

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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
SPECIAL MEETING
May 26, 2020
AGENDA**

Held Electronically; View on Channel 9 or Channels 180 and 181 (for Charter Communications customers) or live stream via rvtv.sou.edu select RVTV Prime.

Note: As the May 26th Planning Commission meeting will be held electronically, written testimony for “Item V – Open Space” will be accepted via email to PC-public-testimony@ashland.or.us both general public forum items and agenda items as long as they are submitted with the subject line: May 26th Planning Commission Meeting Testimony before Monday, May 25 at 10:00 A.M. Written testimonies submitted by the deadline will be available to the Planning Commission before the meeting and will be included in the meetings minutes. (The hearing for “Item IV – 210 Alicia” has closed and no new testimony will be considered.)

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **TYPE II PUBLIC HEARINGS CONT'D** *(Please note: The record and public hearing is closed on this matter. The Planning Commission's consideration of this item will be limited to their deliberation and decision. No further submittals (evidence or argument) will be accepted into the record.)*
 - A. **PLANNING ACTION: #PA-T2-2020-00017**
SUBJECT PROPERTY: 210 Alicia Street
OWNER/APPLICANT: David Scott Construction, LLC
DESCRIPTION: A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 04DB; TAX LOT #: 1700.

- V. **LEGISLATIVE PUBLIC HEARING CONT'D**
 - A. **PLANNING ACTION: PA-L-2020-00008**
APPLICANT: City of Ashland
DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related



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

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to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

VI. OTHER BUSINESS

A. Election of Officers.

VII. ADJOURNMENT

CITY OF
ASHLAND



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ASHLAND PLANNING DIVISION
STAFF REPORT

Addendum

May 26, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.5** Standards for Residential Zones
- AMC 18.3.9** Performance Standards Option and PSO Overlay
- AMC 18.4.2** Building Placement, Orientation, and Design
- AMC 18.4.4** Landscaping, Lighting, and Screening
- AMC 18.6.1** Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions are included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

Finally, the draft amendments include a second ordinance that has minor edits and corrections to terminology throughout Title 18 Land Use to provide consistency in the use of the terms open space and parks. The edits are primarily consistent of distinguishing common open space, private open space, public open space or parks, and the use of open space as a general term.

I. Ordinance Amendments

A. Revisions after April 28, 2020 Meeting

The Planning Commission held a public hearing and discussed the proposed ordinance amendments at the April 28, 2020 meeting. Staff revised Ordinance 1 based on the discussion at the April 28 meeting and those changes are described below.

Ordinance 1

The first ordinance includes the primary and substantive changes to the open space standards. The first ordinance is titled “AN ORDINANCE AMENDING CHAPTERS 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.4 LANDSCAPING, LIGHTING, AND SCREENING, AND 18.6 DEFINITIONS OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS.”

The changes to Ordinance 1 that were made after the April 28 meeting are highlighted.

The primary issues identified in the Planning Commission discussion were: 1) including references to the consolidated open space standards in the new section 18.4.4.070, 2) clarifying that density bonuses do not apply to courage housing developments in 18.3.9.050.A.2, and 3) revising the standard in 18.4.4.070.C.a on surfacing of common open space.

In addition, staff revised and inserted graphics for common and private open space, and added several clarifications in 18.4.4.070 including: 1) identifying common open space for the use of residents in 18.4.4.070.B.5, 2) clarifying that pedestrian connections and natural features could be located in required buffer or perimeter yard areas, and 3) clarifying that play areas and credit for proximity to parks applies to the multi-family zones in 18.4.4.070.C.6.

Ordinance 2

The second ordinance is focused on consistent use of terminology related to open space through Title 18 Land Use. The second ordinance is titled “AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY,

18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING , ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY RELATED TO OPEN SPACE.”

Ordinance 2 is unchanged since the April 28 meeting except that **highlights** were added to the lengthy document to make proposed amendments more visible.

B. Project Background

The Planning Commission held a public hearing on April 28, 2020 and did not receive any oral or written testimony. The public hearing was continued at the May 12, 2020 meeting to the May 26, 2020 meeting.

The Planning Commission discussed amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2019. The Planning Commission initiated the legislative amendment to amend the open space standards at the October 22, 2019 meeting.

The Planning Commission began reviewing the open space amendments because of difficulties in applying the standards to several planning applications for housing developments in the multifamily zones. In addition, each year the Commission has an annual retreat and visits completed projects that received a planning approval. The Commission observed the finished open spaces to the site visits and noted reoccurring problems with the design and functionality of the open spaces. Finally, staff continues to receive questions from development and design professionals regarding the open space standards.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

- B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth

boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

If the Planning Commission recommends approval of the attached ordinances, staff will forward the Commission's recommendation to the City Council for a public hearing. The draft amendments to the open space standards and accompanying terminology corrections are tentatively scheduled for a public hearing and first reading at the June 16, 2020 City Council meeting.

