

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**  
**December 11, 2018**  
**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. November 13, 2018 Regular Meeting
    - 2. November 27, 2018 Special Meeting
- V. **PUBLIC FORUM**
- VI. **UNFINISHED BUSINESS**
  - A. **Approval of Findings for PA-T2-2018-00005, Kestrel Parkway.**
- VII. **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**  
**REGULAR MEETING**  
**MINUTES - *Draft***  
**November 13, 2018**

**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  
Alan Harper  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

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

**Absent Members:**

**Council Liaison:**

Dennis Slattery, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar explained the City Council would resume the public hearing for the Transit Triangle Overlay at their meeting November 20, 2018. The Oregon Department of Transportation reviewed the traffic analysis and determined it would have no significant impact on the state highway system. They supported the Transit Triangle Overlay. The Planning Commission would provide the annual commission report to the City Council at their meeting December 4, 2018. City Council would hear the 880 Park Street appeal that night as well. The Commission would not have a study session in December.

**AD-HOC COMMITTEE UPDATES** - None

**CONSENT AGENDA**

**A. Approval of Minutes**

1. September 11, 2018 Regular Meeting
2. September 25, 2018 Study Session

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

**PUBLIC FORUM**

**Huelz Gutcheon/Ashland/Spoke** on reducing fossil fuels and mandating wiring for electric vehicle charging.

**UNFINISHED BUSINESS**

**A. Approval of Findings for PA-T2-2018-00003, 188 Garfield Street.**

The Commission had no ex parte on the matter. The Commission made the following changes to the Findings:

- Page 4, delete the second paragraph under 2.2

- Page 5, second paragraph fourth sentence, change “building” to “build”
- Page 9, add more language on allowing the applicant to use the existing curb cut
- Add language to Condition 5 on the land value not counting
- Remove language that adopts the applicant’s Findings as the City’s Findings
- Change language “The Commission finds that the application further explains,” or similar verbiage with, “The Planning Commission finds...”
- Add more detail on how the conservation housing and outdoor recreation bonuses were met
- Add language to Condition 5.0 that the final project valuation complied with the definitions

**Commissioners Brown/Thompson m/s to approve the Findings for PA-T2-2018-00003, 188 Garfield Street as amended with staff’s suggested language to Condition 5 on land value not counting.**

**Voice Vote: all AYES. Motion passed 7-0.**

**B. Approval of Findings for PA-T2-2018-00004, 1661 Ashland Street.**

The Commission had no ex parte on the matter. Commissioner Thompson made the following changes to the Findings:

- Page 6, delete the second paragraph that adopted the proposed Findings by reference
- Page 6, Section 2.3 second paragraph last sentence, “The application concludes...” change to “The Planning Commission finds...” and same paragraph second sentence, delete “The application notes that...” and start the sentence at, “In addition...”
- Page 6, Section 2.3 third paragraph under third sentence, change, “The application emphasizes...” with “The Planning Commission finds...”
- Page 6, Section 2.3 fifth paragraph second sentence change, “The application notes...” with, “The Planning Commission finds...”
- Page 6-7, last paragraph last sentence, delete “The application materials note that...” and start the sentence at “The property...” and same paragraph second sentence, change “The application further explains that...” to “The Planning Commission finds...”
- Page 7, second paragraph second sentence, delete “The application explains that...” and start the sentence at “A 20-foot wide...” and same paragraph last sentence, change “The applicants further assert...” to “The Planning Commission finds...”
- Page 7, third paragraph second sentence, change “The application asserts...” to “The Planning Commission finds...” and same paragraph, last sentence, change “The application further notes...” to “The Planning Commission finds...”
- Page 7, fifth paragraph second sentence, change “The application asserts...” to “The Planning Commission finds...”

**Commissioners Thompson/Norton m/s to approve the Findings for PA-T2-2018-00004, 1661 Ashland Street with the modifications made by Commissioner Thompson. Voice Vote: all AYES. Motion passed 7-0.**

**TYPE II PUBLIC HEARINGS**

**A. PLANNING ACTION: PA-T2-2018-00005**

**SUBJECT PROPERTY: Kestrel Parkway**

**APPLICANT/OWNER: KDA Homes, LLC/ Jacob Robert Ayala**

**DESCRIPTION: A request for Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of**

**floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). (Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development.) COMPREHENSIVE PLAN DESIGNATION/ZONING: North Mountain Single Family (NM-R-1.7.5), North Mountain Multi-Family (NM-MF), and North Mountain Greenway (NM-G); ZONING: NM-R-1-7.5; NM-MF; and NM-G; ASSESSOR'S MAP & TAX LOTS: 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.**

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

### **Ex Parte Contact**

Commissioners Harper and Thompson declared no ex parte. Commissioner Dawkins had an extensive site visit and ran into the applicants the week before but did not discuss the matter. Commissioners Brown and Mindlin had no ex parte and one site visit. Commissioner Norton had one site visit and two encounters with people who spoke to the issue. Neither encounter created a conflict. Chair Pearce had no ex parte but was familiar with the site.

### **Staff Report**

Senior Planner Derek Severson provided a presentation on the project. He described the major modifications and amendments. Staff recommended the following Conditions:

- An LID for the Nevada Street Bridge
- Require a minimum 22-foot width on Zare Way to accommodate fire apparatus access
- Create a fire truck turn-around where the streets that will ultimately continue temporarily terminate

### **Questions of Staff**

Staff clarified density transfers in the North Mountain Neighborhood Plan (NMNP). Mr. Severson confirmed the location of the hammerhead and that it would work in that location.

The definition of open space was different from multi-family open space and could be used to preserve natural features. The flood plain corridor was approximately 50% of the site and the wetland was another half-acre. The open space in the center was not intended to be usable.

The narrative did not speak to Street Exceptions, but some areas in the plan may need them.

### **Applicant's Presentation**

**Mark Knox/KDA Homes/Ashland/Spoke** to the project. The proposal followed the North Mountain Master Plan. Over time, changes were made to the NMNP. The applicants had no issues with the recommendations and Conditions from the Tree Commission or staff. The application was for fifteen single family homes. The project was laid out to be consistent with the pattern of the adjacent neighborhood.

Distribution calculations were on page 2 of the applicants Findings. The maximum units for single family were eleven. Transferring density to the flatlands made it too tight due to the flood plain, the alley and the existing street above the area.

Mr. Knox liked the idea of placing benches around the outside of the wetland area and 50-foot protection buffer. He would incorporate it into the plan. There was already a well-groomed park next to the site. Having another park would add unnecessary costs to the Home Owners Association. The applicants decided to keep the open space in a natural state. Eventually, a bike path would extend through the property. They would remove blackberry bushes and willows from the wetland and replace them with appropriate plants. They would also remove sediment from the 1997 flood that was stored in that location.

### **Questions of the Applicant**

Infrastructure would determine the sections and areas of lots 3 through seven that would get built. Mr. Knox had concerns with the NMNP allowing multi-family on the steepest parts of the area. The applicants would most likely ask for the minimum density and possibly an Exception for the density. The slopes were steep, 22-feet wide and no more than 800 square feet. They were looking into multiple shared vehicles for parking. The applicants would at least meet minimum density. There was a possibility they would have to mass the garages.

Four single family homes would go in a multi-family area that normally would accommodate twelve units. The lots were on 25%-30% slopes directly facing other houses. It would be a challenge to get two units on each lot. However, accessory residential units could go on the lots. Street and alley patterns dictated the lots.

The applicants resolved the location of Kestrel Way by moving it five feet out of the flood plain area during the pre-application process. A section of the sidewalk was two feet into the flood plain. They were asking for a Condition to move the sidewalk. It would still be in the flood plain but just outside of the water resource protection zone.

They followed the standards in the NMNP for the fire truck turnaround. The alley would function as a hammer head turnaround. Alley standards in the NMNP had shoulders 2-feet wider than the City standards. It also had a 20-foot width right of way instead of the standard 16-feet. They could ask for an Exception at the final plan stage.

### **Public Testimony**

**Dennis Holeman/Ashland/**Was the Chair for the Mountain Meadows Emergency Preparedness and Safety Group. As North Mountain expanded, the evacuation route needed to be considered. Initially the emergency plan included the Nevada Street Bridge. It was not in place at this time and was critical for evacuation. He referred to a letter in the record from Lee Bowman.

