

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 11, 2011  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    - 1. December 14, 2010 Planning Commission Minutes.
  
- IV. **PUBLIC FORUM**
  
- V. **NEW BUSINESS**
  - A. **Planning Commission Representative for Infrastructure Financing and Urban Renewal Feasibility Study.**
  
- V. **UNFINISHED BUSINESS**
  - A. **Approval of Findings for PA-2010-01239, 85 Winburn Way.**
  
- VI. **TYPE II PUBLIC HEARINGS**
  - A. **PLANNING ACTION: #2010-01570**
    - SUBJECT PROPERTY: 590 Clover Lane**
    - APPLICANT: Caldera Brewing Company**
    - DESCRIPTION: A request for Annexation; Comprehensive Plan Map Amendment/Zone Change; Site Review approval to construct a new 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products; Lot Consolidation; and Tree Removal Permit to remove 17 trees for the 3.72 acre parcel located at 590 Clover Lane. The proposal involves an annexation of three parcels totaling 3.72 acres in area which currently have a County zoning designation of RR-5. Two of the three parcels have a current Comprehensive Plan designation as Single Family Residential, while the third is already designated as Employment. With the proposal all three parcels will be annexed as Employment lands to be zoned E-1 and consolidated into one parcel. The application also involves a Modification of Planning Action #2003-112 to eliminate the previous vehicle trips per day per lot cap on Tax Lots #6800 and #6801 at 580-585 Clover Lane, and Administrative Variance to the Site Design and Use Standards to place parking and circulation between the building and the street and to the parking lot landscaping and screening requirements. {The Planning Commission will also consider inclusion of Interstate 5 right-of-way in the annexation to make the extension of the City boundaries more logical and orderly.}**
    - CURRENT COMPREHENSIVE PLAN DESIGNATIONS: Employment & Single Family Residential;**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

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**PROPOSED COMPREHENSIVE PLAN DESIGNATION: Employment; CURRENT ZONING: RR-5 (County); PROPOSED ZONING: E-1 (City); ASSESSOR'S MAP #: 39 1E 14 AA & 14 AD; TAX LOTS: 14AA 6900, 14AA 7000 and 14AD 7000.**

**B. PLANNING ACTION: #2010-01622**

**SUBJECT PROPERTY: 163 Hitt Road**

**APPLICANTS: R. Scott Dixon and Joan Cresse**

**DESCRIPTION: A request for a Modification of the Performance Standards Options Subdivision Final Plan Approval (PA #2003-020) for the Strawberry Meadows Subdivision. The proposed modifications include relocation of the driveway entrance, changes to the approved building envelope, and the allocation of a portion of the lot coverage from the subdivision's approved "Open Space 'A'" to allow increased lot coverage for Lot #6, located at 163 Hitt Road. COMPREHENSIVE PLAN DESIGNATION: Rural Residential within a Performance Standards Overlay; ZONING: RR-.5-P; ASSESSOR'S MAP #: 39 1E 08AC; TAX LOTS: 506.**

**VII. ADJOURNMENT**

**CITY OF  
ASHLAND**



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**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
December 14, 2010

**CALL TO ORDER**

Chair Pam Marsh called the meeting to order at 7:05 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Larry Blake  
Michael Dawkins  
Dave Dotterer  
Pam Marsh  
Debbie Miller  
Melanie Mindlin  
Mike Morris

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

**Absent Members:**

John Rinaldi, Jr.

**Council Liaison:**

Eric Navickas, absent

**ANNOUNCEMENTS**

Commissioner Marsh announced this is the last meeting for commissioners Dave Dotterer and Michael Morris and thanked them for their service on the Planning Commission. She also reminded the Commission that their annual retreat is January 8 and asked that they forward agenda item requests to her.

**CONSENT AGENDA**

**A. Approval of Minutes**

1. November 9, 2010 Planning Commission Minutes.

Commissioners Morris/Dotterer m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 7-0.

**PUBLIC FORUM**

No one came forward to speak.

**TYPE III PUBLIC HEARINGS**

**A. PLANNING ACTION: #2010-01239**

**SUBJECT PROPERTY:** 59-85 Winburn Way

**APPLICANT:** Urban Development Services, LLC agents for Jonathan & Esther Phelps

**DESCRIPTION:** A request for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the four properties located at 59-85 Winburn Way.

**EXISTING COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **PROPOSED COMPREHENSIVE PLAN DESIGNATION:** Commercial Downtown; **EXISTING ZONING:** R-1-7.5; **PROPOSED ZONING:** C-1-D; **ASSESSOR'S MAP #:** 39 1E 09 BC; **TAX LOTS:** 2500, 2501, 3000 & part of #39 1E 09 TL 100.

Commissioner Marsh clarified they are re-opening the public hearing and read aloud the hearing procedures for land use actions.

**Ex Parte Contact**

Commissioner Miller stated she has walked the site. Commissioners Marsh and Dawkins stated they have gone by the area. Commissioner Morris requested to be recused so that he can participate when this item comes before the City Council.

No ex parte contact was reported by Commissioners Blake, Dotterrer or Mindlin.

*Commissioner Morris left the Council Chambers at 7:10 p.m.*

### **Staff Report**

Associate Planner Derek Severson presented the staff report and provided an overview of some of the questions that were raised at the last hearing.

- ***How will the building relate to the homes above on Granite Street?***  
Mr. Severson noted the Commission raised this question at the hearing and the applicant's have presented additional information to address their concerns. He noted the applicant's cross section drawings which illustrate the proposed building and the yards above on Granite St, and clarified which elements would be visible to the homes on Granite. Mr. Severson stated the applicant's submittal shows the lower roof deck at about the same level as the Granite home's backyard, and the peak of the glass roof lines up with the finished floor level of the home above. Mr. Severson clarified where the proposed building will intrude on the views of the property above, and stated the tops of the chimneys and elevator shafts will be visible; however, the roof deck is level with the back yard.
- ***Is there adequate space for the proposed skating equipment structure?***  
Mr. Severson stated the applicant's have provided a slightly revised sight plan to address this question. He stated the plan includes a 740 sq. ft. building footprint and shows there is ample space to accommodate this structure.
- ***Are there other measures that might offset the parking demand of the proposal?***  
Mr. Severson clarified staff has spoken with the applicant about offering additional bicycle parking, bicycle facilities (such as showers and lockers), and other ways to encourage alternate modes of transportation (employee bike passes, etc). He stated the Commission could recommend these measures be incorporated into the Development Agreement.
- ***Can staff provide recommendations with regard to the applicant's list of uses for inclusion in the Development Agreement?***  
Mr. Severson clarified an abbreviate list of suggested uses is included in their meeting packet. In summary, he stated staff is recommending the removal of medical offices, department stores, night clubs and bars from the list of permitted uses. In terms of conditional uses, staff is recommending the removal of hotel and motel from that list, but are suggesting outdoor storage, bowling alleys, auditoriums, skating rinks and miniature golf courses be retained.

Mr. Severson concluded his presentation and clarified staff is recommending the Commission: 1) limit the zone change to 85 Winburn Way and the ice rink lot, and 2) determine if parking mitigation is merited. In terms of the Development Agreement, staff is recommending the Commission: 1) limit the site development to the proposed building and improvements, 2) limit the uses to those that are compatible, and 3) address the construction timing and staging.

### **Questions of Staff**

Commissioner Marsh noted the letter submitted by Davis Hearn & Bridges and asked staff to comment on it. Mr. Severson stated the letter questions the removal of medical uses, department stores, and nightclubs and bars from the list of permitted uses. Mr. Severson noted the concerns raised by the public and surrounding business owners about a nightclub or bar in such close proximity to the park. He also explained that staff does not feel that medical offices and department stores are compatible with the existing institutional uses of the Community Center, Pioneer Hall, Lithia Park and ice rink. Commissioner Marsh expressed concern that the term "department store" is not clearly defined and questioned if Paddington Station would fall into this category.

Comment was made questioning how active of a role the Commission should take with the Development Agreement. Mr. Molnar stated the City Council is looking for the Commission's guidance and encouraged them to conduct a thorough review of the Development Agreement and submit recommendations to the City Council.

Staff was asked to elaborate on why they believe medical offices are incompatible. Mr. Molnar stated as you approach Lithia Park there is a transitional nature occurring along this stretch of Winburn Way. He stated staff's position is that a medical office does not have this mutually beneficial relationship to Lithia Park and the other surrounding uses. Mr. Severson added medical uses are typically a destination in themselves and do not constitute a "secondary destination" which was the basis for the original CUP parking variance.

Staff commented briefly on the difference between restaurants and bars. Mr. Severson stated restaurants can serve alcohol, but the alcohol service is accessory to the restaurant; while with a bar the primary focus is on the alcohol. Mr. Molnar stated staff's primary concern is regarding bars, more so than nightclubs, because the sole definition of a bar is to serve alcohol. He added in the past, downtown bars have been fairly isolated and in this situation it would back up to a single family neighborhood.

Commissioner Marsh questioned the reasoning behind excluding medical offices, but allowing professional, financial and business offices. She stated these uses seem to fit into the same category since they draw people specifically for those purposes and do not relate to the surrounding environment. Mr. Severson acknowledged that this is a valid question the Commission may want to further discuss, however he noted the city offices on Winburn Way and the real estate offices on the plaza seem to work well in the downtown area. It was also noted that medical offices tend to have a lot of staff and a tremendous amount of patient turnover, and these uses tend to be a high generator of traffic and parking.

### Applicant's Presentation

Mark Knox/Applicant's Representative/Introduced Architect Carlos Delgado, Landscape Architect Greg Covey, and Attorney Chris Hearn and responded to the issues outlined in the staff report.

- ***Can staff review and provide comment on the applicant's proposed sidewalk closure and construction staging plan?*** Mr. Knox stated from what he has read in the staff report staff has no issue with this. He added they have spoken with a number of downtown merchants and are confident that there will not be a problem with traffic circulation, parking, etc.
- ***Without a site plan or design drawings being provided, can the ice rink lot accommodate the proposed ice rink support building?*** Mr. Knox clarified where on the lot this structure would be placed and confirmed there is adequate space.
- ***Can the applicant provide additional information necessary to address the requirements of AMC 18.62.100 which regulate the development of severe constraint lands?*** Mr. Knox stated they have provided information from the project's civil engineer and there does not appear to be any issues with this. He added the civil engineer is present tonight if they have specific questions about this.
- ***Can the applicant provide a clearer illustration of the visual impacts of the proposal from the perspective of the backyards of the Granite St neighbors?*** Mr. Delgado noted the cross-section illustrations that were provided and also displayed several photos taken from the rear yard of the home directly behind this site. Mr. Knox clarified these property owners have not expressed any concerns and there is a letter of support from them in the record.
- ***Should the zone change be limited to 85 Winburn and the ice rink lot?*** Mr. Knox noted the efforts they have made to enhance the opportunities at the ice rink and stated if the ice rink lot is not included in the zone change it will impact their building design and the desired relationship between the building and the ice rink. He added the owners of parking lot (adjacent to the Community Development building) are still very supportive of their lot being included in the zone change.
- ***Staff has recommended an in-lieu-of parking fee. Are there other measures that might offset the parking demand of the proposal?*** Mr. Knox stated in many ways the design of this project mitigates the parking demand and commented on "Pedestrian Places" concepts and elements that were incorporated into the design. He noted the issue of increased bicycle parking was raised at the last hearing and noted the areas where this could be incorporated. He also shared their interest in having the bicycle parking be architecturally interesting. Mr. Knox stated they are willing to consider the inclusion of innovative mitigation measures suggested and stated these items could be described in the Development Agreement.
- ***Can staff provide recommendations with regard to the applicant's list of uses of the proposed building for inclusion in the Development Agreement?*** Mr. Knox stated they do not know what will happen in the future and in order to maintain an active space they do not want to be locked into a very narrow set of uses. He acknowledged the concern about having incompatible uses and stated they do not want this either, but questioned some of the exclusions suggested by staff. Instead of completely prohibiting some of these uses (such as medical offices and department stores), he recommended these be moved into the Conditional Use category.

Mr. Hearn commented briefly on the letter he had submitted and clarified the purpose was to get their concerns on the table so that they could be discussed. Mr. Knox stated they do not know what the future will hold and they want to make sure the Development Agreement includes tangible wording so they know what business plan this building can operate under.

### Questions of the Applicant

Comment was made questioning if moving uses to the Conditional Use category provides the applicant with the level of certainty they desire. Mr. Knox stated 'Yes', and noted this allows both parties an opportunity to re-discuss uses based on actual business plans.

The applicant was asked to clarify which services the proposed ice skating building would accommodate and also where ice skating drop-off and pick-ups might occur. Mr. Knox stated the ice rink structure would accommodate administrative space, public restrooms, zamboni garage space, and storage space for the ice rink. Mr. Covey noted their proposal includes an extended curb along the ice rink frontage and stated there would be ample space for people congregate. He added this area could also function as a short term drop-off area.

Comment was made questioning to what extent the public will be able to access and use this building. Mr. Knox noted this application far exceeds the public plaza space requirement and noted the outdoor public amenities included in this proposal. He stated once inside there is a typical private property boundary. He stated the public is welcome to come inside and visit the upstairs viewing area; however if someone is camping out the owner has the right to ask them to leave.

Mr. Covey commented briefly on why they believe this proposal improves the situation at the ice rink and stated the Parks & Recreation Department are supportive of the accessory skating facility and its location at the opposite end of the rink.

Mr. Knox was asked whether they would be willing to participate in a retroactive future assessment on parking. Mr. Knox stated if the City adopted a master plan that outlined a program such as this by all means they want to be included. He added they just don't want to be singled out and believe the downtown parking issue is too large of a burden to place on any single business. Mr. Hearn noted the research he conducted into the concept of in-lieu-of parking fees and stated in all of the instances he could find this type of mechanism was adopted by ordinance and applied to a widespread area, not a sole application.

Comment was made questioning if employee bicycle parking could be placed closer to the building and in a more secure location. Mr. Knox clarified there is opportunity to accommodate employee bike parking at the rear of the building.

### Public Testimony

No one came forward to speak.

Letters from **Planning Commissioner John Rinaldi, Bruce Roberts, Stephen Sacks, and Lloyd Haines** were read aloud.

### Rebuttal by the Applicant

**Mark Knox** commented on whether it would be better for this site to develop as a single family residence, or a commercial facility which is how it has always operated. He explained if they were to provide parking on the site, all of the public benefit opportunities go away and he questioned what we desire as a community. Mr. Knox noted the claims that this building will create 150-180 seats. He stated this is not accurate and clarified while the building is 10,000 sq. ft, only 30% of that is dedicated to seating. He also noted that some of the individuals who have spoken out against this proposal have contributed to the parking problem downtown by not providing parking when they opened their downtown businesses. Mr. Knox concluded his rebuttal and stated parking in Ashland is a community issue and is not something a single business can solve.

*Commissioner Marsh closed the public hearing at 9:00 p.m.*

### Advice from Legal Counsel & Staff

Staff commented on the City's parking requirement and clarified it is one parking space per four seats. Mr. Severson clarified staff does not equate a number of seats to the square footage and stated staff used the seat number provided by the applicants. He also clarified the existing building at 85 Winburn has a conditional use permit for 90 seats (40 inside and 50 outside) and under that approval they were required to provide 7 parking spaces.

Staff was asked to comment on their recommendation to restrict the zone change to the ice rink lot and 85 Winburn Way. Mr. Severson clarified staff still feels the same about not including the other parcels and explained it is difficult to know what the impacts of a specific development might be. In regard to rezoning the privately owned lot adjacent to the City's facility at 51 Winburn Way,

staff does not feel the burden of proof has been met and stated staff could be supportive down the road if a more detailed proposal comes forward.

Staff was asked whether they are satisfied with the orientation of the proposed skating rink building and the way it relates to the street. Mr. Molnar clarified they are not approving this structure's footprint or hardscape at this time, and this will come back as a separate application.

Staff was asked whether a motion to approve would need to address parking. Mr. Severson stated it would not, and clarified this could be determined in the Development Agreement.

Staff was asked to comment on the history of the C-1-D zone and whether it has been expanded in the past. Mr. Molnar stated the C-1-D zone was adopted in the early 1980s and was later expanded for the Ashland Public Library and the City's Community Development & Engineering Services building. He stated the applicant's main argument to rezone 85 Winburn is that the residential zoning is unfair and is not working. He added staff has continued to feel that rezoning the entire street is more of a community discussion.

*Commissioner Marsh closed the record at 9:22 p.m.*

### **Deliberations & Decision**

**Commissioners Dawkins/Dotterrer m/s to approve PA-2010-01239 with no parking mitigation, and limiting the rezone to 85 Winburn Way and the skating rink parcel. DISCUSSION:** Dawkins commented on the arguments raised regarding parking and stated they finally need to bite the bullet and say people need to find other ways to get around. Dotterrer commented that he does not see the proposed development as a primary destination and believes it will have a seasonal impact. He stated during the summer there is a parking lot next to this site, and during the winter (when the lot is turned into a skating rink) parking is not as big of a problem.

Commissioner Marsh noted the discussion outline provided by staff and recommended they work their way through the items.

#### **1) Which criterion merits approval of the zone change?**

The commissioners shared their opinions and commented on which of the criteria they felt applied. Individual comments were made and all three criteria were identified as being addressed by this application.

#### **2) Do the parking impacts of the proposal need to be mitigated?**

Mindlin questioned whether they are going to continue to accommodate the car, or go in another direction; and voiced her support for moving in a different direction. She recommended this project include all possible bicycle and public transit promoting measures, and recommended additional employee bicycle parking, showers, lockers, and bus passes be included in the Development Agreement. Miller commented that she does not want to see more parking lots in Ashland, but stated promoting tourism and not providing parking are at odds with each other. Blake noted that one thing in the applicant's favor is this site is right next to a large parking lot. He also noted that the parking spaces along Lithia Park are not just used by park patrons, but also patrons of all of the downtown businesses. Marsh commented on parking and recommended the City Council deal with the City's parking issue in a more comprehensive manner.

**Commissioner Dawkins/Marsh m/s to extend the meeting to 10:00 p.m. Voice Vote: all AYES. Motion passed 6-0.**

#### **3) Should the zone change be limited to the café and the ice rink lots?**

Marsh noted the motion limits the change to the café and ice rink lots and no objection was voiced to this.

#### **4) Does the proposed site and building design satisfy the applicable criteria, and are visual impacts and design compatibility addressed to the Commission's satisfaction?**

Miller commented on bulk, mass and scale and voiced concern that this building may be too imposing. Dawkins stated he is not concerned. He voiced appreciation for the lodge feel of the design and stated it will fit in well with Lithia Park. Blake noted there are big structures on Granite and they are residential. Dotterrer, Mindlin and Marsh all voiced support for the design of the building.

5) Have the applicant's provided sufficient information to meet the burden of proof for the proposed development of severe constraint lands?

The Commission raised no concerns with this part of the application.

Commissioner Marsh noted the conditions recommended by staff and it was clarified that these are included in the motion on the table.

**Roll Call Vote on original motion: Commissioners Dotterrer, Mindlin, Blake, Dawkins and Marsh, YES. Commissioner Miller, NO. Motion passed 5-1.**

Commissioner Marsh stated lastly, they need to determine if they have specific recommendations for the City Council for inclusion in the Development Agreement. The commissioners went around the table and shared their opinions. Dotterrer voiced support for keeping the uses as wide open as possible in order to keep the building viable, but recommended moving medical offices to a conditional use. He stated he is fine with department stores being an outright permitted use; and regarding nightclubs and bars he recommended staff and the applicant come to an agreement on the interpretation of primary versus secondary use and to specify this in the Development Agreement. Mindlin suggested they put the uses they are uncertain about in the CUP category. She also recommended the CUP criteria recognize the primary and secondary destination issue. Dawkins voiced his support for limiting the uses to those that specifically relate to the park and the skating rink.

The Commission continued discussing their preferences in regards to the uses and agreed to the following: Remove "regional shopping center" as a permitted use, move "medical offices" to a conditional use, and allow "non-chain department store" as an outright permitted use. "Nightclubs and bars" were removed (from both permitted and conditional use categories), but staff was asked to work with the applicants and the City Council to clarify in the Development Agreement that while nightclubs and bars have been intentionally removed due to their incompatibility with this transitional location, it is anticipated that alcohol will be served in any restaurant located there and they are comfortable with this as long as the alcohol service remains secondary to the restaurant.

The Commission discussed incorporating alternative transportation programs into the Development Agreement and measures such as staff coordinator, bicycle parking, showers, ride sharing, and bus passes were all listed. It was clarified that these elements will need to be negotiated between the applicant and the Council and the Commission could recommend an alternative automobile transportation program be outlined in the Development Agreement.

**Commissioner Dawkins/Dotterrer m/s to approve the recommendations for the Development Agreement that incorporate the uses as discussed and the development of an alternative automobile transportation program. Roll Call Vote: Commissioners Blake, Miller, Mindlin, Dotterrer, Dawkins and Marsh, YES. Motion passed 6-0.**

**UNFINISHED BUSINESS**

**A. Update on Community Development Projects/Council Goals Input.**

Item postponed to a future meeting.

**ADJOURNMENT**

Meeting adjourned at 10:25 p.m.

*Respectfully submitted,  
April Lucas, Administrative Supervisor*

**BEFORE THE PLANNING COMMISSION**  
**January 11<sup>th</sup>, 2011**

IN THE MATTER OF PLANNING ACTION #2010-01239, A REQUEST FOR )  
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE FROM )  
SINGLE FAMILY RESIDENTIAL (R-1-7.5) TO COMMERCIAL DOWNTOWN )  
(C-1-D), PHYSICAL & ENVIRONMENTAL CONSTRAINTS REVIEW PERMIT, ) **FINDINGS,**  
TREE REMOVAL PERMIT TO REMOVE FIVE TREES, AND SITE REVIEW ) **CONCLUSIONS,**  
APPROVAL TO CONSTRUCT A 10,632 SQUARE FOOT CAFÉ-RESTAURANT ) **AND ORDERS**  
BUILDING FOR THE FOUR PROPERTIES LOCATED AT 59-85 WINBURN )  
WAY. )  
)  
)

**APPLICANTS:** Urban Development Services, LLC, agents for Jonathan and Esther Phelps

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**RECITALS:**

- 1) Tax lots #2500, #2501 and #3000 of Map 39 1E 09 BC and a portion of Tax lot #100 of Map 39 1E 09 are located at 59-85 Winburn Way and are presently zoned Single Family Residential (R-1-7.5).
- 2) The applicants are requesting a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), a Physical & Environmental Constraints Review Permit, a Tree Removal Permit to remove five trees, and Site Review approval to construct a new 10,632 square foot café/restaurant for the four properties located at 59-85 Winburn Way. Eventual development of the properties will be governed by a Development Agreement pursuant to the provisions of ORS 94.504 through ORS 94.528, and will require Council approval. The request includes placement of the properties within the Detail Site Review Zone and would subject it to all of the standards thereof, as well as to the Site Design and Use Standards' Historic District Development Standards. However, as part of the request the applicants have indicated that they are not proposing to include the property within the Downtown Design Standards Zone, as its standards seek a specific "Main Street"-style of building design more appropriate to the downtown core than to this location on the periphery of the downtown, within the established Winburn Way streetscape and adjacent to Lithia Park. The proposed map amendment and associated building design and site improvements are outlined on the plans on file at the Department of Community Development.
- 3) The criteria for approval of Zoning Map Amendments Annexation are described in 18.106.060.B as follows:

*Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:*

- a. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or*

- b. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or*
- c. *Circumstances relating to the general public welfare exist that require such an action; or*
- d. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G); or*
- e. *Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G)*

*The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Sections D and E do not apply to council initiated actions.*

4) The criteria for approval of Site Review approval are described in 18.72.070 as follows:

- A. *All applicable City ordinances have been met or will be met by the proposed development.*
- B. *All requirements of the Site Review Chapter have been met or will be met.*
- C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
- D. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)*

5) The criteria for a Physical & Environmental Constraints Review Permit are described in AMC Chapter 18.62.040.I , as follows:

- 1. *Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- 2. *That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- 3. *That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible*

*actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum permitted development permitted by the Land Use Ordinance.*

- 6) The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080, as follows:
- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
  2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*
1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
  2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
  3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

*The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the*

*impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.*

4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

7) The Planning Commission, following proper public notice, held a public hearing on November 9<sup>th</sup>, 2010 at which time testimony was received and exhibits were presented. This hearing was continued until December 14<sup>th</sup>, 2010 at which time additional exhibits were presented and testimony taken. The Planning Commission approved the application, however with the approval the zone change was limited to the 85 Winburn Way lot and adjacent ice rink lot (a portion of Tax Lot #100). In addition, the Commission drafted a number of recommendations to the City Council dealing with permitted, special permitted, conditional and prohibited uses of the site for inclusion in the Development Agreement which are detailed in the attached "Appendix A". The zone change requested for the remaining properties, including the city-owned property containing Pioneer Hall and the Community Center, and the adjacent parking lot owned by the Roberts and Mattsons, was denied.

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 proposal for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), a Physical & Environmental Constraints Review Permit, a Tree Removal Permit to remove five trees, and Site Review approval to construct a new 10,632 square foot café/restaurant for the properties located at 85 Winburn Way (*the café lot*) and a portion of the

adjacent Tax Lot #100 (*the ice rink lot*) meets all applicable criteria for a Comprehensive Plan Map Amendment and Zone Change as described in Chapter 18.106, a Physical & Environmental Constraints Review Permit described in Chapter 18.62, a Tree Removal Permit described in Chapter 18.61, and Site Review approval described in Chapter 18.72.

2.3 The Planning Commission finds that the applicants propose to change the subject properties' Comprehensive Plan Map and Zoning designations from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), and that they request to include the properties within the Detail Site Review Zone and subject it to all of the standards thereof as well as the Site Design and Use Standards' Historic District Development Standards. The Commission further finds that the applicants are proposing not to include the property within the Downtown Design Standards Zone as they suggest that these standards seek a specific Main Street-style of building design which is more appropriate to the intense retail storefront development pattern on the Plaza and within the downtown core than to this more transitional location within the park at the periphery of the downtown, bordering on an historic residential neighborhood. The Planning Commission further finds that the applicants are not requesting the Comprehensive Plan and Zoning Map Amendments based on any one specific criterion from the list of approval criteria, but rather through a combination of these criteria based on various relevant goals and policies of the Comprehensive Plan.

The existing café use, while it has seemed to struggle historically and more so with the declining economy in recent years, is long-established as a Conditional Use on the basis that a significant portion of its clientele were primarily visitors to the park and the downtown for whom the café was a secondary destination, thus generating fewer vehicle trips and lesser parking demand than a similar stand-alone restaurant might if it were to be a primary destination in and of itself, outside the heart of the downtown. As such, the previously approved Conditional Use Permit required that only seven automobile and seven bicycle parking spaces be required for 90 seats, representing a 16-space parking Variance. The Commission finds that re-zoning and re-developing the site as proposed could prove beneficial in that it would revitalize the café use while creating a much stronger relationship with the Ice Rink, Pioneer Hall, Lithia Park and the Winburn Way streetscape.

The Commission finds that staff and a number of those providing written or oral testimony during the hearing have raised the issue of potential impacts associated with adding the parking demand of a 189 seat restaurant to the already heavy parking demand in this area of the downtown. The Commission finds that the applicants have conducted an informal parking study over the course of the past year, and have concluded that while parking is in high demand later in the day and in the evenings during the peak summer season, parking demand generally fluctuates seasonally, throughout the day based on time, and also according to the weather conditions. The applicants study also suggests that there is a lesser parking demand during the winter months and that this reflects the fact that there are fewer customers in the downtown, and that the presence of the café-restaurant and associated improvements proposed by the applicants to enhance the Ice Rink could serve to attract customers during what would otherwise be a period of lesser demand.

The Commission further finds that within the downtown setting, where the city seeks to provide a high level of urban design where buildings and streetscapes are crafted to create a pedestrian friendly environment with storefront continuity, an off-street parking requirement is not the best option because the placement of parking and circulation on site in these areas can work against other adopted policy documents and established standards intended to keep designs human scale and pedestrian friendly. The Commission notes that this is an underlying reason behind there being no off street parking requirement for projects within Ashland's existing downtown zone (C-1-D), and as proposed with C-1-D zoning no parking would be required for the new restaurant/café.

The Commission finds that the intensity of the proposed café use and its associated impacts on parking demand in the vicinity will be seasonal and will be limited to the degree that the café serves as a secondary destination to downtown shopping, OSF, Lithia Park and the adjacent ice rink. The Commission further finds that during the periods of peak parking demand during the summer season, the ice rink will be closed and its area available to provide additional parking to address this additional demand. The Commission finds that, particularly within the downtown, the need to accommodate cars cannot outweigh the bigger picture planning objectives of creating a human-scale, pedestrian-friendly built environment, and that in this instance the proposal for the café lot and adjacent ice rink lot merit inclusion within the -D overlay of the C-1 district where there is no off-street parking requirement for most uses. However, the Commission finds that the potential parking impacts must be mitigated through demand management measures to the greatest degree possible and that there needs to be a substantial effort on the part of the applicants to encourage non-automotive modes of transportation including bicycling, walking and transit by employees of the café as well as its customers. The Commission finds that measures to this end should include a staff ride share coordinator as proposed by the applicants, free bus passes made available to employees who request them, provisions for significant secure bicycle parking, with a portion of this parking to be provided in a location suitable for employee use, and showers and lockers to serve bicycle commuting employees.

The Commission finds that measures of this nature are likely to be particularly effective given that peak parking demand occurs at a time of year when the weather is most suited to the use of non-automotive modes of transportation.

The Commission finds that the proposal addresses a public need and thus merits the proposed Comprehensive Plan Map Amendment and Zone Change. More specifically, in addition to the public and private amenities to be provided by the applicants with the proposed development in the form of improvements to the Pioneer Hall courtyard including a new seating wall to provide an improved assembly space; the addition of a skating rink building which would include space for public bathrooms, administrative offices, skate storage, and zamboni parking, in addition to drop-off space and plaza/courtyard spaces with seating for assembly and viewing the rink's various recreational activities; widened sidewalks in various locations along Winburn Way bringing the corridor more into compliance with Ashland's Street Standards; a large entry plaza at 85 Winburn Way for assembly; and an unloading zone for deliveries out of the main travel lane, the Commission finds that the project will serve to revitalize a long-languishing site and use and in the

process provide an engine for economic development, particularly through its potential to have a strong positive economic impact on the surrounding area during the slower winter season.

The Commission further finds that in assessing whether the proposal addresses a public need, there must be some consideration of its potential negative impacts, such as parking, weighed against its benefits, including the various improvements to be provided and the potential for a positive economic impact on the surrounding area, in order to reach a determination that the proposal ultimately will render public benefits which, when considered in sum, will outweigh any potential negative impacts. The Commission finds that with regard to the 85 Winburn Way café lot and the adjacent ice rink lot, the applicants have made a comprehensive evaluation of Winburn Way's pre-existing uses and their relationships to Lithia Park, one another and the streetscape, and the improvements they offer reflect a realization that in improving the streetscape, Pioneer Hall courtyard, and the Ice Rink facilities, the proposal would have significant mutual benefits for the applicants and the city and merits the requested re-zoning. However, the Commission further finds that the application fails to address in sufficient detail or provide for a similarly compelling level of consideration of the benefits and impacts of the re-zoning of either the Roberts/Mattson lot or the lot containing Pioneer Hall and the Community Center, and the Commission's approval of the zone change is accordingly limited to the café lot at 85 Winburn Way and the adjacent ice rink lot.

The Planning Commission further finds that the use of this area of Winburn Way has not historically developed in keeping with the residential zoning designation. The City initiated the first commercial re-zoning with the re-development of 51 Winburn Way, and when the historic development pattern of the block is considered along with the precedent begun by the City, the block seems less than ideally suited to residential development. With this in mind, the Commission finds that the current residential zoning is inappropriate and that the café lot at 85 Winburn Way and the adjacent ice rink lot should be re-zoned for commercial use as requested by the applicants.

The Commission finds that because no residential units are proposed with the application, and because the proposal involves a change in zoning from Single Family Residential to Commercial Downtown, it will not negatively impact the City's commercial land supply.

2.4 The Planning Commission finds that the proposed building consists of a 10,632 square foot café-restaurant with four levels: 1) a 3,158 square foot basement not visible from the exterior providing areas for storage, mechanical equipment, food preparation, bathrooms, a wine cellar and potentially some dining; 2) a 3,965 square foot main floor with the building's primary entrance as well as covered/heated outdoor assembly space for winter patrons; 3) a 3,148 square foot upper floor primarily dedicated to dining and assembly space and including a covered and heated outdoor deck to accommodate assembly of patrons to view the ice rink, as well as a larger dining area for special events or peak periods; and 4) a 361 square foot roof-top garden area with a partially-covered observation deck for viewing Lithia Park while allowing natural light into the building.

The Planning Commission finds that the proposed development will offer a number of pedestrian amenities in the form of wide sidewalks, spaced tree canopies, and covered and uncovered seating space that are generally protected from the weather. The proposed building entrance sits 20 feet from the property line and 31 feet from the back of curb, and is surrounded by smaller gabled volumes which serve to create a semi-enclosed plaza space at the front of the building. Plaza space is to be treated in a scored colored concrete consistent with City sidewalk standards within the historic district, and outdoor dining and warming areas are provided along the skating rink's north edge to cement a relationship between the café and the adjacent ice rink. Outdoor plaza space for the front plaza and south ice rink plaza totals 1,300 square feet, exceeding the public space requirements of the Detail Site Review Zone, and includes seating, a mixture of sun and shade areas, protection from wind and inclement weather, and outdoor eating areas.

The Planning Commission finds that while the proposed building is approximately 125 feet long, it includes two smaller gabled elements near the street which are intended to be respectful of the pattern created by Pioneer Hall and the Community Center in providing a human-scale relationship to the streetscape. These smaller elements provide distinctive changes in the building's façade and serve to delineate a plaza space near the building's main entry. A rock veneer base on the smaller gabled elements which bookend the front plaza gives way to glass used extensively around the plaza space, drawing people to the main entry. The use of windows and glass, which exceeds the required 20 percent of the street-facing wall area, provides natural light while serving to accentuate a fluid relationship between the public and private spaces. The second floor elements are cantilevered approximately eight feet out over the entry and plaza area, providing protection from sun and rain for pedestrians. Additional assembly space on the main floor and second floor provide viewing areas for the ice rink.

The Commission finds that in addition to the Basic Site Review, Detail Site Review and Large Scale Development Design Standards, because the project is within one of Ashland's Historic Districts it must also be considered in terms of the Historic District Development Standards which call for consideration of building heights, scale, massing, setbacks, roof shapes, rhythm of openings, platforms, directional expression, sense of entry, and avoidance of imitation of previous architectural styles in building design to maintain a consistency with the long-established underlying architectural themes of each district. The Planning Commission finds that while the building is a large one and its design represents an iconic mixture of architectural styles, design elements and materials, the unique physical constraints of the site and the nature of the building and its proposed use serve to mitigate these issues, and the overall effect of the design is to create a lodge-like building that is well-suited to the setting of Lithia Park. The Commission finds that while the building is in a prominent location relative to the historic park, the physical constraints of the location including the Ashland Creek riparian corridor and Winburn Way street corridor to the front, the steeply-sloped and heavily-treed hillside to the rear, and skating rink/parking lot to the side mitigate the building's bulk, mass, scale and iconic nature by providing a spatial buffer and perceived separation from surrounding uses on three of its four sides, and that the applicants' efforts to integrate the site and its proposed improvements and uses with the Ice Rink, Pioneer Hall and Winburn Way pedestrian corridor are reflective of the unique role they propose to establish for the

building within the park and streetscape.

The Commission finds that the proposed design works well in the context of Lithia Park, that the site work and building design proposed will contribute to developing a stronger sense of place, and that the streetscape created will serve effectively to draw those who see it from near the great lawn in the park. The Commission further finds that the architectural model provided gives a strong illustration of the proposed building's suitability within the context of Lithia Park and Winburn Way streetscape, and that the model and cross-section drawings when considered together largely mitigate concerns over any impacts to views of Granite Street neighbors above the project.

2.5 The Planning Commission finds that a portion of the building's rear first floor encroaches into hillside lands with severe constraints (due to slopes greater than 35 percent) in an area of approximately seven feet by approximately 40 feet. The Commission further finds that placement of the building as proposed will necessitate some vertical and near vertical cuts that will intrude minimally into the base of the bank. The Commission finds that there is approximately 280 square feet of encroachment into the sloped embankment at the northwest corner of the building with the proposal, and that there will no grading or fills placed on the hillside, which will either remain in its existing state or, if interrupted, simply abut the proposed structure.

Based on site observations and knowledge of the development proposal, the project's geotechnical expert has indicated that the site is suitable for the proposed development. The building itself is to be designed to retain the existing slope while stabilizing erosion with temporary shoring designed by the project geotechnical expert to retain the slopes during construction. With the exception of minor encroachments into the existing hillside to construct the rear retaining walls of the proposed building, development will occur within the footprint of the existing structure and adjacent parking area. Grading, vegetation removal, cut slopes, and shoring will be kept to the minimum necessary to construct the rear retaining walls and foundation of the proposed building. The project geotechnical expert has conducted preliminary geological reconnaissance to determine that the hillside is composed of highly weathered and fractured granitic bedrock, with local and thin deposits of cemented alluvial deposits and man-made fill present to a lesser degree. Surficial soils, where present, consist of silty sand, and no groundwater seepage was observed during field observations. The flat lower portion of the site at the base of the hillside is assumed to consist of a thin layer of man-made fill over natural stream alluvium, which is composed in part of potentially very large boulders. Groundwater is assumed to be less than ten feet deep and subject to seasonal fluctuations. During the geotechnical expert's field observations, bedrock discontinuities were obscured by vegetation as well as the presence of the existing building; demolition of the building and vegetation removal will allow further subsurface exploration to develop complete final geotechnical recommendations, including soil engineering designs and foundation engineering to mitigate seismic hazards, stabilize the slope and provide protection for the proposed building, as well as soil engineering construction observation and testing requirements for submittal with the building permit application.

The Commission finds the proposed encroachment into severe constraints lands to be appropriate given the shallowness of the buildable area of the lot in relation to the slope, the minimal amount of disturbance described in the application, and the geotechnical expert's observations and recommendations.

2.6 The Planning Commission finds that the four pines proposed to be removed, Trees #1-#4, are ill-suited to placement on the south side of a building, and that the proposed removal of the apple tree (Tree #9) from its location within the canopy of the larger Oak (Tree #10) will reduce competition for resources and thus benefit the Oak while allowing for the installation of necessary electrical facilities and a new seating wall planned for the Pioneer Hall courtyard. The Commission further finds that the proposed removals will have no negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, existing windbreaks, or tree canopy within 200 feet of the subject property. The Commission further finds that with the two trees (Trees #5 & #6) to be relocated from the circular planters within the sidewalk to a location near the proposed skating rink building at the Nutley Street intersection, and the planting of 11 mitigation trees to offset the five trees being removed, a more diverse canopy of trees will be created on the site.

2.7 The Planning Commission finds that re-zoning of the site needs to be considered in light of both the mutually-beneficial relationship between the proposed café and the existing buildings, park, skating rink, and streetscape which is at the core of the proposal and more broadly in terms of the compatibility of potential future uses of the café building with the specific context of the block as an area of transition between the more intense uses of the nearby downtown core and the Skidmore Academy historic district on Granite Street, keeping in mind the adjacent National Register of Historic Places-listed Lithia Park with its riparian corridor and heavily-used playground, the adjacent community-owned/family-oriented ice rink, and the existing public/institutional buildings. The Commission finds that simply allowing the uses permitted elsewhere in the C-1-D district could in some instances cases pose significant concerns in terms of site-specific contextual compatibility. The proposed Development Agreement provides a mechanism to limit incompatible uses while giving both the city and the applicants a level of assurance as to the potential for future transition to uses other than those currently being considered for the proposed building. The Planning Commission has accordingly made specific recommendations (*attached to these findings as Appendix A*) to the City Council for inclusion in the Development Agreement in order to insure that any future uses of the proposed building are limited to those appropriate to the building's site-specific context. Of particular note:

**Nightclubs & Bars:** The Commission finds nightclub and bar uses to be incompatible with this transitional location and its context within a National Register of Historic Places-listed community resource like Lithia Park, adjacent to a family-oriented community ice rink, across from a playground and very near an established historic residential neighborhood, and they have accordingly been removed from the list of

permitted uses which the Commission is recommending to Council for inclusion in the Development Agreement. The Commission further finds that alcohol could be served in a restaurant use on the location provided that food service remains the primary use and focus, and that alcohol service or any potential entertainment component would remain secondary.

**Hotels/Motels:** The Commission finds that hotels and motels are among the only uses requiring that off-street parking be provided within the C-1-D district. Given that the applicants are proposing to construct the building with no room for on-site parking, the Commission finds hotel or motel use would require a Variance, and further finds that it would be difficult to find such a Variance not to be self-imposed by the specifics of the current development proposal. The Commission accordingly recommends that hotels and motels be removed from the conditional uses allowed in the Development Agreement.

**Medical Offices:** The Commission finds that while medical offices are an outright permitted use in the C-1-D district, they pose a concern in this location. Unlike many other uses, medical office uses are typically primary destinations as patients are unlikely to combine medical procedures with other downtown activities. The Commission further finds that medical office uses typically bring a much more intense and constant parking demand due to a higher number of employees and a high-volume of patients rotating in and out constantly through the day, with little seasonal fluctuation. The Commission finds that while a medical office use may work in this location under limited circumstances, such a use would need to be carefully considered given that it was likely to be a primary rather than secondary destination, with higher parking demand and higher volumes of patients and employees. The Commission has accordingly recommended moving Medical Offices to a conditional use within the Development Agreement.

The Commission further finds that development of the site brings with it the potential for significant impacts to the surrounding properties including the adjacent park, skating rink/parking lot, neighboring homes and businesses, and the Winburn Way streetscape, and that these impacts must be carefully considered and addressed through the Development Agreement in order to minimize disruptions. The Commission recommends that the Development Agreement be crafted to address not only a timeline for demolition and construction, but also its staging so as to avoid unforeseen or extended disruptions to nearby circulation or parking, particularly during the peak season.

## SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for a Comprehensive Plan Map Amendment and Zone Change from Single Family Residential (R-1-7.5) to Commercial Downtown (C-1-D), Physical & Environmental Constraints Review Permit, Tree Removal Permit to remove five trees, Site Review approval to construct a new 10,632 square foot café/restaurant, and a Development Agreement for the two properties located at 85 Winburn Way and

the adjacent ice rink lot portion of Tax Lot #100 of Map 39 1E 09 is supported by evidence contained within the whole record.

However, the Commission further concludes that the evidence presented to merit a zone change for the remaining properties (the Roberts/Mattson parking lot, Community Center or Pioneer Hall) is inadequate and fails to meet the burden of proof, and the request to change the zoning of those properties is accordingly denied.

Therefore, based on our overall conclusions, and upon the proposal being subject to the following conditions, we approve Planning Action #2010-01239 only for those two properties located at 85 Winburn Way and the adjacent ice rink lot portion of Tax Lot #100 of Map 39 1E 09. Further, if any of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2010-01239 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to issuance of a building permit.
- 3) That a sign permit shall be obtained prior to installation of any new signage. All signage shall meet the requirements of Chapter 18.96.
- 4) The approved uses of the site shall be limited to those explicitly established in the Development Agreement.
- 5) That prior to the submittal of a building permit:
  - a) All easements, including public and private utility easements, mutual access easements, public pedestrian access easements, and firefighter access pathway easements shall be identified in the building permit submittals.
  - b) That a stormwater drainage plan shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions.
  - c) Engineered construction drawings for the improvements to Winburn Way shall be provided for the review and approval of the Planning and Engineering Departments prior to building permit submittal and prior to any work within the street right-of-way or pedestrian corridor. The final engineered designs shall include details for full-drop apron wings where the sidewalk crosses the driveway to the Ice Rink. The applicants shall obtain necessary Public Works permits and inspections for work to be completed within the public right-of-way; concrete color selection shall be the standard approved color within Ashland's Historic Districts.
  - d) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains

and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.

- e) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. The plan shall address maintaining line truck access to the three-phase transformer free of any obstructions including the trash enclosure, and shall address how the existing services to the Community Center and Pioneer Hall are to be relocated. This plan shall be reviewed and approved by the Planning, Building, Engineering and Electric Departments prior to building permit submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.
  - f) That exterior building materials and paint colors shall be compatible with the surrounding area, and sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Bright or neon paint colors shall not be used in accordance with II-C-2f) of the Detail Site Review Standards.
  - g) That the windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building. The building plan submittals shall also include specifications for treatment of the glass on the central glass roof element demonstrating that it shall not create glare to surrounding properties.
  - h) That the building's foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.62.080.F, and a final comprehensive geotechnical investigation report and specific soil engineering design recommendations shall be provided along with written verification from the project geotechnical experts addressing the consistency of the building permit design submittals with these geotechnical recommendations (e.g. foundation plan, grading plan and drainage plan, required geotechnical inspection schedule, etc.) with the building permit submittals.
  - i) That the applicants develop a construction timing, staging and circulation plan to minimize impacts to nearby parking and circulation to the greatest extent possible for the review and approval of the Staff Advisor and Public Works Director prior to the issuance of a building permit.
- 6) That prior to the issuance of a building permit:
- a) That the recommendations of the Tree Commission's November 4<sup>th</sup>, 2010 meeting shall be conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor, and shall be incorporated into a revised Tree Preservation and Protection Plan (if necessary).
  - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to the removal of the five trees to be removed from the site or the two trees to be relocated, and prior to site work including demolition, storage of materials and/or issuance of a building permit. The Verification

Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work including demolition or tree removal, storage of materials and/or issuance of a building permit.

- c) That the applicants shall obtain approval of a Demolition/Relocation Permit through the Building Division and any necessary inspections associated with the demolition of the existing structure.
  - d) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall include planting details for the green roof with plant selections suited to Ashland's climate and consistent with the Water Conserving Landscaping Guidelines.
  - e) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent land. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
  - f) All mechanical equipment shall be screened from view from the Winburn Way streetscape. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
  - g) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to requirements that the grease interceptor be relocated to an area where it can be serviced during business hours and which is less susceptible to odor during servicing.
  - h) The requirements of the Ashland Fire Department shall be satisfied, including that all addressing shall be approved prior to being installed; that an approved firefighter access pathway be provided and maintained around the building; that adequate fire flow be provided; that adequate clearance be provided around hydrants; that any gates, fences or other obstructions which could impede fire access shall be identified on all plans for the review and approval of the Fire Department; that high piled storage requirements be addressed in the permit submittals, if applicable to the final proposal; that a fire department connection and key box be provided; and that the trash enclosure not be placed under combustible overhangs or within five feet of openings.
  - i) That the tree protection, erosion control or shoring measures shall be installed according to the approved plan prior to any site work including demolition, storage of materials, issuance of an excavation permit and issuance of a building permit. The erosion control measures shall be installed as identified in the geotechnical report. Tree protection, erosion control and shoring measures shall be inspected and approved by the applicants' geo-technical engineer and the Staff Advisor prior to other site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.
- 7) That prior to the issuance of a certificate of occupancy:
- a) That the screening for the trash and recycling enclosure shall be installed in accordance

with the Site Design and Use Standards. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.72.115.B.

- b) All landscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
- c) That street trees, one per 30 feet of street frontage, shall be installed along the frontage of the development in accordance with the approved final landscaping plan and prior to issuance of the certificate of occupancy. All street trees shall be chosen from the adopted Street Tree List and shall be installed in accordance with the specifications noted in Section E of the Site Design and Use Standards. The street trees shall be irrigated.
- d) All public and private improvements, including but not limited to the proposed café/restaurant and ice rink buildings, sidewalks, drop-off areas, street trees, street lighting, and Pioneer Hall courtyard improvements including the seating wall shall be completed in a manner consistent with the approved plans and development agreement prior to final occupancy approval. The ice rink support building shall accommodate all of the uses noted (administrative office space, skate storage/rental, public restrooms and zamboni garage) and be adequately sized to do so; shall be architecturally compatible with the park, neighborhood and proposed café building; shall be designed with input from the Parks and/or Historic Commissions; and its design development, land use approval process, permitting and associated fees and charges, and construction of the building shall be the sole financial responsibility of the applicants.

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Planning Commission Approval

January 11<sup>th</sup>, 2011  
Date

**APPENDIX A**  
**PLANNING COMMISSION RECOMMENDATIONS**  
**FOR INCLUSION IN THE DEVELOPMENT AGREEMENT**  
**FOR 85 WINBURN WAY (ICE RINK & CAFÉ LOTS)**

**Recommended List of Permitted Uses.**

**The following uses and their accessory uses are recommended to be permitted outright:**

- A. Professional, financial, and business offices, and personal service establishments such as beauty and barber shops.
- B. Stores, shops and offices supplying commodities or performing services, such as an antique shop, artists supply store, or non-chain department store.
- C. Restaurants. **{The Planning Commission asked that staff work with the applicants and Council to clarify the Development Agreement to make clear that while nightclubs and bars have intentionally been removed from this list as incompatible with this transitional location and its context within a National Register of Historic Places-listed community resource like Lithia Park, adjacent to a family-oriented community ice rink, across from a playground and very near an established historic residential neighborhood, it was anticipated that alcohol could and would be served in any restaurant provided that food service remained the primary use and that alcohol service or any potential entertainment component would remain secondary.}**
- D. Theaters, but not including a drive-in.
- E. Manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies six hundred (600) square feet or less, and is contiguous to the permitted retail outlet.
- F. Printing, publishing, lithography, xerography, copy centers.
- G. Temporary tree sales, from November 1 to January 1.
- H. Public and quasi-public utility and service buildings, and public parking lots, but excluding electrical substations.

**Recommended List of Special Permitted Uses.**

**The following uses and their accessory uses are permitted outright subject to the requirements of this section and the requirements of Chapter 18.72, Site Design and Use Standards.**

- A. Bowling alleys, auditoriums, skating rinks, and miniature golf courses. If parking areas are located within 200' of a residential district, they shall be shielded from residences by a fence or solid vegetative screen a minimum of 4' in height.
- B. Residential uses.
  - 1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.

2. Residential densities shall not exceed 30 dwelling units per acre in the C-1 District, and 60 dwelling units per acre in the C-1-D District. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying C-1 or C-1-D District.
4. Off-street parking shall not be required for residential uses in the C-1-D District.
5. If the number of residential units exceeds 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

**Recommended List of Conditional Uses.**

**The following uses and their accessory uses are permitted when authorized in accordance with the chapter on Conditional Use Permits:**

- A. Medical Offices **{Medical offices are an outright permitted use in the C-1-D district; Commissioners were generally concerned that unlike many of the other uses, medical office uses are typically primary destinations (i.e. a patient is unlikely to see a play, have dinner, walk in the park, shop in the downtown and then stop in for an impromptu medical procedure). In addition, these uses typically bring a much more intense and constant parking demand due to a higher number of employees and a high-volume of patients rotating in and out constantly through the day, with little seasonal fluctuation. The Commission felt that a medical office use might work here under limited circumstances but felt generally that such a use would need to be carefully considered given that it was likely to be a primary rather than secondary destination, with higher parking demand and higher volumes of patients and employees.}**
- B. Temporary uses.
- C. Outdoor storage of commodities associated with a permitted, special permitted or conditional use.
- D. Churches or similar religious institutions.

**Prohibited Uses (As Proposed by the Applicants)**

**The following uses are to be explicitly prohibited with this approval:**

Formula or “chain” stores and restaurants are prohibited. For the purpose of this Development Agreement, a formula store or restaurant is a company with ten (10) or more store or restaurant locations nationally, in addition to having two or more of the following characteristics: “branded” trademark, merchandise, uniforms, façade, signage, décor and color. If the formula or “chain” store or restaurant is based in Ashland as its original or “flagship” store or restaurant location, then the use shall be considered permissible under this section. **{The applicants noted that there was some possibility that they would open**

another store elsewhere between the approval of the Development Agreement and construction of the proposed building, and asked for some flexibility to ensure that whether there was another store elsewhere or not that Ashland was considered their flagship location. The Planning Commission had no objection to this flexibility.}

**Height Limitations (As Proposed by the Applicants)**

The following limitations on building height, which are more restrictive than those applied elsewhere in the C-1-D district, would apply to the properties granted zone change with this approval:

Structures which are greater than 30 feet in height, but less than 40 feet, may be permitted as a conditional use unless approved as part of Planning Action #2010-01239. The definition of height shall be as defined in Section 18.08.290.

**Alternative Transportation Mode Encouragement Program**

The applicants shall provide a staff coordinator to coordinate ride shares, provide bus passes to employees who request them, provide significant amounts of bicycle parking, and showers for bicycle commuters. {The Planning Commission indicated that they believed it was important that the applicants do everything possible to encourage employees and customers to utilize alternative modes of transportation as a means to mitigate a portion of the parking impacts associated with the proposal. The applicants stipulated that they would be willing to assign a staff member to coordinate ride shares, provide bus passes to employees who wanted them, and do “everything within reason” to encourage alternative modes.}



**PLANNING ACTION: 2010-01570**

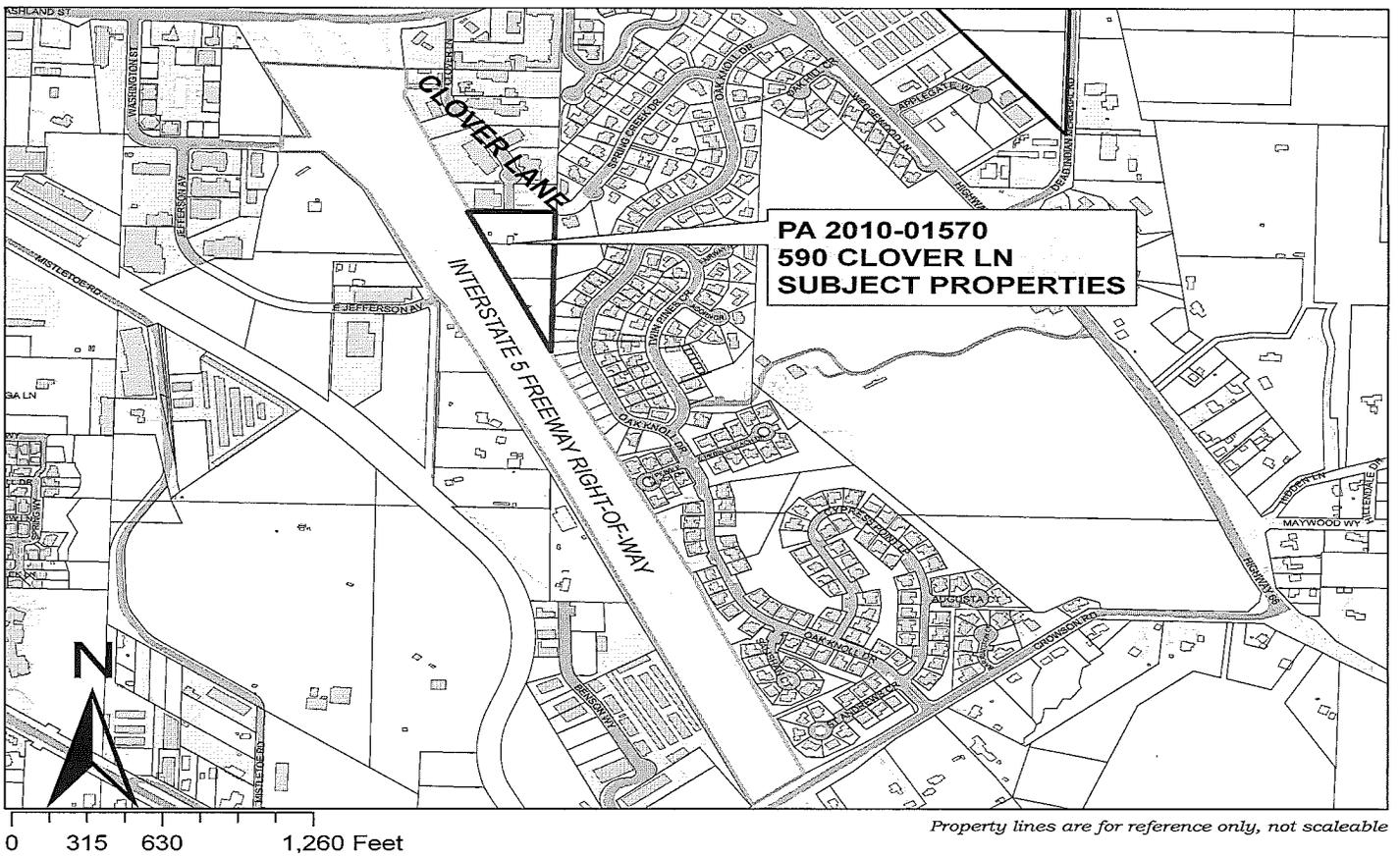
**SUBJECT PROPERTY: 590 Clover Lane**

**OWNER/APPLICANT: Caldera Brewing Company**

**DESCRIPTION:** A request for Annexation; Comprehensive Plan Map Amendment/Zone Change; Site Review approval to construct a new 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products; Lot Consolidation; and Tree Removal Permit to remove 17 trees for the 3.72 acre parcel located at 590 Clover Lane. The proposal involves an annexation of three parcels totaling 3.72 acres in area which currently have a County zoning designation of RR-5. Two of the three parcels have a current Comprehensive Plan designation as Single Family Residential, while the third is already designated as Employment. With the proposal all three parcels will be annexed as Employment lands to be zoned E-1 and consolidated into one parcel. The application also involves a Modification of Planning Action #2003-112 to eliminate the previous vehicle trips per day per lot cap on Tax Lots #6800 and #6801 at 580-585 Clover Lane, and Administrative Variance to the Site Design and Use Standards to place parking and circulation between the building and the street and to the parking lot landscaping and screening requirements. {The Planning Commission will also consider inclusion of Interstate 5 right-of-way in the annexation to make the extension of the City boundaries more logical and orderly.} **CURRENT COMPREHENSIVE PLAN DESIGNATIONS:** Employment & Single Family Residential; **PROPOSED COMPREHENSIVE PLAN DESIGNATION:** Employment; **CURRENT ZONING:** RR-5 (County); **PROPOSED ZONING:** E-1 (City); **ASSESSOR'S MAP #:** 39 1E 14 AA & 14 AD; **TAX LOTS:** 14AA 6900, 14AA 7000 and 14AD 7000.

**NOTE:** The Ashland Tree Commission will also review this Planning Action on **January 6, 2011 at 6:00 p.m.** in the Community Development and Engineering Services building (Siskiyou Room) located at 51 Winburn Way

**ASHLAND PLANNING COMMISSION MEETING: January 11, 2011 at 7:00 PM, Ashland Civic Center**



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

## **SITE DESIGN AND USE STANDARDS**

### **18.72.070 Criteria for Approval**

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

(ORD 2655, 1991; ORD 2836, 1999)

## **ANNEXATIONS – APPROVAL STANDARDS**

### **18.106.030 Approval standards**

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
  1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
  2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
  3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
  4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider; provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.
- F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included.
- G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):
  1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
  2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
  3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
  4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
  5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3) (c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project. The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.
- H. One or more of the following standards are met:
  1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five- year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or
  2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
  3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
  4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
  5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
  6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.

