

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  
November 14, 2017  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **AD-HOC COMMITTEE UPDATES**
  
- IV. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    1. October 10, 2017 Regular Meeting.
    2. October 24, 2017 Study Session.
  
- V. **PUBLIC FORUM**
  
- VI. **UNFINISHED BUSINESS**
  - A. **Adoption of Findings for PA-2017-00406, 2300 Siskiyou Boulevard.**
  
- VII. **TYPE II PUBLIC HEARINGS**
  - A. **PLANNING ACTION APPEAL: PA-2017-00978 SUBJECT PROPERTY: 232 Nutley  
OWNER/APPLICANT: Leah K. Henigson Trust (Leah K Henigson, trustee)  
DESCRIPTION: A request for a Site Design Review to construct an approximately 999 square foot Accessory Residential Unit for the property located at 232 Nutley Street. The application also includes a request for a Conditional Use Permit to allow the expansion of an existing non-conforming development. COMPREHENSIVE PLAN DESIGNATION: Rural Residential; ZONING: RR-.5; ASSESSOR'S MAP #: 391E08AD; TAX LOT: 8000**
  
- VIII. **ADJOURNMENT**

**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).

**CITY OF  
ASHLAND**  
**ASHLAND PLANNING COMMISSION**  
**MINUTES**  
**October 10, 2017**

**CALL TO ORDER**

Vice Chair Melanie Mindlin called the meeting to order at 7:02 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton  
Lynn Thompson

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Senior Planner  
Dana Smith, Executive Assistant

**Absent Members:**

Roger Pearce

**Council Liaison:**

Dennis Slattery, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar explained John and Scott Fregonese would attend the October 24, 2017 Study Session and provide an update on the Transit Triangle. The City Council would hear first reading of the cottage housing ordinance at the November 7, 2017 Council meeting. He went to suggest cancelling the Study Session for December 26, 2017.

**AD-HOC COMMITTEE UPDATES**

Vice Chair Mindlin met with the Wildfire Ordinance group. Mr. Molnar noted there was a rough timeline and changes to the ordinance that would most likely occur after first of the year.

**CONSENT AGENDA**

**A. Approval of Minutes.**

- 1. September 12, 2017 Regular Meeting.**
- 2. September 26, 2017 Special Meeting.**

Commissioner Miller noted a correction to the September 12, 2017 Regular meeting minutes. Under Ex Parte for Planning Action 2017-01507, she was a current patient of Dr. Rodden, not a former patient. Vice Chair Mindlin was not present for the September 12, 2017 meeting and therefore would not vote on that set of minutes.

**Commissioners Brown/Thompson m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 6-0 on the September 26, 2017 minutes and 5-0 on the September 12, 2017 amended minutes.**

**PUBLIC FORUM**

**Joseph Kauth/1 Corral Lane**/Proposed a citizen moratorium on further development in Ashland due to its impact on the environment. He went on to comment on the global connection of climate change.

**Alan Sandler/1260 Prospect/**Thanked the Planning Commission and City staff for their efforts when he added the balcony to the old Masonic building. The project turned out well.

### **UNFINISHED BUSINESS**

#### **A. Adoption of Findings for PA-2017-01507, 330 Maple Street.**

Commissioner Dawkins, Norton, Thompson, Mindlin, and Brown declared no ex parte. Commissioner Miller disclosed she was a current patient of Dr. Rodden and it would not create a bias on any of her decisions. Vice Chair Mindlin added she was not present at the September 11, 2017 meeting when the planning action was deliberated and would not vote on the Findings.

**Commissioners Miller/Thompson m/s to approve the Findings for PA-2017-01507, 330 Maple Street.**

**Voice Vote: all AYES. Motion passed 5-0. Vice Chair Mindlin abstained.**

### **TYPE II PUBLIC HEARINGS**

#### **A. PLANNING ACTION CONT'D: PA-2017-00406**

**SUBJECT PROPERTY: 2300 Siskiyou Boulevard**

**OWNER/APPLICANT: Jake Hayes & Angie Renick-Hayes**

**DESCRIPTION: A request for Outline Plan, Final Plan and Site Design Review approval for a seven-lot/six-unit subdivision as Phase III of the West Bellview Subdivision under the Performance Standards Options Chapter (AMC 18.3.9) for the property located at 2300 Siskiyou Boulevard. The application includes requests for: the modification of the West Bellview Subdivision (PA #96-131) to allow additional units, an Exception to the Site Development and Design Standards to allow the placement of two parking spaces between the buildings and the street, and a request for a Tree Removal Permit to remove four trees six-inches in diameter at breast height (d.b.h.) or greater. COMPREHENSIVE PLAN**

**DESIGNATION: Low-Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 14CA; TAX LOT #: 7800**

Vice Chair Mindlin read aloud the public hearing procedures for land use hearings.

#### **Ex Parte Contact**

Commissioners Dawkins, Norton, Thompson, Mindlin, and Miller declared no ex parte or site visits since the last site visit in September. Commissioner Brown declared no ex parte and a site visit October 9, 2017.

#### **Staff Report**

Senior Planner Derek Severson explained the current request was approval of the Outline, Final Plan, and Site Design Review for a seven-lot, six-unit subdivision for Phase II of the West Bellview Subdivision under **18.3.9 Performance Standards Option** in the Ashland Municipal Code. The property was located at 2300 Siskiyou Boulevard. The application included requests for the following:

- Modification of the West Bellview Subdivision (PA #96-131) to allow additional units. The 1996 approval included a condition that the parcel would not develop further. The property had the density for more development. If approved, the applicants would go to the City Council to lift the deed restriction.
- An Exception to the Site Development and Design Standards to allow the placement of two parking spaces between the buildings and the street.
- A Tree Removal Permit to remove four trees six-inches in diameter at breast height (d.b.h.) or greater.

The subject property was located at the corner of Siskiyou Boulevard and Bellview Avenue. To the south was the original West Bellview subdivision. West Bellview Phase II was approved in 1996. It was platted with street and utility improvements in place and construction that occurred a few years before. The subject property currently had a 2,974 square foot (sq. ft.) house that would be removed to develop the proposal.

The existing multiuse path had a park row with no trees or curb. It was an approval that was not built as originally

approved. The property owner had worked with the City and replaced the path along the subject property and remainder of the subdivision. Because of the improvement, the City had not pursued requiring sidewalks in the current application. However, staff requested the applicant sign an agreement to participate in a future local improvement district (LID) for standard city sidewalks should a coordinated sidewalk project for Siskiyou Boulevard happen in the future.

The proposal would remove the house and shift the driveway to access six units grouped into three pairs. The units would have open space along the creek bank. The applicants preserved and protected the floodplain area per the Performance Standards. The creek was not on the property and had a pond that was piped onto the adjacent property. Each unit would have single car garages and six surface spaces for the additional parking requirement.

The Tree Commission requested the applicants plant larger stature trees for the street trees and mitigation trees. Mr. Severson noticed a number of the trees were tagged differently than the current tree protection plan and actually matched the 2008 approval. He included a condition in the staff report asking for a revised tree inventory. The applicant assured him the trees tagged from the 2008 inventory were the same trees identified in the plan they submitted.

Another issue was solar access and ensuring the separation between units 3, 4, and 5. The applicant's provided an illustration of a conceptual cross section on how Unit 4 would shadow Unit 5. They could adjust the roof line and remove the gable to comply with the standard as conditioned if the Commission allowed them to use the Mill Pond standard. The other issue was ensuring the buildings were separated per code. They had to be half the height of the taller building and not more than 12-feet apart. They were currently shown at 11.5 feet apart. The applicant should be able to comply with the condition.

Staff supported the application. Mr. Severson thought the solar access should be addressed through a condition requiring the applicants to adjust the roof line and provide calculations demonstrating they could comply with the Mill Pond standard.

### **Questions of Staff**

The condition for solar access was under **IV. Conclusions and Recommendations (9)(b)** in the **Items for Building Permit**. The Mill Pond standard was based on the south wall of the building to the north. It was in the code under the Performance Standard Subdivision chapter. It allowed some flexibility in the placement of lot lines and did not have standard setbacks. Shadowing to the window sill was equivalent to a six-foot fence, six feet from the property line. In this scenario, the shadow was a Standard A. It was consistent with Solar variance criteria because it was not shading living space. Commissioner Thompson was concerned they were allowing an exception without noticing it as an exception and making the Findings consistent.

Mr. Molnar further explained the Mill Pond standard was in **18.4.8.040 Solar Access Performance Standard**. If the lot did not have a standard 21-foot high structure in the middle, someone could do a solar envelope. This was done through a subdivision process. Exceptions to a solar ordinance generally occurred when two property owners were not part of the same project. In this case, one would need the other property to agree to the exception. In subdivisions, the lots were controlled and created by the development. The Mill Pond standard was a type of solar envelope used for consideration of a different standard.

The proposed project complied with the allowance to do a solar envelope. It was based on a condition that the roofs will be designed so the shadow on the worst case scenario, December 21, would not shade the south-facing windows. Mr. Severson added in this project they would measure solar setback from the south-facing wall. There was some flexibility in the performance standards where the property line was placed. The overall effect of the shadow on the adjacent building was no greater than what was allowed under Standard A. It provided some flexibility in the 12-foot of property line to move but the shadow between building to building would not change. The applicants would have to adjust the roofline significantly to meet the standard.

Mr. Severson addressed a question regarding **IV. Conclusions and Recommendations (8)(p)** and explained the LID would pertain to the entire parcel when the owner at the time recorded the plat. It would then become a restriction on each parcel.

Commissioner Thompson expressed concern the City was not requiring the street to be improved. Mr. Severson explained the City had gradually gotten away from calling for the exception if there were recent improvements on the frontage. The Commission could request an exception even though the City had accepted a recent improvement that was not standard. The applicant would participate in a potential future LID. Alternately, citizens had complained about the piecemeal installation of sidewalks on Siskiyou Boulevard and the vicinity. Currently, the pathway was asphalt with a park row approximately three feet wide. There were trees in the park row in 2008 but were in bad shape at the time. A condition required the applicants to plant street trees in the existing park row. The Commission could make another condition if they did not think it was appropriate to have the trees in the park row until a full street improvement happened.

There was not a separate walkway into the open space. It was close to the edge of the parking and the assumption was people would step over the curb. The Commission could change that as well.

#### **Applicant's Presentation**

**Mark McKechnie/Oregon Architecture/**They had reviewed all of the conditions and thought they could meet them. They were thinking of planting the street trees on the property side and not the park row. However, if the Commission preferred the park row, they would plant them there.

#### **Questions of the Applicant**

Mr. McKechnie explained the delay in hearing the planning action was due to an error in surveys. The person working on the survey picked the area acreage from the Jackson County website and translated it into square footage without checking other information. The County records indicated the site was .58 acres and it was actually .55 acres. They modified the plans to adjust space without removing square footage from the units. Units 3 and 4 were 40 feet long. The applicants changed the length to 38 feet and made them 2-feet wider.

There were two trees by Units 3 and 4 they wanted to keep. Tree #39 was located in the recreation area and out of the way of construction. They also planned on saving a tree at the corner of the driveway for Unit 1. The rest of the trees shown on the plan were dead or dying.

The tree survey was done when the lot was an empty field. When the units to the south were built, a fence was installed. They located two trees in accordance with the fence. The tree behind Unit 3 was not on the project property. Mr. Severson clarified it was on the plan because it was within 15-feet of the property line. The fence was not on the property line but at the south edge of the easement.

Commissioner Norton thought the 10-feet of driveway for Units 3 and 4 was too short and might block backup space. Unit 2 had a 12-foot driveway that crossed the walkway. He thought the driveways should be shorter or longer.

Mr. McKechnie explained there was an access to the open space from the street that ran up to the end of Unit 2. They could expand the walkway in front of Unit 3 to the parking space identified for Unit 4. There was enough space to create a 6-foot wide sidewalk that would run along the side of the parking place. The lot lines could be adjusted so the sidewalk was part of the common area. It would go past the parking lot and stop. They had increased the recreation area from 2,143 sq. ft. to 2,315 sq. ft. and moved it closer to the parking spaces.

### Public Testimony

**Rex Thompson/911 Bellview Avenue/**Expressed concern about the practicality of the garages. He parked on Bellview Avenue and his wife used the parking provided at their house. Over time it had become more difficult finding parking within a reasonable distance of the house. The garages in Phase I were very small resulting in parking on the street and the garages becoming storage space. He thought the development was trying to do too much in too small of an area.

**Tobe Thompson/911 Bellview Avenue/**The tree behind Unit 3 was on her property. The fence was on the southern side of an easement. The easement was created to allow Phase 1 residents access to the green space. The tree closer to Unit 4 was on or close to their property line as well. The information provided on saving and removing trees was inconsistent. The new phase was different from their development and would have unfenced, open, shared space. She had concerns regarding encroachment. She wanted the Commission to consider moving the easement from 911 and 913 Bellview Avenue to the new development. The tree behind Unit 3 was on their fence line and protruded 33-inches into the easement and limited passage. She wanted to reclaim her land and put a fence up at the property boundary. Other concerns were the topography of the playground and retaining walls in relation to fences.

Staff explained the 1996 approval intended the easement to be a path. It was fenced on the south boundary. The easement was 4-feet adjacent to the property line with a tree in the middle. It was a walkway that spanned out to a 20-foot area at the top of the creek channel. The easement was on the Thompson's property but fenced so it looked like it was part of the applicant's property. It was now correct in the plans. Typically, the City would not go back and vacate an easement from a past subdivision that was not part of the current request. The Thompson's could add a second fence limited to 4-feet high. It might be problematic because it would create a corridor.

### Applicant's Rebuttal

Mr. McKechnie confirmed there was an easement platted with a 4-foot path between the two lots in the south end of the parcel. The idea was a pathway to a bridge that crossed Clay Creek to a park. It never materialized. The fence was on the south side of the easement and provided privacy for the two homes there.

The only retaining walls on the property were on the east side next to an existing house, carport, and a fence. They could be adjusted after the new units were developed. The garages in Phase I were smaller. In the new development, they made them larger to accommodate storage. To maintain the grade near the homes at 911 and 913 Bellview, they would put in a low retaining wall if necessary.

Mr. McKechnie agreed to clearly state the property line when it was surveyed so the Thompson's could add a second fence if they wanted.

### Deliberations & Decision

The Commission discussed planting street trees in the park row or on the property side of the asphalt path. **IV. Conclusions and Recommendations (8)(n)** had street trees in the park row. The possibility of Siskiyou Boulevard being improved at some time would impact the park row. Other comments wanted the survey property line for the neighbors added to the Findings.

**Commissioner Brown/Dawkins m/s to approve PA-2017-00406 for 2300 Siskiyou Boulevard, with the following changes:**

- **In II. Project Impact Separation Between Buildings & Solar Access (Units 4 and 5), remove references made to Unit 3 in that section and in the Findings.**
- **Under IV. Conclusions and Recommendations, (8), add (r) Pedestrian walkways shall be clearly delineated using standard width.**
- **Change IV. Conclusions and Recommendations, (8)(n) and remove park row from the second sentence to read as, "All street trees shall be chosen from the adopted Street Tree List and shall be planted on**

the property in accordance with the specifications contained therein.”

- **The Findings shall include a request to clearly mark the property line along the easement.**

**DISCUSSION:** Commissioner Brown thought it met all the requirements they were looking for in the property. Commissioner Dawkins agreed. Commissioner Norton noted any potential for parking confusion was located at the back of the property where parking on the street would not be as viable an option. He appreciated the larger garage space and would support the motion. Commissioner Thompson understood the rationale for not requiring street improvements but was disappointed they had not taken advantage of the opportunity to improve the street. Commissioner Miller liked the drawings the architect had submitted. Alternately, Vice Chair Mindlin thought the applicant submissions could have been more complete. **Roll Call Vote: Commissioners Thompson, Dawkins, Miller, Brown, Mindlin and Norton, YES. Motion passed 6-0.**

**B. PLANNING ACTION APPEAL: PA-2017-00978**

**SUBJECT PROPERTY: 232 Nutley**

**OWNER/APPLICANT: Leah K. Henigson Trust (Leah K Henigson, trustee)**

**DESCRIPTION: A request for a Site Design Review to construct an approximately 999 square foot Accessory Residential Unit for the property located at 232 Nutley Street. The application also includes a request for a Conditional Use Permit to allow the expansion of an existing non-conforming development. COMPREHENSIVE PLAN DESIGNATION: Rural Residential; ZONING: RR-.5; ASSESSOR'S MAP #: 391E08AD; TAX LOT: 8000**

Senior Planner Derek Severson explained the appeal hearing for 232 Nutley Street was continued to the November 14, 2017, Planning Commission meeting at the applicant's request.

**ADJOURNMENT**

Meeting adjourned at 9:04 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**CITY OF  
ASHLAND**  
**ASHLAND PLANNING COMMISSION**  
**MINUTES**  
**October 24, 2017**

**CALL TO ORDER**

Chair Roger Pearce called the meeting to order at 7:01 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Debbie Miller  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
Brandon Goldman, Senior Planner  
Dana Smith, Executive Assistant

**Absent Members:**

**Council Liaison:**

Dennis Slattery

**ANNOUNCEMENTS**

Community Development Director Bill Molnar announced the Wildfire Mitigation working group would meet Thursday, October 26, 2017, regarding the wildfire ordinance and public outreach. The City Council would have a public hearing and first reading of the cottage housing ordinance at the November 7, 2017, Council meeting.

**PUBLIC FORUM** None

**DISCUSSION ITEMS**

**A. Implementation of Infill Strategies for Ashland Transit Triangle**

Planning Manager Maria Harris explained during the last visit from John and Scott Fregonese from Fregonese and Associates they described the factors that limited the amount and type of development in the Transit Triangle. They focused their analysis on Ashland Street. At that time, they suggested changes to the land use ordinance. Since then, they had incorporated feedback received from the Planning Commission and Council and were presenting an updated draft at this meeting.

John Fregonese explained projected commercial rents were too low to make new construction feasible in the Transit Triangle area. In addition, current rental rates exceeded the rental market. Rental rates were not affordable for median income households.

Rogue Valley Transit District (RVTD) Route 10 ran through the study area. The Transit Triangle had vacant land and land that could be redeveloped. The area also had shopping, public facilities and neighborhoods within walking distance. The plan met City Council Goals **13.2 Develop infill and compact urban form policies**, **12. Be proactive in using best practices in infrastructure management and modernization**, and **21.2 Expand public transportation options**.

Demographics indicated one and two-person households represented a large and growing share of the housing. Ashland population was mostly teens, people in their twenties and over 50. The average median income for a two-

person household was approximately \$51,000. Affordable rent for that income would be \$1,200 a month. Only 46% of the population could afford \$1,200 a month for rent. It was difficult to build new housing that was not subsidized for \$700-\$800 a month. Building market rate housing could take the pressure off affordable use. The City could also use an incentive for affordable units through various programs.

Monthly rent trends indicated a slight increase. All rents for 1-2 bedrooms had stabilized at approximately \$1000 a month for existing structures. One bedroom units were renting the same as the two-bedroom units possibly due to demand.

Zoning in the Transit Triangle was basically C-1 and E-1. The R-2 and R-3 zones consisted of low density garden style apartments.

In addition to the zoning, there was a Pedestrian Places Overlay and a Detail Site Review Overlay. Mr. Fregonese suggested replacing those overlays with the Transit Overlay. The Transit Overlay would include many of the features in the Pedestrian Place Overlay and Detail Site Review Overlay.

Current zoning allowed 35-feet or 2.5 stories for R-2 and R-3 zones, and 45-feet for E-1 and C-1. Parking requirements included 1-2 spaces per unit for R-2 and R-3 zones. Parking for E-1 was 2 spaces per 1,000 square feet (sq. ft.). and C-1 allowed 2.8 spaces per 1,000 sq. ft.

The biggest problem they had found was using the low dwelling units per acre. The landscaping percentage and lot coverage percentage limited the number of units. Because the volume per acre was so low relative to what could be built, the incentive to the developer was building the largest possible unit within those restrictions. Instead of using the dwelling units per acre limit, Fregonese and Associates recommended using a Floor Area Ratio (FAR) limit instead and letting the developer choose the apartment size that best matched the market.

The other possible issue was the landscape requirement in R-2 was fairly large. A street like Ashland Street needed more pedestrian friendly plazas instead of lawn and landscaping. Streetscape Improvements would make the area more walkable and desirable, increasing demand and leading to higher rents.