1 **ORDINANCE NO.**

2 **AN ORDINANCE AMENDING CHAPTERS 18.2.5, 18.3.9, 18.4.2, 18.4.4**
3 **AND 18.6 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE**
4 **OPEN SPACE STANDARDS**

5 Annotated to show deletions and additions to the Ashland Municipal Code sections being
6 modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

7
8 **WHEREAS**, Article 2. Section 1 of the Ashland City Charter provides:

9 Powers of the City The City shall have all powers which the constitutions, statutes, and common
10 law of the United States and of this State expressly or impliedly grant or allow municipalities, as
11 fully as though this Charter specifically enumerated each of those powers, as well as all powers
12 not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter
13 specifically granted. All the authority thereof shall have perpetual succession.

14
15 **WHEREAS**, the above referenced grant of power has been interpreted as affording all
16 legislative powers home rule constitutional provisions reserved to Oregon Cities. City of
17 Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293;
18 531 P 2d 730, 734 (1975); and

19
20 **WHEREAS**, the City of Ashland Planning Commission considered the above-referenced
21 recommended amendments to the Ashland Comprehensive Plan at a duly advertised public
22 hearings on April 28, 2020 and May 26, 2020, and following deliberations, recommended
23 approval of the amendments by a vote of #-#; and

24
25 **WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing
26 on the above-referenced amendments on (date); and

27
28 **WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing
29 and record, deliberated and conducted first and second readings approving adoption of the
30 Ordinance in accordance with Article 10 of the Ashland City Charter; and

1 **WHEREAS**, the City Council of the City of Ashland has determined that in order to protect and
2 benefit the health, safety and welfare of existing and future residents of the City, it is necessary
3 to amend the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base
4 exists for the amendments, the amendments are consistent with the Ashland Comprehensive Plan
5 and that such amendments are fully supported by the record of this proceeding.

6
7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

9
10 **SECTION 2.** Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones -
11 Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read
12 as follows:

13 18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones

14 **A. Density Standard.** Except density gained through bonus points under section 18.2.5.080 or
15 chapter 18.3.9 Performance Standards Option, development density in the R-2 and R-3
16 zones shall not exceed the densities established by this section.

17 **B. Density Calculation.**

- 18 1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3
19 zones shall be computed by dividing the total number of dwelling units by the acreage of
20 the project, including land dedicated to the public, and subject to the exceptions below.
- 21 2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the
22 purposes of density calculations.
- 23 3. Accessory residential units are not required to meet the density or minimum lot area
24 requirements of this section. See section 18.2.3.040 for accessory residential unit
25 standards.

26 **C. Minimum Density.**

- 27 1. The minimum density shall be 80 percent of the calculated base density.
- 28 2. Exceptions to minimum density standards. The following lots are totally or partially
29 exempt from minimum density standards.
 - 30 a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
 - b. Lots located within any Historic District designated within the Ashland Municipal
Code.
 - c. Lots with existing or proposed conditional uses may be exempt for that portion of the
property that is subject to the conditional use for calculations of the minimum base
density standard.
 - d. Where a lot is occupied by a single-family residence January 9, 2005 (Ord. 2914),

1 the single-family residence may be enlarged or reconstructed without being subject
2 to the minimum base density standard.

- 3 e. In the event that a fire or natural hazard destroys a single-family residence, such
4 residence may be replaced without being subject to the minimum base density
5 standard.
- 6 f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist
7 upon the lot an exception to minimum density requirements may be obtained to
8 better meet the standards of chapter 18.3.10 Physical and Environmental
9 Constraints.
- 10 g. A lot that is nonconforming in minimum density may not move further out of
11 conformance with the minimum density standard. However, units may be added to
12 the lot which bring the lot closer to conformance without coming all the way into
13 conformance provided it is demonstrated that the minimum density will not be
14 precluded.