(ORD 2792, 1997; ORD 2895, 2003)

## ZONING CHANGE - TYPE III PROCEDURE

### 18.108.060. A & B Approval Criteria

#### A. The following planning actions shall be subject to the Type III Procedure:

1. Zone Changes or Amendments to the Zoning Map or other official maps, except for legislative amendments.
2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.
3. Annexations.
4. Urban Growth Boundary Amendments

#### B. Standards for Type III Planning Actions.

1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that:
  - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
  - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
  - c. Circumstances relating to the general public welfare exist that require such an action; or
  - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide one of the following:
    1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
    2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
    3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
    4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
    5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3) (c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project; or
  - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide one of the following:
    1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
    2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
    3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
    4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
    5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3) (c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for dedication. Ownership of the land and/or air space shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.  
The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.  
Sections D and E do not apply to council initiated actions.

## TREE REMOVAL

### 18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

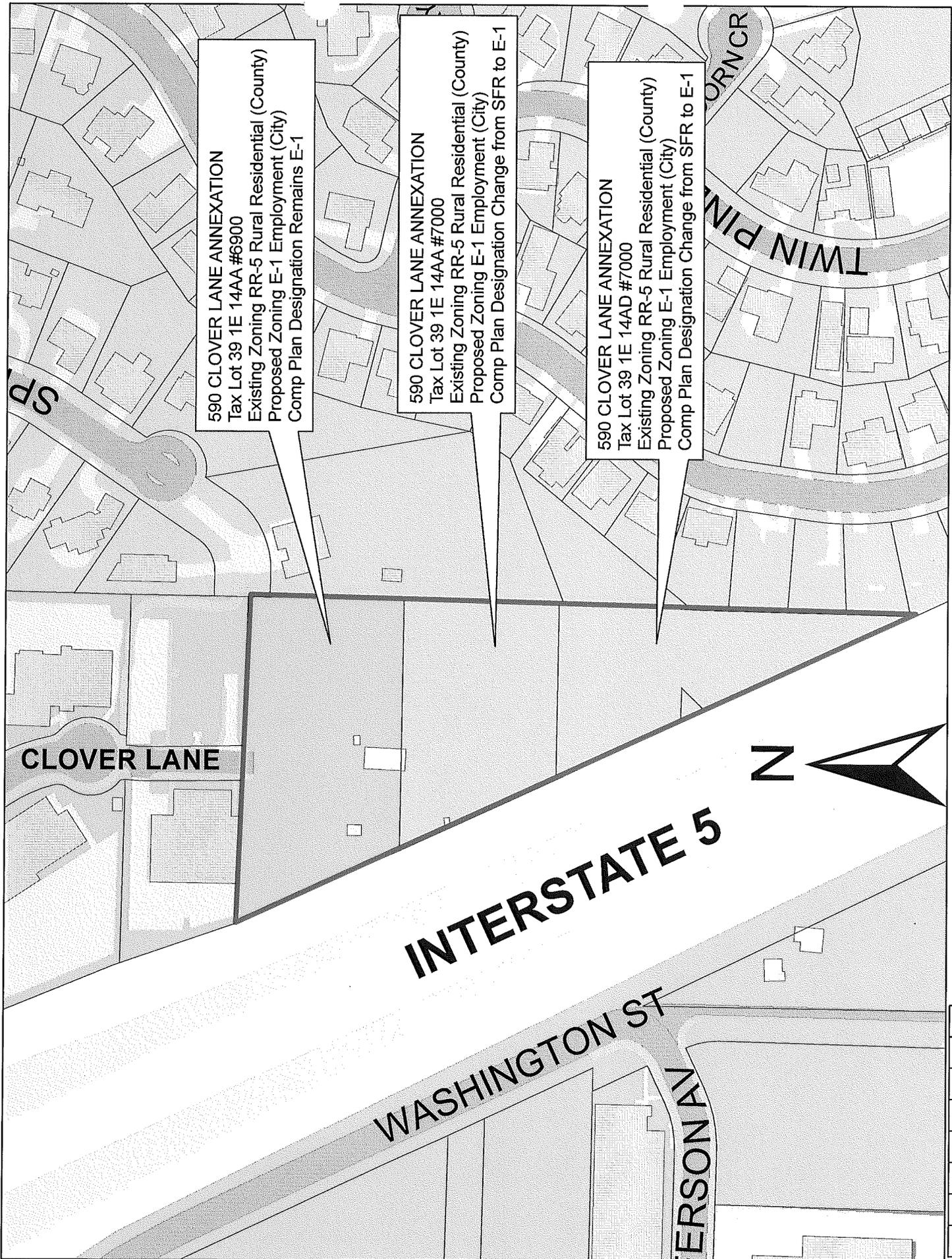
- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
  1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
  2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
  1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
  2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
  3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
  4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.  
(ORD 2951, 2008; ORD 2883, 2002)

## ADMINISTRATIVE VARIANCE FROM SITE DESIGN AND USE STANDARDS

### 18.72.090

An administrative variance to the requirements of this chapter may be granted with respect to the requirements of the Site Design Standards adopted under section 18.72.080 if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- A. There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;
  - B. Approval of the variance will not substantially negatively impact adjacent properties;
  - C. Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and
- D. The variance requested is the minimum variance which would alleviate the difficulty.



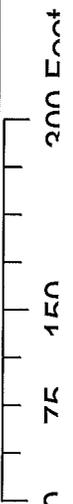
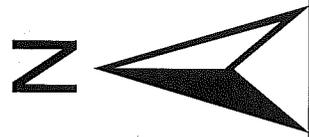
CLOVER LANE

INTERSTATE 5

WASHINGTON ST

PERSONAN

TWIN PINE



**ASHLAND PLANNING DIVISION  
STAFF REPORT  
January 11, 2011**

**PLANNING ACTION:** PA-2010-01570

**APPLICANT:** Caldera Brewing Company

**LOCATION:** 590 Clover Lane

**COMPREHENSIVE PLAN DESIGNATION:** Employment & Single Family Residential (*existing*)  
Employment (*proposed*)

**APPLICATION DEEMED COMPLETE:** December 19, 2010

**120-DAY TIME LIMIT:** April 18, 2011\*  
(\*Type III applications not subject to 120-day limits pursuant to ORS 227.178.7)

**ORDINANCE REFERENCE:**

18.08.290	Height of Buildings
18.40	E-1 Employment District
18.61	Tree Preservation & Protection
18.63	Water Resources
18.72	Site Design and Use Standards
18.72.090	Administrative Variance
18.92	Off-Street Parking
18.106	Annexation
18.108.060	Type III Procedures

**REQUEST:** A request for Annexation; Comprehensive Plan Map Amendment/Zone Change; Site Review approval to construct a new 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products; Lot Consolidation; and Tree Removal Permit to remove 17 trees for the 3.72 acre parcel located at 590 Clover Lane. The proposal involves an annexation of three parcels totaling 3.72 acres in area which currently have a County zoning designation of RR-5. Two of the three parcels have a current Comprehensive Plan designation as Single Family Residential, while the third is already designated as Employment. With the proposal all three parcels will be annexed as Employment lands to be zoned E-1 and consolidated into one parcel. The application also involves a Modification of Planning Action #2003-112 to eliminate the previous vehicle trips per day per lot cap on Tax Lots #6800 and #6801 at 580-585 Clover Lane, and Administrative Variance to the Site Design and Use Standards to place parking and circulation between the building and the street and to the parking lot landscaping and screening requirements. Included with the application is a recommendation by the Staff Advisor to include a portion of Interstate 5 freeway right-of-way in the annexation to make the extension of the City's boundaries more logical and orderly pursuant to AMC 18.106.040.

## I. Relevant Facts

### A. Background - History of Application

There are no planning actions of record for the subject properties proposed for annexation, however Planning Action #2003-112 was approved by the City Council in October of 2003 to allow the annexation of an approximately 1.32-acre parcel located at what was then the end of Clover Lane, immediately to the north of the subject properties. That 2003 approval included a condition (#17) which required:

*That a 'Development Agreement' be prepared by the applicant and recorded on the properties limiting the uses to those which generate total vehicle trips of not more than 100 vehicle trips per parcel or a combined total of approximately 200 vehicle trips, as determined by the ITE Trip Generation Manual. The final agreement shall be reviewed and approved by the City Attorney prior to recordation of the partition plat, issuance of a building permit or final adoption of a resolution annexing the property.*

This condition was imposed out of concern for the long-term operations of the intersection of Highway 66 and Clover Lane, prior to the current Exit 14 redesign or upcoming Interchange Area Master Plan, despite the fact that the application at the time included a traffic study identifying an acceptable level of service for the intersection with the development of the parcel involved in the application. As a result, the two properties at the present end of Clover Lane, just north of the subject properties, remain limited to lower traffic generating uses such as light industrial and manufacturing uses, and each building permit has been required to include a demonstration that the proposed use is in compliance with this trip cap.

### B. Detailed Description of the Site and Proposal

The 3.72-acre subject property is relatively large, generally triangular, and is comprised of three separate tax lots situated immediately to the south of the Clover Lane cul-de-sac, just outside the current city limits boundary. While City of Ashland topographic maps identify the property as sloping downhill from west to east, away from the freeway, at six to 11 percent, there is a significant amount of fill on the mount of fill on the eastern portion of the site which has clearly altered the natural grade significantly in places. In addition, on the southernmost of the lots where Spring Creek, an intermittent or ephemeral stream, crosses the property its banks are heavily treed and exceed 35 percent slopes in places. There is an existing structure located near the south central area of the northernmost lot (Tax Lot #6900), and a large billboard is located adjacent to the freeway right-of-way. All of the existing structures are proposed to be removed with the current proposal. **(See attached Staff Exhibit S-1).**

The subject properties are more specifically described as follows:

**39 1E 14AA Tax Lot #6900** – This is a 1.49 acre roughly trapezoidal lot, currently designated as “Employment”, and the northernmost of the three lots.

**39 1E 14AA Tax Lot #7000** – This is a 1.09 acre lot, roughly trapezoidal and currently designated as “Single Family Residential.” This is the middle of the three lots.

**39 1E 14AD Tax Lot #7000** – This is a 1.14 acre lot, triangular in shape and currently designated as “Single Family Residential.” This is the southernmost of the three lots.

The adjacent properties within the city limits to the north along Clover Lane are all generally zoned E-1 (Employment), as are the nearest properties on the opposite side of the freeway to the west. To the east of the subject properties, there are residential neighborhoods along Sutton Place, Spring Creek Drive and Oak Knoll Drive, all of which are zoned R-1-10 (Single Family Residential). Interstate 5 freeway right-of-way runs along the full western boundary of the property, and is presently outside the city limits.

The applicants have provided a Tree Inventory which identifies 30 trees on the subject properties. 17 of the site’s 30 identified trees are proposed for removal due to their failing health, being dead or located within the area proposed for improvements. In addition to the site’s trees, the southernmost of the three lots contains a segment of Spring Creek, an intermittent or ephemeral stream regulated under Ashland’s Water Resources Protection Ordinance (AMC 18.63). A water resources protection zone extends 30 feet upland on either side of the centerline of this stream, and activities within that stream bank protection zone are regulated under Ashland’s recently adopted Water Resources Ordinance (AMC 18.63).

The current application includes the following requests for the properties located at 590 Clover Lane:

- **Annexation.** The three subject parcels totaling 3.72 acres in area which currently have a County zoning designation of RR-5 are to be annexed into the City.
- **Comprehensive Plan Map Amendment/Zone Change/Lot Consolidation.** Two of the three parcels have a current Comprehensive Plan designation of Single Family Residential, while the third is already designated as Employment. With the proposal all three parcels are to be annexed as Employment lands to be zoned E-1 and will be consolidated into one parcel. Lot consolidation is a procedure handled through the county’s Mapping Division, and it is included here only to clarify the proposal.
- **Modification of PA #2003-112.** The application also involves the modification of Planning Action #2003-112, which had previously required a 100 vehicle trip per day per lot cap on Tax Lots #6800 and #6801 at 580-585 Clover Lane. With improvements to Exit 14 now well underway and an Interchange Area Masterplan under consideration, this application would include a removal of the vehicle trip cap from the lots at 580 and 585 Clover Lane, and would have no trip cap for 590 Clover Lane.
- **Site Review.** The requested approval will allow the applicants to construct a new 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products. 22,000 square feet of the building is proposed for manufacturing/brewing; 3,000 square feet for cold storage/coolers; and 3,000 square feet for a tasting room and administrative offices. The applicants note that 32 parking spaces are required to serve the proposal, and they have shown 32 parking spaces to be provided in their plans.

- **Administrative Variances to the Site Design & Use Standards.** The proposal requires Administrative Variances to the Site Design and Use Standards to place parking and circulation between the building and the street, and to the parking lot landscaping and screening requirements.
- **Tree Removal Permit.** The application includes a request for Tree Removal Permits to remove 17 of the 30 trees identified on the site due to their being dead or in states of failing health, or due to their location within an area proposed for improvements.

In addition to the annexation requested by the applicants, the Staff Advisor is recommending that nearby Interstate 5 freeway right-of-way from the current city limits boundary near Exit 14 south to the city limits boundary near Crowson Road be included in the annexation. AMC 18.106.040 dealing with city boundaries states that:

*When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Ashland. The Staff Advisor, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Planning Commission and Council to make annexations extending the City's boundaries more logical and orderly. (Ord 2792, 1997)*

The current freeway right-of-way is outside of the city limits but within the urban growth boundary, with the exception of the portion where Ashland Street crosses I-5 at Exit 14 which is in the city limits. The present boundary configuration effectively cuts off the easternmost portion of the city from the remainder located west of the freeway, and the current freeway is largely surrounded by city lands. Staff believes that this section of the freeway right-of-way should be included within the current annexation request in order to make this annexation extending the City's boundaries "*more logical and orderly*" as allowed in AMC 18.106.040 (**See attached Staff Exhibit S-2**).

## **II. Project Impact**

The project requires site review approval since it involves the construction of a new building in the E-1 zoning district. A tree removal permit is required to remove 17 trees greater than six-inches in diameter-at-breast-height. Along with an annexation request, the application includes requests for comprehensive plan map and zoning map amendments, all of which are "Type III" procedures. By code, the Planning Commission has the authority to take such action as is necessary to make the amendments to maps and zones without further action from the Council, unless the decision is appealed, however the annexation requires final approval through a public hearing before the City Council and as such, the Planning Commission's decision on the map amendments, site review, administrative variances, modification, and tree removal permits should be supplemented by a clear recommendation to the City Council with regard to the annexation request.

## **Annexation**

The approval standards for an Annexation require that the subject property be located within the City's Urban Growth Boundary, that the proposed zoning for the annexed area be in conformance with the Comprehensive Plan Map designation, that the proposal be for an allowed use within the proposed zoning district, and that the land be currently contiguous with the present City limits. In this instance, the subject property is located within the Urban Growth Boundary, immediately south of and contiguous to the existing City limits. The Comprehensive Plan designation for one of the three lots is Employment, with the remaining two lots designated for Single Family Residential development. The applicants are concurrently requesting Comprehensive Plan Map and Zoning Map amendments in order to bring all three properties into the city as Employment land. The proposed tasting room is an outright permitted use (restaurant/store) and the brewing facility is a special permitted use (i.e. bottling plant) within the E-1 district. Associated manufacturing, warehousing, storage and administrative office uses described in the application are also permitted uses.

Annexation standards also require that for lots which are to be zoned E-1 under the Comprehensive Plan, the applicant must obtain Site Review approval for an outright permitted or special permitted use concurrently with the annexation request. The application includes a request for Site Review approval to construct a building which would include manufacturing, warehouse, storage, tasting room and administrative office uses relating to the production of brewing products which satisfies this requirement.

## **Adequacy of Public Facilities**

Annexation requests must demonstrate that adequate public facilities can and will be provided to and through the subject property.

The applicant, Caldera Brewing Company of Ashland, has an existing 6,000 square foot brewing operation which is already located on Clover Lane a bit north of the subject properties. Caldera also operates its Tap House retail outlet at 31 Water Street in Downtown Ashland. The application materials provided note that the brewing operation will relocate to the subject properties with approval, but that the Tap House will continue to operate on Water Street. They also indicate that while the proposed new facility is nearly five times the size of the existing facility, its water use will increase by only about 60 percent. The application explains that this is due both to enhancements in technology that can be achieved with new, more efficient equipment and to the fact that the added space is not simply to quadruple production but also to experiment with alternative products having differing types of equipment and storage space needs. The application further notes that the existing facility on Clover Lane has a monthly electrical demand of approximately 12 Kw, or 144 Kw per year and that the proposed facility is anticipated to use approximately 40kw per month, or 480 Kw per year.

The application notes that with the exception of storm drainage, all utilities are in place within the Clover Lane right-of-way and are sized to accommodate the proposal. Eight-inch water and sewer mains are in place and adequate to serve the proposal, and an existing electrical transformer sits on the vacant lot immediately to the north. In conversations with the Electrical Department, they have indicated that the facilities in the area were sized with

development of these parcels in mind. The application also indicates that fire hydrants will be located on both the front and back ends of the property, and that fire apparatus access and turn-arounds are to be provided to address fire protection needs.

The applicants note that in consulting with the City's Public Works Department, a deficiency in stormwater capacity was identified due to an undersized culvert at the intersection of Highway 66 and Clover Lane. The applicants are thus proposing a metering system to hold stormwater on site temporarily during large storm events and slowly release it into the city system at an acceptable rate. Instead of directing stormwater to the undersized facilities on Highway 66, the applicants propose to direct stormwater to Spring Creek Drive, after first holding it on site in multiple systems including a bio-swale which will address detention and water quality requirements. The plan also identifies an underground storm water detention facility on the east side of the property to accommodate overflows and then slowly meter them.

The applicants landscapes architect and civil engineer have provided preliminary drawings addressing the siting of utilities for the project, and conditions have been recommended below to require that final electric, utility and storm drain plans be provided for the review and approval of the Public Works, Electric, Planning and Building Departments prior to submittal of building permit plans.

### **Adequacy of Transportation Facilities**

Annexations must also provide necessary transportation facilities to and through the subject property; transportation facilities must address vehicular, bicycle, pedestrian and transit transportation. Clover Lane is a commercial collector street, and terminates in a cul-de-sac just north of the subject properties. Paving, curbs, gutters, and curbside sidewalks are in place on both sides of the street. Because the existing street already exceeds the 500-foot length allowed in city street standards for a dead-end street and the property is at the terminus of the city limits, the applicants are proposing to extend a private driveway from the terminus of the existing public facility to serve the proposal without further extending city street improvements. The applicants propose to provide a scored concrete pedestrian path through the existing driveway and parking areas to provide a pedestrian connection from the existing sidewalk on the west side of Clover Lane to the building entrance. A condition has been recommended below to require that the applicants provide signage at the end of the public street's existing turn-around clearly indicating that there is no outlet for through traffic.

The applicants have provided a traffic impact analysis, prepared by Southern Oregon Transportation Engineering, LLC which concludes that the proposed Employment designation and E-1 zoning can be accommodated through the existing transportation system without creating adverse impacts. This analysis looked at traffic impacts of the development on five study area intersections: Tolman Creek Road and Ashland Street, Washington Street and Ashland Street, I-5 southbound ramps and Ashland Street, I-5 northbound ramps and Ashland Street, and Clover Lane and Ashland Street, focusing on the existing year 2010, the build year 2011, and future year 2030 conditions during the peak p.m. hour. With the proposed Employment designation for all three of the subject lots, they are expected to generate approximately 557 average daily trips. The analysis notes that the presently stop-controlled I-5 northbound intersection with Ashland Street is shown to operate at a v/c ratio

greater than 2.0 under future year 2030 no-build and build conditions, and 95<sup>th</sup> percentile queue lengths are shown to exceed link distances and create potential safety concerns on Ashland Street between the I-5 ramp intersections and the off ramps themselves under existing year 2010, design year 2011 and future year 2030 conditions. Planned mitigation detailed in the analysis includes the ODOT I-5 Exit 14 interchange redesign project which includes traffic signals at both ramp intersections, widening of Ashland Street, and extended right turn lanes on both I-5 off-ramps. This redesign project is currently underway, with completion tentatively slated for April of 2012. With these improvements in place, the traffic impact analysis provided concludes that study area intersections are shown to be adequately mitigated throughout the future year planning horizon.

### **Comprehensive Plan, Zoning Map Amendment and Lot Consolidation**

The applicants propose to change the two southernmost of the subject properties' Comprehensive Plan Map and Zoning designations from Single Family Residential to Employment (E-1). The approval of a Comprehensive Plan Map Amendment and Zone Change requires that the applicants demonstrate one or more of the following: *a) the change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; b) a substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or c) circumstances relating to the general public welfare exist that require such an action.*

The application suggests that the applicants, as the owners of a small existing business, are an Ashland success story that began locally and now ship their products internationally. Their business is growing and this growth to the subject properties is in keeping with the needs of the community to encourage economic development and keep a local and diversified employment base offering living wage jobs. The application indicates that the owners had considered relocating the business regionally or out of state, but found that these options did not have the various intangibles offered by Ashland. Ashland is the current place of business, with all employees living in or near Ashland, and continues to provide the "sense of place" and small town atmosphere that the owners desire. In addition, the applicants note that their existing business is already located on Clover Lane, and the subject property is well suited to their needs and will accommodate their anticipated development timeline.

The applicants also contend that there has been a substantial change in circumstances since the existing Single Family Residential Comprehensive Plan Map designations were put into place that necessitates the need to adjust to the new circumstances. The applicants explain that the proximity to the freeway makes the site ill-suited to its original residential designation, and that with the Planning Commission's previous decision in Planning Action #2000-091 to eliminate a street connection and vacate the street right-of-way between Clover Lane and Spring Creek Drive there is no remaining logical connection between the subject properties and the residential neighborhoods to the east. As was noted in the record of PA #2000-091:

*... The significant change in elevation (i.e. 20 feet) between Clover Lane and Spring Creek Drive is an unusual situation that requires any through street connection to be constructed at the City's maximum street grade of 15 percent, including large cut and fill banks on either side of the street. Additionally, the commercial uses generally*

*attracted to freeway overlay areas can often be incompatible with residential areas and can generate certain types of vehicle trips (i.e. large truck and delivery trips) that could have a negative impact upon neighboring residential properties, as well as the intersection at Highway 66 and Oak Knoll.*

In staff's view, retaining Caldera Brewing in Ashland and accommodating its continued success is clearly, as suggested by the applicants, in keeping with the needs of the community to encourage economic development and keep a local and diversified employment base offering living wage jobs. The proposal represents a significant benefit to the community and merits the proposed Comprehensive Plan and Zoning Map Amendments on that basis alone, although we would also concur with the applicants that the proximity to the freeway, elimination of the street connection to the adjacent residential neighborhood Spring Creek Drive, and the topographic separation from that neighborhood render the property ill-suited to its current single family residential designation.

### **Lot Consolidation**

Lot consolidation, as proposed by the applicants, will be required by the Building Division prior to permit approval as structures cannot be placed over property lines. However, the lot consolidation process is an administrative procedure handled through Jackson County's Mapping Division, not subject to review or approval by the city, and it is included here only to clarify the proposal.

### **Logical & Orderly Boundary (AMC 18.106.040)**

In addition to the annexation requested by the applicants, the Staff Advisor is recommending that nearby Interstate 5 freeway right-of-way from the current city limits boundary near Exit 14 south to the city limits boundary near Crowson Road be included in the annexation. AMC 18.106.040 dealing with city boundaries states that:

*When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Ashland. The Staff Advisor, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Planning Commission and Council to make annexations extending the City's boundaries more logical and orderly. (Ord 2792, 1997)*

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## Site Review

### **Requirements of the Employment Zoning District**

All of the building square footage is proposed for brewing, a tasting room, manufacturing, warehousing, storage and administrative offices, which are permitted uses in the E-1 zone. The E-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district. In this case, because the property abuts residentially zoned land to the east, a ten foot side yard setback along the east property line is required. As proposed, the building design satisfies this requirement.

The maximum building height within the E-1 zoning district is 40 feet. Building height is defined as, “*The vertical distance from the ‘grade’ to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.*” In this instance, the roof form is pitched with a clearstory element incorporated along the ridgeline. This proposed clearstory element is 45 feet above grade at the peak of the ridge, based on the drawings submitted. As noted above, the land use ordinance provides for an averaging of the ridge peak height and the eaves for the highest gable. If the height were to be calculated considering this clearstory element as the highest gable of the pitch roof, its height would average to 43.75 feet. However, in considering the building’s height, staff believes that while there is a clear distinction between the clearstory element and the remaining roof below the clearstory itself functions as an energy saving component of the overall roof design by allowing for the most efficient use of natural light possible, and in staff’s view, calculating the building’s height from the peak of the clearstory element to the lowest eave of the roof, rather than considering the clearstory itself to be an architecturally distinct, separate “highest gable”, is consistent with the intent of the code with regard to building height and results in a building height of 35 feet. Here, staff would note that were the roofline to extend from the existing lower eave to the existing ridge with no clearstory element, the building itself would be more massive with a higher roof deck yet would lack any energy savings gained from taking advantage of natural lighting by incorporating the clearstory. (See **Staff Exhibit S-3**).

The proposal will result in 44.24 percent of the site being landscaped or remaining in its natural state, which significantly exceeds the 15 percent minimum landscaping requirement for the E-1 zoning district.

### **Site Design & Use Standards and Administrative Variances**

The building’s design is typical of manufacturing type spaces with large volumes for interior function, mobility and storage. The siding shown will be 26 gauge metal, with metal roofing and trim, and the building is described as being done in earth tones with a sand-colored body and forest green trim. The applicants note, however, that unlike many steel buildings designed for manufacturing, the proposed building incorporates architectural elements in an attempt to create a positive appearance, including a wrap-around awning at the entrance with complimentary surface improvements for guests and employees to assemble and enjoy views of the eastern Ashland hillsides. They note that the design includes various windows and a clearstory cupola element for aesthetic qualities and natural light. The applicants indicate that they have provided additional landscaping area beyond that required and created a plaza space at the front of the building, along with a trellis frame to grow hops and a covered

bicycle parking structure. They note that the building will be somewhat recessed into the earth to lessen visual impacts from the side and rear.

Cross-section drawings and photos of the site have been provided to demonstrate that the topography and physical separation available due to the size of the subject properties will minimize visual impacts to the residential neighbors, and the applicants note that the brewing operation already operates on Clover Lane in similar proximity to residential neighbors with no complaints. Staff would note an anecdotal recollection here that there were complaints several years ago due to the use of a refrigerated trailer for temporary on-site storage as the compressor operating created a noise issue for one of the residential neighbors to the current location. The applicants were responsive in dealing with the issue when made aware of the complaint, and there have been no complaints on this or any other matter since the issue was resolved.

Ashland's Site Design & Use Standards for orientation and scale require that buildings have their primary orientation to the street rather than to a parking area; that entrances be clearly visible, functional and open to the public during all business hours; that buildings be accessed from a public sidewalk; that buildings have an entrance within 20 feet of the right-of-way; and that parking and/or automobile circulation not be placed between the building's entrance and the right-of-way. These standards note that:

*One area in which Ashland's commercial [development] differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable by the commercial use... however, the effect on the streetscape is less than desirable because the result is a vast, hot, open parking area which is not only unsightly but results in a development form which the city discourages. The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic.*

While the standards recognize that there may need to be exceptions for some requirements granted due to topographic constraints, lot configuration, or where a building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, these standards provide the building blocks for creating a human scale pedestrian streetscape that is designed first for people rather than for the automobile.

While the subject properties have topographic constraints and a triangular lot configuration which somewhat limit development options, in reviewing the proposal staff have noted that a majority of the parking to be provided is shown in front of the front wall of the building, and the building's entrance is approximately 130 feet from the terminus of Clover Lane with 80-90 feet of asphalt driveway to be crossed by pedestrians coming to the building from the terminus of the Clover Lane sidewalk. In addition, while a covered area is provided over the building's entrance, in the drawings provided there seems to be no material distinction between the roof covering and the building's siding, and the scale of the entry door and

surrounding windows does little to provide emphasis to the entry given the scale of the building and its distance from the terminus of Clover Lane. The project as proposed would require Administrative Variance to these standards.

While staff believe that the lot's triangular configuration and topography do limit the applicants' options to some extent, and the nature of the proposed use as a large manufacturing facility served by large trucks has been the driving force in the design, we believe that there needs to be a stronger consideration for the standards of orientation and scale and that the lot's substantial size should provide some measure of design flexibility to better respond to these standards, or where Administrative Variances may be called for, to mitigate the impacts of varying from the standards.

In particular, staff believes that the building design needs to better address the sense of entry and orientation standards by providing some further variations in color, material, base, entrance and/or fenestration to better engage the Clover Lane streetscape, particularly given the distance from the entrance to the right-of-way, and that placement of car and truck circulation routes between the entrance and the street needs to be carefully considered so as to provide equal consideration for pedestrians. Staff recognizes that the current location of the terminus of Clover Lane is placed at the logical point of orientation for the building; the current street lay out did not anticipate development of these three parcels as a single business, but rather anticipated a development pattern similar to that found just to the north along Clover Lane, with the street extended south of its current terminus and buildings constructed off the street and readily oriented to the street as called for in the standards. Staff believes that the current street placement combined with the configuration of the lot and nature of the business proposed would make it extremely difficult not to have vehicular circulation routes between the building and the street, and as such we believe an Administrative Variance to this standard is justified. However, with this in mind, staff believes that approval of an Administrative Variance adds to the need for a strengthened sense of entry and also calls for the addition of a pedestrian connection from the east side of Clover Lane, as a pedestrian route in this location would more than halve the length of pedestrian travel through the driveway while also eliminating the need for pedestrians coming from the Spring Creek neighborhood via the existing pedestrian path to cross Clover Lane and more than 60 additional feet of driveway. Staff do not believe that pedestrians coming from the Spring Creek neighborhood are likely to cross Clover Lane and two large driveway sections, and will instead continue their direction of travel along the east side of the driveway to the building entry and the site needs to be planned accordingly. Conditions to better address both the building's sense of entry and pedestrian access from Clover Lane have been recommended below.

### **Parking**

The materials submitted note that based on square footage, uses, number of employees and number of seats available in the tasting room, the proposal will require 32 parking spaces, and the applicants are proposing to provide 32 spaces including two accessible spaces with the proposal. Eight bicycle parking spaces are also proposed, with four of these to be covered as required by ordinance. *(The application's written submittals note that 36 parking spaces are proposed, and that 34 spaces are required. However, the plans provided clearly illustrate only 32 spaces. The 34 space requirement noted includes two handicapped*

*accessible spaces which may be provided from among, rather than in addition to, the required spaces and as such only 32 spaces are required as shown in the plans provided.)*

While driveway standards call for driveways of 20 feet in width to serve parking areas of more than seven spaces, the driveways shown on the site plan vary up to 40 feet in width to accommodate aerial fire truck access (which requires a 26 foot clear width) and large truck turning and circulation. This driveway width exceeds the required curb to curb pavement width of a two lane avenue under current street standards by a full seven feet and the existing Clover Lane improvement is only 27 feet in width. Staff has some concern with the resultant amount of impervious surface associated with the parking and circulation areas, and we believe that the applicants should look more closely at ways to minimize the amount of pavement installed to the greatest extent possible in order to minimize adverse impacts including stormwater run-off and the heat island effect. Where paving is absolutely necessary to accommodate the design parameters of the proposal, staff believe that it should be installed in permeable materials.

Staff have raised the issue with the applicants, and have also noted that we would support a phased implementation of some of the required parking as was allowed with the recent Modern Fan II annexation, where a portion of the parking was approved for a future second phase where its installation would be triggered by demand or a change to a more intense use for the building.

Recent Council goals and policies have pressed more sustainable development measures, as evidenced in the adopted requirements to “Design Green Surface Parking” as part of the Croman Master Plan. Previous Council decisions have emphasized the discretionary nature of annexation approvals and in staff’s view, the City Council will ultimately be looking for measures to reduce the environmental and microclimatic impacts of surface parking and circulation areas on the subject properties through the site design and material selection if the property is to be annexed. As such, conditions have been recommended below to require that a revised site plan be provided with the building permit submittals to demonstrate that the use of pavement has been minimized to the greatest degree possible, including a reduction in driveway width to no more than necessary to accommodate aerial fire truck access, and that paved parking and circulation areas that are retained be installed in a permeable/porous paving material.

### **Parking Lot Landscaping & Screening and Administrative Variances**

The Site Design and Use Standards’ “Parking Lot Landscaping & Screening Standards” require that all parking areas, including areas of vehicle maneuvering, parking and loading, shall be screened according to the standards where abutting required yard areas or property lines. As noted in the Site Design and Use Standards, “[b]ecause parking areas are usually large in size to accommodate cars and trucks they are insensitive to the human scale. Additionally, noise, light, heat, and exhaust odors are commonly associated with parking areas. The ill effects associated with parking areas can be mitigated through good design and well placed landscaping.” These concerns are the underlying basis for Ashland’s parking lot landscaping and screening requirements, and at least part of the reason for the Off-Street Parking Chapter (AMC 18.92) limitations which cap parking provided at no more than ten percent above what is required for the use. This limitation avoids an auto-centric focus in development, while reducing the overall amount of paving installed, thus reducing

the heat-island effect of summer sunlight reflecting off of asphalt while also allowing precipitation to be absorbed directly into the ground rather than creating excessive run-off and the associated water quality impacts.

AMC 18.92.070.E.6.b specifies that where parking facilities or driveways are located adjacent to residential zones, a sight-obscuring fence, wall, or evergreen hedge not less than five feet, or more than six feet high shall be provided on the property line as measured from the high grade side. Said wall, fence or hedge shall be reduced to 30 inches within required setback area, or within 10 feet of street property lines, and shall be maintained in good condition. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. And adequate provisions shall be made to protect walls, fences or plant materials from being damaged by vehicles using said parking areas. As proposed, the landscape plan appears to show landscape materials clustered with some larger gaps at the northeast corner where parking faces the Spring Creek neighborhood. A condition to address the standards has been included below to require a revised landscaping plan which demonstrates that the landscaping proposed will provide a five- to six-foot high sight-obscuring barrier to shield adjacent properties from headlights, etc.

In addition, staff has noted and discussed with the applicants that despite the requirement for a landscape buffer adjacent to the driveway where it abuts the property line along the freeway, no landscape buffer of any kind has been proposed here despite the presence of a driveway that is in places proposed at 40 feet in width adjacent to the property line. Such a configuration would require an Administrative Variance to the standards. Given the size of the lot and its location near the freeway at the entrance to Ashland, staff believes that some form of landscape buffer is crucial here not merely for its lessening the "heat-island effect" adjacent to so much paving, but also aesthetically as the building presents an approximately 200-foot generally blank (but for two grain silos) metal wall at what is for many freeway travelers the gateway to Ashland. Staff is accordingly recommending against such a Variance and instead recommending that a condition be attached to the approval to require that a landscape buffer be provided along the freeway property line as well, and that it incorporate some larger stature trees of a columnar form to mitigate the heat island effect as well as the visual impacts of the proposed building when viewed from and across the freeway. AMC 18.72.100 empowers the Commission to require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance. If the applicant were able to come to an agreement with the Oregon Department of Transportation for planting of this buffer landscaping within the adjacent freeway right-of-way, staff believes that this would be an appropriate solution.

### **Modification of PA 2003-112**

Planning Action #2003-112, approved by the City Council in October of 2003, annexed an approximately 1.32-acre parcel located at what was then the end of Clover Lane, immediately to the north of the subject properties here. That 2003 approval included a condition (#17) which required:

*That a 'Development Agreement' be prepared by the applicant and recorded on the properties limiting the uses to those which generate total vehicle trips of not more than 100 vehicle trips per parcel or a combined total of approximately 200 vehicle trips, as determined by the ITE Trip Generation Manual.*

*The final agreement shall be reviewed and approved by the City Attorney prior to recordation of the partition plat, issuance of a building permit or final adoption of a resolution annexing the property.*

This condition was attached to the approval out of concern for the long-term operations of the intersection of Highway 66 and Clover Lane, despite the fact that the application at the time included a traffic study identifying an acceptable level of service for the intersection with the development of the parcel involved in the application. As a result, the two properties at the present end of Clover Lane, just north of the subject properties, have been limited to lower traffic generating uses such as light industrial and manufacturing uses, and each building permit has been required to include a demonstration that the proposed use is in compliance with the trip cap.

Based on the conclusions of the applicant's Traffic Impact Analysis, the redesign work underway now on Exit 14, and the Interchange Area Master Plan which the city and state are currently working to finalize, staff believe that the previous concerns over the long-term operation of the Highway 66 and Clover Lane intersection no longer merit these vehicle trip limitations, and we are accordingly recommending that no such limitation be imposed on the subject properties under the current application and that the previous limit imposed on the properties at 580 and 585 Clover Lane under Planning Action #2003-112 be removed as well.

#### **Tree Removal Permit**

Ten of the 17 trees greater than six-inches in diameter identified on the subject property have been proposed for removal with the application. These include nine cedars of various sizes with the project arborist assesses as being in good condition, a six-inch plum with the arborist classifies as in poor condition, a 15-inch elm in moderate condition, and six oaks, four of which are identified as being dead. The application notes that these removals are due to the trees being in failing health or dead, or their locations relative to the proposed improvements. The application notes that the arborist has participated in discussion of the building footprints placement and has verified that the trees should be able to continue to thrive with the construction of the proposed building and associated site improvements.

The application indicates that while the nine cedars are not identified for removal in the arborists plan, these trees are proposed for removal by the applicants as they have been aggressively topped in the past and thus provide little aesthetic benefit. The applicants propose to mitigate their removal with nine new maples or similar trees prior to occupancy of the proposed building. A total of 27 new trees are proposed to mitigate the trees being removed.

In staff's view the finding can be made that the tree removals are proposed in response to the condition of the trees and in order to permit the application to be consistent with applicable ordinance requirements and standards and will not adversely impact erosion, soil stability, flow of surface waters, protection of adjacent trees, existing windbreaks, tree density, canopy or species diversity in the vicinity.

The Tree Commission has not reviewed the application as this is being written, and a condition is therefore recommended below to require that their recommendations, where consistent with the Site Design and Use Standards and with final approval by the Staff Advisor, be incorporated into a revised landscaping and/or tree protection plan.

## Water Resources Protection

In addition to the site's trees, the southernmost of the three lots contains a segment of Spring Creek, an intermittent or ephemeral stream regulated under Ashland's Water Resources Protection Ordinance (AMC 18.63). Streams of this sort have an associated stream bank protection zone which extends 30 feet from the centerline of the stream. The proposed building is located well outside of the protection zone, and site disturbance associated with the project's landscape plan is shown as stopping approximately 100 feet from the stream. Three oak trees nearer the stream corridor are proposed to be removed due to their poor health; however these trees are outside the protection zone as well.

AMC 18.63.100.B, requires that applications for Site Review include this Water Resource Protection Zone within a conservation easement or other recorded development restriction which makes clear that any uses or activities within the stream bank protection zone shall be consistent with the provisions of the Water Resources Ordinance. A condition of approval has been included below to require that the applicants provide evidence of a conservation easement or other recorded development restriction to perpetually protect the portion of the stream bank corridor on the property according to the requirements of AMC 18.63 prior to submittal of building permit plans.

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

**The criteria for Annexation approval for a property to be zoned E-1 are described in 18.106.030 as follows:**

*An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:*

- A. *The land is within the City's Urban Growth Boundary.*
- B. *The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.*
- C. *The land is currently contiguous with the present City limits.*
- D. *Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.*
- E. *Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:*

1. *For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.*
2. *For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.*
3. *For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.*
4. *For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.*

and

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

1. *The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or*
2. *The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or*

3. *A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or*
4. *Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or*
5. *The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or*
6. *The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.*

**The criteria for approval of Comprehensive Plan Map and Zoning Map Amendments are described in 18.108.060.B as follows:**

1. *Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:*
  - a. *The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or*
  - b. *A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or*
  - c. *Circumstances relating to the general public welfare exist that require such an action; or*
  - d. *Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G);or*
  - e. *Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G) The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Sections D and E do not apply to council initiated actions.*

**The criteria for Site Review approval are described in 18.72.070 as follows:**

- A. *All applicable City ordinances have been met or will be met by the proposed development.*
- B. *All requirements of the Site Review Chapter have been met or will be met.*

- C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
- D. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options. (Ord. 2655, 1991; Ord 2836 S6, 1999)*

**The criteria for an Administrative Variance to the Site Design and Use Standards are described in AMC Chapter 18.72.090 as follows:**

*An administrative variance to the requirements of this chapter may be granted with respect to the requirements of the Site Design Standards adopted under section 18.72.080 if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:*

- A. *There is a demonstrable difficulty in meeting the specific requirements of the Site Design Standards due to a unique or unusual aspect of the proposed use of a site;*
- B. *Approval of the variance will not substantially negatively impact adjacent properties;*
- C. *Approval of the variance is consistent with the stated purpose of the Site Design and Use Chapter; and*
- D. *The variance requested is the minimum variance which would alleviate the difficulty.*

**The criteria for a Tree Removal Permit are described in AMC Chapter 18.61.080, as follows:**

*An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.*

- A. *Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.*
  - 1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.*
  - 2. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*
- B. *Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:*

1. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and*
2. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*
3. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.*

*The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.*

4. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.*

#### **IV. Conclusions and Recommendations**

Staff are generally very supportive of the application, and believe that retaining Caldera Brewing on Clover Lane and accommodating its continued success in Ashland holds significant benefit for the community. We are accordingly recommending that the Planning Commission approve the proposed amendments to the Comprehensive Plan and Zoning Maps and forward a recommendation of approval to the City Council with regard to the Annexation.

While staff recognizes the nature of the location and the proposed business, and the constraints of the site, we believe the size of the property should bring with it some measure of flexibility on the applicants' part to enable the building design and site lay-out to respond not only to the applicants' design parameters but the city's design standards as well. We are accordingly recommending approval of the Site Review and associated Administrative Variances, as well as the Tree Removal Permit, with a number of conditions to be attached addressing city design standards, including: establishing a stronger sense of entry for the proposed building; better addressing pedestrian access from the city sidewalk to the building's entrance; reducing the amount of paving and impermeable surfaces on the site; and better buffering remaining paved areas that are to remain.

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- 3) That the existing billboard sign shall be removed from the property, as proposed by the applicants, and a sign permit shall be obtained prior to installation of any new signage. All signage shall meet the requirements of Chapter 18.96, and signage installation shall be limited to the north and east frontages which have public entrances accessible from the sidewalk.
- 4) That the applicants shall obtain a demolition permit prior to demolishing the existing structures on site. With the demolition of existing structures on the site, any existing city or Pacific Power and Light electrical facilities serving these structures will need to be removed by the applicants, and their removal inspected and approval by the Building and Electrical Departments.
- 5) That prior to the submittal of a building permit:
  - a) Building permit submittals shall include identification of all easements, including public and private utility easements, fire apparatus access easements, and a conservation easement or other similar recorded development restriction to perpetually protect the portion of the Spring Creek stream bank water resources protection zone on the property according to the requirements of AMC 18.63.
  - b) A stormwater drainage plan, including final details of on-site detention for storm water and necessary water quality mitigation, shall be submitted for the review and approval of the Planning, Building, and Engineering Divisions. Post development peak flows shall be demonstrated to be less than or equal to pre-development levels.
  - c) A final utility plan for the project shall be submitted for the review and approval by the Planning, Engineering and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Utility installations, including any necessary fire protection vault, shall be placed outside of the pedestrian corridor, and necessary public utility easements on the property shall be shown on the building permit submittals.
  - d) The applicant shall submit an electric distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. With annexation, the property will no longer be served by Pacific Power and Light; service will be provided by the city's municipal electric utility and the necessary removal of Pacific Power services and installation of city services to make this transition will need to be installed at the applicant's expense. The electric distribution plan shall be reviewed and approved by the Planning, Engineering, Building and Electric Departments prior to building permit

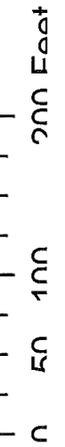
- submittal. Transformers and cabinets shall be located outside of the pedestrian corridor, in those areas least visible from the street while considering the access needs of the Electric Department.
- e) The building permit plan submittals shall include solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula  $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
  - f) The building permit plan submittals shall include lot coverage calculations including all building footprints, driveways, parking, and circulation areas. These plans shall demonstrate that at least 15 percent of the site is surfaced in landscaping, and that at least seven percent of the parking lot area is provided in required parking lot landscaping, as required in the Site Design & Use Standards.
  - g) The building permit plan submittals shall include and sample exterior building colors and materials for review and approval of the Staff Advisor. The exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials.
  - h) The building permit plan submittals shall include revised elevation drawings for the building entry which better respond to the sense of entry and orientation standards by providing further variations in color, material, base, entrance, and/or fenestration to better engage the Clover Lane streetscape and create a stronger sense of entry for the building.
  - i) A revised Site Plan shall be provided. This Site Plan shall include: 1) a pedestrian connection from the sidewalk on the east side of Clover Lane to the building's entrance along the east side of the drive to accommodate pedestrian traffic from the Spring Creek neighborhood. This pedestrian connection shall be delineated from the surrounding driveway through the use of scored concrete or similar material distinction; 2) a reduction in paved surface area to the greatest extent possible, including a reduction of the driveway width to no more than the 26 feet necessary to accommodate aerial fire truck access, the reduction of other paved areas where possible, and the use of permeable paving materials for all remaining parking and circulation areas.
- 6) That prior to the issuance of a building permit:
- a) The applicant shall provide a revised Tree Preservation and Protection Plan consistent with the requirements of AMC 18.61.200 and prepared by a certified arborist. This plan shall incorporate the recommendations of the Tree Commission's January 6<sup>th</sup>, 2011 meeting as conditions of approval where consistent with applicable standards and with final approval by the Staff Advisor. The plan shall also incorporate silt fencing or similar approved means to protect the stream bank water resources protection zone during construction.
  - b) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the 17

- trees to be removed from the site, and prior to any site work including demolition, storage of materials and/or issuance of a building permit. The Verification Permit is to inspect the identifications of trees to be removed and the installation of tree protection fencing to protect the trees to be retained. The tree protection fencing shall be installed according to the approved Tree Protection and Removal Plan, inspected and approved by the Staff Advisor prior to site work, storage of materials and/or issuance of a building permit.
- c) The applicant shall provide a revised Landscape/Irrigation Plan which addressed the Water Conserving Landscaping Guidelines and Policies of the Site Design and Use Standards, including irrigation controller requirements to allow multiple/flexible calendar programming. The revised landscape plan shall specifically identify mitigation trees on a one-for-one basis to offset the 17 trees to be removed, or alternatively may propose replanting off-site or payment in lieu of planting as provided in AMC 18.61.084. The Landscape Plan shall include revisions to the landscape buffer to provide the required sight-obscuring screen where the parking lot abuts residential areas or property lines, including along the driveway adjacent to the freeway. The freeway side buffer shall include larger stature, columnar screening trees both to reduce the heat-island effect and to screen the visual impacts of the proposed building.
  - d) All exterior lighting shall be appropriately shrouded so as not to permit direct illumination of any adjacent properties. Lighting details, including a scaled plan and specifications detailing shrouding, shall be submitted to the Staff Advisor for review and approval with the building permit submittals.
  - e) At the time of building plan submittal, bike rack and shelter details shall be submitted for review and approval by the Staff Advisor. The building permit submittals shall verify that the bicycle parking design, spacing, and coverage requirements are met in accordance with 18.92.040.I.
  - f) Mechanical equipment shall be screened from view from adjacent rights of way and residential properties to the greatest degree possible. The locations of mechanical equipment and any associated screening shall be shown on the site plan and elevations in the building permit submittals.
  - g) The requirements of the Building Division shall be satisfactorily addressed, including but not limited to: 1) egress, exiting, separation wall, and bathroom requirements for the tasting room area based on occupant type and occupant load determination at building permit; 2) providing necessary engineering studies to demonstrate that the fill on site is suitable for construction; 3) that the plans are to be drawn by an Oregon Licensed Design Professional; 4) that evidence of completed lot consolidation be provided; and 5) that code requirements for the use of an existing well to provide irrigation for the proposed landscaping shall be met, including but not limited to the installation of R.P. assemblies.
  - h) The requirements of the Ashland Fire Department relating to: approved addressing; fire apparatus approach, access and turn-around; fire flow; fire department connection, fire sprinkler, fire hydrant and key box installation; hydrant clearance; high-piled storage requirements; and that any gates, fences, or other impediments to required fire apparatus access width approved

by Ashland Fire and Rescue shall be addressed in the permit submittals and implemented on site prior to the issuance of an occupancy permit. Final determinations of fire hydrant distance, fire flow, and fire apparatus access requirements are to be based upon plans submitted for building permit review.

- 7) That prior to the issuance of a certificate of occupancy:
  - a) That the screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards. An opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure in accordance with 18.72.115.A.
  - b) All required parking areas shall be paved and striped according to the approved plan.
  - c) All landscaping, hardscaping and the irrigation systems shall be installed in accordance with the approved plan, inspected and approved by the Staff Advisor prior to the issuance of a certificate of occupancy.
  - d) That required bicycle parking spaces with a minimum of 50 percent sheltered from the weather shall be installed according to the approved plan and in accordance with design and rack standards in 18.92.040.I and J, inspected, and approved by the Staff Advisor prior to issuance of a certificate of occupancy. Inverted u-racks shall be used for the bicycle parking.
  - e) The applicants shall provide a sign at the end of the existing turn-around clearly indicating that the driveway beyond is private with no outlet for through traffic. The final sign design and placement shall be approved by the Public Works and Street Departments.

**STAFF EXHIBIT S-1**



*Property lines are for reference only, not scaleable*



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Rogue Valley Office

100 Antelope Road

White City, OR 97503-1674

(541) 774-6299

Fax: (541) 774-6349

January 5, 2011

City of Ashland Planning Department  
Derek Severson, Associate Planner  
51 Winburn Way  
Ashland, OR 97520

**RE: Caldera Brewing Company Plan Amendment/Zone Change/Site Review  
(City File. 2010-01570)**

Dear Mr. Severson:

Thank you for the opportunity to provide comments on the proposed Caldera Brewing Company request for Annexation, Comprehensive Plan Map Amendment/Zone Change and Site Review to construct a new 28,000 square foot commercial building located off of Clover Lane (Map 39-01-14AA Tax Lot 6900 & 7000; and 14AD Tax Lot 7000).

We reviewed the proposed project and determined that it triggers our review under the Transportation Planning Rule (OAR 660-012-060). A planned traffic signal located at the I-5 Exit 14 northbound on-ramp terminal may cause Ashland Street traffic to back-up past the Clover Lane intersection (See Attached Technical Memorandum). There are concerns that lengthy traffic queues will make it difficult for vehicles making left turns out of Clover Lane to merge with Ashland Street westbound traffic.

We encourage the City of Ashland to amend their Transportation System Plan and identify a planned median improvement or some equivalent mitigation measure that restricts left turn movements at the Ashland Street/Clover Lane intersection.

If you have any further questions, please feel free to contact myself at (541) 774-6399.

Respectfully,

**Ian K. Horlacher**  
Development Review Planner

RECEIVED

JAN 05 2011

City of Ashland

Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_

Attachment

Cc: RVDRT  
Mark Knox, Planning Consultant  
Kim Parducci, S. Oregon Transportation Engineering





# JACKSON COUNTY

## Roads

### Roads Engineering

**Russ Logue**  
Construction Manager

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
loguera@jacksoncounty.org

[www.jacksoncounty.org](http://www.jacksoncounty.org)

December 27, 2010

Ashland Planning Department  
City Hall  
51 Winburn Way  
Ashland, OR 97520

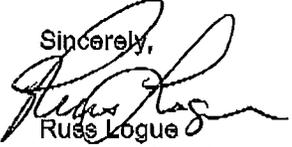
RE: Development off Clover Lane -- a city-maintained road.  
Planning File: 2010-01570

Dear Planner:

Thank you for the opportunity to comment on the request for Annexation; Comprehensive Plan Map Amendment/Zone Change; Site Review approval to construct a new 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative office building for the production of brewing products; Lot Consolidation; and Tree Removal Permit to remove 17 trees for the 3.72 acre parcel located at 590 Clover Lane. Jackson County Roads has no comment.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Russ Logue  
Construction Manager

**NARRATIVE & FINDINGS OF FACT**

FOR AN

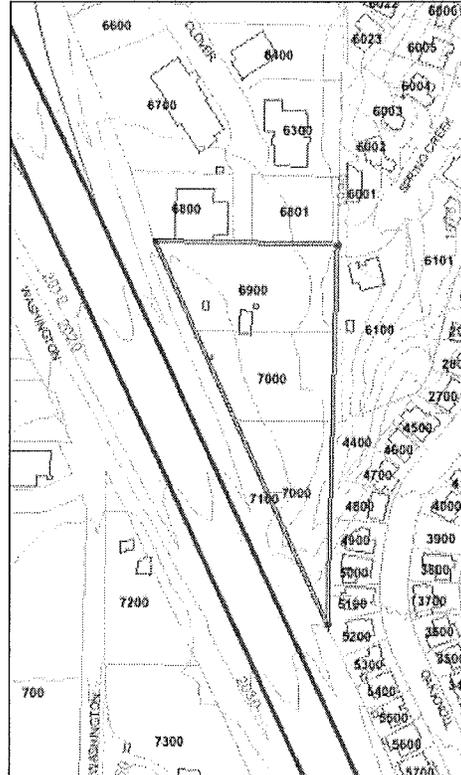
**ANNEXATION, COMPREHENSIVE PLAN AMENDMENT,  
LOT CONSOLIDATION, TREE REMOVAL PERMIT  
& SITE REVIEW PERMIT**

**FOR THE SUBJECT PROPERTIES:  
(590 CLOVER LANE, ASHLAND)**

ASSESSOR'S MAP 391E14AA TAX LOT 6900

ASSESSOR'S MAP 391E14AA TAX LOT 7000

ASSESSOR'S MAP 391E14AD TAX LOT 7000



**PROJECT NAME:  
CALDERA BREWING COMPANY EXPANSION**

**SUBMITTED TO  
CITY OF ASHLAND PLANNING DEPARTMENT**

**SUBMITTED BY  
URBAN DEVELOPMENT SERVICES, LLC.  
485 W. NEVADA STREET  
ASHLAND, OR 97520**

**NOVEMBER 15<sup>TH</sup>, 2010**

RECEIVED

NOV 19 2010

City of Ashland  
Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_

**I. PROJECT INFORMATION:**

**PLANNING ACTION:** The applicants are requesting an Annexation, Comprehensive Plan Amendment, Tree Removal Permit and Site Review Permit to construct a 28,000 square foot manufacturing, warehouse, storage, tasting room and administrative offices for the production of brewing products located on 3.72 acres of land located at the southern end of Clover Lane – 590 Clover Lane in Ashland.

**TEAM INFORMATION:**

<p><b>OWNER:</b> Caldera Brewing Company Jim Mills, Owner Ashland, OR 97520 Tel: 541-840-8222</p> <p><b>LAND USE PLANNING:</b> Urban Development Services, LLC 485 W. Nevada Street Ashland, OR 97520 Tel: 541-482-3334</p> <p><b>SURVEYOR:</b> Hoffbuhr &amp; Associates, Inc. 880 Golf View Drive Medford, OR 97504 Tel:541-779-4641</p> <p><b>DESIGN / BUILDER:</b> Steel Building Systems, Inc, 4000 Kenney Road Jacksonville, OR 97503 Tel: 541-944-3057</p>	<p><b>LANDSCAPE ARCHITECT:</b> Laurie Sager &amp; Associates 700 Mistletoe Road, Suite 201 Ashland, OR 97520 Tel: 941-7659</p> <p><b>CIVIL ENGINEERING:</b> Construction Engineering Consultants P.O. Box 1724 Medford, Oregon 97501 Tel: 541-779-5268</p> <p><b>TRANSPORTATION ENGINEER:</b> Southern Oregon Traffic Engineers 112 Monterey Drive Medford, OR 97504 Tel: 541-608-9923</p> <p><b>ARTIST:</b> Martin Lee 590 Allison Street Ashland, OR 97520 Tel: 541-488-0011</p>
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**COMPREHENSIVE PLAN DESIGNATION**

Low Density Residential (Existing County Designation)  
Employment (Proposed City Designation)

**ZONING DESIGNATION:**

RR-5 (Existing County Designation)  
E-1 (Proposed City Designation)

**LOT AREA:**

391E14AA Tax Lot #6900 1.49 acres (Currently Employment Designated - City)  
391E14AA Tax Lot #7000 1.09 acres (Currently Residentially Designated - City)  
391E14AD Tax Lot #7000 1.14 acre (Currently Residentially Designated - City)

**BUILDING DATA (enclosed space):**

Manufacturing / Brewing: 22,000 sq. ft.  
Cold Storage / Coolers: 3,000 sq. ft.  
Tasting Room / Admin: 3,000 sq. ft.  
Total Proposed Area: 28,000 sq. ft.