Building Solutions included:

- Adopt the Transit Triangle Overlay.
- R-2 & R-3 zones:
  - Allow 3 story buildings with a setback at 45-feet.
  - Reduce landscaping to 20%.
  - Limit building intensity by FAR to 1.25 instead of units per acre.
  - Allow limited mixed use.
  - Reduce parking for small apartments to space per unit.
  - Do not require parking in mixed-use buildings for the first 2,000 square feet of commercial use.
- C-1 & E-1 zones:
  - Allow 4 story buildings with a setback if adjacent to a residential zone.
  - Keep landscaping at 15%.
  - Limit building intensity by FAR to 1.5 FAR instead of units per acre.
  - Encourage mixed-use.
  - Reduce parking for apartments less than 800 sq. ft. to 1 space per unit.

2016 Legislative Session added the following for affordable housing:

- Inclusionary units can be 20% of units for projects of 20 units or more.

- The City must offer one of the following financial incentives: Fee waivers, SDC waivers, Finance based incentives, Property tax exemptions.
- The City can offer the following zoning incentives: Density adjustments, expedited service for local permitting processes, modification of height, floor area or other site-specific requirements, other incentives as determined by the city or county.
- The City could impose a 1% construction excise tax to fund affordable housing.

Fregonese and Associates would modify the proposal and bring it back in December for a public meeting and stakeholder interviews. They would attend a City Council Study Session early 2018 then begin the formal adoption process with the Planning Commission followed by City Council.

The intention of not requiring parking in mixed use for the first 2,000 sq. ft. was that tenants would not be home when peak retail use occurred. Demand curves offset each other. However, adding a little more parking might work.

Mr. Fregonese confirmed the sidewalk and pedestrian area in front of the proposed building were standard widths. Vertical housing deferred property tax in exchange for the housing benefits. It was an abatement. Affordable housing did not get built without some form of subsidy. The City would manage the affordable aspect as a reporting requirement. Chair Pearce added there were a couple levels the City could get a deferral for in vertical housing. Mr. Fregonese clarified vertical housing required ground floor commercial and had to be designated in a zone near transit.

Streetscape improvements would be a Council policy decision. Mr. Fregonese thought it should be part of the capital improvement plan. Mr. Molnar added the Transportation System Plan (TSP) included streetscape improvements of certain block areas. Public Works would update the TSP soon.

Commission comments expressed concern with parking putting pressure on the side streets, having more cement and less green space, and potential stormwater issues. Mr. Fregonese would look into parking for the next iteration of the proposal. Another concern was the potential of selling the units as condominiums instead of rentals in a mixed-use area. Mr. Fregonese responded the Planning Commission could regulate condo conversion. Additional concern was the potential of the unit becoming a vacation rental by owner (VRBO). It was a zoning issue. Mr. Molnar added it required a conditional use permit to have a hotel/motel unit. Staff would look at the zoning code and determine what was appropriate. Mr. Fregonese noted the 30-day or more rental restriction throughout town. Mr. Molnar commented the Commission could exclude hotel/motel use.

One Commission comment wanted to see larger units to accommodate families. Mr. Fregonese explained they could have a two bedroom at 800 sq. ft. and still get the benefit of lower parking. Three bedroom units would require additional parking. A Commission observation noted this was a two-component market. As new smaller units became available, some people would move from larger units, freeing that up for families.

Mr. Fregonese would add one or two 3 bedroom units, see how it affected the model, and bring it back for Commission review.

#### **B. Revisions to Accessory Residential Unit Development Standards**

Planning Manager Maria Harris explained the objective was making it easier to accommodate an accessory residential unit within an existing building on a constrained building site. Community Development Director Bill Molnar added there was a large supply of single family homes. This was an opportunity to create flexibility for households to convert extra space into an accessory dwelling unit. The benefit was no changes to the house or the neighborhood. This type of accessory unit was often more economical as well.

Ms. Harris confirmed the way the code was written, the owner had to work within the footprint of the house that was in place when the ordinance was adopted. A residence could not have a detached ARU and an ARU within the footprint.

Commission discussed people adding stories to their homes. They did not want an owner to build out to the maximum capacity of the lot. Mr. Molnar noted the code regarding lot coverage would not change. Other Commission comment supported extending a home out or up.

A potential issue with the existing ARU ordinance was site design required open space. Staff would look at some of the standards that applied to multifamily developments and open space. The Planning Department sent draft amendments to the state per the 35-day requirement. One comment from the state explained there was not a parking requirement for a unit less than 500 sq. ft. within an existing house. Ms. Harris added the state was encouraging them not to require additional off-street parking for ARUs. A Department of Land Conservation and Development (DLCD) representative was in the process of forming a steering committee to make suggested standards or administrative rules.

Cottage housing could apply to R-2 and R-3 zones as well. Generally, in R-2 and R-3, the ARUs were limited to 500 sq. ft. or smaller and only on lots that were not big enough to have multiple units. It pertained to a small pool and there tended to be less on-street parking. It made sense for the City to start with the R-1 zones first.

Councilor Slattery suggested having a brochure that easily explained the steps and requirements for having an ARU.

Ms. Harris explained the current permitting fees for a 750 square foot unit was approximately \$10,000 and \$7,500 for a 500 sq. ft. Councilor Slattery thought they should consider giving a deferment for someone who would keep the rent for an ARU at a certain rate for a specific time.

Commission and staff discussed history on multiple units within a home, and whether a cap was necessary.

#### **ADJOURNMENT**

Meeting adjourned at 8:22 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**BEFORE THE PLANNING COMMISSION**  
**November 14, 2017**

IN THE MATTER OF PLANNING ACTION #2017-00406, A REQUEST FOR )  
OUTLINE PLAN, FINAL PLAN AND SITE DESIGN REVIEW APPROVALS FOR A )  
SEVEN-LOT/SIX-UNIT SUBDIVISION UNDER THE PERFORMANCE STAND- )  
ARDS OPTIONS CHAPTER (AMC 18.3.9) AS PHASE III OF THE WEST BELL- )  
VIEW SUBDIVISION FOR THE PROPERTY LOCATED AT 2300 SISKIYOU )  
BOULEVARD. THE APPLICATION INCLUDES REQUESTS FOR: THE MOD- )  
IFICATION OF THE WEST BELLVIEW SUBDIVISION (PA #96-131) TO ALLOW )  
ADDITIONAL UNITS, AN EXCEPTION TO THE SITE DEVELOPMENT AND )  
DESIGN STANDARDS TO ALLOW THE PLACEMENT OF TWO PARKING )  
SPACES BETWEEN THE BUILDINGS AND THE STREET; A REQUEST FOR A )  
TREE REMOVAL PERMIT TO REMOVE FOUR TREES SIX-INCHES IN DIAM- )  
ETER AT BREAST HEIGHT (D.B.H.) OR GREATER; AND AN EXCEPTION TO )  
STREET STANDARDS TO ALLOW THE PLACEMENT OF STREET TREES ON )  
THE SUBJECT PROPERTY RATHER THAN IN THE PARKROW. )

**) FINDINGS,  
) CONCLUSIONS,  
) & ORDERS**

**OWNER/APPLICANT:** JAKE HAYES & ANGIE RENICK-HAYES )  
**AGENT:** MARK McKECHNIE, AIA/OREGON ARCHITECTURE )

**RECITALS:**

- 1) Tax lots #7800 of Map 39 1E 14CA is located at 2300 Siskiyou Boulevard and is zoned R-2, Low-Density Multi-Family Residential.
- 2) The applicants are requesting Outline Plan, Final Plan and Site Design Review approvals for a seven-lot/six-unit subdivision as Phase III of the West Bellview Subdivision under the Performance Standards Options Chapter (AMC 18.3.9) for the property located at 2300 Siskiyou Boulevard. The application includes requests for: the modification of the West Bellview Subdivision (PA #96-131) to allow additional units, an Exception to the Site Development and Design Standards to allow the placement of two parking spaces between the buildings and the street, a request for a Tree Removal Permit to remove four trees six-inches in diameter at breast height (d.b.h.) or greater, and a request for an Exception to Street Standards to allow the placement of street trees on the property rather than in the parkrow planting strip. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval for a new Performance Standards Options subdivision are described in AMC 18.3.9.040.A.3 as follows:
  - a. *The development meets all applicable ordinance requirements of the City.*
  - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*

- c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
- d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *The proposed density meets the base and bonus density standards established under this chapter.*
- g. *The development complies with the Street Standards.*

4) The criteria for Final Plan approval for a new Performance Standards Options subdivision are described in AMC 18.3.9.040.B.5 as follows:

- a. *The number of dwelling units vary no more than ten 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 percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
- c. *The open spaces vary no more than ten 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 percent.*
- e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance 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.*
- h. *Nothing in this section 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.*

5) The criteria for Site Design Review approval are described in AMC 18.5.2.050 as follows:

- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
- B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*

- C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
- D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
- E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
  - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*  
*or*
  - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

6) The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B as follows:

- 1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
  - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
  - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
  - a. *The tree is proposed for removal in order to permit the application to be consistent*

*with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*

- b. 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.*
- c. 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.*
- d. Nothing in this section shall require that the residential density to 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 of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

7) The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1 as follows:

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
  - i. For transit facilities and related improvements, access, wait time, and ride experience.*
  - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
  - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
- c. The exception is the minimum necessary to alleviate the difficulty.*
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

8) The Planning Commission, following proper public notice, held a public hearing on October 10, 2017 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

## SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## SECTION 2. FINDINGS & CONCLUSIONS

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 Outline Plan, Final Plan, Site Design Review, Exception to Street Standards and Tree Removal Permit approvals meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Final Plan described in AMC 18.3.9.040.B.5; for Site Design Review described in AMC 18.5.2.050; for an Exception to Street Standards as described in AMC 18.4.6.020.B.1; and for a Tree Removal Permit as described in AMC 18.5.7.040.B.

2.3 The Planning Commission finds that this action was scheduled to be heard at the Commission's September meeting, however subsequent to preparation of the staff report and distribution of packet materials, a neighbor raised concerns that the site plan was based on a subdivision survey map which differed from the subdivision survey plat that had actually been recorded with Jackson County when the subdivision was created and which did not correctly depict the property lines relative to the neighboring properties. The applicants requested a continuance and provided an extension of the 120-day timeline to allow themselves time to modify the application materials to reflect the correct recorded survey plat. The applicants have provided revised submittals reflecting six proposed units in a configuration largely consistent with the materials provided in the September packet. They have noted that three units' designs have been modified so that there are now five unique floor plans for the six units where only two different floor plans were originally proposed, and the buildings have been shifted incrementally. The Planning Commission finds that the application as currently proposed is based on the plat for the West Bellview Subdivision, Phase 2 recorded as County Survey #15836.

2.4 The Planning Commission finds that the first approval criterion for Outline Plan approval is that, "*The development meets all applicable ordinance requirements of the City.*" The application materials assert that the proposal meets all applicable ordinance requirements and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *“Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.”* The application indicates that adequate key city facilities can and will be provided with the proposal. The application includes a utility plan illustrating services proposed to be provided by the applicants.

- **Water:** The plan provided illustrates the project connecting to the existing water main in Siskiyou Boulevard and providing new meters and services on the frontage to serve the proposed units.
- **Sewer:** The application illustrates a sanitary sewer line connecting to existing facilities across Siskiyou Boulevard and providing connections to the proposed units from within the driveway.
- **Electricity:** The plan provided illustrates extending electrical service from existing facilities on Bellview down Siskiyou Boulevard to a new pull box on the property frontage, then extending service to a new transformer interior to the property and serving the proposed units from that transformer.
- **Urban storm drainage:** The application illustrates a stormwater line connecting to existing facilities in Siskiyou Boulevard and providing a line serving proposed catch basins within the driveway. It is unclear how the storm water requirements for detention and water quality will be addressed, and a condition has been included below to require that these be fully addressed to the satisfaction of the Public Works/Engineering Division prior to the approval of a building permit.
- **Paved Access & Adequate Transportation:** Siskiyou Boulevard along the property’s frontage is a Boulevard or Avenue, and is also a state highway under the jurisdiction of the Oregon Department of Transportation. Siskiyou Boulevard is currently improved with paving including two travel lanes and bike lanes, as well as a parkrow planting strip and a multi-use path which is paved in asphalt. The frontage currently lacks curbs, and there are no street trees within the planting strip. The asphalt path was fully replaced recently in conjunction with the applicants’ development of an earlier phase, and the applicants are requesting to defer more standard frontage improvements until they can be planned comprehensively through a local improvement district.

Conditions have been included below to require that final electric service, utility and civil engineering plans be provided for the review and approval of the Planning, Building, Public Works/Engineering and Electric departments prior to the signature of the final survey plat, and that the applicants obtain necessary approvals from the Oregon Department of Transportation, and provide copies of these approvals to the city, prior to any work within the state highway right-of-way.

The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The application notes that the bank of Clay Creek is the most prominent natural feature of the site, and the applicants have proposed to protect the portion of the floodplain on the property and additional bank area as common open space. In addition, the applicants note that the trees

that are in preservable condition are proposed to be preserved and protected as well.

The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The immediately adjacent properties were previously developed as earlier phases of the West Bellview Subdivision, and the applicants assert that the proposal will not prevent any adjacent properties from being developed in a manner consistent with the Comprehensive Plan.

The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The application indicates that there will be a Homeowner’s Association which will hold title to the common driveway and be responsible for its maintenance, and that association rules and guidelines will also determine limitations for fencing, requirements for upkeep of individual units and will hold title including easements to all common elements. A condition of approval has included to require that a draft copy of the CC&R’s be provided for the review and approval of the Staff Advisor prior to recording of the final survey plat to ensure that there are adequate provisions for the maintenance of open space and common areas, including landscaping and street trees, and appropriate limitations on fencing.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* The subject property is 0.58 acres, and at the base density of 13½ dwelling units per acre has a base density of 7.89 units. Only six units are proposed here, and the Commission finds this to be consistent with the base density for the site.

The final Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* Siskiyou Boulevard along the property’s frontage is a Boulevard or Avenue, and is also a state highway under the jurisdiction of the Oregon Department of Transportation. Siskiyou Boulevard is currently improved with paving including two travel lanes and bike lanes, as well as a parkrow planting strip and a multi-use path which is paved in asphalt. It currently lacks curbs and a concrete sidewalk, and there are no street trees within the planting strip. The asphalt path was fully replaced recently in conjunction with the applicants’ development of an earlier phase of the subdivision, and the applicants are requesting to defer city standard frontage improvements until they can be planned comprehensively through a local improvement district. Conditions have been included below to require that the applicants plant street trees along the frontage and that they sign in favor of a future Local Improvement District (LID) to complete full city standard frontage improvements along the property’s Siskiyou Boulevard frontage.

2.5 The Planning Commission finds that, as noted in AMC 18.3.9.050.B, Final Plan approval is to be granted upon a finding of substantial conformance with the Outline Plan approval. This substantial conformance provision is intended solely to facilitate the potential for minor modifications from one planning step to another as part of what is often a two-step subdivision process. Substantial conformance is indicated when comparison of the Outline Plan with the Final Plan meets the following criteria:

- a. *The number of dwelling units vary no more than ten 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 percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.*
- c. *The open spaces vary no more than ten 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 percent.*
- e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance 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.*
- h. *Nothing in this section 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.*

In this instance, because Outline Plan and Final Plan are being requested concurrently, the Planning Commission finds that there is no variation between the Outline Plan and the Final Plan and a simple finding of substantial conformance can be made for all of the Final Plan approval criteria.

2.6 The Planning Commission finds that the development of attached housing requires Site Design Review approval and is subject to the “Building Placement, Orientation and Design” standards for residential development found in AMC 18.4.2.030.

The first criterion for Site Design Review is that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”* The application materials provided assert that the proposed development complies with all applicable provisions for the underlying zone detailed in AMC 18.2 including building and yard setbacks, lot area, dimension, density, floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

The second approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* In this instance, the property is located within the Low-Density, Multi-Family Residential R-2 zoning district but outside of any overlay zones and as such the Planning Commission finds that there are no applicable overlay zone requirements.

The third criterion for the Site Design Review approval is that, *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E (which addresses Exceptions) below.”* Lighting is detailed as including front and rear entry lights on each unit as well as three pedestrian scale lights along the driveway. The application indicates these lights are to be down-directed to avoid direct illumination of adjacent properties. The residences fronting on Siskiyou (Units #1 and #6) have been designed to present buildings oriented to the street, with entrances oriented to

Siskiyou Boulevard and pedestrian access via the common driveway to the sidewalk.

Building materials and paint colors are to be compatible with the surrounding area, and very bright primary or neon-type paint colors, which attract attention to the building or use, are noted as being unacceptable.

AMC 18.4.3.080.D requires that driveway serving more than seven parking spaces shall be at least 20 feet in width, and the driveway is illustrated as paved to at least a 20-foot width.

Two off-street parking spaces are required for each of the proposed units, and the applicants illustrates that each unit will have one garage space and one surface space available. The private garages are also proposed to provide required bicycle parking.

A condition has been included to require that one street tree chosen from the street tree list is to be planted for each 30 feet of frontage on Siskiyou Boulevard in keeping with AMC 18.4.4.030.E.

Residential developments that are subject to the provisions of this chapter are also to provide an area equal to at least eight percent of the lot area, or 2,037 square feet in this case, dedicated to open space for recreational use by the tenants of the development. This area may not be covered with shrubs, bark mulch, or other ground covers that do not provide suitable surface for human use. Lawn and decks, patios, and similar areas that provide for recreational use are eligible for consideration as open space. The application indicates that more than eight percent is dedicated to recreational area and open space with approximately 2,315 square feet identified as addressing this standard in the form of common open space including the flood plain corridor boundary and an area above it reserved for recreation space. A condition has been included below to require that the specific surface treatments to support recreational use of this space consistent with the standards be detailed on a final landscape and irrigation plan.

Landscaping, recycling and refuse disposal areas are required to be provided pursuant to chapter [18.4.4](#), and the applicants note that individual trash and recycling containers will be provided for each unit and stored in the individual garages.

The fourth approval criterion for Site Design Review addresses city facilities and requires that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* Public facilities requirements are addressed earlier in the Outline Plan section of this report above.

Performance Standards Subdivision are also subject to the solar access requirements of AMC 18.4.8 which require that land divisions creating new lots either demonstrate that the lots are designed to permit the location of a 21-foot high structure with a solar setback which does not exceed 50 percent of the lot's north-south lot dimension or to identify a solar envelope to define the height requirements that will protect the applicable solar access standard. In this instance, with units proposes as attached and a large area of street right-of-way to the north, the only area of potential concern would be internal solar access for the shadows cast by Units #3 and #4. Staff had recommended conditions in the September staff report requiring that calculations demonstrating compliance with the building separation and solar access requirements. The

applicants subsequently provided a Solar Plan (Sheet A0.07) to illustrate the shading cast by the building on Lot #4 onto Lot #5. However, in preliminary analysis, staff have determined that the solar path shown is not consistent with the angle of the sun at noon on December 21<sup>st</sup> in Ashland, and that the shadow height at the property line is roughly 13 feet where only a six-foot shadow is allowed. In past applications under the Performance Standards Options Chapter, the Commission has allowed a solar shadow no higher than the window sill on the wall of the unit to the north as being generally consistent with Solar Access Standard A, and the applicants' agent indicated that the building designs could and would be modified to meet this standard.

2.7 The Planning Commission finds that the application also includes a request for an Exception to the Site Development and Design Standards to allow the placement of two surface parking spaces between Unit #6 and Siskiyou Boulevard. There has been difficulty through several iterations of the plan, attempting to accommodate the required driveway width and trees while providing open space which works. In the current configuration, open space has shifted to a common lot adjacent to the flood plain in an attempt to make the best use of this space as an amenity for all residents, rather than trying to address open/recreation space solely through individual patio spaces. In accommodating this configuration and placing the driveway to preserve trees, the applicants have had to shift two surface parking spaces to between Unit #6 and Siskiyou Boulevard. The Commission finds that this placement will not negatively impact adjacent properties, and is the minimum necessary to alleviate the difficulty. During the hearing, staff noted that neighbors have expressed concern that garage parking is often used as storage pushing parking demand intended for garages to the surrounding streets. The Commission finds that the applicants' efforts to provide a mix of surface and garage spaces helps to address this concern, and in further finds that a combination of low fencing or landscape screening could minimize the impacts of this parking at the street. Conditions have been included below to require that screening in the form of fencing and plantings between this parking and the street be detailed in the final landscaping plan, and that the garages be used only for parking rather than as storage.

