

October 6, 2015

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Ashland City Council and Mayor Stromberg

Ashland Or 97520

RE: NNP

Dear Councilors and Mayor,

I am extremely disappointed in your response to the citizen's concerns regarding the Normal Neighborhood Master Plan. With 81% of speakers, able to speak at the public hearing on Sept. 1, 2015 about this agenda item, stating one way or another their concerns with varying negative aspects of the NNP Master Plan as it sits before you, there have still been no amendments or changes interspersed within the Plan addressing these issues. In fact, previous recommendations from the Planning Commission and the NNP Working Group even suggested that the Open Space acreage would remain regardless of any future changes in delineations or lot lines. Now, not only has the current NNP allowed for any re-delineations to reduce the size of the Open Spaces within the NNP, but alterations to any supposedly "protected" open space are now issued full recourse with a MINOR amendment!

Below are some State Goals, statutes and rulings that I have concerns about and believe the NNP is not addressing.

Goal 1: Citizen Involvement (OAR 660-015-0000(1))

Section 2 – Mechanisms shall be established which provide for effective communication between citizens and elected officials to assure effective two-way communication with citizens. This was definitely not allowed or offered at any NNP working group meeting nor was any town hall meeting ever established for citizen dialogue.

Goal 2: Land Use Planning (OAR 660-015-0000(2))

Guidelines for Goal 2:

(A). Preparation of Plans and Implementation measures. Broad phases of plan preparation and implementation measures of problems and issues should be provided for review and comment by citizens and affected governmental units. Sufficient time should be allotted for:

- (1) Collection of necessary factual information
- (2) Gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (3) Incorporation of citizen needs and desires and development of BROAD citizen support
- (4) Identification and resolution of possible conflicts with plans [NONE OF THESE GUIDELINES ARE BEING FOLLOWED!]

(C). Plan Content. (1) Factual Basis for the Plan. The factual base should include data on the following:

(a) Natural resources, their capabilities and limitations [no info on seasonal flood water retention/overflow]

(2) Elements of the Plan. The following elements should be included in the Plan:

(c) elements that address any special needs or desires of the people in the area [no inclusion within NNP of traffic lights on E. Main &/or Ashland Sts., retention of open/green space as originally planned in NNP and maintained by MAJOR amendment process, reduced density - especially adjacent to and overlying wetlands]

(F). Implementation Measures. The following types of measures should be considered: 1.(c) Capital improvement budgets which set out the projects to be constructed during the budget period. [Not done before vote on NNP]

Goal 5: Natural Resources, Scenic/Historic Areas, and Open Spaces (OAR 660-015-0000(5)) - Guidelines for Goal 5

1. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. [How can the NM-1-3.5 zoning underlying and adjacent to open spaces, allowing CUP's for assistant living facilities, be consistent with open space values?] The maintenance and development of open space in urban areas should be encouraged. [Maintenance is not encouraged with Minor Amendment opportunities for Open Space reductions]
4. Plans providing for open space and natural resources should consider as a major determinant and not exceed the carrying capacity of the air [concentrated density of pollution from idling cars and increased traffic], land [sustainable agricultural needs not addressed or specifically identified/located within the NNP], and water resources [no plan for wetland flood and storm water retention, plant and wildlife habitat, aquifer recharge] of the planning area. **(Also re-stated in Goal 10- A.4)**

B. Implementation

1. Development should be planned and directed so as to conserve the needed amount of open space. [The amount of Open Space is reducible by a minor amendment in the NNP]
2. The conservation of natural resources and physical limitations of the land should be used as the bases for determining the quantity, quality, location, rate and type of growth in the planning area. [Quantity and quality seems to be determined by concentrating density in this single site, rather than spread out across UGB]
5. Stream flow and water levels should be protected and managed at a level adequate for wildlife, pollution abatement, recreation, aesthetics and agriculture. [NONE of these protections are included in NNP]
6. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, EDUCATIONAL, ecological, and RECREATIONAL needs for significant natural areas. [Loss of JOINT school scientific-educational/open space resources are not protected for students and public in the NNP]
7. Local and regional governments should be encouraged to investigate and utilize fee acquisition and development rights acquisition to conserve the needed amount of open space. [City of Ashland Comp Plan - Chapters 8.09.07, 8.16.3 –school/park development, and 4.24 all refer to purchase of the natural area, designated Wetland #9, with a capital improvement program over 30 years ago. This was not done nor addressed in the NNP]
8. State and federal agencies should develop statewide natural resource, open space plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans. [Jackson County Flood Mitigation Plan states in Long-Term Flood Action Item #3: Use federal grant funds to acquire individual properties adjacent to/within the 100 year floodplain, as they arise. This option wasn't pursued for the NNP, as evident by Wetland #9 not purchased by City of Ashland when last sold in 1991]

Goal 7: Areas Subject to Natural Hazards (OAR 660-015-0000(7))

C. Implementation. [Natural hazards for purposes of this goal are floods (riverine) and wildfires]

1. Evaluate risk to people and property based on new inventory information and an assessment of: [DSL investigating Wetland #9-photos of drainage ditching, disc tilling to re-delineate a shrunken perimeter. City voting on NNP prior to DSL determination]
 - b. the effects of the hazard on existing and future development [flood and storm water retention]
 - c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and

d. the types and intensities of land uses to be allowed in the hazard areas. [CUP's allowing higher density-ass't living facility, multi-family densities on single lot, etc.]