### **Rebuttal by Applicant**

Mr. Knox agreed with Mr. Holeman that the Nevada Street Bridge was key for emergency evacuation. The City Council had made Findings the bridge was not appropriate at this time. He was not sure how to solve it since it was a City Council decision.

### **Deliberations & Decision**

Mr. Severson explained the application was proposed under the Proposed Performance Standards Options Chapter and described the two tier processes.

Commission comment was concerned the area was zoned for so much density. It didn't make sense to require that high of density for such a steep slope. Other concerns were parking.

**Commissioners Brown/Dawkins m/s to approve Planning Action PA-T2-2018-00005, Kestrel Parkway with street width hammer heads and all of the staff Conditions and recommendations.**

**DISCUSSION:** Commissioner Brown explained the project met the criteria before them tonight. The staff recommendations were in conjunction with the master plan and the City. **Roll Call Vote: Commissioners Thompson, Pearce, Dawkins, Brown, Harper, Mindlin, and Norton, YES. Motion Passed 7-0.**

### **ADJOURNMENT**

Meeting adjourned at 8:46 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**CITY OF  
ASHLAND**  
**ASHLAND PLANNING COMMISSION**  
**SPECIAL MEETING**  
**MINUTES - *Draft***  
**November 27, 2018**

**CALL TO ORDER**

Chair Roger Pearce called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Alan Harper  
Melanie Mindlin  
Haywood Norton  
Roger Pearce  
Lynn Thompson

**Staff Present:**

Bill Molnar, Community Development Director  
Brandon Goldman, Senior Planner  
Linda Reid, Housing Program Specialist  
Dana Smith, Executive Assistant

**Absent Members:**

**Council Liaison:**

Dennis Slattery, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar announced the City Council approved First Reading of the Transit Triangle Ordinance. Second Reading would occur at the City Council meeting December 18, 2018. The Oregon Department of Transportation (ODOT) had positive feedback about the Planning Commission and staff. At the City Council meeting December 4, 2018, the Planning Commission would give the annual commission presentation and Council would hear the 880 Park Street Appeal. The City Council would hear an appeal for 188 Garfield Street at their meeting December 18, 2018. The appellants cited 12 points of error in their appeal.

**PUBLIC FORUM**

**Huelz Gutcheon/Ashland/Spoke** on climate change, Statewide Goal 13, and the recent national assessment released from the White House.

**PUBLIC HEARING**

**A. PLANNING ACTION: PA-L-2018-00004**

**SUBJECT PROPERTY: Housing Element**

**DESCRIPTION: The proposal amends Chapter 6, (the Housing Element), of the Comprehensive Plan for the City of Ashland. Revisions include a new narrative, updates to existing, and the addition of new, charts and tables and revised goals and policies. Additionally, the Regional Housing Strategy document drafted by EcoNorthWest will be adopted as a technical supporting document to the Housing Element of the Comprehensive Plan.**

**Staff Report**

Senior Planner Brandon Goldman and Housing Program Specialist Linda Reid provided a presentation on the update. They gave an overview of the public outreach and key issues identified during that process. The result was four overarching Goals and 24 policies that address community values.

- **Goal 1:** Ensure a range of different dwelling types that provide living opportunities for the total cross section

of Ashland's population. This Goal included Policies 1-8.

- **Goal 2:** Support creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland's workforce. This Goal included Policies.
- **Goal 3:** Encourage development of housing in ways that protect the natural environment and encourage development patterns that reduce the effects of climate change. This Goal included Policies 17-20.
- **Goal 4:** Forecast and plan for changing housing needs over time in relation to land supply and housing production. This Goal included Policies 21- 24.

The Housing Strategy was a document drafted by EcoNorthWest. It would be adopted as a technical supporting document to the Comprehensive Plan. Technical supporting documents did not establish new policies. They provided technical information and a framework for future elected or appointed officials. The Housing Strategy identified the following five policies and several actions:

- **Policy 1:** Provide a variety of housing types in Ashland that are more affordable to middle-income households, as well as provide opportunities for development of housing affordable to moderate and low-income households.
- **Policy 2:** Encourage development of new multifamily in areas zoned for multifamily housing and commercial areas by increasing the amount and density of multifamily development.
- **Policy 3:** Monitor residential land development to ensure there is enough residential land to accommodate the long-term forecast for population growth.
- **Policy 4:** Develop policies to support affordable housing by lowering the costs of housing development for low-income affordable housing and/or middle-income affordable housing.
- **Policy 5:** Develop funding sources to pay for the costs of implementing the affordable housing programs described in Policy 4 and fund the City's Affordable Housing Trust Fund.

### **Questions of Staff**

The Commission discussed adding a goal that supported rental properties with policies that protected renters and rentals. They added it under Goal 1 as Policy 9 Encourage retention and development of rental housing.

Staff explained Goal 1, Policy 6 would serve as a guide on short term rentals, rentals and condominium conversions.

Universal Housing was an industry term defined as housing that looked holistically at differing needs. Staff would revise the language and include a definition in the Housing Element and in Policy 2 under Goal 1.

Goal 3, Policy 20 spoke to designing housing that encouraged walking and biking while considering the topography and aging community. The Transportation Element addressed this in more detail. Goal 1, Policy 3 included some elements of transportation and housing compatibility as well.

Staff explained how Policy 9 and Policy 15 under Goal 2 worked together to preserve rentals. Some affordable housing did not have City restrictions and were subsidized by the federal government. Staff suggested revising the language to make the policies clearer. Ashland had the greatest affordable housing loss in the state due to deed restrictions and housing turning over to regular housing.

The City did not have a mechanism in place to track rental rates for privately owned apartment complexes. They did have the ability to get that information through surveys but to date had not.

An RPS requirement adopted by the Comprehensive Plan in Chapter 14 had a density target of 6.6 units per acre. It recognized Ashland would not expand into the urban growth boundary. It was adopted in the Regional Plan Element and mandatory. Goal 4 Policy 23 spoke to it as well.

Policy 16 under Goal 2 was intentionally broad because infrastructure had an impact on housing and could change over time.

### **Public Testimony**

**Huelz Gutcheon/Ashland/**Did not support the Housing Element updates and thought it should be redone using Oregon State Goal 13 and nothing else.

### **Deliberations & Decision**

The Commission made the following changes:

#### **Goal 1**

- **Policy 1:** Replace "...household sizes, and cultural backgrounds" with "...household sizes and types."
- **Policy 4:** Change "Housing opportunities should be accessible..." to "Housing opportunities should be available..."
- **Policy 7:** Delete "...specifically in the historic resources."
- **Add Policy 9** Encourage the retention and development of rental housing. Renumber the following policy numbers.

#### **Goal 2**

- **Policy 9:** Change verbiage from "Encourage the preservation of affordable housing, including non-subsidized units, to avoid the net loss of safe, healthy, affordable housing," to "Encourage the preservation of housing that is required to be affordable to avoid the net loss of safe, healthy, affordable housing."
- **Policy 10:** Change, "Utilize Ashland's Housing Trust Fund to encourage..." to "Utilize Ashland's Housing Trust Fund or other City financial funding mechanisms to encourage..."

The Commission discussed a suggestion to add a policy restricting volumes on house expansions to maintain affordability. Commission majority was not comfortable imposing the restriction and thought setbacks and height restrictions covered expansion.

**Goal 3** – No changes.

#### **Goal 4**

- **Policy 21:** Change a semi-colon to a comma.

### **Staff Report**

- Page 4, **III Conclusions and Recommendations** second paragraph, first sentence correct "Housing."

### **Housing Element Narrative**

- Add the Universal Housing definition.
- Combine **Section 6.05** and **6.04** as **Housing Type and Housing Demand** with housing type definitions first then the housing demand.
- Page 7 punctuation changes to the last paragraph.
- Page 8 remove the last sentence from the first paragraph, "**Table VI-3** shows..."
- Page 9 **Townhouses and Condominiums** remove density amounts.
- Page 13 **Multiple Family Housing** second sentence, replace "As can be seen," with "The percentage of multi-family housing stock shown in Chart VI-5..." and change **VI-5** from "Table" to "Chart." First partial paragraph, last sentence. Change wording to "For purposes of estimating demand for various housing categories, income and housing tenure trends, the following four general types of housing demand are assumed."