2.8 The Planning Commission finds that the application also includes a request for an Exception to the Street Standards to allow the placement of street trees on the private property adjacent to Siskiyou Boulevard rather than within the park row planting strip. Siskiyou Boulevard along the property's frontage is a Boulevard or Avenue, and is also a state highway under the jurisdiction of the Oregon Department of Transportation. It is currently improved with paving including two travel lanes and bike lanes, as well as a parkrow planting strip and a multi-use path which is paved in asphalt. The frontage currently lacks curbs, and there are no street trees within the planting strip. The asphalt path was fully replaced recently in conjunction with the applicants' development of an earlier phase, and the applicants are requesting to defer more standard frontage improvements until they can be planned comprehensively through a local improvement district and to place street trees on the private property rather than in the narrow existing park row. In considering this request, the Commission finds that the lack of curbs to protect trees within the existing narrow parkrow which is adjacent to travel lanes combines with the uncertainty of the ultimate lane configuration and curb placement, and the presence of existing improvements, to pose a demonstrable difficulty in determining where in the right-of-way trees can be safely placed, and that the placement of trees on the private parcel will provide the benefit of allowing street trees to establish themselves and provide some benefit along the frontage until full boulevard-level improvements occur, at which time additional street trees could be planted in a standard parkrow through a local improvement district.

2.9 The Planning Commission finds that all planning actions are required to include a Tree Inventory and Tree Preservation/Protection Plan in accordance with AMC 18.4.5.030. In this instance, the application materials explain that there are 12 trees on the tree survey from January of 2016., and of these three that were listed as dead and one that was listed as failing have been removed as hazards. In addition, Tree #9 was uprooted during a storm in 2016 and has been removed. Trees #5-7 and #10-11 are proposed for removal to accommodate the proposal, while the applicants assert that with careful pruning they believe that Trees #8 and #12 can be preserved. The applicants are proposing that four feet of the 20-foot driveway be installed in pervious pavement in order to provide water to the root system of Tree #12.

The application suggests that the removal of these trees will not have a negative impact on erosion, soil stability, flow of surface waters, adjacent trees or existing windbreaks, nor will it impact canopy or species diversity in the vicinity. The applicants further note that several diverse specimens were retained during construction of prior phases of the development and that these trees are now thriving. The applicants propose to provide mitigation trees as required.

The Ashland Tree Commission considered the application at its regular meeting on September 7, 2017 and recommended that the application be approved with the condition that the required street trees and mitigation trees to be planted should be a minimum of three caliper inches at planting and selected to be large stature shade trees at maturity to mitigate the number of trees previously removed without permits and the additional trees proposed for removal here. A condition has been included below to make the recommendation of the Tree Commission a condition of approval.

In visiting the site with Planning Commissioners prior to the planned September meeting, staff noted that there were some trees on site which were numbered with tags from a previous action's tree inventory. Staff raised this issue with the applicants, and the revised submittals note, "*An initial tree survey was performed over ten years ago for a proposed development that never occurred. At that time, many trees were tagged with plates. Of the tagged trees remaining particularly along the western edge of the property, all but one identified to be saved have been identified as unsuitable types of trees for any urban development. One of the tagged trees is within the common recreation area and can be preserved, if required.*" During the October hearing, the applicants' agent provided assurances that the trees that were mismarked on-site were the same trees identified in the applicants' submitted inventory and they simply had not had the numbered tags changed to reflect the new numbering in the current inventory.

### **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan, Final Plan, Site Design Review and Tree Removal Permit approvals is supported by evidence contained within the whole record.

The proposal provides for the redevelopment of an underutilized site more in keeping with the underlying zoning, and in so doing provides common recreation space to take advantage of the site's proximity to Clay Creek as an amenity to all residents of the development, rather than privatizing it into individual backyards.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2017-00406. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2017-00406 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 herein.
2. That the plans submitted for the building permit shall be in 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 the current Site Design Review approval shall be submitted and approved prior to issuance of a building permit.
3. That any new addresses shall be assigned by City of Ashland Engineering Department.
4. That permits shall be obtained from the Oregon Department of Transportation (ODOT) and evidence of approval provided to the Ashland Public Works/Engineering Division prior to any work in the Siskiyou Boulevard state highway right-of-way.
5. That the applicants shall obtain approval of a Demolition Permit through the Building Division prior to the demolition of the existing home if deemed necessary by the Building Official.
6. That all recommendations of the Ashland Tree Commission shall be conditions of approval where consistent with applicable standards and criteria and with final approval the Staff Advisor.
7. That the patios illustrated in proposed side yards shall not exceed 30-inches in height to be considered exempt from side yard setbacks as provided in the general exceptions in AMC 18.2.5.040. Patios shall not extend into floodplain corridor lands or water resource protection zones.
8. That prior to the signature of the final survey plat:
  - a. That a final survey plat shall be submitted within 18 months of the final decision date of the preliminary partition plat for review and approval by the City of Ashland.
  - b. All easements for public and private utilities, fire apparatus access, and reciprocal utility, maintenance, and access shall be indicated on the final survey plat as required by the Ashland Engineering Division. The property lines and corners along the subject property's south boundary shall be clearly identified for inspection on site.
  - c. That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions prior to signature of the final survey plat. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants, sanitary sewer lines, storm drain lines and electric services. Vaults and meters shall be located outside of the sidewalk corridor, in areas least visible from streets, while considering access needs.
  - d. That the location and final engineering for all storm drainage improvements associated with the project, shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions prior to signature of the final survey plat. Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site

- collection systems shall be detailed on the building permit submittals.
- e. That the applicant shall submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located outside of the sidewalk corridor, in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department.
  - f. That the electric services shall be installed underground to serve all six proposed units parcels prior to signature of the final survey plat. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation.
  - g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed at the applicants' expense for all six proposed units prior to the signature of final survey plat.
  - h. That the driveway shall be paved to 20-foot width, with a vertical clearance of 13 feet, six inches, and be able to withstand 44,000 pounds prior to the signature of the final survey plat. The driveway shall be constructed so as to prevent surface drainage from flowing over the private property lines, sidewalks and/or public ways in accordance with AMC 18.5.3.060.G.
  - i. That common area and open space improvements (i.e. landscaping and irrigation, etc.) shall be installed or bonded for in accordance with the procedures in the Subdivision chapter prior to signature of Final Survey Plat.
  - j. That CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor prior to signature of the final survey plat. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including landscaping, driveways, planting strips and street trees, and include a clear statement that garages are to be used only for parking and not for storage.
  - k. That all fencing shall be consistent with the provisions of the "Fences and Walls" requirements in AMC 18.4.4.060. The draft CC&Rs shall include stipulations on height limitations for front, side and rear yard, and shall note that fences adjacent to common open space areas shall not exceed four feet. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.
  - l. A final landscaping and irrigation plan to include irrigation details satisfying the requirements of the Water Conserving Landscaping Guidelines and Policies found in AMC 18.4.4 which includes: 1) A clear delineation of the proposed treatment of the required recreation/open space; 2) Identification and placement of required street trees and mitigation trees; 3) Identification of the selection and placement of measures to screen the two parking spaces in front of Unit #6 (i.e. sight obscuring landscape screening and/or fencing); 4) Final proposed lot coverage calculations including all building footprints,

driveways, parking, and circulation areas shall be provided for the review and approval of the Staff Advisor. Lot coverage shall be limited to no more than 65 percent as allowed in the R-2 zoning district; 5) Irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies and showing park row improvements; 6) Identification of a six-foot wide pedestrian connection to the proposed open space between Unit #3 and the parking spaces; 7) Identification of the placement of the small landscape retaining wall proposed by the applicants' agent during the hearing to prevent erosion impacts to the properties to the south.

- m. The applicants shall provide solar setback calculations demonstrating that the proposed Lots #3 and #4 comply with the solar access requirements of AMC 18.4.8.040.
  - n. That street trees, one per 30 feet of street frontage, shall be installed on the Siskiyou Boulevard frontage prior to the signature of the final survey plat. All street trees shall be chosen from the adopted Street Tree List and shall be planted on the property in accordance with the specifications contained therein. The street trees shall be irrigated.
  - o. The applicants shall obtain City Council approval to release the current deed restriction on the property which restricts it from further development.
  - p. That the property owner shall sign in favor of a Local Improvement District for the future street improvements, including but not limited to paving, curbs, gutters and storm drainage, park rows with street trees, and sidewalks for Siskiyou Boulevard prior to signature of the final survey plat. The agreement shall be signed and recorded concurrently with the final survey plat.
  - q. That a revised Tree Inventory and Tree Protection Plan be provided for the review and approval of the Staff Advisor. This plan shall identify and address all trees on the site and adjacent to the site within 15 feet of the property line which are six-inches in diameter at breast height or greater. Should additional tree removals beyond the specific removals requested here be required, the applicants would need to request modification of this approval.
9. That the building permit submittals shall include:
- a. Identification of all easements, including but not limited to any public or private utility easements or fire apparatus access easements.
  - b. Solar setback calculations in the form  $[(\text{Height}-6)/(0.445 + \text{Slope}) = \text{Required Solar Setback}]$  demonstrating that proposed Lots #3 and #4 comply with the solar access requirements consistent with the "Millpond Standard." Permit submittals shall include elevation drawings or cross sections clearly identifying the highest shadow producing point(s) and their height(s) from natural grade to support the required calculations.
  - c. Demonstration that exterior lighting shall be directed onto the property and shall not directly illuminate adjacent properties. Exterior lighting details including fixture specifications, placement details and shrouding details (*if necessary*) shall be provided on building permit submittals.
  - d. That exterior building materials and paint colors shall be compatible with the surrounding area and consistent with those described in the application materials. Sample exterior building colors shall be provided with the building permit submittals for review and approval of the Staff Advisor. Very bright or neon paint colors shall not be used in

- accordance with the Site Design and Development Standards.
- e. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
  - f. That the building permit drawings shall including calculations demonstrating that the proposed buildings comply with the Separation Between Buildings requirements of AMC 18.3.9.070.B.
  - g. That the units fronting on Siskiyou Boulevard (Units #1 and #6) shall include entrances oriented to Siskiyou Boulevard and pedestrian access from these entrances to the sidewalk via the common driveway to provide required orientation to the street as illustrated in the August 3, 2017 elevation drawings and the September 25, 2017 site plan.
10. That prior to the issuance of a building permit:
- a. That the tree protection fencing and other tree preservation measures shall be installed according to the approved plan, inspected and approved by the Staff Advisor prior to any site work including demolition, staging or storage of materials, or the issuance of a building permit. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030.C. and no construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
  - b. That all necessary building permits fees and charges, including permits for new electric and water services, and system development charges for water, sewer, storm water, parks, and transportation shall be paid prior to the issuance of a building permit.
  - c. The requirements of the Ashland Fire Department, including approved addressing, fire apparatus access, and fire sprinklers for Units #3 and #4, shall be complied with prior to issuance of the building permit or the use of combustible materials. Fire Department requirements shall be included on the engineered construction documents. If a fire protection vault is required, the vault shall not be located in the sidewalk corridor.
11. That prior to the issuance of a certificate of occupancy:
- a. That all landscaping and irrigation, including irrigated street trees, shall be installed in accordance with the approved plans, inspected and approved by the Staff Advisor.
  - b. That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.

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Planning Commission Approval

November 14, 2017

Date

**TYPE II  
PUBLIC HEARING  
APPEAL**

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**PA-2017-00978  
232 Nutley Street**

**TYPE II  
PUBLIC HEARING  
APPEAL**

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**PA-2017-00978  
232 Nutley Street**

**Additional Materials from the Applicant**



November 7, 2017

City of Ashland Planning Division  
City of Ashland Planning Commission  
20 East Main Street,  
Ashland, OR 97520

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City of Ashland

RE. 232 Nutley Street (PA2017-00978)  
Response to Appeals:

Dear City of Ashland Planning Division Staff and Planning Commissioners,

Thank you for your time. It appears that with the application of the City of Ashland Land Use Ordinance, consistent with previous decisions and furthering the intent and purpose of the Ordinance and the Comprehensive Plan of the City will allow the approval for the Accessory Residential Unit to stand.

I have assisted Ms. Leah Henigson throughout the application process for the request for an Accessory Residential Unit for her property located at 232 Nutley Street. Leah currently resides in the four-bedroom residence on the property, and as a single person, it is much too large. In fact, to make ends meet, Leah has rented out rooms within her residence and the converted space in the barn has been used by family and friends. These do not have separate kitchen cooking facilities.

Leah has attempted to address the extensive, complex criteria for development of an Accessory Residential Unit in as clear and concise manner as possible.

We believe that the staff decision is supported by the evidence in the record, through the additional evidence submitted here-in, and with the imposition of conditions of approval.

**Non-Conformities:**

The lot is non-conforming in lot area. The property is zoned Rural Residential, ½ acre minimum lot area. The lot is 12,632 square feet in area.

Additionally, the existing lot coverage is non-conforming. Since gravel driveways are now include in the impervious surface calculations, the lot's existing 4,804 square feet of "impervious" surfaces, exceeds the maximum lot coverage of 2,526 square feet. The deck and driveway are not impervious and do not prevent the natural infiltration of ground water. Vegetation grows under the deck and within the driveway. As evidenced with photographs in the record, these areas should not be considered impermeable due to the amount of vegetation present. Additionally, rainwater does not puddle on either surface.

The property owner did make additions to the existing residence that were all permitted (see staff's spreadsheet). These additions of square footage to the residence, and the decks allowed for the property to be increased in coverage areas to the present lot coverages. When the additions were permitted, driveway and decks were not considered in lot coverage calculations. Those permits that allowed for the



enlargement did not factor the “coverage” of the gravel driveway, and the decks. This allowed for the creation of a non-conforming situation.

The storage area referenced by the appellants under the eaves is not a “structure” it is the gate to the rear yard. It is also where the property owner stores the recycling containers, there is “storage” but it’s not a structure. The playhouse is a small structure, it was inadvertently left off the plans and could be removed.

### **Topography:**

Since the property is in Hillside Overlay and AMC 18.2.3.040.B.1 requires that Accessory Residential Units in the RR-.5 zone shall occur on lands of less than 25 percent slope. It is evident from being on the property that the areas of disturbance are less 25 percent or more. Leah hired Stephan Barott, Land Surveying to demonstrate that the ARU was proposed on lands of less than 25 percent.

Mr. Barott is an Oregon Licensed Surveyor. He collected topographical data in the areas of disturbance to demonstrate that those areas are NOT subject to the AMC 18.3.10., the proposed residence will not encroach into slopes identified as greater than 25 percent by the City of Ashland on the Hillside Development maps. Site evaluations and a survey of the areas of development found that the actual slope 24.4 percent on the building area and 19.6 percent slope where the proposed parking ARU parking is located.

According to the Ashland Municipal Code, properties are subject to Physical and Environmental Constraints review permit when shown on the Hillside Lands and Severe Constraints map **and which have a slope of 25 percent or greater (emphasis added).**

The Oregon Licensed Surveyor, using 173 on the ground data points found that the areas proposed for development of the ARU are not more than 25 percent. The City of Ashland has does require the development of all properties in the mapped area to the standards from Physical and Environmental Constraints Chapter based on the map alone. This is because the data is generalized over a large area and the data used to create the maps is not based on ground truthed surveying. Mr. Barott did a ground truthing survey, his methodology explained in attachment.

The proposal is not subject to the requirements found within AMC Chapter 18.3.10 – Physical and Environmental Constraints, because the property, though in the mapped area, does not have a slope of 25 percent or greater which is what triggers Physical and Environmental Constraints Review. The code does not state on the map OR a slope of 25 percent, the code states, on the map AND a slope of 25 percent or greater. The facts have been presented clearly by an Oregon Licensed Surveyor, subject to the standards and ethics of his profession and in accordance with the Oregon State Board of Examiners for Engineering and Land Surveying.

The data collected by the surveyor demonstrates that the proposal complies with AMC 18.2.3.040.B.1 this is because the disturbance is occurring in areas of less than 25 percent.

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**Access:**

The proposed ARU does have access to improved City streets that are paved to a minimum of 20-feet in width, with curb, gutters and sidewalks (Alnut Street), and where there is not the improved 20-feet of width, a variance for the Nutley Street improvements was requested in the application. As stated in the application, the unique circumstances created by the limited improvements to Nutley Street when the City of Ashland installed the street, is not the fault of the application and should not eliminate the applicant's ability to develop her property. It is a unique circumstance that was not self-imposed.

Additionally, the definition of a street and the street improvements include the pavement, curb, gutter and sidewalk. It can be found with respect to Alnut Street that even with less than 20-feet of pavement, the wording of the definition includes all improvements within the right-of-way and does not speak specifically to the dimensions of the "paving".

*AMC 18.6.1.030, Street: A public right-of-way for roadway, sidewalk, and utility installation including the terms road, highway, land, place, avenue, alley, or other similar designations. **The entire width between the right-of-way lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic (Emphasis added).*** The entire width of improvements between the right-of-way lines that provide for public use for the purpose of vehicular and pedestrian traffic exceeds 20-feet on Alnut Street.

**Wildfire and Fire Apparatus Access:**

The proposed ARU will have interior fire sprinklers. These are required in the RR-.5 zone. The fire department would not attempt to fight a fire in any structures on the property from the driveway of the property. They would be fought from the adjacent streets either Nutley or Alnut. The proposed ARU is not more than 150-feet from where a fire truck would park. The construction of the ARU will not increase wildfire dangers any more than a single-family residence would.

Ashland Fire and Rescue and indicated there are no issues with the proposal and provision of emergency services.

**Area measurements and corresponding square footage:**

Measurements of the residence were taken by building designer, Don Sever that determined the size of the residence. Using those measurements, it was found the single family home is larger than what the county assessor's office determined the size of the residence to be. It is this area that determined the proposed 999 square foot ARU. A very slight modification to the overall size of the ARU would be necessary to reduce the structure to 990 square feet in area (a nine-square foot reduction equals less than .3 of an inch reduced along west side of structure) to bring the ARU square footage into compliance with the County Assessor's Office area calculations for the residence.

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**Submittal Requirements:**

The proposed level of detail is consistent with most ARU applications that are completed by homeowners that have limited funds to hire attorneys, land use professionals, landscape designers, etc. Due to the nature of the existing development, the numerous site visits by staff over the past few years, submittal of a detailed landscape plan appears to be beyond the scope of the proposal. There is a discussion of landscaping within the proposal. The disturbed areas will be revegetated. This can be verified upon inspection by staff prior to issuance of a certificate of occupancy.

Erosion control and grading plans are typically triggered on large parcels or when subject to the Physical and Environmental Constraints Review permit process because the areas of disturbance are more than 25 percent. Since neither of the circumstances exist on this site it was not determined necessary to submit that level of detail.

**Recreation space:**

The existing residence has a substantial deck area and flat yard area along the west side of the residence. This coupled with a potential deck for the ARU exceeds the minimum eight percent recreation space of 1010.5. Additionally, the property is less than 1/10<sup>th</sup> of a mile from the ditch trail, from Hald Strawberry Park and within 1/2 of a mile of Lithia Park. Ample openspaces exist within walking distance to address the outdoor recreation needs of the property owner and future tenants.

We firmly believe that it can be found that the proposed ARU, along with the Conditional Use Permit and Variance request, are substantially in conformance with the standards, and can completely comply through the imposition of conditions of approval. The Rogue Valley and Ashland in particular are in the midst of a rental crisis of epic proportions. The city is actively seeking to modify the codes to allow for additional dwelling with less oversight and regulation, including once again, the Housing Commission suggesting that ARU's become an outright permitted use. Based on what appears to be a desperate community need, the property owner has expended a great amount of time, money and effort to attempt to allow for the development of the site with an Accessory Residential Unit. Unlike the tone of the opponent's materials, the unit will not destroy the livability of the neighborhood, will not create an increased fire danger, will not cause traffic problems and will function very similar to the property as it used today.

Thank you for your time and your consideration.