Goal 8: Recreational Needs (OAR 660-015-0000(8))

Guidelines for Goal 8

A. Planning

2. An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs. [Joint school-park science/educational needs could be met with adjacent wetland to Ashland Middle School]
8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired. [Bike, hike, nature trails, outdoor science field studies, picnic, wildlife habitats, etc. should be developed in the open spaces, especially adjacent to AMS]

Goal 10: Housing (OAR 660-015-0000(10))

Guidelines for Goal 10

A. Planning

1. In addition to inventories of buildable lands, housing elements of a comp plan should include:
(4) Allowance for a variety of densities and types of residences in each community [Why is 85% of SR in the NNP?]

B. Implementation

1. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration: (2) the economic, environmental, social and energy consequences of the proposed densities. [What about the pollution and traffic hazards next to 3 school zones?]

Goal 12: Transportation (OAR 660-015-0000(12))

A transportation plan shall:

- (1) consider all modes of transportation including mass transit [NONE along E. Main]
- (5) minimize adverse social, economic, and environmental impacts and costs [traffic congestion/hazards, pollution]

Guidelines for Goal 12

- A. Planning 5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit, low-density developments with dispersed origins and destinations should be principally served by the auto. [No mass transit to the NNP, and not following that goal that such auto served development should be low-density]

Goal 13: Energy Conservation (OAR 660-015-0000(13))

Guidelines for Goal 13

- A. Planning 4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency. [NOT utilizing the RVTD lines along Ashland St/Tolman Creek Rd with other City and UGB available sites!]

Goal 14: Urbanization (OAR 660-015-0000(14))

Guidelines for Goal 14

A. Planning.

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account: (3) the carrying capacity of the planning area [Don't allow 85% of one housing need in 37% of the UGB!](4) Open space and recreational needs. [Don't allow for shrinkage based on re-delineations!]
2. Comp plans and implementing measures for land inside UGB's should encourage the efficient use of land and development of livable communities. [NNP is crammed without family yards or community gardens]

Ashland Municipal Code 18.74 – Prevent inconsistent and disruptive designs in residential areas. [Assisted living next to SFR and Designated Wetlands?]

Ashland Municipal Code 18.106.030 (D) Annexation approval Standards. Adequate City facilities for provision of water to the site will be provided to and throughout the subject property UNLESS the City has declared a moratorium based on the shortage of water and that adequate capacity exists for these facilities. [Water Curtailment in May 2014 and TID turn off to 86 house in summer 2015 shows not enough water now. Why haven't the Water Master Plan recommendations been followed for upgrading our current water treatment plant to avoid such water shortages – how is the City water facility adequate?]

OAR Chapter 660-Division 012-Rule #0045 (OAR 660-012-0045)- Implementation of the Transportation System Plan.

3) Local governments shall adopt land use regulations for urban areas set forth below:

C) Cul-de-sacs and other dead-end street may be used as part of a development plan

E) Streets and access ways need not be required where one or more of the following exist:

- i. Physical or topographic conditions make a street connection impracticable. Such conditions included railroads, steep slopes and wetlands or other bodies of water where a connection could not be reasonably be provided. [How can there be so many wetland crossings in the NNP when the cul-de-sac design could be used to protect wildlife corridors, wetlands, delicate flora from compaction and traffic pollution?]

Section 14, chapter 575, Oregon Laws 2013/ORS 197A.312 (3) Under the method adopted by the commission: (e) Lands included within the urban growth boundary: (D) May be either: (i) Planned and zoned, or otherwise conditioned, to avoid significantly affecting a state highway, (OR-66/Ashland St. will be affected – and no traffic light is planned for within the NNP), a state highway interchange or a freight route designated in the Oregon Highway Plan.

(7) For lands that are included within an urban growth boundary pursuant to this section and not made serviceable within 20 years after the date of their inclusion, the commission may provide by rule that:

(a) The lands must be removed from within the urban growth boundary the next time the city evaluates the urban growth boundary; or

(b) The planned development capacity of the lands must be reduced if there are significant increases in the cost of making the lands serviceable. Utilizing the average daily trips as described in the Institute of Transportation Engineers (ITE) Trip Generation Manual average daily trips range from 2,911-4,297 trips/day for the NNP, not the 1200 average daily trips (ADT) that Brandon Goldman quoted in the November 14, 2013 Ashland Transportation Commission meeting. Required improvements to upgrade E. Main and the RR crossing are significant (around \$8-10 Million) and increasing with each iteration of the NNP.

660-024-0040: Buildable land in the urban area, including land added to the UGB, will develop at the applicable average overall density specified in column B of Table 1. (<http://www.oregon.gov/LCD/docs/adminrules/div024a.pdf>). To meet the Housing Mix safe harbor in this subsection, the local government must Zone to allow the applicable percentages of low, medium and high density residential specified in column C of Table 1. The table shows a percentage split of 55% Low Density (NN1-5), 25% Medium Density (NN1-3.5), 20% High Density Residential (NN-2). This is SO not what is planned for the NNP!