**LOT COVERAGE:**

Building Footprint 30,282 sq. ft. (19.4%)  
Impervious Surfaces 56,720 sq. ft. (36.35%)  
Landscaping: 69,032 sq. ft. (15% Required / 44.24% Proposed)

**PARKING: Required:**

Manufacturing/Industrial: 1 per 2 employees  
Tasting Room: 1 per 4 seats  
Office: 1 per 450 sq. ft.  
Handicap Spaces: 1 per 25 parking spaces  
Company Vehicles: 1 per vehicle

Proposed:

Manufacturing/Industrial: 1 per 2 employees = 13 / 17 (seasonal)  
Tasting Room: 1 per 4 seats = 8 / 10 (seasonal)  
Office: 1 per 450 sq. ft. = 1  
Handicap Spaces: 1 per 25 parking spaces = 2  
Company Vehicles: 1 per vehicle = 4  
Total Required: 34  
Total Proposed: 36  
Total Allowed (10% over): 38

Bike Parking Required / Proposed: 1 per 5 auto spaces (50% sheltered)

Bike Spaces Total: 8 / 4 covered

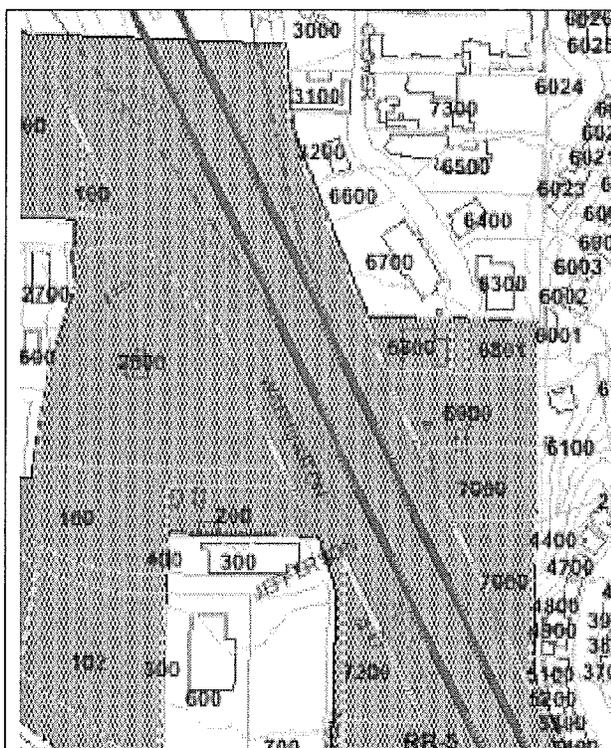
**APPLICABLE ORDINANCES:**

Employment District, Chapter 18.40  
Tree Preservation & Protection, Chapter 18.61  
General Regulations, Chapter 18.68  
Solar Access, Chapter 18.70  
Site Design & Use Standards, Chapter 18.72  
Site Design & Use Standards (Site Design Standards)  
Basic Site Review, Section II

Parking Lot Landscaping & Screening Standards, Section II  
 Street Tree Standards, Section II  
 Off-Street Parking, Chapter 18.92  
 Annexations, Chapter 18.106  
 Procedures, Chapter 18.108

**ADJACENT ZONING/USE (see map below):**

WEST: E-1; I-5 Freeway & Washington Street Employment Area;  
 EAST: R-1; Oak Knoll Residential Neighborhood;  
 SOUTH: R-1; I-5 Freeway & Oak Knoll Residential Neighborhood;  
 NORTH: E-1; Bauer Reels / Bauer Fly Reels and Pacific Domes



**Vicinity Use Map**  
 (non shaded area is Ashland City boundaries)

**Subject Tax Lots: 6900, 7000 & 7000**

- Tax Lot #6700: Holiday Inn Express**
- Tax Lot #6300: Hillah Temple Lodge**
- Tax Lot #6400: KFC Drive-thru (vacant)**
- Tax Lot #6500: Bramo Motors**
- Tax Lot #7300: Caldera Brewing (existing site)**
- Tax Lot #6200: Bauer Fly Reels / Pacific Domes**
- Tax Lot #6201: Vacant (Employment Zoned)**
- Tax Lot #6001: Residential**
- Tax Lot #6100: Residential**
- Tax Lot #4800: Residential**
- Tax Lot #600: Oak Street Tank & Steel**
- Tax Lot #300: Modern Fan**

**Note: Tax Lots 6200 (Bauer Fly Reels / Pacific Domes) and 6201 (vacant) have since been annexed into City limits since this map was created.**

**TABLE OF CONTENTS:**

- II. Site Description & Proposal
- III. Annexation Findings of Fact
- IV. Comprehensive Plan Map Amendment Findings of Fact
- V. Site Review Permit Findings of Fact (including Site Design and Use Standards)
- VI. Tree Removal Permit Findings of Fact

## II. SITE DESCRIPTION & PROPOSAL:

Jim Mills, the applicant and owner of the Caldera Brewing Company of Ashland wishes to construct a 28,000 S.F. (approximately) building for the brewing of beer products. Included with the manufacturing process, the applicant is proposing a tasting room. The company's existing brewing operations are located in a 6,000 S.F. building located at 540 Clover Lane and there is also the well known Caldera Tap House (retail outlet) located at 31 Water Street in the downtown. The Tap House on Water Street will remain and continue to function as it successfully does today.

The applicant proposes to relocate his business on the subject property as it is one of the few properties in town that can accommodate the company's manufacturing and warehouse needs. The property provides the business a large enough area to accommodate trucks, is relatively flat, is close to a major transportation corridor, has some freeway visibility and is affordable. Although other sites have been exhaustingly considered over the last two years, they proved problematic for a variety of reasons and did not have this site's expansion capabilities or qualities for a manufacturing operation.

In addition, the applicant is proposing a small on-site manager's residential unit (ancillary unit) in order to provide on-site supervision of the brewing facilities. This would be an ancillary use which has been granted in various other similar type projects in the E-1 zone districts. The unit would be within a loft space and not visible from the exterior of the building.

In the pre-application conference report, staff acknowledged that... "the application represents an Ashland success story in that the owner has started a small business locally that continues to grow in Ashland". Staff also supports the application due to recent community discussions regarding economic development and the desire to keep local companies in Ashland. The applicant agrees with staff and also believes that this highly desirable project that allows for the expansion of a successful local business will provide additional living wage employment for the city. The applicant has a strong desire to remain in the City and not depart for less expensive land in the County or outside of the local region.

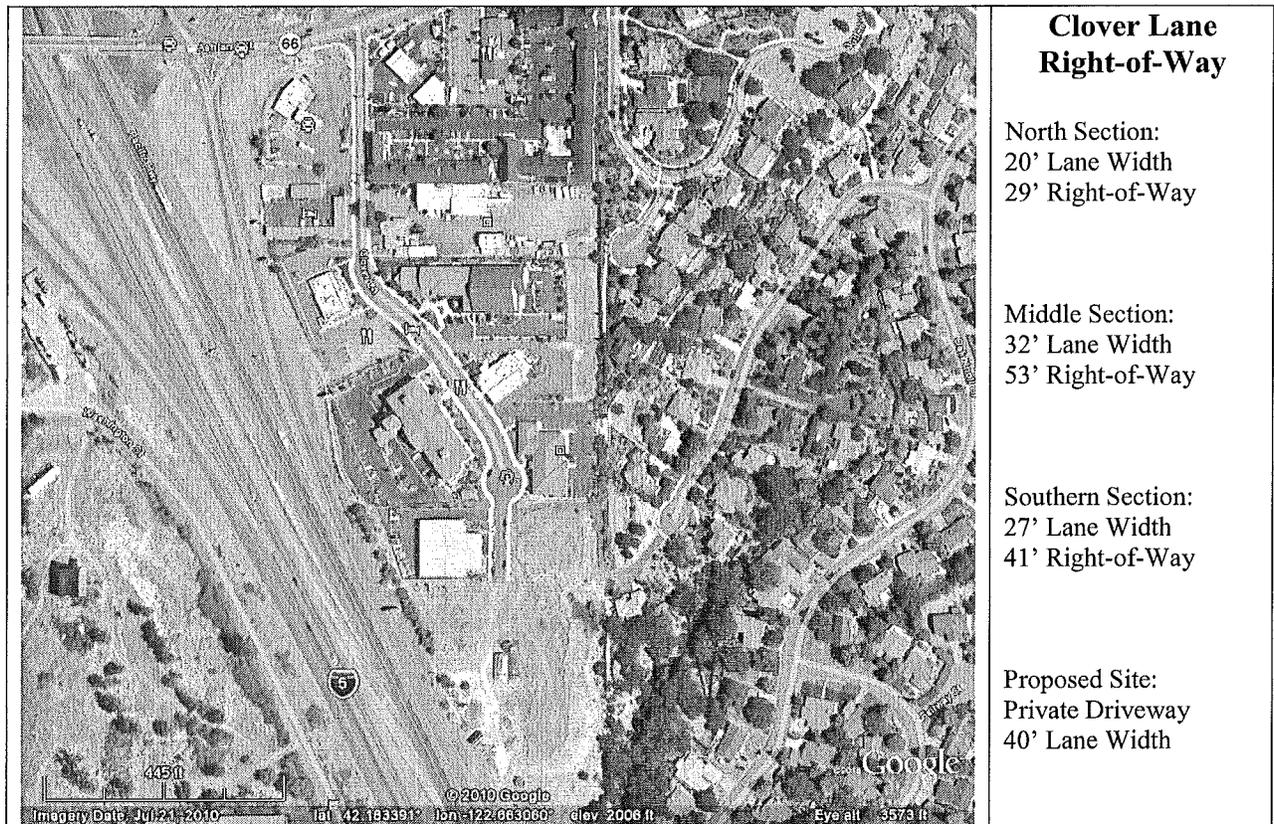
**Subject Parcels:** There are three parcels involved in this application totaling 3.72 acres. The parcels are located south of the Clover Lane extension from the cul-de-sac. The properties are currently in the County but within the City's Urban Growth Boundary (UGB) and adjacent to the Ashland City limits. Due to the existence of the I-5 corridor, the subject properties form an odd triangular shaped island that is physically separated by I-5 to the south and west, steep slopes and single family housing to the east and commercial/manufacturing buildings to the north. Prior to the interstate's existence, Clover Lane extended from Highway 66 over to Washington Street which is evident on maps. At that time, the properties were occupied by a residence and likely were considered "rural" from today's perspective.

All of the three subject parcels are proposed to be annexed into the City. The northern line of Tax Lot #6900 abuts two E-1 parcels that were annexed into the City in 2004 (PA-2003-112).

One of these parcels remains vacant while the other is occupied by Bauer Fly Reels and Pacific Domes in a 10,667 S.F. metal building (PA-2006-01085). The request will extend the City limits to incorporate Tax Lots 391E14AA #6900 and #7000 and 391E14AD #7000 as identified on the Jackson County Assessor's Map. Note: There is an odd remaining parcel, Tax Lot #7100, consisting of approximately .01 acres (+/- 400 sq. ft.) but according to the project's Surveyor and preliminary discussions with the Title Company, this parcel is a remnant of the I-5 installation. The applicant, if desired by the City, will request the subject lot's title to be cleared and the area incorporated into the proposed tax lot. All of the identified parcels will be consolidated into one parcel and developed as proposed including any mitigating conditions imposed by the Ashland Planning Commission.

The City's Comprehensive Plan identifies Tax Lot #6900 as Employment and Tax Lots #7000 and #7000 as Single Family Residential. The circumstances with this area's Comprehensive Plan designation as residential appears to be a remnant of historical zoning and use as at one time there was a residence on the property since removed. In addition, it's residential zoning likely made "some" sense at one point when Spring Creek Drive was slated to connect, but when the Planning Commission decided, at the urging of the Spring Creek neighborhood, to eliminate the connection (due to severe grade differences and neighborhood opposition of commercial traffic), it clearly no longer makes sense. In fact, many of the neighbors, during the neighborhood meeting, continued to express the concern about potential street connections and agreed with the applicants the use of the site as a residence would be inappropriate considering its close proximity to the freeway and connectivity through Clover Lane and its commercial businesses. The E-1 Zoning designation is a more appropriate zoning which ... "is designated to provide for a variety of uses such as office, retail or manufacturing in an aesthetic environment and having a minimal impact on surrounding uses." Further, residential uses (with restrictions) are allowed with an R-overlay, but in this case, the applicants are not proposing an overlay. However, the applicant does intend to provide for some form of temporary living accommodations such as a nighttime security guard residence or an accessory type of residence during inclement weather (owner currently lives in Greensprings area) and such an accommodation would provide for both an on-site presence during the evenings and/or intermittent sleeping accommodation during inclement weather conditions. This type of accessory use has been permitted with other manufacturing type of applications most notably along Benson Way – across the freeway from the subject properties.

**Physical Characteristics:** As stated, the property is triangular shaped and has slopes in multiple directions creating a unique circumstance of constraints and opportunities. Generally, the property slopes gradually towards the north (Clover Lane), but also has significant slopes to the west towards the I-5 freeway and east towards Spring Creek (a seasonal creek). Overall, the site is generally level creating a logical building and parking footprint and there are unobstructed views to the mountains on all sides. There is an existing structure and an above ground tank on the site which will be removed. There are a couple of large trees along the site's perimeter, but only a few are proposed to be removed due to their health (see Arborist's Tree Protection Plan – Sheet L-1.0).



**Access to the Property:** The property has access from Highway 66 via Clover Lane which is classified as a local street with variable widths for its right-of-way, but has curbside sidewalks on both sides. The entrance portion of Clover Lane is a very narrow road (20' lane width with a 29' right-of-way) primarily due to its history when it was once a single lane road, prior to the installation of I-5, when it extended from Highway 66 to the southern end of Washington Street. Because of this history and the concentration of the incremental development that occurred near the Highway 66 corridor and later the I-5 corridor, the narrow right-of-way remained, infrastructure was sporadic, buildings were haphazardly placed and, most importantly, there was a lack of planning (Note: To be fair, there were not any City or ODOT Planning Departments during this period and all/most decisions were made by DOT Civil Engineers with little to no public input). Nevertheless, the middle portion of Clover Lane, adjacent to the Holiday Inn Express / Bramo Motors, widens to a 32' lane width with a 53' right-of-way width and the southern end of Clover Lane, south of cul-de-sac, has a reduced lane width of 27' and a right-of-way width of 41'. At the point the street enters the property it will terminate and become a private driveway with sections of paving ranging from 24' for vehicles to 40' for large truck access and maneuverability. At the rear of the property, a large truck turnaround area is proposed to accommodate both City Fire Department needs as well as the businesses needs.

**Utilities and Services:** City underground utilities are located within the Clover Lane right-of-way and are sized to accommodate the proposal. A final Electrical Plan, addressing electrical

loads, will be reviewed with the Ashland Electric Department, but an existing electrical transformer box sits on the vacant lot immediately north of the property. At the present time, it's understood the transformer can accommodate the proposed electrical demands. Storm water runoff will be held in multiple systems for water detention and water quality. The storm water system has been designed by a licensed Civil Engineer which includes a bio-swale to be located at the entrance of the property providing storm water treatment and aesthetic qualities to the site. The plan also identifies an underground storm water detention facility on the east side of the property that accommodates overflows and then slowly meters out water. Both systems eventually flow to the existing storm water system in Spring Creek Drive. Fire hydrants are located on both the front and rear ends of the property as well as an oversized access lane and turn around area for both company vehicles and City Fire Department vehicles.

The water needs of the facility, based on actual water demand at the existing facility on Clover Lane which will now close, will increase by approximately 60% even though the new facility is four times the size. The current usage is approximately 12k cubic feet (typical household average is 3.5k cubic feet) and will likely increase to around 19k. This is due to enhancement in technology with new equipment to be purchased that is significantly more efficient and that the added space is not simply to quadruple production, but to experiment with alternative products which need different types of equipment, storage spaces, etc.

**Building Design:** The building's design is typical of manufacturing type spaces with large volumes for interior function, mobility and storage. However, unlike many steel buildings designed for manufacturing, the proposed building has been designed with some architectural elements in an attempt to create a positive appearance. These include a wrap-around awning at the entrance with complimentary surface improvements for guests and employees to assemble and enjoy the Ashland hillsides. The design also includes various windows and a clear-story cupola for aesthetic qualities and natural light. The design is similar, except for more windows, to the building located along I-2 south of Yreka and west of Granada.

Adding to the building's interest is the additional landscaping and plaza space located at the front of the building. Combined with hops that grow between the trellis' framework and the placement of the bike parking structure, the applicant contends the building's design will be attractive. Further, because the building is recessed into the earth, the rear and side visibility is lessened. The applicants attempted to add additional landscaping along the property's shared boundary with I-5, but its ODOT's policy to not allow any private improvements. The applicants looked at shifting the building towards the east (towards residences on down hill side), but this created massive retaining wall demands and created an uncomfortable mass of structure above for the residences below. Nevertheless, the applicant has attempted to propose a building that is not unsightly nor impact its residential neighbors, but still attempt to build a structure that meets the City's design criteria and remain within the applicant's budget.

**Building Perspective:** A sample building color and material board will be submitted at the time of the hearing. Generally, the building is a steel frame structure with metal siding that includes numerous windows and doors for natural light and function. A clear-story element sits on the top

of the roof to enhance the building's aesthetics and allow for interior lifts to be accommodated. The colors are intended to be earth tone in nature with the intent to minimize unnatural colors. The building's roof and trim will be forest green with a sand body. A front elevation rendering, two cross-sections and multiple photos have been submitted to show the subject building on the property and how it relates from various viewpoints. Overall, the applicant believes the subject building will not be predominately visible from the adjacent residential areas to the east due to heavy tree canopy, contrasting topographical elevations, on-site elevated berming, distance, planned landscaping and fencing. In fact, the most visual perspective of the building will come from Washington Street (Employment zoned and is located on the other side of I-5) where its road height is relatively level with the subject property's.

**Parking:** The applicant is providing vehicle parking for manufacturing, office and the tasting room. Specifically, manufacturing uses require 1 space per 2 employees (13 / 17 spaces) and a tasting room requires 1 space per 4 seats (8 / 10 spaces). In addition, the office and company vehicles require an additional 5 parking spaces for a total of 34 required parking spaces. The applicant is proposing to construct 36 spaces including two handicap accessible spaces. The purpose of the two additional parking spaces is to insure that sufficient parking is available for future parking demand or accommodations are available for odd peak periods. The City allows a maximum of 10% increase over the required parking. In general, due to the odd shaped lot and truck circulation, the parking spaces are located as shown on the Site Plan to accommodate access to the roll-up doors for the manufacturing spaces, see Site Plan and Exterior Elevations. The Site Plan also shows that the parking spaces conform to the City Standards of 9 foot by 18 foot with a clear back-up area of 24 feet. The project covered bicycle parking spaces are to be located in the front of the building.

**Signage:** The property is located out-side the freeway overlay zone. A wall and small ground monument sign are proposed to be located on the building's front entrance. A sign permit will be requested by the applicant prior to receiving a Building Permit. The existing freeway pole sign currently on the property will be removed as it does not comply with the City's sign code.

**Energy Use:** The method of energy proposed to be used will be both a consumption of electric and natural gas for the operation of the building. Lighting will be a combination of natural light, fluorescent uplighting and low voltage halogen down lighting where necessary. On average, the monthly energy usage for the existing facility is approximately 12Kw or 144Kw per year. It is expected that with modern efficiencies applied, the proposed building will use approximately 40Kw per month or 480Kw per year.

**Lot Consolidation:** The subject three lots are to be consolidated into one lot prior to issuance of a Building Permit in order to develop the lot as proposed. The procedure for a lot consolidation is completed through the Jackson County Mapping Division.

**Method of Financing:** The project will be financed privately and/or with a conventional mortgage package from a commercial lender. Site improvements will begin after completion of

construction drawings and City Building Permit approval. It is anticipated that construction will be completed within one year of approval.

**Demolition:** It's also expected that a Demolition Permit for the existing buildings on the property will be applied for prior to any site improvements.

**Fire Department Requests:** The various items noted in the July 29<sup>th</sup>, 2010 correspondence from the Ashland Fire Department have to will be addressed at time of Building Permit or occupancy of the facility. These include such items as addressing to be plainly visible from the street, fire apparatus clearance and staging area, fire apparatus access with 26' wide lane with no parking, fire apparatus turn around at the rear of the property (front too), appropriately located fire hydrants, key box, etc.

**Neighborhood Outreach:** The applicant, Land Use Planner and Landscape Architect met with the residents of the Spring Creek Drive neighborhood and Oak Knoll Drive neighborhood on Tuesday, August 31<sup>st</sup>, 2010 to discuss the proposal. After reviewing the proposal with the neighbors and walking the around the site, there didn't appear to be any major concerns that were not already contemplated and addressed within the preliminary plans as mitigation measures. Overall, the neighbors who attended were very positive.

**General Regulations:**

18.68.010 Fences: No fences, wall, hedges or screen planting are proposed in the front yard that are greater than 3 ½ feet in height, see Landscape Plan. All other fences will not exceed six and one-half (6 ½) feet in height as permitted by code.

18.68.020 Vision Clearance Area: Not applicable: The subject property is not proposed to be in a residential zoning district. Further, no streets traverse the subject property.

18.68.030 Access: The subject property does abut the adjoining right-of-way which has a width of 41'.

18.68.050 Special Setback Requirements: Not applicable

18.68.140 Accessory Buildings and Structures: Not applicable: Property is not in a residential district

18.70 Solar Access: Not applicable: Solar Setback Standard B automatically applies to the E-1 zoning district per 18.70.040 item B; however, the applicant has located the proposed building 100' from the north property line and the zoning for the lot to the north is E-1.

18.72.060 Submittal Requirements: The applicant is providing a written Narrative and Findings which describe the scope of the project, addresses applicable findings and shows compliance with the Basic Site Review Standards. Further, the application package includes Site/Landscape

Plans, Preliminary Civil Engineering Drawings, Topographic Survey/Aerial Photograph and Building Elevation drawings. Further, a tree inventory/removal/protection Plan, a Traffic Report, a Visual Study and Findings are included. A Demolition Permit will be provided prior to receiving a building permit.

### **III. FINDINGS OF FACT:**

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Site Design & Use Standards as outlined in the Ashland Municipal Code (AMC), Section 18.72.070, Site Design & Use Standards (Design Standards Booklet, adopted August 4<sup>th</sup>, 1992), Tree Preservation and Protection Standards identified in AMC Chapter 18.61 and Annexation criteria noted in AMC Chapter 18.106.

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's approval criteria noted in **BOLD** font and the applicant's response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

#### **ANNEXATIONS (CHAPTER 18.106)**

##### ***A. The land within the City's Urban Growth boundary.***

As shown on the City's Comprehensive Plan and Zoning Maps, the subject property (Legal Description attached) is within the City of Ashland's Urban Growth Boundary (UGB). The area within the City's UGB generally extends to the south to Crowson Road approximately 4,000 feet surrounding this property. The City's limit line extends inward, along the I-5 corridor abutting a number of parcels, some of which have already been annexed into the City (Modern Fan and Bramo Motors along the west side of I-5).

##### ***B. The proposed zoning for the annexed area is in conformance with the designation on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the zoning.***

The application includes an entitlement request to amend the map of the Comprehensive Plan in order to provide consistent zoning with the proposed use as well as consistency of existing zoning and use along this section of the I-5 corridor. The proposed use is a permitted use within the E-1 zoning district and the application is being proposed concurrently with the annexation request.

##### ***C. The land is currently contiguous with the City limits.***

As stated with the response to Criterion "A", above, the subject property lies directly adjacent to

the City limit line to the north and east.

***D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer or electricity, it is recognized that adequate capacity exist system-wide for these facilities.***

The applicants have had various meetings with the Public Works and Electrical Department staff to discuss the site's utility needs. At no time was it indicated there was a deficiency in the utilities other than storm water capacity due to the undersized culverts within the Highway 66 and Clover Lane intersection. This situation is similar to a number of other developments along Clover Lane that addressed this issue with a metering system which holds storm water temporarily during large storm events and then slowly releases the storm water at an acceptable rate. In this case, the applicants are also proposing similar measures to address the site's storm water needs, but instead of directing storm water down Clover Lane, the water will drain to Spring Creek Drive where it will first be held on-site in multiple systems for water detention and water quality. The storm water system has been designed by a licensed Civil Engineer which includes a bio-swale to be located at the entrance of the property providing storm water treatment and aesthetic qualities to the site. The plan also identifies an underground storm water detention facility on the east side of the property that accommodates overflows and then slowly meters out the water. Both systems eventually flow to the existing storm water system in Spring Creek Drive.

All other utilities are located underground within the Clover Lane right-of-way and are sized to accommodate the proposal. A final Electrical Plan, addressing electrical loads, will be reviewed with the Ashland Electric Department, but an existing electrical transformer box sits on the vacant lot immediately north of the property. At the present time, it's understood the transformer can accommodate the proposed electrical demands. Fire hydrants are located on both the front and rear ends of the property as well as an oversized access lane and turn around area for both company vehicles and City Fire Department vehicles. The applicant's Civil Engineer and Landscape Architect have provided preliminary drawings, see attached, which address the sites various utilities and storm water facilities.

***E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexation consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:***

***1. For vehicular transportation a 20' wide paved access area exists, or can and will be constructed along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the***

***impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.***

The applicant has submitted a Traffic Impact Analysis (TIA). These documents were prepared by the applicant's Traffic Engineer in consultation with the Oregon Department of Transportation (ODOT) and the City's Public Works and Planning Departments. All proposed transportation facilities are in compliance with the City of Ashland's Engineering Design Standards for public improvements and ODOT's guidelines to ensure that the proposed development does not adversely impact the operation and/or safety of Clover Lane and its intersection with Highway 66 and I-5 on/off ramps. The analysis takes into consideration the current "pipeline" trips generated along Clover Lane as well as the expected improvements associated with the I-5/HWY 66 overpass currently under constructions. Refer to attached TIA for further information.

The private driveway extending from the end of Clover Lane and through the property complies with the City's Standards in regard to width dimension, surface material and Fire Department Regulations. This driveway is delineated by curbing and plant material.

***2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.***

Clover Lane is secondary street connecting with Highway 66 an arterial street. Bicycle transportation is being provided with the new Interstate Access Management Plan (IAMP) currently under construction on the I-5 / Highway 66 overpass which will include bike lanes to serve this area of Ashland. Bicycle facilities are proposed near the entrance of the proposed building that complies with the City's bike rack and shelter standards.

***3. For pedestrian transportation safe and accessible facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.***

Clover Lane is currently improved to the site with curbside sidewalks on both sides of the street. The applicant has proposed continuing the sidewalk along the west side of the street to the

entrance of the building's entrance via the private access drive. This sidewalk will include scored concrete to visually contrast the surface paving for the parking and driveway areas providing safe and accessible pedestrian facilities to the building.

***4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.***

At the present time, no transit services are proposed to extend along Clover Lane according to the Rogue Valley Transit District administrative staff. There is an existing bus stop and shelter near the intersection of Clover Lane and Highway 66 which is within a ¼ mile (5 minute walk) distance.

***F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that the future development will occur in accord with minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included.***

Not applicable as no residential units, other than the proposed ancillary accessory unit, are proposed. The ancillary accessory unit will function like an on-site manager's residential unit in order to provide 24 hour operational supervision. This unit is an ancillary use which has been granted in other similar uses in manufacturing applications in E-1 Zoning Districts. The unit is located within a loft space and not visible from the exterior of the building.

***G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):***

- 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or***
- 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or***
- 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or***

**4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or**

**5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.**

*The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.*

Not applicable.

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

**1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the City limits. “Redevelopable land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or**

Not applicable as no residential units, other than the proposed ancillary accessory unit, are proposed. The ancillary accessory unit will function like an on-site manager’s residential unit in order to provide 24 hour operational supervision. This unit is an ancillary use which has been granted in other similar uses in manufacturing applications in E-1 Zoning Districts. The unit is located within a loft space and not visible from the exterior of the building.

**2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or**

The application proposes a Zoning and Comprehensive Plan Map Amendment designating the subject property as Employment (E-1). The application includes a proposal for a Site Review Permit to construct a manufacturing building to provide employment opportunities.

***3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or***

To the best of the applicant's knowledge all public facilities unless otherwise addressed herein are available to service the property. No current or probable public health hazard exists.

***4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or***

To the best of the applicant's knowledge all public facilities unless otherwise addressed herein are available to service the property. According to various communications with City Department staff, all public facilities are adequate and available to service the property.

***5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or***

The area proposed for annexation has existing City of Ashland water and sanitary sewer service extended, connected, and in use to the subject property. The utilities will extend from Clover Lane to the proposed building. Attached is the consent to annexation agreement form which has been filed with the City as part of this application submittal.

***6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the City limits. (ORD 2792, 1997)***

As shown on the City's Comprehensive Plan and Zoning Maps, the subject property (Legal Description attached) is within the City of Ashland's Urban Growth Boundary (UGB) and surrounded by City limits on three sides forming, not an island, but an acute peninsula around the subject property. The City's limit line extends inward, along the I-5 corridor abutting a number of parcels, some of which have already been annexed into the City (Modern Fan and Bramo Motors along the west side of I-5).

## **COMPREHENSIVE PLAN MAP AMENDMENT (CHAPTER 18.108)**

***1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that one or more of the following:***

***a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or***

As discussed above, in the benefits to the City section of this document, City Staff acknowledged that the proposed project is an Ashland success story of an existing small local business that has

succeeded and is growing. Further, the application is in concert with recent community discussions regarding economic development and the desire to keep a local and diversified employment base offering living wage jobs. Over the last two years, the applicant has also considered other sites that are local as well as regional and out-of-state. However, for a variety of reasons these properties did not have the various intangibles Ashland has to offer. Ashland is the current place of business with all employees and administrative staff living in or near Ashland. Also, Ashland continues to provide a “sense of place” and small town atmosphere the owners desires to be associated with. Finally, the subject property has been deemed “perfect” for Caldera’s operations as the site has qualities other sites within Ashland did not have. First, the property is level enough to accommodate the various manufacturing facilities needed to expand the operations without having to overly cut or fill the site’s grade. Secondly, the site offers easy access and maneuvering, primarily due to the site’s level status, for larger trucks delivering supplies or shipping out the products. Third, the site is close to the I-5 freeway which allows deliveries and shipping easy and quick access to the site or to the various shipping destinations. Small truck deliveries, such as those delivering locally, will continue to occur via the smaller delivery trucks. Considering the existing Caldera Brewing Company is currently located along the same street, the applicants are very comfortable with the area. Finally, the subject property was chosen for various other reasons such as affordability which includes the obvious fact that required infrastructure (streets, sidewalks, water lines, sewer lines, transmission lines, etc.) that are needed to serve the company’s expansion are already in existence and directly abut the site. Many other manufacturing sites within the City do not and can be extremely burdensome for a small business to finance.

The applicant contends the proposal is consistent with the City’s Comprehensive Plan goals and policies, specifically the goal of the Chapter VII, Economic Element, which states:

***GOAL***

***To ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.***

The applicant further contends that various policies of the Economic Element are applicable which include the following:

***VII-1 Policy—The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.***

With the recent adoption of the Croman Mill Master Plan, there is an adequate amount of commercial and industrial lands for employment needs within existing City limits. But, because the Croman Mill Master Plan remains in its infancy and there are no plans determining the financing of the areas infrastructure, the applicant contends the subject property is better suited to accommodate his company’s business needs and address the employment needs addressed in the Comprehensive Plans goals and policies as well as the recently adopted 2007 Economic

## Opportunities Analysis.

Further, the City's recent decision in the Regional Planning Solving (RPS) to not include future urban reserve areas while doubling its population growth over the next 50 years – combined with the historical decisions associated with the subject street (i.e., eliminating a Spring Creek Drive connection with Clover Lane) the applicant contends the site allows for a more appropriate land use category for the site as it relates to the I-5 corridor (Policy IV-56) and addresses the desire for a diversified land use system that increases the local economy's health and allows diversification in the number, type and size of businesses that are also consistent with the City's desire to provide for services in a timely, coordinated manner that minimizes costs (Policy IX-2).

***VII-3 Policy—The City shall develop and implement an economic development program which will attempt to increase the number, variety and size of family wage retail, service, and light industrial activity employers within the urban area, with particular emphasis on employers paying wages at or above the median County wage, and employing from 5 to 100 people, or who are locally owned. The City shall work with regional economic development agencies on coordinating regional economic development activities.***

The City does not have an economic development office or specific employee designated to work with existing businesses or potential businesses desiring to locate to Ashland, but recently allocated more funding to the Administrative staff to assist in economic development opportunities. In that regard, the applicants have discussed the application at length with the City's Administrative Department, Adam Hanks, in an attempt to retain a locally owned business and increase the number and variety of jobs within Ashland that provide family wage incomes. Mr. Hanks has been very helpful with his guidance on various conflicting matters. The applicants have also discussed the application with regional economic development agencies such as SOREDI and the State's Economic and Development Department who have been supportive of the proposal.

***VII-4 Policy—In accordance with policies VII-2 and VII-3 above, the City shall take such actions as are necessary to ensure that economic development can occur in a timely and efficient manner. Such actions may include the following:***

***a) Use of the Local Improvement District process to reconstruct or install public facilities to commercial, employment, and manufacturing zoned lands. Land and buildings should be suitable for use by small service and manufacturing industries of about 10 to 50 employees. Two areas of the City that would benefit from this policy are those lands designated Employment served by Exit 14 of the I-5 freeway and Hersey Street and "A" Street.***

The subject site is directly adjacent to I-5 and within a close distance to the Exit 14 interchange. The site can easily be developed in a timely and efficient manner as all public streets, sidewalks and infrastructure are already available and extend to the property. It's expected that construction will begin on the site immediately after final City approval. Construction should take up to six months with the goal of expanding the Caldera Brewing Company's employee base by

September of 2011.

***VII-5 The City shall encourage economic development of the local resources and enhance employment opportunities for existing residents. The City's policy is that economic development shall always have as its primary purpose the enhancement of the community's economic health.***

The Caldera Brewing Company of Ashland has started from very humble beginnings and has expanded into a local success story with shipments throughout the Pacific Northwest and in some cases internationally. The vast majority of employees reside in Ashland or within a close proximity to the facility. The company's existing brewing operations are located in a 6,000 S.F. building located at 540 Clover Lane and there is also the well known Caldera Tap House (retail outlet) located at 31 Water Street in the downtown. The Tap House on Water Street will remain and continue to function as it successfully does today. The proposal is to expand operations to a new facility of 28,000 S.F. for the brewing of beer products. Included with the manufacturing process, the applicant is proposing a tasting room which may or may not operate immediately and is principally intended to be a facility similar to the Roxy Ann Winery in Medford where customers can visit and experience the facilities and taste the various brews the company offers in a comfortable and presentable environment. All of the spaces noted are intended to be constructed as part of this application's initial construction, but finishing the spaces in an economical and timely manner, without additional discretionary entitlements, is prudent.

***b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or***

The applicant contends there has been a substantial change in circumstances since the plan's designation was proposed that now necessitates the need to adjust to the new circumstances. Although the applicant contends the property should have never been designated a residential classification due to its adjacency to I-5 and a variety of other factors including noises, vibrations, lights, glare, etc. In fact, during the project's neighborhood meeting, the residents agreed the proposed building would actually reduce the noises, lights and other negative visual elements. (NOTE1: Comprehensive Plan Policy IV-56 specifically discourages residential development along the I-5 freeway due to noise). Further, the existence of the I-5 corridor (on the west and south) as well as the steep slopes on the east and having access only from Clover Lane has created an odd triangular shaped island. Recognizing these constraints and existing conditions, the City designated the properties from the intersection of Highway 66 and Clover Lane to the north boundary line of the subject parcel commercial (C-1) and employment (E-1) leaving the subject property, outside City limits, residential.

The most apparent substantial change in the areas circumstances occurred when the Planning Commission decided, at the urging of the Spring Creek neighborhood, to eliminate the connection (due to severe grade differences and neighborhood opposition of commercial traffic). The decision was followed with a vacation of street right-of-way and later street and pedestrian improvements that clearly, especially when considering the severe grade change from Clover

Lane to Spring Creek Drive, no longer makes sense. That said, if the land was to remain residential, the new residents would be subject to the noises, lights, vibrations more than the existing residences in contrast to Policy IV-56. In fact, it is the applicants understanding from a recent conversation with an ODOT official, the residents along Oak Knoll Drive where the recent fire occurred, are petitioning ODOT for taller concrete walls to mitigate against fire (and noise). This type of large blank wall, often seen along freeways in urban areas such as Los Angeles or San Diego wouldn't be necessary on the subject property if its land use classification was appropriately designated as employment.

***c. Circumstances relating to the general public welfare exist that require such an action; or***

Not applicable. The applicant is not aware of circumstances relating to the general public welfare exist that require such an action. This criterion typically relates to cases where there is a failure in the system (i.e. sewer) where the welfare of the public is at stake.

***d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030 (G); or***

Not applicable as the proposal is not for a residential zoning designation.

***e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G).***

Not applicable as the proposal is not for a residential zoning designation.

***The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Sections D and E do not apply to council initiated actions.***

Not applicable as the proposal is not for a residential zoning designation.

**SITE REVIEW PERMIT (CHAPTER 18.72)**

***A. All applicable City Ordinances have been met or will be met by the proposed development.***

To applicant's knowledge all City regulations are or will be complied with unless otherwise stated herein. Chapter 18.40 Employment District, allows a variety of uses such as

manufacturing, office, and retail establishments. The proposed development is in concert with above uses by providing retail, tasting room, office and manufacturing uses.

The E-1 Zone District does not require either yard restrictions or Solar Setbacks except when the subject parcel adjoins a residential district. Adjoining property to the north and west are either zoned E-1 or the I-5 freeway; therefore, no setback is required. The land to the south and east are residentially zoned; however, the proposed building setback is greater than 10 feet per story. As shown on the Preliminary Exterior Elevations, the average height of the proposed building is less than the maximum height requirement of 40' (Note: Height is based on the mid-point between the peak of the roof and the gable line).

As shown on the Site Survey, there is a 1,152 S.F. structure and an above ground tank. The existing structure and tank will be removed. The applicant will request a Demolition Permit prior to final plan approval.

The driveway has been designed to accommodate both emergency vehicles and delivery trucks. Additional fire hydrants, as requested by the City of Ashland's Fire Department, have been provided with one being at the rear of the property and the other at the front.

**B. All requirements of the Site Review Chapter have been met or will be met.**

To the applicant's knowledge all Site Review regulations are or will be complied with. As further addressed below, all requirements listed in the Site Review Chapter (18.72) have or will be complied with.

**C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.**

As further addressed below, all requirements listed in the Site Design Standards have or will be complied with unless specifically addressed herein.

**D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.**

The applicants have had various meetings with the Public Works and Electrical Department staff to discuss the site's utility needs. At no time was it indicated there was a deficiency in the utilities other than storm water capacity due to the undersized culverts within the Highway 66 and Clover Lane intersection. This situation is similar to a number of other developments along Clover Lane that addressed this issue with a metering system which holds storm water temporarily during large storm events and then slowly releases the storm water at an acceptable

rate. In this case, the applicants are also proposing similar measures to address the site's storm water needs, but instead of directing storm water down Clover Lane, the water will drain to Spring Creek Drive where it will first be held on-site in multiple systems for water detention and water quality. The storm water system has been designed by a licensed Civil Engineer which includes a bio-swale to be located at the entrance of the property providing storm water treatment and aesthetic qualities to the site. The plan also identifies an underground storm water detention facility on the east side of the property that accommodates overflows and then slowly meters out the water. Both systems eventually flow to the existing storm water system in Spring Creek Drive.

All other utilities are located underground within the Clover Lane right-of-way and are sized to accommodate the proposal. A final Electrical Plan, addressing electrical loads, will be reviewed with the Ashland Electric Department, but an existing electrical transformer box sits on the vacant lot immediately north of the property. At the present time, it's understood the transformer can accommodate the proposed electrical demands. Fire hydrants are located on both the front and rear ends of the property as well as an oversized access lane and turn around area for both company vehicles and City Fire Department vehicles. The applicant's Civil Engineer and Landscape Architect have provided preliminary drawings, see attached, which address the sites various utilities and storm water facilities.

## **SITE DESIGN & USE STANDARDS - II-C-1. BASIC SITE REVIEW**

**Approval Standard: Development in all commercial and employment zones shall conform to the following development standards:**

### **II-C-1a) Orientation and Scale**

**1. Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Public sidewalks shall be provided adjacent to a public street along the street frontage. Buildings shall be located as close to the intersection corner as practicable.**

As shown on the submitted plans, the proposed building will be orientated towards the terminus of Clover Lane at an approximate 45 degree angle with its main front entry centered on the street. The street's sidewalk extends to the building's front entrance. Parking is both located to each side of the building and are not focal points from the public right-of-way as much as the building is. In fact, the existing building (Bauer Fly Reels) screens the western side parking lot and a future building on Tax Lot 6801 and the site's bio-swale will screen out the eastern side parking lot.

During the pre-application meetings, it was suggested the subject building be shifted to the east along the embankment with all access and parking along the western side of the property (adjacent to I-5). The applicant did consider this idea and generated various concept plans, but none of the plans either met the applicants access needs and were really intrusive onto the residential neighbors to the east due to the fact the building's height, in combination with the severe grade change between properties, created a massive looming effect which virtually eliminated sunlight to neighbors and created a tenuous relationship between properties.

Overall, the applicants contend the proposal meets this criterion and addresses the need to provide safe truck access, safe pedestrian access, be considerate of the neighbors to the east and be streetscape friendly as the criteria intends.

**2. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where this standard is met by other buildings. Automobile circulation or parking shall not be allowed between the building and the right-of-way. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.**

Due to the site's triangular shape, location at the end of a street terminus and its physical attributes (severe grade changes along east and west boundaries), the building needs to sit further back from the end of the Clover Street right-of-way in order to obtain access and accommodate the businesses needs. Simply analyzing the site plans illustrates how the proposed building and access needs eliminate the possibility of meeting this standard and therefore the exception within the standard is necessary. Nevertheless, the building's entrance has been designed to be clearly visible, functional, and will be open to the public during all business hours.

**3. These requirements may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.**

At this point in time it is unclear how many pedestrians would access the facility, but clearly the City's Site Design and Use Standards attempt to address circumstances that "one day" may apply and therefore attempt to create designs that contribute to alternative modes of transportation. In this case, the applicants agree and believe that although the building will primarily generate auto and truck trips, its design will allow for future uses or unforeseen circumstances accommodating a more pedestrian atmosphere.

#### **II-C-1b) Streetscape**

**One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street.**

The subject property does not have typical street frontage as the street terminates at the property line. Nevertheless, the landscaping plans (L-3.0) identify two trees along the pedestrian path leading to the buildings entrance that attempt to address the purpose of this standard.

### **II-C-1c) Landscaping**

**1. Landscaping shall be designed so that 50% coverage occurs after one year and 90% coverage occurs after 5 years.**

The site's landscaping was designed by a local professional landscape designer, in close consultation with the project's Arborist, familiar with the City's Landscaping Standards within the Site Design Standards as well as the Southern Oregon climate zones. The landscape plan identifies a variety of plants designed to enhance the buildings architecture as well as the identified activity areas. The landscaping has been designed so that 50% coverage is accomplished within the first year and 90% within five years.

**2. Landscaping design shall utilize a variety of low water use and deciduous and evergreen trees and shrubs and flowering plant species.**

The landscape plan utilizes a variety of low water use and deciduous evergreen trees, shrubs and flowering plants typically found in the Southern Oregon region.

**3. Buildings adjacent to streets shall be buffered by landscaped areas at least 10 feet in width, except in the Ashland Historic District. Outdoor storage areas shall be screened from view from adjacent public rights-of-way, except in M-1 zones. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.**

The application complies with this standard as the site's storage area is partially dug into the earth and will be screened behind a combination of retaining walls and a wooden fence along its perimeter. This area is also screened from the adjacent residential houses due to the severe slopes between the properties, distance between the properties, and significant tree canopy.

**4. Irrigation systems shall be installed to assure landscaping success.**

The landscape plans include an irrigation plan designed by the project's Landscape Architect to assure the plant's success.

**5. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.**

Efforts have been made to save as many existing healthy trees and shrubs on the site as possible. The projects Landscape Architect and Arborist has reviewed all of the site's trees in order to determine their health as well as their ability to withstand change to their environment. In doing

so, eight trees are proposed to be removed primarily due to their “existing” failing health or dead condition.

#### **II-C-1d) Parking**

- 1. Parking areas shall be located behind buildings or on one or both sides.**
- 2. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.**

The applicant contends the site and the resulting building and parking configuration are unique and that the site’s parking is on both sides of the building. The applicant believes the parking design meets the purpose and intent of this standard which is to avoid streetscapes primarily dedicated to parking lots. In this case, Clover Lane terminates at the property, the parking areas are screened by adjacent buildings, pedestrian connections lead directly to the building and the street’s primary focus is the buildings entrance. Further, the two parking areas will be shaded by deciduous trees and shrubs and buffered and screened from adjacent non-residential and residential uses.

#### **II-C-1e) Designated Creek Protection**

- 1. Designated creek protection areas shall be considered positive design elements and incorporated in the overall design of a given project.**
- 2. Native riparian plan materials shall be planted in and adjacent to the creek to enhance the creek habitat.**

A small portion of Spring Creek flows through the property’s southern most corner. The applicants are not proposing to disturb or utilize the creek in anyway. The applicant is proposing some landscaping near the top of the embankment, approximately 100’ away, but primarily this improvement is intended for aesthetic purposes and site delineation.

#### **II-C-1f) Noise and Glare**

**Special attention to glare (AMC 18.72.110) and noise (AMC 9.08.170(c) & AMC (9.08.175) shall be considered in the project design to insure compliance with these standards.**

Once the building is constructed and operating, the standards identified in AMC 18.72.110 (glare). AMC 9.08.170(c) and 9.08.175 (noise) will be met to insure compliance with such nuisance laws. Caldera currently functions along Clover Lane and in a similar proximity to residential housing and to the best of his knowledge has not received any complaints. The applicant believes the proposal has taken into consideration potential nuisance issues and has designed the structure with the neighboring properties in mind.

#### **II-C-1g) Expansions of Existing Sites and Buildings**

**For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building expansion, e.g., if a**

**building area is expanded by 25%, then 25% of the site must be brought up to the standards required by this document.**

Not applicable as the building proposed will be new and comply with the above design standards where applicable.

## **II-D PARKING LOT LANDSCAPING & SCREENING STANDARDS**

**All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:**

### **II-D-1) Screening at Required Yards**

- 1) Parking abutting a required landscaped front or exterior yard shall incorporate a sight obscuring hedge screen into the required landscaped yard.**
- 2) The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.**
- 3) The screen height may be achieved by a combination of earth mounding and plant materials.**
- 4) Elevated parking lots shall screen both the parking lot and retaining wall.**

The project's parking area is screened from the adjacent rights-of-way and residential properties by either structures, earth mounding, or landscaping.

### **II-D-2) Screening Abutting Property Lines**

**Parking abutting a property line shall be screened by a 5' landscaped strip. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip and will not be an additional requirement.**

The parking area abutting the property lines includes a 5' landscape strip.

### **II-D-3) Landscape Standards:**

- 1) Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus a ratio of 1 tree for each seven parking spaces to create a canopy effect.**

Approximately 40% of the parking area consists of ground level landscaping and tree canopy. Of the 32 parking spaces proposed, a total of 6 shade trees within or near the parking spaces are to be planted which is approximately 1 tree for every 5 parking spaces.

**2) The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.**

The proposed parking lot trees and their placements have been chosen by a professional landscape architect with the intent to provide shade and a canopy effect over parked automobiles. The Landscape Architect has reviewed the applicable landscaping standards within the Municipal Code as well as the Site Design and Use Standards to ensure compliance. All trees were chosen from the City's adopted street tree list which includes a variety of tree species recommended for parking lots.

**3) The tree shall be planted in a landscaped area such that the tree bole is a least 2 feet from any curb or paved area.**

All trees to be planted near a hard surface area will be setback at least 2'.

**4) The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% within 5 years.**

The Landscape Architect has reviewed the applicable landscaping standards within the Municipal Code as well as the Site Design and Use Standards to ensure compliance. The landscaping coverage will be 50% within the first year after planting and 90% within 5 years.

**5) Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.**

The submitted landscape plan shows the parking lot landscaping being evenly distributed throughout the parking lot. Shade trees are evenly distributed near and between spaces and along drive isles to also help in reducing heat gain.

**6) That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material, coverage and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.**

The project complies with the above standard.

#### **II-D-6) Other Screening**

**1) Other screening and buffering shall be provided as follows:**

**Refuse Container Screen: Refuse containers or disposable areas shall be screened from view by placement of a solid wood fence or masonry wall from five to eight feet in height. All refuse materials shall be contained within the refuse area.**

The project's refuse area is located along the eastern side of the building and is enclosed for screening purposes.

**Service Corridor Screen: When adjacent to residential uses, commercial and industrial service corridors shall be screened. Siting and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.**

The application complies with this standard as the site's service area, rear of building and associated turn around area, is partially dug into the earth and will be screened behind a combination of retaining walls and landscaping. This area is also screened from the adjacent residential houses due to the severe slopes between the properties, distance between the properties, and a significant tree canopy that screens the site.

**Light and Glare Screen: Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or streets.**

No offsite direct light or glare will be directed towards any residential uses as all on-site lighting is intended to be directed either on the building or for the site's adjacent pedestrian sidewalks.

## **TREE REMOVAL, PRESERVATION & PROTECTION CHAPTER 18.61**

### **18.61.042 A. Tree Removal – Staff Permit:**

- 1. Tree Removal-Staff Permits are required for the following activities:**
  - a. Removal of trees greater than 6" DBH on any private lands zoned C-1, E-1, M-1, or HC.**
- 2. Applications for Tree Removal - Staff Permits shall be reviewed and approved by the Staff Advisor pursuant to AMC 18.61.080 (Approval Criteria) and 18.108.030 (Notice Requirements). If the tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action.**

The application is subject to this requirement as the proposal is to remove seventeen trees due to their failing health, dead status or location within improvement area. The trees are identified on the attached Tree Preservation and Removal Plan with the trees to be removed include:

- #1 – 9 (various sizes) Cedar Trees (good)\*
- #10 - 6" Plum (poor),
- #11 - 15" Elm (moderate)

- #12 - 14" Oak (dead)
- #13 - 15" Oak (dead)
- #14 - 30" Oak (poor to moderate)
- #18 - 6" Oak (dead)
- #20 - 19" Oak (dead)
- #30 - 12" Oak (good)

The subject trees have been evaluated by a local Certified Arborist for their stature, health and effects on adjacent trees. None of the trees were deemed significant by the Arborist, impacting to other trees or of such stature to warrant retaining. Other than tree #30, all of the sites large, healthy and mature trees are to remain. The project's arborist has participated in the various discussions of the building's footprint and has verified the trees will continue to thrive with the development of the proposed building and various site improvements.

NOTE: The Cedar Trees, #1 - #9, are also proposed to be removed with this application although the Tree Removal Plan does not indicate their removal. These trees are healthy according to the project's arborist, but due to the aggressive topping of the trees, they are unattractive and provide little benefit to the project. The applicant is agreeable to replant nine new Maple or similar type of trees prior to Certificate of Occupancy.

**18.61.080 Criteria for Issuance of Tree Removal - Staff Permit:**

**An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.**

The applicants are requesting a Tree Removal Permit to remove eight trees:

- #1 - 9 (various sizes) Cedar Trees (good)\*
- #10 - 6" Plum (poor),
- #11 - 15" Elm (moderate)
- #12 - 14" Oak (dead)
- #13 - 15" Oak (dead)
- #14 - 30" Oak (poor to moderate)
- #18 - 6" Oak (dead)
- #20 - 19" Oak (dead)
- #30 - 12" Oak (good)

The applicants are proposing to remove the above seventeen trees to allow for the property to be developed in accordance with project goals. The applicants have retained the services of Laurie Sager, Sager & Associates, to assess the health of the site's trees. The seventeen trees to be removed will be mitigated with 27 new trees that will be planted with amended soils and in appropriate locations designed by the project's Landscape Architect. Applicants will follow

City requirements as well as the tree protection measures outlined by the attached Tree Protection and Tree Removal narrative.

**A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.**

The trees to be removed are not considered hazardous trees.

**B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:**

**1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and**

The applicants are proposing to remove the seventeen trees due to their health status or to allow for the property to be developed in accordance with the projects various objectives. Other than tree #30, none of the trees would be considered significant trees by type, shape, size or stature and sit within the proposed construction area and will likely not survive the construction phase.

**2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and**

The removal of the trees will not have a negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

**3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.**

The trees in question will be replaced with new trees and common area trees that create a diverse canopy. According to the project's arborist, the trees in question will not have a significant negative impact to trees within 200 feet of the subject property.

**The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.**

No exceptions are requested with this application. Various alternative designs have been considered during the preliminary stages of the site planning.

**4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.**

See section below referencing and addressing AMC 18.61.084.

**18.61.084 Mitigation Required**

**An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:**

**A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.**

The applicants will replace the seventeen trees, (25% of which are dead) to be removed with 27 new trees to be planted within and around the site. The proposal includes a variety of trees that will be appropriate to the site and mature overtime due to their type, placement, and planting methods.

**B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.**

Applicants are not proposing to replant trees off site but is proposing to plant 27 new trees on-site as described in Section 18.61.084 A. above.

**C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.**

Applicants are proposing to plant 27 new trees on site as described in Section 18.61.084 A. above.

**18.61.200 – Tree Protection**

**Applicant intends to protect all remaining trees on the site following the guidelines listed below. Tree Protection as required by this section is applicable to any planning action or building permit.**

**A. Tree Protection Plan Required.**

See attached Tree Protection Plan (L-1.0). All requirements noted in Section 18.61.200 A. are noted on the plans. All of the site's remaining trees will be protected and monitored by the project Arborist during construction activities. No physical development or excavation activities shall commence prior to installing and maintaining tree protection measures. Applicants will follow City requirements as well as the tree protection measures outlined by the attached Tree Protection Plan and narrative.

**B. Tree Protection Measures Required.**

Applicants understand and agree with the Tree Protection Measures listed in 18.61.200 B. Also, applicants agree to adhere to the tree protection plan as outlined in the attached Tree Protection Plan and narrative.

**C. Inspection.**

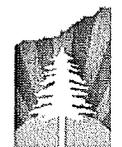
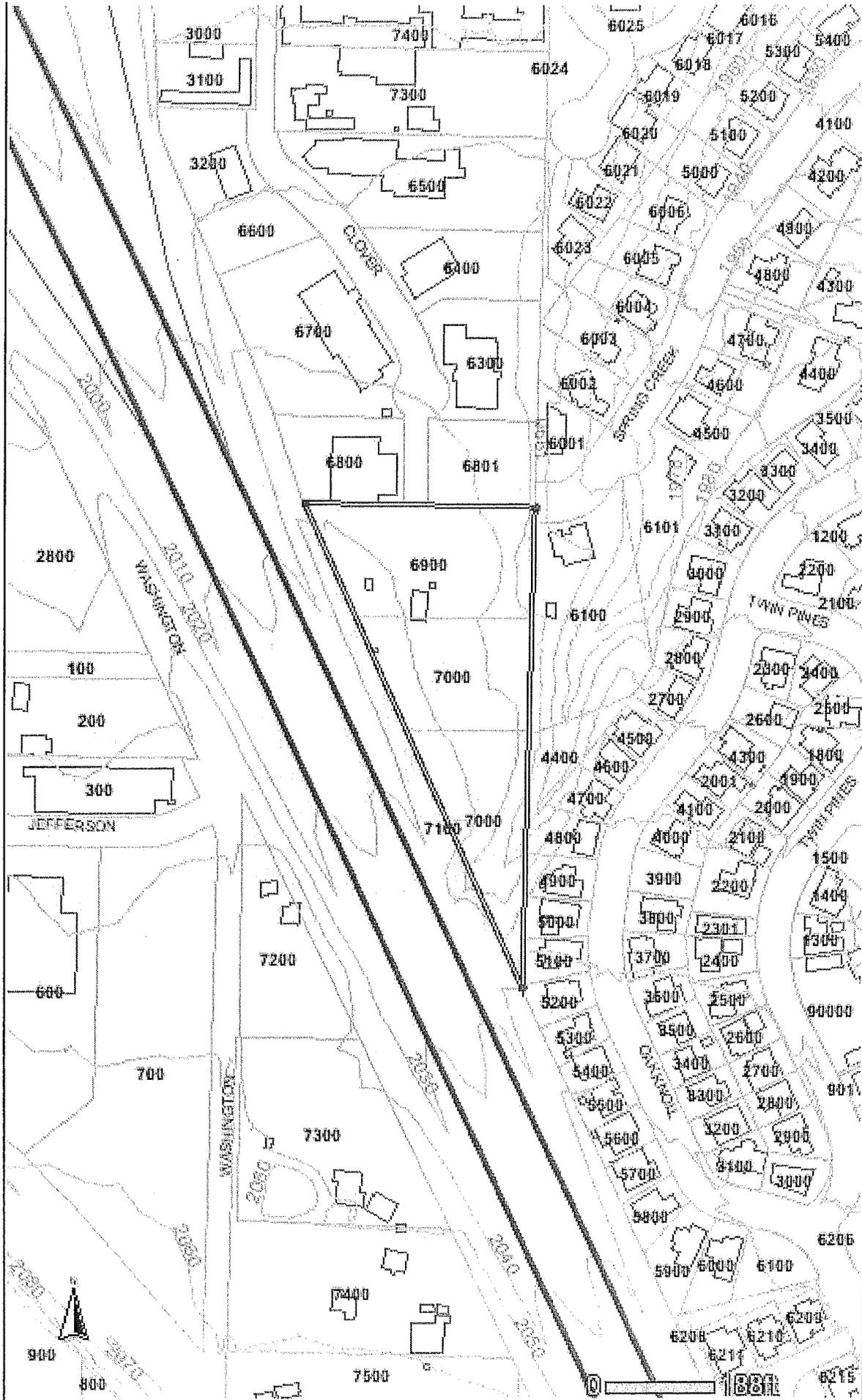
**The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.**

Applicants understand and agree to abide by Section 18.61.200 C.

Map Maker Application

Front Counter Legend

-  Tax Lot Outlines
-  Tax Lot Numbers
-  10ft Contours
-  Buildings



**JACKSON COUNTY**  
Oregon

This map is based on a digital database compiled by Jackson County From a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

**Map Maker  
Application**

Front Counter Legend

Tax Lot Outlines

Tax Lot Numbers

Countywide Color  
Aerial Photos 2005



**JACKSON  
COUNTY**  
Oregon

This map is based on a digital database  
compiled by Jackson County From a variety

CITY OF ASHLAND  
ENGINEERING DIVISION

IRREVOCABLE CONSENT TO ANNEXATION

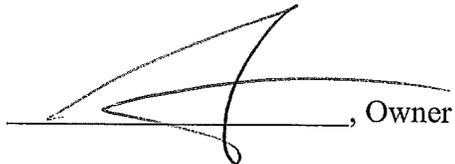
The undersigned, referred to in this document as "owner" whether singular or plural, owns or is the purchaser under a recorded land sale contract of real property in Jackson County, Oregon, described below and referred to in this document as "the property":

See Exhibit "A"

In consideration of the City of Ashland annexing the approximately 3.72 acre parcel(s) located at 590 Clover Lane (Assessor's Maps and Tax Lots 391E14AA Tax Lot #6900 & #7000 and 391E14AD Tax Lot #7000), Owner declares and agrees that the property shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions which shall constitute covenants running with the land and shall be binding on all parties, their heirs, successors and assigns, having any right, title, or interest in the property or any part thereof:

**Whenever a proposal to annex the property is initiated by the City of Ashland or otherwise, Owner shall consent and does consent to the annexation of the property to the City of Ashland. Owner agrees this consent to annexation is irrevocable. Owner further agrees to deposit an amount sufficient to retire any outstanding indebtedness of special districts as defined in ORS 222.510.**

Dated this 19<sup>th</sup> day of NOVEMBER, 2010

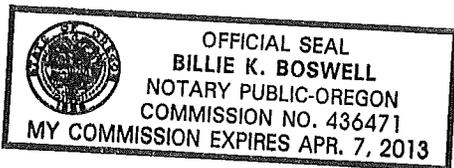
Signature: , Owner

State of Oregon        )  
                                  )        ss:  
County of Jackson    )

Personally appeared the above named James Mills and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon  
My Commission expires: 4-7-2013



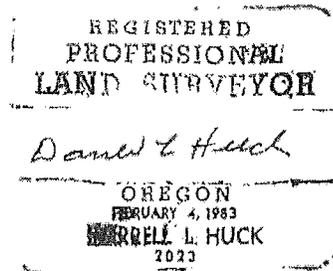
RECEIVED

NOV 19 2010

City of Ashland  
Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_

EXHIBIT A  
(ANNEXATION DESCRIPTION)

Commencing at the Northeast corner of Government Lot 1 in Section 14, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence South 00°00'21" East, along the east line of said Lot 1, 1023.69 feet to the southeast corner of land partition filed for record November 14, 2005 as Partition Plat No. P-82-2005 of the records of Partition Plats in Jackson County, Oregon and is on file in the office of the Jackson County Surveyor as No. 18963 for the POINT OF BEGINNING; thence along the southerly boundary of said land partition, WEST 387.95 feet to the easterly right-of-way line of Interstate Highway 5; thence along said right-of-way line, South 18°12'09" East 47.83 feet; thence continue along said easterly right-of-way, South 26°38'12" East 832.19 feet to the east line of Government Lot 2 in the aforesaid Section 14; thence along the east line of said Lot 2 and Lot 1, North 00°00'21" West 789.31 feet to the point of beginning.