Sincerely,

Amy Gunter  
Rogue Planning & Development Services

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City of Ashland

**STEPHAN BAROTT LAND SURVEYING**

1446 ST. ANDREW WAY  
MEDFORD, OREGON 97504  
Phone 541-776-1272 or cell 541-510-8278  
[sbarott@charter.net](mailto:sbarott@charter.net) (or) [sbls2332@gmail.com](mailto:sbls2332@gmail.com)



Friday, October 06, 2017

LEAH HENIGSON  
232 NUTLEY  
ASHLAND, OR 97520  
(39-1E-08AD-8000)

PROPOSED ARU SITE SURVEY

I WAS HIRED BY LEAH HENIGSON TO SURVEY AND MAP THE PROPOSED SITE SURROUNDING AN EXISTING STRUCTURE, DRIVEWAY, AND IN GENREAL PROVIDE A TOPOGRAPHIC MAP OF THE AREA.

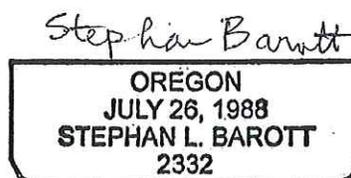
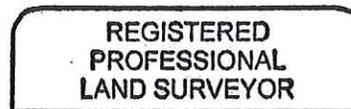
I COLLECTED COORDINATE DATA ON 173 POINTS ON THE GROUND, RECORDING NORTHINGS, EASTINGS, AND ELEVATIONS. FROM THESE POINTS, A DIGITAL TERRAIN MODEL WAS CREATED. FROM THIS DIGITAL TERRAIN MODEL, CONTOUR LINES WERE CACLUATED AND MAPPED UTILIZING A COMPUTER-

EQUIPMENT UTILIZED INCLUDE A LEICA TCRP 1203 ELECTRONIC TOTAL STATION, RANGING PRISMS, AND A LEICA GS14 GNSS GPS RECEIVER. THIS EQUIPMENT IS VERY ACCURATE AND PRODUCES RELIABLE DATA.

MODELING PROGRAM USED WAS CARLSON CIVIL SUITE 2017 THAT RUNS INSIDE OF AUTOCAD 2017 TO CREATE THE GRID FILE AND DIGITAL TERRAIN MODEL.

ALL EQUIPMENT IS CALIBRATED AND ALL SOFTWARE IS THE CURRENT VERSION.

*Stephan Barott*  
STEPHAN BAROTT



RENEWS: DECEMBER 31, 2017

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07 2017  
City of Ashland

November 07, 2017

To: City of Ashland Planning Commissioners

From: Leah K. Henigson

Re: Proposed ARU at 232 Nutley Street

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City of Ashland

I am writing at this time to discuss the ARU project from a more personal/neighborhood perspective rather than addressing code/legal issues. Those issues will be addressed at the November 14th meeting before Commission members.

Specifically, as a 20-year resident of 232 Nutley Street, I would like to offer some personal history as well as neighborhood history. When Jacob Kann and I first came to the property with our real estate agent, to view the home for the first time, our agent parked her car on Nutley Street. Before we were able to finish looking at the house Patricia Zoline had called the police to have the car moved. Since then, and to this day, many of us in the neighborhood have been obligated to consider Patricia's demands.

We have all felt very disheartened by the spirit of the many challenges. As one example, when my 101- year-old grandma lived with us for the remaining year of her life, we requested that the City leave a curb cut at the upper end of our property so we would be able to drive Grandma closer to the back door of our house where she would not have to negotiate stairs to get into the house. The City agreed and left a curb cut for us. Shortly thereafter, Zoline contacted the City and was able to convince them to fill the curb cut because of all the dangerous traffic. After 20 years, we have yet to encounter another car as we back onto Nutley Street.

For 21 years, in Ashland, I've practiced clinical social work (therapy) as an LCSW in private practice. For the past 11 years my office has been in the Old Historic Armory on Oak Street. I have walked to and from work almost every day. I am a very active participant in this neighborhood and in the community. The two appellants reside in our community only part-time. Patricia Zoline has stated that she lives in Portland six months of the year. It is my understanding that the other appellants (Greg and Allison Koenig)

live in San Luis Obispo part of the year. Neither of the appellants live in Ashland full-time and neither is a working member of our community. In addition, two of the other "opposers" on Alnutt Street don't live in Ashland at all. Robert and Esmey Gilbert live in Hawaii (in addition to homes in other parts of the world). Their home on Alnutt Street is vacant most of the year. Pat Haley lives in Mexico and rents out her home on Alnutt Street.

While this project has been in the planning stages for about six years, the City of Ashland Planning Department has spent a great deal of time studying/researching, attending site visits, etc., to support their decision to approve this application. Their approval was based on careful consideration of all of the various issues mentioned in the appeals. It seems important to consider the broad scope of the work and consideration that supported the Planning Department's decision. It is being opposed by people who don't live or work full-time in this neighborhood or community.

In addition, while tree removal has (inaccurately) been called into question by the appellants, I would like to point out that Patricia Zoline has topped two of the largest (or would have been had they not been topped) trees on my property without my permission. One is an Incense Cedar that was 35-40'; now 26' tall. The other is a Deodar Cedar that was 35-40' tall; now 25'. It seems inappropriate, immoral, unethical, unjust for an appellant to be questioning tree removal when that same appellant has topped huge trees (now dying), on my property, in front of her picture windows. The trees I will be removing for this project are tiny in comparison to the ones topped and damaged by Zoline.

Increased fire danger has also been called into question. I'd like to point out that my house (on the uphill side owned by Zoline) is surrounded by weeds that are not properly abated and pose a definite fire hazard. On the land immediately below my property line are several dead trees and branches that cause an extreme fire hazard. The proposed ARU, on the other hand, will be equipped with a sprinkler system and will be accessed by fire equipment in exactly the same manner (from Alnutt Street) that the old barn (without sprinkler system) would have been accessed.

In addition, lot coverage has been questioned. The footprint of the existing building will be extended approximately 9 feet to the uphill side and an extra 14 feet to the north/south orientation of the building. This is a minimal increase to the existing footprint, creating minimal lot disturbance.

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The benefit to the City of Ashland (allowing an active participant of the community to continue working/living in Ashland and to open a modest four-bedroom, three-bath home to an Ashland family) seems exponentially more valuable than disallowing this project.

Also regarding lot coverage, the driveway and deck are considered impervious surfaces. It's important to point out that the deck is actually very pervious, with absolutely no water ever standing on the surface of the deck. The same is true of the dirt driveway. Both the driveway and the area underneath the deck support a great deal of vegetation.....so much so that it is necessary to weed-eat both areas at least twice each season.

Driveway, parking and street access have been questioned, as well. The design to create three more parking spaces, off the driveway, seems ingenious for the lot and neighborhood. (One off-the-driveway parking space already exists between the proposed ARU and the house.) This would allow cars, if desired, to flow through to Alnutt Street. It would also allow any car to back out onto the driveway and to continue backing onto Nutley Street. While backing onto Nutley (around a large tree that is well off the driveway and street) has been posed as a problem by one of the appellants, we have been backing around that tree onto the street for 20 years without a problem of any kind. And, it's important to point out, that we have never encountered another car as we have backed onto the street. There are only two homes above our driveway. One of the homes belongs to the appellant who has stated that she lives in Portland half the year. The other end of the driveway allows easy access to drive straight onto Alnutt Street. Again, traffic is rarely seen and the street and sidewalk are easily viewed from the driveway above.

The size of the unit has been questioned as well. To begin, the ARU will be no more than 50% of the size of the large house. The new unit will be inhabited by one or two people most of the time with family visiting on occasion. The entire square footage of the living space will be under 1000 square feet. The storage area below will be unheated, uninhabitable space.

Regarding the slope issue, all proposed areas of disturbance are less than 25%. Prior to submittal of the application, Bill Molnar and Derek Severson, using a clinometer, determined the slope to be under 25%. In addition, a slope analysis in the areas of disturbance was completed by Stephan

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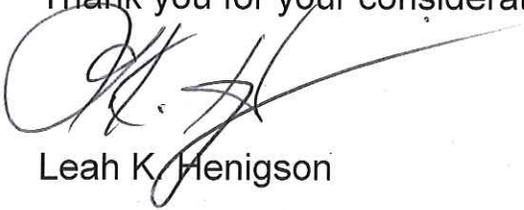
City of Ashland

Barrott Land Surveying, this survey also supporting what had been determined by the clinometer. One of the appellants, Zoline, hired Applied Geotechnical Engineering and Geologic Consulting who "completed a site visit to the property on September 22, 2017. The intent of the site visit was to observe and evaluate existing site conditions at 232 Nutley Street and surrounding areas." This "site visit" either didn't actually take place at 232 Nutley St. or was done illegally by trespassing. This engineering firm did not have permission to visit the site and, if they did not illegally trespass, they don't have correct information because they weren't actually on the property.

In addition, appellants Greg and Allison Koenig state through their attorney, Deborah Vincent, "If those rocks had been included in the site plan, the proposed parking area could not be feasible between the ARU and the primary residence. There is a HUGE granite immovable bolder in that location." Again, this is completely inaccurate information. The parking space between the ARU and the house already exists and is often in use. There will be no need to remove any of the huge boulders. They are an important part of the landscape.

I am asking the Planning Commission members to consider not only the legal/code issues pertaining to this request (which the City Planning Department has already carefully addressed over a six-year period), but also please consider the more far-reaching socio/economic/community support issues. I would like to be able to stay in this community, offering my services as an LCSW in private practice (also as a Medicare provider), to continue living on this property in a more affordable fashion, to provide a modest, four-bedroom house to an Ashland family, to beautify my neighborhood by removing a deteriorating building, replacing it with an attractive ARU (designed by Don Sever, a neighbor on Strawberry Lane and award-winning local designer) and to promote a sense of connection and cohesiveness in our neighborhood.

Thank you for your consideration.



Leah K. Henigson

**RECEIVED**  
NOV 07 2017  
City of Ashland





November 3, 2017

City of Ashland Planning Commission  
Ashland, Oregon 97520

Dear Commissioners:

I am writing to support Leah Henigson's plan to build an ARU on her 232 Nutley St. property, and the Ashland Planning Division's approval of that plan. I want to express my strong opposition the two current appeals against the Division's decision.

I support Leah's proposal, not just because I am her friend, but because I believe that how our community handles her case, and others like it, has strong implications for the kind of community Ashland wants to be.

It is widely understood that Ashland faces challenges in its efforts and desire to offer enough affordable housing to maintain a diverse and thriving community that is hospitable to its low-income, working, and working professional families. We know that the city and its citizens are looking for ways to address this problem.

Leah is a perfect example of the kind of citizen Ashland must keep. She has lived in Ashland since 1996, bought (and gradually improved) the modest house she presently lives in, raised a family, been active in the Ashland schools that her children attended, and earned a modest and hard-working living providing mental health counseling to Ashland's children and families. There is a long list of people whose lives are better because of Leah's work in our community.

As she approaches retirement, Leah faces a difficulty – far from unique among Ashlanders – that she may not be able to afford to continue living in the house she raised her kids in. Her reasonable and well-thought-out plan is to replace a small decrepit barn on her property with a small (and beautifully designed) living space for herself, and to rent out her present home.

This is exactly the sort of plan Ashland needs to support if it is to maintain its economic diversity, and remain hospitable to those who, like Leah, have lived in, and served, the Ashland community for years.

There is nothing slipshod or detrimental to the neighborhood in Leah's proposal: Her plan is modest, well-thought-out, ecologically sound, appropriate to the aesthetics of her community, and attractive. The structure she proposes is well designed and beautiful. I cannot see why anyone would think her plan was anything but an improvement to the neighborhood.

I presume that all, or some, of the above reasons are why the Planning Division approved Leah's project, and why that decision deserves support.

**RECEIVED**

11/07 2017

City of Ashland

If Ashland does not support well-constructed plans such as Leah's, we are in danger of becoming a community made up exclusively of people who move here to buy multi-million-dollar second homes, and who can, as in this case, afford the legal fees and private consulting services necessary to nitpick the reasonable plans of their neighbors, and to press for policies that make life unaffordable for those that have spent their working lives here before them. In this case, while most of Leah's neighbors wish her well with her project, the two parties that are appealing the Planning Division's decision live in enormous houses (far beyond what Leah could afford) that lie empty much of the year while their owners live in other parts of the country.

I do not blame (though I may envy) anyone for having a bunch of money, or for wanting to move to Ashland. But I do believe that it is fair to ask both Ashland's more privileged citizens, and those who choose to move here, to respect the legitimate needs of those who came, and have contributed to the community, before them –lest we turn Ashland into precisely the unaffordable and non-diverse places that many of them came here to escape.

Thank for giving consideration to my input.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robert Heilbroner', with a long, sweeping horizontal line extending to the right.

Robert Heilbroner

2664 Anderson Creek Rd.  
Talent, OR 97540  
(541) 535 8314

**RECEIVED**

NOV 07 2017

**City of Ashland**

November 6, 2017

City of Ashland Planning Commission  
51 Winburn Way  
Ashland Oregon 97520

Dear Commissioners:

I am writing to support the Ashland Planning Division's approval of a plan to allow Leah Henigson to build an ARU on 232 Nutley St. I personally lived at 232 Nutley St. for six years and know the neighborhood very well. It is certainly suited for additional housing (especially affordable housing) given the current very low density of homes. Many of the existing homes are very large and have only one to two inhabitants (many of whom are part-time), amounting to many thousands of square feet per person. When we had five people living at the current 232 Nutley home, there were never problems with flow of traffic, even when both Nutley and Alnutt were unpaved. In fact, before I moved in 2003 I had to contribute \$4000 to the LID requiring paving of both Nutley and Alnutt. Now both of these are nicely paved and can certainly handle an additional very modest ARU.

Leah's project appears to be very much in line with Ashland's desire for infill, as well as the need and desire to provide affordable housing for lower-income and working individuals and families. Her project both allows her to continue to afford to live at her current address, and will provide a much needed long-term family rental in Ashland.

Again, having lived at 232 Nutley for many years, I can say unequivocally that this project will only be an enhancement for the neighborhood. I wholeheartedly ask you to uphold the Ashland Planning Division's initial approval for this project.