- Page 20, first paragraph second sentence remove the words “continue to...” to read “By decreasing transportation costs, the City can improve the overall....” Same page and paragraph strike the fourth sentence, “Growth management...”

Staff confirmed the **Residential Land Supply Table** was updated every five years and adopted as a technical supporting document by the City Council.

The Commission discussed a future suggestion to add in-migration to the language on Page 4 **Housing Stock**, first paragraph.

The City Council would discuss the Housing Element update at their January 2019 Study Session.

**Commissioners Brown/Dawkins m/s to accept the draft Housing Element with all the changes and modifications. Voice Vote: All AYES. Motion passed 7-0.**

Mr. Goldman explained the Housing Strategies could be adopted or attached to the Housing Element. It would be a technical document and part of the Housing Element. The document was not considered policy.

The Commission disagreed with some of the content in the memo, had concerns regarding the lack of implementation strategies and issues with the format. They wanted to make changes to the document as well. Discussing the matter at a future meeting would be beneficial.

The Housing and Human Services Commission had a public hearing on the matter at their meeting November 15, 2018. They recommended approval of the Housing Element but had issues with the Housing Strategy document. They were not sure whether it should be a timeline or have more requisite language. The Commission would readdress the item at their meeting December 19, 2018 before making a recommendation to the City Council.

The Planning Commission added the Housing Strategy document to the update of the Regional Housing Strategy Plan.

#### **ADJOURNMENT**

Meeting adjourned at 8:57 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

**BEFORE THE PLANNING COMMISSION**  
**December 11, 2018**

IN THE MATTER OF PLANNING ACTION #PA-T2-2018-00005, A REQUEST FOR )  
OUTLINE PLAN APPROVAL FOR A 17-LOT PERFORMANCE STANDARDS )  
OPTIONS SUBDIVISION, A MAJOR AMENDMENT TO THE NORTH MOUNTAIN )  
NEIGHBORHOOD PLAN, A PHYSICAL & ENVIRONMENTAL CONSTRAINTS )  
REVIEW PERMIT FOR IMPROVEMENTS WITHIN THE FLOODPLAIN CORRIDOR,) )  
A LIMITED USE/ACTIVITY PERMIT FOR ACTIVITIES WITHIN A WETLAND, & )  
TREE REMOVAL PERMITS TO REMOVE 15 TREES FOR THE THREE VACANT )  
PARCELS LOCATED SOUTH OF THE END OF KESTREL PARKWAY. THE SUB- ) **FINDINGS,**  
DIVISION PLAN INCLUDES DEDICATION OF 5.99 ACRES OF FLOODPLAIN ) **CONCLUSION &**  
CORRIDOR LAND TO THE CITY OF ASHLAND AS PARK LAND AS REQUIRED ) **ORDERS**  
IN THE NORTH MOUNTAIN NEIGHBORHOOD PLAN. DEVELOPMENT OF THE )  
MULTI-FAMILY ZONED PORTIONS OF THE PROPERTY WOULD OCCUR IN A )  
LATER PHASE AND WOULD REQUIRE FINAL PLAN & SITE DESIGN REVIEW )  
APPROVALS PRIOR TO DEVELOPMENT. )

**OWNER/APPLICANT:** Jacob Robert Ayala/KDA Homes, LLC )  
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**RECITALS:**

- 1) Tax lot #900 of Map 39 1E 04AC is a vacant parcel located south of the terminus of Kestrel Parkway and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones; Tax lot #8600 of Map 39 1E 04AD is a vacant parcel located south of the terminus of Patton Lane and is zoned Neighborhood Core (NM-MF); and Tax lot #2000 of Map 39 1E 04DB is a vacant parcel located west of North Mountain Avenue and east of Bear Creek and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones.
- 2) The applicants are requesting Outline Plan approval for a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees for the three vacant parcels located south of the end of Kestrel Parkway. The subdivision plan includes the dedication of 5.99 acres of floodplain corridor land to the City of Ashland as park land as required in the North Mountain Neighborhood Plan (NMNP). Development of the multi-family zoned portions of the property would occur in a later phase and would require Final Plan and Site Design Review approvals prior to development. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval 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 supplemental approval criteria for applications within the NM district are described in **AMC 18.3.5.030** as follows:
- C. ***Supplemental Approval Criteria.*** *In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.*
    - 1. *The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.*
    - 2. *The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.*
- 5) The criteria for a Major Amendment to the North Mountain Neighborhood Plan are described in **AMC 18.3.5.040.B.2** as follows:

***Major Amendment (Type II Procedure).*** *The approval authority may approve a major amendment to the North Mountain Neighborhood Plan through a Type II procedure in section [18.5.1.060](#) upon finding that the application meets all of the following criteria.*

- a. *The proposed modification maintains the connectivity established by the neighborhood plan.*
- b. *The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.*

- c. The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.*
  - d. The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.*
- 6) The criteria for a Physical & Environmental Constraints Review Permit are described in **AMC 18.3.10.050** as follows:
  - A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
  - B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
  - C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*
- 7) The criteria for a Limited Activities and Uses Permit for activities within a wetland are described in **AMC 18.3.11.060** as follows:
  - 1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.*
  - 2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.*
  - 3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.*
  - 4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.*
  - 5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.*
  - 6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as*

*described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.*

8) 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.*

9) The Planning Commission, following proper public notice, held a public hearing on November 13, 2018 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 approval, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Activities and Uses Permit for activities within a wetland, and Tree Removal Permits meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for a Major Amendment to the North Mountain Neighborhood Plan described in AMC 18.3.5.040.B.2; for a Physical & Environmental Constraints Review Permit described in AMC 18.3.10.050; for a Limited Activities & Uses Permit described in AMC 18.3.11.060; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and the supplemental approval criteria for applications within the NM district as described in AMC 18.3.5.030.

2.3 The Planning Commission finds that the proposal satisfies all applicable criteria for Outline Plan approval.

The first approval criterion for Outline Plan approval is that, *“The development meets all applicable ordinance requirements of the City.”* The Commission finds that the proposal meets all applicable ordinance requirements, is requesting no Variances or Exceptions, 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.”* Staff have noted the following based on discussions with city utility departments:

- **Water:** The property is currently served by eight-inch water mains that will be able to connect into the proposed layout of Kestrel Parkway, Stoneridge Avenue, Nandina Street, and Patton Lane.
- **Sewer:** The property is currently served by an eight-inch sanitary sewer main running near the extension of Kestrel Parkway.
- **Electricity:** The applicants have met with the Electric Department and discussed the backbone installation of a three-phase system to serve the development. The Electric Department has suggested that the applicant carefully consider the needs for later phases of the development, including such details as whether fast-chargers for electric vehicles will be provided, up front as addressing these in the initial infrastructure design will be more efficient and less costly than adding them after the fact in a later phase. The applicants indicate that a final electrical distribution will be provided for review with the Final Plan submittal.
- **Urban storm drainage:** The property is currently served by a 12-inch storm sewer main in the alley east of Kestrel Parkway.
- **Paved Access & Adequate Transportation:** Are discussed with regard to the Street Standards later in this document.

The Planning Commission finds that the site’s utilities will be extended to the subject property from the various public utility easements and street rights-of-way surrounding the site, and that based on discussions with the various service providers, there is adequate capacity available to serve the development. The Commission further finds that all utilities will extend to and through the property - including to the south end of the property where it abuts the Spartan Ashland Stella Real Estate, LLC property where infrastructure, utilities and streets are ultimately expected to continue as envisioned in the North Mountain Neighborhood Plan (NMNP) - as illustrated in the Conceptual Utility Plan provided. At the time of the Final Plan submittal, full civil engineering drawings will be submitted detailing the final utility plan for the development.