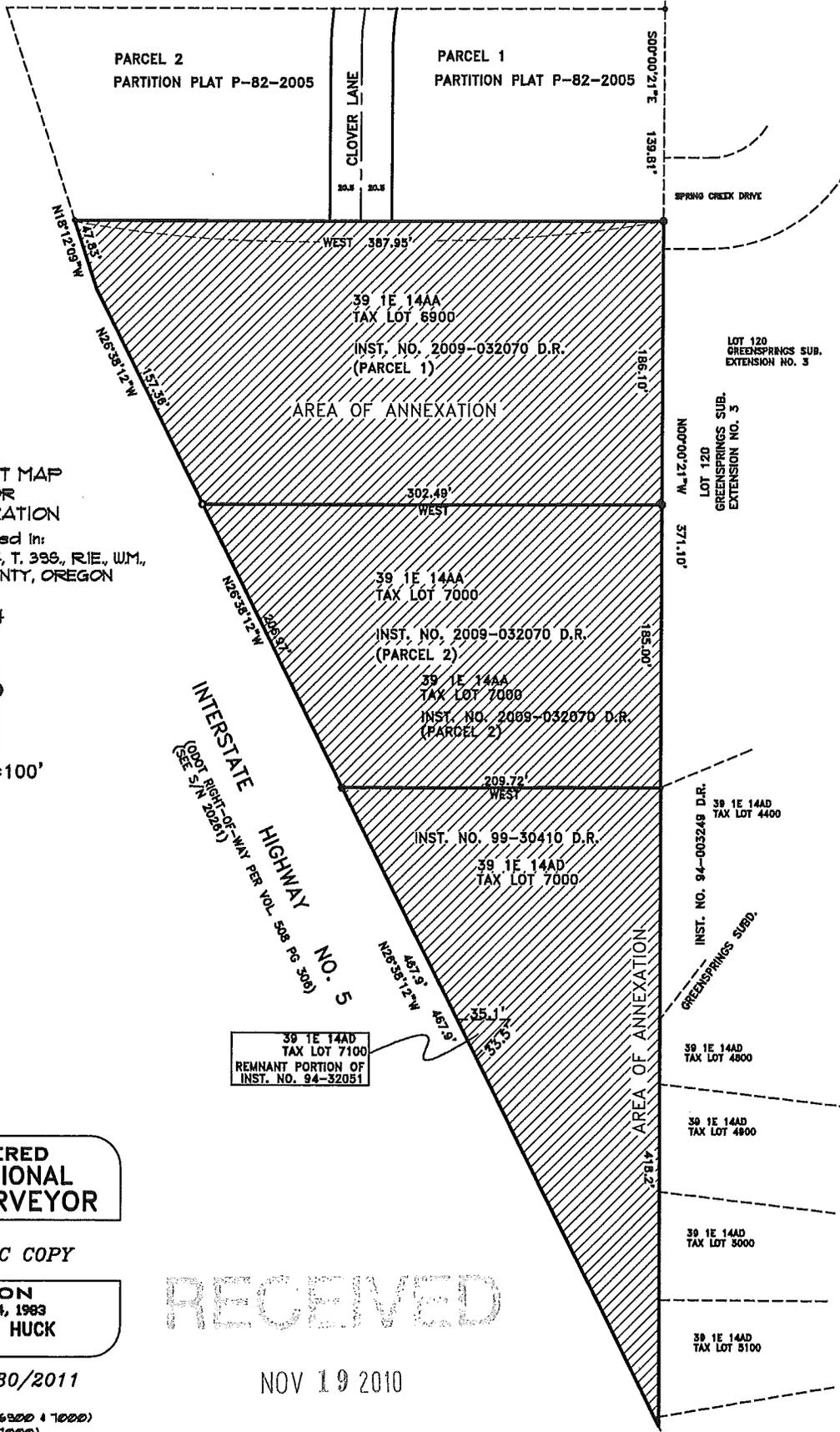
Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2011  
Hoffbuhr & Associates, Inc.

(10032 annex desc r1.doc)

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City of Ashland  
Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_



**EXHIBIT MAP  
FOR  
ANNEXATION**

Located in:  
THE NE 1/4 SEC. 14, T. 39S., R. 1E., WM.,  
JACKSON COUNTY, OREGON



**INTERSTATE HIGHWAY NO. 5**  
(60' RIGHT-OF-WAY PER VOL. 508 PG. 309)  
(SEE 5/A 2020)

39 1E 14AD  
TAX LOT 7100  
REMNANT PORTION OF  
INST. NO. 94-32051

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*ELECTRONIC COPY*

**OREGON**  
FEBRUARY 4, 1983  
**DARRELL L. HUCK**  
2023

*Expires 6/30/2011*

(39 1E 14AA TAX LOTS 6900 + 7000)  
(39 1E 14AD TAX LOTS 7000)

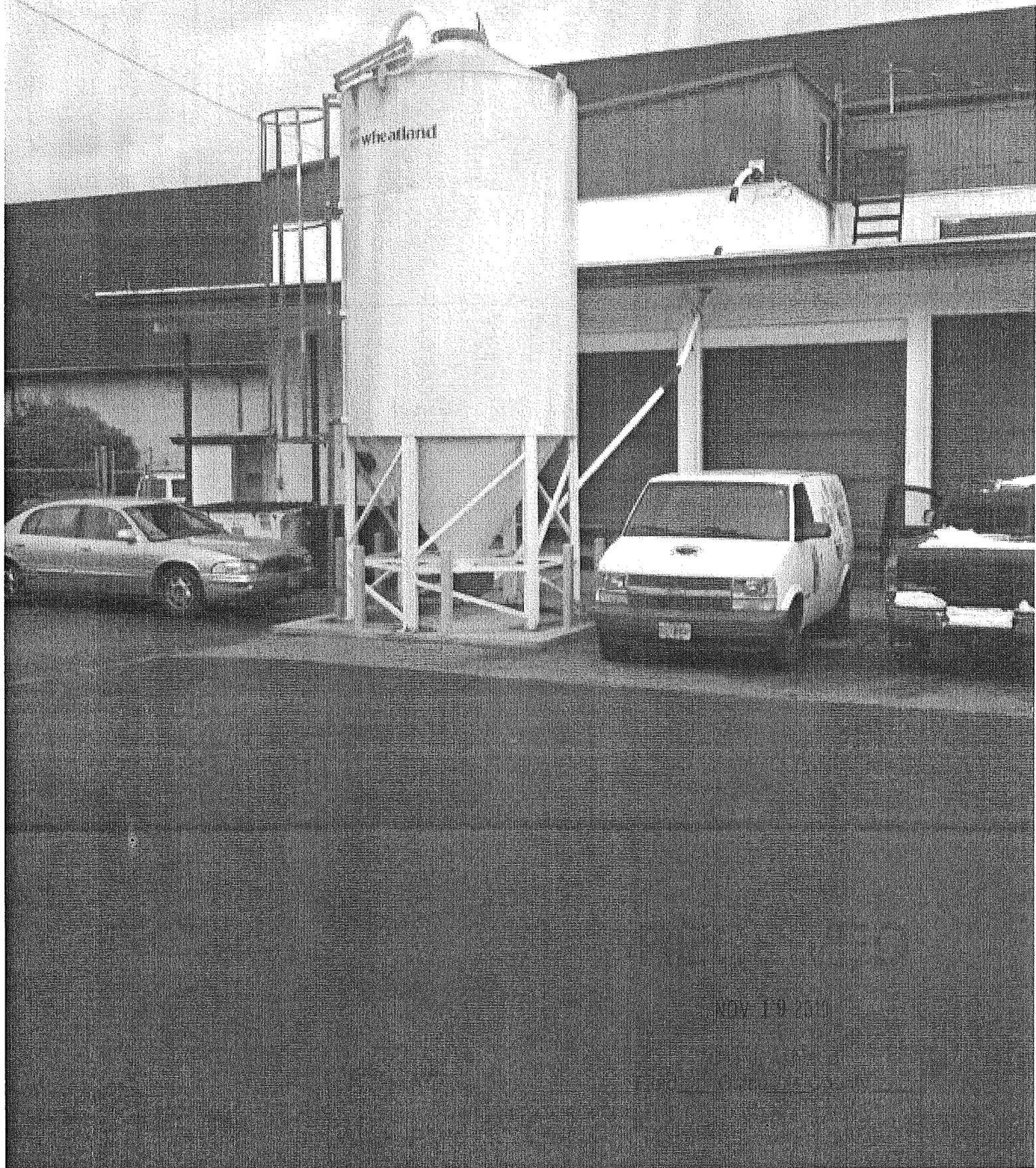
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NOV 19 2010

City of Astland

Field Office County

39 1E 14AD  
TAX LOT 5200



# Caldera Brewery Zone Change

## Traffic Impact Analysis

November 20, 2010

Prepared By:



*TRANSPORTATION  
ENGINEERING, LLC*

*SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC*

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NOV 19 2010

City of Ashland

Field \_\_\_\_\_ Office \_\_\_\_\_ County \_\_\_\_\_

# Caldera Brewery Zone Change

## Traffic Impact Analysis

November 20, 2010

Prepared By:

*SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC*



# TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>II. INTRODUCTION.....</b>	<b>6</b>
Background .....	6
Project Location .....	6
Project Description.....	6
<b>III. EXISTING CONDITIONS.....</b>	<b>9</b>
Site Condition .....	9
Roadway Characteristics .....	9
Traffic Counts .....	9
Seasonal Volume Adjustment .....	9
Intersection Capacity and Level of Service.....	13
Planned Improvements.....	14
Existing Conditions 95 <sup>th</sup> Percentile Queuing .....	15
Crash History .....	16
Site Distance .....	17
Existing Conditions Turn Lane Criterion.....	17
Pedestrian and Bicycle Accessibility .....	17
<b>IV. DESIGN YEAR 2011 NO-BUILD CONDITIONS .....</b>	<b>18</b>
Year 2011 No-Build Description .....	18
Year 2011 No-Build Background Growth and Traffic Development .....	18
Year 2011 No-Build Intersection Operations.....	18
Year 2011 No-Build 95 <sup>th</sup> Percentile Queuing .....	19
<b>V. SITE TRAFFIC .....</b>	<b>22</b>
Trip Generation.....	22
Trip Distribution and Assignment.....	22
<b>VI. DESIGN YEAR 2011 BUILD CONDITIONS.....</b>	<b>25</b>
Year 2011 Build Description .....	25
Year 2011 Build Intersection Operations.....	25
Year 2011 Build 95 <sup>th</sup> Percentile Queuing .....	26
<b>VII. FUTURE YEAR 2031 NO-BUILD AND BUILD CONDITIONS.....</b>	<b>28</b>
Future Year 2031 No-Build Description .....	28
Future Year 2031 No-Build Background Growth Development.....	28
Future Year 2031 Build Description .....	28
Future Year 2031 No-Build and Build Intersection Operations.....	28
Future Year 2031 No-Build and Build 95 <sup>th</sup> Percentile Queuing .....	29
<b>VIII. CONCLUSIONS.....</b>	<b>33</b>

## LIST OF TABLES

Table 1: Roadway Classifications and Descriptions .....	9
Table 2: Existing Year 2010 Intersection Operations .....	13
Table 3: 95 <sup>th</sup> Percentile Queue Lengths, Existing Year 2010.....	15
Table 4: Study Area Intersection Crash Rates.....	16
Table 5: Crash History by Type, 2005-2009.....	16
Table 6: Design Year 2011 No-Build Intersection Operations .....	18
Table 7: 95 <sup>th</sup> Percentile Queue Lengths, Design Year 2011 No-Build.....	19
Table 8: Development Trip Generations .....	22
Table 9: Design Year 2011 Build Intersection Operations.....	25
Table 10: 95 <sup>th</sup> Percentile Queue Lengths, Design Year 2011 Build.....	26
Table 11: Future Year 2030 No-Build and Build Intersection Operations.....	28
Table 12: 95 <sup>th</sup> Percentile Queue Lengths, Future Year 2030 No-Build and Build .....	29

## FIGURES

Figure 1: Vicinity Map.....	7
Figure 2: Site Location.....	8
Figure 3: Raw Count Data (A.M.)P.M.....	10
Figure 4: Background Growth and Seasonal Adjustments .....	11
Figure 5: Year 2010 Design Hour Volumes (A.M.)P.M.....	12
Figure 6: Year 2010-2011 Background Growth and Pipeline Trips (P.M.).....	20
Figure 7: Year 2011 No-Build Design Hour Volumes (P.M.) .....	21
Figure 8: Development Trip Assignments - 28,000 SF Brewery (P.M.).....	23
Figure 9: Development Trip Assignments - 3.72 Acre Business Park (P.M.) .....	24
Figure 10: Year 2011 Build Design Hour Volumes (P.M.) .....	27
Figure 11: Year 2010-2030 Background Growth and Pipeline Trips (P.M.).....	30
Figure 12: Future Year 2030 No-Build Traffic Volumes (P.M.) .....	31
Figure 13: Future Year 2031 Build Traffic Volumes (P.M.) .....	32

## APPENDICES

Appendix A: Traffic Count Data, Seasonal Trend Table Information	
Appendix B: ITE Trip Generation Data, ODOT Future Volumes Table	
Appendix C: Crash Data, ODOT I-5 Exit 15 Interchange Project Information	
Appendix D: Existing Year 2010 Synchro Output	
Appendix E: Existing Year 2010 SimTraffic Output	
Appendix F: Design Year 2011 Synchro Output	
Appendix G: Design Year 2011 SimTraffic Output	
Appendix H: Future Year 2030 Synchro Output	
Appendix I: Future Year 2030 SimTraffic Output	
Appendix J: Site Plan	
Appendix K: Agency Requirements	

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# I. EXECUTIVE SUMMARY

## Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for a proposed Zone Change from County RR-5 (Rural Residential) to City E-1 (Employment) on Township 39S Range 1E Section 14AA, tax lots 6900 and 7000 and Township 39S Range 1E Section 14AD, tax lot 7000 in Ashland, Oregon. Two of the three tax lots (391E14AA TL7000 and 391E14AD TL7000) also require Comprehensive Plan Map amendments from Single Family Residential to Employment. All three parcels total 3.72 acres and are located south of Ashland Street on Clover Lane. Access is provided from Clover Lane.

A traffic impact analysis is required by the City of Ashland and the Oregon Department of Transportation (ODOT) to address the Transportation Planning Rule (TPR) and evaluate potential development impacts to the transportation system. Potential development impacts were based on a 28,000 square foot brewery with tasting room for the day of opening analysis, and a 3.72 acre business park for the future planning year analysis. Development impacts were analyzed during the P.M. peak hour, which was shown to be the peak period of the day in the study area.

Five study area intersections were identified as key intersection for the analysis. These included:

1. Tolman Creek & Ashland Street
2. Washington Street & Ashland Street
3. I-5 SB ramps & Ashland Street
4. I-5 NB ramps & Ashland Street
5. Clover Lane & Ashland Street

Study area intersections were evaluated under existing year 2010, build year 2011, and future year 2030 conditions during the p.m. peak hour.

## Conclusions

The findings of the traffic impact analysis conclude that the proposed Employment designation and E-1 zoning on Township 39S Range 1E Section 14AA, tax lots 6900 and 7000 and Township 39S Range 1E Section 14AD, tax lot 7000 in Ashland, Oregon can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety were evaluated to address project impacts to the surrounding area. Results of the analysis show the following:

- The stop-controlled I-5 NB ramp intersection with Ashland Street is shown to operate at a v/c ratio  $>2.0$  under future year 2030 no-build and build conditions.
- 95<sup>th</sup> percentile queue lengths are shown to exceed link distances and create potential safety concerns on Ashland Street between the I-5 ramp intersections and the off ramps themselves under existing year 2010, design year 2011, and future year 2030 conditions.

Planned mitigation includes an ODOT I-5 Exit 14 Interchange project, which includes traffic signals at both ramp intersections, widening of Ashland Street, and extended right turn lanes on both I-5 off-ramps. With improvements in place, study area intersections are shown to be adequately mitigated throughout the future year planning horizon. Construction is currently ongoing and estimated to be completed by April of 2012.

## **II. INTRODUCTION**

### **Background**

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for a proposed Zone Change from County RR-5 (Rural Residential) to City E-1 (Employment) on Township 39S Range 1E Section 14AA, tax lots 6900 and 7000 and Township 39S Range 1E Section 14AD, tax lot 7000 in Ashland, Oregon. Two of the three tax lots (391E14AA TL7000 and 391E14AD TL7000) also require Comprehensive Plan Map amendments from Single Family Residential to Employment. All three parcels total 3.74 acres and are located south of Ashland Street on Clover Lane. Access is provided from Clover Lane.

A traffic impact analysis is required by the City of Ashland and the Oregon Department of Transportation (ODOT) to address the Transportation Planning Rule (TPR) and evaluate potential development impacts to the transportation system. To determine potential development impacts, proposed development trips were estimated using an existing count trip rate (based on a 28,000 SF brewery with tasting room) for the day of opening analysis and an Institute of Transportation Engineer's (ITE) "Business Park" trip rate (based on 3.72 acres of business park use) for the future planning year analysis. Under the existing count trip rate, the 28,000 square foot brewery with tasting room generated 64 P.M. trips. Under the "Business Park" trip rate, the 3.72 acre site generated 63 P.M. trips. The P.M. peak hour was determined to be the peak hour of the day according to study area count data, and was the peak hour evaluated in the analysis. Refer to chapter V for more information on trip generations.

Five study area intersections were identified as key intersection for the analysis. These included:

1. Tolman Creek & Ashland Street
2. Washington Street & Ashland Street
3. I-5 SB ramps & Ashland Street
4. I-5 NB ramps & Ashland Street
5. Clover Lane & Ashland Street

Study area intersections were evaluated under existing year 2010, build year 2011, and future year 2030 conditions during the p.m. peak hour.

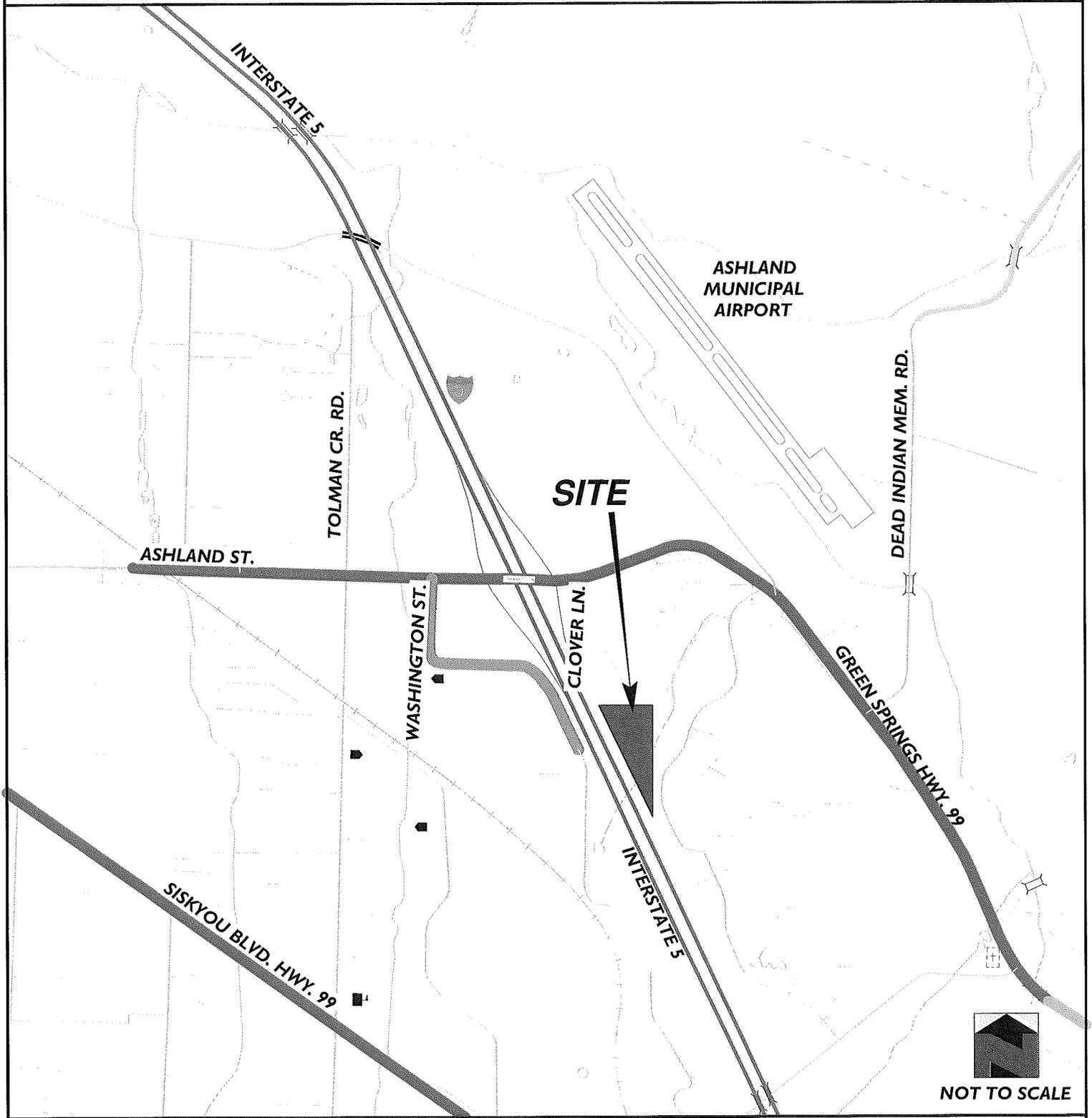
### **Project Location**

The subject parcels are located south of Ashland Street along Clover Lane on 391E14AA tax lots 6900 and 7000, and 391E14AD tax lot 7000 in Ashland, Oregon. Refer to Figures 1 and 2 for a site vicinity and site location map.

### **Project Description**

All three tax lots are currently zoned County RR-5 (Rural Residential) and are proposed as City E-1 (Employment). Tax lot 6900 (391E14AA) already has a comprehensive plan map designation of Employment, but tax lot 7000 (391E14AA) and tax lot 7000 (391E14AD) currently have Single Family Residential comprehensive plan map designations and are proposed to have Employment designations. With Employment designations the three tax lots are estimated to generate 557 ADT with 63 trips occurring during the P.M. peak hour. Access is provided from Clover Lane.

**Figure 1 : Vicinity Map**

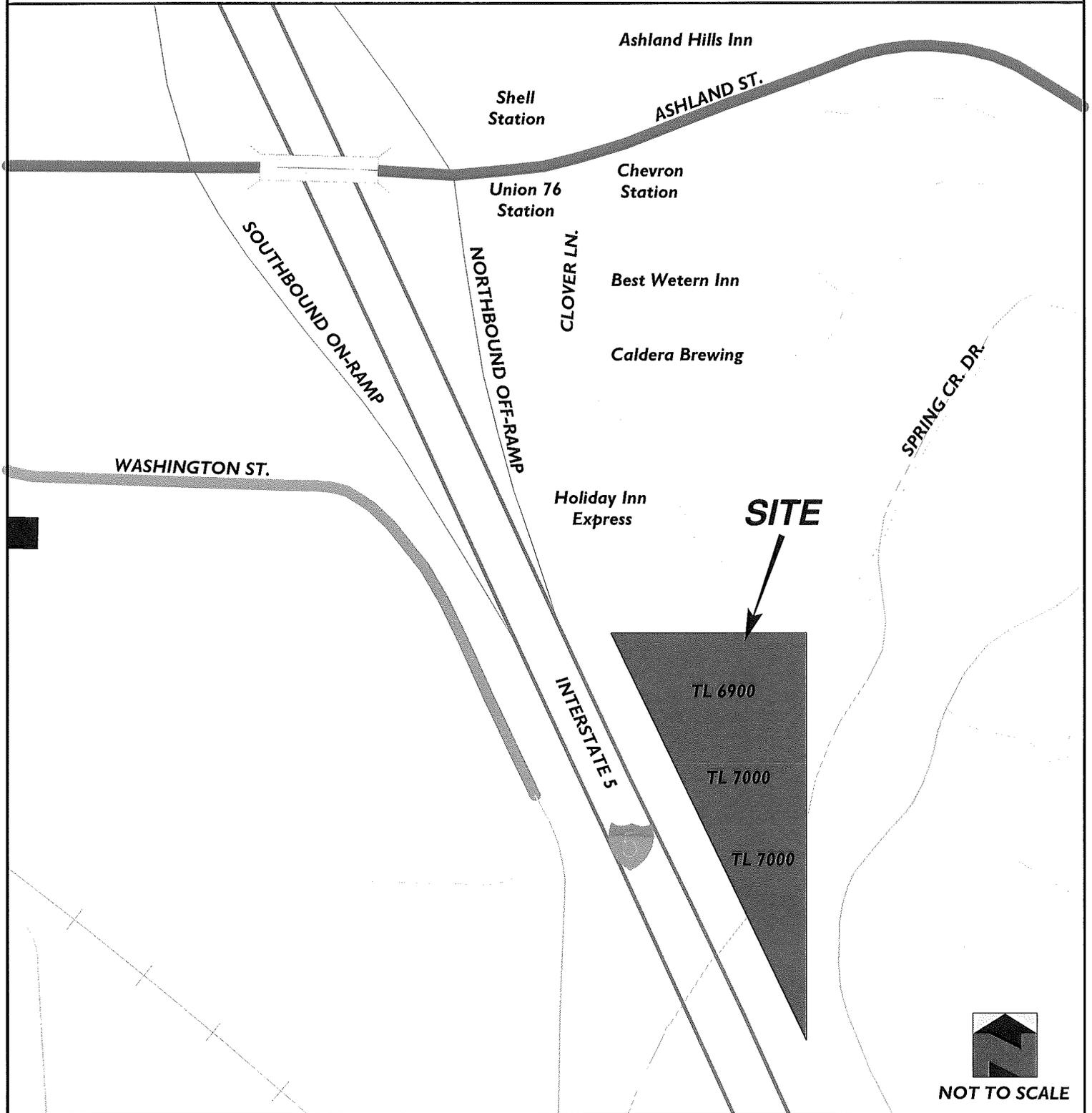


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TRANSPORTATION ENGINEERING, LLC**

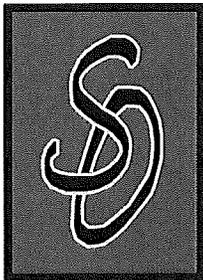
Medford, Oregon 97504  
ph 541.608.9923 fax 541.535.6873  
email: kwkp1@q.com

**Caldera Brewery Zone Change  
Traffic Impact Analysis**

**Figure 2 : Site Location**



  
**NOT TO SCALE**



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ph 541.608.9923 fax 541.535.6873  
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Traffic Impact Analysis**

### III. EXISTING CONDITIONS

#### Site Conditions

The proposed site is located on Township 39S Range 1E Section 14AA, tax lots 6900 and 7000, and Township 39S Range 1E Section 14AD, tax lot 7000. Together the three tax lots total 3.72 acres. They are currently vacant.

#### Roadway Characteristics

Table 1 provides a summary of existing roadway classifications and descriptions in the study area.

**Table 1 - Roadway Classifications and Descriptions**

Roadway	Jurisdiction	Functional Classification	Lanes	OHP Mobility Standard	City Operational Standard	Posted Speed
Ashland Street (OR 66, Green Springs Highway)	ODOT	District Highway / Boulevard	Varies 2-5	v/c = 0.90	-	35
Tolman Creek Rd	City of Ashland	Avenue	2	-	v/c = 0.90	45
Washington Street	City of Ashland	Neighborhood Collector	2	-	v/c = 0.90	25
I-5 Ramps	ODOT	Interstate Highway	1	v/c = 0.85	-	45
Clover Lane	City of Ashland	Local Street	2	-	v/c = 0.90	Not Posted

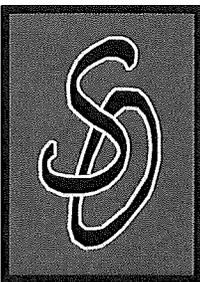
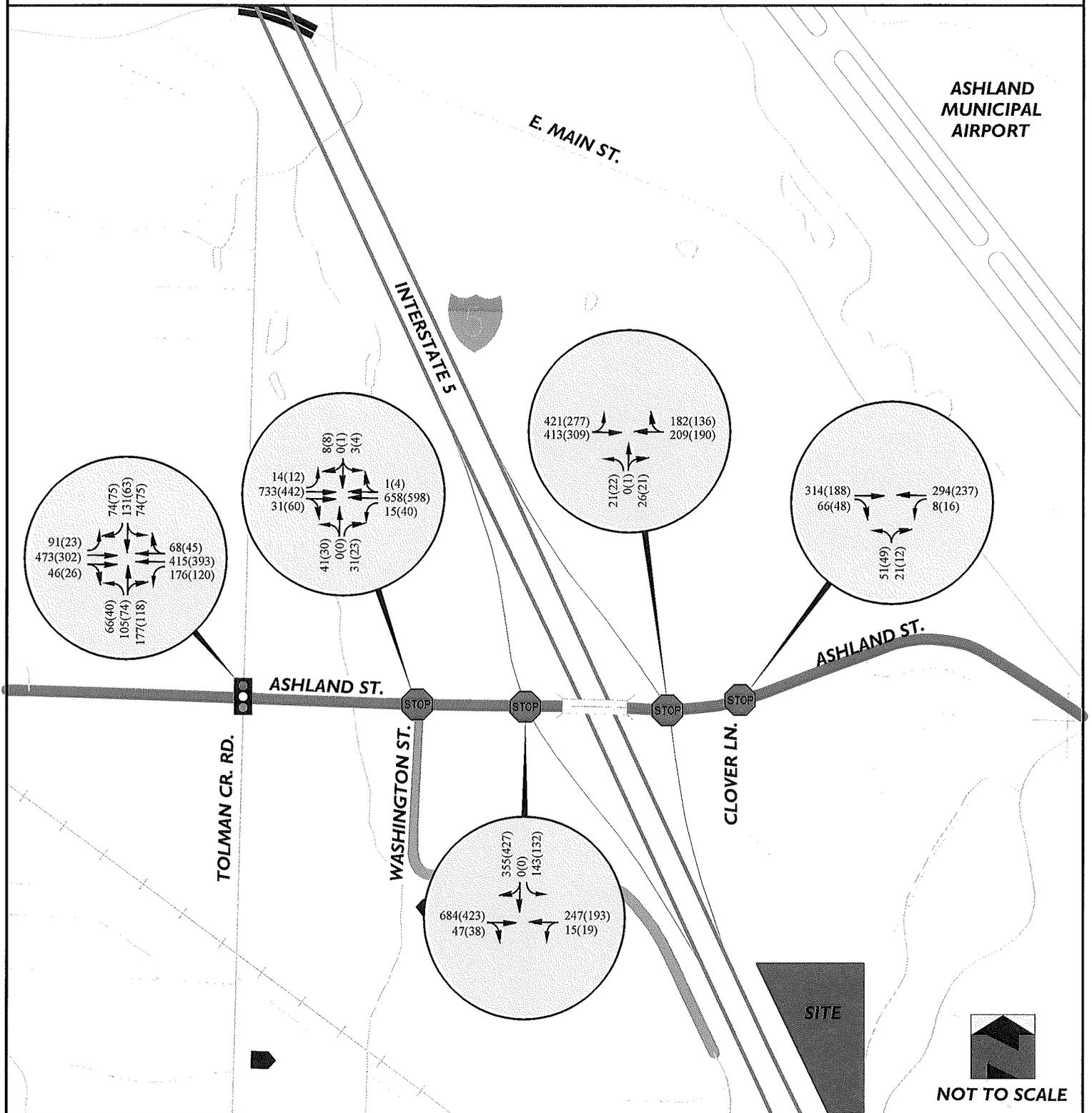
#### Traffic Counts

ODOT provided 16 hour counts at the intersections of Tolman Creek / Ashland Street, I-5 SB ramps / Ashland Street, and I-5 NB ramps / Ashland Street. Southern Oregon Transportation Engineering, LLC gathered manual counts at the intersections of Washington Street / Ashland Street and Clover Lane / Ashland Street in September of 2010 during the A.M. (6:30-9:30 A.M.) and P.M. (3:30-6:30 P.M.) peak hours. The A.M. peak hour was shown to occur between 8:00-9:00 A.M. and the P.M. peak hour between 4:30-5:30 P.M. Refer to Appendix A for count data. Refer to Figure 3 for raw traffic volumes during the A.M. and P.M. peak hours.

#### Seasonal Volume Adjustment

Count data was seasonally adjusted using the ODOT Year 2010 Seasonal Trend Table. The Seasonal Trend Table averages statewide seasonal trends according to highway type. Count data is adjusted seasonally to represent 30<sup>th</sup> highest design hour volumes (DHV). For purposes of the Ashland Street corridor, a seasonal factor of 1.05 was used to adjust September data based on Interstate, Summer, and Commuter trends, consistent with methodology used in the Exit 14 Interchange Area Management Plan (IAMP) study. The Interstate trend produced a seasonal factor of 1.03, and a combination of Summer/Commuter trends (25/75) produced a seasonal factor of 1.05. A 1.05 seasonal factor was used for all movements to assist with balancing between intersections. Refer to Appendix A for seasonal trend information. Refer to Figures 4 and 5 for seasonal adjustments and year 2010 design hour volumes (DHV).

**Figure 3 : Raw Count Data (AM) PM**

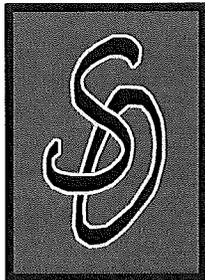
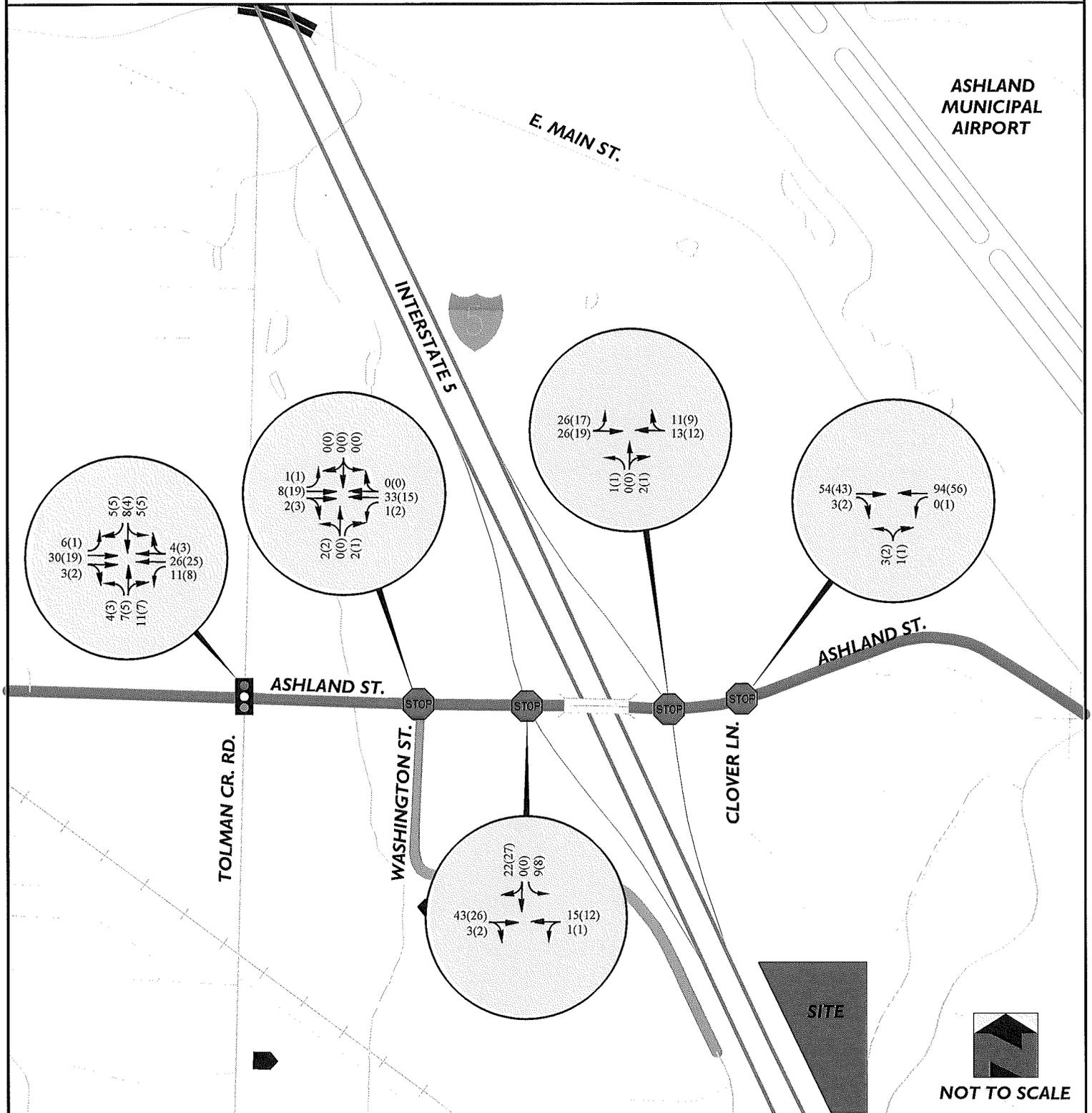


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TRANSPORTATION ENGINEERING, LLC**

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ph 541.608.9923 fax 541.535.6873  
email: kwkp1@q.com

**Caldera Brewery Zone Change  
Traffic Impact Analysis**

**Figure 4 : Background Growth and Seasonal Adjustments (AM) PM**

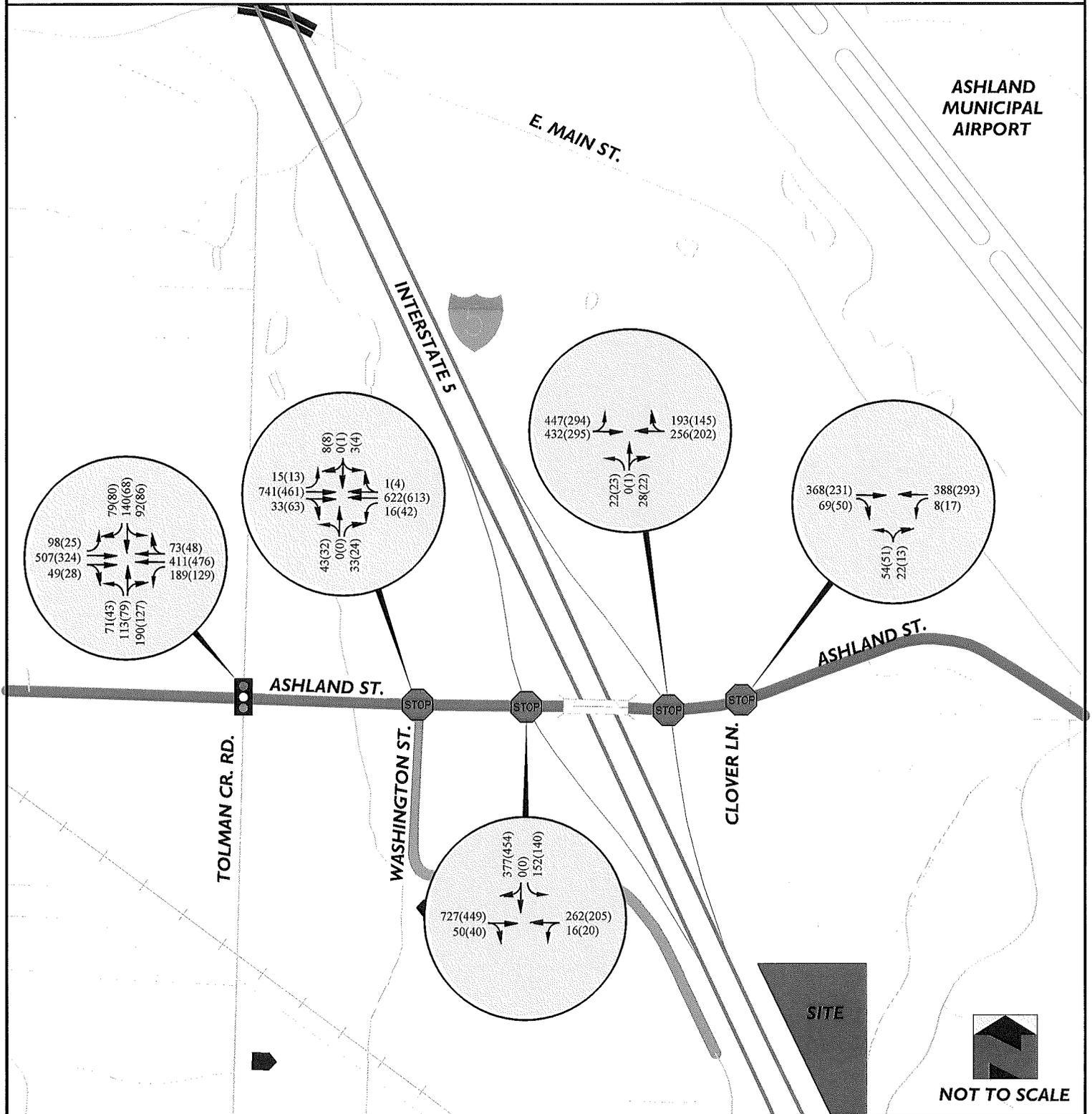


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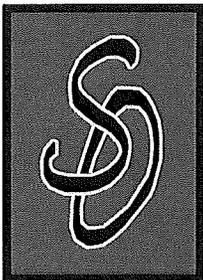
**Caldera Brewery Zone Change  
Traffic Impact Analysis**

**Figure 5 : Year 2010 Design Hour Volumes (AM) PM**



ASHLAND MUNICIPAL AIRPORT

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TRANSPORTATION ENGINEERING, LLC**

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email: kwkp1@q.com

**Caldera Brewery Zone Change  
Traffic Impact Analysis**

## Intersection Capacity and Level of Service

Intersection capacity calculations were conducted utilizing the methodologies presented in the Year 2000 *Highway Capacity Manual*. Capacity and level of service calculations for signalized and unsignalized intersections were prepared using “SYNCHRO” timing software.

Level of service quantifies the degree of comfort afforded to drivers as they travel through an intersection or along a roadway section. The level of service methodology was developed to quantify the quality of service of transportation facilities. Level of service is based on total delay, defined as the total elapsed time from when a vehicle stops at the end of a queue until the vehicle departs from the stop line. Level of service ranges from “A” to “F”, with “A” indicating the most desirable condition and “F” indicating an unsatisfactory condition.

The Ashland Municipal Code requires that traffic operations on City facilities do not exceed a level of service “D”, but defer to ODOT Oregon Highway Plan (OHP) performance standards for intersections with State highways within the City. ODOT’s performance standard for intersections along Ashland Street is a volume to capacity ratio of 0.90 per the 1999 Oregon Highway Plan (OHP), with the exception of the Interstate 5 ramp intersections. The performance standard for ramp intersections is 0.85 or the value of the crossroad v/c, whichever is less. Mitigation is required if design year intersection operations exceed the given performance standard or build conditions in the planning horizon year exceed no build conditions.

Table 3 summarizes study area intersection operations under existing year 2010 conditions during the A.M. and P.M. peak hours.

**Table 2 - Existing Year 2010 Design Hour Intersection Operations**

Intersection	Critical Movement	A.M. Peak	P.M. Peak	OHP Mobility Standard	City Standard
Tolman Creek / Ashland Street	NA	B, 0.48	C, 0.70	v/c = 0.90	LOS D, v/c = 0.90
Washington Street / Ashland Street	NBL	B, 0.08	B, 0.13	v/c = 0.90	LOS D, v/c = 0.90
I-5 SB Ramps / Ashland Street	SBL/T	0.57	0.50	v/c = 0.85	v/c = 0.85
I-5 NB Ramps / Ashland Street	NBL/T	0.14	0.30	v/c = 0.85	v/c = 0.85
Clover Lane / Ashland Street	NBL/R	B, 0.12	B, 0.14	v/c = 0.90	LOS D, v/c = 0.90

All study area intersections are shown to operate acceptably (within performance standards) under existing year 2010 conditions during both the A.M. and P.M. peak hours. Peak hour volumes along Ashland Street were shown to be highest and intersection operations worst during the P.M. peak hour with the exception of the I-5 SB ramp intersection with Ashland Street. At this location, the A.M. peak hour was shown to produce a slightly higher v/c ratio. Queue lengths, however, were larger in the P.M. peak hour. Refer to Appendix D for Synchro output sheets.

## **Planned Improvements within the Study Area**

### **ODOT I-5 Exit 14 and Greensprings Highway Interchange Project**

#### **Exit 14 Interchange Improvements**

- Bridge widening over Interstate 5 to allow two lanes in both directions. When complete, the updated bridge will have two travel lanes, a center turn lane, bicycle lanes, and sidewalks on both sides of the bridge
- Traffic signals at both I-5 ramp terminals with right turn lanes extended on both ramp terminals
- Implementation of a non-traversable center median along Ashland Street west of the interchange that restricts left turn movements from driveways

#### **Timeline for Improvements**

- Construction began in July of 2010
- Work is scheduled through April of 2012

## 95<sup>th</sup> Percentile Queuing and Blocking

Queuing is the stacking up of vehicles for a given lane movement, and it can have a significant effect on roadway safety and the overall operation of a transportation system. Long queue lengths in through lanes can block access to turn lanes, driveways, and minor street approaches, as well as spill back into upstream intersections. As a result of this, the estimation of queue lengths is an important aspect of the analysis process for determining how a transportation corridor operates.

Queue lengths are reported as the average, maximum, or 95<sup>th</sup> percentile queue length. The 95<sup>th</sup> percentile queue length is used for design purposes and is the queue length reported in this analysis. Five simulations were run and averaged in SimTraffic to determine 95<sup>th</sup> percentile queue lengths. Queue lengths were then rounded up to the nearest 25 feet (single vehicle length) and reported for P.M. peak hour existing conditions unless noted as an A.M. queue length in Table 3. A full queuing report is provided in Appendix E.

**Table 3 – 95<sup>th</sup> Percentile Queue Lengths, Existing Year 2010**

Intersection	Movement	Available Link Distance (Feet)	95 <sup>th</sup> % Queue	Impact
Tolman Creek / Ashland Street	SBL	100'	125'	Exceeds storage
	WBL	650'	175'	None
	NBL	100'	125'	Exceeds storage
	EBL	800'	150'	None
Washington Street / Ashland Street	WBL	350'	50' a.m.	None
	NBR	100'	50'	None
	EBL	650'	50'	None
I-5 SB Ramps / Ashland Street	SBR	100'	175'	Exceeds Storage
	SBL/T	1050'	1450'	Exceeds Link Distance
	WBL/T	500'	50'	None
I-5 NB Ramps / Ashland Street	NBR	100'	100'	None
	NBL/T	925'	750'	Exceeds Link Distance
	EBL/T	500'	600'	Blocks Downstream Intersection
Clover Lane / Ashland Street	WBL	500'	25'	None
	NBL/R	50'	75'	Blocks Downstream Driveway

Results of the queuing analysis show that link distances at study area intersections are exceeded at Tolman Creek Road and the I-5 ramp intersections under existing year 2010 conditions during the P.M. peak hours. Left turn storage bays are exceeded on Tolman Creek Road northbound and southbound and will cause increased queuing in the adjacent through lane as a result. Both I-5 ramps are shown to experience 95<sup>th</sup> percentile queue lengths that exceed ramp distances to Interstate 5. Excessive ramps queues form as a result of a large eastbound queue length on Ashland Street at the I-5 NB ramps. Once queues build up on Ashland Street between the I-5 ramp intersections, ramp queues have no place to vent and begin to queue themselves.

Planned improvements, per the ODOT Exit 14 Interchange project, include bridge widening and traffic signals at both ramp terminals. These improvements were shown to mitigate safety concerns and operational deficiencies at the ramp intersections throughout the future year planning horizon. Refer to Appendix C for ODOT Exit 14 Interchange project information.

## Crash History

Crash history at study area intersections on Ashland Street (OR 66, Highway 21) between mileposts 1.18 (Tolman Creek Road) and 1.45 (Clover Lane) was requested from ODOT's Crash Analysis and Reporting Unit for the most recent five year period. Results were provided for the period of January 1, 2005 through December 31, 2009. Refer to Appendix C for crash data.

Intersection safety is generally evaluated by determining the crash rate in terms of crashes per Million Entering Vehicles (MEV) at intersections. The details of crash data are examined to identify any patterns that could be attributable to geometric or operational deficiencies. A crash rate higher than 1.0 crash/MEV or trends of a specific type of crash may indicate the need for further investigation at an intersection. Tables 4 and 5 provide crash rates and types of collisions at study area intersections.

**Table - 4 Study Area Intersection Crash Rates**

Intersection	2005	2006	2007	2008	2009	Total Crashes	ADT	Crash Rate
Tolman Creek /Ashland Street	0	0	0	0	0	0	20,120	0.00
Washington Street /Ashland Street	2	3	3	0	0	8	15,150	0.29
I-5 SB Ramps /Ashland Street	2	2	1	2	0	7	15,840	0.24
I-5 NB Ramps /Ashland Street	0	4	1	0	0	5	13,780	0.20
Clover Lane /Ashland Street	1	0	0	0	1	2	9,090	0.12

**Table 5 - Crash History by Type, 2005-2009**

Intersection	Collision Type					Severity		
	Turning	Rear-end	Pedestrian	Side-swipe	Fixed Object	Non-Injury	Injury	Fatal
Tolman Creek /Ashland St	0	0	0	0	0	0	0	0
Washington St /Ashland St	5	3	0	0	0	3	5	0
I-5 SB Ramps Ashland Street	5	2	0	0	0	5	2	0
I-5 NB Ramps /Ashland St	2	2	1	0	0	1	4	0
Clover Lane /Ashland St	1	0	0	1	0	2	0	0

The crash analysis showed that none of the intersections within the study area have crash rates exceeding 1.0 or revealed crash trends that raise concerns. No further investigation was shown to be needed. Refer to Appendix C for crash data.

## **Site Distance**

Access to the site is provided from Clover Lane. Sight distance was evaluated at its intersection with Ashland Street and shown to be unobstructed in both directions.

## **Turn Lane Criterion**

An eastbound right turn lane and westbound left turn lane currently exist on Ashland Street at Clover Lane. No further turn lane analysis is necessary.

## **Pedestrian and Bicycle Accessibility**

Pedestrian and bicyclist activity was observed to be low along Ashland Street within the study area. Pedestrian and bike facilities are currently located along Ashland Street on both sides of the interchange. Planned Interchange improvements, per the ODOT Exit 14 Interchange project, provide for preformed detector loops in bicycle lanes and push buttons for actuation by pedestrians at signalized ramp intersections. Refer to Appendix C for ODOT Exit 14 Interchange project information.

## IV. DESIGN YEAR 2011 NO-BUILD CONDITIONS

### Year 2011 No-Build Description

No-build conditions represent future conditions for a study area without consideration of proposed development trips. This condition is evaluated to determine how a study area will operate with background growth but no traffic from proposed development trips. Comparing build conditions to no-build conditions indicates what kind of impacts will result from proposed development. No-build conditions are evaluated in this analysis for the projected development design year of 2011.

### Year 2011 No-Build Background Growth and Traffic Development

Background growth was determined according to ODOT Future Volume Tables for Ashland Street within the study area. Growth rates were applied to existing year 2010 design hour volumes to develop year 2011 no-build volumes. Potential pipeline trips for Clover Lane were then generated and added to develop final year 2011 no-build volumes. Pipeline traffic was generated for two tax lots along Clover Lane (391E14AA TL 6800 & 6801) that currently have trip cap restrictions, but may eventually have restrictions removed. Pipeline trips were included for potential traffic generations. Refer to Figure 7 for year 2011 no-build traffic volumes at study area intersections during the P.M. peak hour.

### Year 2011 No-Build Intersection Operations

Design year 2011 no-build traffic volumes were evaluated at study area intersections under P.M. peak hour conditions. Table 6 summarizes intersection operations under no-build conditions.

**Table 6 – Design Year 2011 No-Build Intersection Operations**

Intersection	Critical Movement	2011 No-Build P.M	OHP Mobility Standard	City Standard	Exceeded
Tolman Creek /Ashland St	NA	C, 0.70	v/c = 0.90	LOS D, v/c = 0.90	No
Washington St /Ashland St	NBL	B, 0.14	v/c = 0.90	LOS D, v/c = 0.90	No
I-5 SB Ramps /Ashland St	SBL/T	0.52	v/c = 0.85	v/c = 0.85	No
I-5 NB Ramps /Ashland St	EBL/T	0.46	v/c = 0.85	v/c = 0.85	No
Clover Lane /Ashland St	NBL/R	B, 0.17	v/c = 0.90	LOS D, v/c = 0.90	No

All study area intersections are shown to operate acceptably (within performance standards) under year 2011 no-build conditions during the P.M. peak hour. Synchro output sheets are provided in Appendix F.

## Year 2011 No-Build 95<sup>th</sup> Percentile Queuing

Five simulations were run and averaged in SimTraffic to determine 95<sup>th</sup> percentile queue lengths at study area intersections under design year 2011 no-build conditions. Queue lengths were then rounded up to the nearest 25 feet (single vehicle length) and reported for P.M. peak hour no-build conditions in Table 7. A full queuing report is provided in Appendix G.

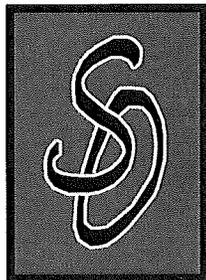
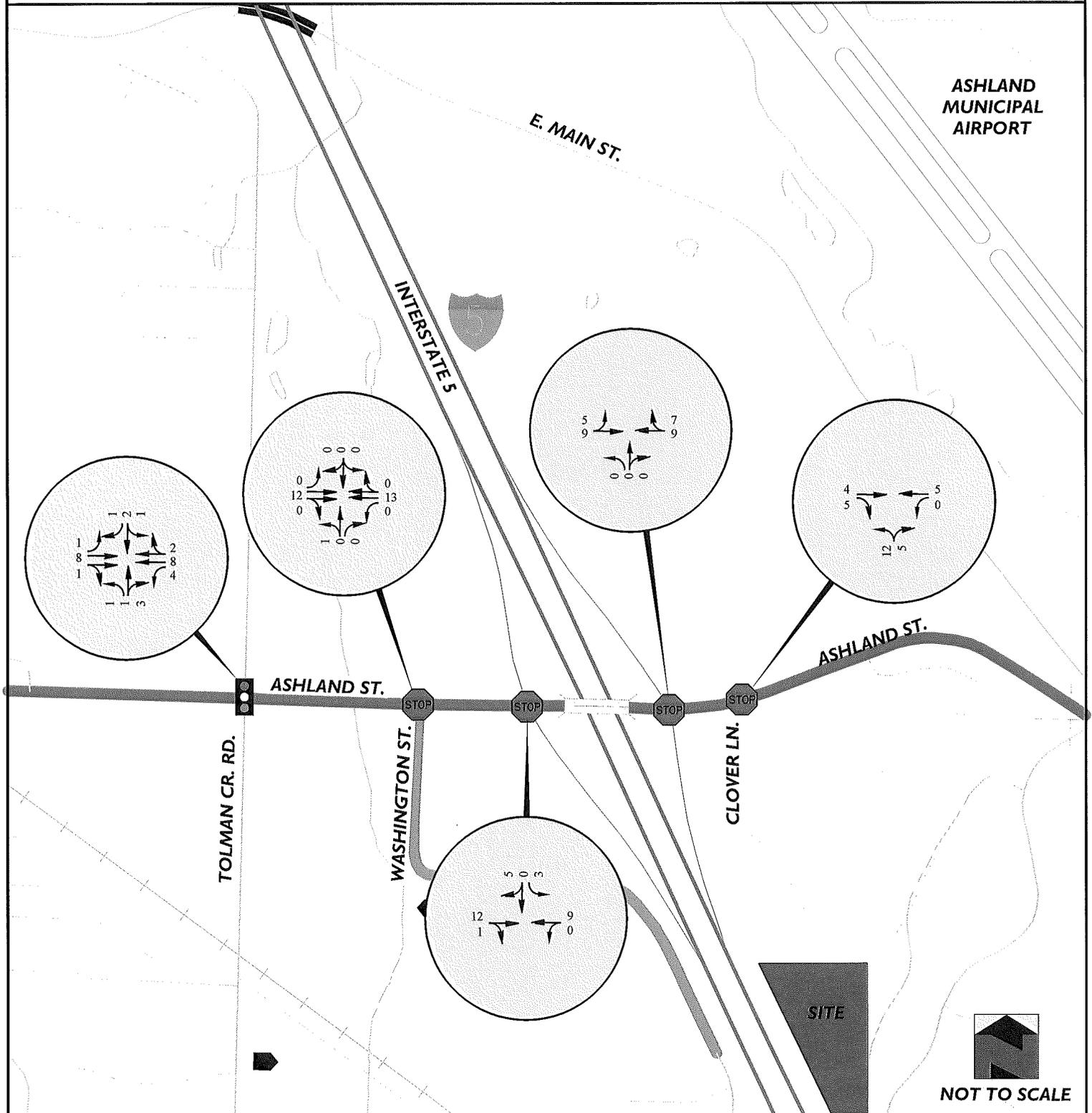
**Table 7 – 95<sup>th</sup> Percentile Queue Lengths, Design Year 2011 No-Build**

Intersection	Movement	Available Link Distance (Feet)	95 <sup>th</sup> % Queue	Impact
Tolman Creek / Ashland Street	SBL	100'	125'	Exceeds storage
	WBL	650'	175'	None
	NBL	100'	125'	Exceeds storage
	EBL	800'	150'	None
Washington Street / Ashland Street	WBL	350'	25'	None
	NBR	100'	50'	None
	EBL	650'	50'	None
I-5 SB Ramps / Ashland Street	SBR	100'	175'	Exceeds Storage
	SBL/T	1050'	1425'	Exceeds Link Distance
	WBL/T	550'	50'	None
I-5 NB Ramps / Ashland Street	NBR	100'	75'	None
	NBL/T	925'	925'	At Link Distance
	EBL/T	550'	575'	Blocks Downstream Intersection
Clover Lane / Ashland Street	WBL	500'	25'	None
	NBL/R	50'	75'	Blocks Downstream Driveway

Results of the queuing analysis show that link distances at study area intersections continue to be exceeded at Tolman Creek Road and the I-5 ramp intersections under design year no-build 2011 conditions during the P.M. peak hour. Left turn storage bays are exceeded on Tolman Creek Road northbound and southbound and will cause increased queuing in the adjacent through lane as a result. Both I-5 off ramps are shown to experience 95<sup>th</sup> percentile queue lengths that reach or exceed ramp distances to Interstate 5. Excessive ramps queues continue to form as a result of the large eastbound queue length on Ashland Street at the I-5 NB ramps. Once queues build up on Ashland Street between the I-5 ramp intersections, ramp queues have no place to vent and begin to queue themselves.

As stated previously, planned improvements, per the ODOT Exit 14 Interchange project, include bridge widening and traffic signals at both ramp terminals. These improvements were shown to mitigate safety concerns and operational deficiencies at the ramp intersections throughout the future year planning horizon. Refer to Appendix C for ODOT Exit 14 Interchange project information.