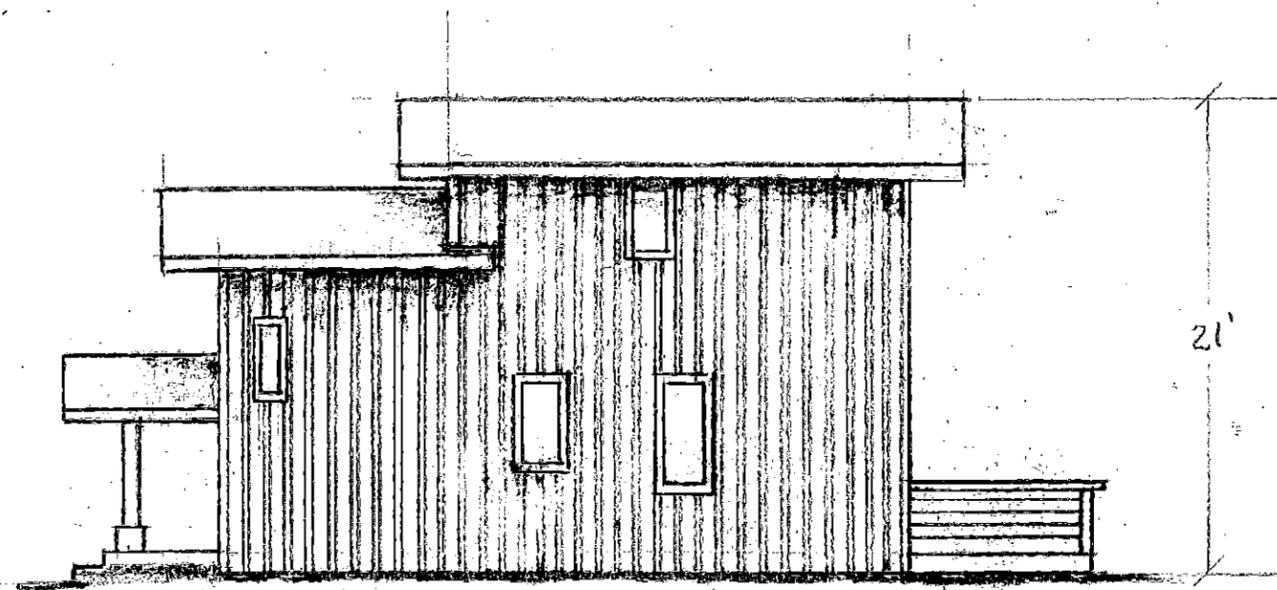
Respectfully Submitted,



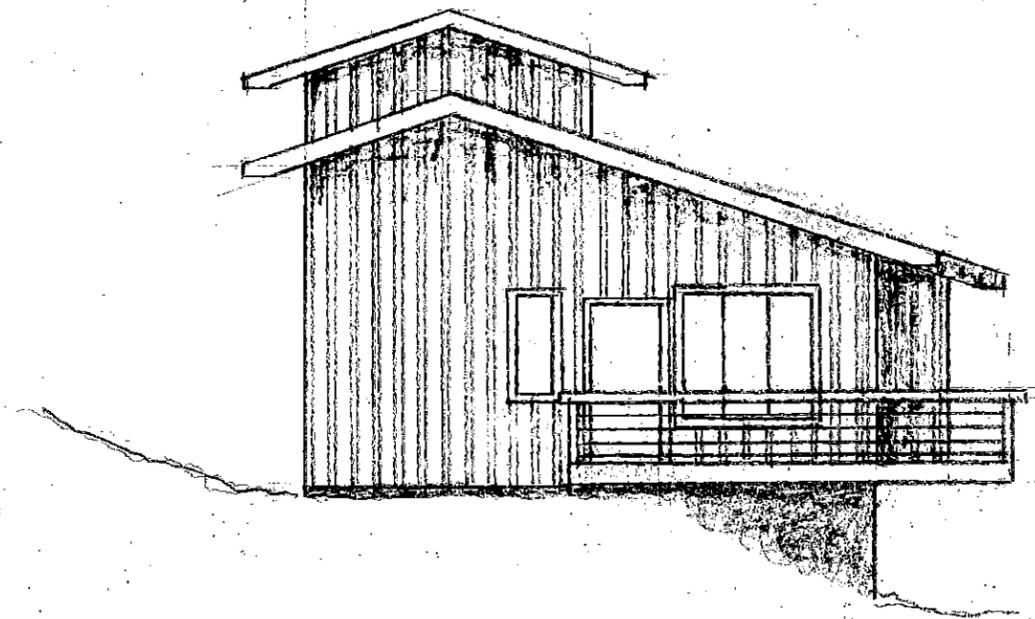
Jacob Kann

374 Idaho St.  
Ashland, OR 97520  
(541) 601-0546

RECEIVED  
NOV 07 2017  
City of Ashland

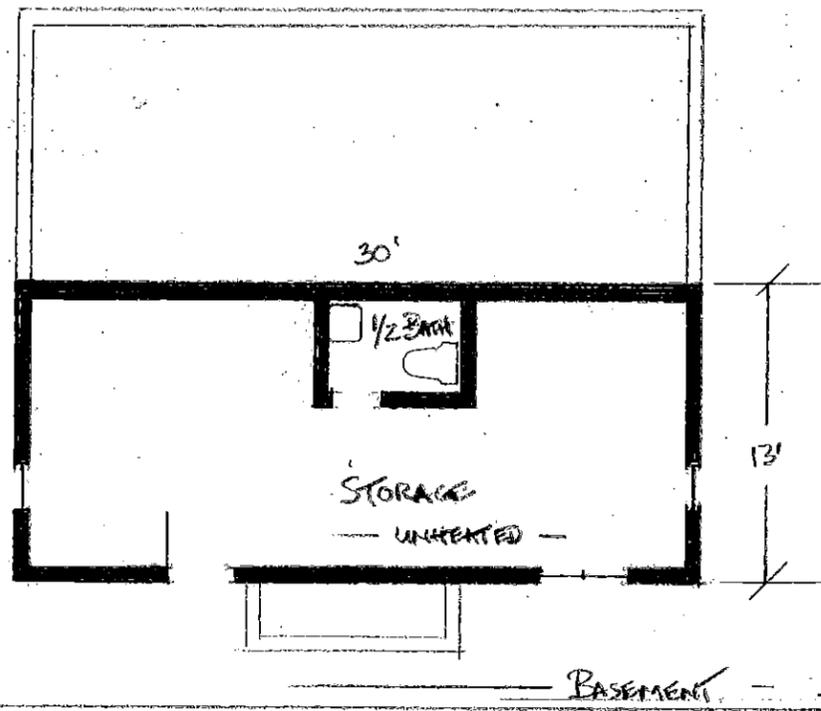
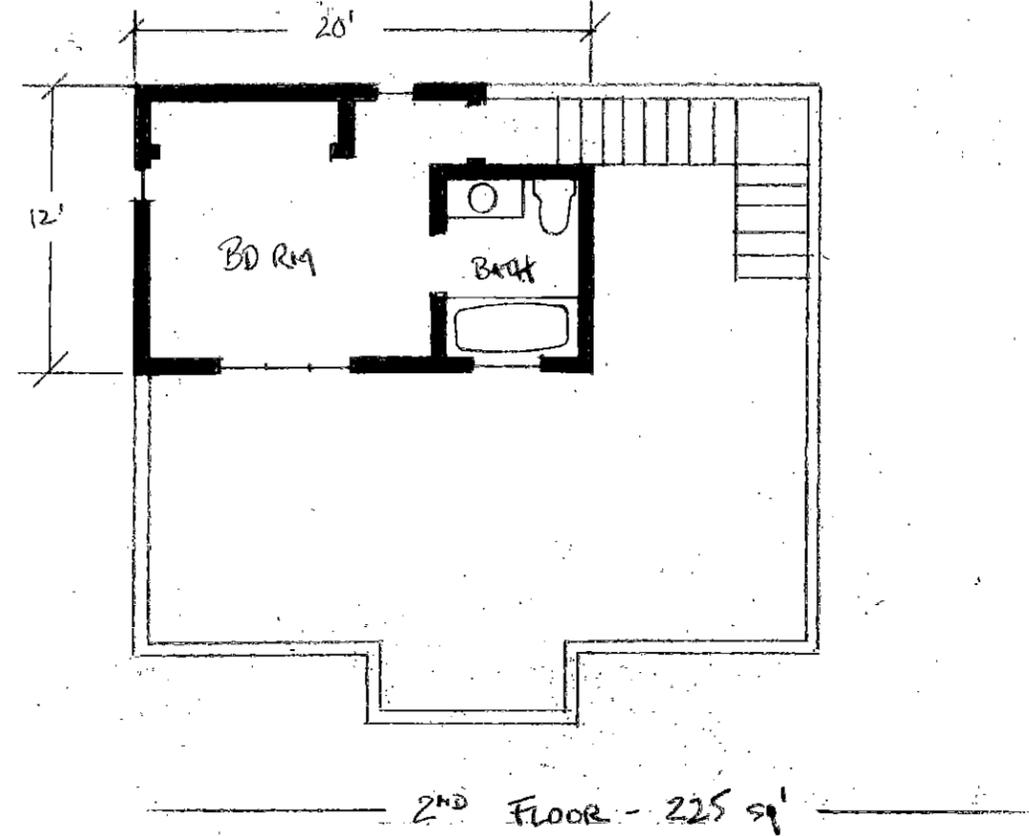
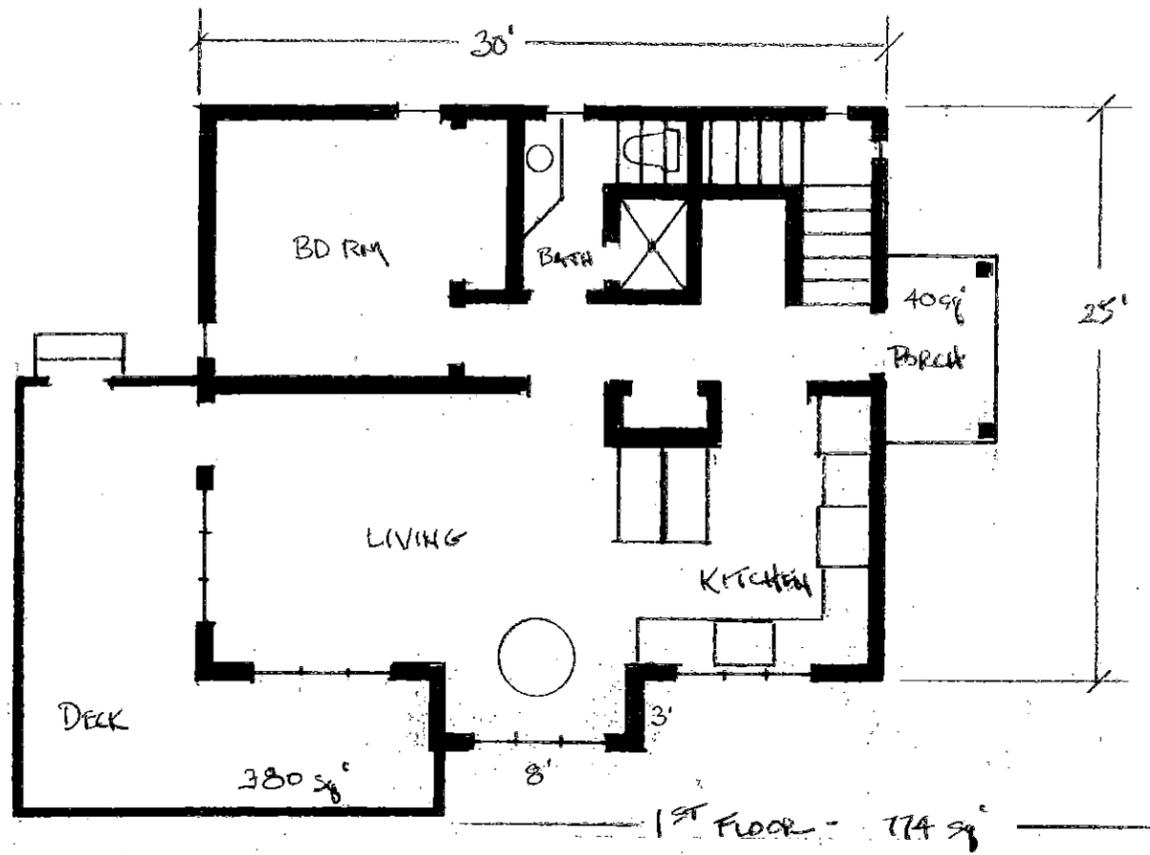


WEST ELEVATION



SOUTH ELEVATION

RECEIVED  
11 07 13  
City of Ashland



FLOOR PLAN FOR ARU  
232 NUTLEY

RECEIVED  
2007  
City of Ashland

**TYPE II  
PUBLIC HEARING  
APPEAL**

---

**PA-2017-00978  
232 Nutley Street**

**Additional Materials from the Appellant**

JACK DAVIS  
CHRISTIAN E. HEARN  
EUGENE V. ANDERSON  
GARRISON F. TURNER  
TRICIA D. HAHN

**DAVIS HEARN  
ANDERSON & TURNER**  
ATTORNEYS AT LAW

A Professional Corporation

Established 1953

515 EAST MAIN STREET  
ASHLAND, OREGON 97520  
PHONE: 541-482-3111 | FAX: 541- 488-4455  
www.davishearn.com

SAM B. DAVIS (1922-2017)  
SIDNEY E. AINSWORTH (1927-2003)  
DONALD M. PINNOCK - Retired  
DAVID V. GILSTRAP - Retired  
DANIEL L. HARRIS - Retired  
SUSAN V. SALADOFF - Retired  
JEFFREY K. MCCOLLUM - Retired

**EMAIL and FIRST CLASS MAIL TRANSMITTAL COVER SHEET**

**TO:** Derek Severson, Senior Planner ([derek.severson@ashland.or.us](mailto:derek.severson@ashland.or.us))  
City of Ashland Community Development | Planning Division  
51 Winburn Way | Ashland, OR 97520

**FROM:** Christian E. Hearn (OSB #911829) *CEH* ([chearn@davishearn.com](mailto:chearn@davishearn.com))  
Dawn Caldwell (legal assistant) ([dcaldwell@davishearn.com](mailto:dcaldwell@davishearn.com))  
Davis Hearn Anderson & Turner PC | [www.davishearn.com](http://www.davishearn.com)

**DATE:** October 17, 2017

**RE:** 232 Nutley St. | PA-2017-00978  
LIDAR Slope Analysis of 232 Nutley St.  
by Surveyor Shawn Kampmann | Polaris Land Surveying LLC  
(Additional submission for PC hearing by Appellant Patricia Zoline)

**Dear Derek:**

The attachment is being provided to you both electronically, and also by “hard copy” transmitted to you via first class mail.

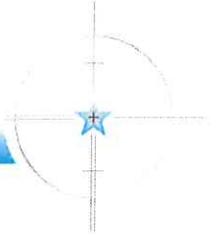
The enclosed documents are provided for your review, information, and inclusion in the Record before the Planning Commission in PA-2017-00978.

As always, please don't hesitate to contact our office if you have questions or concerns.

**DESCRIPTION OF ENCLOSED DOCUMENT(S):**

Cover letter from surveyor Shawn Kampmann of Polaris Land Surveying LLC; LIDAR Slope Analysis and Mapping for 232 Nutley St. *See attachment: (21 pages).*

cc: Dana Smith; April Lucas



October 10, 2017

Davis Hearn Anderson & Turner PC  
515 East Main Street  
Ashland, Oregon 97520  
Attn: Chris Hearn

Re: LIDAR Slope Analysis Mapping Report  
232 Nutley Street, Ashland, Oregon  
Assessor's Map No. 39 1E 08 AD, Tax Lot 8000

Dear Chris,

Per our recent phone and email correspondence regarding an ARU Planning Application for the above referenced property located at 232 Nutley Street, attached please find the PDF format files of the Slope Analysis Mapping of the subject property extracted from our in-house Polaris GIS database. The slope analysis mapping was derived from airborne LIDAR data gathered in 2015 by the Oregon LIDAR Consortium for Oregon Department of Geology and Mineral Industries (DOGAMI), having a vertical accuracy of 0.30 feet (3 1/2 inches) per the metadata included on Page 11 of the 2015 OLC Upper Rogue Study Area dated August 12, 2016 prepared by Quantum Spatial in Portland, Oregon. The metadata mean relative accuracy exceeds the National Mapping Standard for one-foot contour mapping of plus or minus one half of a contour interval.

The attached 232 Nutley Street LIDAR Slope Aerial Maps depict the color coded slope analysis, with the site aerial photo underlay denoting the location of the existing structures on the Site; The Contour Aerial maps for 232 Nutley Street denote scalable one-foot contours with aerial photo overlay of the site, interpolated through the structures as the natural slope. The Slope Analysis Maps are color coded as follows: Brown for slopes between 0% and 25%; Cream (off-white) for slopes between 25.1% and 35%; and Green for slopes of 35.1% and above.

Please don't hesitate to call if you have any questions.

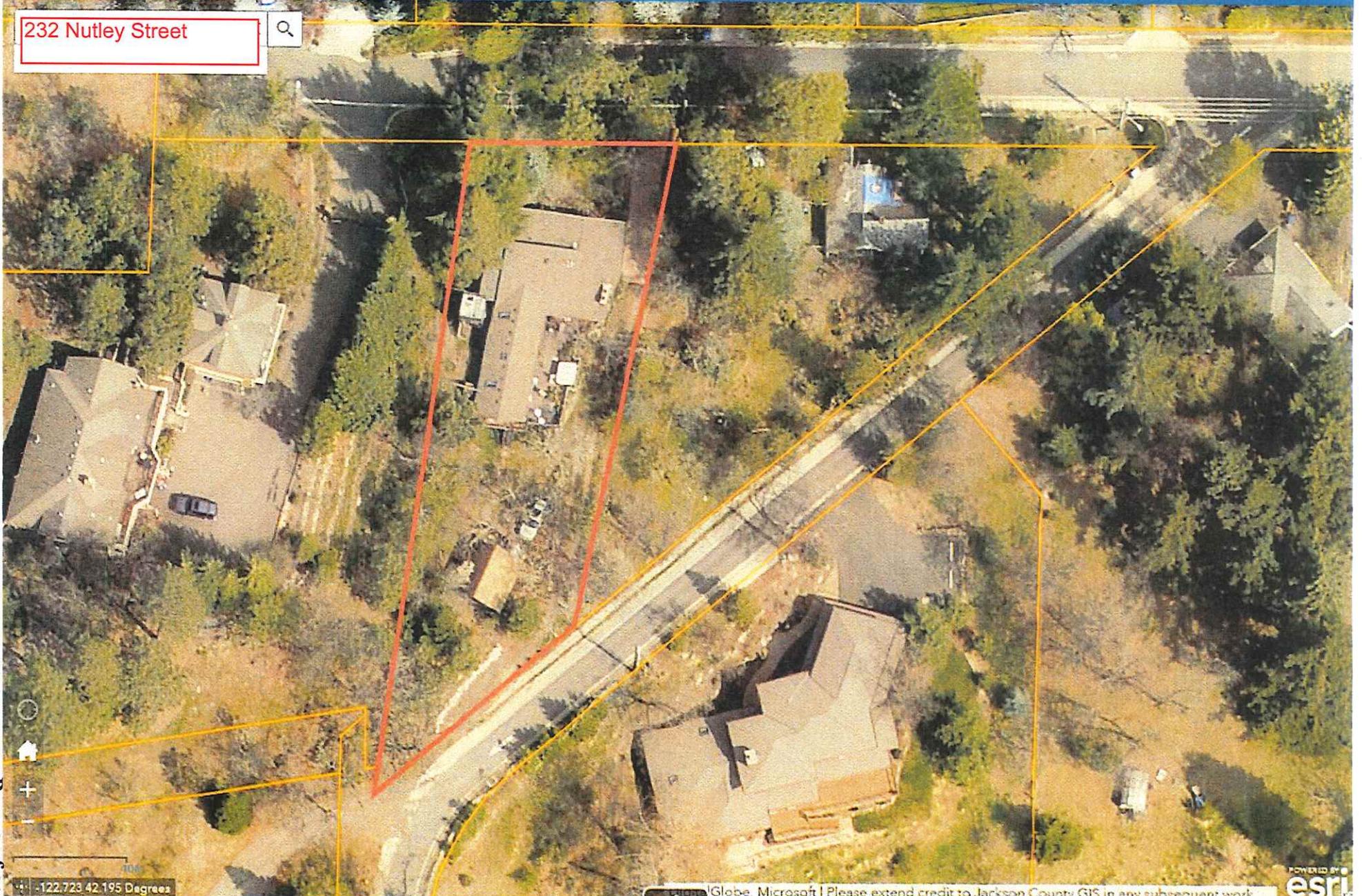
Yours truly,

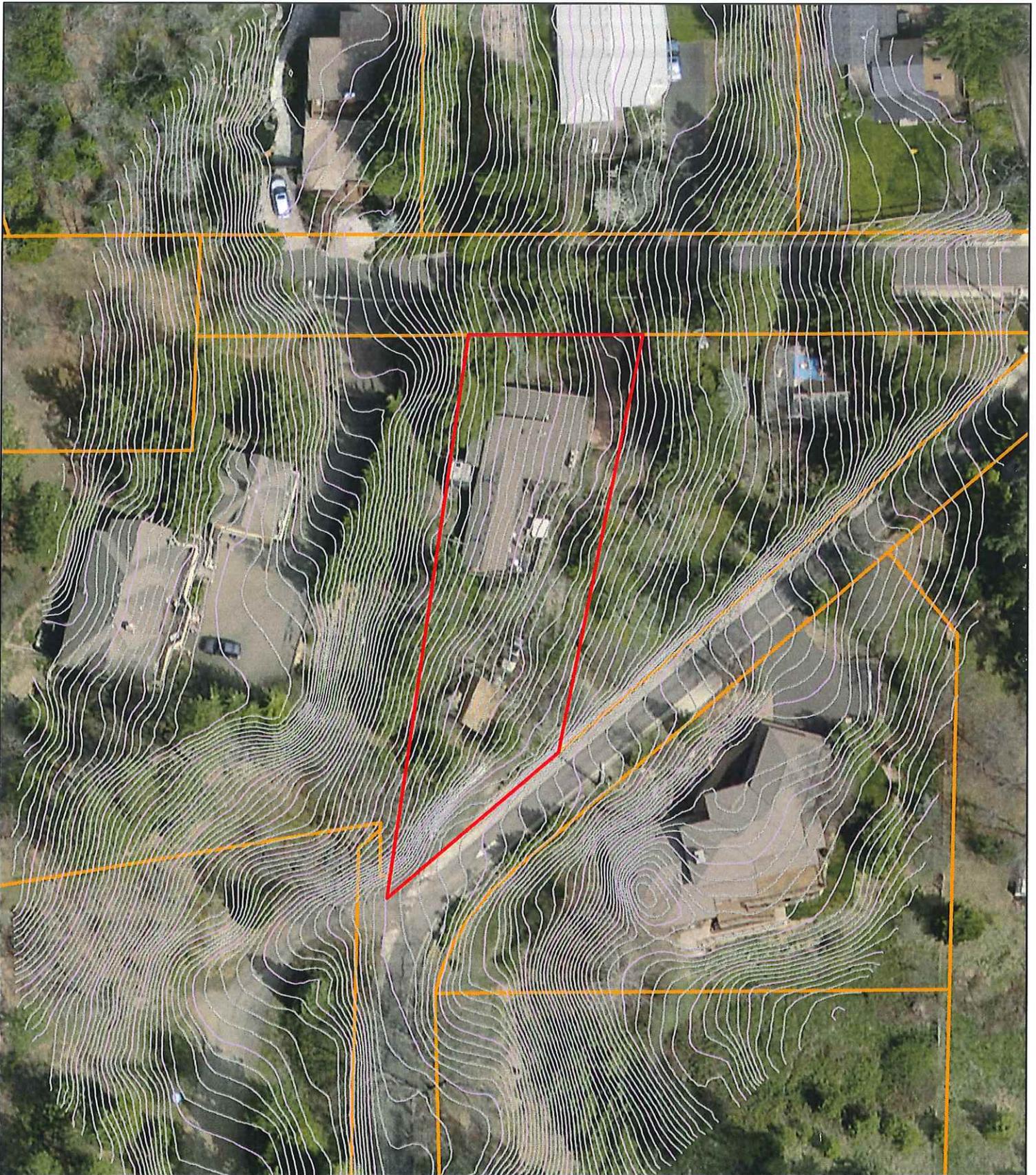
*Shawn*

Shawn Kampmann  
Professional Land Surveyor

**Enclosure: 232 Nutley Street Slope Contours and LIDAR Mapping; Metadata Report**

232 Nutley Street





**Job # 0857-14**

Patricia Zoline

**Situs: 232 Nutley St.**

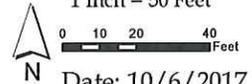
Ashland, Oregon 97520  
(541)\*\*\_\*\*\*\*

