP is needed here.)*
- ❑ An Exception to Street Standards to not install city standard street frontage improvements (i.e. parkrow with street trees and sidewalk) along Oak Street. *(Staff support with r-o-w dedication, LID agreement, grading to curb level and installing a granite path to support on-street parking.)*
- ❑ A Street Tree Removal Permit to remove three Oak trees along the Oak Street frontage. *(Staff & Tree Commission support.)*



# Grizzly Peak View Subdivision

## 822 Oak Street

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### Planning Commission Hearing

### August 10, 2020