15 **D. Base Densities and Minimum Lot Dimensions.**

- 16 1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
- 17 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
18 section 18.2.3.040 for accessory residential units.
- 19 b. Minimum lot area for two units shall be 7,000 square feet.
- 20 c. Minimum lot area for three units shall be 9,000 square feet, except that the
21 residential density bonus in subsection 18.2.5.080.F, below, may be used to increase
22 density of lots greater than 8,000 square feet up to three units.
- 23 d. For more than three units, the base density shall be 13.5 dwelling units per acre. The
24 permitted base density shall be increased by the percentage gained through the
25 residential density bonus in subsection 18.2.5.080.F.
- 26 2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
- 27 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
28 section 18.2.3.040 for accessory residential units.
- 29 b. Minimum lot area for two units shall be 6,500 square feet.
- 30 c. Minimum lot area for three units shall be 8,000 square feet.
- d. For more than three units, the base density shall be 20 dwelling units per acre. The
permitted base density shall be increased by the percentage gained through the
residential density bonus in subsection 18.2.5.080.F, below.

E. Exceptions. An accessory residential unit is not required to meet density or minimum lot
area requirements per section 18.2.3.040.

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance
Standards Option, the permitted base density shall be increased only pursuant to this
section.

- 1 2. Maximum Density Bonus Points. The total maximum bonus permitted shall be 60
2 percent.
- 3 3. Density Bonus Point Criteria. The following bonuses shall be awarded:
 - 4 a. *Conservation Housing.* The maximum bonus for conservation housing is 15 percent.
5 One hundred percent of the homes or residential units approved for development,
6 after density bonus point calculations, shall meet the minimum requirements for
7 certification as an Earth Advantage home, as approved by the Conservation Division
8 under the City' s Earth Advantage program as adopted by resolution 2006-6.
 - 9 b. Common OpenOutdoor Recreation Space. The maximum bonus for provision of
10 common open outdoor recreation space above minimum requirement
11 established by this ordinance is ten percent. A one percent bonus shall be
12 awarded for each one percent of the total project area in common open space
13 in excess of any common or private open space required by section 18.4.4.070
14 and this ordinance. The common open space shall meet the standards in
15 section 18.4.4.070. ~~The purpose of the density bonus for outdoor recreational~~
16 ~~space is to permit areas that could otherwise be developed as a recreational~~
17 ~~amenity. It is not the purpose of this provision to permit density bonuses for~~
18 ~~incidental open spaces that have no realistic use by project residents on a~~
19 ~~day-to-day basis. One percent increased density bonus for each percent of the~~
20 ~~project dedicated to outdoor recreation space beyond the minimum~~
21 ~~requirement of this ordinance.~~
 - 22 c. ~~*Major Recreational Facilities.* The maximum bonus for provision of major~~
23 ~~recreational facilities is ten percent. Density bonus points shall be awarded for~~
24 ~~the provision of major recreational facilities, such as tennis courts, swimming~~
25 ~~pools, playgrounds, or similar facilities. For each one percent of the total~~
26 ~~project cost devoted to recreational facilities, a six percent density bonus shall~~
27 ~~be awarded to a maximum of ten percent. Total project cost shall be defined as~~
28 ~~the estimated sale price or value of each residential unit times the total number~~
29 ~~of units in the project. Estimated value shall include the total market value for~~
30 ~~the structure and land. A qualified architect or engineer using current costs of~~
~~recreational facilities shall estimate the cost of the recreational facility for City~~
~~review and approval.~~
 - dc. *Affordable Housing.* The maximum bonus for affordable housing is 35 percent.
Developments shall receive a density bonus of two units for each affordable housing
unit provided. Affordable housing bonus shall be for residential units that are
guaranteed affordable in accord with the standards of section 18.2.5.050.

SECTION 3. Section 18.3.9.050 [Performance Standards for Residential Developments - Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established

1 by this section. The density shall be computed by dividing the total number of dwelling units
2 by the acreage of the project, including land dedicated to the public. Fractional portions of
3 the final answer, after bonus point calculations, shall not apply towards the total density.
4 Accessory residential units are not required to meet the density requirements of this chapter
5 in accordance with section 18.2.3.040.

- 6 1. The base density, for purposes of determining density bonuses allowed under this
7 section, for developments other than cottage housing, is as provided in Table
8 18.3.9.050.