 Contour 5ft

 Contour 1ft

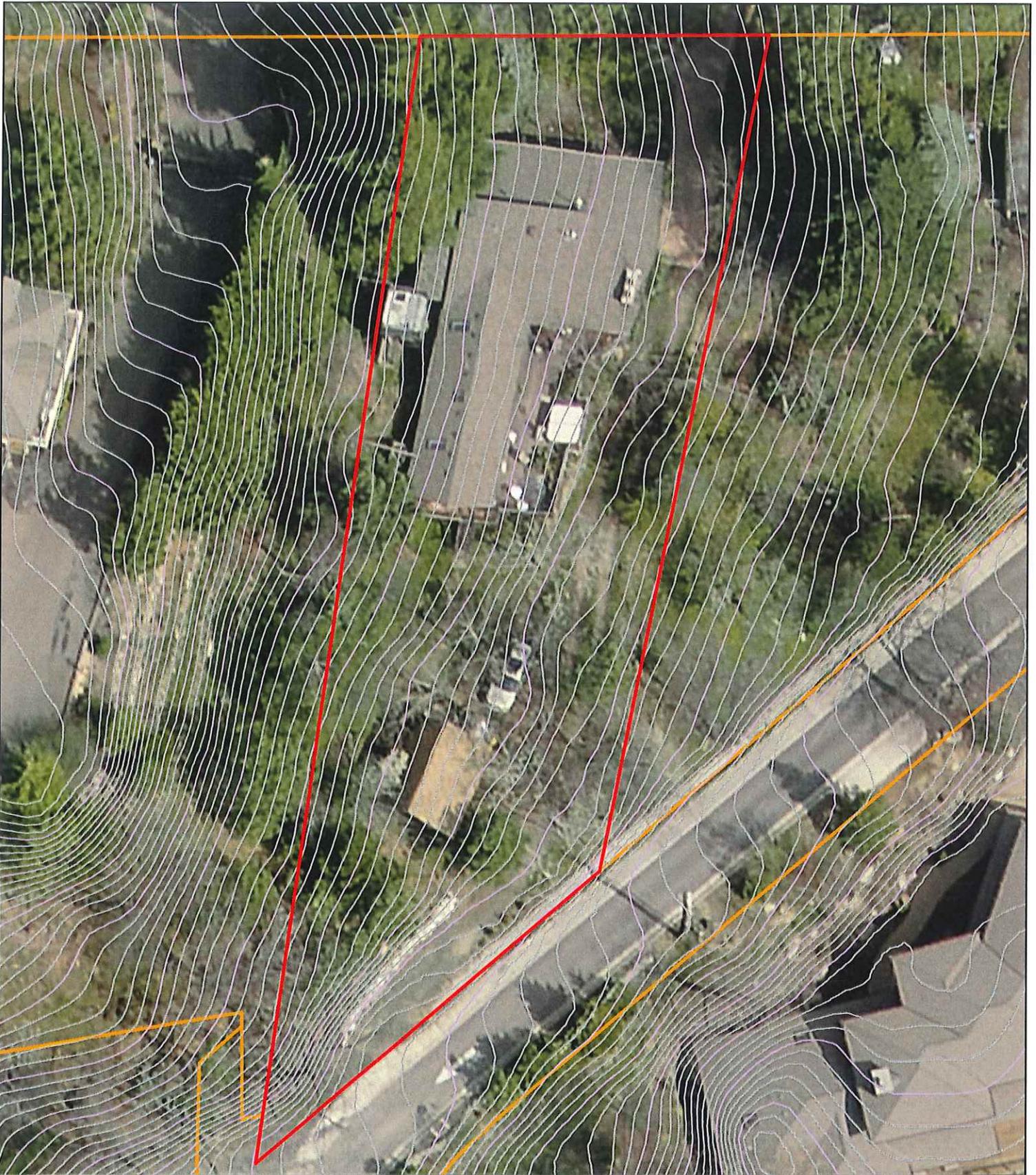
 Taxlot

1 Inch = 50 Feet



Date: 10/6/2017

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009



**Job # 0857-14**

Patricia Zoline

**Situs: 232 Nutley St.**

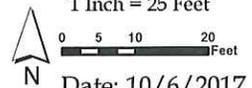
Ashland, Oregon 97520  
(541)\*\*\_\*\*\*\*

 Contour 5ft

 Contour 1ft

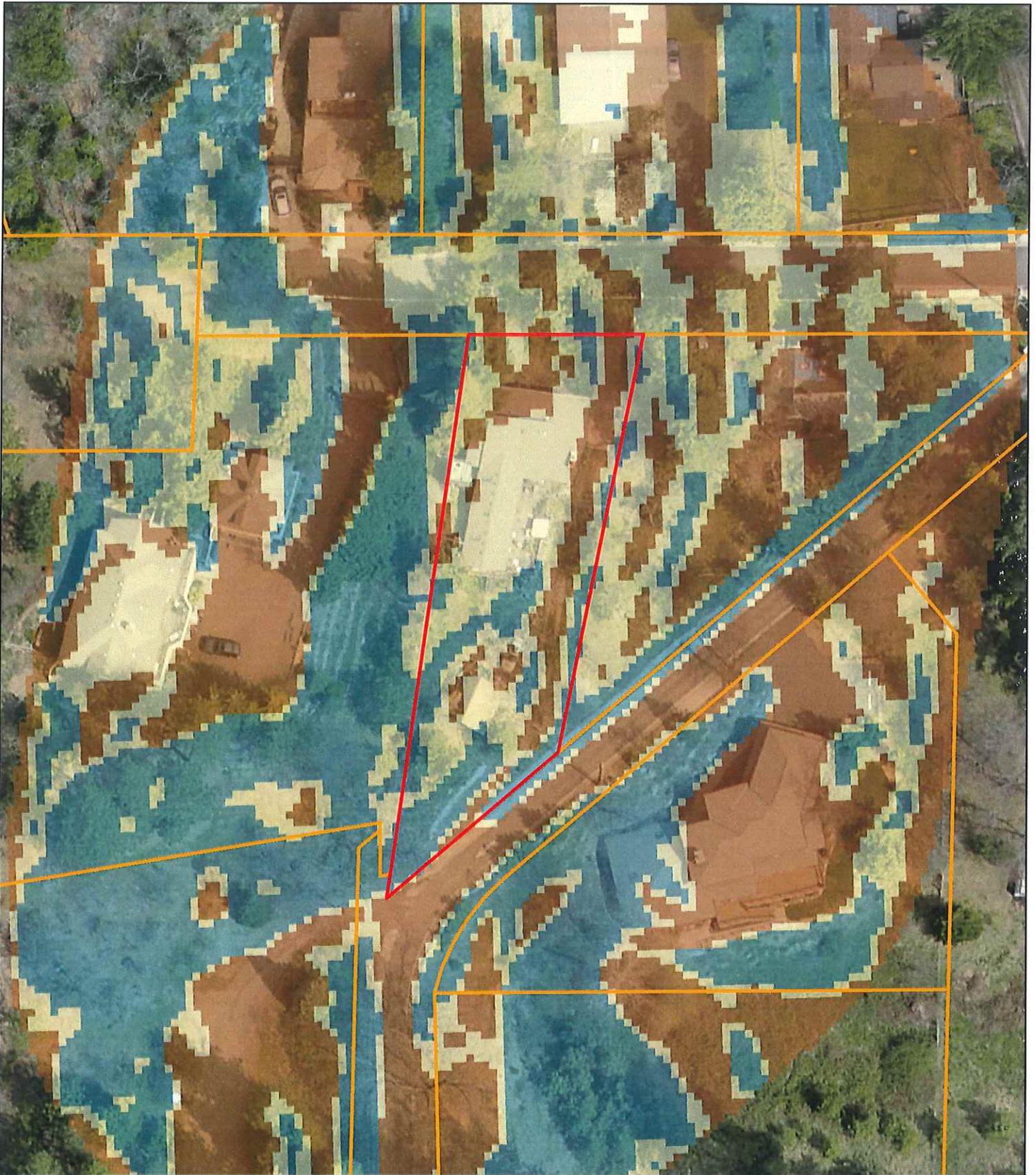
 Taxlot

1 Inch = 25 Feet



Date: 10/6/2017

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009



**Job # 0857-14**

Patricia Zoline

**Situs: 232 Nutley St.**

Ashland, Oregon 97520  
(541)\*\*\_\*\*\*\*



Taxlot

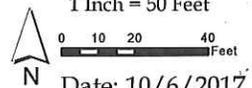
**Percent Slope**

 0 - 25

 25.1 - 35

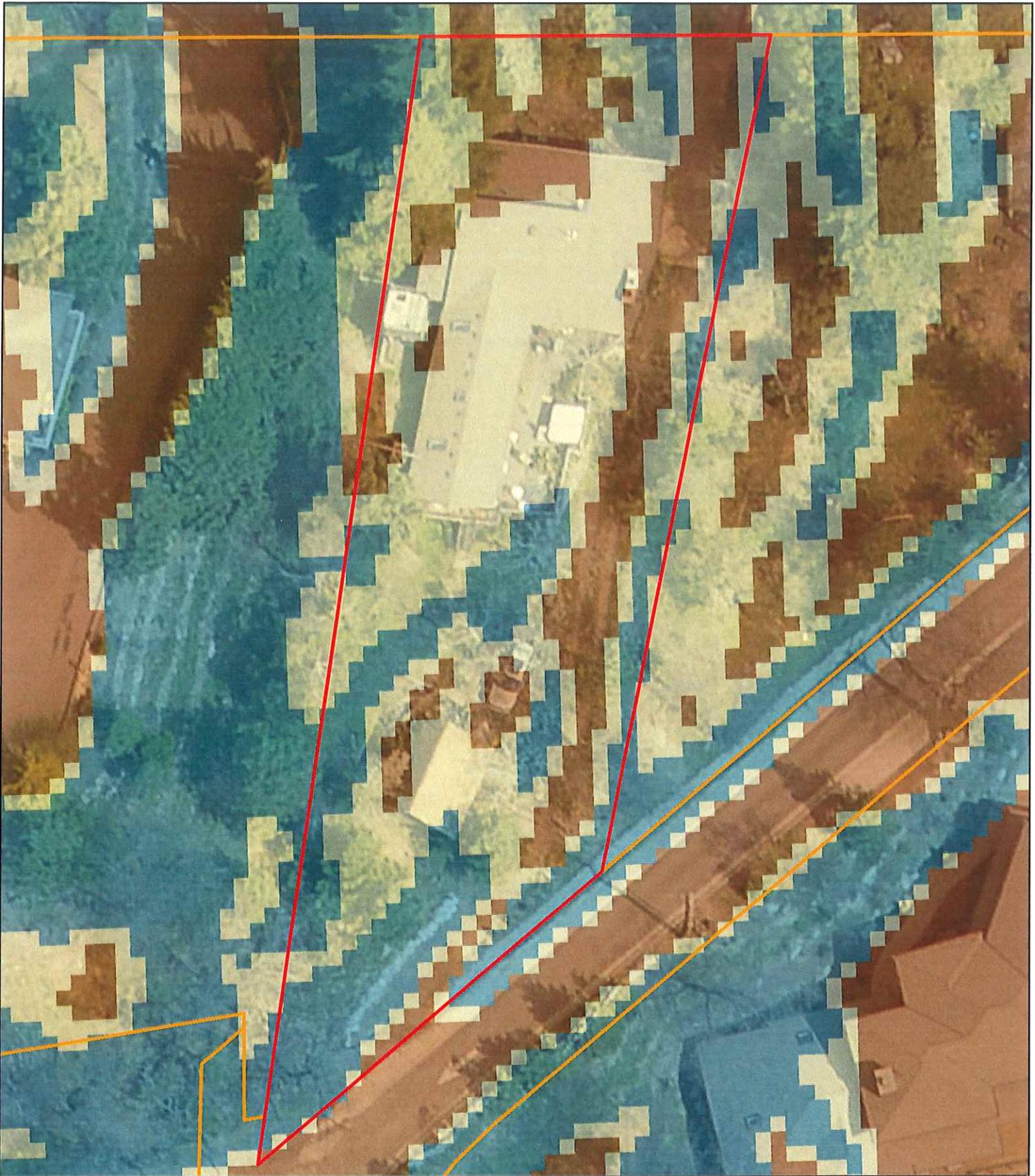
 35.1 - 100

1 Inch = 50 Feet



Date: 10/6/2017

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009



**Job # 0857-14**

Patricia Zoline

**Situs: 232 Nutley St.**

Ashland, Oregon 97520

(541)\*\*\_\*\*\*\*



Taxlot

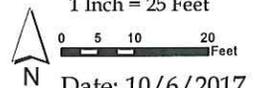
**Percent Slope**

0 - 25

25.1 - 35

35.1 - 100

1 Inch = 25 Feet



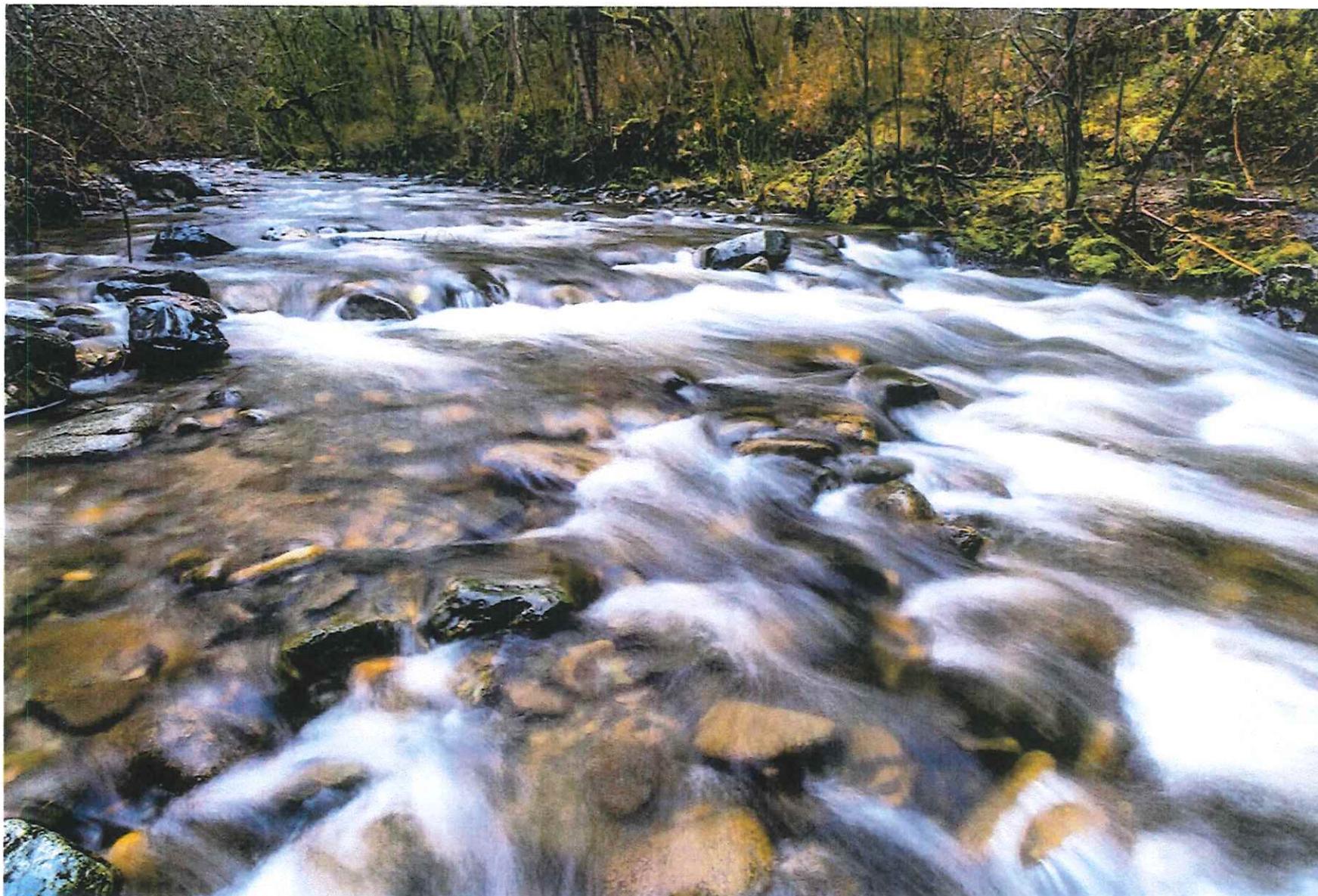
Date: 10/6/2017

Polaris Land Surveying LLC

P.O. Box 459

Ashland, Oregon 97520

(541) 482-5009



Data collected for:  
Oregon Department of Geology and Mineral Industries

800 NE Oregon Street  
Suite 965  
Portland, OR 97232



Prepared by:  
Quantum Spatial

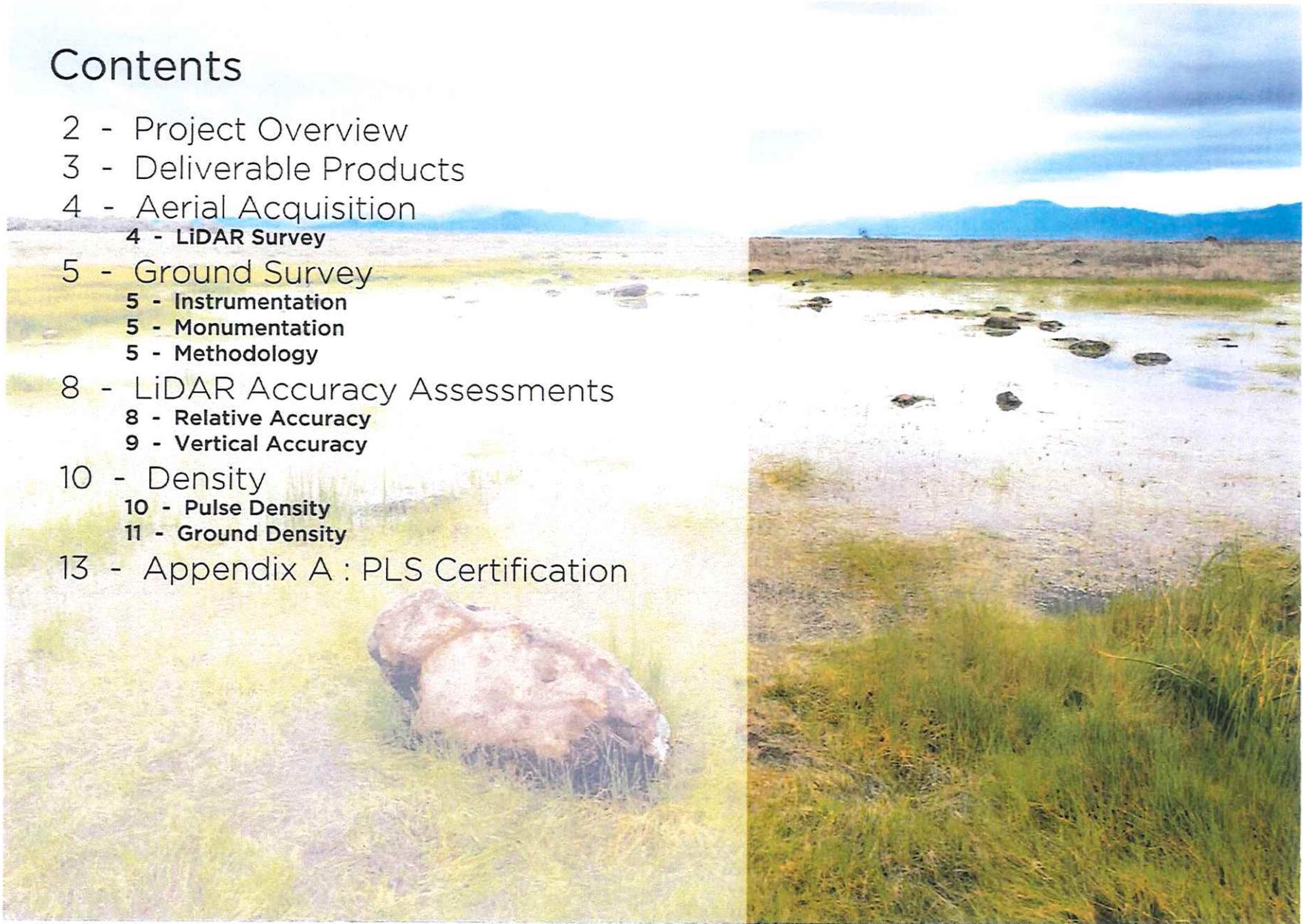
421 SW 6th Avenue  
Suite 800  
Portland, Oregon 97204  
phone: (503) 505-5100  
fax: (503) 546-6801

517 SW 2nd Street  
Suite 400  
Corvallis, OR 97333  
phone: (541) 752-1204  
fax: (541) 752-3770



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- 3 - Deliverable Products
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  - 9 - Vertical Accuracy**
- 10 - Density
  - 10 - Pulse Density**
  - 11 - Ground Density**
- 13 - Appendix A : PLS Certification



## Project Overview

QSI has completed the acquisition and processing of Light Detection and Ranging (LiDAR) data describing the Oregon LiDAR Consortium's (OLC) Upper Rogue Study Area. The Upper Rogue area of interest (AOI) shown in Figure 1 encompasses 1,397,140 acres.

The collection of high resolution geographic data is part of an ongoing pursuit to amass a library of information accessible to government agencies as well as the general public.

LiDAR data acquisition occurred between March 12 and October 12, 2015. Settings for LiDAR data capture produced an average resolution of at least eight pulses per square meter. Final products are listed in page 3.

QSI acquires and processes data in the most current, NGS-approved datums and geoid. For Upper Rogue, all final deliverables are projected in Oregon Lambert, endorsed by the Oregon Geographic Information Council (OGIC),<sup>1</sup> using the NAD83 (2011) horizontal datum and the NAVD88 (Geoid 12A) vertical datum, with units in International feet.