The Commission finds that adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the Final Plan submittal, and that civil infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

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 applicant contends that the existing natural features of the land including wetlands, floodplain corridors, ponds, large trees, and rock outcroppings have been identified and significant features have been included in open space, common area and unbuildable areas. Nearly six acres of floodplain corridor lands are proposed for dedication to the city for parks purposes as required in the NMNP, a large wetland is being preserved and incorporated into the development, wetland mitigation swales are to be planted adjacent to Bear Creek to mitigate the project’s wetland impacts, and 16 of the site’s trees are to be preserved and protected. The Planning Commission finds that the significant natural features have been identified and incorporated into unbuildable areas of the development.

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 Commission finds that the property is fully-developed on two sides, and has Bear Creek on the third. The only remaining vacant land abutting the property is to the south on Tax Lot #2800 owned by Spartan Ashland Stella Real Estate, LLC. The Commission finds that the applicant has been in communication with that property’s owners and their agents, but they have been unable to clearly ascertain Spartan’s plans with regard to if or when this property will develop. The applicant notes however that they have reviewed a rough conceptual plan from the Spartan team and believe that the proposed street system in the current application is located in a manner which is consistent with likely future development of the Spartan site, the North Mountain Neighborhood Plan (NMNP) and the Transportation System Plan (TSP). Planning staff also note having seen a few iterations of development plans for the property to the south through the pre-application process, and staff’s position has been that development will need to occur in a manner generally consistent with the NMNP street system plan. Staff has indicated that the current proposal will support likely development scenarios consistent with the NMNP for the property to the south. The Planning Commission finds that the proposal will not prevent 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 Planning Commission finds that after the proposed street system, utility infrastructure, wetlands and stormwater management facilities are complete, the large open space area between Kestrel Parkway and Bear Creek will be dedicated to the Parks and Recreation Department as required in the NMNP, and the applicant has been working with the Bear Creek Greenway Foundation and city staff to consider the future greenway route. The Commission further finds that private agreements for maintenance of the wetland mitigation area and stormwater filtration ponds will be executed in conjunction with signature of the final plat. Other common open space areas, including the large wetland and riparian buffer, are to be owned and managed by the subdivision homeowners’ association (HOA) and maintenance addressed through the subdivision’s CC&R’s. The Commission finds that development is likely to be completed in multiple phases, and further finds that the applicant has indicated that the logistics for phasing the project will be better understood as final engineering documents are prepared for the Final Plan submittal. The Commission finds that open space will be coordinated through any proposed phasing so that early phases have the same or higher ratio of amenities as the project as a whole.

The Planning Commission finds that there will be provisions in the CC&R's to address the maintenance of the proposed open space and common areas, and a condition has been included below to require that a draft of the CC&R's be provided for review and approval with the Final Plan submittal.

The sixth criterion is that, "*The proposed density meets the base and bonus density standards established under this chapter.*" The properties here total 13.48 acres, of which 6.69 acres are to be dedicated to public or private open space. The remaining areas of the property are to be developed according to their respective zone's base density which includes a minimum density requirement that between 75 and 110 percent of the zone's base density be provided. No density bonuses are requested.

The Planning Commission finds that for the 2.75-acre NM-R-1-7.5-zoned portion of the site (identified on the plans as "Area #1" and as Lots #1-11) the base density is 3.6 units per acre and the minimum density ranges from 7.42 units and 11.88 units. The current request proposes 11 single family residences within this zone and complies with the density requirements.

The subdivision also includes 4.74 acres of NM-MF land designated as Areas #2-7. These lands have a base density of 12 units per acre and a minimum density range of between 42.66 and 68.25 units. At the present time, the applicant is proposing four single family residence in Area #2, but is not proposing a specific develop plan for Areas #3-7. A conceptual plan illustrating how a total of 50 units could be provided in these areas is included with the application. This conceptual plan includes the four initial single family residences in Area #2 and 50 smaller residences in a mix of attached and detached units in Areas #3-7. The Planning Commission finds that a formal development proposal for Areas #3-7 would require the applicants to obtain Final Plan approval for the respective phase and obtain Site Design Review approval. The Commission finds that the number of units in these areas could change as final engineering plans, site plans and design drawings are prepared and market conditions considered, but in no case would the density for these areas be less than the minimum 75 to 110 percent of the base density for the NM-MF zone.

With regard to the conceptual plans provided for the NM-MF-zoned lands in Areas #2-7, the Planning Commission notes that the plan provided here as Exhibit C.1-B includes some areas of common parking rather than individual driveways/garages and a "Cottage Housing" development pattern with housing clustered around open space, and some areas are illustrated relying entirely on on-street parking to meet the parking demand, which would necessitate a Variance. The Planning Commission finds that this plan is conceptual and has been provided only to illustrate how density standards might be achieved in the context of the entire property, and further finds that no specific development of these areas is currently proposed for consideration. The range of minimum density allowed will provide a measure of flexibility in developing a final development plan for these NM-MF areas.

The Planning Commission further finds that the application is consistent with the applicable density standards, and conditions have been included making clear that the conceptual plans for Areas #3-7 are not approved here, that development of Areas #3-7 will require Final Plan and Site Design Review approvals, and that development of Areas #3-7 will need to comply with the minimum density standards of the district.

*The final Outline Plan approval criterion is that, “The development complies with the Street Standards.”* The application includes Exhibit C.2, and contends that the streets proposed comply with the City’s adopted street standards and are consistent with the existing right-of-way, improvement widths and street improvements of the currently abutting streets.

The Planning Commission finds that the NMNP includes its own neighborhood-specific street types and design standards in AMC 18.3.5.100.C. With regard to the specific improvements proposed:

**“Greenway Drive”:** Kestrel Parkway is considered to be the Greenway Drive street type, and the Planning Commission finds that the cross-section illustrated on Exhibit C.2 is consistent with the adopted Greenway Drive cross-section in the NMNP.

**Neighborhood Access Streets:** The remaining streets (Nandina Street, Stoneridge Avenue, Patton Lane, and Zare Way) are considered to be Neighborhood Access Streets. The Planning Commission finds that in extending existing street sections and responding to site topography, these individual streets vary from the standard cross-section as follows:

- **Stoneridge Avenue** – As illustrated, the curb to curb width includes a single 15-foot queuing lane and parking on both sides except where bump-outs are proposed. Standard sidewalks and parkrows are illustrated on the downhill side, but on the uphill side, sidewalks are shown at the curbside presumably in response to site topography. The proposed right-of-way dedication is 46 feet where the standard cross-section calls for 48 feet, with six-inches of sidewalk on the uphill side and 18-inches of sidewalk on the downhill side illustrated being provided outside of the right-of-way.
- **Nandina Street** – The upper sections of Nandina, from Mariposa to Stoneridge, are illustrated with a 29-foot curb-to-curb width within a 47-foot right-of-way, and on-street parking on both sides. Standard sidewalks and parkrow planting strips are illustrated on the south side, and on-street parking is in bays with curbside sidewalks on the north side. Sidewalks on the south side are illustrated extending one-foot beyond the dedicated right-of-way.

The applicants have requested a major modification of the NMNP to install Nandina Street as a one-way couplet around Wetland #2. As proposed, Nandina within the couplet would have an 18-foot curb-to-curb width with curbs but no sidewalks or parkrow planting strips on the interior, wetland side and five-foot width curbside sidewalks on the exterior side adjacent to the surrounding developable lots. The applicants assert that additional area has been provided for the wetland buffer, and that this area already contains a number of trees that will be preserved and will be further enhanced with new plantings. The Planning Commission finds that an Exception is merited to limit impacts of the development upon the wetland and its protection zone, however the Commission further finds that even with an Exception irrigated larger-stature species street trees should be planted at a standard spacing of one per 30 feet within the private yard areas behind the sidewalk to provide canopy and associated streetscape benefits (shade, traffic calming, etc.).

- **Patton Lane** – The two illustrated segments of Patton Lane include varying right-of-way widths from 46 to 50 feet, and illustrate some portion of the sidewalks outside of the proposed right-of-way. The section between the existing Patton Lane extending to Nandina Street does not include parkrows on the downhill side in response to site topography.