**Figure 6 : Year 2010-2011 Background Growth and Pipeline Trips (PM)**

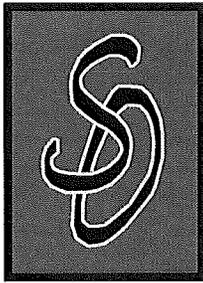
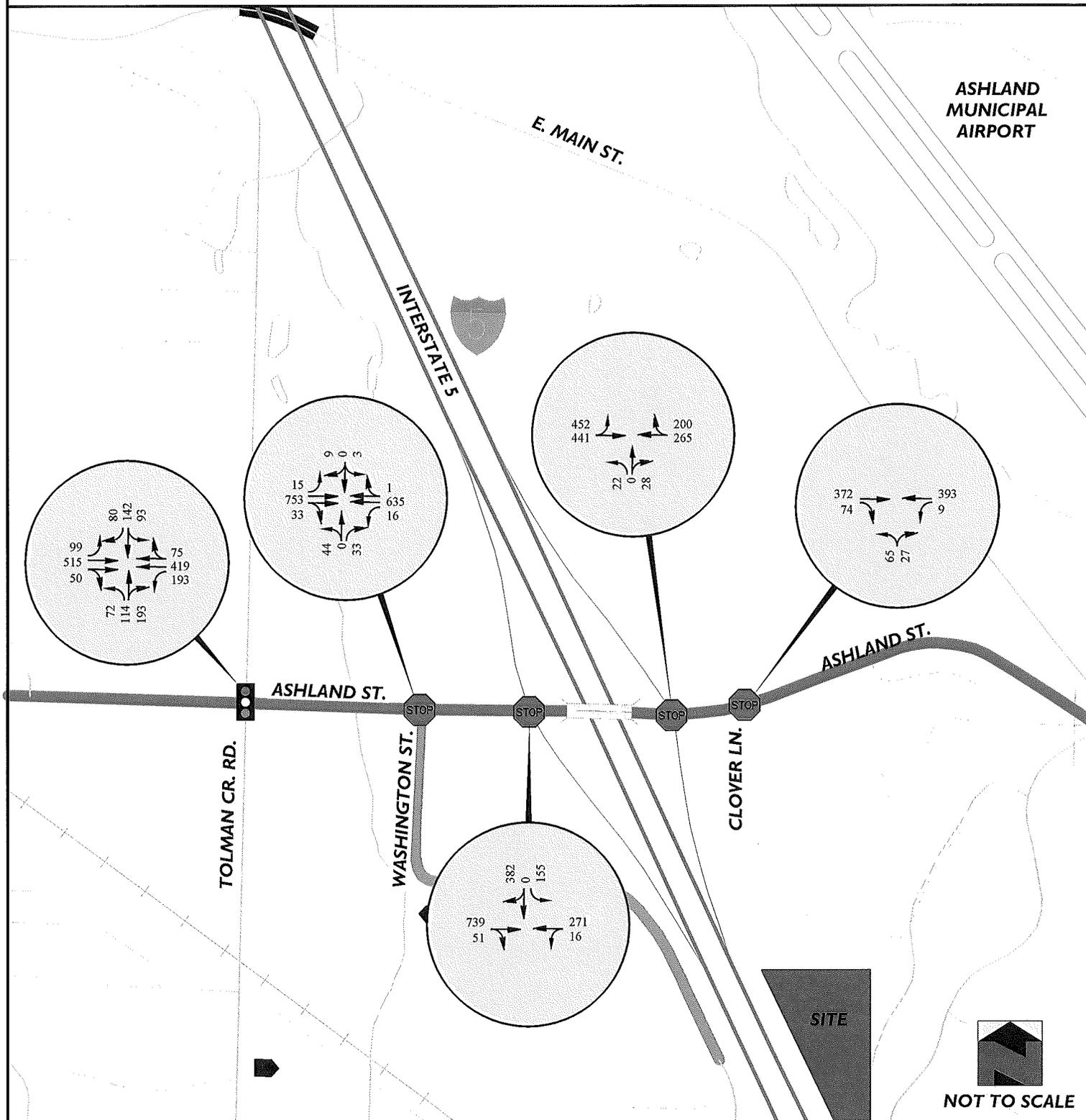


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**Figure 7 : Year 2011 No-Build Traffic Volumes**



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## V. SITE TRAFFIC

### Trip Generation

Trip generation calculations for proposed development scenarios were prepared utilizing the Institute of Transportation Engineers (ITE) *Trip Generation*, 8<sup>th</sup> Edition and existing count data. An ITE trip rate for land use code 770 – Business Park was compared to a trip rate developed using existing count data from Caldera Brewing Company and Roxy Ann Winery (which currently includes a well-established tasting room). The existing Caldera Brewery does not include a tasting room but proposes to have a tasting room in its new location. Counting a similar facility with an established tasting room was performed to determine a more accurate trip rate for the proposed Caldera facility. Both trips rates were used in the analysis. A proposed 28,000 square foot brewery with tasting room (using the existing count trip rate) was used for the day of opening analysis, and a 3.72 acre business park (using the ITE business park trip rate) was used for the future year planning horizon analysis. Refer to Appendix B for ITE trip generation sheets and Appendix A for count data. Refer to Appendix J for a proposed site plan of the brewery. Table 8 summarizes trip generations examined for the proposed property.

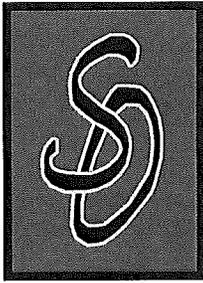
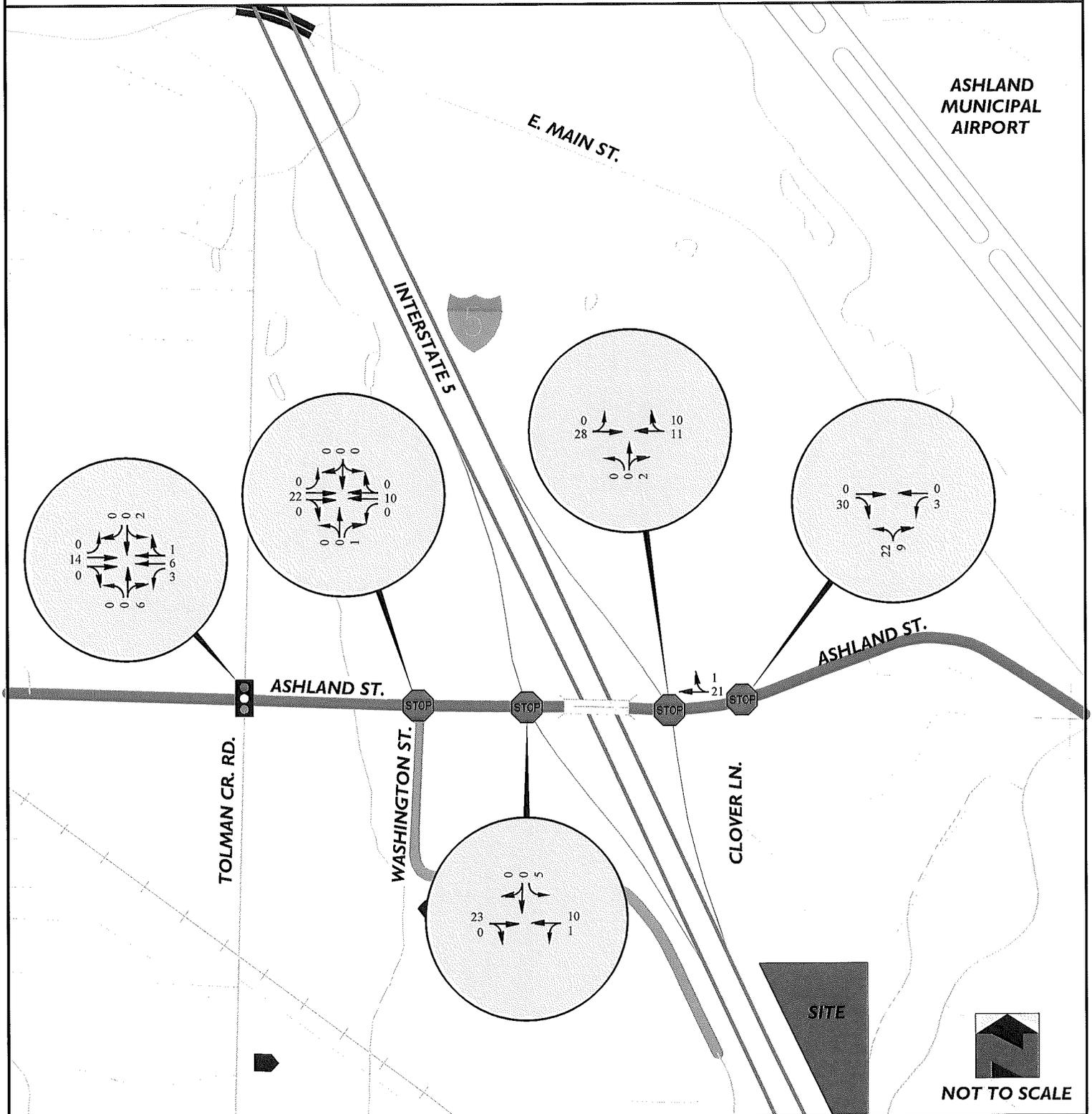
**Table 8 – Development Trip Generations**

Land Use	Unit	Size	PM Trip Rate	PM Trips	P.M. Inbound	P.M. Outbound
Business Park – 770	Acres	3.72	16.84	63	13	50
Existing Caldera Brewing Co.	1000 SF	20.0	1.14	8	4	4
Roxy Ann Winery (with tasting room)	1000 SF	23.8	2.27	54	28	26
Proposed Caldera Brewing Co. (with tasting room)	1000 SF	28.0	2.27	64	33	31

### Trip Distribution and Assignment

Development trips were distributed in accordance with existing traffic patterns at study area intersections. Existing count data showed 71% of outbound trips going to the west along Ashland Street and 29% to the east. Similarly, count data showed 90% of inbound trips coming from the west and 10% from the east along Ashland Street. Refer to Figures 8, 9a, and 9b for development distribution percentages and trip assignments.

**Figure 8 : Development Trip Assignments - 28,000 SF Brewery (PM)**

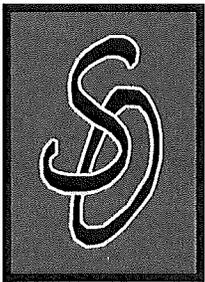
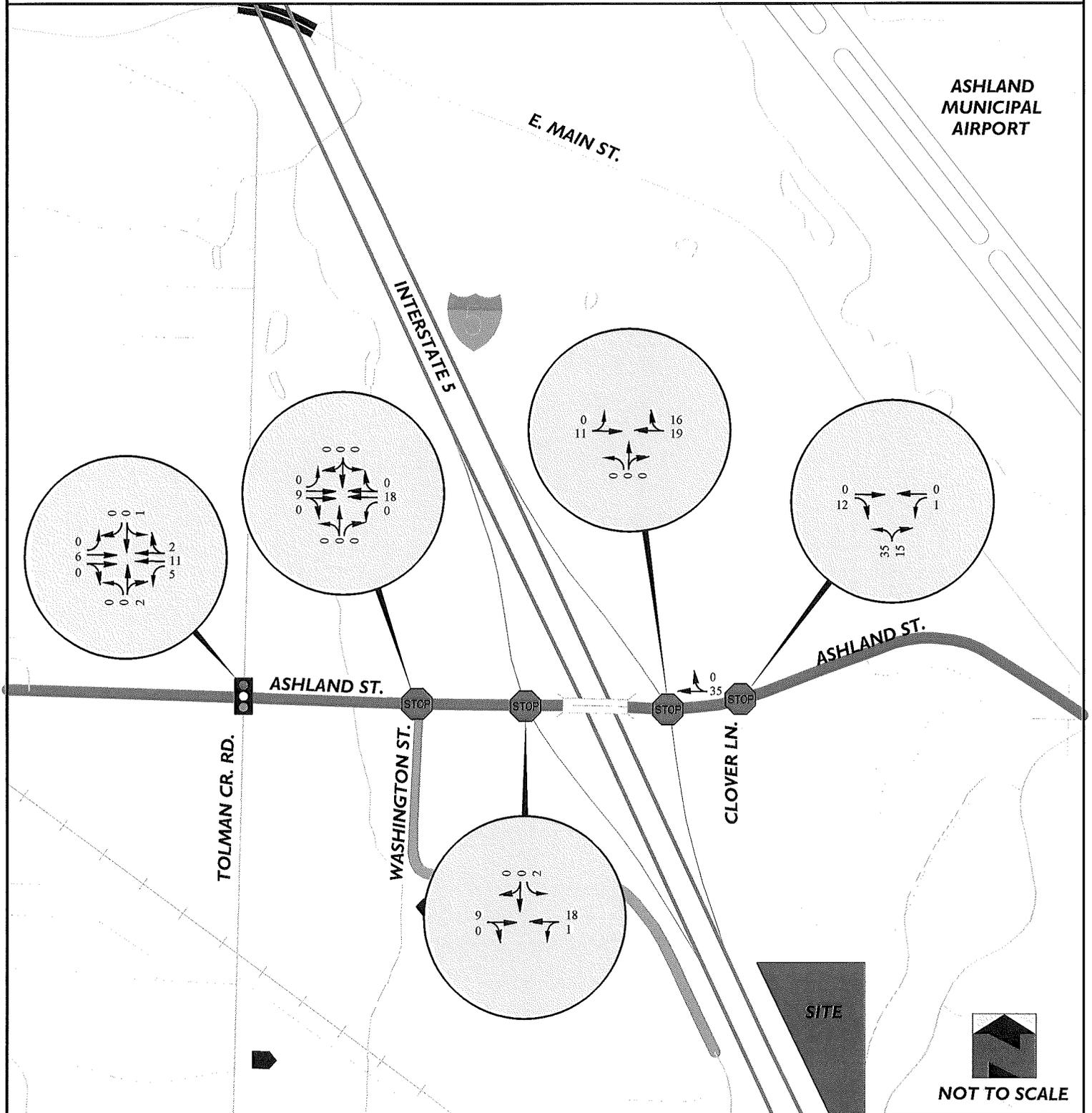


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**Figure 9 : Development Trip Assignments - 3.72 Acre Business Park (PM)**



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## VI. DESIGN YEAR 2011 BUILD CONDITIONS

### Year 2011 Build Description

Build conditions represent future conditions for a study area with background growth, pipeline, and proposed development trips considered. Build conditions are compared to no-build conditions to determine what kind of impacts will result from proposed development. Build conditions are evaluated in this analysis for the design year of 2011. Refer to Figure 10 for year 2011 build design hour volumes at study area intersections.

### Year 2011 Build Intersection Operations

Design year 2011 build traffic volumes were evaluated at study area intersections under P.M. peak hour conditions. Table 9 summarizes intersection operations under build conditions.

**Table 9 – Design Year 2011 Build Intersection Operations**

<b>Intersection</b>	<b>Critical Movement</b>	<b>2011 Build P.M</b>	<b>OHP Mobility Standard</b>	<b>City Standard</b>	<b>Exceeded</b>
Tolman Creek /Ashland St	NA	C, 0.71	v/c = 0.90	LOS D, v/c = 0.90	No
Washington St /Ashland St	NBL	B, 0.14	v/c = 0.90	LOS D, v/c = 0.90	No
I-5 SB Ramps /Ashland St	SBL/T	0.52	v/c = 0.85	v/c = 0.85	No
I-5 NB Ramps /Ashland St	EBL/T	0.47	v/c = 0.85	v/c = 0.85	No
Clover Lane /Ashland St	NBL/R	B, 0.23	v/c = 0.90	LOS D, v/c = 0.90	No

All study area intersections are shown to operate acceptably (within performance standards) under year 2011 build conditions during the P.M. peak hour. Synchro output sheets are provided in Appendix F.

## Year 2011 Build 95<sup>th</sup> Percentile Queuing

Five simulations were run and averaged in SimTraffic to determine 95<sup>th</sup> percentile queue lengths at study area intersections under design year 2011 build conditions. Queue lengths were then rounded up to the nearest 25 feet (single vehicle length) and reported for P.M. peak hour build conditions in Table 10. A full queuing report is provided in Appendix G.

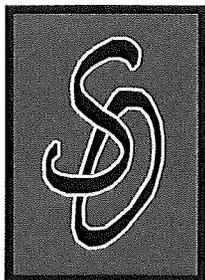
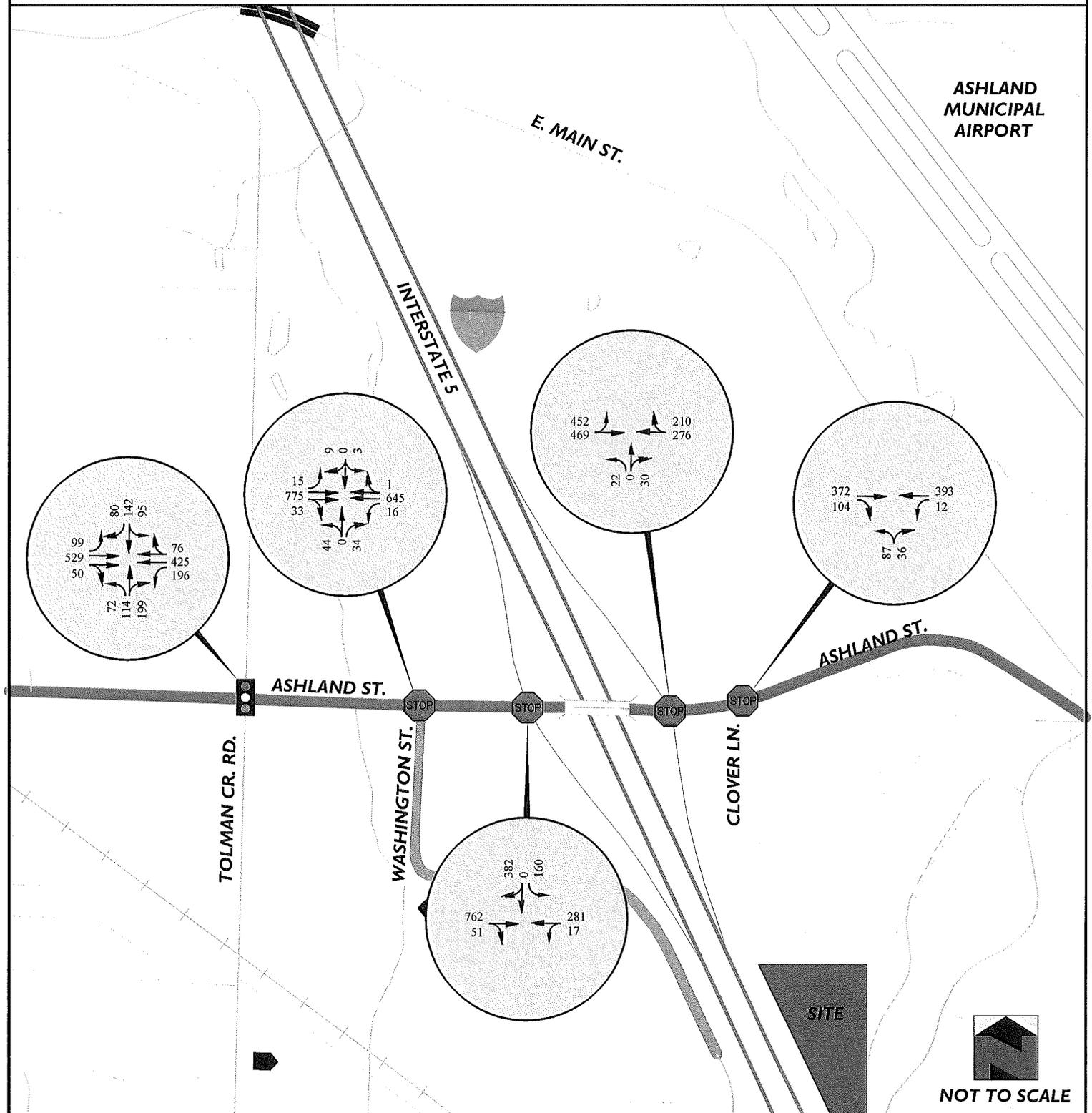
**Table 10 – 95<sup>th</sup> Percentile Queue Lengths, Design Year 2011 Build**

Intersection	Movement	Available Link Distance (Feet)	95 <sup>th</sup> % Queue	Impact
Tolman Creek / Ashland Street	SBL	100'	125'	Exceeds storage
	WBL	650'	175'	None
	NBL	100'	100'	At storage
	EBL	800'	150'	None
Washington Street / Ashland Street	WBL	350'	25'	None
	NBR	100'	50'	None
	EBL	650'	50'	None
I-5 SB Ramps / Ashland Street	SBR	100'	175'	Exceeds Storage
	SBL/T	1050'	1425'	Exceeds Link Distance
	WBL/T	550'	50'	None
I-5 NB Ramps / Ashland Street	NBR	100'	50'	None
	NBL/T	925'	925'	At Link Distance
	EBL/T	550'	600'	Blocks Downstream Intersection
Clover Lane / Ashland Street	WBL	500'	25'	None
	NBL/R	50'	100'	Blocks Downstream Driveways

Results of the queuing analysis show that link distances at study area intersections continue to be exceeded at Tolman Creek Road and the I-5 ramp intersections under design year 2011 build conditions during the P.M. peak hour. Left turn storage bays are exceeded on Tolman Creek Road northbound and southbound and will cause increased queuing in the adjacent through lane as a result. Both I-5 off ramps are shown to experience 95<sup>th</sup> percentile queue lengths that reach or exceed ramp distances to Interstate 5. Excessive ramps queues continue to form as a result of the large eastbound queue length on Ashland Street at the I-5 NB ramps. Once queues build up on Ashland Street between the I-5 ramp intersections, ramp queues have no place to vent and begin to queue themselves.

As stated previously, planned improvements, per the ODOT Exit 14 Interchange project, include bridge widening and traffic signals at both ramp terminals. These improvements were shown to mitigate safety concerns and operational deficiencies at the ramp intersections throughout the future year planning horizon. Construction is currently on-going and estimated to be completed by April of 2012. Refer to Appendix C for ODOT Exit 14 Interchange project information.

**Figure 10 : Year 2011 Build Traffic Volumes (PM)**



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## VII. FUTURE YEAR 2030 NO-BUILD AND BUILD CONDITIONS

### Future Year 2030 No-Build Description

Future year 2030 no-build conditions represent future planning year conditions for a study area without consideration of proposed development trips. This condition is evaluated to determine how a study area will operate with future background growth but no traffic from proposed development trips. Comparing future build conditions to future no-build conditions indicates what kind of impacts will result from proposed development. Future no-build conditions are evaluated in this analysis for the planning horizon year of 2030.

### Future Year 2030 No-Build Background Growth Development

Future year 2030 background growth was determined according to ODOT Future Volume Tables for Ashland Street within the study area. Background growth rates were applied to existing year 2010 design hour volumes to develop future year 2030 traffic volumes. Pipeline trips were then added to develop final year 2030 no-build traffic volumes. Refer to Figure 12 for future year 2030 no-build traffic volumes at study area intersections during the P.M. peak hour.

### Future Year 2030 Build Description

Future year 2030 build conditions represent future conditions for a study area with background growth, pipeline, and proposed development trips considered. Build conditions are compared to no-build conditions to determine what kind of impacts will result from proposed development under future conditions. Future build conditions are evaluated in this analysis for the planning horizon year of 2030. Refer to Figure 13 for future year 2030 build traffic volumes at study area intersections during the P.M. peak hour.

### Future Year 2030 No-Build and Build Intersection Operations

Future year 2030 no-build and build traffic volumes were evaluated at study area intersections under P.M. peak hour conditions. Table 11 summarizes intersection operations under build conditions.

**Table 11 – Future Year 2030 No-Build and Build Intersection Operations**

Intersection	Critical Movement	2030 No-Build	2030 Build	OHP Mobility Standard	City Standard
Tolman Creek / Ashland Street	NA	C, 0.82	C, 0.83	v/c = 0.90	LOS D, v/c = 0.90
Washington Street / Ashland Street	NBL	C, 0.19	C, 0.20	v/c = 0.90	LOS D, v/c = 0.90
I-5 SB Ramps / Ashland Street	NA	0.79, 0.73*	0.82, 0.73*	v/c = 0.85	v/c = 0.85
I-5 NB Ramps / Ashland Street	NA	>2.0 0.66*	>2.0 0.67*	v/c = 0.85	v/c = 0.85
Clover Lane / Ashland Street	NBL/R	B, 0.24	C, 0.35 C, 0.34*	v/c = 0.90	LOS D, v/c = 0.90

\* Analysis includes the ODOT I-5 Exit 14 Construction Project

All study area intersections are shown to operate acceptably (within performance standards) under future year 2030 no-build and build conditions during the P.M. peak hour with planned mitigation in place (ODOT I-5 Exit 14 Interchange project). The planned improvements were shown to mitigate safety concerns and operational deficiencies at the ramp intersections throughout the future year planning horizon. No further mitigation is shown to be required. Synchro output sheets are provided in Appendix H.

## Future Year 2030 No-Build and Build 95<sup>th</sup> Percentile Queuing

Five simulations were run and averaged in SimTraffic to determine 95<sup>th</sup> percentile queue lengths at study area intersections under future year 2030 no-build and build conditions. Queue lengths were then rounded up to the nearest 25 feet (single vehicle length) and reported for P.M. peak hour conditions in Table 12. A full queuing report is provided in Appendix I.

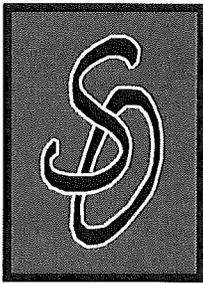
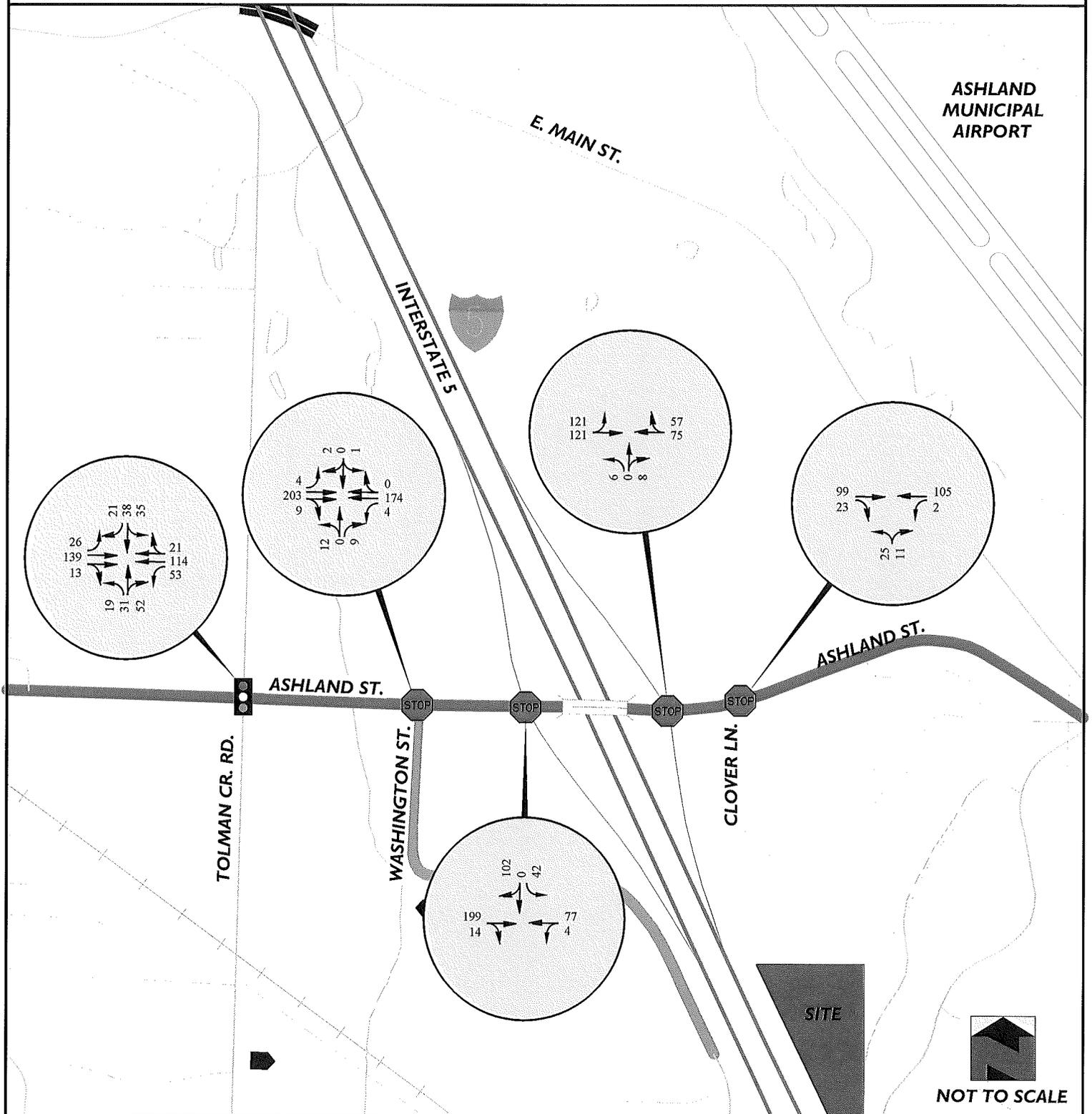
**Table 12 – 95<sup>th</sup> Percentile Queue Lengths, Future Year 2030 No-Build and Build**

Intersection	Movement	Available Link Distance (Feet)	95 <sup>th</sup> % Queue 2030 No-Build	95 <sup>th</sup> % Queue 2030 Build
Tolman Creek / Ashland Street	SBL	100'	150'	150'
	WBL	650'	200'	200'
	NBL	100'	150'	150'
	EBL	800'	200'	200'
Washington Street / Ashland Street	WBL	350'	50'	50'
	NBR	100'	100'	100'
	EBL	650'	50'	50'
I-5 SB Ramps / Ashland Street	SBR	200'	225'*	225'*
	SBL/T	1050'	375'*	375'*
	WBL	100'	50'*	50'*
	WBT	550'	300'*	300'*
I-5 NB Ramps / Ashland Street	WBR	275'	275'*	275'*
	WBT	300'	300'*	300'*
	NBR	100'	75'*	50'*
	NBL/T	925'	175'*	175'*
	EBL	400'	400'*	375'*
	EBT	550'	375'*	400'*
Clover Lane / Ashland Street	WBL	500'	25'	25'
	NBL/R	50'	225'	425'

\*Analysis includes the ODOT I-5 Exit 14 Construction Project

Results of the queuing analysis show that queue lengths at the I-5 ramp intersections with Ashland Street are adequately mitigated as a result of the ODOT I-5 Exit 14 Interchange project under future year 2030 no-build and build conditions during the P.M. peak hour. The northbound and southbound left turn movements on Tolman Creek Road at Ashland Street continue to exceed storage lengths, but are not shown to get worse as a result of proposed development due to the small contribution of development trips to these movements (2 P.M. trips to SBL). The westbound queue length on Ashland Street east of I-5 is shown to reach Clover Lane under future year 2030 no-build and build conditions as a result of the traffic signal at the I-5 NB off-ramp. What was once a free movement westbound becomes a controlled stopped movement with a traffic signal in place, and this creates a westbound queue length that wasn't previously present. This contributes to an increased queue length for the northbound movement on Clover Lane. The section of Ashland Street east of the interchange should be monitored in future years to determine if and when median control may be necessary. No further mitigation is shown to be required.

**Figure 11 : Year 2010-2030 Background Growth and Pipeline Trips (PM)**

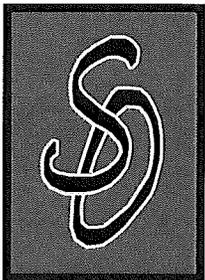
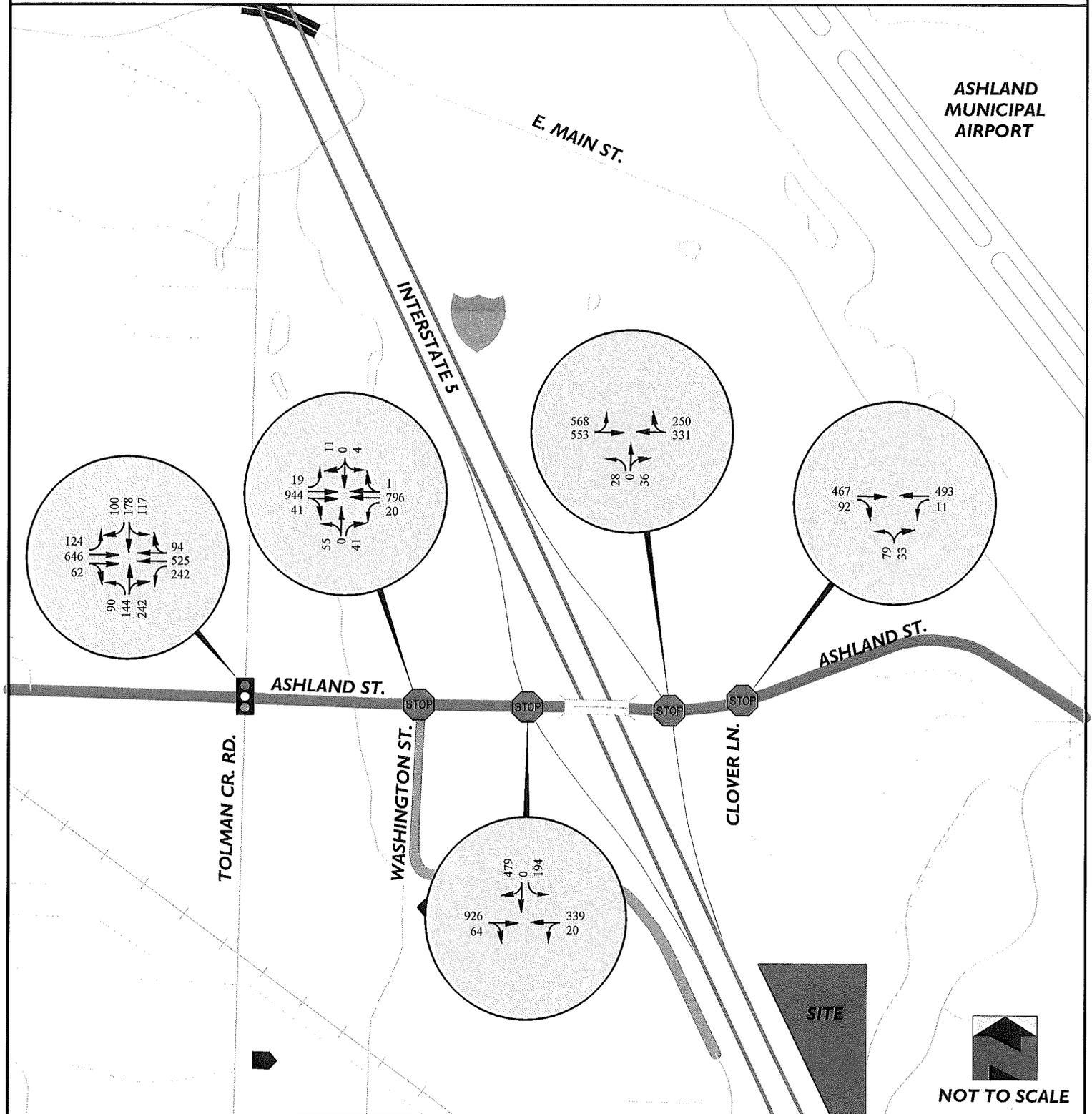


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**Figure 12 : Future Year 2030 No-Build Traffic Volumes (PM)**

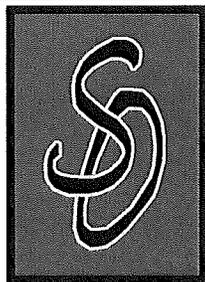
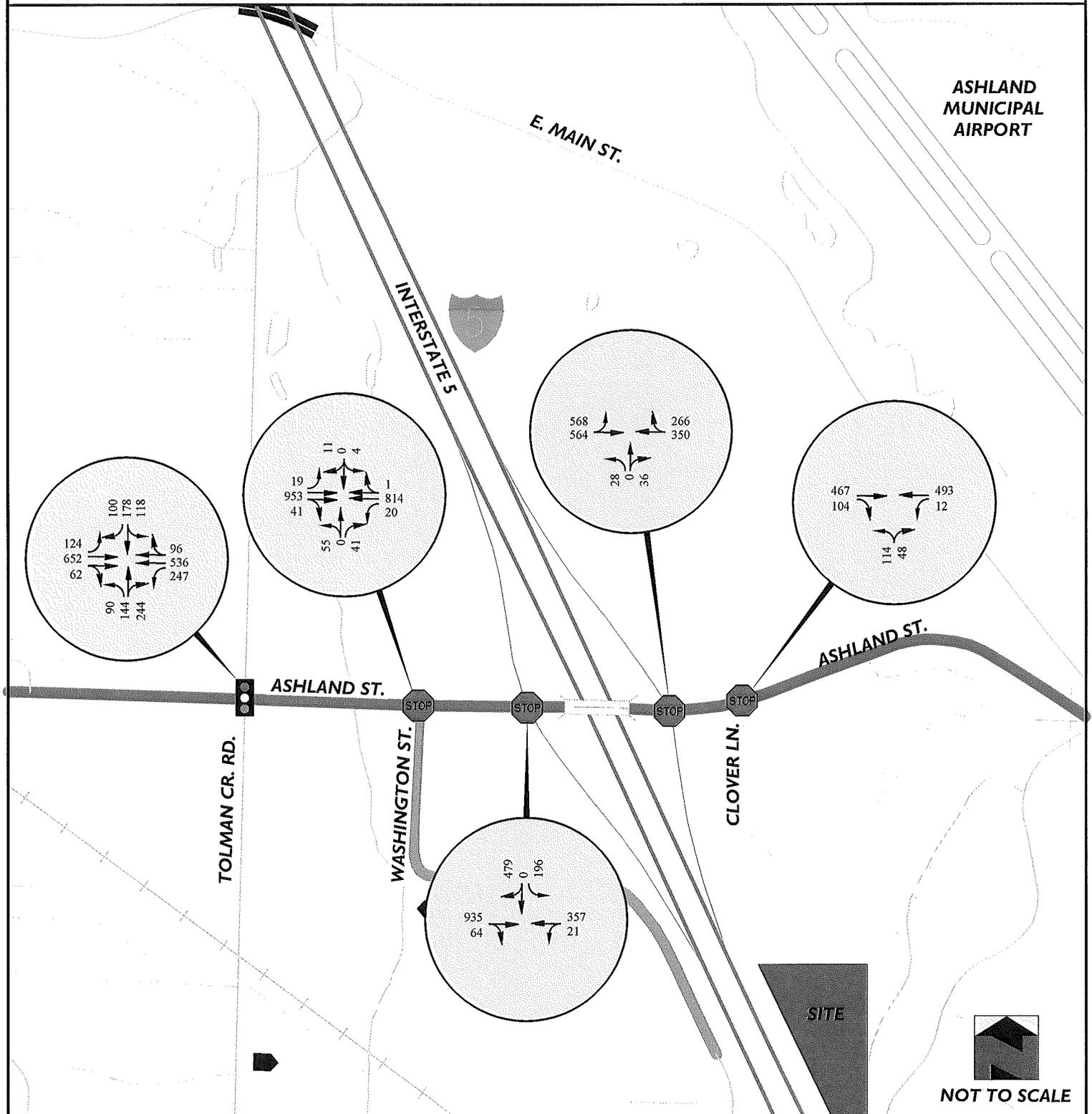


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**Figure 13 : Future Year 2030 Build Traffic Volumes (PM)**



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## VIII. CONCLUSIONS

The findings of the traffic impact analysis conclude that the proposed Employment designation and E-1 zoning on Township 39S Range 1E Section 14AA, tax lots 6900 and 7000 and Township 39S Range 1E Section 14AD, tax lot 7000 in Ashland, Oregon can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety were evaluated to address project impacts to the surrounding area. Results of the analysis show the following:

- The stop-controlled I-5 NB ramp intersection with Ashland Street is shown to operate at a v/c ratio  $>1.0$  under future year 2030 no-build and build conditions.
- 95<sup>th</sup> percentile queue lengths are shown to exceed link distances and create potential safety concerns on Ashland Street between the I-5 ramp intersections and the off ramps themselves under existing year 2010, design year 2011, and future year 2030 conditions.

Planned mitigation includes an ODOT I-5 Exit 14 Interchange project, which includes traffic signals at both ramp intersections, widening of Ashland Street, and extended right turn lanes on both I-5 off-ramps. With improvements in place, study area intersections are shown to be adequately mitigated throughout the future year planning horizon. Construction is currently ongoing and estimated to be completed by April of 2012.

# Caldera Brewery Zone Change

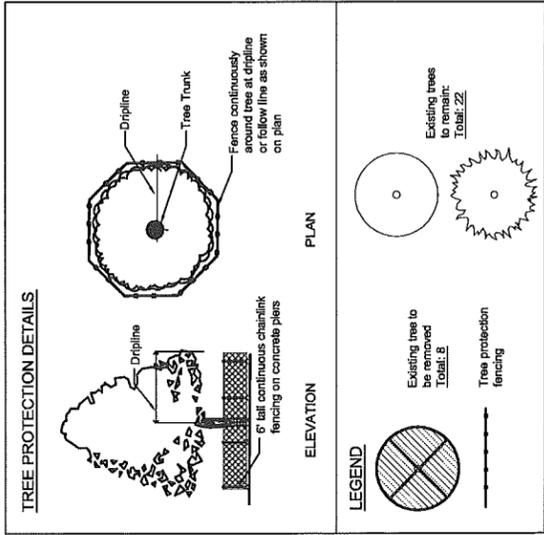
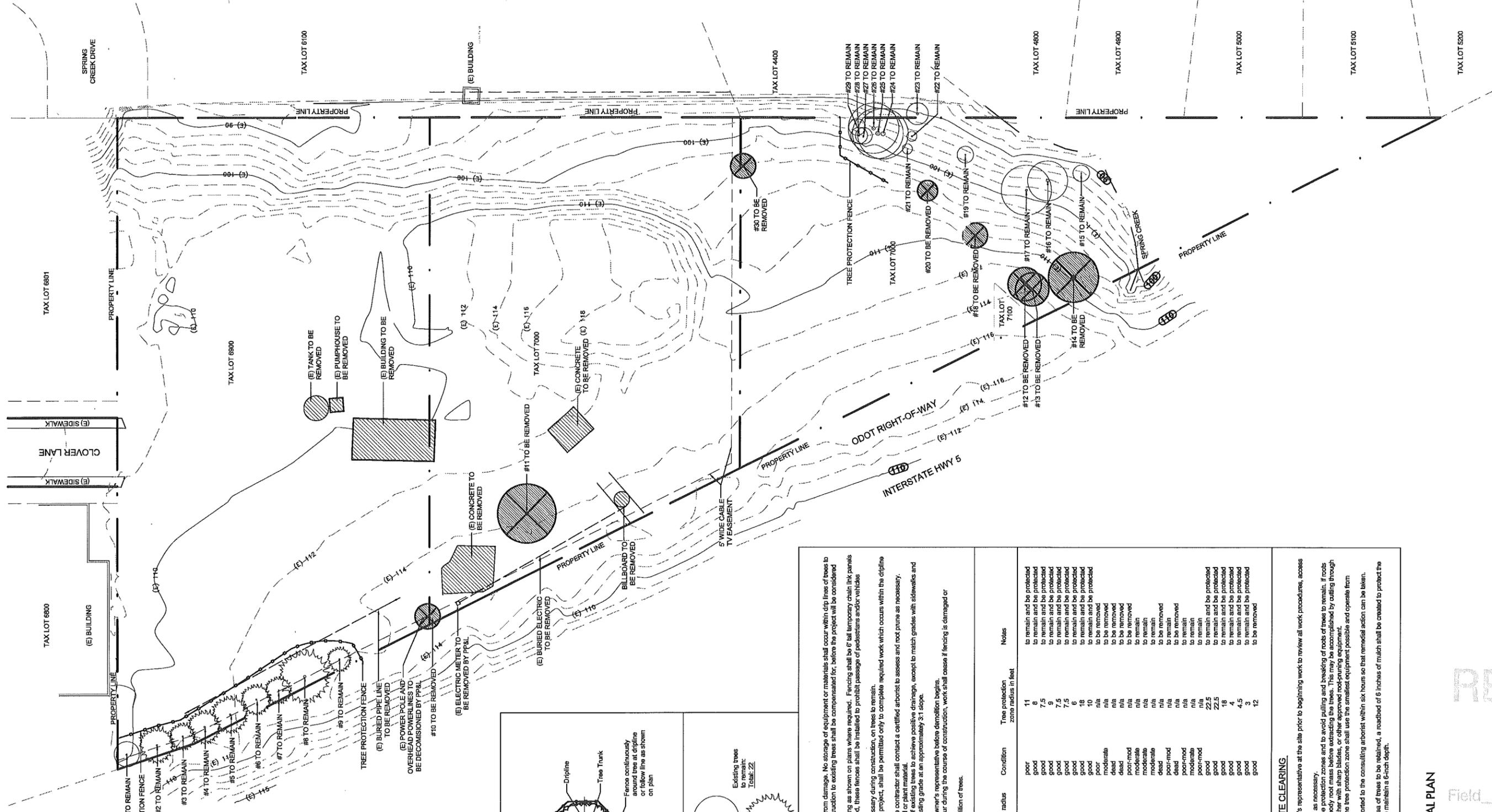
Appendices A-K

## **NOTE:**

Appendices A-K are posted with the online packet on the City's Website ([www.ashland.or.us](http://www.ashland.or.us)).

A hard copy of the Appendices is available for review at the Planning Division and copies will be provided to Planning Commissioners at their request.





**TREE PROTECTION NOTES**

A. Landscape adjacent to the project area shall be protected from damage. No storage of equipment or materials shall occur within drip lines of trees to be identified on this plan. All damage caused by construction to existing trees shall be compensated for, before the project will be considered completed.

B. Trees that are shown to remain shall be protected with fencing as shown on plans where required. Fencing shall be 6' tall temporary chain link panels installed with metal connections so that all panels are integrated, these fences shall be installed to prohibit passage of pedestrians and/or vehicles through it.

C. A certified arborist shall be consulted if any pruning is necessary during construction, on trees to remain.

D. Disturbance of tree protection fence prior to completion of project, shall be permitted only to complete required work which occurs within the drip line of existing trees.

E. If trees "over 2" are encountered during construction, the contractor shall contact a certified arborist to assess and root prune as necessary.

F. Contractor shall not disturb roots of trees when removing sod or plain material.

G. Contractor shall be responsible for the design and installation of tree protection fencing, to achieve positive drainage, except to match grades with sidewalks and curbs, and in those areas, feather the added topsoil back to existing grade at an approximately 3:1 slope.

H. Inspection Schedule:

- 1) Tree protection fencing placement shall be approved by owner's representative before demolition begins.
- 2) Routine inspections of fencing and site conditions will occur during the course of construction, work shall cease if fencing is damaged or moved without prior approval or as outlined above.
- 3) Final inspection at completion of project to determine condition of trees.

**TREE INVENTORY**

Tree #	Species	DBH in inches	Crown radius in feet	Condition	Tree protection zone radius in feet	Notes
1	Ulmus parvifolia	8	7.5	poor	11	to remain and be protected
2	Cedrus deodara	11	10	poor	8	to remain and be protected
3	Cedrus deodara	10	7.5	good	7.5	to remain and be protected
4	Cedrus deodara	12	10	good	9	to remain and be protected
5	Cedrus deodara	10	11	good	7.5	to remain and be protected
6	Cedrus deodara	10	9	good	7.5	to remain and be protected
7	Cedrus deodara	8	8	good	6	to remain and be protected
8	Cedrus deodara	16	15	good	18	to remain and be protected
9	Cedrus deodara	10	10	poor	0	to remain and be protected
10	Prunus sp.	6	7.5	poor	n/a	to be removed
11	Ulmus parvifolia	15	17.5	moderate	n/a	to be removed
12	Quercus garryana	14	10	dead	n/a	to be removed
13	Quercus garryana	15	15	dead	n/a	to be removed
14	Quercus garryana	30	15	poor-mod	n/a	to be removed
15	Quercus garryana	6	5	moderate	n/a	to remain
16	Quercus garryana	20	12	moderate	n/a	to remain
17	Quercus garryana	14	7.5	moderate	n/a	to remain
18	Quercus garryana	6	6	poor-mod	n/a	to be removed
19	Quercus garryana	10	6	poor-mod	n/a	to be removed
20	Quercus garryana	6	3	poor-mod	n/a	to remain
21	Quercus garryana	8	3	moderate	n/a	to remain
22	Quercus garryana	15	6.5	poor-mod	n/a	to remain
23	Quercus garryana	30	7.5	poor-mod	22.5	to remain and be protected
24	Quercus garryana	30	7.5	good	18	to remain and be protected
25	Quercus garryana	24	7.5	good	4	to remain and be protected
26	Quercus garryana	9	5	good	4.5	to remain and be protected
27	Quercus garryana	6	5	good	3	to remain and be protected
28	Quercus garryana	6	7.5	good	3	to remain and be protected
29	Quercus garryana	6	7.5	good	3	to remain and be protected
30	Quercus garryana	12	7.5	good	3	to remain and be protected

**SPECIFICATIONS FOR DEMOLITION AND SITE CLEARING**

A. The demolition contractor is required to meet with the owner's representative at the site prior to beginning work to review all work procedures, access and haul routes, and tree protection measures.

B. A qualified arborist shall be hired to prune all trees to remain, as necessary.

C. Trees to be removed shall be felled so as to fall away from tree protection zones and to avoid pulling and breaking of roots of trees to remain. If roots are embedded, the consultant requires to first sever the major woody root mass before extracting the trees. This may be accomplished by cutting through the roots by hand, with a vibrating cutter, rock saw, narrow trencher with sharp blades, or other approved root-pulling equipment.

D. All trees and underground features to be removed within the tree protection zone shall use the smallest equipment possible and operate from outside the tree protection zone.

E. Any damage to trees due to demolition activities shall be reported to the consulting arborist within six hours so that remedial action can be taken. Timeliness is critical to tree health.

F. If temporary haul or access roads must pass over the root area of trees to be retained, a roadbed of 6 inches of mulch shall be created to protect the soil. The roadbed material shall be replenished as necessary to maintain a 6-inch depth.

**TREE PROTECTION AND REMOVAL PLAN AND DEMOLITION PLAN**



**Laurie Sager**  
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC  
 700 MISTLETOE ROAD, SUITE 201  
 ASHLAND, OREGON 97520



Revision Date:

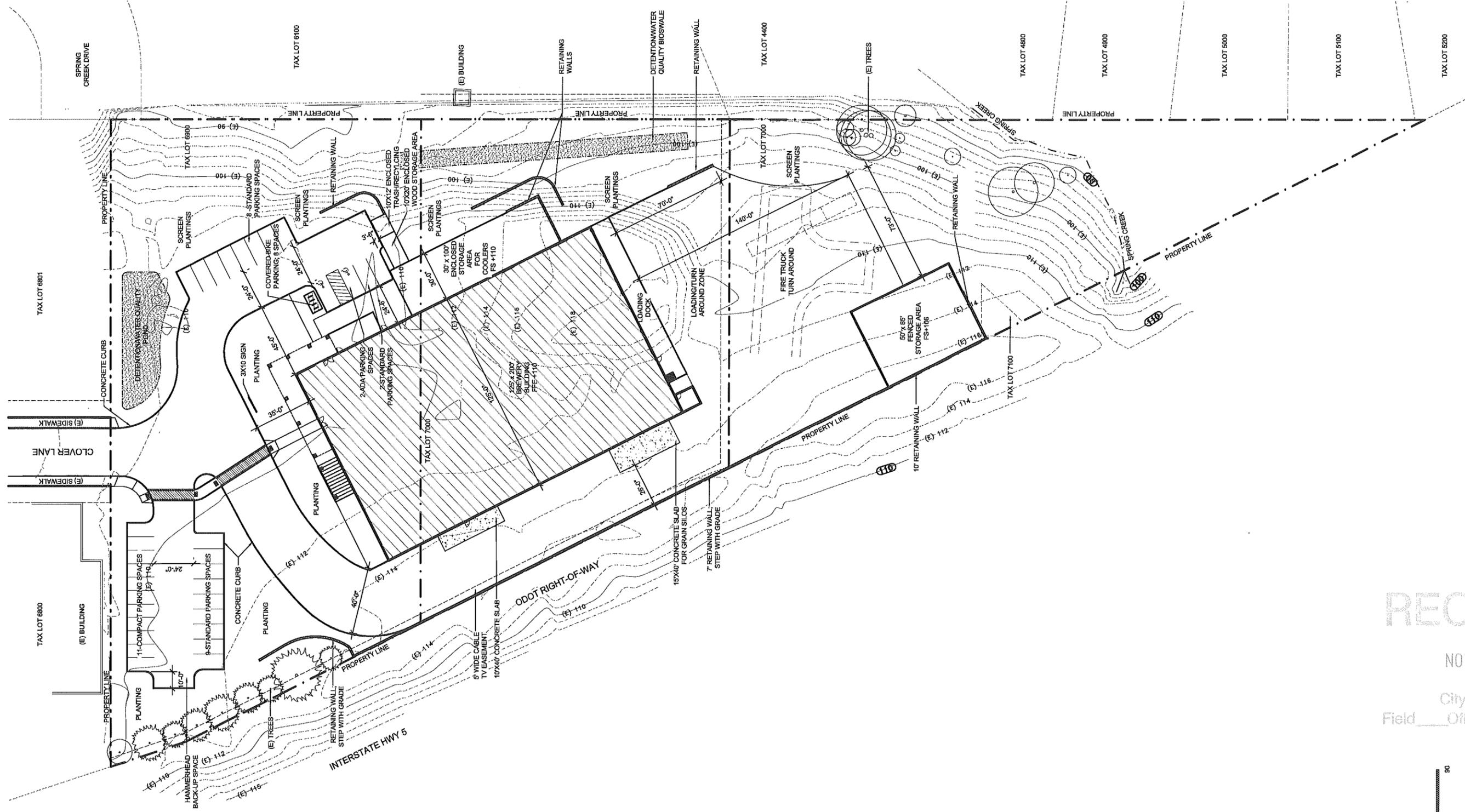
Drawn By:  
 KAG  
 Scale 1" = 30'-0"

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 City of Ashland  
 Field Office County

**CALDERA BREWING COMPANY**  
 590 CLOVER LANE  
 ASHLAND, OREGON

November 17, 2010

**L-1.0**



SITE PLAN



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Laurie Sager  
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC  
 700 MISTLETOE ROAD, SUITE 201  
 ASHLAND, OREGON 97520



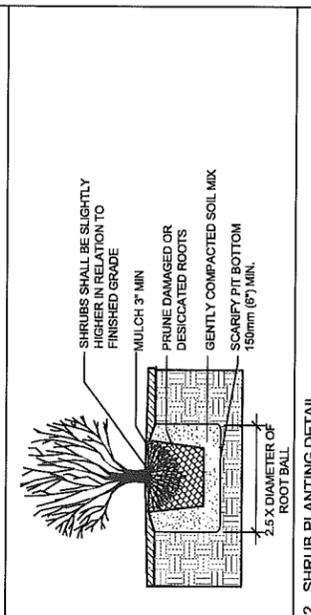
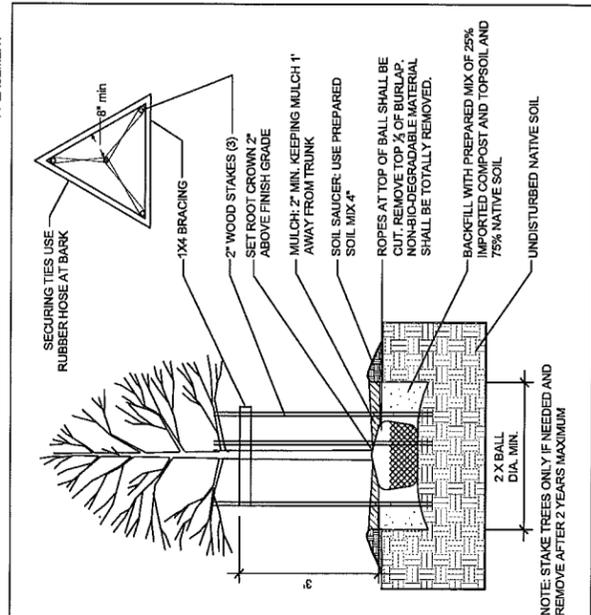
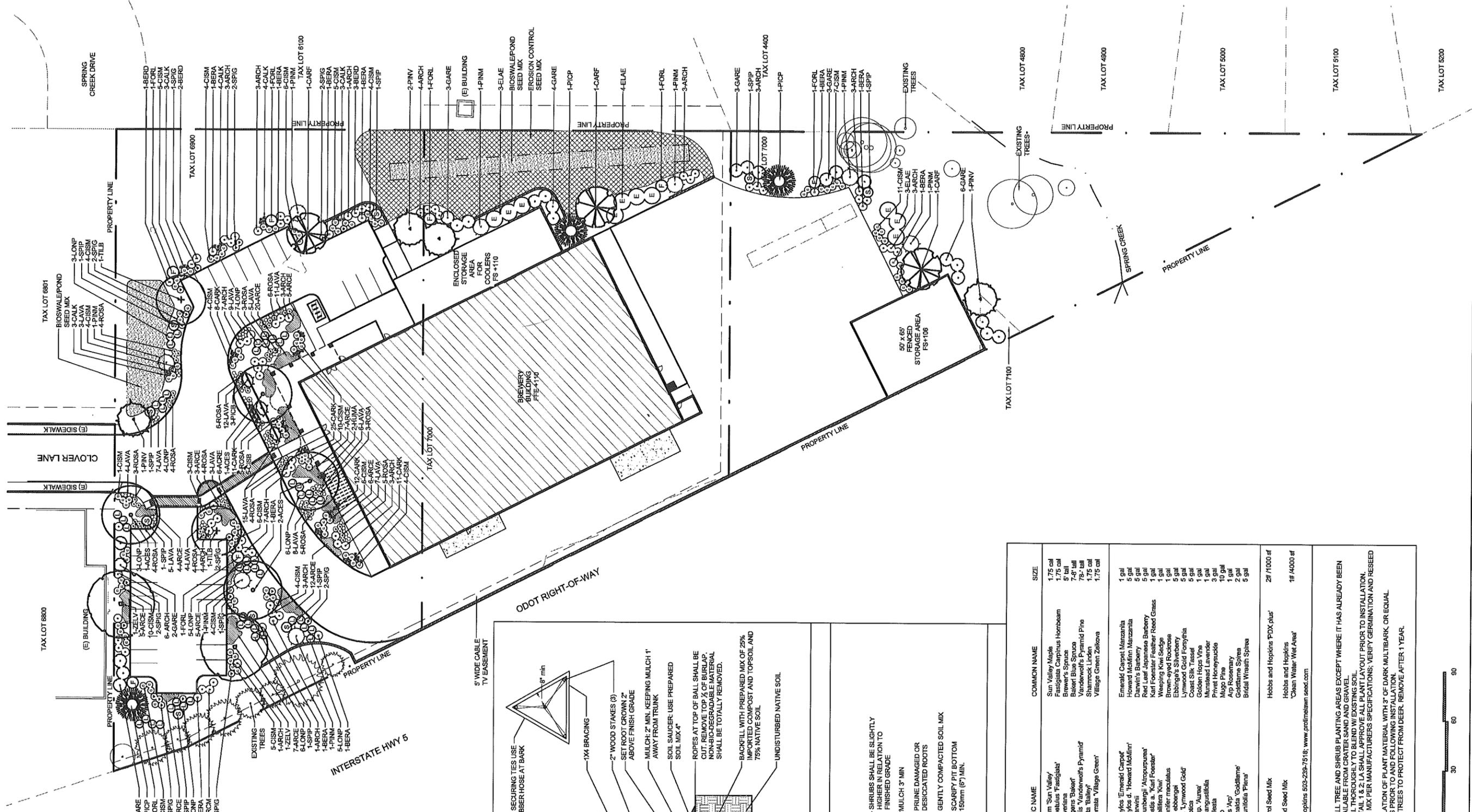
Revision Date:

Drawn By:  
 KAG  
 Scale 1" = 30'-0"

CALDERA BREWING COMPANY  
 590 CLOVER LANE  
 ASHLAND, OREGON

November 17, 2010

L-2.0



CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	ACES	Acer rubrum 'Sun Valley'	Sun Valley Maple	1.75 cal
	CARE	Carpinus betulus 'Fastigial'	Fastigial Hornbeam	1.75 cal
	PICB	Picea breweriana	Brewer's Spruce	5' tall
	PINV	Pinus pungens 'Baker'	Baker's Blue Spruce	7-8' tall
	TILB	Tilia cordata 'Bailey'	Sharon's Lilac	1.75 cal
	ZELV	Zelkova serrata 'Village Green'	Village Green Zelkova	1.75 cal
SHRUBS, GROUNDCOVERS AND GRASSES	ARCE	Arctostaphylos 'Emerald Carpet'	Emerald Carpet Manzanita	1 gal
	ARCM	Arctostaphylos s. 'Howard McMillin'	Howard McMillin Manzanita	5 gal
	BERD	Berberis thunbergii 'Atropurpurea'	Berberis darwinii	5 gal
	BERA	Berberis darwinii	Darwin's Barbary	5 gal
	CALK	Calla magrostes s. 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 gal
	CHSK	Chamaecyparis nootkatensis	Emerald Green	1 gal
	CHSE	Chamaecyparis nootkatensis	Emerald Green	1 gal
	ELAE	Elaeagnus ebbingei	Down-eyed Ruscus	1 gal
	FORL	Forsythia s. 'Lynwood Gold'	Lynwood Gold Forsythia	5 gal
	GARE	Garrya elliptica	Coast Silk Tassel	5 gal
	HUMA	Humulus lup. 'Aurea'	Golden Hops Vine	1 gal
	LAVA	Lavandula angustifolia	Munstead Lavender	1 gal
	LONP	Lonicera pileata	Privet Honeyuckle	3 gal
	LONP	Lonicera pileata	Privet Honeyuckle	10 gal
	PINM	Pinus mitis	Mugo Pine	1 gal
	ROSA	Rosa 'Goldflame'	Goldflame Rose	1 gal
	SPIS	Spirea prunifolia 'Plena'	Spirea prunifolia 'Plena'	5 gal
SEED MIXES	XXXX	Erosion Control Seed Mix	Hobbs and Hopkins 'PDX plus'	2# /1000 sf
	XXXX	Bioswale/Pond Seed Mix	Hobbs and Hopkins 'Clean Water Wet Area'	# / 4000 sf

**NOTES**

1. PLACE 8" COMPOST/TOPSOIL BLEND IN ALL TREE AND SHRUB PLANTING AREAS EXCEPT WHERE IT HAS ALREADY BEEN INSTALLED. COMPOST/TOPSOIL BLEND AVAILABLE FROM GRATER SAND AND GRAVEL.
2. INSTALL SOIL BLEND IN 3" LIFTS AND TILL THOROUGHLY TO BLEND W/ EXISTING SOIL.
3. ALL TREES AND SHRUBS PER DETAIL 1 & 2. LA SHALL APPROVE ALL PLANT LAYOUT PRIOR TO INSTALLATION. SEED MIXES IDENTIFIED WITH SEED MIX PER MANUFACTURERS SPECIFICATIONS; VERIFY GERMINATION AND RESEED ANY BARE AREAS.
4. MULCH PLANTING AREAS AFTER INSTALLATION OF PLANT MATERIAL WITH 3" OF DARK MULTIBARK, OR EQUAL.
5. APPLY DEER SPRAY TO ALL NEW PLANTS PRIOR TO AND FOLLOWING INSTALLATION.
6. PROVIDE TEMPORARY FENCING TO ALL TREES TO PROTECT FROM DEER. REMOVE AFTER 1 YEAR.