9 **Table 18.3.9.050.A.1 Base Densities for Determining Allowable
10 Density Bonus with Performance Standards Option**

11 <i>Zone</i>	12 <i>Allowable Density (dwelling units per acre)</i>
13 WR-2	0.30 du/acre
14 WR-2.5	0.24 du/acre
15 WR-5	0.12 du/acre
16 WR-10	0.06 du/acre
17 WR-20	0.03 du/acre
18 RR-1	0.60 du/acre
19 RR-.5	1.2 du/acre
20 R-1-10	2.40 du/acre
21 R-1-7.5	3.60 du/acre
22 R-1-5	4.50 du/acre
23 R-1-3.5	7.2 du/acre
24 R-2	13.5 du/acre
25 R-3	20 du/acre

- 26
27 2. **Cottage Housing.** The base density for cottage housing developments, for purposes of
28 determining density bonuses, allowed under this section is as provided in Table
29 18.3.9.050.A.2. **Cottage housing developments are not eligible for density bonuses
30 pursuant to subsection 18.3.9.050.B.**

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Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

14 3. **Common Open Space Required.** All developments **subject to this section** with a base
 15 density of ten units or greater shall be required to provide **common open space**
 16 **pursuant to section 18.4.4.070, a minimum of five percent of the total lot area in**
 17 **Open Space; that area is not subject to bonus point calculations, however, density**
 18 **bonuses shall be awarded to open space in excess of the five percent required by**
 19 **this subsection.**

20 **B. Density Bonus Point Calculations.** The permitted base density shall be increased by the
 21 percentage gained through **density** bonus points. In no case shall the density exceed that
 22 allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60
 23 percent (base density x 1.6), pursuant to the following criteria.

- 24 1. **Conservation Housing.** A maximum 15 percent bonus is allowed. One-hundred percent
 25 of the homes or residential units approved for development, after bonus point
 26 calculations, shall meet the minimum requirements for certification as an Earth
 27 Advantage home, as approved by the Ashland Conservation Division under the City's
 28 Earth Advantage program as adopted by resolution 2006-06.
- 29 2. **Provision of Common Open Space.** A maximum ten percent bonus is allowed, pursuant
 30 to the following.
- a. *Purpose.* Common open spaces may be provided in the form of natural areas,
 wetlands, playgrounds, active or passive recreational areas, and similar areas in
 common ownership. **All areas set aside for common open space may be**
counted for base density, unless otherwise excluded by subsection
18.3.9.050.A.2. However, for the purposes of awarding density bonus points, the
 Planning Commission shall consider whether or not the common open space is a
 significant amenity to project residents, and whether project residents will realistically
 interact with the **common** open space on a day-to-day basis. **The purpose of the**

1 ~~density bonus for common open space is to permit areas, which could~~
2 ~~otherwise be developed or sold as individual lots, to be retained in their~~
3 ~~natural state or to be developed as a recreational amenity. It is not the~~
4 ~~purpose of this provision to permit density bonuses for incidental open spaces~~
5 ~~that have no realistic use by project residents on a day-to-day basis. Open~~
6 ~~space provided in cottage housing developments, meeting the standards of~~
7 ~~section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.~~

- 8 b. *Standard.* Developments with fewer than ten units that provide more than two
9 percent of the project area for common open space, or for developments of ten units
10 or greater that provide more than five percent **common** open space, a one percent
11 bonus shall be awarded for each one percent of the total project area in common
12 open space **in excess of any common open space required by section**
13 **18.4.4.070 and this ordinance. The common open space shall meet the**
14 **standards in section 18.4.4.070.**

15 ~~3. Provision of Major Recreational Facilities. A maximum ten percent bonus is~~
16 ~~allowed, pursuant to the following.~~

17 ~~a. *Purpose.* Points may be awarded for the provision of major recreational~~
18 ~~facilities.~~

19 ~~b. *Standard.* For each percent of total project cost devoted to recreational~~
20 ~~facilities, a six percent density bonus may be awarded up to a maximum of ten~~
21 ~~percent bonus. Total project cost shall be defined as the estimated sale price~~
22 ~~or value of each residential unit times the total number of units in the project.~~
23 ~~Estimated value shall include the total market value for the structure and land.~~
24 ~~A qualified architect or engineer shall prepare the cost of the recreational~~
25 ~~facility using current costs of recreational facilities.~~

26 ~~c. *Major recreational facilities provided in cottage housing developments,*~~
27 ~~meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible~~
28 ~~for density bonus points.~~

29 ~~43. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall~~
30 ~~receive a density bonus of two units for each affordable housing unit provided.~~
31 ~~Affordable housing bonus shall be for residential units that are guaranteed affordable in~~
32 ~~accordance with the standards of section 18.2.5.050 Affordable Housing Standards.~~

33 **SECTION 4.** Section 18.4.2.030 [Residential Development – Building Placement, Orientation,
34 and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

35 18.4.2.030 Residential Development

36 **A. Purpose and Intent.** For new multi-family residential developments, careful design
37 considerations must be made to assure that the development is compatible with the
38 surrounding neighborhood. For example, the use of earth tone colors and wood siding will
39 blend a development into an area rather than causing contrast through the use of
40 overwhelming colors and concrete block walls.