The section from Nandina to Mountain Meadows Drive includes a 26-foot curb-to-curb width with a 12-foot queuing lane where the standard cross-section calls for 15 feet. The Planning Commission finds that this width is proposed in transitioning to the existing Mountain Meadows Drive improvement which is narrower, and that the Final Plan will include final civil drawings for review by the Engineering Division to verify the appropriate width for this transition.

The Planning Commission finds that for all neighborhood street sections (Patton, Nandina and Stoneridge) where sidewalk improvements are shown outside the right-of-way, public pedestrian access easements will need to be provided or additional right-of-way dedicated to accommodate standard sidewalk widths prior to signature of the final survey plat. Conditions to this effect have been included below.

The Commission further finds that for those sections of Patton, Nandina and Stoneridge surrounding Area 5, and the section of Nandina south of Area 6, shown with curbside sidewalks, an Exception to the Street Standards is required not to install standard parkrow planting strips and no such Exception has been requested here. The Commission find that absent a strong argument, no Exception is merited and these sections should be installed with standard parkrow planting strips or Exceptions requested and justified as part of the Final Plan application.

- **Zare Way** - The Planning Commission finds that the adopted NMNP illustrates a pie-shaped median within this street at the far south of the subdivision, which the applicant proposes as ‘Zare Way’ in recognition of the Zare family that previously owned the property. The applicants contend that this should be a shared improvement with the adjoining subdivision to the south, when and if it is developed, and they have proposed to complete a standard “half-street” improvement with standard sidewalks, parkrow planting strip with irrigated street trees, and 20 feet of paving, with the remaining curb-to-curb width and sidewalk and parkrow on the opposite side being completed with the neighboring development. The applicants indicate that they can provide civil drawings for the improvements to include the median, but because a portion of the street right-of-way is on the adjoining Spartan property to the south and there is no definitive timeframe for development they have proposed a standard “half-street” improvement at this time, which could be modified with development to the south to incorporate the illustrated median.

The Planning Commission finds that the 20-foot paved width proposed should be increased to 22 feet in width to ensure the proposed half-street improvement will adequately accommodate fire apparatus access. In addition, the Commission finds that a one-foot reserve strip (i.e. street plug”) should be dedicated to the city on the south side of Zare Way improvements on the final survey plat. Conditions have been included to require the additional paved width, reserve strip, and to make clear that proposed street names are

subject to city street naming policy and are reviewed and approved by the Engineering Division.

**Alleys:** The Planning Commission finds that within the NMNP, alleys are noted as “*one of the most important features making up the neighborhood.... Alleys allow parking to be located at the property’s rear and diminish the negative impact of garages proliferating along street frontages, reduces pedestrian and vehicle conflicts at curb-cuts, and reduces impervious hard surface. In addition, homes, instead of garages, fill the street frontages, providing maximum opportunity for social interaction. The alley cross section is a 20-foot wide right-of-way which contains a 12-foot wide improved alley and four-foot planted or graveled strips or shoulders.*” The Commission finds that as illustrated, the alleys cross-section proposed shows two-foot shoulders where four-foot shoulders are called for in the standard. The Planning Commission finds that for consistency with the NMNP alley standard, and given the importance of alleys in the neighborhood street system, the alleys should comply with the width standards and a condition has been included to require that the full four-foot shoulders be provided.

**Traffic Impact Analysis:** The Planning Commission finds that the application includes a traffic analysis report from traffic engineer Alex Georgevitch who concludes that the project’s trip generation will not exceed the 50 peak hour trips which would trigger a full traffic impact analysis. Georgevitch concludes that trip generation numbers are very low and are not expected to have a negative effect on any intersections. However, given that the calculated peak hour trips are at 49 trips which is only one below the 50 trip threshold level, Georgevitch studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection operates at a Level of Service (LOS) B both before and after project traffic is added to the intersection. The Planning Commission finds that LOS B is within the accepted standards of the Transportation System Plan, and based on the study provided, no mitigation is required.

The Planning Commission further finds that concerns were raised during public testimony that emergency access and evacuation routes are currently limited to the bridge on Mountain Avenue over Bear Creek or to indirect access via county roads to Oak Street, and that in response to similar concerns for earlier development of the neighborhood, all properties had been required to sign in favor of and agree to participate in a local improvement district (LID) for future construction of the Nevada Street bridge across Bear Creek. A condition has been included to require the subject properties here to sign a similar agreement prior to signature of the final survey plat.

The Planning Commission finds that as detailed above and with the conditions discussed, the proposal complies with the street standards.

2.4 The Planning Commission finds that the North Mountain Neighborhood Plan (NMNP) includes supplemental approval criteria detailed in AMC 18.3.5.030.C which apply to all projects within the NM district. These criteria require that, in addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall demonstrate conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation and shall demonstrate compliance with the specific design requirements

as provided in the North Mountain Neighborhood Design Standards.

The Planning Commission finds that the submitted plans demonstrate conformity with the general design requirements of the NMNP including density, transportation, building design and building orientation, and that the proposal conforms to the NMNP as modified through the development of the neighboring subdivisions and to the existing neighborhood context.

The Commission further finds that the development will comply with the specific design requirements from the NMNP Neighborhood Design Standards, and that at the time of individual building permit submittals, each house will include a variety of the requisite architectural elements, will be oriented to the abutting primary street, will not include repetitive elevations and will include a porch with a minimum dimension of six-foot depth by eight-foot width. In addition, the applicant anticipates that all units will be terraced to respond to the natural grades and all vehicular access, where possible, will occur via existing or proposed alleys.

AMC 18.3.5.030.A.2 requires that Performance Standards Options Developments comply with the applicable North Mountain Neighborhood Design Standards and all other requirements outlined in Chapter 18.5.2 for Site Design Review approval. The Planning Commission finds that in addition to the submittal requirements for Final Plan approval, applicants are required to provide typical elevations incorporating the architectural elements described in the North Mountain Neighborhood Design Standards for all proposed buildings *rather than merely addressing these requirements as part of building permit review*. The Planning Commission finds that the supplemental criteria of AMC 18.3.5.030 have been satisfied, and a condition has been included to require that the Final Plan submittal include typical elevation drawings for the proposed buildings incorporating the architectural elements described in the North Mountain Neighborhood Design Standards as required in AMC 18.3.5.030.A.2.

2.5 The Planning Commission finds that the application discussed deviating from the North Mountain Neighborhood Plan in the following ways:

- **The large open space area surrounding the site's wetland.** The application explains that this area was identified as housing in the NMNP primarily because there was little technical data or detailed site information available during the neighborhood plan's community charrette design process in 1997. The applicant has completed a Wetland Delineation with concurrence from the Division of State Lands which concludes that the site has two wetlands: one small wetland consisting of 805 square feet and one larger one consisting of 3,619 square feet. The applicant's intent is to preserve the larger wetland, restoring previous site disturbances to natural conditions around the wetland and adding a landscaped buffer in keeping with the city's Water Resource Protection Zones ordinance requirements, and leave it in perpetuity as a natural amenity. In doing so, the preservation of the wetland deviates from the original NMNP.
- **The one-way street system wrapping around the site's wetland.** The adopted NMNP illustrates an alley or pedestrian path serving housing shown in the area of the wetland. The applicant proposes to maintain the originally intended connectivity by wrapping a one-way street

system (couplet) around the wetland to create a community amenity and ensure positive circulation opportunities.

- **The curbside sidewalk along the one-way street couplet wrapping around the site's wetland.** The applicants propose an exception to the North Mountain Neighborhood Street Standards to not install parkrows between the sidewalk and curb in the area of the wetland as this area has been provided as an additional dimension within the wetland buffer. The buffer area is to be enhanced with new plantings and already contains numerous trees that will be preserved.
- **Multi-Family housing between Nandina Street, Stoneridge Avenue and Patton Lane.** The adopted NMNP identifies an area of civic space here. The applicant suggests that they are unsure what was intended but based on various site details including the wetland presence and the street system changes proposed, the applicant is proposing to consider the wetland and its buffer zone and excess open space in the vicinity in lieu of unspecified civic space.