**Laurie Sager**  
**AND ASSOCIATES LANDSCAPE ARCHITECTS INC**  
 700 MISTLETOE ROAD, SUITE 201  
 ASHLAND, OREGON 97520

REGISTERED  
 STATE OF OREGON  
 REG. # 527  
 Laurie Sager  
 02/14/03  
 LANDSCAPE ARCHITECT

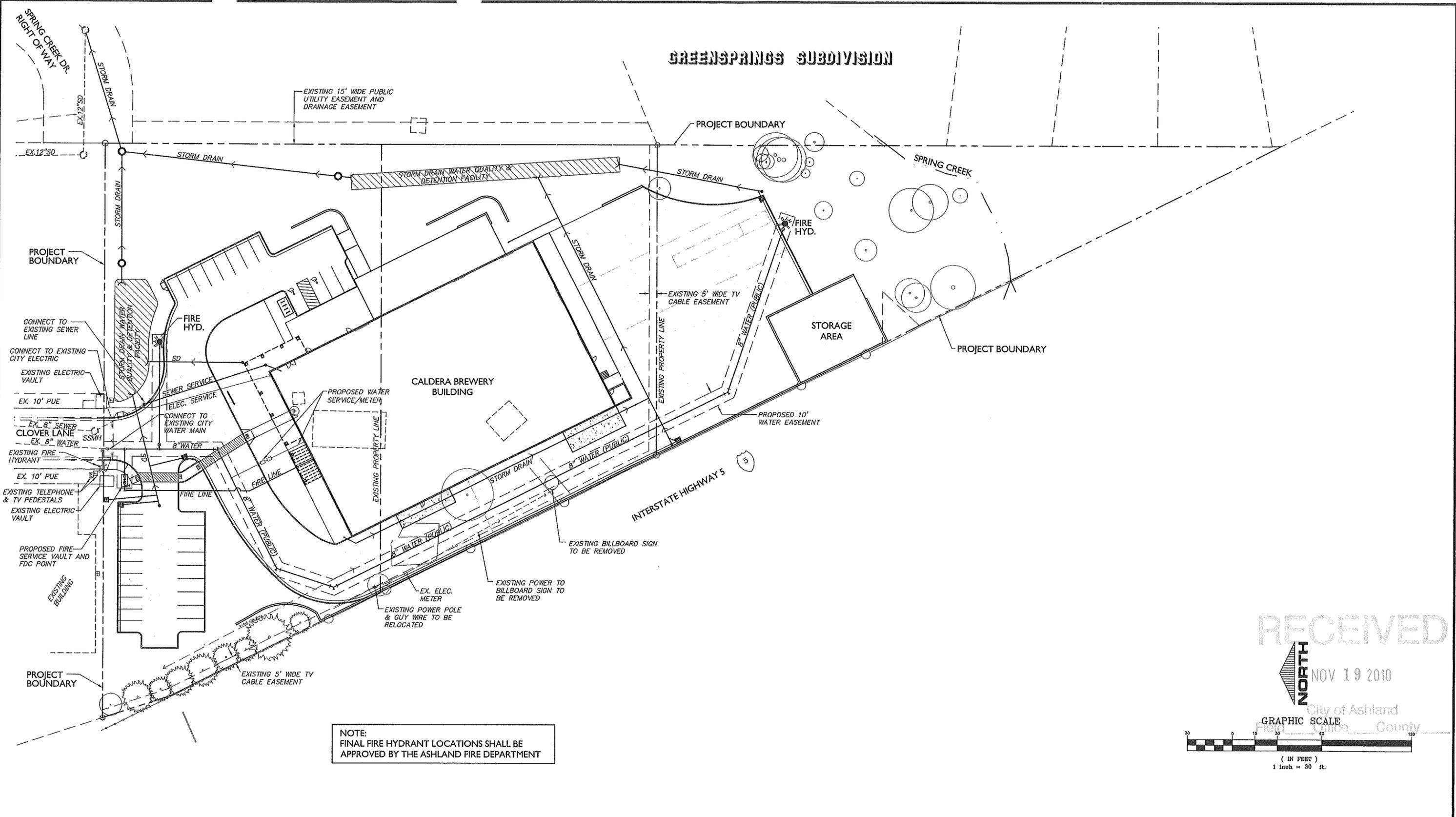
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**CAIDERA BREWING COMPANY**  
 590 CLOVER LANE  
 ASHLAND, OREGON

November 17, 2010  
 L-3.0  
 City of Ashland  
 Planning Office



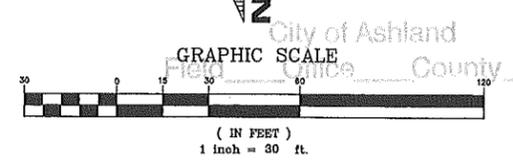
# GREENSPRINGS SUBDIVISION



NOTE:  
FINAL FIRE HYDRANT LOCATIONS SHALL BE APPROVED BY THE ASHLAND FIRE DEPARTMENT

RECEIVED

NORTH  
NOV 19 2010



P.O. BOX 1724 • MEDFORD, OREGON 97501  
PH. (541) 779-5268 • FAX (541) 779-3139

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CHECKED BY:	MWK, PWH	DATE:	11/10
		DATE:	
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		DATE:	

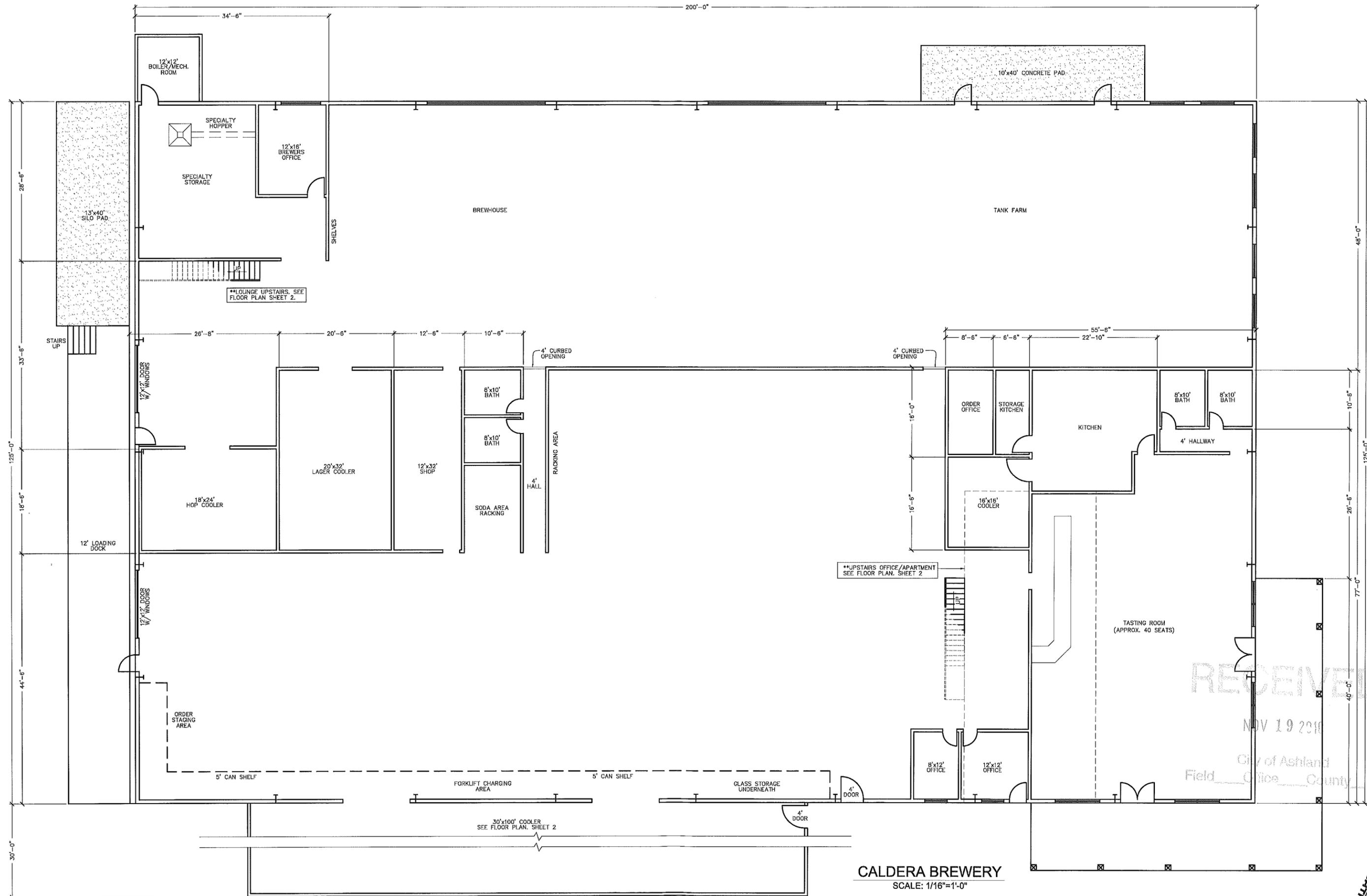
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CITY OF ASHLAND

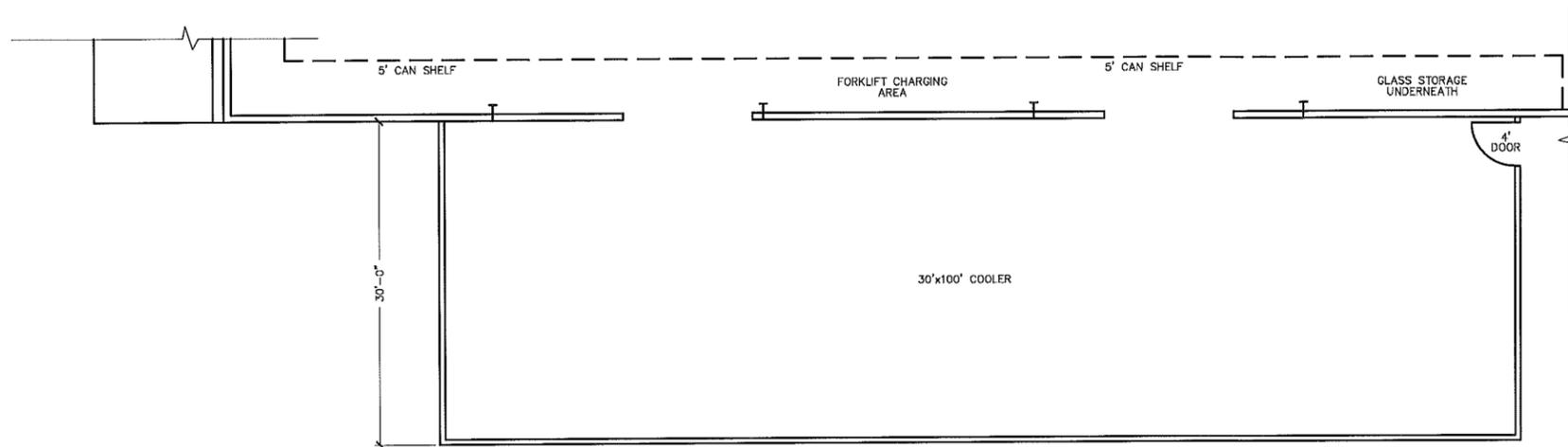
CALDERA BREWING COMPANY  
590 CLOVER LANE  
CONCEPTUAL UTILITY PLAN

PROJECT NO. \_\_\_\_\_  
DRAWING NO. **C.2**

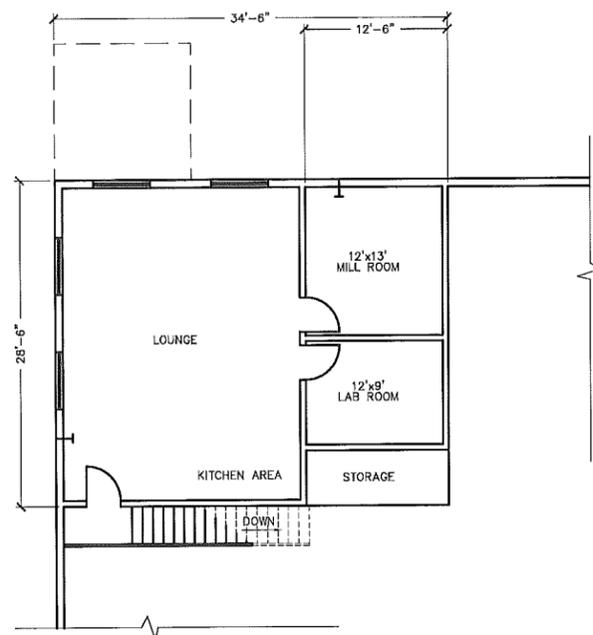


**CALDERA BREWERY**  
SCALE: 1/16"=1'-0"

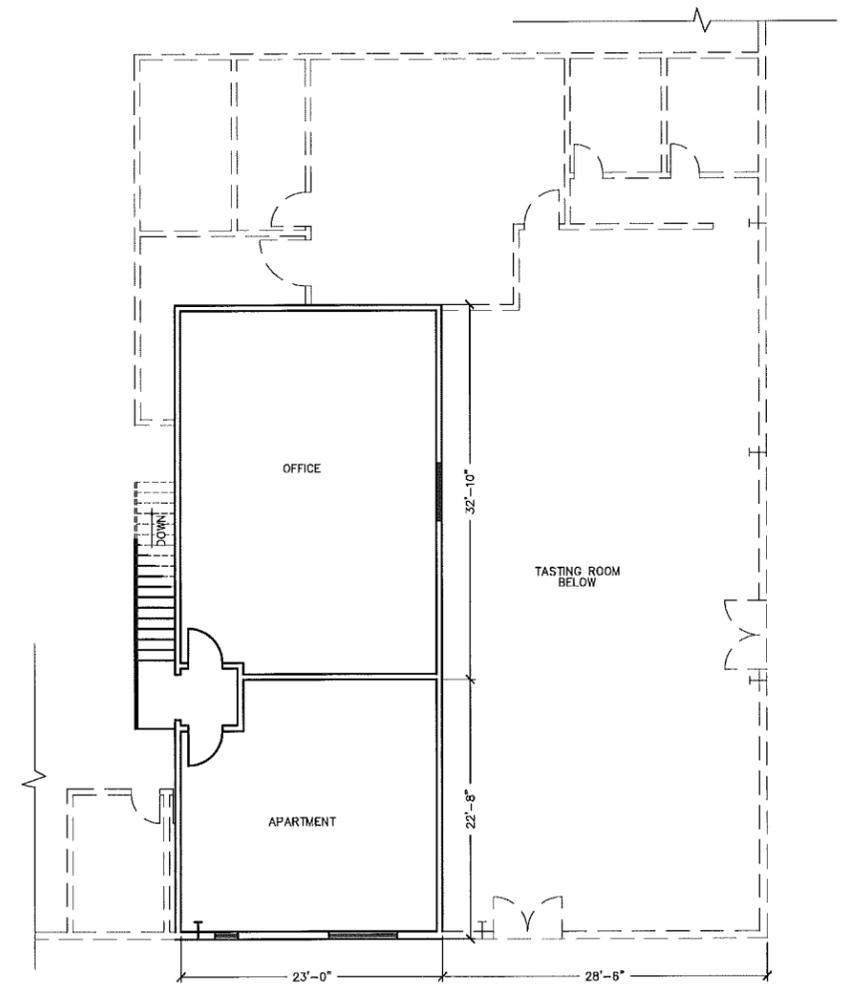
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**COOLER PLAN**  
 SCALE: 1/16"=1'-0"



**UPSTAIRS LOUNGE**  
 SCALE: 1/16"=1'-0"



**UPSTAIRS OFFICE/APARTMENT**  
 SCALE: 1/16"=1'-0"

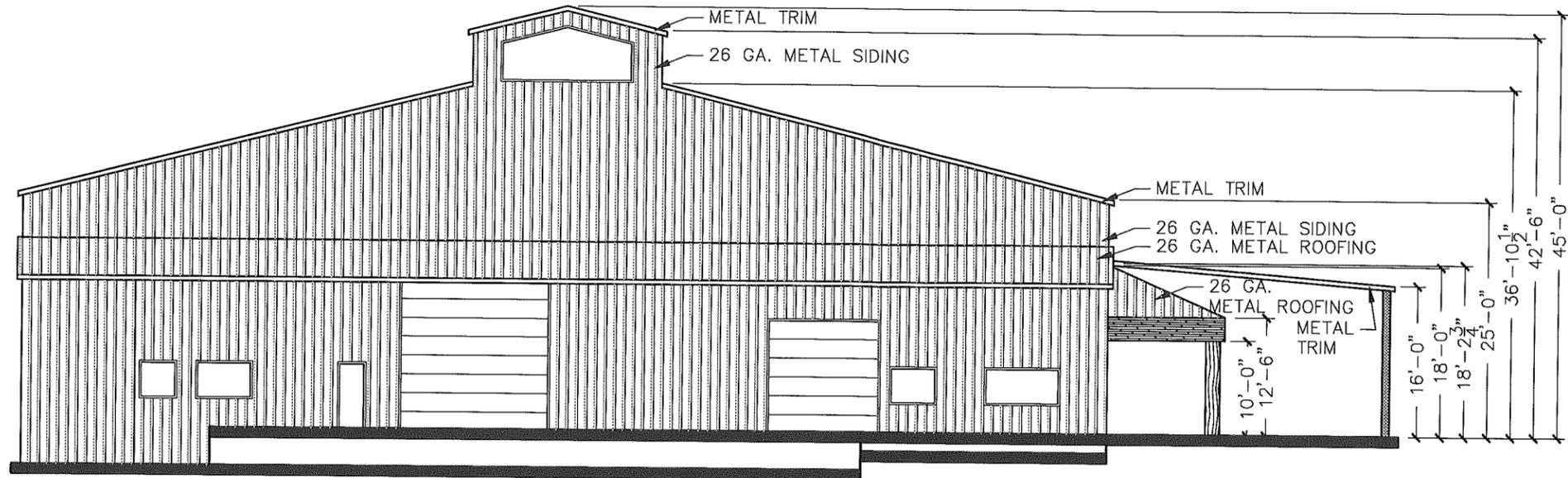
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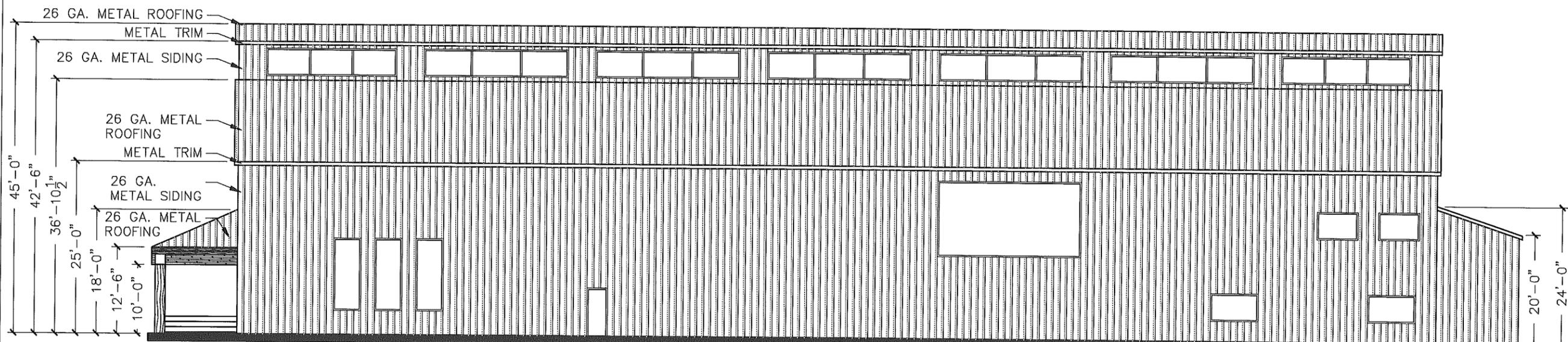
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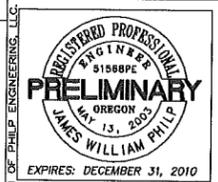




**SOUTH ELEVATION**  
 (NOT FOR CONSTRUCTION)  
 SCALE: 1/16" = 1'-0"



**WEST ELEVATION**  
 (NOT FOR CONSTRUCTION)  
 SCALE: 1/16" = 1'-0"



**CALDERA BREWING COMPANY**  
 590 CLOVER LN - T39 RIE 14AA TL6900 AND 7000  
 STEVEN MORJIG AND  
 OUTDOOR MEDIA DIMENSIONS, INC.  
 APPLICATION PACKAGE  
 ASHLAND, OREGON

**PHILP ENGINEERING, LLC.**

P.O. BOX 8069  
 MEDFORD, OREGON 97501  
 PHONE: (541) 951-3957  
 E-MAIL: philp.lic@gmail.com

REVISIONS	

DESIGNED BY: JWP  
 DRAWN BY: JWP  
 CHECKED BY: JWP  
 SCALE: AS NOTED  
 FILE: 100100 APP

DATE: 09/03/10

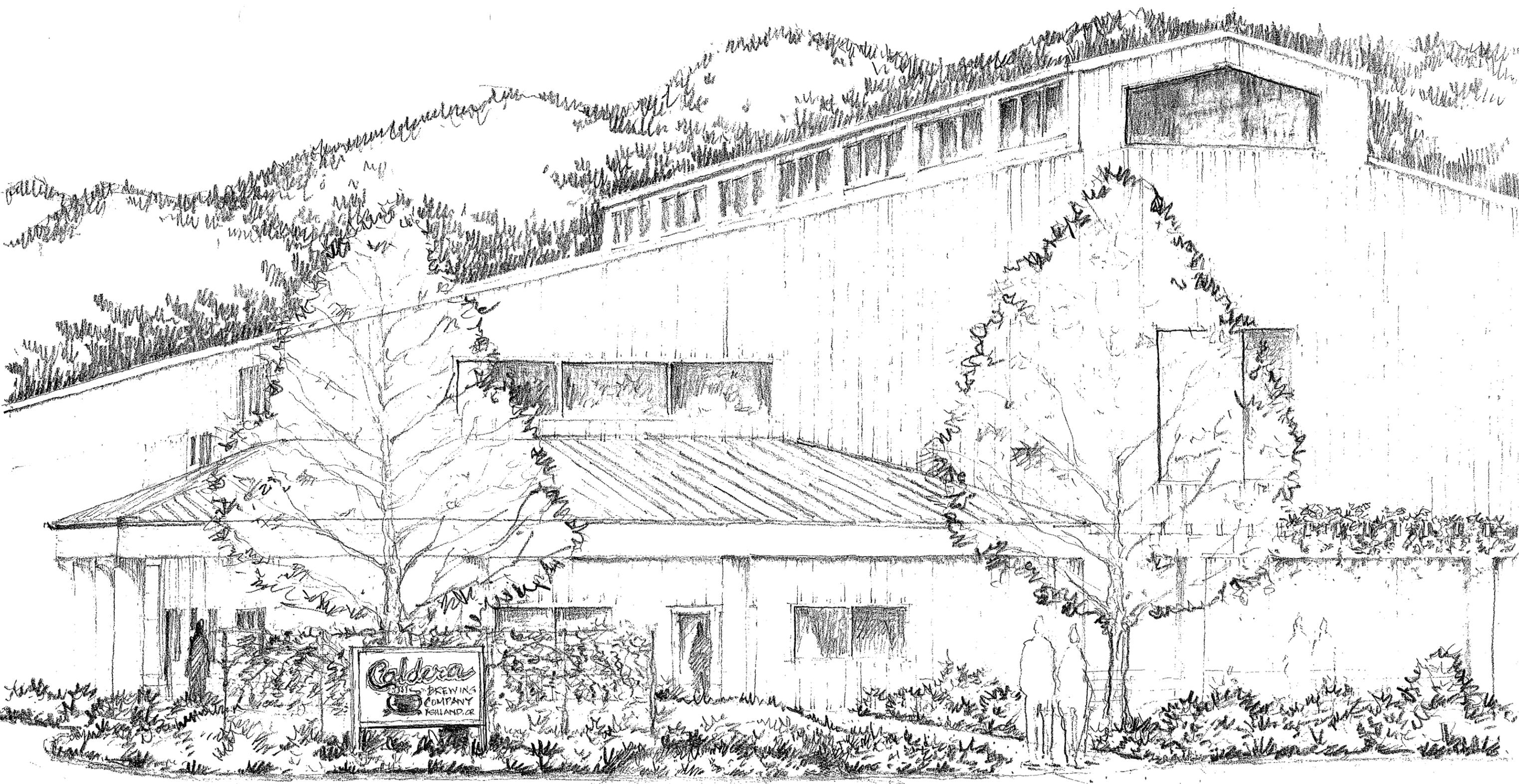
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PE JOB # 100100

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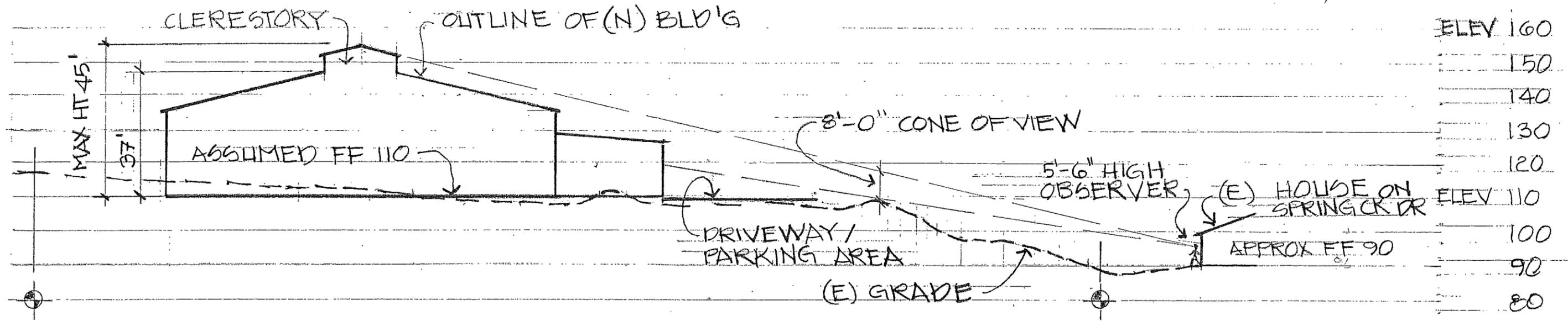


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*Martin Kee*



SITE CROSS SECTION A-A

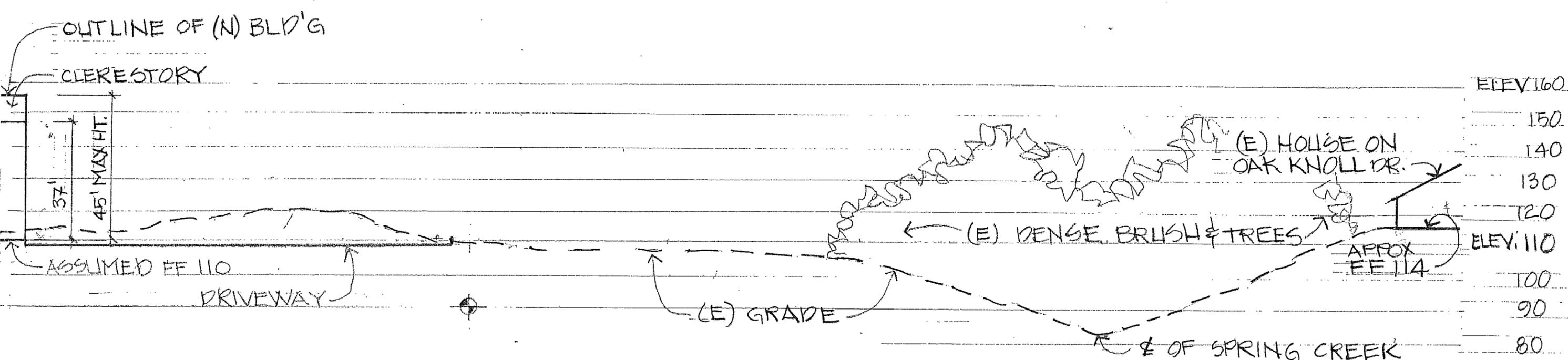
SCALE: 1" = 30'

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City of Ashland

Field Office County



SITE CROSS SECTION B - B  
 SCALE: 1" = 30'

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VIEW 2- EXISTING BUILDINGS ON CLOVER LANE

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Field \_\_\_ Office \_\_\_ County \_\_\_



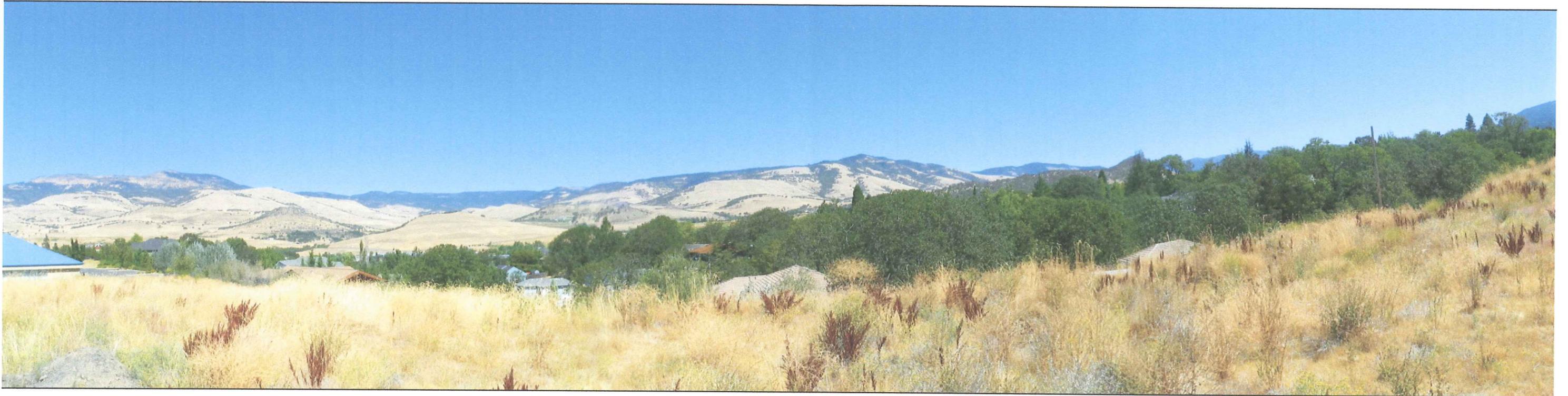
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Field Office County

VIEW 3- FROM SPRING CREEK DRIVE



VIEW 1- ENTRANCE TO SITE

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Field \_\_\_ Office \_\_\_ County \_\_\_

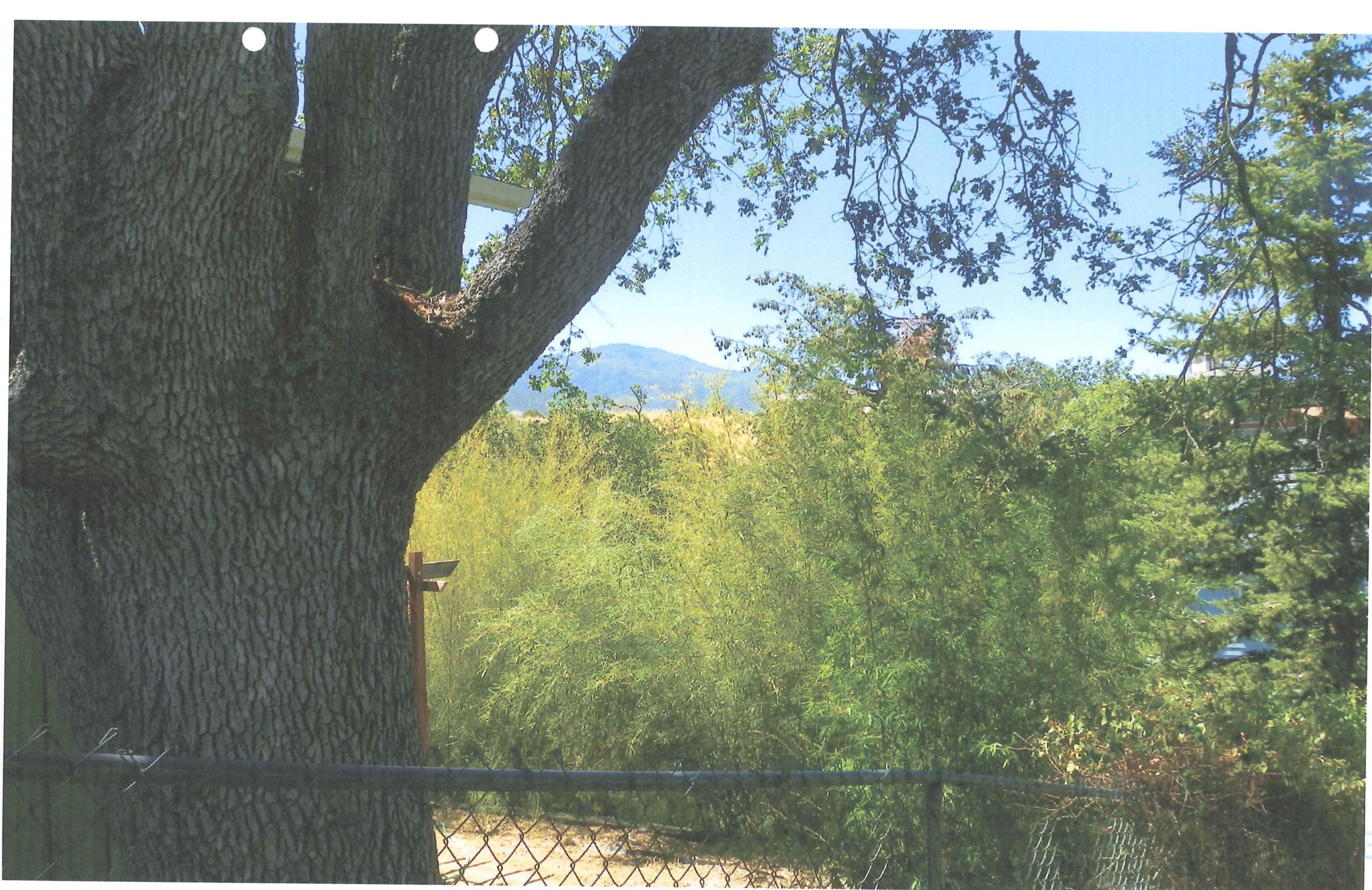


VIEW 4- ALONG THE TOP OF BANK TOWARD SPRING CREEK AND OAK KNOLL DRIVES

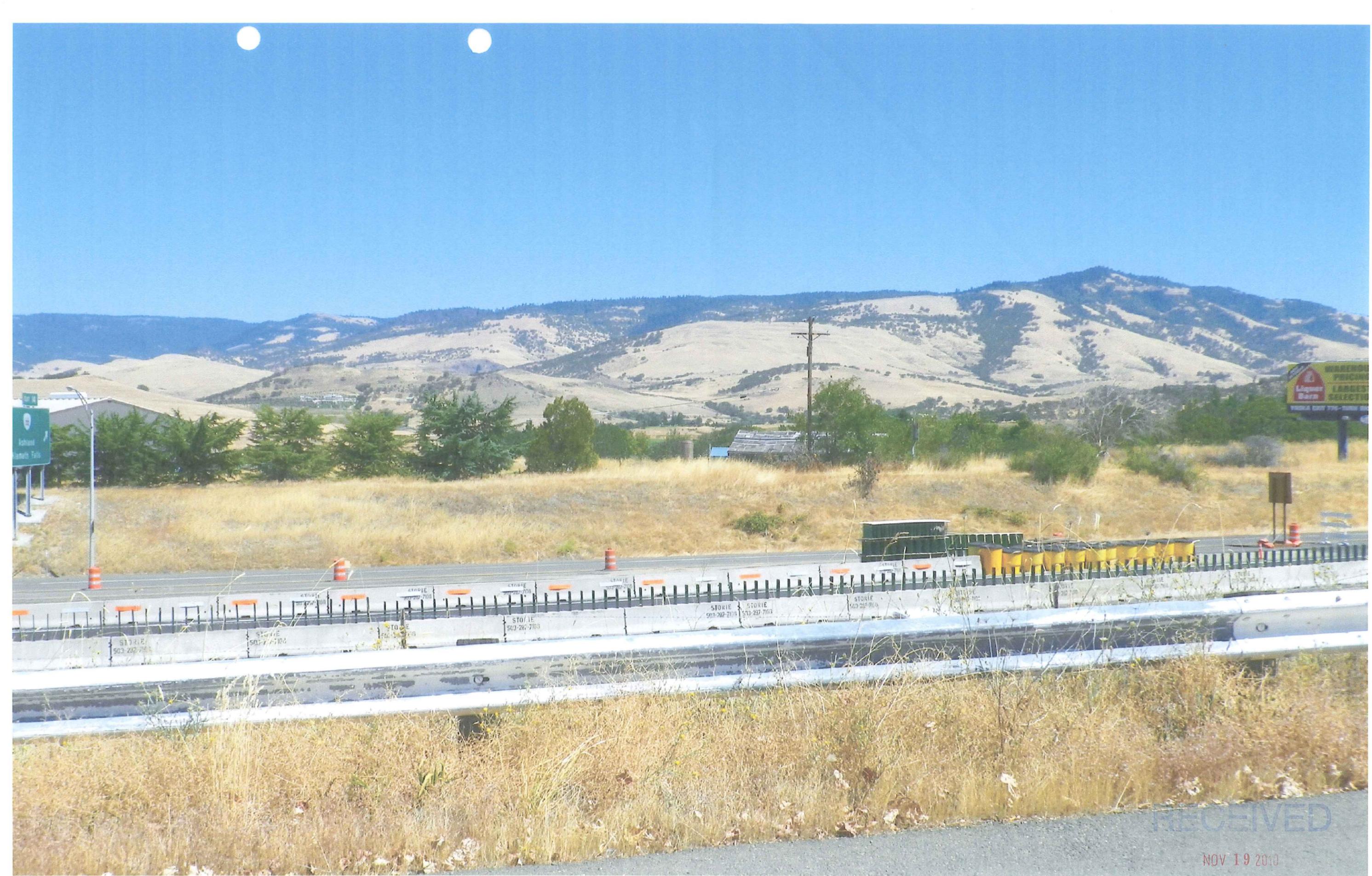
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City of Ashland  
Field \_\_\_ Office \_\_\_ County \_\_\_



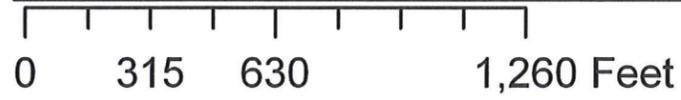
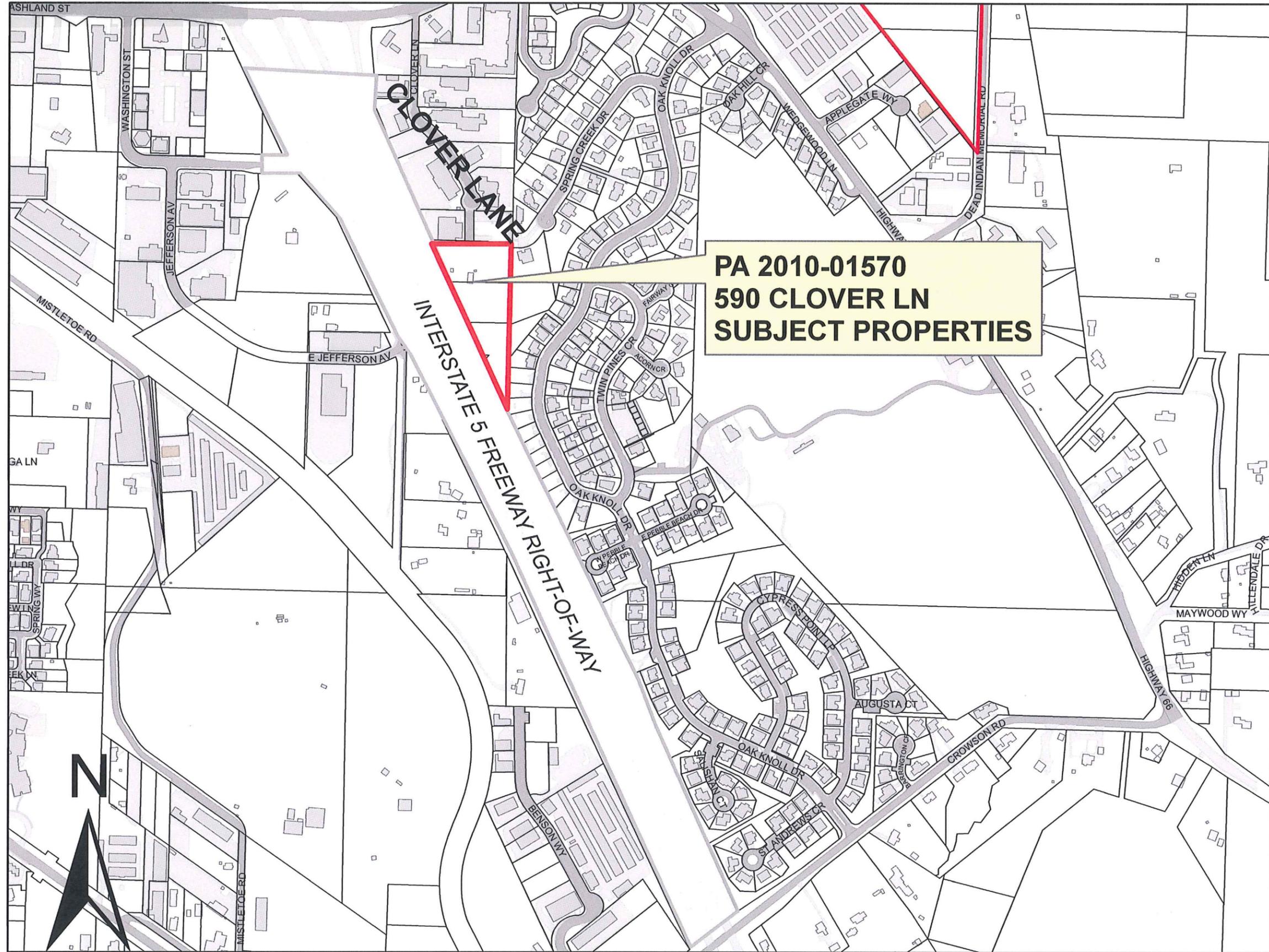
VIEW 5- FROM BACK YARD OF HOUSE ON OAK KNOLL DRIVE



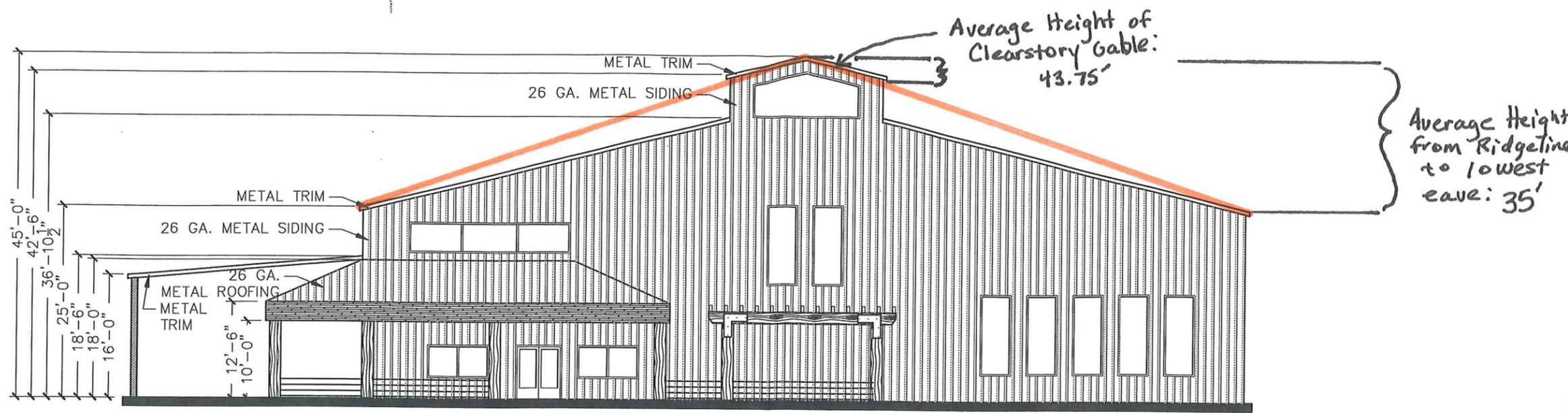
VIEW 6- FROM ACROSS I-5 (WASHINGTON STREET)

City of Ashland  
Field \_\_\_ Office \_\_\_ County \_\_\_

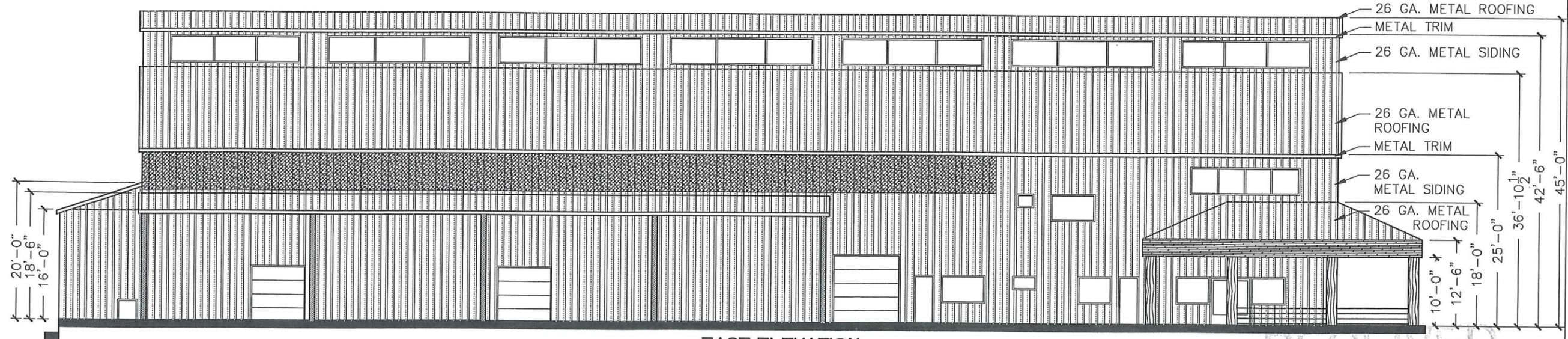
NOV 19 2010



Property lines are for reference only, not scaleable



**NORTH ELEVATION**  
(NOT FOR CONSTRUCTION)  
SCALE: 1/16" = 1'-0"



**EAST ELEVATION**  
(NOT FOR CONSTRUCTION)  
SCALE: 1/16" = 1'-0"



**PRELIMINARY**  
CALDERA BREWING COMPANY  
590 CLOVER LN - T39 RIE 144A TL6900 AND 7000  
STEVEN MORJIG AND  
OUTDOOR MEDIA DIMENSIONS, INC.  
APPLICATION PACKAGE  
ASHLAND, OREGON

**PHILIP ENGINEERING, LLC.**  
P.O. BOX 8069  
MEDFORD, OREGON 97501  
PHONE: (541) 957-3957  
E-MAIL: philp.lic@gmail.com

REVISIONS	
1	
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5	

DESIGNED BY: JWP  
DRAWN BY: JWP  
CHECKED BY: JWP  
SCALE: AS NOTED  
FILE: 100100 APP

DATE:  
09/03/10

SHEET  
**A1**

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Field Office County



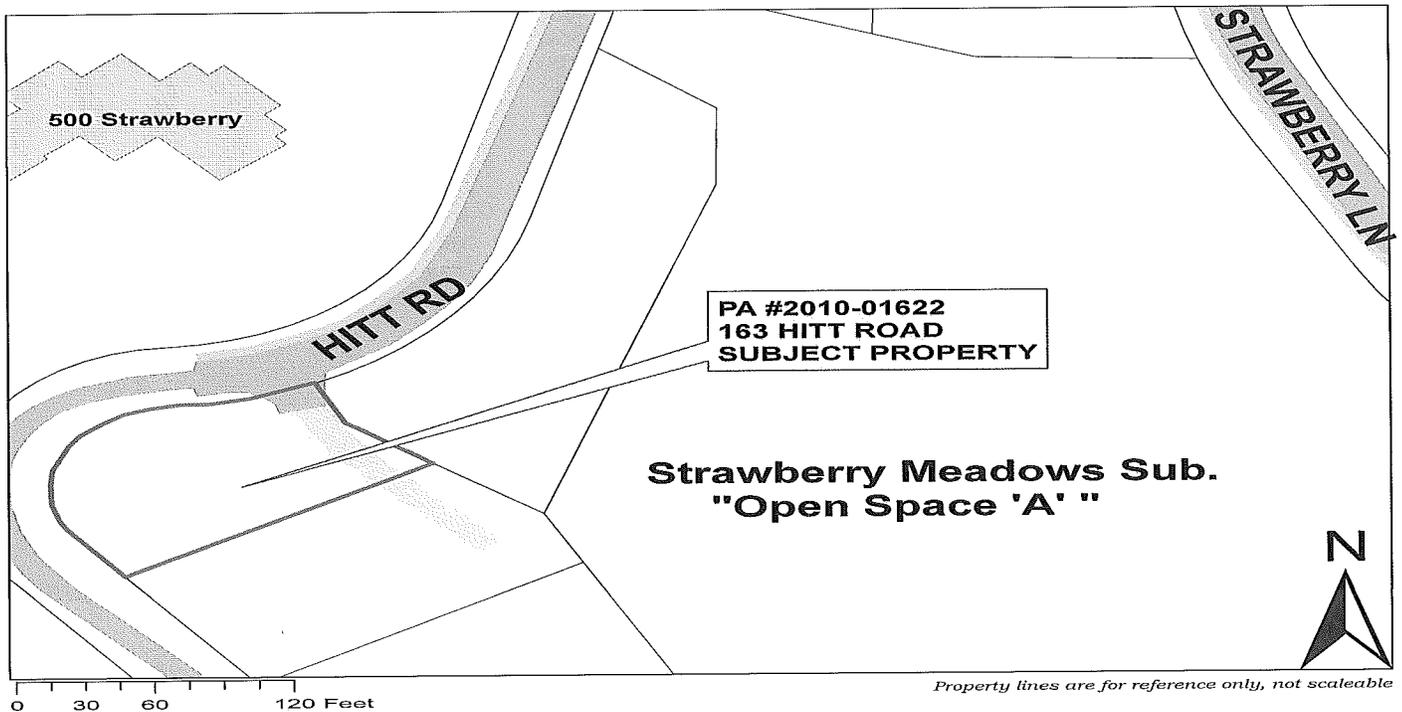
**PLANNING ACTION:** 2010-01622

**SUBJECT PROPERTY:** 163 Hitt Road

**OWNER/APPLICANT:** R. Scott Dixon and Joan Cresse

**DESCRIPTION:** A request for a Modification of the Performance Standards Options Subdivision Final Plan Approval (PA #2003-020) for the Strawberry Meadows Subdivision. The proposed modifications include relocation of the driveway entrance, changes to the approved building envelope, and the allocation of a portion of the lot coverage from the subdivision's approved "Open Space 'A'" to allow increased lot coverage for Lot #6, located at 163 Hitt Road. **COMPREHENSIVE PLAN DESIGNATION:** Rural Residential within a Performance Standards Overlay; **ZONING:** RR-5-P; **ASSESSOR'S MAP #:** 39 1E 08AC; **TAX LOTS:** 506.

**ASHLAND PLANNING COMMISSION MEETING:** January 11, 2011 at 7:00 PM, Ashland Civic Center



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102-.35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

## **FINAL PLAN APPROVAL**

### 18.88.030.B.5 Criteria for Final Approval

Final plan approval shall be granted upon finding of substantial conformance with the outline plan. Nothing in this provision shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan shows that:

- a. The number of dwelling units vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Title.
- c. The open spaces vary no more than ten (10%) percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten (10%) percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this Title and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.

(ORD 2836, 1999)

**ASHLAND PLANNING DIVISION  
STAFF REPORT  
January 11, 2011**

**PLANNING ACTION:** 2010-01622

**APPLICANT:** R. Scott Dixon and Joan Cresse

**LOCATION:** 163 Hitt Road

**ZONE DESIGNATION:** RR-.5-P

**COMPREHENSIVE PLAN DESIGNATION:** Rural Residential within a Performance Standards Overlay

**APPLICATION DEEMED COMPLETE:** January 3, 2011

**120-DAY TIME LIMIT:** May 3, 2011

**ORDINANCE REFERENCE:**

18.16	Rural Residential
18.62	Physical and Environmental Constraints
18.88	Performance Standards

**REQUEST:** Request for a Modification of the Performance Standards Options Subdivision Final Plan Approval (PA#2003-020) for the Strawberry Meadows Subdivision. The proposed modifications include relocation of the driveway entrance, changes to the approved building envelope, and the allocation of a portion of the lot coverage from the subdivision's approved "*Open Space A*" to allow increased lot coverage for Lot #6, located at 163 Hitt Road.

**I. Relevant Facts**

**A. Background - History of Application**

In 1998, Strawberry Meadows subdivision (PA #1997-00054) received Outline Plan approval for a 25-lot subdivision under the Performance Standards Option for the properties located adjacent to Strawberry Lane and Hitt Road.

In 2000, the approved Outline Plan was modified to reduce the number of lots from 25 to 21 and the road configuration was modified (PA #2000-00082). This application received an extension in 2002 (PA #2002-00048).

In 2003, the Final Plan for the Subdivision was approved (PA #2003-020). Numerous lots within the three phases of the subdivision have received approvals for residential construction under this Final Plan configuration.

There are no other planning actions of record for the site.

## B. Detailed Description of the Site and Proposal

The subject property was created as part of the Strawberry Meadows Subdivision under the Performance Standards Options Chapter (AMC 18.88). In its final configuration, the Strawberry Meadows Subdivision included 21 developable lots and four open space lots. The subdivision is comprised of approximately 21 acres, with lots ranging in size from one-half acre to significantly less, with the remaining acreage reserved in undevelopable open space. The Performance Standards Options Chapter requires that existing natural features of the land be identified in development plans and that significant features be included in the open space, common areas, and unbuildable areas. In previous developments in the immediate vicinity (i.e. 500 Strawberry Lane, on the other side of Hitt Road from the subject property), severe constraints lands with slopes in excess of 35 percent have been considered to be significant natural features and have been required to be protected as unbuildable by their inclusion in open space. A significant portion of the Strawberry Meadows Subdivision open space, particularly Open Space A which is with the Brown phase of the subdivision, had slopes in excess of 35 percent and were accordingly protected through their inclusion in commonly-owned open space areas. Of the developable lots within the subdivision, 11 have now been developed and ten remain vacant.