660-012-0045: 3(b) (C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section; None of these designs are utilized in the NNP

3(b) (E) Streets and access ways need not be required where one or more of the following conditions exist: 3(b) (E) (i) Physical or topographic conditions make a street or access way connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; The current NNP shows multiple crossings of wetlands where cul-de-sacs and dead-ends could go.

(6) In developing a bicycle and pedestrian circulation plan appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel with Specific measures to include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings... [No cul-de-sacs in the NNP]

City of Ashland Comp Plan Chapter VIII-7 Develop the system of corridors, linear park routes and trails outlined in the Park and Open Space map. Encourage interconnections between parks, open spaces, bicycle paths, easements, irrigation ditches, scenic roadway routes, railroad rights-of-way, etc. Require that commonly used trails across private property be preserved when developed. [No common trails are identified or preserved in the NNP]

City of Ashland Comp Plan Chapter IV-24 The City should actively pursue the use of Transfer of Development Rights, dedications, direct-lease arrangements, and purchase or other acquisition strategies as viable methods for preserving and insuring public access to significant wetland areas. **IV-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. [neither of these directives have been suggested or followed]

Ashland Comp Plan Chapter VI – Housing: VI 2 b) Prevent inconsistent and disruptive designs in residential areas through use of a limited design review concept, in addition to using Historic Commission review as part of the site review, conditional use permit, or variance approval process. 2b) Chapter 18.74 of the AMC. (A CUP for an assisted living facility will allow for heavy maintenance truck/delivery traffic, HVAC noise, increased volume of EMT vehicles, large community transport vehicles, huge asphalt coverage affecting storm water drainage, 24 hour lighting, and employee parking/traffic greater than just residents would create.)

Ashland Comp Plan Chapter VIII Parks, Open Space, and Aesthetics: VIII-3) Encourage school-park joint developments. (The largest wetland in Ashland #9 is next to AMS and has not been coordinated for use as an educational area for field studies. This should be incorporated into the NNP). **VIII-4)** Coordinate parkland acquisition and design with other agencies involved with park usage. Agencies should include Jackson County and the public school system. 3) City and Parks Commission Policy. 4) City and Parks Commission Policy

Ashland Comp Plan: POLICIES (11.09.10) 7f) The water supply portion of any future system development charge should be used to raise money to pay for increased water supply or water conservation programs. [SDC's are having a major portion slated for road improvements, not designated for water supply/conservation]

Ashland Comp Plan: NORMAL STREET WETLAND (8.09.07) The extension of Normal Street from Hunter Park to East Main Street passes by one of the largest natural wetlands in the City Limits. As this land would be poorly suited for development and may contain significant wildlife habitat, the plan calls for acquisition and retention of the

wetland. The area should be enhanced as a wetland, with development limited to trails that would provide for bird watching and the study of nature. [This identified wetland, in 1982, was never acquired or retained permanently in the NNP]

So, it seems density is the main problem which complicates many other issues. If the NNP were to actually zone "like next to like", as was the original NNP intent, then development could still occur in a more sustainable way. I propose that the zoning along the present day Normal Ave be zoned in NN-1-5 (4.5 houses/acre) to better match the existing neighborhood and allow other properties that are wanting to develop have the NN 1-3.5 suburban residential zoning (7.2/acre). This approximately 1 acre wide swath on each side of Normal Ave., including a change of one acre of the west side of NN-2 to NN-1-5, by my crude calculations, would ONLY reduce the total number of houses in the NNP by about 35 houses. The N-S wetlands #9&12 would provide natural dividers between the zoning changes for a more cohesive overall plan.

According to Bill Molnar from planning, any plan's recommended overall density of 6.6 houses/acre (the ruling from our RPS agreement) can be shifted to other parts of the city or our UGB. I scoured the comp plan zoning map and noted that a rather large land chunk behind Ashland Hills Inn, east of the freeway, is zoned completely for SFH, or the comparable zone of NN-1-5. That land will also have to have 6.6/acre when it is annexed, and will be better planned similarly to NNP with mixed housing zones. So, why not think ahead- the whole UGB picture, and dedicate some of the overall projected need of the 970 houses for the UGB, only 35 houses of NN-1-3.5, into an area which will require it anyway? This will alleviate many of these traffic and safety congestion issues from such a high density of the Normal Plan. It will defer the water issues over a broader time frame so that our water treatment plant can catch up to the projected demands.

This is a simple solution that will not change any amount of affordable housing percentages, nor eliminate any mixed uses. It will just spread the permitted need of the suburban residential (SR) zoning more fairly than the current plan, which puts approximately 85%of the SR projected need into an area of the UGB that is only 37%of the total UGB.

I would hope for these suggestions and regulations to be reviewed and incorporated prior to voting on the NNP. This is an official record of my concerns.

Thanks,

Sue DeMarinis, 145 Normal Ave. Ashland, OR 97520