The Planning Commission finds that the proposed wetland preservation and associated modifications above are generally appropriate, however the Commission further finds that it would be beneficial to provide properly-spaced large stature street trees behind the sidewalk at the outside edges of both legs of the couplet. In addition, the Commission finds that in replacing the unspecified civic space with the wetland area, which is not intended for any sort of direct or active public engagement, there should be one to three areas provided with a bench, tree and/or educational display to provide some opportunity that would allow residents to passively engage the wetland and greenway or to serve as small areas of pedestrian respite which would take advantage of the surrounding views to off-set the previously identified civic space. Conditions have been included to require street trees be placed behind the sidewalk on the outside of the couplet and to require a revised plan detailing one to three areas at the perimeter of the wetland open space for pedestrian respite or passive engagement.

- **Standard Street design for Zare Way.** The adopted NMNP illustrates a pie-shaped median within the street at the far south of the subdivision, which the applicant proposes as 'Zare Way' in recognition of the Zare family that previously owned the property. The applicants contend that this should be a shared improvement with the adjoin subdivision to the south, when and if it is developed. The applicants indicate that they can provide civil drawings for the median, but because a portion of the street right-of-way is on the adjoining Spartan property to the south and there is no definitive timeframe for development they have proposed a standard street improvement which could be modified with development to the south to incorporate the illustrated median.
- **Stoneridge Avenue does not connect directly through to Zare Way.** The adopted NMNP illustrates a street traversing from Stoneridge Avenue to Zare Way, but the application suggests that because alternative connectivity is provided with the large couplet around the site's wetland as well as Mountain Meadows Drive, Nandina Street and new alleys, this section of road has been modified.

The Planning Commission finds that the “half-street” improvements for Zare Way are appropriate as proposed, and the wetland preserved provides a significant open space within the streetscape. Given the topography and the angling of streets closer together as they move south to respond to site topography and the street and alley system proposed by the applicants as “alternative connectivity”, the Commission finds that there is sufficient connectivity without the full extension of Stoneridge Avenue through to Zare Way.

The first approval criterion for a NMNP amendment is that, “*The proposed modification maintains the connectivity established by the neighborhood plan.*” The applicant asserts that the subdivision’s street and pedestrian connections not only maintain the intended connectivity but enhance it with the completion of the streets, alleys and walkways proposed. They further contend that all planned streets will provide for connection with the future streets on the adjacent Spartan property to the south as envisioned in the NMNP.

The second approval criterion is that, “*The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.*” The Commission finds that the modifications proposed are being pursued largely because of physical constraints which were unknown during the neighborhood plan adoption process. The applicant contends that the modifications do indeed further the plan’s emphasis on pedestrian and bicycle access while de-emphasizing garages as a residential design feature by providing additional alleys and a proposed east-west pedestrian connection between the proposed subdivision and the existing Meadowbrook Park II subdivision to the north.

The third approval criterion for an NMNP amendment is that, “*The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.*” The applicant asserts that the proposed changes do not adversely affect the purpose, objectives or functioning of the NMNP, and further suggests that the proposal stresses energy efficiency, architectural creativity and innovation through the construction of proposed Earth Advantage homes in a variety of architectural styles and housing types; uses natural features to the greatest advantage by incorporating the wetland and Bear Creek floodplain into the overall development plan; provides for a quality of life equal or greater to that provided in standard developments by incorporating natural elements and embracing the human scale development concepts of the neighborhood; provides for more efficient land use through a mixture of housing types within the planned density in an integrated pattern that improves transportation options and maximizes community interactions; and reduces the impact of development on the natural environment and neighborhood by preserving the large wetland and the Bear Creek floodplain corridor. The applicant further contends that the proposal will provide a seamless transition with the existing subdivisions in the neighborhood plan area, despite their being developed at different times by different entities, by largely following the neighborhood plan

The fourth and final criterion for approval of a neighborhood plan amendment is, *“The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.”* The applicant notes that the modifications requested are necessary to adjust to the site’s various physical constraints, and will help protect its significant natural features such as the site’s large Oak trees within the floodplain, the large wetland, and steeply sloped areas. In addition, the applicant emphasizes that the proposed east-west walkway between the subdivision to the north and the proposed subdivision is not only an important pedestrian connection but also serves as a buffer area to adjust grades between the existing houses and the new subdivision.

2.6 The Planning Commission finds that the application does not propose any structures in the floodplain, but does include three elements considered to be development within the floodplain corridor: the extension of Kestrel Parkway, the subdivision’s storm water treatment facilities and the associated mitigation wetland intended to sensitively manage the outflow of storm water to Bear Creek. This mitigation wetland will provide a natural outfall for stormwater to slow and filter water prior to its entry into Bear Creek while also mitigating the removal of a small, 805 square foot wetland proposed to be removed. The applicant emphasizes that all required permits will be obtained from the City of Ashland, Division of State Lands, and U.S. Army Corps of Engineers prior to any work in the floodplain, and notes that future improvements by the City and/or Jackson County will also likely include the extension of the Bear Creek Greenway bikepath and bridge connection to the planned trail system on the west side of the creek.

The Commission finds that the extension of Kestrel Parkway street improvements is identified within the adopted Transportation System Plan (TSP) and is a principal component of the NMNP’s transportation system. The applicant points out that Kestrel Parkway is already one-third completed from East Nevada Street to the subject property, and with approval here, the street will be two-thirds completed. The applicant suggests that Kestrel, unlike other streets, was intended to be constructed within floodplain corridor lands as noted in AMC 18.3.10.080.M.

The application includes a geotechnical, geologic and hydrologic study prepared by Robin Warren of Applied Geotechnical Engineering (AGE) which includes flood protection measures for the extension of Kestrel Parkway as required in the North Mountain zones.

The geotechnical report notes that:

*The project design layout has included consideration of the 100-year floodplain and the City of Ashland Flood Corridor. Except for a small portion of Kestrel Parkway at the north end of the site, the entire roadway system is located above the 100-year floodplain. The City of Ashland Flood Corridor is located at slightly higher elevations on the site; however new homes in the development will be located at higher elevations than the flood corridor.*

*The new roadway and improvements will be located at or below existing grades (no significant fills will be placed in this area) and will be located predominantly out of the 100-year floodplain. In our opinion, the development will result in no rise in base flood elevation for the 100-year event for Bear Creek.*

*Based on existing topography and the creek geomorphology in this area, creek flows during larger storm events will result in flood flows occurring roughly parallel to Kestrel Parkway. Based on the hydrologic study completed by CEC Engineering and previous studies by others for adjacent developments, maximum water velocities during a major storm event will be less than 3 f.p.s. in the project area between the 100-year floodplain and the City's Flood Corridor. To protect the roadway from natural flood events, structural fill under the sidewalk on the west side of Kestrel Parkway should consist of 4-in-minus crushed rock. Vegetation should be re-established in areas west of Kestrel Parkway as soon as practical after construction of the sidewalk is completed. Based on Army Corps of Engineer studies, coarse rock and vegetated ground surfaces are suitable for resisting erosion for velocities of up to 6 f.p.s.*

The Commission finds that the proposed stormwater treatment facility is intended as both an environmental mitigation measure and an aesthetic asset to the neighborhood similar to the facility already in place in Kestrel Park directly to the north of the development. The existing facility was installed by the developers of Meadowbrook Park II subdivision, and is maintained by the homeowners' association with periodic dredging, and the application suggests they intend a similar facility here although the landscaping is intended to consist of dry grasses and existing trees for a more natural wetland amenity.

The first criterion for approval of a Physical and Environmental Constraints Review Permit for the development of floodplain corridor lands is that, *"Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized."* The applicant asserts that the proposed development has been designed by engineers and geotechnical experts, will be subject to multiple levels of jurisdictional oversight, and will not include any net fill within the floodplain and as such, the adverse impacts have been minimized.

The second criterion is, *"That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development."* The applicant asserts they have considered potential hazards and implemented measures to mitigate them as detailed in the Geotechnical, Geologic and Hydrologic Study prepared by Robin Warren of Applied Geotechnical Engineering and Geologic Consulting. The applicant emphasizes that Warren's recommendations will be incorporated into the civil drawings to be provided for review at Final Plan approval and that the recommendations will be complied with.