The subject property is Lot # 6 of the Strawberry Meadows Subdivision. The lot is vacant. The subject property is located on Hitt Road; Hitt Road wraps around the parcel on two sides and there is a gate across Hitt Road blocking access just beyond the parcel. A paved, shared driveway accessing two vacant parcels to the southeast crosses the northeast portion of the parcel. The lot is approximately 12,200 square feet in size and is irregularly shaped. The lot is zoned RR-.5 as are the surrounding properties in the subdivision.

The lot slopes downhill to the northeast with slopes ranging from 16 to 35 percent. According to the applicants' submittals, natural slopes are 23 to 28 percent, and the areas of steeper slopes were artificially created with the installation of Hitt Road and the private driveway. There are a number of small oak and manzanita trees on the parcel, the majority are less than six inches in diameter-at-breast-height. There are two trees greater than six inches in diameter at breast height within 15 feet of the lot.

### 1. Modification of Performance Standards Option Subdivision Final Plan –

Applications which modify the previous subdivision approval by more than ten percent than the originally approved Final Plan require a Modification of the Final Plan approval. The current application requests three modifications of the Strawberry Meadows Subdivision approval:

- **Access:** The applicants are proposing to move the approved access to the parcel from the shared driveway on the northeast edge of the lot to Hitt Road. The gate that crosses Hitt Road would be relocated approximately 88-feet past its current location to accommodate the proposed new driveway's placement.

- **Envelope:** The applicant is also proposing to modify the approved building envelope by adding 666 square feet along the southwestern property line, closer to Hitt Road.
- **Coverage:** Lastly, the applicant is requesting a modification to the amount of allowed lot coverage. In this instance, each of the properties within this portion of the subdivision is currently allowed 20 percent lot coverage. The applicants are requesting that a portion of the lot coverage which would otherwise be allowed for “*Open Space A*” be allocated to their individual parcel in order to increase its allowed coverage using the flexibility of the Performance Standards Options Chapter AMC 18.88.

While the application proposes to modify the lot’s envelope, access and coverage, and provides a conceptual site plan illustrating how the allocated coverage might be used, no specific development proposal has been provided for review and none is being approved here. Because the property has slopes in excess of 25 percent, development will be subject to the Physical and Environmental Constraints Review Permit process under AMC 18.62 and no development of the lot could occur until that review and approval has been completed.

## **II. Project Impact**

The proposed Modification of the Subdivision Approval involves changes to the lot’s access, building envelope and allowed coverage. The Land Use Ordinance provides for modifications to be processed as a Type I procedure only where they involve only changes to tree removal and/or building envelopes. Given that the proposal involves changes beyond merely the envelope and tree removal, and the magnitude of the additional lot coverage that the applicants are requesting be allocated, the application is subject to a Type II procedure and approval requires a public hearing before the Planning Commission.

### **A. Modification of Performance Standards Option Subdivision Final Plan**

The Performance Standards Options Chapter provides for more flexibility than is permissible under the conventional zoning codes in order to reduce the impact of the development on the natural environmental and the neighborhood through the preservation of natural features and energy efficiency. A significant element of the review and approval of Performance Standards Subdivisions typically involves balancing the flexibility allowed versus conventional subdivision requirements in order to reach an ultimate configuration which can be found to benefit the applicants, the neighbors, and the community at large. In this instance, the overall lot area of the entire subdivision exceeds the minimum lot area required, and the application of flexibility under the Performance Standards Options Chapter allowed the clustering of the lots around larger open space areas which protected large unbuildable areas of the parent parcels and allowed for smaller lot areas than would be required for a standard subdivision within the RR-.5 zoning district.

## **1. Lot Access**

Existing public facilities and utilities are in place to service the project, and have been identified on a site plan and discussed in the narrative submittals provided. Water, sewer, electric and storm drain utilities are available in Hitt Road and in the private drive to serve the parcel.

Hitt Road provides access to the site. Hitt Road is a residential collector with very low traffic volumes. Hitt Road does lead to very popular hiking trails which seasonally increases the amount of traffic and on-street parking significantly. There are existing curbside sidewalks on one side of Hitt Road, opposite the subject property, which end at the last driveway before the existing gate location. The sidewalks were recently extended to this location and the gate relocated as part of the required infrastructure for a subdivision in progress at 500 Strawberry Lane. City street standards explicitly provide for exceptions to allow the installation of sidewalks on only one side of the street where natural features or topographic constraints limit their installation, and based on the slopes on the east side of Hitt Road it was previously determined that this sidewalk configuration was appropriate for this section of Hitt Road.

The applicants are proposing to move the approved access to the parcel from the shared driveway on the northeast edge of the lot to Hitt Road. The gate that crosses Hitt Road would be relocated approximately 88-feet past its current location to accommodate the proposed new driveway placement. The applicants state that this will provide more convenient vehicular access to the residents of the proposed home as they would like to have a main level garage. The applicants further note that the proposed driveway location would eliminate the need for large amounts of excavation for the retaining walls which would be required if the access remained in its current location at the bottom of the subject property from the existing shared private drive. The relocation of the access to the site will reduce the amount of disturbance on the steepest portions of the site by allowing the driveway entrance and garage to be constructed in line with the site's topography, and in staff's view the relocation is in keeping with the purpose and intent of the Performance Standards Chapter and the requirements for development of Hillside Lands.

## **2. Building Envelope Modification**

The applicant is also proposing to modify the approved building envelope by adding 666 square feet along the southwestern property line, closer to Hitt Road. Identification of a building envelope is a requirement of subdivision approvals; the envelope identifies those areas of the subject property where development disturbance may occur, and those errors with slopes in excess of 35 percent which render them unbuildable are required to be outside of the approved envelope. Building envelopes do not identify a specific building footprint or indicate the amount of allowed lot coverage but rather depict only those areas which have been approved for potential development disturbance, subject to other requirements including lot coverage and solar access.

According to the applicants' findings the area of proposed building envelope modification has less steep slopes than the areas within the building envelope adjacent to the existing shared private drive. The applicant states that the proposed envelope modifications will reduce the amount of area disturbed on the steepest portions of the lot, and for staff there are no concerns with the envelope modification proposed.

However, because a clear understanding of the concept of building envelopes relates directly to the lot coverage request which is to follow, staff would note here that in the original approval, the subdivision application specifically recognized in the applicants' submittals that the allowed lot coverage for the Strawberry Meadows development was to be limited to a maximum of 20 percent and that the building envelopes shown delineated an area where a home could be built but not the size of a specific building footprint. In response to concerns raised on appeal, the application materials emphasized that new homes would not exceed the 20 percent lot coverage restriction of the zoning district, and this restriction was to have been included in the subdivision's CC&R's as well. *(See page 40 of LUBA record, copied in applicants' Appendix 5 on page 30 of the applicants' submittal.)*

While the subdivision developers' agent has provided the current applicants with a letter indicating that application of lot coverage based on the individual lots was never their intent and that had they known that the coverage would be applied to the individual lots they would have altered the open space configuration to increase individual lot sizes to allow additional coverage, staff would emphasize first that the applicants in that original approval not only explicitly recognized that building envelopes did not identify building footprints and that the lot coverage was to be limited to 20 percent per lot, but for the substantial portions of the original parent parcels which had slopes in excess of 35 percent those areas were required to be protected as unbuildable through their inclusion in commonly owned open space.

### **3. Lot Coverage**

As previously noted, the Performance Standards Options Chapter provides for more flexibility than is permissible under conventional zoning codes in order to reduce the impact of the development on the natural environment. This flexibility has previously been applied to allow for the allocation of lot coverage at the subdivision level, looking at the coverage of the development as a whole rather than on a lot by lot basis in order to allocate some additional coverage from open space to individual lots although such allocations have historically been considered in light of the purpose and intent of the Performance Standards Options Chapter's purpose and intent and have accordingly been limited to minimize impacts to the natural environment and to keep them in character with the surrounding neighborhood.

This methodology has at times in the past been applied informally by staff to allow lot coverage allocation after a subdivision approval. In other portions of the Strawberry Meadows Subdivision there has been some consideration of credits for open space to offset lot coverage on individual lots; again, these allocations were

approved as being in keeping with the purpose and intent of the Performance Standards Option Chapter. However, these open space credits have typically only been used to allow relatively minimal increases in coverage, typically in the range of 23 to 26 percent where the underlying zoning would allow a 20 percent coverage. However, given increasing scrutiny of the development process in the recent past and appeals of development approvals based specifically on lot coverage allocations (as was the case with the subdivision at 500 Strawberry Lane in 2007) staff have in recent years worked with developers to address lot coverage methodology clearly within their development applications.

As noted above, during the initial subdivision approval process it was acknowledged that much of the 'Brown' phase of the Strawberry Meadows subdivision was proposed to be retained in private open space due to the severity of its slopes. Additionally, at the time of the original subdivision application, the original applicant's representative stated that all new homes would not exceed the 20 percent lot coverage allowed within the district. This statement was in direct response to concerns raised over the application on appeal by affected neighbors.

The current applicant's proposal would result in a total of 6,911 square feet of coverage, of 56.7 percent, on the approximately 12,200 square foot subject property. Of this proposed coverage, 1,433 square feet or 12 percent of the lot is the existing paved driveway currently intended to serve the subject property and the two parcels to the southeast. The applicant is also requesting 4,356 square feet of coverage, or 35.7 percent of the lot, to accommodate a future home on the property, and an additional 1,122 square feet of coverage, or 9.2 percent of the lot, to provide for pedestrian and vehicular circulation and parking areas on the site. The applicants have proposed that this last portion of the coverage requested would be limited to permeable paving or other porous surfaces. As noted above, this proposal amounts to a lot coverage totaling 56.7 percent, on a relatively small lot with slopes in excess of 25 percent located in a district where the standard lot coverage allowed is limited to 20 percent.

In similar applications in the recent past involving driveways shared by adjacent properties, the Planning Commission has seemed to be generally supportive of excluding the shared driveway from the lot's coverage because these driveways are required to serve other properties and their reduction or removal is typically beyond an applicant's control as it would deprive adjacent property owners of their legally established rights of ingress and egress. The existing shared driveway amounts to more than one-half of the standard permitted lot coverage for the subject property, and in staff's view, given past approval by the Commission, excluding it from the coverage calculations for the lot seems appropriate.

The standard permitted lot coverage for the parcel is 2,440 square feet or 20 percent of the approximately 12,200 square foot lot. The applicant is proposing that the base lot coverage allowed for the parcel be set at 20 percent of the standard minimum one-half acre parcel size allowed within the district, or 4,356 square feet. In addition, the applicants propose 1,122 square feet of pervious surface treatments to accommodate patios, walkways, driveways and parking areas on the site. The Land Use Ordinance

does not have a provision to allow the exclusion of porous paving materials from coverage; all paving is considered to be coverage by code and thus even with the proposed porous treatment these surfaces are considered to be lot coverage.

Staff believes there is merit in allowing the proposed 4,356 square feet of coverage. This is the coverage which would be allowed for a one-half acre parcel, which is the minimum lot size for the zoning district, and in staff's view a reasonable argument can be made that this was the minimum coverage viewed as necessary to develop a lot within the district when the district and its coverage requirements were established. Staff believes that it is appropriate, and in keeping with the intent of the purpose and intent of the Performance Standards Options Chapter, to allow the subject property 4,356 square feet of coverage in addition to the existing 1,433 square feet of coverage already in place with the shared private driveway serving the two adjacent parcels as an allocation from the subdivision open space. This amounts to an approximate coverage of 47.45 percent. However, staff has some concern with the additional 1,122 square feet of coverage proposed. We can see little basis to take the lot's coverage to 56.7 percent, even with permeable surfaces, when considered in light of the purpose and intent of the Performance Standards, the character of the district, or the additional impacts to the hillside lot. While the application does not include a home design, the conceptual site plan provided shows guest parking spaces and walkways disturbing sloped areas when the avoidance of disturbance in these areas has provided the applicants basis for relocation of their driveway. In addition, without a home design, it is unclear that the conceptual site layout shown will satisfy the Hillside Design Requirements, which limit the length of walls without an offset, require a demonstration that disturbance of the site has been minimized, and that as much of the site as possible be kept in a natural state. While staff is again supportive of the 47.45 coverage to allow 4,356 square feet of impervious surfaces on the subject property in addition to the existing 1,433 square feet of shared driveway, we cannot support the proposed additional coverage of 1,122 square feet of additional coverage. In addition, in staff's view, if this coverage allocation is to be approved, it should be made clear through the conditions of approval that the home itself will require design approval through a Physical and Environmental Constraints permit in order to find the proposed coverage allocation consistent with the purpose and intent of the chapter, and the home to be built with this coverage, and the associated site design, will be subject to all requirements for Hillside Development and no variances to these standards will be considered in the final home design.

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

**The criteria for Final Plan approval are described in AMC 18.88.030.B.5 as follows:**

Criteria for Final Plan Approval. Final plan approval shall be granted upon finding of substantial conformance with the outline plan. Nothing in this provision shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan. This substantial conformance provision is intended solely to facilitate

the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan shows that:

- a. The number of dwelling units vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Title.
- c. The open spaces vary no more than ten (10%) percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten (10%) percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this Title and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.

#### **IV. Conclusions and Recommendations**

The site provides an opportunity to develop a parcel in a long vacant portion of the existing Strawberry Meadows Subdivision. The application requests a modification of the original subdivision approval to relocate the subject property's approved access, modify its building envelope, and using the flexibility of the Performance Standards Options Chapter to allocate additional lot coverage from the subdivision's open space to the subject property in order to allow a total coverage of 56.7 percent, including 4,356 square feet of coverage for a future home, 1,433 square feet for an existing shared driveway which also serves two adjacent properties, and 1,122 square feet of additional coverage, which would be installed in permeable surfaces, to provide driveways, walkways, parking areas and patios on the site. The standard 20 percent coverage within the zoning district would allow only 2,440 square feet of coverage for the approximately 12,200 square foot subject property.

Staff supports the requested modifications to the lot's approved driveway access and envelope, and we believe there is merit in allowing the proposed 4,356 square feet of additional coverage to be allocated. This is the coverage which would be allowed for a one-half acre parcel, the minimum lot size for the zoning district, and in staff's view a reasonable argument can be made that this was the minimum coverage viewed as necessary to develop a lot within the district when the district and its coverage requirements were established. Staff believes that it is appropriate, and in keeping with the intent of the purpose and intent of the Performance Standards Options Chapter, to allow the subject property 4,356 square feet of coverage in addition to the existing 1,433 square feet of coverage already in place with the shared private driveway serving the two adjacent parcels as an allocation from the subdivision open space. This amounts to an approximate coverage of 47.45 percent.

However, staff has some concern with the additional 1,122 square feet of coverage proposed. We can see little basis to take the lot's coverage to 56.7 percent, even with permeable

surfaces, when considered in light of the purpose and intent of the Performance Standards, the character of the district, or the additional impacts to this hillside lot. While the application does not include a home design, the conceptual site plan provided shows guest parking spaces and walkways disturbing sloped areas when the avoidance of disturbance in these same areas provided the applicants' basis for relocation of their driveway. In addition, without a home design, it is unclear that the conceptual site layout shown will satisfy the Hillside Design Requirements, which limit the length of walls and height of planes without an offset, require a demonstration that disturbance of the site has been minimized, and that as much of the site as possible will be kept in a natural state.

While staff is again supportive of 47 percent coverage to allow 4,356 square feet of impervious surfaces on the subject property in addition to the existing 1,433 square feet of shared driveway, we cannot support the proposed additional coverage of 1,122 square feet of permeable coverage. In addition, in staff's view, if the 47 percent lot coverage allocation is to be approved, it should be made clear through the conditions of approval that the home itself will require design approval through a Physical and Environmental Constraints Review Permit, and in order to find the proposed coverage allocation consistent with the purpose and intent of the chapter the home to be built with this coverage, and the associated site design, will be subject to all standards and requirements for Hillside Development and no variances to these standards will be considered in the final home design. We are accordingly recommending approval of the application with a lot coverage of no more than 47 percent, and would also recommend that the following conditions be attached to the approval.

- 1) That all proposals of the applicant, and all requirements of the original subdivision approval including the requirement for residential fire sprinklers, shall be conditions of approval unless otherwise modified herein.
- 2) That the lot coverage shall be limited to 47 percent, consisting of the existing 1,433 square foot shared driveway and an additional 4,356 square feet of lot coverage. All lot coverage other than the existing shared driveway and the future home's footprint shall be installed in a permeable surface treatment to mitigate the impacts of the additional coverage proposed. Details of permeable materials proposed shall be included in the Hillside Development permit application for the review and approval of the Staff Advisor.
- 3) That a Physical and Environmental Constraints Review Permit will be required for the home design and development of the site. Development, including tree removal on lands with slopes of 25 percent or greater is subject to review under a Physical and Environmental Constraints Review Permit as required in AMC 18.62. For the 47 percent lot coverage to be found to be in keeping with the purpose and intent of the Performance Standards Options Chapter, the home design and all site development must demonstrate compliance with all applicable requirements for hillside development and no administrative variances will be considered a this lot coverage.
- 4) That no development is to occur on lands with slopes in excess of 35 percent.
- 5) That prior to combustible construction, fire apparatus access, including relocation of the Hitt Road gate and any necessary street improvements to city standards to

accommodate fire apparatus access above the existing gate location shall be provided to the proposed driveway location.

- 6) That the applicants shall provide a sign below the gate placement indicating that there is no outlet. The signs design and placement shall be approved by the Public Works and Street Department. The Engineering Division shall review and approve all Civil Improvement Plans for any improvements within the public right-of-way including, but not limited to utility installation, gate relocation, signage or street improvements to accommodate fire apparatus access. Any right-of-way work will require a Public Works Department Permit.

**STRAWBERRY LN**



**PA #2010-01622  
163 HITT ROAD  
SUBJECT PROPERTY**

**Strawberry Meadows Sub.  
"Open Space 'A'"**

**500 Strawberry**

**HITT RD**



*Property lines are for reference only, not scaleable*

**STRAWBERRY LN**



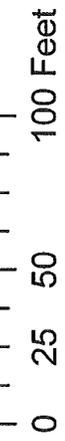
**PA #2010-01622  
163 HITT ROAD  
SUBJECT PROPERTY**

**Strawberry Meadows Sub.  
"Open Space 'A'"**

**500 Strawberry**

**HITT RD**

*Property lines are for reference only, not scaleable*



**PROJECT DESCRIPTION AND FINDINGS OF FACT  
BY OWNERS OF 163 HITT RD WHO DESIRE A MODIFICATION OF A  
PERFORMANCE STANDARDS OPTION SUBDIVISION TO RELOCATE  
THE LOT ENTRANCE, TO MODIFY THE BUILDING ENVELOPE, AND TO  
DEFINE THE PERMISSIBLE LOT COVERAGE ON 163 HITT ROAD**

**SUBMITTED TO:  
CITY OF ASHLAND PLANNING DEPARTMENT  
ASHLAND, OREGON**

**APPLICANTS: SUBMITTED BY THE OWNERS OF 163 HITT ROAD:  
R. SCOTT DIXON AND JOAN CRESSE  
838 BLACKBERRY LANE  
ASHLAND, OR 97520**

**DECEMBER 3, 2010**

DEC 03 2010

<b>INDEX</b>		<b>Page</b>
I	<b>Project Information</b>	3
II	<b>Property Description</b>	4
	Location	4
	Lot Creation and Subdivision Approval. General Description. Lot Numbers	4
III	<b>Findings of Fact</b>	8
III.A	<b>Background Explanation for Our Proposals</b>	8
	Interdependence of the Three Proposed Modifications	8
	Economic Impact of the Lot Coverage Restriction	9
	Advantages for resolving the lot coverage issue	11
III.B	<b>Difficulty in Defining Our Proposals</b>	11
	Guarantees	12
III.C	<b>Proposal to Relocate Lot Entrance and Hitt Road Access Gate</b>	12
	Statement of Proposal to Relocate Lot Entrance and Hitt Road Access Gate	12
	Background and Expl. for Relocation of Lot Entrance and Hitt Road Access Gate	12
	Identification of Front, Back, and Side of Lot for Setback Enforcement	14
	Improvement of newly accessible portion of Hitt Road	14
III.D	<b>Proposal to Modify the Building Envelope</b>	15
	Statement of Proposal to Modify the Building Envelope	15
	Background and Expl. for Modification of the Building Envelope	15
	Neighbors	16
III.E	<b>Proposal to Define the Permissible Lot Coverage</b>	16
	Statement of Proposal to Define the Permissible Lot Coverage	16
	Background and Explanation for Definition of Permissible Lot Coverage	17
	Clustering. Basis for Our Proposal	17
	How Would We Use the Lot Coverage	18
	163 Hitt Road is Flattest and Most Buildable Lot in Parcel. 50% Open Space	20
	Knecht Coverage Allocation	20
	423 Strawberry. Citizens Challenge Allocation of Open Space Lot Coverage	21
	Percentages, not Square Feet	21
	Shared Driveway. Lot Coverage Problems. Tom Giordano's Statement	22
	Lot Coverage Allocation Tables are Relatively New	23
	Allocation Tables Required for Fairness	23
	Summary	24
IV.	<b>Applicable Criteria</b>	24
V.	<b>List of Appendices</b>	26
	Appendix 1 Plan of 163 Hitt Road, showing new gate loc., new driveway, & modified bldg env	27
	Appendix 2 Plan of 163 Hitt Road with conceptual drawing showing 100% usage of 5,478 sq ft	28
	Appendix 3 Table: 163 Hitt Road: 100% Usage of 5,478 sq ft Requested Lot Coverage	29
	Appendix 4 Enlargement of Outline Plan showing guest parking and "Future Gate" locations	29
	Appendix 5 Giordano Letter (1998). Appears to Accept 20% Lot Restriction	30
	Appendix 6 Giordano Letter Explaining Meaning of 1998 Letter (2009)	31
	Appendix 7 Table of House Sizes in Strawberry Meadows HOA & Area of 163 Hitt Road	32
	Appendix 8 Table of Allowed Lot Coverage for Same Size Lots in Different Zones	32
	Appendix 9 Table Showing Brown Parcel Lot Coverage if "Outline Plan" Method Used	33
	Appendix 10 Table Showing "Knecht" Allocation Scheme Applied to the Brown Parcel	33
	Appendix 11 Knecht Allocation Memo (5/16/2005)	34
	Appendix 12 Dimino Open Space Coverage Allocation Offer (12/9/2004)	35

## **I. PROJECT INFORMATION:**

**PLANNING ACTION:** This proposal is an application by the owners of 163 Hitt Road who desire a Modification of a Performance Standards Option Subdivision to relocate the property entrance, to modify the building envelope, and to define the permissible lot coverage for 163 Hitt Road.

### **PLANNING ACTIONS FOR STRAWBERRY MEADOWS SUBDIVISION:**

PA-97-054: Outline Plan Approval (4/14/1998)  
PA-2000-082: Modification of Outline Plan Approval (12/14/2000)  
PA-2003-030: Final Plan Approval (3/11/2003)

### **LEGAL DESCRIPTION:** 391E08AC 506

Lot #6, Strawberry Meadows Subdivision, Ashland, OR

### **OWNERS & APPLICANTS:**

R. Scott Dixon & Joan Cresse  
838 Blackberry Lane  
Ashland, OR 97520

### **CONSULTANTS:**

Surveyor: TerraSurvey: Fred Frantz  
Land use Planning: Mark Knox  
Architecture: Carlos Delgado

### **COMPREHENSIVE PLAN DESIGNATION:**

Low-Density Residential

### **ZONING DESIGNATION**

RR-.5 (Rural Residential ½ acre min. lot size) with Performance Standards Option Overlay

### **MAXIMUM LOT COVERAGE FOR RR-.5:**

20% (all impervious surface area in the (as appropriate) lot, parcel, or subdivision – includes house footprints, driveways, sidewalks, etc.)

**PARCEL SIZE:** 0.28 acres (12,073 sq. ft.)

### **APPLICABLE ORDINANCES:**

R-R Rural Residential District, Chapter 18.16  
Performance Standards Options, Chapter 18.88

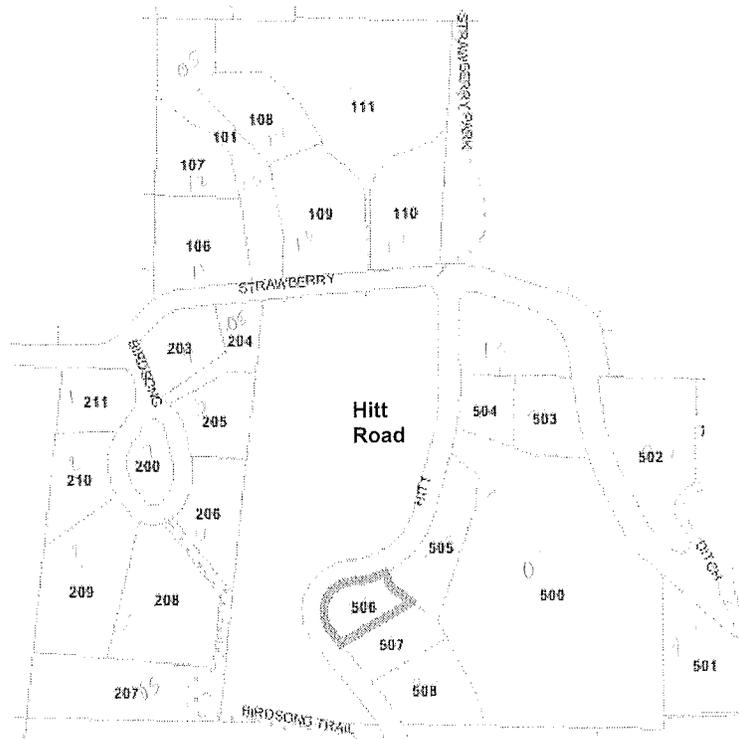
### **ADJACENT ZONING/USE:**

WEST: RR-.5; Rural Residential District  
EAST: RR-.5; Rural Residential District  
SOUTH: RR-.5; Rural Residential District  
NORTH: RR-.5; Rural Residential District  
SUBJECT SITE: RR-.5; Rural Residential District

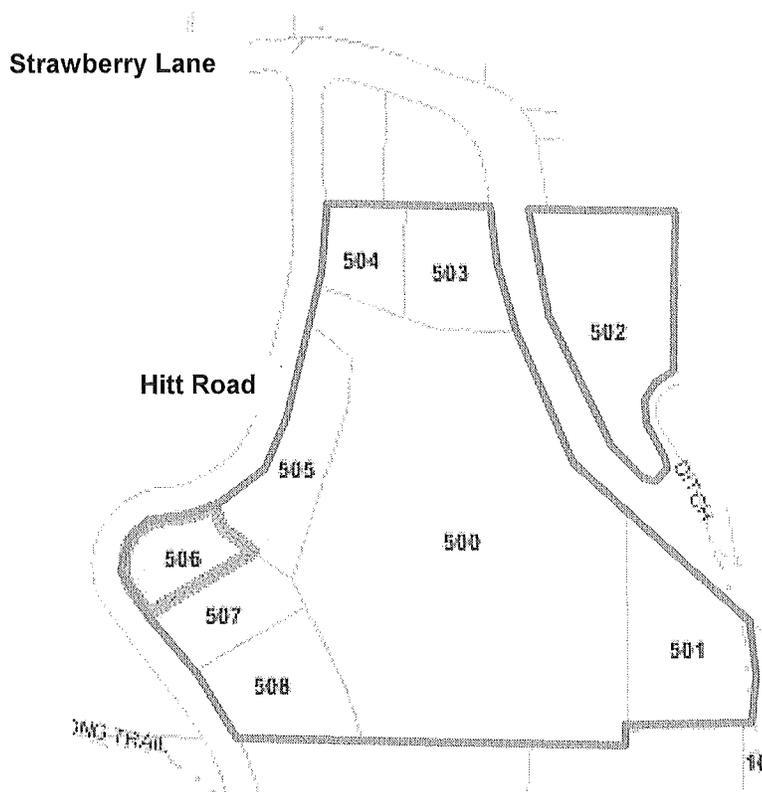
## II. PROPERTY DESCRIPTION:

Location: The vacant parcel is zoned RR-.5-P and is located at 163 Hitt Road, Ashland. The property is bordered on two sides by Hitt Road (due to the road's curvature around the lot) and on a third side by a private shared driveway leading to two private parcels to the southeast. The remaining parcel side abuts a vacant parcel to the northeast, also within the Strawberry Meadows Subdivision (173 Hitt Rd: Parcel 507).

Lot Creation and Subdivision Approval: 163 Hitt Road was created under the City's Performance Standards Option Subdivision process in April of 1998 (PA-1998-054: Outline Plan), December of 2000 (PA-2000-082: Modification of Outline Plan), and March of 2003 (PA-2003-30: Final Plan). The Strawberry Meadows Subdivision was built on 3 parcels with a total area of ~21 acres. The subdivision was originally approved in 1998 as a 25 lot subdivision on 25 acres. This was modified in 2000 to be a 21 lot subdivision on 21 acres. The subject property, 163 Hitt Road, is Lot 6 of the Strawberry Meadows Subdivision (parcel # 506 on Map 391E08AC) and is located in the "Brown" portion of the subdivision. The 8 acre "Brown" portion was designed with an existing, occupied lot and 7 smaller, clustered lots adjacent to 4 acres of open space. This parcel has ~50% open space in a subdivision with a minimum requirement of 5% open space.



**Figure 1: Strawberry Meadows Subdivision (PA-2003-030)  
(Highlighting Parcel 506: 163 Hitt Road: Lot 6)**



**Figure 2: “Brown” Portion of Strawberry Meadows Subdivision (PA-2003-030)  
(Highlighting Parcel 506: 163 Hitt Road: Lot 6)**

General Description: The property (parcel 506 in Figure 2) is somewhat rectangular in shape with some curved property lines. Generally, the lot is 80’ by 153’. The property has natural slopes of approximately 23% to 28%. The property has some steeper actual slopes in excess of 50%, due to a steeply cut bank on its northeastern side where a 20” wide, asphalt-paved shared driveway services the 2 lots (parcels 507 and 508) to the southeast. The property has a number of trees, mostly small scrub Oak and Manzanita trees. All trees on the lot are less than 6” dbh. There are 2 trees greater than 6” dbh within 15’ of the lot.

Lot Numbers: The lots were renumbered during the time between the approval of the Outline Plan and the Final Plan. Most of the lots in the Brown parcel changed numbers, with the exception of lot 6 (the subject property - 163 Hitt Road). Lots 7, 6, 5, and 4 in the Outline Plan were changed to lot numbers 5, 6, 7, and 8 respectively. Figure 8 shows a blowup of the Outline Plan that has been modified to use the Final Plan lot numbers.



**Figure 3: 163 Hitt Road  
(View of trees and slope)**



**Figure 4: Existing Shared Driveway below 163 Hitt Road  
(View of cut bank on the right of picture)**



**Figure 5: Existing Gate at Elevation ~2,448'**  
**(Looking up Hitt Road with 163 Hitt Road on the left and previous gate location at elevation ~2,445' shown in white)**



**Figure 6: Hitt Road**  
**(Looking past the gate with 163 Hitt Road on the left)**

### III. FINDINGS OF FACT:

The following information is provided by the applicants to help the Planning Staff, Planning Commission and neighbors understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the Criteria as outlined in the Ashland Municipal Code (AMC), Section 18.88.030.B.5.

This proposal is for a Modification of the Strawberry Meadows Subdivision, a Performance Standards Options Subdivision, approved in March of 2003 (Planning Action 2003-030). This proposal:

1. Lot Entrance: moves the lot entrance for 163 Hitt Road from the shared driveway on the northeast edge of the lot to a position on Hitt Road centered at elevation ~2,460' (see Appendix 1). The new driveway location will require moving the end-of-the-road gate on Hitt Road ~88' to the southwest to elevation ~2,465'.
2. Building Envelope: modifies the western edge of the building envelope by continuing the 15' PUE setback that is used on the northern edge of the building envelope (see Appendix 1). This will allow building on the flatter, western portion of the lot (adjacent to Hitt Road) that is now accessible with the relocated driveway entrance.
3. Lot Coverage: defines the permissible lot coverage for 163 Hitt Road, and specifies the allocation of lot coverage from the "Brown" parcel's open space. The Brown parcel was one of three parcels that were combined to create the Strawberry Meadows Subdivision. Defines the permissible lot coverage as 5,478 sq ft, which is composed of 4,356sq ft of unrestricted coverage and up to an additional 1,122 sq ft of coverage that is restricted to permeable surfaces. The permeable surface lot coverage can only be used for surface treatments (e.g. driveway, guest parking, sidewalks, decks, and patios) and must use materials approved by the City of Ashland. The 5,478 sq ft of permissible lot coverage is provided by allocating 3,063 sq ft of lot coverage from the "Brown" parcel open space and adding it to the 2,415 sq ft of coverage zoned for this 12,073 sq ft lot (Note that  $3,063 + 2,415 = 5,478$  sq ft).

A 1,433 sq ft paved driveway traverses the northeastern edge of this lot (see Appendix 1) and services two lots to the southeast. The lot coverage of this shared driveway is accounted for by allocating an additional 1,433 sq ft of lot coverage from the "Brown" parcel open space. Note that even with this transfer of lot coverage from the "Brown" parcel open space, the net overall lot coverage for the entire "Brown" parcel will be an extremely low 10% (versus the zone's maximum of 20%).

#### III.A: Background Explanation for Our Proposals

Interdependence of the Three Proposed Modifications: This Planning Action proposes 3 modifications to the Strawberry Meadows Subdivision which are inter-related and, as a group, will allow the applicants to build a house that is of average size for the area, that will be more aesthetically attractive to the citizens of Ashland, and that will have less of an environmental impact.

Each of the 3 proposed modifications is somewhat dependent on the other modifications. For instance, the amount of available lot coverage affects the location of the garage. If there is

insufficient coverage to have a semi-detached garage or if the property entrance cannot be moved, then the garage will have to be accessed from the shared driveway and will be built underground. An underground garage will necessitate removing ~614 cubic yards of dirt, which will make a huge scar on the land that will be highly visible from the town.

Another example of this interdependence concerns the shape of the modified building envelope. If the City allows us to modify the envelope, but requires the area of the envelope to stay the same, we may create an unforeseen problem. We want to expand the building envelope along the western edge to take advantage of the relocated driveway and the flatter ground. In order to keep the building envelope area the same, we would have to move the eastern edge ~11 feet away from the shared driveway. This will cause the building to start at a 3' higher elevation, which will make the building more visible from the town. The higher elevation will also change the positions of the relocated driveway entrance and the access gate (since we are striving to have a nearly level driveway entrance from Hitt Road, which has a steep slope). This will require a longer stretch of Hitt Road to be improved, which will raise the cost and the environmental disturbance. (See Figure 9 on Page 17.)

Other examples of the interdependence of the three proposed modifications are:

1. The location of the garage at the top of the lot (northwest or southwest corner) affects the driveway entrance location on Hitt road.
2. The amount of lot coverage affects whether the house can use a stepped foundation, which uses more lot coverage than a non-stepped foundation.
3. The permissible lot coverage affects whether the house spreads out or spreads up (additional floors).

Economic Impact of the Lot Coverage Restriction: The most critical proposal we are making is for increased lot coverage. We will discuss this in detail later in this proposal. For now, we can say that we believe that the developer intended to transfer open space lot coverage to the lots in the “Brown” portion of the subdivision. The developer set aside so much open space (10 times the required amount) that she believed that the lot owners could cover:

1. up to the entire building envelope, and
2. all the shared and private driveways drawn on the Outline Plan, and
3. all the off street parking spots drawn on the Outline Plan

The developer, unfortunately, did not document the allocation of the open space lot coverage in the Outline Plan (this was not unusual at that time). Without an explicit allocation shown in the Outline Plan, the Planning Department has required each lot in a subdivision to individually meet the 20% lot coverage limit of the underlying zone. This has proven problematic in the Brown parcel, whose lots were purposely made small and clustered around a large open space. This has been especially problematic for the subject lot, which, additionally, has a shared paved driveway passing through it. The net result is that the subject lot, after accounting for the existing shared and paved driveway has less than 1,000 sq ft of lot coverage left to create a garage apron and build a house. This harsh restriction has, in turn, made the lot unbuildable and reduced the value of the lot. The Assessor’s Office recognized the difficulty in correcting this situation and has lowered the assessed value of the subject lot (and 2 other “Brown” lots) by \$74,300 each. This lower assessment will, in turn, reduce the City’s revenue from property taxes. The delay in resolving this problem has also caused a delay in the construction of a house. This delay, in turn, further reduces Ashland’s property tax income and removes a source of local jobs at a time and in an area of high unemployment.

It is now six years after the completion of the Strawberry Meadows Subdivision. 7 out of the 10 lots that were created by the subdivision and available for purchase in the “Hwoshinsky” and “Knecht-

Lovett” parcels have houses on them, while only 1 of the 7 newly-created and available lots in the “Brown” parcel has been developed. The only improved lot in the “Brown” parcel was created significantly larger (30,624 sq ft) than the other lots (average of 17,335 sq ft) and, subsequently, did not have a lot coverage issue. The “Hwoshinsky” parcel benefited from having large lot sizes and (in the case of the Diminos’ property at 423 Strawberry Lane) an allocation of open space lot coverage, increasing the lot coverage to 6,544 sq ft. Note that the applicants are requesting only 5,508 sq ft of lot coverage and are willing to use permeable surfaces for 1,122 sq ft of that total. The “Knecht-Lovett” parcel was designed with large lot sizes and large building envelopes. This parcel also benefited from the Planning Department’s approval of an over-the-counter memo allocating all of the open space lot coverage to the individual lots of the “Knecht-Lovett” parcel. If Meg Brown had known in 2005 of the looming problem with lot coverage, she could have drafted a memo similar to Knecht’s allocating lot coverage in her parcel. Without an allocation table in the Outline Plan or a previously agreed to allocation, the Planning Department now requires each lot to individually meet the RR-.5 zone’s 20% lot coverage limit. This has, in turn, made several of the purposely undersized lots in the “Brown” parcel unbuildable. Lots, such as the subject lot, that sold for over \$350,000 in 2005 were determined to have less than 600 sq ft available for a building footprint.

It’s important to recognize that if Meg Brown had just inserted an open space lot coverage allocation table in the Outline Plan in 1998, the Planning Department would have most likely accepted the allocation both then and now. If the Planning Department had objected to the allocation in 1998, the developer could have then re-divided the parcel so that 5% of the parcel was dedicated to open space and 8 lots of ~0.95 acre each were created. Each of these lots would then have an undisputed lot coverage of 8,256 sq ft. In 1997, Meg Brown assumed that the people who bought her lots would be allowed to build out 100% of the relatively compact building envelopes as well as cover the driveways and the guest parking spots shown on the Outline Plan. Meg knew that completely building out these lots in this fashion would increase the “Brown” parcel’s overall lot coverage to only 15% – well below the zone’s maximum of 20%. She had more open space lot coverage than anyone knew how to use. She therefore thought it unnecessary to explicitly allocate that coverage.

Note that the applicants are only requesting 5,508 sq ft of lot coverage and are willing to use permeable surfaces for 1,122 sq ft of that total. It’s also important to recognize that if Meg Brown were creating the same subdivision this year (2010), she could either insert an allocation table in the Outline Plan or create 8 lots of ~0.95 acres each. In general, the allocation of open space lot coverage was allowed in 1998 and is still allowed now in 2010. Developers, however, are now encouraged to include an allocation table in the Outline Plan. The only change that Meg Brown can’t make now is to go back in time to 1998 and change the Outline Plan or the boundaries of the individual lots in her parcel – it’s too late. The applicants feel that the City of Ashland should attempt to honor the implied intentions of the developers when they created the Outline Plan in 1998.

The developer and the applicants are both appalled at the situation that they find themselves in and beg the City of Ashland to look favorably on this proposal. The applicants feel that the City of Ashland should attempt to honor the implied lot coverage intentions of the developers when they created the Outline Plan in 1998. The City should approve the requested transfer of lot coverage from open space. This proposal is in line with similar approvals granted to other lots in the same subdivision.

Contrary to our lot coverage proposal, the applicants recognize that the proposed relocation of the property entrance and Hitt Road access gate is at the discretion of the City. While relocating the

driveway entrance and the access gate will improve the aesthetics of the lot, improve its appearance from the valley below, and will reduce the environmental disturbance, the ultimate decision on approval lies with the City. The applicants feel that the City would have approved this modification if the developer had proposed it in 1997. The applicants believe that the proposed modification will increase the value of the property, and therefore increase the City's tax revenue. The City will hopefully take some guidance from the neighbors (which include the developer) and approve the proposal if the neighbors have no objection.

The applicants feel that the proposed modification of the building envelope is also completely discretionary. While the proposed building envelope modification would make for a more aesthetic design, will improve the property's appearance from the valley, and would have been approved if the developer had proposed it in the Outline Plan, the decision to grant this proposal lies with the City. The City will hopefully take some guidance from the neighbors and approve the proposal if the neighbors have no objection.

Advantages for resolving the lot coverage issue: Resolving the issues that have prevented development of 163 Hitt Road for the last 2 ½ years will:

1. Allow construction to start on the subject lot at a time and in an area with high unemployment. A standard economic metric says that \$20,000 in local expenditures creates (with the recirculation of money) one full time local job for one year. House construction on just this property should generate the equivalent of 30 full time jobs for one year. That's a lot of people who would be working instead of being unemployed. Resolution of this proposal will also pave the way for construction on several other lots in the Hitt Road area.
2. Generate increased property tax revenue from improvements to the land. Property taxes for just this one property should rise by at least \$8,000 a year, of which Ashland will get (I think) ~\$6,720. The 8 undeveloped properties in the Hitt Road area could collectively pay the salaries of one full time City of Ashland employee.

### **III.B: Difficulty in Defining Our Proposals**

The applicants have experienced some difficulty in producing these 3 proposals. If time and money were not issues, we would have prepared and paid for three separate planning actions for the three separate proposed modifications. In that fashion, each proposal could be changed if the previous proposal had been approved or denied. Because each of these proposals is dependent to some extent on the other two proposals, it has been difficult for us to create a single unified document with the hope that all elements are approved intact.

The applicants believe that each of the three proposals is reasonable in its own right and are harmonious as a group. Applicants hope the City will appreciate the interdependence of these proposals. Applicants believe that if all three proposals are approved, there may be some amount of the lot coverage and the modified building envelope that won't be used. However, without finishing a house design, the applicants won't know how much area or which part of the building envelope won't be needed. The applicants do not want to encounter a shortage of lot coverage or building envelope in the middle of the design phase. The applicants feel that it is necessary to make the proposals they are requesting because the house design cannot start without a firm lot coverage area, a defined building envelope, and a driveway location. With these items defined, the design can proceed. If our house design had been started without a firm resolution of our proposals, we would likely have wasted tens of thousands of dollars and many months redesigning the house multiple times.

Guarantees: The applicants can make a few guarantees to the City to ease any approval anxiety they may have. Applicants guarantee that any lot coverage in excess of 4,356 sq ft will be used for surface treatments and will be built with permeable materials that meet the City's standards. These surface treatments cost more than standard surface treatments, but the applicants are willing to make this concession to ensure approval of their proposal. Furthermore, if the full 666 sq ft addition to the building envelope is approved without reducing the envelope anywhere else, the applicants will guarantee that the building footprint of the house design will be at least 666 sq ft smaller than the new building envelope. The applicants just can't say exactly where the uncovered portion(s) will be before the design is finished. It is also currently believed that regardless of the ultimate size and location of the garage, about 40% of the newly added area of the building envelope will not be covered by a building footprint. The applicants just won't know if the unused part of the added envelope will be on the western or the southwestern edge of the house.

The applicants point out that this property has many design challenges – the lot is small, has irregular boundaries, is a corner lot with large PUE easements, and has steep slopes on the northeastern edge. These design challenges can be eased with a somewhat unrestrictive lot coverage area and building envelope. The applicants will use any approved resources wisely and prudently. The architect for this project, Carlos Delgado, is a well known and highly regarded professional. The City will, of course, retain the right to inspect and approve the final house design and to correct any violations.

This following findings-of-fact section is split into three subsections – addressing the relocation of the lot entrance, the modification of the building envelope, and finally the permissible lot coverage. Each subsection has a statement of a proposal, followed by background information and explanations.

### **III.C: Proposal to Relocate Lot Entrance and Hitt Road Access Gate:**

#### **Statement of Proposal to Relocate Lot Entrance and Hitt Road Access Gate:**

Applicants propose a modification of the approved driveway location. Applicants want to relocate the property entrance from the approved location on the shared driveway to a new location on Hitt Road centered at elevation ~2,460' (see Figures 6, 7, and 8). In conjunction with moving the driveway entrance, the applicants require the relocation of the Hitt Road access gate ~88' from its current location at elevation ~2,448' southwest to elevation ~2,465'.

#### **Background and Explanation for Relocation of Lot Entrance and Hitt Road Access Gate:**

Currently, the subject property is served by an existing shared, paved driveway which additionally serves the two parcels to the southeast (Strawberry Meadows lots 7 and 8 – see Figure 2). Unfortunately, entering the subject property from the shared driveway will cause 614 cubic yards of earth to be excavated from this site due to the driveway's cut bank, building setbacks, and the property's steep slope along the shared driveway. Using the approved driveway location will also require large terracing walls and will add another visible floor on the eastern side of the house, further disturbing the earth and scarring the aesthetics of this highly visible property. Relocating the driveway so that it enters on the western edge of the lot will allow the driveway to be parallel or nearly parallel with the property's natural contours (i.e. level or nearly level).

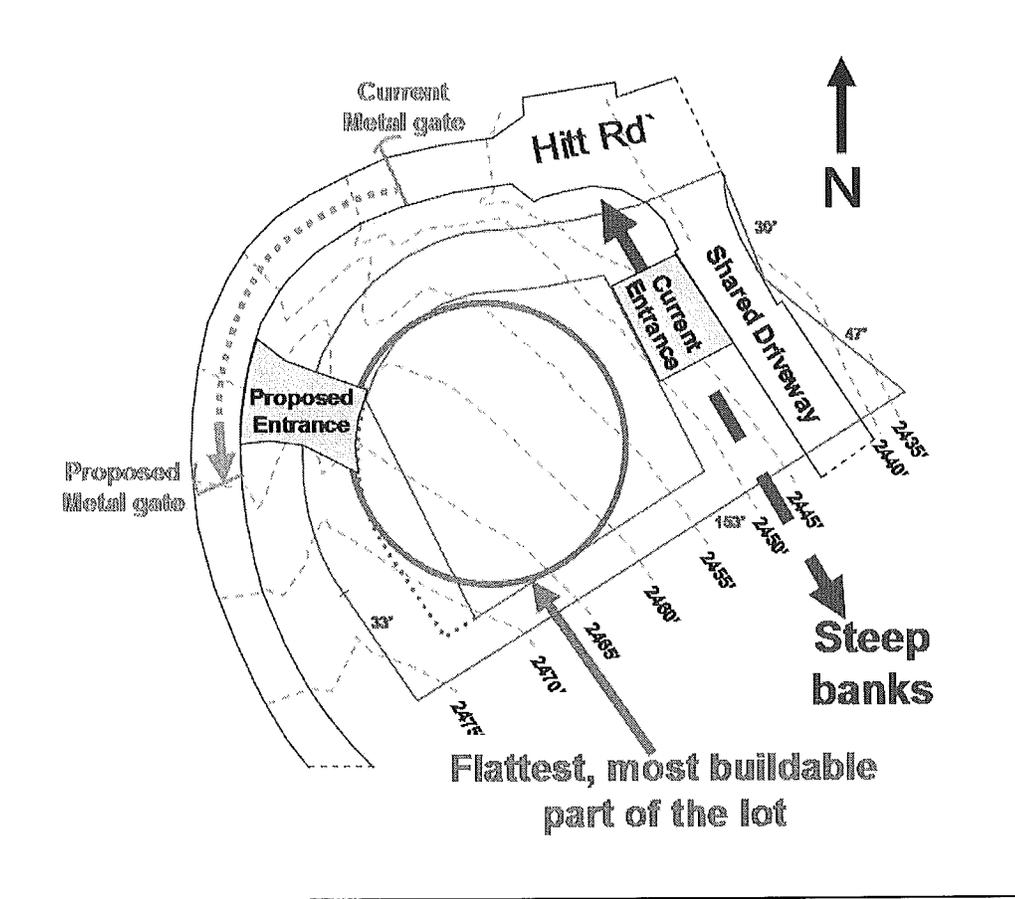
There is currently a metal gate on Hitt Road at the northern edge of the subject property. This gate restricts non-official vehicular access to the upper portions of Hitt Road. This gate was recently moved from elevation ~2,445' to elevation ~2,448' as part of the recent Strawberry Fields Subdivision on the other side of Hitt Road. In order to implement the relocation of the approved driveway location, it will be necessary to move the metal access gate to elevation ~2,465' (see Figure 7 and Appendix 1).

Applicants desire to relocate the approved entrance to the property because:

1. The currently approved entrance would be highly visible from the valley, while the proposed driveway entrance and garage would be completely hidden from view by the house. Not only would the currently approved location have a wide and high garage entrance, but the steep hillside would necessitate extensive, highly-visible retaining walls.
2. The proposed driveway entrance from Hitt Road would require much less excavation than entering from the shared driveway. It would save as much as ~469 cubic yards of additional excavation. The proposed location would have the least disturbance of the earth.
3. The driveway will be flatter and safer in winter at the proposed entrance location. The currently approved location is on the northeast side of the building, which would be shaded for much of a winter day. Ice would tend to accumulate and present a driving hazard.
4. They desire to have the garage on the main living level.
5. The currently approved driveway entrance would require the construction of a completely below grade garage, which would be 2 floors below the main living level.

Note that the new proposed gate location is identical to the "Future Gate" location (see Figure 8) proposed and approved in the Strawberry Meadows Subdivision Outline Plan in 1997. The Final Plan changed the road layout of the subdivision and the gate was moved instead to its recent location at elevation ~2,445' (see Figure 5 for a picture of the former and current gate positions). The fact that the gate had already been approved once at this location by the City is an indication of its acceptability. The applicants chose this location to be ~10' past the last point where their driveway meets Hitt Road. It's felt that this will give the City sufficient room to temporarily park a vehicle without completely blocking the new driveway. At the same time this location is close enough to the driveway entrance to discourage hikers from parking there and partially blocking our driveway for long periods of time. Hitt Road will be signed for "No Parking" on the street (except in the four recently built parallel parking spots that were part of the Strawberry Fields Subdivision), but hikers have an irrational need to park as close as humanly possible to the spot from which they will then take a long hike.

Modifying the approved driveway location without moving the access gate would prevent the applicants from entering the property and would be illogical.

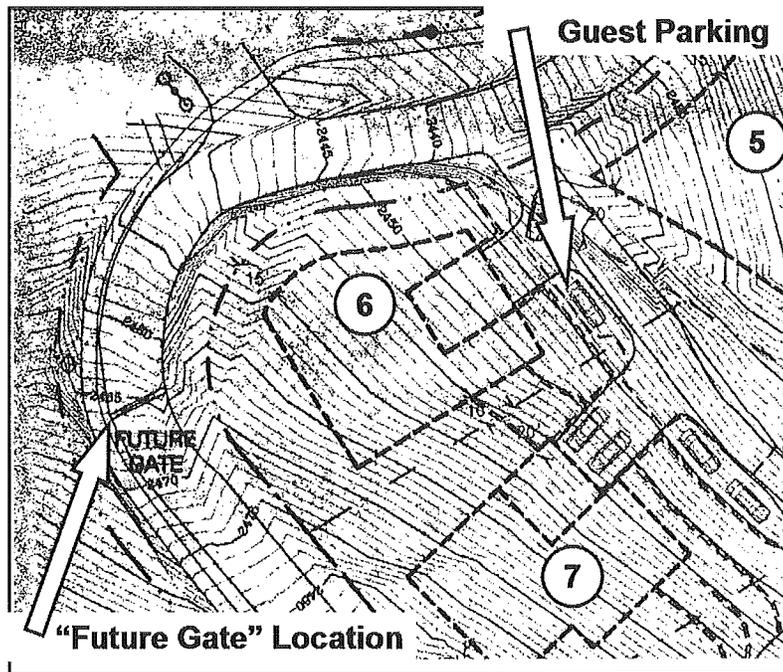


**Figure 7: 163 Hitt Road  
Proposed Driveway Entrance and Metal Gate Relocations**

Identification of Front, Back, and Side of Lot for Setback Enforcement: The current lot layout defines the “front” yard of the lot as the northeastern edge that contains the shared driveway and that has a setback of 20’ from the northwestern property line. The “back” yard of the lot is opposite the “front” yard, borders Hitt Road on the southwestern edge of the lot, and has a PUE setback of 15’. One “side” yard borders Lot 7 and has a setback of 10’. The remaining “side” yard borders Hitt Road on the northwestern edge and has a PUE setback of 15’. While this proposal moves the driveway entrance to the western edge of the lot, it does not change the identification of the front, back, or side yards.

Improvement of newly accessible portion of Hitt Road: The Ashland Municipal Code normally requires a developer to improve roads to the farthest extent of their lot. Since Hitt Road is a dead end for non-official traffic and the applicants will be the only users of that portion of Hitt Road, the applicants prefer to minimize expense and land disturbance by only improving that portion of the newly accessible road that is requested by the City of Ashland. Applicants feel the existing pavement on the relocated portion of Hitt Road would serve as an adequate driveway and they would prefer to leave the paved road at its current level of improvement. The developers of the Strawberry Meadows Subdivision used this reasoning to avoid developing Hitt Road to the far end of lot 8 (183 Hitt Road). The developers of the Strawberry Fields Subdivision (McLellans) also used a similar reasoning to avoid developing Hitt Road after moving the access gate ~23’ to elevation ~2,448’ (see Figure 5). The applicants would not be willing to improve Hitt Road to the far end of their property. The last ~50’ of Hitt Road that borders the subject lot would require expensive retaining walls.

Nevertheless, the applicants agree to improve Hitt Road to the level and extent requested by the City of Ashland, provided the improvements do not go past elevation ~4,670’.



**Figure 8: 163 Hitt Road (Lot 6) Outline Plan, showing “Future Gate” and Guest Parking Locations (Lot numbers updated to reflect Final Plan numbering)**

The applicants believe that neighbors of the subject lot are supportive of this relocation. They are in favor of almost anything that will encourage development on Hitt Road.

### **III.D: Proposal to Modify the Building Envelope:**

#### **Statement of Proposal to Modify the Building Envelope:**

This proposal modifies the building envelope by expanding the southwestern edge of the lot (adjacent to Hitt Road), continuing the 15 feet PUE setback used on the northern edge of the lot that also abuts Hitt Road. Notice the dotted line on the western edge of the building envelope in both Figure 7 and Appendix 1. This proposal adds 666 sq ft to the building envelope.

#### **Background and Explanation for Modification of the Building Envelope:**

The current building envelope assumes the garage entrance is on the shared driveway. The shared driveway is flanked by steep cut banks and steeper natural slopes than the southwestern edge that borders Hitt Road. The southwestern edge is flatter and easier to build on. Since the garage was tied to the shared driveway, it made sense to constrain the house to be closer to that edge of the lot. If the proposal to relocate the lot entrance to the western edge of the lot (see III.C above) is approved, it makes sense to modify the building envelope to allow the house to be built closer to Hitt Road and to sit on the flatter ground near the western edge. Applicants would like to continue the 15’ PUE setback on the northern edge of the lot to the southwestern (“back”) edge of the lot, adding 666 sq ft of space to the building envelope. This would add expand the building envelope by 10’ – 14’.

Applicants would like to expand the building envelope by ~11' along the southwestern edge, adding ~666 sq ft. We believe there would be unintended consequences if we were required to maintain the area of the envelope by shrinking it along some other edge. To achieve a constant area of the building envelope, we would have to move the northwestern edge (along the shared driveway) ~11' away from the driveway. Since the lot is on a slope, moving the northwestern edge of the building envelope ~11' away from the shared driveway will cause the house to rise ~3' in the air. This will give the house a higher profile, making it more visible from the valley. We therefore believe that we should be allowed to expand the building envelope by 666 sq ft.

A second effect of moving the northeastern edge of the building envelope away from the shared driveway is that the house design will be more compact along the "front" to "back" axis of the lot. This will adversely affect the design of the house. Applicants hope to design the house in a "U" manner, such that there is a small courtyard/garden surrounded by the house on 3 sides. Expanding the building envelope by extending the southwestern edge will allow the house to have more of a "U" shape. If the northeastern edge of the building envelope is moved to compensate for the southwestern expansion, then the "U" will be flattened out.

Moving the northeastern edge uphill will have the effect of increasing the size of the "front" (northeastern) yard. In this case, however, the "front" of the house already has an unparalleled view of the valley and the large open space that is part of the Brown portion of the subdivision. The view is already so open and uncrowded that the addition of 11 more feet of yard or patio will be of little benefit to us.

Neighbors: Usually any given lot or home in a subdivision has enough neighbors that someone will object to any change in a building envelope. In this case, however, there are only a few neighbors of our lot and all of them have vacant lot(s) to sell. The one neighbor who lives in a house and can see our lot (McLellan) has other vacant lots for sale. We believe our neighbors with vacant lots would be minimally impacted, if at all, by our proposed building envelope modification. They are probably glad to have us do anything that assists us with building a house. Once we build a house, the whole neighborhood will become more viable. We guess that few people want to be the first to build in an area.

The applicants believe that neighbors of the subject lot are supportive of this modification. We hope that the City will take guidance from the neighbors and allow the building envelope modification if it has little or no opposition.

### **III.E: Proposal to Define the Permissible Lot Coverage:**

#### **Statement of Proposal to Define the Permissible Lot Coverage:**

This proposal defines the permissible lot coverage on 163 Hitt Road as 4,356 sq ft of unrestricted lot coverage and an additional 1,122 sq ft of permeable surface lot coverage used for surface treatments (e.g. driveway, guest parking, sidewalks, decks, and patios). This lot coverage incorporates an allocation of 3,063 sq ft lot coverage from the "Brown" parcel open space. The shared and paved 1,433 sq ft driveway is accounted for by allocating an additional 1,433 sq ft of lot coverage from the "Brown" parcel open space. Approving this proposal will increase the lot coverage for the total "Brown" parcel to 10%, still well below the zone's 20% maximum.

### **Background & Explanation for Definition of Permissible Lot Coverage:**

The maximum lot coverage for a lot in a RR-.5 zone is 20%. Note that the same size property in different zones will have different lot coverage amounts. Appendix 8 shows the coverage that our 12,073 sq ft (0.28 acre) lot would have if it was located in different zones. It would have as little as 845 sq ft in an RR-2.5 zone and as much as 6,037 sq ft in a rr-1-5 zone. The subject property has a permissible lot coverage of 2,415 sq ft. The subject property is burdened by a shared driveway that serves lots 7 and 8 to the southeast. The shared driveway covers 1,433 sq ft of the subject property. A strict interpretation of the lot coverage rules requires the owner to subtract this 1,433 sq ft from the 2,415 sq ft maximum, leaving only 987 sq ft of footprint for a house, garage, driveway, and sidewalks. The CC&Rs require a two car garage for the property with a concrete garage apron. Assuming a 20' garage setback and a 20' wide driveway, we have a 400 sq ft garage apron, leaving this property with only 587 sq ft to build a house with sidewalks, patios, etc. – clearly the property is unusable given this scenario. This scenario might be understandable if the subject property was an orphaned piece of land – e.g. created when a new road cut through an existing lot and left an undersized fragment of land. That's not the case here. This lot was created as part of a Performance Standards Option subdivision. It had professional land use planners involved in its creation and was checked and verified by a planning department. The lot sold for a premium price - \$355,000.