Table 1: Upper Rogue delivery details

Upper Rogue	
Acquisition Dates	March 12 - October 12, 2015*
Buffered Area of Interest	1,397,140 acres
Projection	OGIC
Datum: horizontal & vertical	NAD83 (2011) NAVD88 (Geoid 12A)
Units	International Feet

\*See page four for specific acquisition dates.

<sup>1</sup> <http://www.oregon.gov/DAS/EISPD/GEO/pages/coordination/projections/projections.aspx>



Figure 1: Upper Rogue study area location

## Deliverable Products

Table 2: Products delivered for Upper Rogue study area.

Upper Rogue Projection: OGIC Horizontal Datum: NAD83 (2011) Vertical Datum: NAVD88 (GEOID12A) Units: International Feet	
-------------------------------------------------------------------------------------------------------------------------------------	--

Points	LAS v 1.2 tiled by 0.0375 minute USGS quadrangles <ul style="list-style-type: none"> <li>• Default (1), ground (2), and bridge (17) classified points</li> <li>• RGB color extracted from NAIP imagery</li> <li>• Intensities</li> </ul>
Rasters	3 foot ESRI GRID tiled by 7.5 minute USGS quadrangles <ul style="list-style-type: none"> <li>• Bare earth model</li> <li>• Highest hit model</li> <li>• LiDAR ground density images</li> </ul> 1.5 foot GeoTiffs tiled by 7.5 minute USGS quadrangles <ul style="list-style-type: none"> <li>• Intensity images</li> </ul>
Vectors	Shapefiles (*.shp) <ul style="list-style-type: none"> <li>• Data extent (TAF/BAOI)</li> <li>• BAOI tile index of 0.0375 minute USGS quadrangles</li> <li>• BAOI tile index of 7.5 minute USGS quadrangles</li> </ul>
Metadata	<ul style="list-style-type: none"> <li>• FGDC compliant metadata for all data products</li> </ul>

Projection: UTM Zone 10N Horizontal Datum: NAD83 (2011) Vertical Datum: NAVD88 (GEOID12A) Units: Meters	
------------------------------------------------------------------------------------------------------------------	--

Vectors	<ul style="list-style-type: none"> <li>• Reserved ground survey points</li> <li>• Reserved vegetated ground survey points for vegetated vertical accuracy (VVA) testing</li> <li>• Ground survey points</li> <li>• Monuments</li> <li>• Acquisition flightlines</li> </ul>
---------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

# Aerial Acquisition

## LiDAR Survey

The LiDAR survey utilized a Optech Orion H sensor mounted in a Partenavia P68, a Leica ALS 70 sensor mounted in a Cessna Caravan, and a Leica ALS 80 sensor mounted in a Cessna Grand Caravan. For system settings, please see Table 3. These settings are developed to yield points with an average native density of greater than eight pulses per square meter over terrestrial surfaces.

The native pulse density is the number of pulses emitted by the LiDAR system. Some types of surfaces such as dense vegetation or water may return fewer pulses than the laser originally emitted. Therefore, the delivered density can be less than the native density and lightly vary according to distributions

of terrain, land cover, and water bodies. The study area was surveyed with opposing flight line side-lap of greater than 60 percent with at least 100 percent overlap to reduce laser shadowing and increase surface laser painting. The system allows up to four range measurements per pulse, and all discernible laser returns were processed for the output dataset.

To solve for laser point position, it is vital to have an accurate description of aircraft position and attitude. Aircraft position is described as x, y, and z and measured twice per second (two hertz) by an onboard differential GPS unit. Aircraft attitude is measured 200 times per second (200 hertz) as pitch, roll, and yaw (heading) from an onboard inertial measurement unit (IMU).

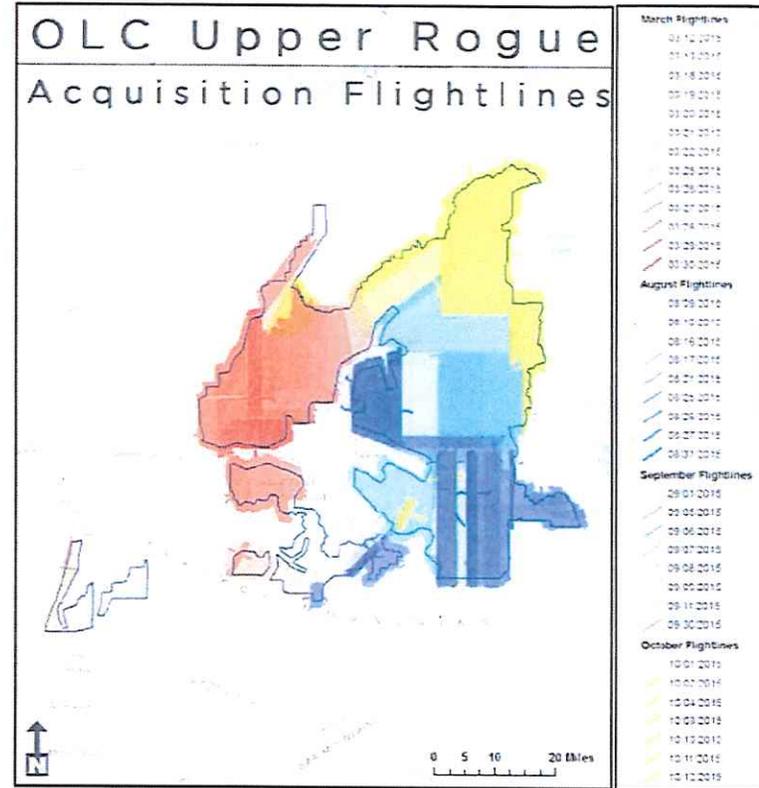


Figure 2: Upper Rogue acquisition specifications

Table 3: Upper Rogue acquisition specifications

OLC Upper Rogue			
Sensors Deployed	Optech Orion H	Leica ALS 70	Leica ALS 80
Aircraft	Partenavia P68	Cessna Caravan	Cessna Grand Caravan
Survey Altitude (AGL)	1,200 m	1,400 m	1,500 m
Pulse Rate	175 kHz	198 kHz	369.2 kHz
Pulse Mode	Multi (MPiA)	Single (SPiA)	Multi (MPiA)
Field of View (FOV)	30°	30°	30°
Scan Rate	66 Hz	55 Hz	55 Hz
Overlap	100% overlap with 60% sidelap	100% overlap with 60% sidelap	100% overlap with 60% sidelap

# Ground Survey

## Ground Survey

Ground control surveys and ground survey points (GSPs) were collected to support the airborne acquisition. Ground control data are used to geospatially correct the aircraft positional coordinate data and to perform quality assurance checks on final LiDAR data.

### Instrumentation

All Global Navigation Satellite System (GNSS) static surveys utilized Trimble R7 GNSS receivers with Zephyr Geodetic Model 2 RoHS antennas and Trimble R8 and R10 GNSS receivers with internal antennas. Rover surveys for GSP collection were conducted with Trimble R6, R8, and R10 GNSS receivers. See Table 4 for specifications of equipment used.

### Monumentation

The spatial configuration of ground survey monuments provided redundant control within 13 nautical miles of the mission areas for LiDAR flights. Monuments were also used for collection of ground survey points using real time kinematic (RTK) and post processed kinematic (PPK) survey techniques. Monument locations were selected with consideration for satellite visibility, field crew safety, and optimal location for GSP coverage. New monumentation was set using 5/8" x 30" rebar topped with stamped 2-1/2" aluminum caps. QSI's professional land surveyor, Evon Silvia (OR PLS #81104) oversaw and certified the establishment of all monuments.

To correct the continuously recorded onboard measurements of the aircraft position, QSI concurrently conducted multiple static Global Navigation Satellite System (GNSS) ground surveys (1 Hz recording frequency) over each monument. During post-processing, the static GPS data were triangulated with nearby Continuously Operating Reference Stations (CORS) using the Online Positioning User Service (OPUS) for precise positioning. Multiple independent sessions over the same monument were processed to confirm antenna height measurements and to refine position accuracy. Table 6 provides the list of monuments used in the Upper Rogue study area.

### Methodology

Ground Survey Points (GSPs) are collected using Real Time Kinematic (RTK), and Post-Processed Kinematic (PPK) survey techniques. For RTK surveys, a base receiver is positioned at a nearby monument to broadcast a kinematic correction to a roving receiver; for PPK surveys, however, these corrections are post-processed. All GSP measurements are made during periods with a Position Dilution of Precision (PDOP) no greater than 3.0 and in view of at least six satellites for both receivers. Relative errors for the position must be less than 1.5 centimeters horizontal and 2.0 centimeters vertical in order to be accepted.

In order to facilitate comparisons with high quality LiDAR data, GSP measurements are not taken on highly reflective surfaces such as center line stripes or lane markings on roads. GSPs are taken no closer than one meter to any nearby terrain breaks such as road edges or drop offs. GSPs were collected within as many flight lines as possible; however, the distribution depended on ground access constraints and may not be equitably distributed throughout the study area.

Table 4: Ground survey instrumentation

Instrumentation			
Receiver Model	Antenna	OPUS Antenna ID	Use
Trimble R6	Integrated GNSS Antenna R6	TRM_R6	Rover
Trimble R7 GNSS	Zephyr GNSS Geodetic Model 2 RoHS	TRM57971.00	Static
Trimble R8 GNSS	Integrated Antenna R8 Model 2	TRMR8_GNSS	Static & Rover
Trimble R10 GNSS	Integrated GNSS Antenna R10	TRM_R10	Static & Rover

Ground Survey

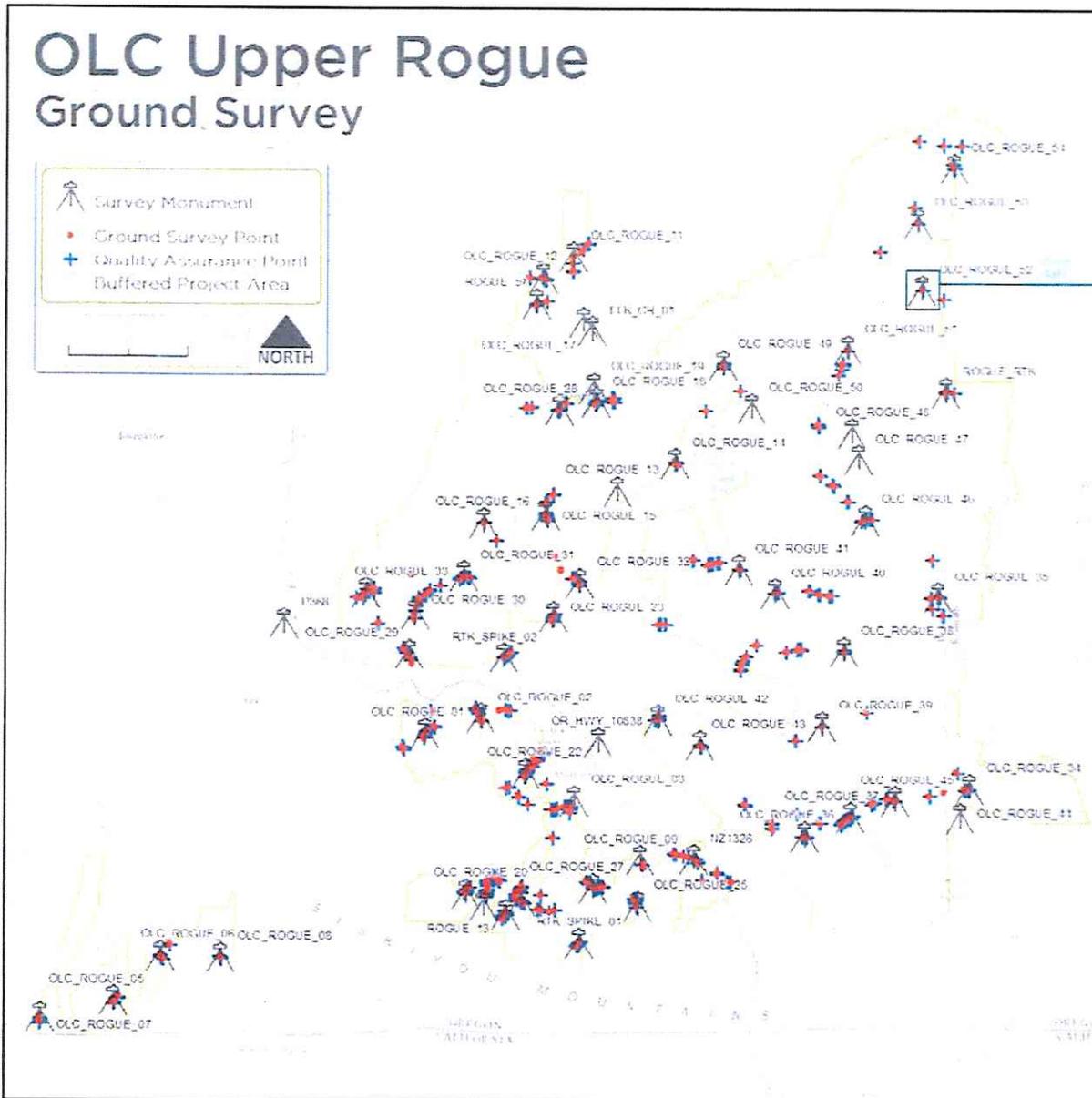


Figure 3: Upper Rogue study area ground control

Table 5: Monument accuracy

Monument Accuracy	
FGDC-STD-007.2-1998 Rating	
St Dev NE	0.05 m
St Dev z	0.05 m

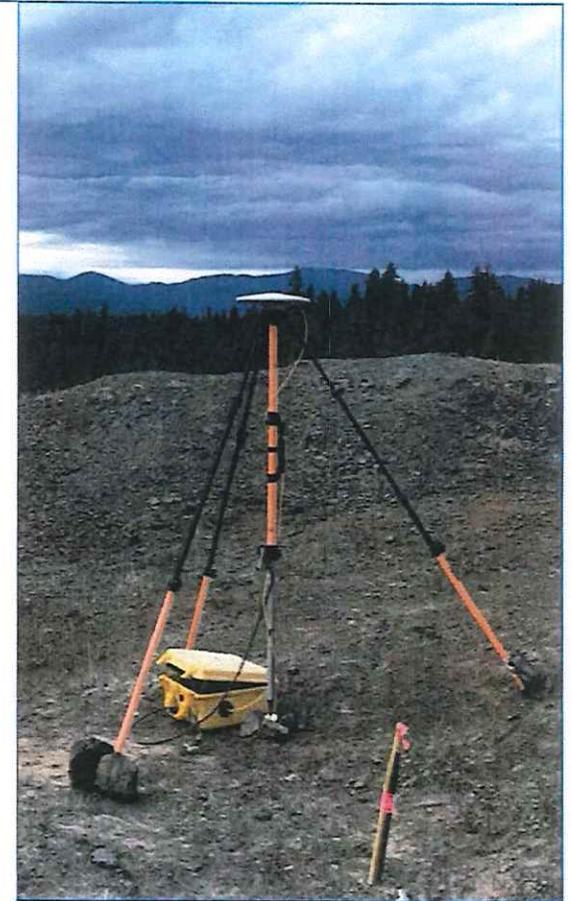


Figure 4: OLC\_Rogue\_52 monument

## Ground Survey

Table 6: Upper Rogue monuments. Coordinates are on the NAD83 (2011) datum, epoch 2010.00. NAVD88 height referenced to Geoid12A

PID	Latitude	Longitude	Ellipsoid Height (m)	NAVD 88 Height (m)	PID	Latitude	Longitude	Ellipsoid Height (m)	NAVD 88 Height (m)
ELK_CR_01	42° 51' 47.89427"	-122° 52' 29.96410"	429.503	453.050	OLC_ROGUE_38	42° 28' 09.44668"	-122° 27' 28.30228"	901.625	925.030
NZ1326	42° 12' 56.39763"	-122° 42' 25.16969"	533.902	557.748	OLC_ROGUE_39	42° 22' 38.70078"	-122° 29' 43.70178"	1231.497	1255.070
OLC_ROGUE_01	42° 22' 07.00310"	-123° 08' 53.91788"	367.532	391.620	OLC_ROGUE_40	42° 32' 29.35735"	-122° 34' 16.62478"	752.518	776.251
OLC_ROGUE_02	42° 23' 15.01578"	-123° 03' 24.17445"	456.656	480.804	OLC_ROGUE_41	42° 34' 15.34035"	-122° 37' 52.08966"	665.904	689.795
OLC_ROGUE_03	42° 17' 11.24224"	-122° 54' 11.54186"	480.129	504.240	OLC_ROGUE_42	42° 23' 07.70498"	-122° 45' 55.73659"	483.741	507.926
OLC_ROGUE_04	42° 09' 51.58582"	-122° 59' 25.38937"	505.340	529.323	OLC_ROGUE_43	42° 21' 16.29136"	-122° 41' 47.91787"	563.393	587.351
OLC_ROGUE_05	42° 02' 20.90011"	-123° 39' 24.33043"	758.815	784.108	OLC_ROGUE_44	42° 15' 50.50819"	-122° 15' 59.51313"	1651.753	1674.631
OLC_ROGUE_06	42° 05' 42.15466"	-123° 34' 49.77393"	427.485	452.505	OLC_ROGUE_45	42° 17' 08.11728"	-122° 22' 32.14687"	1390.615	1413.718
OLC_ROGUE_07	42° 01' 04.66723"	-123° 46' 28.24206"	717.223	742.878	OLC_ROGUE_46	42° 37' 52.91385"	-122° 25' 21.20232"	1051.539	1074.693
OLC_ROGUE_08	42° 05' 36.81673"	-123° 28' 56.63990"	803.537	827.862	OLC_ROGUE_47	42° 42' 18.83535"	-122° 25' 56.15625"	891.296	914.461
OLC_ROGUE_09	42° 12' 53.20064"	-122° 47' 44.04677"	587.585	611.452	OLC_ROGUE_48	42° 44' 15.32619"	-122° 26' 39.10895"	778.248	801.458
OLC_ROGUE_11	42° 57' 17.74527"	-122° 54' 18.94647"	310.666	334.331	OLC_ROGUE_49	42° 49' 19.67043"	-122° 39' 22.19108"	812.491	835.881
OLC_ROGUE_12	42° 55' 43.87705"	-122° 57' 15.45360"	293.171	316.875	OLC_ROGUE_50	42° 46' 06.41415"	-122° 36' 28.81405"	829.097	852.595
OLC_ROGUE_13	42° 39' 59.63026"	-122° 49' 59.25091"	439.662	463.532	OLC_ROGUE_51	42° 50' 23.71158"	-122° 26' 59.09894"	919.980	942.936
OLC_ROGUE_14	42° 42' 03.54891"	-122° 44' 08.86227"	509.166	532.958	OLC_ROGUE_52	42° 54' 47.73535"	-122° 19' 28.93914"	1326.998	1349.352
OLC_ROGUE_15	42° 38' 14.31354"	-122° 57' 03.80141"	538.391	562.172	OLC_ROGUE_53	42° 59' 42.26374"	-122° 19' 52.85224"	1416.157	1438.437
OLC_ROGUE_16	42° 37' 39.95742"	-123° 03' 08.27143"	630.468	654.201	OLC_ROGUE_54	43° 03' 42.46739"	-122° 16' 09.13410"	1670.856	1692.916
OLC_ROGUE_17	42° 52' 25.49935"	-122° 53' 18.60968"	408.720	432.288	OR_HWY_10838	42° 21' 27.34828"	-122° 51' 53.77031"	382.986	407.264
OLC_ROGUE_18	42° 46' 33.02411"	-122° 52' 06.86364"	998.598	1022.043	P368	42° 30' 12.67505"	-123° 23' 00.25554"	319.862	344.231
OLC_ROGUE_19	42° 47' 37.21365"	-122° 52' 19.79322"	955.973	979.422	P784	41° 49' 50.92289"	-122° 25' 13.58557"	802.702	826.522
OLC_ROGUE_20	42° 10' 22.71788"	-123° 04' 49.66498"	936.786	960.781	ROGUE_13	42° 09' 29.74350"	-123° 03' 01.75648"	455.048	479.072
OLC_ROGUE_21	42° 08' 52.26538"	-123° 00' 52.78429"	1082.083	1106.019	ROGUE_57	42° 53' 49.96185"	-122° 57' 56.97488"	792.056	815.685
OLC_ROGUE_22	42° 19' 10.20870"	-122° 58' 59.90736"	521.889	545.963	ROGUE_RTK	42° 47' 14.56519"	-122° 17' 11.69638"	1646.586	1668.874
OLC_ROGUE_23	42° 30' 44.61326"	-122° 56' 18.23072"	391.583	415.750	RTK_SPIKE_01	42° 06' 46.35936"	-122° 53' 46.55316"	1072.285	1095.827
OLC_ROGUE_25	42° 09' 30.87208"	-122° 47' 57.50260"	1181.392	1204.916	RTK_SPIKE_02	42° 27' 42.63554"	-123° 01' 07.26240"	312.773	336.943
OLC_ROGUE_27	42° 10' 49.30490"	-122° 52' 24.79828"	1357.934	1381.660					
OLC_ROGUE_28	42° 45' 58.82378"	-122° 55' 43.45972"	1258.505	1281.873					
OLC_ROGUE_29	42° 27' 58.41703"	-123° 10' 30.95835"	292.225	316.365					
OLC_ROGUE_30	42° 30' 56.85400"	-123° 09' 59.34774"	314.125	338.184					
OLC_ROGUE_31	42° 33' 45.92488"	-123° 05' 06.68781"	375.690	399.664					
OLC_ROGUE_32	42° 33' 15.20159"	-122° 53' 41.18139"	426.809	450.952					
OLC_ROGUE_33	42° 32' 31.91539"	-123° 14' 52.94658"	1287.058	1310.898					
OLC_ROGUE_34	42° 17' 58.74717"	-122° 15' 03.65322"	1559.908	1582.715					
OLC_ROGUE_35	42° 32' 09.89278"	-122° 18' 03.13420"	1971.247	1993.991					
OLC_ROGUE_36	42° 14' 35.30986"	-122° 31' 28.06861"	1380.053	1403.385					
OLC_ROGUE_37	42° 15' 57.58498"	-122° 26' 55.89480"	1359.193	1382.434					

# LiDAR Accuracy Assessments

## Accuracy

Table 7: Relative accuracy

Relative Accuracy Calibration Results		
Project Average	0.054 m	0.178 ft
Median Relative Accuracy	0.053 m	0.173 ft
1 $\sigma$ Relative Accuracy	0.058 m	0.190 ft
2 $\sigma$ Relative Accuracy	0.075 m	0.245 ft
Flightlines	1,839	
Sample points	21,190,480,423	

### Relative Accuracy

Relative vertical accuracy refers to the internal consistency of the data set and is measured as the divergence between points from different flightlines within an overlapping area. Divergence is most apparent when flightlines are opposing. When the LiDAR system is well calibrated the line to line divergence is low (<10 centimeters). Internal consistency is affected by system attitude offsets (pitch, roll, and heading), mirror flex (scale), and GPS/IMU drift

Relative accuracy statistics, reported in Table 7 are based on the comparison of 1,839 full and partial flightlines and over 21 billion sample points.