The final approval criterion is, *"That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance."* The applicant asserts that they have taken all reasonable steps to reduce the adverse impacts of the development, and that

*qualified experts have concluded that the project will not have an adverse impact and will instead make a positive contribution to the area while providing needed housing developed with the NMNP in mind.*

The Planning Commission finds that the geotechnical report concludes that the site is suitable for development from a geotechnical and geologic standpoint, and that there is no increased risk of geologic hazards if the site is developed as recommended in the report. The applicant emphasizes that the project's civil and geotechnical engineers will work together to incorporate the geotechnical recommendations in the civil plans, and that AGE will periodically monitor the development to ensure that both the geotechnical recommendations and the final civil drawings are complied with.

With regard to floodplain impacts, the Planning Commission finds that the design of Kestrel Parkway and the placement of the proposed homes will be generally above the floodplain, that no net fill will occur within the floodplain and that there will be no rise in base flood elevation. The Commission further finds that the development has been planned with the floodplain in mind, and that potential hazards and adverse impacts have been considered and will be mitigated.

2.7 The Planning Commission finds that, as proposed, the extension of Kestrel Parkway will be within the 50-foot water resource protection zone (WRPZ) of Bear Creek, a riparian stream, at the southern end of the street roughly opposite the proposed lots #5-7. In this location, the street is within 40 feet of the top of bank for roughly 80 linear feet. The applicant suggests that Kestrel Parkway has long been planned for placement within the floodplain corridor, and asserts that the roadway could be shifted an additional ten feet to be entirely outside of the WRPZ with little impact on the development. The applicant requests that the Planning Commission condition this minor modification be made in the project design prior to Final Plan approval.

2.9 The Planning Commission finds that the application includes a Wetland Delineation and narrative description outlining the sites of two wetlands on the subject properties which was prepared by Keystone Natural Resource Consulting and which has concurrence by the Division of State Lands (DSL); a detailed Wetland Mitigation Plan prepared by Schott & Associates, Ecologists and Wetlands Specialists; and a Landscape Plan (Sheet L103) coordinated with the Wetland Mitigation Plan.

The Wetland Mitigation Plan notes that two isolated wetland features were identified on the central portion of the site (Wetland 1 and Wetland 2). In addition, an isolated remnant drainage was identified near the south study area boundary, and Bear Creek along the western edge of the study area, were also flagged and mapped in the delineation. The Mitigation Plan notes that no impacts are proposed for Bear Creek or its WRPZ, and no WRPZ is considered for the remnant drainage as it is neither a wetland nor a stream.

Wetland #1 is described as an isolated 805 square foot wetland at the base of the hill's slope, and the report suggests that the wetland appears to have been created from the road cut at the base of the steep slope. This isolated wetland is proposed to be filled as part of the application for the development of residential lots. The report further explains that the proposed activity will require less than 50 cubic yards of fill and does not require a wetland fill permit from DSL or the Corps of Engineers. The report further notes that the wetland is not indicated as Locally Significant and will be legally removed and mitigated on-site to replace function and values with a wetland swale extending from the proposed stormwater outfall west to

Bear Creek and which will include a 20-foot upland buffer as well as with enhancement of the WRPZ of Wetland #2.

Wetland #2 is described as a 3,619 square foot isolated wetland located in a larger depression near the center of the site which is mapped on both the NWI and LWI and is defined as a Locally Significant Wetland. The report notes that this wetland is highly disturbed from old fill activity, and adjacent vegetation is dominated by non-native species. The application proposes to protect this wetland with a 50-foot averaged buffer. No impacts are proposed within this wetland, and the averaged buffer will extend from 20 to 70 feet upland for a total area of 21,066 square feet which will be enhanced to good condition. Portions of the WRPZ will be graded to interface with adjacent streets, which are being designed to go around and avoid the wetland and buffer. The entire wetland and buffer totaling 21,066 square feet are to be enhanced by the removal of old fill and invasive species and planting of native shrubs and understory species as part of the Mitigation Plan.

The first criterion for approval of a Limited Activities and Uses permit is that, *“All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.”* The Commission finds that that the proposal has been designed to avoid Wetland #2 and Bear Creek as much as practicable. The road layout is intended to avoid the wetland itself and support the creation and maintenance of a 50-foot average buffer surrounding it. The application also notes that the other wetland, Wetland #1, was likely created by a road cut and provides minimal wetland function; the application proposes its removal and on-site mitigation.

The second criterion for a Limited Activities and Uses permit is that, *“The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.”* The applicant emphasizes that the proposal seeks to minimize excavation, grading, impervious surface, the loss of native vegetation and erosion.

The third criterion is that, *“On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.”* The Planning Commission finds that this criterion is being satisfied.

The fourth Limited Activities and Uses permit criterion is that, *“Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.”* The Commission finds that this criterion is also satisfied by the proposal.

*The fifth criterion is, “Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110*

*Mitigation Requirements.*” The Planning Commission finds that wetland and riparian mitigation is proposed and will be implemented as outlined in the mitigation plan provided.

*The final approval criterion is that, “Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.”* The Commission finds that long-term conservation, management and maintenance of the Wetland Protection Zone shall be ensured as through a Water Resource Protection Zone Management Plan provided with the application.

With regard to the Water Resource Protection Zones, the Planning Commission finds that the standards for a Limited Uses/Activities Permit and for the proposed restoration, enhancement, mitigation and maintenance of Wetland #2 and the proposed mitigation wetland have been satisfied. Conditions have been included to require that evidence of required state and federal approvals be obtained and provided to the city prior to site work, that final mitigation and management plans incorporating any changes resulting as federal and state approvals are pursued and final civil drawings prepared be provided with the Final Plan submittal.

2.9 The Planning Commission finds that the proposal includes request for Tree Removal Permits to remove 15 trees, including one 18-inch diameter at breast height (d.b.h.) Cottonwood tree located within the area to be dedicated for park purposes which is proposed for removal as a hazard as it has many broken and dead branches which are likely to fall, and 14 trees including three Ash trees (#18-#20), one Alder (#21) and ten Cottonwoods (#22-#31) which are proposed for removal due to their locations relative to the proposed development. In addition, there is an area near the wetland to be preserved which includes a large, dense thicket made up mostly of white willows of varying sizes. The trees within this thicket are to be thinned to a spacing of one every 15 feet, and remaining non-native underbrush within the thicket is to be removed. Disturbed areas within the wetland will be replanted according to the proposed Wetland Planting Plan.

The application materials provided emphasize that the removal of the trees will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, tree densities, sizes, canopies or species diversity. The Commission finds that the development application was prepared with the assistance of professionals including a wetland biologist, a landscape designer, and an arborist who consulted on-site with the project’s construction contractor, civil engineer, surveyor and land use planner to fully evaluate the site’s natural features including the trees in order to minimize development impacts. The Commission further finds that areas where trees are located are also those with the mildest slopes, and proposed excavation will occur in these areas. The Commission finds the development has sought to preserve the large wetland not only by making it a feature of and asset to the development, but also to improve the habitat value which has been choked-off by the proliferation of cottonwoods. The Commission further finds that the wetland is not intended to be a public amenity, but will be visible from the adjacent rights-of-way, but left free from any formal, active recreational use.

The Commission finds that in addition to the trees to be preserved and protected on the property, a total of 64 new trees are proposed to be planted along the subdivision's streets to enhance the streetscapes and mitigate the 15 removals proposed. All of the trees are proposed to be at least two-inch caliper specimens, chosen from the city's recommended list, and are to be irrigated and maintained by the homeowners' association.

The Planning Commission finds that the Tree Commission reviewed the application at its November 8, 2018 meeting and made recommendations that the application be approved, and that the applicant: 1) Provide a mix of tree species in the street trees along the blocks so that if a disease or pest infestation happens, it won't wipe out all trees at once, and incorporate some native species in these selections; and 2) Provide large stature-species street trees behind the outside perimeter curbside sidewalk on the couplet. Tree Commissioners were agreeable to planting street trees behind the sidewalk rather than requiring a standard parkrow planting strip here, but felt that there should be street trees along on this corridor. A condition has been included making these recommendations conditions of approval, and requiring that the Final Plan submittal include a final landscape and irrigation plan incorporating the Tree Commission recommendations, size- and species-specific landscape planting and irrigation details, final wetland mitigation plan details and clear identification of the 15 mitigation trees proposed.