Clustering: The developer, Meg Brown, used a recognized land use planning technique called clustering. Clustering creates a number of undersized lots that are grouped together so that the extra space (that would have normally been allocated to the individual lots) can be aggregated and used to create a large common area. This “open space” can be used to enhance and preserve the natural beauty of an area. Clustering has been used in the Billings Ranch and Clay Creek Gardens areas of Ashland. A number of subdivisions, such as the Billings Ranch Subdivision (R-1-5 – 5,000 square foot minimum lot size and 50% lot coverage), include small 2,688 square foot “zero-lot line” lots with no lot coverage allocations, but their coverage is approximately 78% of the lot where only 50% is permissible. In the case of the Brown parcel, Meg Brown created a number of small ¼+ acre lots in a ½ acre zone. She intended the lot owners to be able to build houses that would consume up to 100% of the modest building envelopes that she had designed. She also expected them to be able to build the garage aprons, private driveways, shared driveways, and guest parking spots that were drawn on the Outline Plan. Her expectations were reasonable because she had devoted so much land to open space that she had enough assignable lot coverage to accommodate every square inch of every building envelope, every driveway, every garage apron, every parking spot, and every shared driveway and still have only 15% lot coverage for the entire parcel (see Appendix 9 for a table that shows that building out every building envelope, parking spot, shared driveway, and garage apron in Meg's parcel would only create 15% lot coverage for the entire parcel). It seemed pointless to explicitly allocate the 32,290 sq ft of open space (in excess of the 5% minimum required) coverage to the 8 lots. The failure to document the lot coverage allocation in the Outline Plan has proven to be a source of problems for both the City and the lot owners ever since.

Basis for our Proposal: Meg Brown's expectations in 1997 for lot coverage form the basis of our lot coverage proposal. Our proposal requests the lot coverage implicit in her drawing of the Outline Plan and what she expected would be permissible. We propose that we be approved for:

1. what Meg Brown thought she was creating
2. what she thought she sold to us
3. what we thought we bought
4. what would have been accepted in 1997 if she had documented it at that time
5. what would be accepted now in 2010 if the subdivision were being created today

Meg Brown had every reason to believe that we would have the following permissible lot coverage:

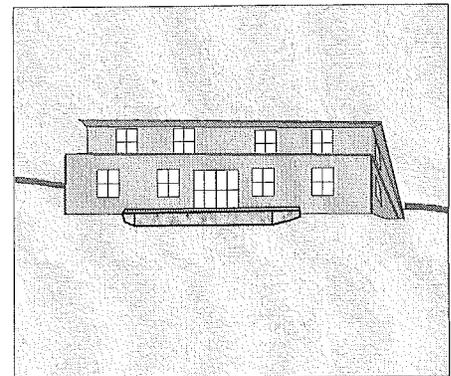
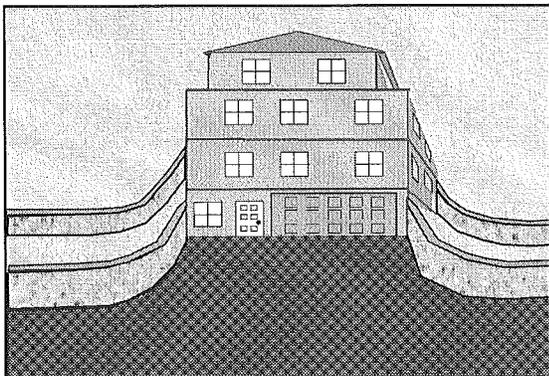
1. 4,738 sq ft of unrestricted lot coverage
  - a. equals the area of the building envelope, as drawn
  - b. building envelope drawn on the Outline Plan and approved by:
    - i. Planning Department
    - ii. Planning Commission
    - iii. City Council
  - c. measured by TerraSurvey (curved building envelopes are difficult to measure)
2. 270 sq ft guest parking spot
  - a. area as drawn on the Outline Plan
  - b. needed because Hitt Road will be signed for “no parking”
  - c. the 2 closest on-street parking bays are 360’ from our future front door
  - d. the next 2 closest on-street parking bays are 480’ from our future front door
3. 470 sq ft garage apron
  - a. area as drawn on Outline Plan
  - b. concrete apron is required by CC&Rs
4. The 1,433 sq ft for the shared driveway
  - a. area as drawn on the Outline Plan
  - b. a resource for multiple lots
  - c. lot coverage will be allocated from the “Brown” portion of the subdivision
  - d. coverage allocated whether or not we use the driveway or move the driveway entrance

We know that the Planning Department wants to limit our coverage to the 20% coverage of a ½ acre lot in a ½ acre zone, namely 4,356 sq ft. We feel that this metric would have been appropriate if Meg had made 8 clustered lots from only 4 acres of land. We think that there must be recognition of the 4 additional acres of open space that were created in her parcel. If the city doesn’t provide developers any benefit for creating extra open space, then the developers will tend to minimize the open space. If lot coverage had been raised as an issue in 1997, Meg Brown could have reduced the size of her open space and added the extra land to her lots, creating 8 huge lots with 8,000+ sq ft lot coverages (see Appendix 10, where our lot has an allocation of 8,698 sq ft). We feel that a neutral party would be favorable to the use of the “Knecht” Method (see Appendix 10) to grant us 8,698 sq ft of lot coverage. We are in the same subdivision as the “Knecht” lots and we expect to be treated equally. The “Knecht” method would not only grant us 8,698 sq ft of unrestricted lot coverage, it would additionally allocate open space coverage for the shared driveway. While the applicants feel very strongly that Meg Brown (and us by extension) was granted the right to fully develop the features drawn on the Outline Plan, we also want to reach an amicable solution to what has been 3 years of agonizing delays and frustration. **We are, therefore, asking for only 5,478 sq ft – NOT 8,698 sq ft of lot coverage.** If the City will grant our proposals, we will, as a concession to expediency, agree to use permeable materials for surface treatments for the coverage difference ( $1,122 \text{ sq ft} = 4,738 + 270 + 470 - 4,356$ ) between our two proposals. This means that we will NOT use more than 4,356 sq ft of non-permeable cover (e.g. house, garages, etc.). If we need more than 4,356 sq ft of lot coverage, then the extra, up to a limit of 1,122 sq ft, can only be used for surface treatments (e.g. driveways, parking, sidewalks, patios, etc.) and must be made of permeable materials that meet the approval of the City. While we recognize that permeable materials are more expensive, we feel the cost is justified by getting resolution to this matter.

How Would We Use the Lot Coverage?: Since we are asking for more lot coverage than the planning department would normally grant, we feel we should show how we might possibly use the

coverage. Appendix 2 shows a hypothetical example of a house design that uses every single square foot of our proposed lot coverage. This design illustrates a maximum version of the features we are looking for in a house. We will surely use less coverage than we show in this picture, but we want to have flexibility and not be artificially limited by lot coverage. Appendix 3 has a table that shows which portions of the hypothetical house design in Appendix 2 are permeable and which are non-permeable. Note that if our proposal for increased lot coverage is not approved or only partially approved, then we may be forced to build a 3 story house with the lowest level consisting of a below grade garage accessed from the shared driveway. While this design style would use less lot coverage, the applicants feel that the design will be less aesthetically pleasing than a separate garage accessed directly from Hitt Road.

The following somewhat crude graphic illustrates the visual difference between two equally sized houses. The left house has a below-grade garage entrance that is highly visible to the town, while the right house has a garage that's level with the house but hidden on the far side. The house on the left has much less lot coverage because it builds the garage under the house, does not use a stepped foundation, and adds an extra floor to achieve the same livable floor space. The house on the right has a garage that's level with the house, uses a stepped foundation, and spreads outward instead of upward. It uses more lot coverage, but is less visible. We think that the residents of Ashland would prefer to look at the house on the right.



**Figure 9: Effect of Lot Coverage and Driveway Entrance on House Appearance**

1. We want to build a house that is not larger than the average size for the Strawberry Lane neighborhood (see Appendix 7. The average house in the Strawberry Lane Meadows HOA is 3,560 sq ft). We feel that house sizes are related to property values. For any town, city, or area there is commonly a consensus as to the optimum size house for the size and value of the lot.
  - a. We do NOT want a huge 4,000 - 5,000 sq ft house
  - b. We want a house that is probably 3,100 - 3,500 sq ft of habitable floor space
2. The house will probably have 2 floors
  - a. Lower floor of ~1,000 sq ft with a 2 bedroom apartment for our visiting children
    - i. Roof of lower floor will be deck of upper floor
    - ii. Uses a stepped foundation, lot coverage permitting, to reduce profile
  - b. Upper floor of ~2,200 sq ft with kitchen, great room, 1 bedroom, 2 offices, 1 media room, 2 bathrooms
  - c. Separate HVAC for the two floors. We'll typically live on the top floor and use the bottom floor for visiting friends and family

- d. Lower floor will also have a non-heated/cooled storage area
- 3. Ideally the garage will be on the same floor as the kitchen
  - a. 2+car garage with a workshop
  - b. Extra deep garage to store a 18' Hobie catamaran on a trailer and a 28' mast
  - c. CC&Rs require inside parking for all vehicles
- 4. One guest parking spot – the nearest on-street parking is 360' away
- 5. House design will emphasize energy efficiency, fire safety and wild fire survivability
- 6. House will hopefully have a courtyard/garden near the garage
- 7. House will have a deck for outdoor living

163 Hitt Road is the Flattest and Most Buildable Lot in Parcel: When creating the subdivision, Meg Brown tried to equalize the value of the lots in her parcel. She recognized that lot 6 was the flattest and most buildable lot in her parcel and had the best views. She therefore made it smaller so that it would have a value closer to the other lots. She had no idea that this would cause such problems later on.

Meg created a huge open space in her parcel that preserved the hillside views of the residents of Ashland. This was an admirable thing to do. But, like many people who do something different and admirable, she suffered for her good intentions. 6 years later, she still has 2 lots that can't be sold and she has some unhappy customers who bought her lots and can't develop them. Of the 7 lots she created and tried to sell, only one lot has a house on it – and only because it was a large lot (0.7 acres).

50% Open Space: The applicants' property is part of the "Brown" parcel in the Strawberry Meadows Subdivision that dedicated 50% of its area to open space. Even though the parcel was zoned for ½ acre, Meg created only 8 small lots out of a large 8 acre parcel. She had a huge amount of lot coverage (50% of her land – 4 acres) available for allocation. Normally, a developer allocates lot coverage from any excess open space to the individual lots. The subdivision was required to have only 5% (0.4 acres) open space, so she had 3.6 (4 acres – 5%\*8 acres) acres of open space coverage available for allocation. Unfortunately, our lot can't use that lot coverage and has now been stuck in a planning limbo for the last 3 years. So ... what happened? The root cause of our problem is that our lot was purposely created as a small ¼ acre, undersized piece of land in a ½ acre zone. By itself, this wouldn't have been a problem. If the potential lot coverage issue had been recognized at that time, precautions could have been taken to ensure that this property would be treated properly in the future. If the developer had documented the allocation of open space coverage when the subdivision was created, the City would have probably honored that allocation. On the other hand, if the City of Ashland had had a problem with the lot coverage allocation in 1997, the developer could have then simply created a different set of property lines, making each individual lot larger. Meg could have made the lots almost 1 acre each. The resulting subdivision wouldn't have been as aesthetically pleasing, but the right to develop the lots would have been preserved. The important point is that in 1997 she would have had a chance to correct any problems. Unfortunately, Meg Brown relied on an informal system of lot cover allocation. She didn't explicitly allocate lot coverage from the extra open space and thereby inadvertently created a future problem.

Knecht Coverage Allocation: Alex Knecht, one of the Strawberry Meadows Subdivision developers, realized the lot coverage problem in 2005 and allocated open space lot coverage from his parcel to his lots via an over-the-counter memo (see Appendix 11). He created lots with up to 6,356 sq ft of lot coverage and up to 33% lot coverage. In comparison, we are requesting 5,478 sq ft of lot coverage, and are willing to make 1,122 sq ft of that out of permeable materials. Alex made this

allocation after the subdivision was created, after the parcels were deeded to the subdivision, and after he had already sold some of the lots. Unfortunately, no one alerted the other developers, so they missed the chance to allocate their own open space lot coverage. Meg Brown, who dedicated the most area to open space and was, possibly, the most environmentally conscious, was penalized by having the value of her lots impacted. Appendix 10 has a table that shows the result of applying the “Knecht” method of allocating lot coverage to the lots in Meg Brown’s parcel. The subject property (lot 6) would have 8,698 sq ft of lot coverage and the shared driveway would have been separately accounted for. We are only asking for 5,478 sq ft of lot coverage and we are willing to make 1,122 sq ft of that area out of permeable materials.

423 Strawberry: In late 2004, the owners of 423 Strawberry Lane (in the same subdivision as our lot) wanted to get additional lot coverage. The Planning Department volunteered to allocate lot coverage to them from open space. They were given an extra 3% percent, bringing their total square footage to 6,544 sq ft. In comparison, we are requesting only 5,478 sq ft of lot coverage, and are willing to make 1,122 sq ft of that out of permeable materials.

The Planning Department started implementing a more formal process for lot coverage in 2005. They honored any explicitly stated lot coverage allocation (such as the “Knecht” memo) that was already approved, but they stopped honoring implied allocations. There were no new laws passed requiring them to do this, it was just something that happened and had far reaching consequences. Meg Brown was becoming a lot coverage victim because she hadn’t written a one page memo to the Planning Department.

The Planning Department also relied on a convention that measured coverage in terms of percentages and not square footage. They limited most lot coverage requests to slightly over 20% – e.g. 22% - 23%. This worked fine for the typical subdivision that had all lots sized at the minimum for the zone and had little extra open space available for allocation. The typical RR-0.5 subdivision was composed of many ½ acre lots with as much as 7% - 8% open space (the minimum requirement is 5%). This left only 2% - 3% of the open space lot coverage that could be allocated. This also meant that an individual lot could seldom get more than a few percentage points of extra coverage beyond the 20% tied to the lot’s size.

Citizens Challenge Allocation of Open Space Lot Coverage: Our lot’s problems were further compounded by an appeal from “concerned” citizens who challenged the very concept of open space coverage allocation in the approval of the Strawberry Fields Subdivision. While these citizens were possibly pursuing their own private agendas, they did cause the City to stop all allocations of open space lot coverage while the City attorney developed the legal framework to justify the allocations. This lengthy process delayed a possible resolution for our property by almost a year.

Percentages, not Square Feet: By relying on percentages and not square footages, the owner of a small lot must request a very large percentage of coverage in order to get enough square footage to build a house. The use of percentages makes complete sense in standard subdivisions or on free standing lots. Performance standards option subdivisions, however, may purposefully create small lots. This makes any request for additional square footage of a smaller lot look unusually large, solely because the percentage looks large. In the case of our lot, we are asking for less square footage of lot coverage than others (in our same subdivision) have been granted (see 423 Strawberry in Appendix 12). However, because our percentage looks much larger than their percentage, their coverage was approved and ours was denied.

## **Shared Driveway:**

Our lot coverage situation is further complicated because we have a shared and paved driveway. We have proposed moving our driveway entrance from the shared driveway to Hitt Road, but we technically must still include the shared driveway in our calculations – even if we no longer use it. Shared driveways seem even more problematic when you consider the situation of lot 6 (our lot), lot 7, and lot 8. We on lot 6 have the possibility of moving our garage entrance to Hitt Road and therefore stop using the driveway. Lot 7 may be able to do the same thing. So, both lot 6 and lot 7 must technically include lot coverage for a shared driveway that they might not use. The shared driveway uses so much lot coverage (1,433 sq ft for lot 6 and ~1,000 sq ft for lot 7) that our lots have become unbuildable. Lot 8, on the other hand, does not have any choice. Because of the steep slopes at the top of lot 8, it must use the shared driveway. Strangely, it is the only lot that doesn't have to account for any of the coverage of the shared portion of the driveway.

If the shared driveway is included in our coverage calculations, then our lot coverage request looks even more outrageous – not 45%, but now 57%. If 5,500 square feet of coverage is needed to build a house, this represents only 25% coverage for a ½ acre lot, but 46% coverage for our .28 acre lot. If you add the shared driveway that runs through our lot and assume it must be accounted for, then our lot coverage percentage is over 57%. This seems outrageous until you remember that our lot's share of the total parcel size is almost a full acre, which would give us 8,276 sq ft of coverage – almost enough to fully cover our lot.

Since a shared driveway is a common resource for more than one lot, it makes sense to allocate lot coverage from the open space. Our proposal does just that. We assume that 1,433 sq ft of lot coverage is allocated from the Brown parcel's open space.

A further problem with shared driveways is that the coverage rules used by the Planning Department are internal guidelines which do not carry the full weight of the Ashland Municipal Code. As such, they are open to interpretation and to being applied inconsistently. For instance, the Planning Department will sometime not count the unused portion of a shared driveway in the lot coverage calculation, while counting the entire shared driveway at other times.

## **Lot Coverage Problems:**

Tom Giordano's Statement: One of the initial problems we encountered when trying to get approval to use our lot in 2008 was that there was an a simple statement from the land use planner, Tom Giordano, in the files that appeared to say that each lot would have to individually meet the 20% lot coverage rule. The statement was contained in a letter (see Appendix 5) that Tom wrote on 6/10/98 to respond to complaints from neighbors that were unhappy with the general concept of the Strawberry Meadows Subdivision. Their letter said that without more details, they couldn't adequately comment on the proposed subdivision. They did not directly mention lot coverage. Tom's response letter had many general statements, including, "all new homes will not exceed the 20% lot coverage restriction." The Planning Department cited this sentence repeatedly over the last 3 years to justify denying us additional lot coverage. They said that Tom's statement was unequivocal. Tom's statement did not make sense to us, since it would be tantamount to saying that Meg Brown was willing to destroy the economic value of several of her lots in order to placate the subdivision

opponents. Note the subdivision had already been approved by the Planning Department and the Planning Commission. We suspected there was some miscommunication. We researched the letter and found that the letter was written in response to a citizen's group that wanted to stop the subdivision. They had general complaints about everything that had to do with the subdivision. Tom Giordano's letter was written in response to them. It made 20 or 30 general statements that essentially said, "We will follow the rules and the laws and do everything properly." But what did he mean by the 20% lot coverage statement? We interviewed Tom Giordano and asked him what he had meant. He gave us a letter (Appendix 6) on 6/15/09 saying that:

1. he used clustering to design the subdivision
2. he expected lot coverage to be allocated from the Brown parcel open space to the Brown lots
3. his mysterious statement about obeying the 20% lot coverage restriction was simply an acknowledgment that there is a 20% maximum lot coverage in a RR-0.5 zone. He stated that the subdivision would meet the rule, but he just didn't say how it would meet the rule. He planned to apply the rule at the parcel level, and not at the individual lot level. Note that I have subsequently noticed that some current subdivision applications use this same wording – saying that they will meet the 20% lot coverage restriction, but only later saying they will apply it at the subdivision level.
4. the developers Tom worked with would never have dreamed of not using lot coverage allocation from open space, since to not do so would destroy the value of some of the lots (as the applicants subsequently found out).

Lot Coverage Allocation Tables are Relatively New: Prior to 2005, lot coverage allocations with Performance Standards Subdivisions did not exist, other than an administrative review and acceptance where common and open space areas' available lot coverage was allocated to each lot within the subdivision – usually on an equal percentage basis or as deemed necessary by the developer. Often times, the administrative review of such allocations occurred with a portion of the subdivision's lots already developed and sold.

Allocation Tables Required for Fairness: Without some form of an allocation table, the RR-.5 zone's maximum 20% lot coverage ratio doesn't necessarily create a fair and equitable distribution of lot coverage. Some lots need additional coverage based on the physical constraints of the property. This can lead to unintended consequences. For example, some lots in the RR-.5 zone are very difficult to build because they have steep slopes, full stature trees, shared driveways and/or long driveways and therefore a larger portion of their lot coverage is consumed by driveways or footprint configurations attempting to accommodate the site's physical constraints. Without lot coverage allocation from open space, these lots become unusable. With allocation, these same lots can become some of the most esthetic properties in the area. Although each case is somewhat different, the end result of not specifying coverage allocation is to create confusion and stress for the property owners.

At the time of the Strawberry Meadows subdivision application in 1998, the developer and City staff didn't (to our knowledge) discuss the need for a lot coverage allocation, necessitating this Modification request. This was partly due to the fact that lot coverage allocation issues prior to 2005 were primarily an administrative procedure with the understanding that Performance Standards Options Subdivisions having large lots mixed with smaller lots and/or large common open space areas would "share" the lot coverage. This would allow for consideration of the specifics of a particular lot, such as a long paved driveway, hillside constraints, etc. This is evident with many of Ashland's subdivisions that were created prior to 2005 such as Billing's Ranch off Nevada Street, the Clay Creek Gardens off of Tolman Creek Road, and Eastfield on Sunnyview Street. In the case of the "Brown" parcel, the subject property was considered the most buildable lot with the best

views. Consequently, the subject lot was made smaller than the other lots to try and equalize the perceived value of the different lots. Meg Brown had no idea that she was, in fact, creating a huge problem by not defining open space lot coverage allocation and including an allocation table in the Outline Plan.

**Summary:**

The request for a Modification of a Performance Standards Options Subdivision is relatively straight-forward and justifiable under the Final Plan criteria noted below. Unfortunately, this topic can be difficult to explain and is very technical. Most importantly, it throws into doubt the mechanics of a Performance Options Standards Subdivision because it creates critical problems for staff and the property owners to resolve. In this particular case, however, moving the driveway entrance and modifying the building envelope are facilitated by the lack of adjacent neighbors living in homes. Furthermore, the over-abundance of open space lot coverage ensures that the “Brown” parcel will retain its low overall coverage while still having plenty of coverage available for allocation to the individual lots.

**IV. APPLICABLE CRITERIA:**

**18.88.030.B.5 Criteria for Final Plan Approval (modification thereof):**

**Criteria for Final Plan Approval: Final plan approval shall be granted upon finding of substantial conformance with the outline plan. Nothing in this provision shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan shows that:**

**a. The number of dwelling units vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.**

The proposed modification does not involve changing the number of dwelling units. Proposal complies with this criterion.

**b. The yard depths and distances between main buildings vary no more than ten (10%) percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Title.**

No buildings were specified in the subdivision’s Outline, Final, or Amended Final Plans. The proposed modification expands the building envelope from 0 feet to 13.5 feet on the southwestern edge of the lot, which faces Hitt Road and an open space on the far side of Hitt Road. The proposed modification does not change the minimum possible distance between buildings on adjacent lots in the subdivision. The proposed modification meets the minimum distances specified for its zone. Proposal complies with this criterion.

**c. The open spaces vary no more than ten (10%) percent of that provided on the outline plan.**

The proposed modification does not involve changing the subdivision's open space area. Proposal complies with this criterion.

**d. The building size does not exceed the building size shown on the outline plan by more than ten (10%) percent.**

The proposed modification does not involve changing the building size shown on the Outline Plan as no buildings or hypothetical building sizes were identified in the subdivision's Outline or Final Plans. Proposal complies with this criterion.

**e. The building elevations and exterior materials are in conformance with the purpose and intent of this Title and the approved outline plan.**

The proposed modification does not involve changing the elevations of a building or the exterior materials of a building as no buildings or elevations were identified in the subdivision's Outline or Final Plans. Proposal complies with this criterion.

**f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.**

Although eligible for bonus points, no bonus points were requested or allocated during the approval of the subdivision's Outline or Final Plans. Proposal complies with this criterion.

**g. The development complies with the Street Standards.**

The proposed modification moves the barrier gate on Hitt Road ~115' uphill (to the west) to allow relocating the entrance to the lot. The applicants agree to improve any or all of this portion of Hitt Road as specified by the City of Ashland and to the standards set by the City of Ashland. Proposal complies with this criterion.

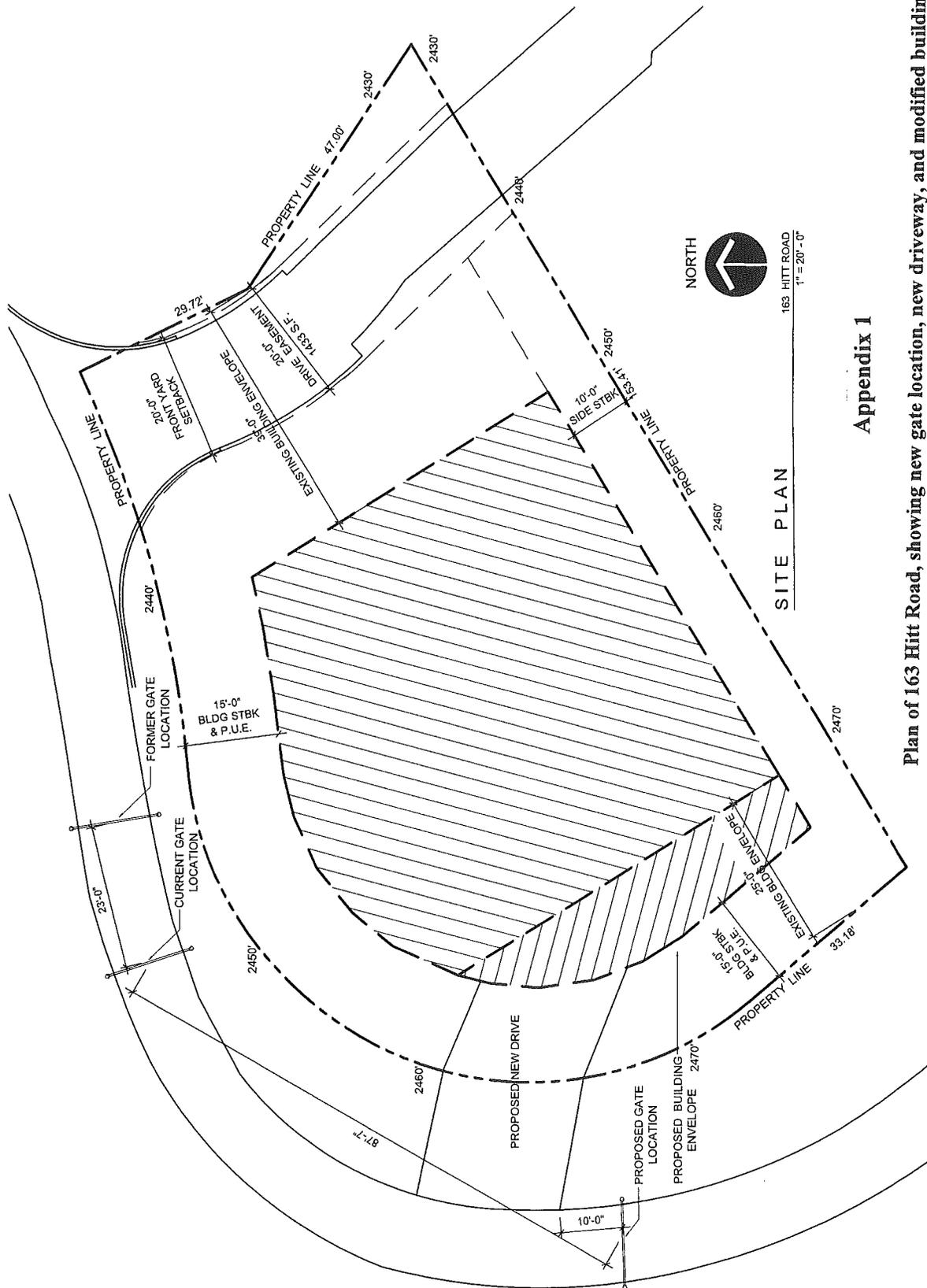
**18.88.030.B.6 Procedure for Final Plan Modification:**

**6. Any substantial amendment to an approved final plan shall follow a Type I procedure and be reviewed in accordance with the above criteria.**

The applicants contend the proposal for a Modification of a Performance Standards Options Subdivision to move the lot entrance, modify the building envelope, and to define the permissible lot coverage on 163 Hitt Road is not a substantial amendment as none of the criteria as outlined in 18.88.030 B.5. (see above) reference the lot entrance, the building envelope, nor the lot coverage, nor does the Brown's parcel lot coverage exceed the zone's maximum 20% allowance. Regardless, the applicants will agree with staff's recommendation as to how to best process the subject modification request.

V. **LIST OF APPENDICES:**

1. **Plan of 163 Hitt Road, showing new gate location, new driveway, and modified building envelope**
2. **Plan of 163 Hitt Road with conceptual drawing showing 100% usage of 5,478 sq ft Requested Lot Coverage**
3. **Table: 163 Hitt Road: 100% Usage of 5,478 sq ft Requested Lot Coverage**
4. **Enlargement of Outline Plan showing guest parking and “Future Gate” locations**
5. **Giordano Letter Responding to Planning Action Appeal (1998). Appears to Accept 20% Lot Coverage for Individual Lots**
6. **Giordano Letter Explaining Meaning of 1998 Letter (2009)**
7. **Table of House Sizes in Strawberry Lane Meadows HOA & Area of 163 Hitt Road**
8. **Table of Allowed Lot Coverage for Same Size Lots in Different Zones**
9. **Table Showing Brown Parcel Lot Coverage if “Outline Plan” Method Used to Cover all Building Envelopes, Driveways, and Guest Parking Spots in Outline Plan**
10. **Table Showing “Knecht” Allocation Scheme Applied to the Brown Parcel**
11. **Knecht Allocation Memo (5/16/2005)**
12. **Dimino Open Space Coverage Allocation Offer (12/9/2004)**

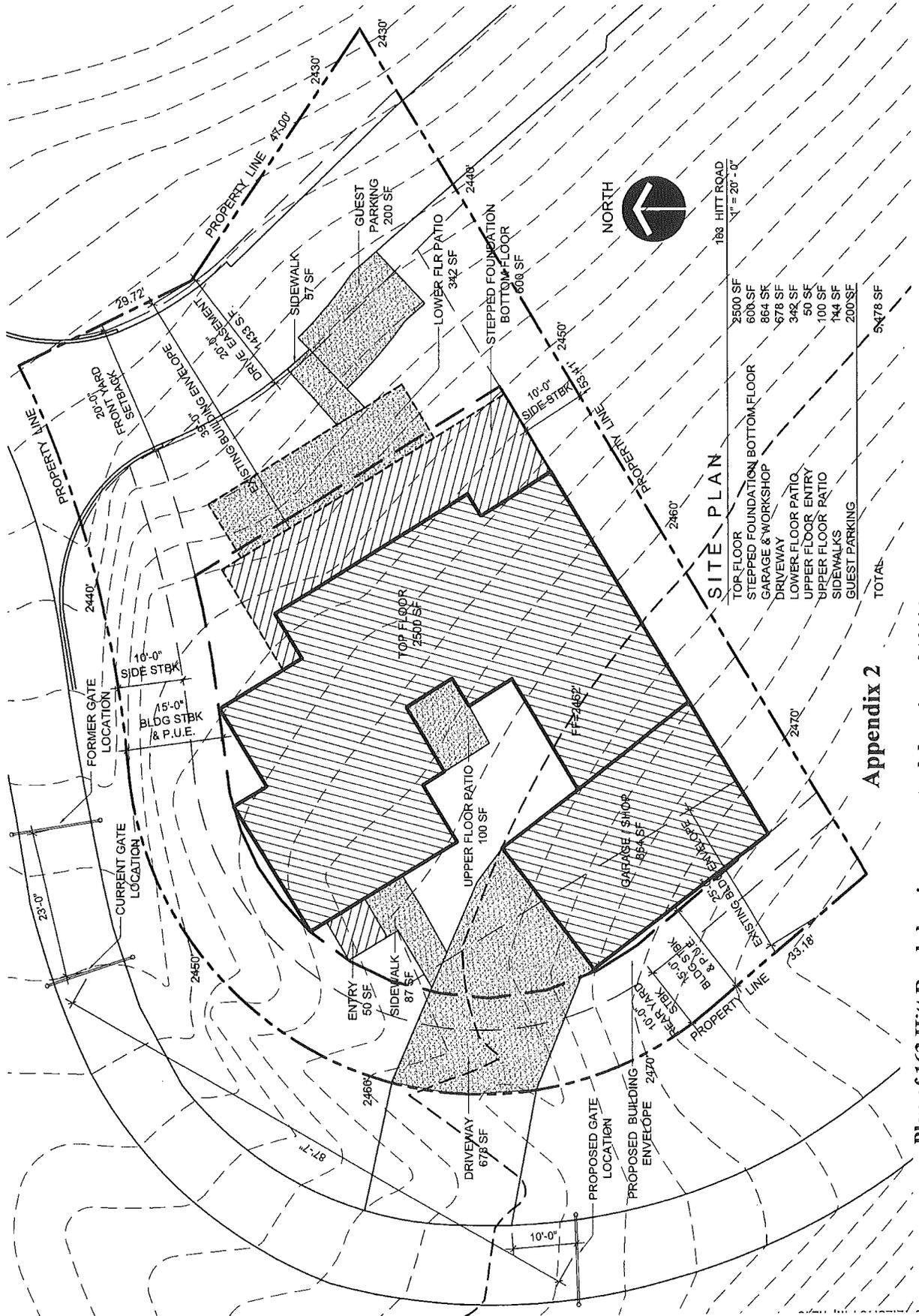


163 HITT ROAD  
1" = 20'-0"

SITE PLAN

Appendix 1

Plan of 163 Hitt Road, showing new gate location, new driveway, and modified building envelope



**SITE PLAN**

TOR FLOOR	2500 SF
STEPPED FOUNDATION BOTTOM FLOOR	600 SF
GARAGE & WORKSHOP	864 SF
DRIVEWAY	678 SF
LOWER FLOOR RATIO	342 SF
UPPER FLOOR RATIO	100 SF
SIDEWALKS	144 SF
GUEST PARKING	200 SF
<b>TOTAL</b>	<b>5478 SF</b>

**Appendix 2**

Plan of 163 Hitt Road showing conceptual drawing of 100% usage of requested lot coverage

### Appendix 3

#### 163 Hitt Road: 100% Usage of 5,478 sq ft Requested Lot Coverage

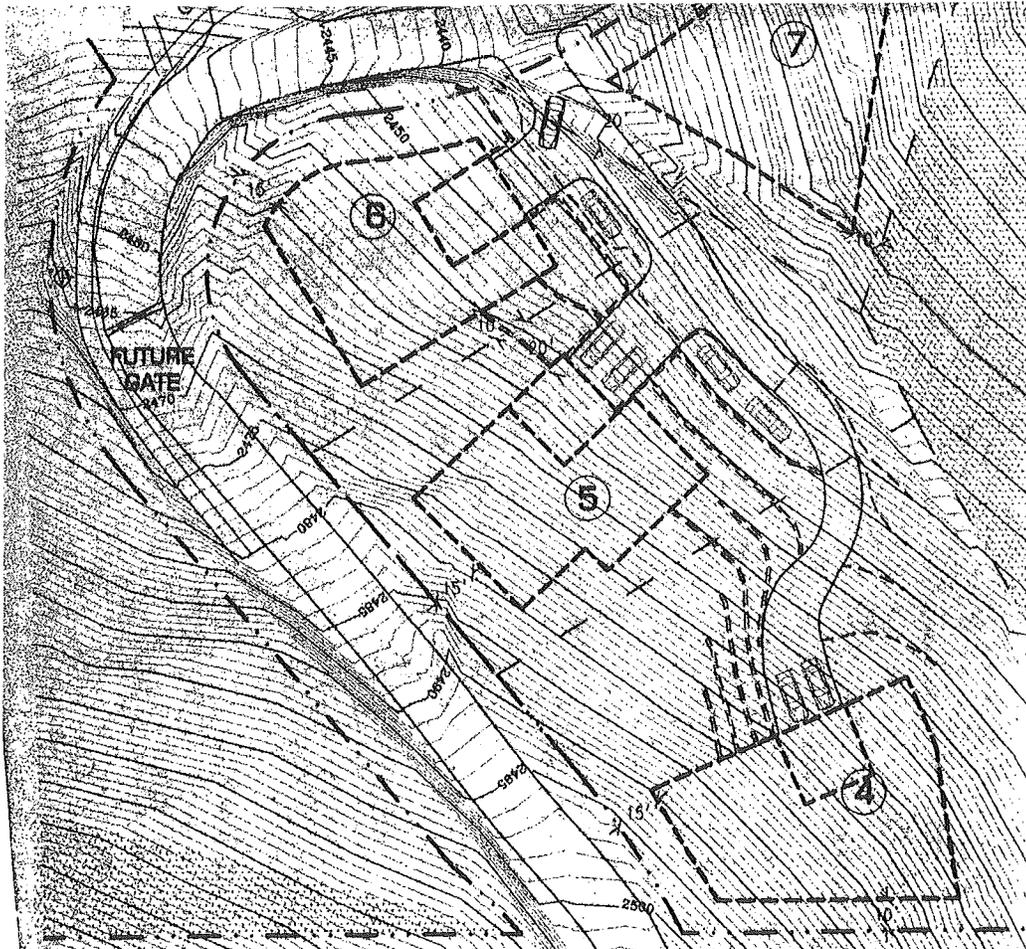
100% Usage of 5,478 sqFt Requested Lot Coverage	sqFt	Permeable ?	Non-Perm. SqFt	Permeable SqFt
Top floor	2,500	No	2,500	-
Non-covered portion of bottom floor	600	No	600	-
Garage & Workshop	864	No	864	-
Driveway	678	Yes	-	678
Lower Floor Patio	342	No	342	-
Upper Floor Entryway	50	No	50	-
Upper Floor Patio	100	Yes	-	100
Upper and Lower Sidewalks	144	Yes	-	144
Guest Parking on shared driveway	200	Yes	-	200
<b>Totals</b>	<b>5,478</b>		<b>4,356</b>	<b>1,122</b>

Outline Plan building envelope	4,738
Outline Plan garage apron	470
Outline Plan guest parking spot	270
<b>Total Coverage Req. for Lot 6</b>	<b>5,478</b>

} Requested Lot Coverage is Based on Outline Plan Drawing of Lot 6

### Appendix 4

#### Enlargement of Outline Plan showing guest parking and "Future Gate" locations



## Appendix 5

### Giordano Letter Responding to Planning Action Appeal (1998) Appears to Accept 20% Lot Coverage for Individual Lots

the draft for Strawberry / Westwood Master Plan (March 18, 1996).

The project will be privately financed and construction drawings will begin as soon as Outline Approval is granted. All of Site Improvements will be installed once Final Approval is granted. Current City standards for energy efficiency will be applied to all new homes and enforced by CC&R's. The CC&R's will be based on the Information provided in the Narrative and prepared prior to Final Plan Approval. The current Hillside Development Ordinance will be used as a guide for the design of new homes. Design guidelines will also be provided in the CC&R's.

**Density -**

The Project Information Section of the Narrative dated 16 December 1997, calculates the maximum allowable density as 30 units, under 18.88.040. The applicants are requesting 25 single family units.

**Lot Coverage -**

The overall Site Plan provides both the lot sizes and building envelope sizes. The Rural Residential District requires 20% maximum lot coverage. The building envelope delineates the area where the home can be built, not the size of the building footprint. The design of the homes are not required for Outline Plan Approval; however, all new homes will not exceed the 20% lot coverage restriction. This restriction will be included in the developments CC&R's.

**Set Backs -**

Under the Performance Overlay Zone, specific set backs are not required except for the front yard and along the perimeter of the property. As demonstrated on the overall Site Plan, all front yards are set back 15 feet for buildings and 20 feet for garage doors. Lot 7 of the Neuman property and lot 4 of the Brown property are incorrect and should show 10 feet instead of five feet.

**Height -**

The rural residential zone requires a maximum height of 35 feet or 2 1/2 stories, which ever is less. The sample exterior elevations shows one example of a two story home and another with a maximum height of 32 feet.

**Lot Dimension -**

Lot dimensions are not required under the Performance Overlay Zone.

### Giordano's 6/10/98 Response Letter (Page 3): 20% Statement

Note that this does NOT explain how the 20% lot coverage rule is calculated in a performance option sub-division

#### Lot Coverage -

The overall Site Plan provides both the lot sizes and building envelope sizes. The Rural Residential District requires 20% maximum lot coverage. The building envelope delineates the area where the home can be built, not the size of the building footprint. The design of the homes are not required for Outline Plan Approval; however, all new homes will not exceed the 20% lot coverage restriction. This restriction will be included in the developments CC&R's.

## Appendix 6

### Giordano Letter Explaining Meaning of 1998 Letter (2009)

# Giordano Clarification Letter 6/15/09



June 15, 2009

City of Ashland  
Community Development

Dear Sirs:

From 1997 through 2003, I was the Planner for the Strawberry Meadows Subdivision Project. I was the agent for three developers of this subdivision – Doug Neuman, Paul Horoschinsky, and Margaret Brown. Planning Action 97-054 for the Outline Plan was approved on April 14, 1998, with findings adopted and signed May 12, 1998.

The Planning Action was appealed on May 26, 1998 by several neighbors who wanted to prevent the paving and use of Strawberry Lane from Alnut St to Granite St. They raised several points of contention (none specifically concerning lot coverage), of which only one (the capacity of storm drainage) was eventually upheld by Oregon's L.U.B.A. and corrected after remanding. The main complaint raised in their appeal letter was that there was insufficient detail provided in the Outline Plan, Narrative, and Findings for them to properly assess the subdivision. In response to this appeal letter, I submitted on June 10, 1998 a letter with additional findings for the project. In this 7 page letter I addressed over 20 topics. One of the topics – Lot Coverage – is now of concern for a variance application for 163 Hitt Rd. I want to clarify the meaning of the following paragraph from my 6/10/98 letter.

#### Lot Coverage –

The overall Site Plan provides both the lot sizes and building envelope sizes. The Rural Residential District requires 20% maximum lot coverage. The building envelope delineates the area where the home can be built, not the size of the building footprint. The designs of the homes are not required for Outline Plan Approval; however, all new homes will not exceed the 20% lot coverage restriction. This restriction will be included in the development's CC&Rs.

The subdivision was developed using the Performance Standards Option and included significant open space. We relied on the use of Open Space credits in designing the lots. In particular, the Brown parcel (which includes 163 Hitt Rd), had over 50% open space. We used a clustering approach in this parcel to site 7 smaller lots on the edge of a large open space. Some of the lots (e.g. 163 Hitt Rd) were significantly smaller than the 0.5 acre minimum for the underlying RR-0.5 zone. The outline plan showed building envelopes, driveways, and garage aprons. We assumed that the purchasers of the lots could build up to 100% of the envelopes. Although the lots were small and some of the individual lots would exceed the 20% restriction, we knew that we had enough open space credits to ensure that the parcel would not exceed the 20% restriction. If open space credits had not been available, then we would have made the lots significantly larger and reduced the open space to the 5% minimum required amount. If the 20% coverage restriction is now applied to each individual lot in isolation, then several of the lots we designed will become either unusable or severely restricted.

#### My statement in the 6/10/98 Additional Findings letter should be interpreted as follows:

Building envelopes are not the same as building footprints. A building footprint can be as large as the entire envelope, but could also be smaller. The 20% lot coverage restriction will be met, assuming the use of Open Space credits where appropriate. Please refer to the Ashland Zoning Ordinance for the full set of rules regarding the 20% lot coverage restriction and the use of open space credits.

Sincerely,

Tom Giordano, Architect/Planner

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Note that the development assumed the use of open space credits when designing lots with much less than 0.5 acres.

The subdivision was developed using the Performance Standards Option and included significant open space. We relied on the use of Open Space credits in designing the lots. In particular, the Brown parcel (which includes 163 Hitt Rd), had over 50% open space. We used a clustering approach in this parcel to site 7 smaller lots on the edge of a large open space. Some of the lots (e.g. 163 Hitt Rd) were significantly smaller than the 0.5 acre minimum for the underlying RR-0.5 zone. The outline plan showed building envelopes, driveways, and garage aprons. We assumed that the purchasers of the lots could build up to 100% of the envelopes. Although the lots were small and some of the individual lots would exceed the 20% restriction, we knew that we had enough open space credits to ensure that the parcel would not exceed the 20% restriction. If open space credits had not been available, then we would have made the lots significantly larger and reduced the open space to the 5% minimum required amount. If the 20% coverage restriction is now applied to each individual lot in isolation, then several of the lots we designed will become either unusable or severely restricted.

## Appendix 7

**Table of House Sizes in Strawberry Lane Meadows HOA & Area of 163 Hitt Road**

### Size of 22 Houses Closest to 163 Hitt Road

House #	Street	Owner	SquareFeet	Source	Year built	SLM-HOA	
252	Strawberry Lane	Oursler, Redd	2,797	county website	2007		
360	Strawberry Lane	Mozingo	3,158	county website	2007	3,158	
365	Strawberry Lane	Potts, Esterling	3,030	county website	1989		
385	Strawberry Lane	Brown Olson	3,032	county website	1983		
395	Strawberry Lane	McAllister	2,800	county website	1980		
400	Strawberry Lane	Kutcher	3,767	county website	2001		
423	Strawberry Lane	Dimino	3,757	county website	2005	3,757	
433	Strawberry Lane	Baldwin		under construction	2011		
443	Strawberry Lane	Hwoschinsky	3,346	county website	1993		
490	Strawberry Lane	Darling	2,143	county website	1938, 2001		
500	Strawberry Lane	McLellan	4,408	county website	2003		
503	Strawberry Lane	Borgias, Layser	2,999	county website	2004	2,999	
523	Strawberry Lane	Barnes	3,316	county website	2004	3,316	
551	Strawberry Lane	Bryant	3,481	county website	2010		
121	Birdsong Lane	Sholem	3,109	county website	2005	3,109	
131	Birdsong Lane	Drescher, DeSantis	3,416	county website	2006	3,416	
141	Birdsong Lane	Fernlund	3,702	county website	2006	3,702	
181	Birdsong Lane	Knecht	3,863	county website	2006	3,863	
191	Birdsong Lane	Resnick	4,717	county website	2008	4,717	
110	Westwood Street	Kovacich	3,572	county website	1999		
115	Westwood Street	Norvell	3,316	county website	1998		
120	Westwood Street	Danis	3,852	county website	1999		
121	Westwood Street	Schwarzer	2,997	county website	1998		
<b>Average Size of All Homes (sq ft) =</b>			<b>3,390</b>				

Average Size of Homes in the Strawberry Lane Meadows HOA (sq ft) = 3,560

## Appendix 8

**Table of Allowed Lot Coverage for Same Size Lots in Different Zones**

### Lot Coverage for a given Lot Size and Zone in Ashland, OR

Showing lot coverage for the same 12,073 sqFt lot size, but in different zones

Zone	Min Lot Size (sqFt)	Max Lot Coverage		Lot Size (acres) (sqFt)						0.277 acres 12,073 sqFt
		%	sqFt	0.115 5,000	0.172 7,500	0.230 10,000	0.500 21,780	1.000 43,560	2.500 108,900	
R-1-5	5,000	50%	2,500	2,500	3,750	5,000	10,890	21,780	54,450	6,037
R-1-7.5	7,500	45%	3,375	2,250	3,375	4,500	9,801	19,602	49,005	5,433
R-1-10	10,000	40%	4,000	2,000	3,000	4,000	8,712	17,424	43,560	4,829
RR-.5	21,780	20%	4,356	1,000	1,500	2,000	4,356	8,712	21,780	2,415
RR-1	43,560	12%	5,227	600	900	1,200	2,614	5,227	13,068	1,449
RR-2.5	108,900	7%	7,623	350	525	700	1,525	3,049	7,623	845

= lot with an area less than the zone minimum

Note: sqFt per acre = **43,560**

## Appendix 9

**Table Showing Brown Parcel Lot Coverage if "Outline Plan" Method Used to Cover all Building Envelopes, Driveways, and Guest Parking Spots in Outline Plan**

### "Outline Plan" Method: Allocation for Brown Site

Street Address	Owner	Lot Area (sqFt)	BldgEnv Area (sqFt)	Driveway Aprons Parking	Outline Plan Area (sqFt)	Shared Driveway	Total Area (sq ft)
Open Space	HOA	178,961					0
360 SL	Mozingo	30,138	6,277	1,392	7,669		7,669
370 SL	Brown	41,538	4,500	1,200	5,700		5,700
390 SL	Brown	15,204	3,608	2,885	6,493		6,493
123 HR	Wilson	15,048	3,336	1,050	4,386		4,386
143 HR	Way-Dobson	21,710	6,015	1,488	7,503		7,503
163 HR	Dixon	12,073	4,738	740	5,478	1,433	6,911
173 HR	Brown	14,576	3,918	1,728	5,646	1,116	6,762
183 HR	McDaniel	20,996	4,758	1,483	6,241		6,241
<b>Total</b>		<b>350,244</b>			<b>49,116</b>		<b>51,665</b>



estimate

15% = total site coverage

## Appendix 10

**Table Showing Knecht Allocation Scheme Applied to the Brown Parcel**

### Open Space Allocation Based on Building Envelope Size (ala Knecht)

Site Area (SqFt)

Total 354,768 SqFt (8.1 acres)

Maximum Lot Coverage Transfer (SF) = 20% of 354,768 SqFt

Total 70,954 SqFt

Available Lot Coverage Transfer (SqFt) =

70,954 SqFt less Existing Pavement & Sidewalks (2,433SqFt)

Total 68,521 SqFt

Street Addr.	Curr. Lot #	Lot Area (sqFt)	20% of Lot Area (sqFt)	Building Envelope Area (SF)	BldgEnv as Pct of Lot Area (%)	B.E. as % of Total B.E. Areas (%)	Allocated Lot Cov (SF)	Allocated Lot Cov (%)
Open Space		178,596	35,719	0	0.00%	0	0	0%
Shared driveway(s)							2,433	
360 SL	1	30,624	6,125	6,277	20.5%	16.7%	11,409	37%
370 SL	2	41,538	8,308	5,000	12.0%	13.3%	9,088	22%
390 SL	3	18,278	3,656	3,608	19.7%	9.6%	6,558	36%
123 HR	4	14,442	2,888	3,336	23.1%	8.8%	6,064	42%
143 HR	5	22,678	4,536	6,015	26.5%	16.0%	10,933	48%
163 HR	6	12,073	2,415	4,785	39.6%	12.7%	8,698	72%
173 HR	7	15,051	3,010	3,918	26.0%	10.4%	7,122	47%
183 HR	8	21,488	4,298	4,758	22.1%	12.6%	8,648	40%
<b>Total</b>		<b>354,768</b>	<b>70,954</b>	<b>37,697</b>	<b>21.40%</b>	<b>100.0%</b>	<b>70,954</b>	<b>20%</b>

Open Space (SqFt)  
178,596 SqFt

Existing Pavement & Sidewalks (SqFt)  
 1,433 Shared Driveway on Lot 6 (SqFt)  
 1,000 Shared Driveway on Lot 7 (SqFt) (estimated)  
 2,433 Total (SqFt)

# Appendix 11

## Knecht Allocation Memo (5/16/2005)

### Knecht 5/16/05 Allocation Memo

**Birdsong Subdivision Lot Coverage Calculations**

Site Area (SF)  
Total 267,242

Maximum Lot Coverage on Subdivision (SF) = 20% of 267,242 SF  
Total 53,448

Available Lot Coverage Transfer (SF) =  
53,448 SF less Existing Pavement & Sidewalks (16,059 SF)  
Total 37,389

Lots	Area (SF)	Bldg Env Area (SF)	Ratio of 58,034 SF Bldg Env.	Lot Cov. Transfer	Lot Coverage Ratio to Bldg. Env.
W/1-1	16,775	8,624	15%	5,608	.65
W/14-2	19,194	7,466	13	4,861	.65
W/13-3	40,613	7,775	13	4,861	.63
W/12-4	40,159	9,535	16	5,982	.63
W/11-5	20,922	9,577	17	6,356	.66
W/10-6	18,864	7,002	12	4,487	.64
W/9-7	17,643	8,055	14	5,234	.65
<b>Total</b>	<b>174,170</b>	<b>58,034</b>	<b>100%</b>	<b>37,389</b>	

Open Space (SF)  
B 47,613  
C 16,606  
D 12,794  
Total 77,013

Existing Pavement & Sidewalks (SF)  
Total 16,059

*OPK shob Designer/Architect 5/16/05*

**6,356 SqFt  
Lot Coverage**

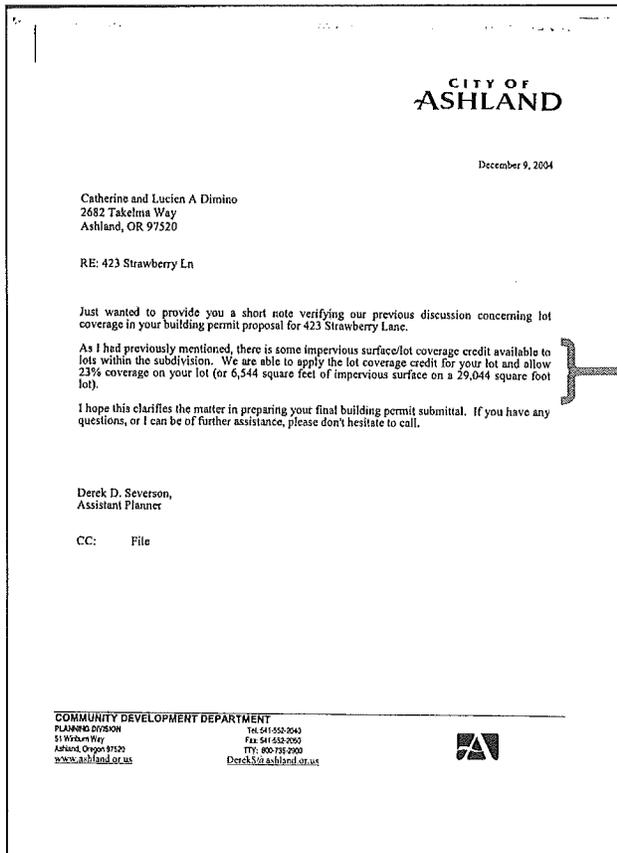
**33% Lot  
Coverage**

Lots	Area (SF)	Bldg Env Area (SF)	Ratio of 58,034 SF Bldg Env.	Lot Cov. Transfer	Lot Coverage Ratio to Bldg. Env.
W/14-2	19,194	7,466	13	4,861	.65
W/13-3	40,613	7,775	13	4,861	.63
W/12-4	40,159	9,535	16	5,982	.63
W/11-5	20,922	9,577	17	6,356	.66
W/10-6	18,864	7,002	12	4,487	.64
W/9-7	17,643	8,055	14	5,234	.65
<b>Total</b>	<b>174,170</b>	<b>58,034</b>	<b>100%</b>	<b>37,389</b>	

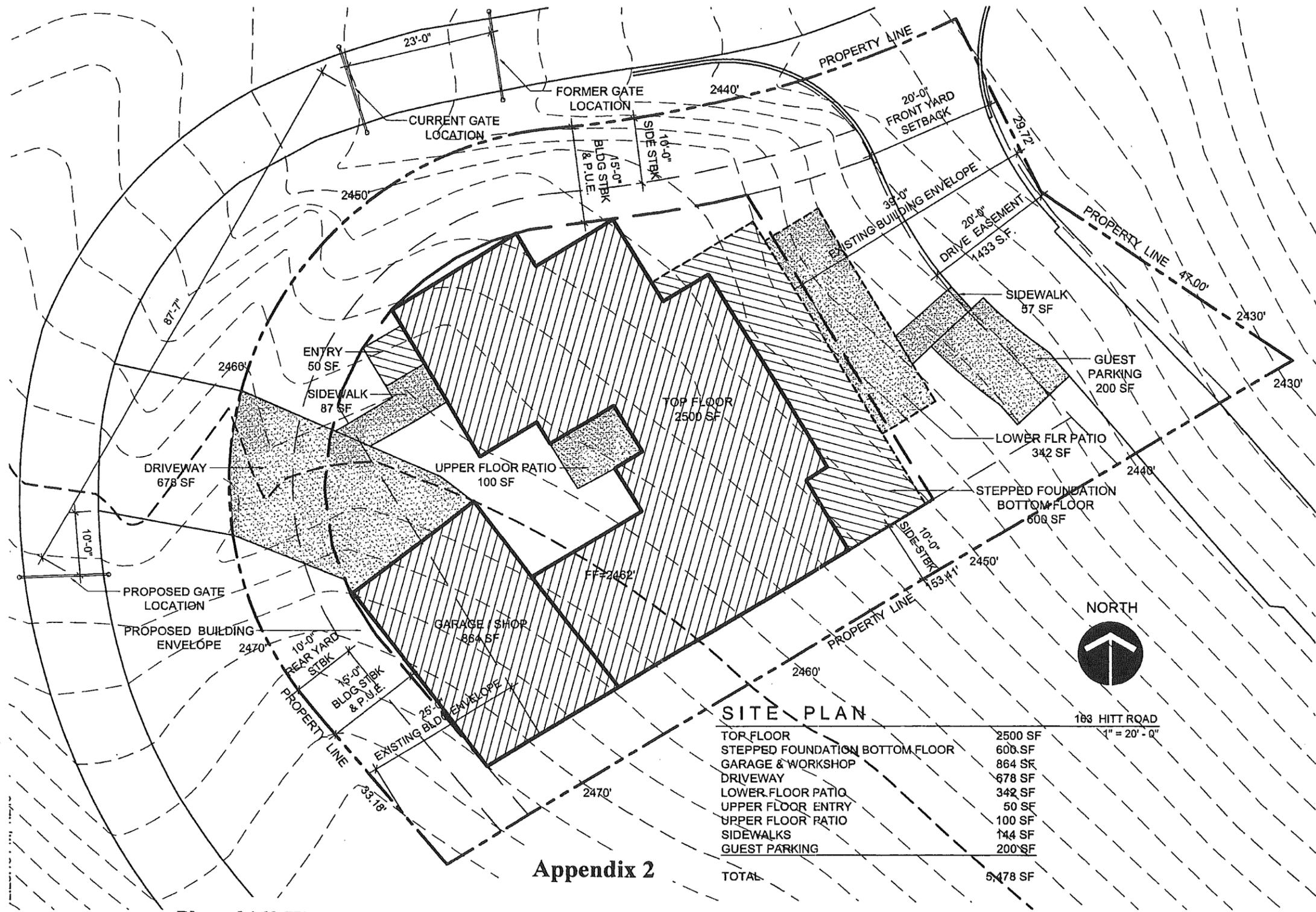
## Appendix 12

### Dimino Open Space Coverage Allocation Offer (12/9/2004)

# 423 Strawberry Coverage Letter 12/9/04



As I had previously mentioned, there is some impervious surface/lot coverage credit available to lots within the subdivision. We are able to apply the lot coverage credit for your lot and allow 23% coverage on your lot (or 6,544 square feet of impervious surface on a 29,044 square foot lot).



**SITE PLAN**

TOR FLOOR	2500 SF
STEPPED FOUNDATION BOTTOM FLOOR	600 SF
GARAGE & WORKSHOP	864 SF
DRIVEWAY	678 SF
LOWER FLOOR PATIO	342 SF
UPPER FLOOR ENTRY	50 SF
UPPER FLOOR RATIO	100 SF
SIDEWALKS	144 SF
GUEST PARKING	200 SF
<b>TOTAL</b>	<b>5478 SF</b>



163 HITT ROAD  
1" = 20'-0"

**Appendix 2**

**Plan of 163 Hitt Road showing conceptual drawing of 100% usage of requested lot coverage**