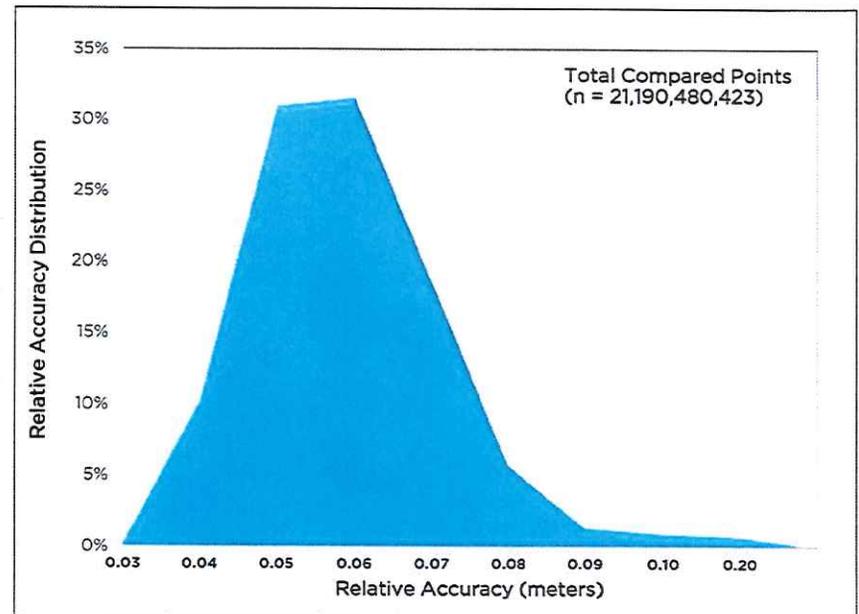


Figure 5: Relative accuracy based on 1,839 flightlines.

## Vertical Accuracy

Vertical Accuracy reporting is designed to meet guidelines presented in the National Standard for Spatial Data Accuracy (NSSDA) (FGDC, 1998) and the ASPRS Positional Accuracy Standards for Digital Geospatial Data V1.0 (ASPRS, 2014). The statistical model compares known ground survey points (GSPs) to the closest laser point. Vertical accuracy statistical analysis uses ground survey points in open areas where the LiDAR system has a "very high probability" that the sensor will measure the ground surface and is evaluated at the 95<sup>th</sup> percentile.

For the OLC Upper Rogue study area, a total of 14,623 GSPs were collected and used for calibration of the LiDAR data. An additional 773 reserved ground survey points were collected for independent verification, resulting in a non-vegetated vertical accuracy (NVA) of 0.091 meters, or 0.297 feet.

OLC will use quality assurance points (QAPs) acquired by OLC staff in representative areas of vegetated land cover to assess the vegetated vertical accuracy (VVA) of the OLC Upper Rogue dataset; results will be appended to this report.

Table 8: Vertical accuracy

Vertical Accuracy Results		
Sample Size (n)	773 Reserved Ground Survey Points	
NVA (RMSE*1.96)	0.091 m	0.297 ft
Root Mean Square Error	0.046 m	0.152 ft
1 Standard Deviation	0.038 m	0.125 ft
2 Standard Deviation	0.101 m	0.331 ft
Average Deviation	0.035 m	0.115 ft
Minimum Deviation	-0.327 m	-1.073 ft
Maximum Deviation	0.132 m	0.433 ft

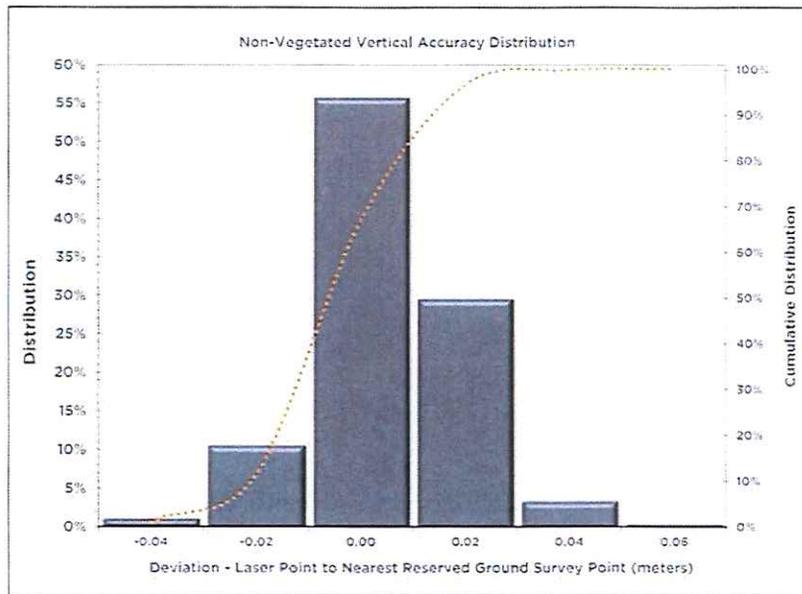


Figure 6: Vertical Accuracy distribution

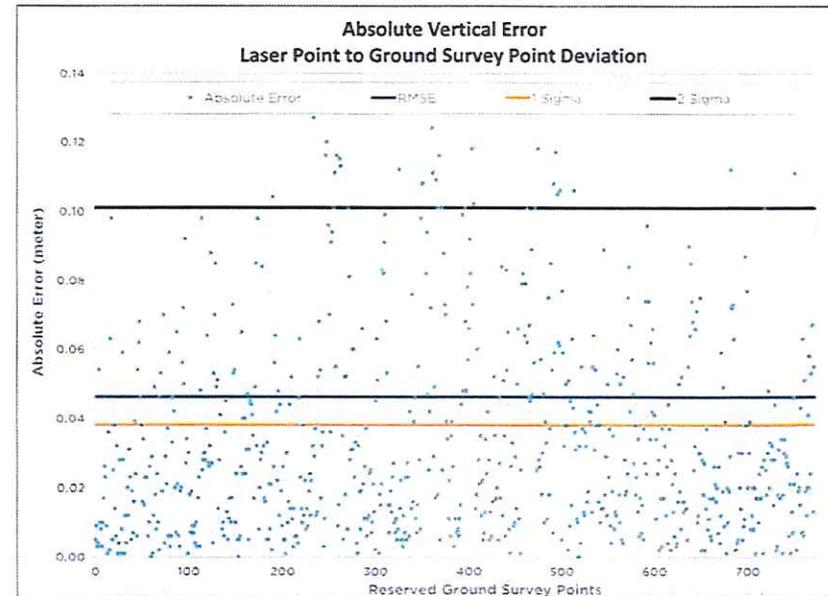


Figure 7: GSP absolute error

# Density

## Pulse Density

Final pulse density is calculated after processing and is a measure of first returns per sampled area. Some types of surfaces (e.g., dense vegetation, water) may return fewer pulses than the laser originally emitted. Therefore, the delivered density can be less than the native density and vary according to terrain, land cover, and water bodies. Density histograms and maps have been calculated based on first return laser pulse density. Densities are reported for the delivery area.

## Density

Table 9: Average pulse density

Average Pulse Density	pulses per square meter	pulses per square foot
	12.24	1.14

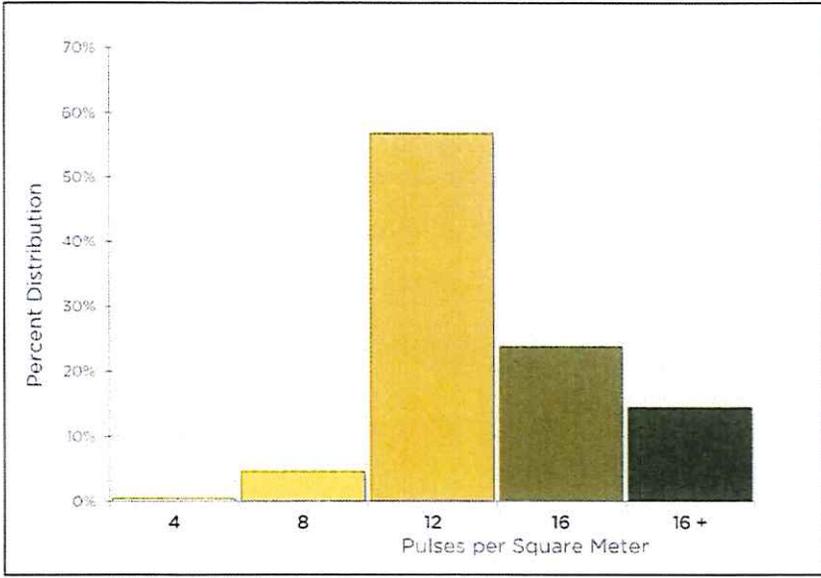
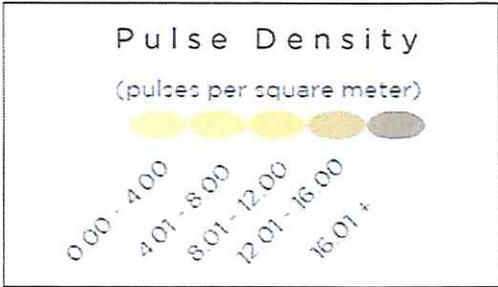
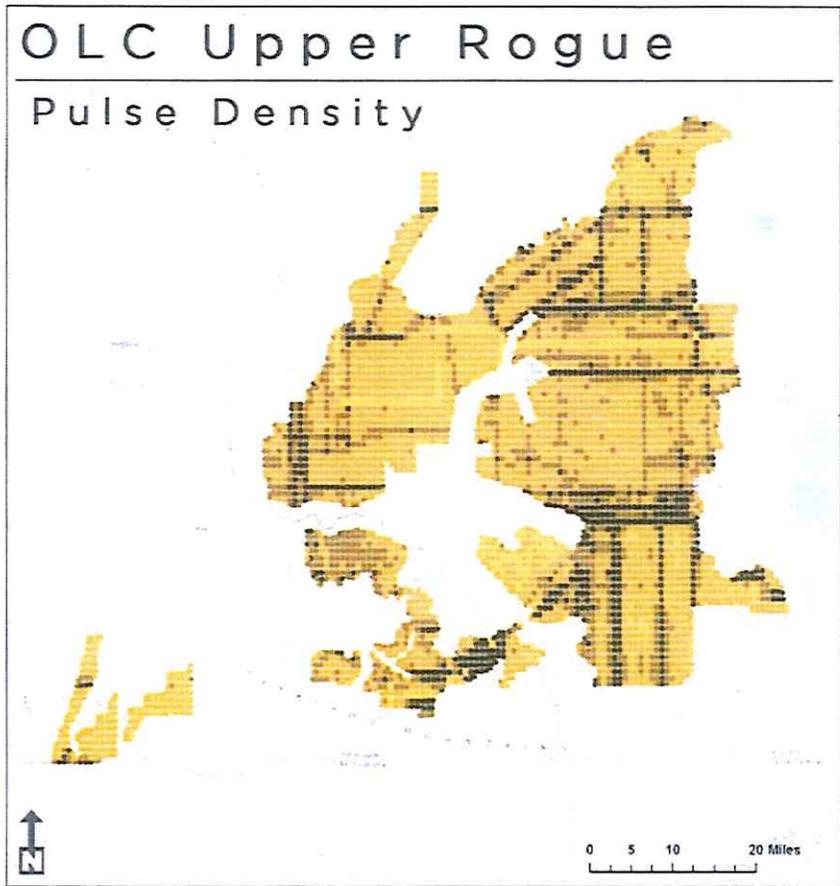


Figure 8: Average pulse density per 0.75' USGS Quad (color scheme aligns with density chart).

### Ground Density

Ground classifications were derived from ground surface modeling. Further classifications were performed by reseeded of the ground model where it was determined that the ground model failed, usually under dense vegetation and/or at breaks in terrain, steep slopes, and at tile boundaries. The classifications are influenced by terrain and grounding parameters that are adjusted for the dataset. The reported ground density in Table 10 is a measure of ground-classified point data for the delivery area.

Table 10: Average ground density

Ground Density	points per square meter	points per square foot
	1.81	0.17

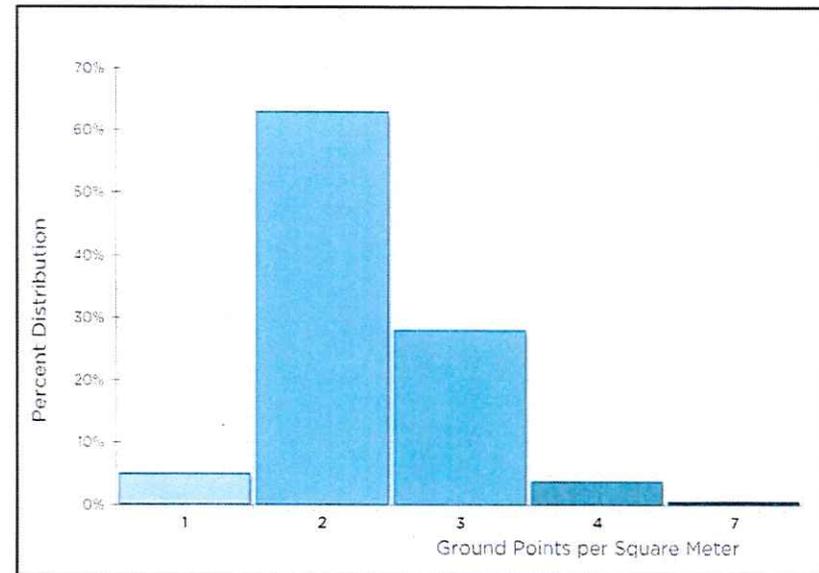
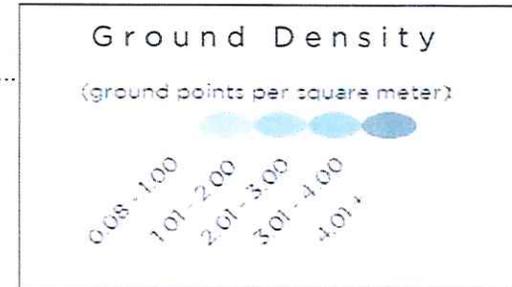
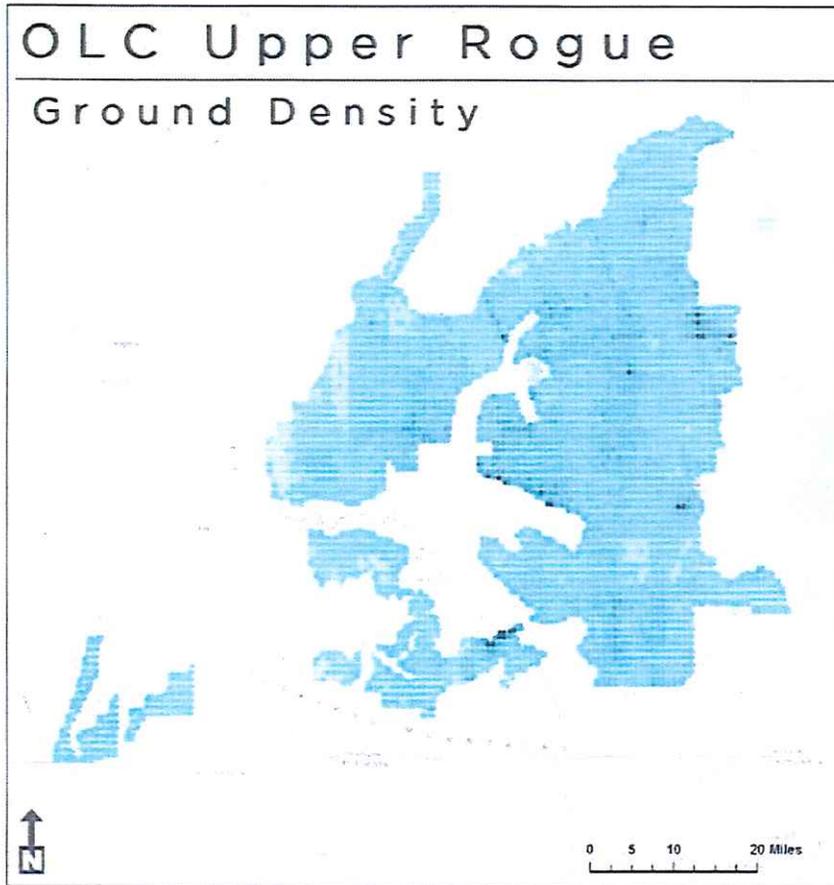


Figure 9: Average ground density per 0.75' USGS Quad (color scheme aligns with density chart).

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## Appendix A : PLS Certification

# Certifications

Quantum Spatial, Inc. provided LiDAR services for the 2015 OLC Upper Rogue project as described in this report.

I, Evon P. Silvia, being duly registered as a Professional Land Surveyor in and by the state of Oregon, hereby certify that the methodologies, static GNSS occupations used during airborne flights, and ground survey point collection were performed using commonly accepted Standard Practices. Field work conducted for this report was conducted between March 12, 2015 and April 28, 2015 and between August 9, 2015 and October 14, 2015.

Accuracy statistics shown in the Accuracy Section of this Report have been reviewed by me and found to meet the "National Standard for Spatial Data Accuracy".

*Evon P. Silvia*

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Quantum Spatial, Inc.  
Corvallis, OR 97333

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Evon P. Silvia*

OREGON  
JUNE 10, 2014  
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EXPIRES: 06/30/2018