### **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 approval a 17-lot Performance Standards Options subdivision, a Major Amendment to the North Mountain Neighborhood Plan, a Physical & Environmental Constraints Review Permit for improvements within the floodplain corridor, a Limited Use/Activity Permit for activities within a wetland, and Tree Removal Permits to remove 15 trees is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2018-00005. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00005 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 any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.
4. That all recommendations of the Tree Commission from their November 8, 2018 regular meeting shall be conditions of approval, where consistent with applicable criteria and standards and with final approval of the Staff Advisor.

5. 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, storage of materials, staging or issuance of a building or excavation 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 activity, including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles, shall occur within the tree protection zones.
6. The conceptual plans for Areas #3-7 are not approved here and have been provided for illustrative purposes only. Development of Areas #3-7 shall require Final Plan and Site Design Review approvals. The ultimate development of Areas #3-7 shall comply with the minimum density standards of the district.
7. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for trees to be retained. The tree protection shall be chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. 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.
8. That silt fencing or other protective measures shall be installed along the Water Resource Protection Zone boundaries, inspected and approved by the Staff Advisor prior to issuance of excavation permits or any site work, staging or storage of materials on site.
9. The applicant shall obtain all required federal and state permits for work in wetland and riparian areas and provide evidence of these approvals to the City of Ashland.
10. That the Final Plan submittal shall include:
  - a. Typical elevations incorporating architectural elements described in the NMNP Neighborhood Design Standards for the proposed buildings, as required in AMC 18.3.5.030.A.2
  - b. A fencing plan which demonstrates that all fencing shall be consistent with the provisions of the “Fences and Walls” requirements in AMC 18.4.4.060, that no fencing shall be allowed on floodplain corridor lands, and that no fencing exceeding three feet in height shall be allowed in front yard areas. Fencing limitations shall be noted in the subdivision CC&R’s. 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.
  - c. That the final plan submittal shall shift the placement of the Kestrel Parkway street improvements entirely outside of the Bear Creek Water Resource Protection Zone as proposed by the applicant.
  - d. Final electric service, utility and civil plans; all civil infrastructure shall be installed by the applicants, inspected and approved prior to the signature of the final survey plat.
  - e. A draft copy of the subdivision CC&R’s...
  - f. A site plan illustrating envelopes any necessary adjustments to building envelopes to make clear that construction will not occur within proposes easements (i.e. particularly for Lots #8-11.
  - g. A phasing plan for completion of the subdivision.
  - h. Final site lighting details.

- i. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the respective zoning districts. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
- j. All easements including but not limited to public and private utilities and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
- k. Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the civil plans.
- l. A storm drainage plan detailing 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. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
- m. A final landscape and irrigation plan incorporating the Tree Commission recommendations, size- and species-specific landscape planting and irrigation details, final wetland mitigation plan details and clear identification of the 15 mitigation trees proposed.
- n. A final grading and erosion control plans which includes details addressing the “Vegetation Preservation and Construction Staging Requirements” found in AMC 18.3.110.A. The final grading plan shall indicate grade relationships between the development and the floodplain corridor. The final grading plan shall include a statement by a licensed surveyor or geotechnical expert indicating that the finished grade for all buildable areas outside the floodplain corridor shall be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.
- o. A final size- and species-specific mitigation plan including irrigation details and details of the landscape materials to be planted shall be provided for the review and approval of the Staff Advisor. All mitigation plantings shall be installed according to the approved plan, inspected, and approved by the Staff Advisor, and the management plan and any necessary easements recorded prior to final approval. The Mitigation Plan shall address the Vegetation Preservation and Construction Staging standards in AMC 18.3.11.110 A and the Restoration and Enhancement Requirements in AMC 18.3.11.110.B. Restoration and enhancement shall address the disturbed wetland buffer at the 1.5:1 ratio required, and the final plan shall include calculations demonstrating that these restoration and enhancement

ratios are addressed, and calculations demonstrating that the 50-foot average buffer is provided around Wetland #2.

- p. A final management plan, and any necessary conservation easements, providing for the long-term conservation, management and maintenance of the Water Resource Protection Zone as detailed in AMC 18.3.11.110.C prior to the approval of final civil engineering plans.
- q. That the requirements of the Ashland Fire Department relating to fire hydrant distance; fire flow; fire apparatus access, approach, turn-around, and work area; firefighter access pathway; approved addressing; and limits on fencing and gates which would impair access shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings, and fire apparatus turn-arounds shall be incorporated into all street designs where streets that will ultimately continue terminate temporarily.

11. That prior to Final Plan approval:

- a. That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions with the Final Plan application. 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.
- b. 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 with the Final Plan application.
- c. That the applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment with the Final Plan application. 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 in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase 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.
- d. The engineered construction drawings for the proposed street extensions including Kestrel Parkway, Nandina Street, Stoneridge Avenue, Patton Lane and Zare Way and all proposed alleys shall be submitted for review and approval of the Ashland Planning and Engineering Divisions with the Final Plan application, prior to work in the street right-of-way or installation of improvements in the pedestrian corridor.

- i. For all sections of Patton, Nandina and Stoneridge where sidewalk improvements are shown outside the right-of-way, public pedestrian access easements or additional right-of-way be provided to accommodate standard sidewalk widths prior to signature of the final survey plat.
- ii. For those sections of Patton, Nandina and Stoneridge surrounding Area 5 and the section of Nandina south of Area 6 shown with curbside sidewalks, an Exception not to install standard parkrow planting strips absent a strong argument is not merited at this time, and that these sections should be installed with standard parkrow planting strips or the case made for Exceptions with the Final Plan request.
- iii. That for the one-way couplet of Nandina encircling Wetland #2, large stature, irrigated street trees shall be provided at a standard one-per-30 feet spacing behind the sidewalk at the outside edges of both legs of the couplet. In addition, the revised civil plans shall include one to three areas provided with a bench, tree and/or educational display or similar to provide opportunities for passive engagement with the wetland and greenway and/or small areas of pedestrian respite to off-set the previously identified civic space.
- iv. “Half-Street” improvements for Zare Way shall include a minimum 22-foot paved width to accommodate fire apparatus access, and a one-foot reserve strip (i.e. “street plug”) shall be dedicated to the city on the south side of Zare Way improvements on the final survey plat.
- v. Fire apparatus turn-arounds shall be incorporated into all street designs where streets that will ultimately continue terminate temporarily.
- vi. Alley cross-sections shall comply with the adopted NMNP alley standards, and shall include the full four-foot width shoulders required in the standard.
- vii. Proposed street names are subject to city street naming policy and are reviewed and approved by the Engineering Division. Zare Way may not be an approved street name.

Right-of-way necessary to accommodate city standard street improvements for the proposed street system shall be dedicated to the city on the final survey plat. All public improvements including but not limited to the paving, curbs, gutters, sidewalk, street trees in irrigated park row planting strips and street lighting shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.

- e. That CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor with the Final Plan application. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including wetlands, landscaping and street trees and their planting strips.
- f. The approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.

12. Prior to submittal of a final subdivision survey plat for review and signature:
- a. That a final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of this approval.
  - b. The final survey plat shall include dedication of the North Mountain/Bear Creek Greenway zoned lands to the City of Ashland for park purposes as required in AMC 18.3.5.090 and proposed by the applicant.
  - c. That the subdivision name and all street names shall be approved by the City of Ashland Engineering Division.
  - d. All easements including but not limited to public and private utilities, drainage, conservation, irrigation, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
  - e. Subdivision infrastructure improvements including but not limited to utility installations, street and alley installation, and wetlands shall be completed according to approved plans prior to signature of the final survey plat.
  - f. Electric services shall be installed underground to serve all lots within the applicable phase of the subdivision, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
  - g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.
  - h. That the properties within the project sign in favor and agree to participate in a local improvement district (LID) for future construction of the Nevada Street bridge across Bear Creek. The agreement shall be prepared by the City of Ashland and signed by the property owner prior to signature of the final survey plat. Nothing in this condition is intended to prohibit an owner/developer, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.

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Planning Commission Approval

December 11, 2018  
Date