41 1. Crime Prevention and Defensible Space.

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- a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.
- b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.
- c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.
- d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.
- e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.
- f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section [18.5.2.020](#). See conceptual site plan of multi-family development in Figure 18.4.2.030.

- 1. **Accessory Residential Units.** Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section [18.4.8.050](#).

- 1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
- 2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.
- 3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line

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or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

- 1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
- 2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. Open Space. ~~Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.~~ **Common and/or private open space are required to be provided pursuant to section 18.4.4.070.**

- 1. ~~**Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.**~~
- 2. ~~**Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.**~~
- 3. ~~**Decks and Patios. Decks, patios, and similar areas are eligible for open space.**~~
- 4. ~~**Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.**~~

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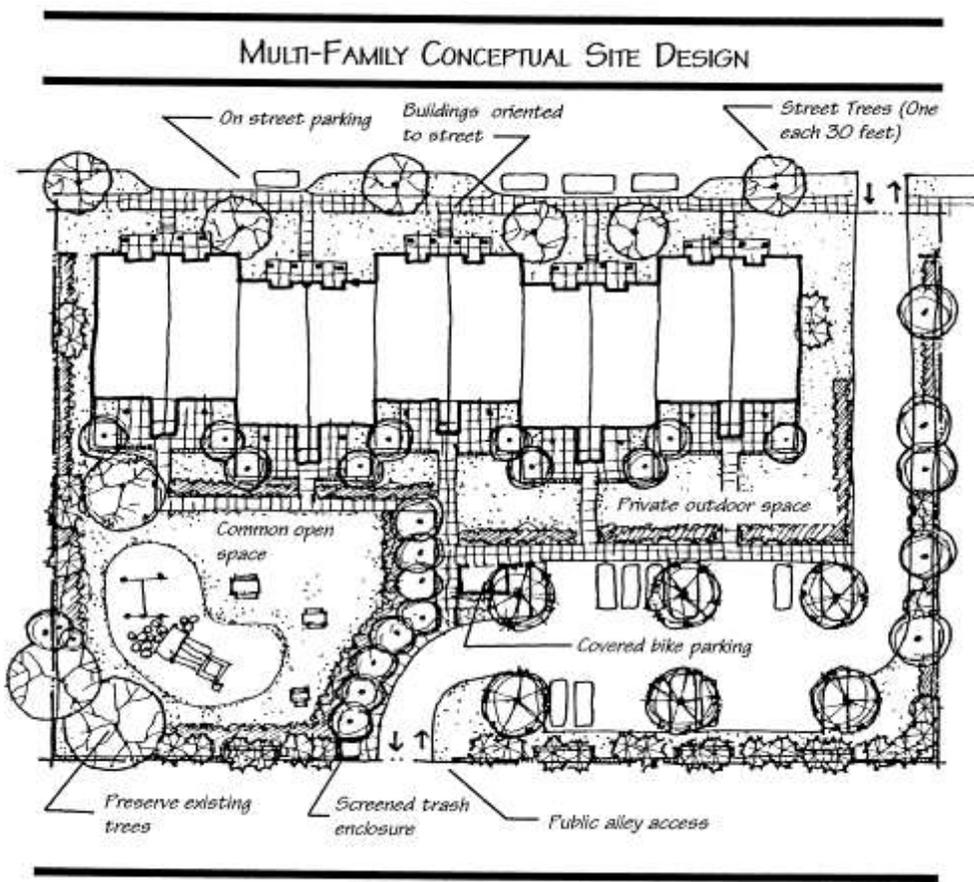


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 5. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

- A. Landscaping and Screening.** Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- B. Recycling and Refuse.** Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- C. Outdoor Lighting.** Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after [effective date].
- D. Fences and Walls.** Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also

applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review and/or 18.3.9 Performance Standards Option and PSO Overlay. **Certain sections of this ordinance require common and/or private open space as part of review under chapter 18.5.2 Site Design Review or chapter 18.3.9 Performance Standards Option and PSO Overlay. Certain other sections allow common open space to be provided in order to obtain density bonuses. All those sections reference 18.4.4.070, which establishes standards for common and private open space.**

EE. Exceptions and Variances. Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 6. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units

1 **Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space**

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<u>Required Planning Action</u>	<u>Minimum Area Required for Open Space</u>	<u>Minimum Area Required for Common Open Space</u>	<u>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</u>	<u>Density Bonus Available for Common Open Space in Excess of Base Requirement</u>
<u>18.5.2 Site Design Review and 18.3.9 Performance Standards Subdivision</u>	<u>8 percent of total lot area</u>	<u>4 percent of total lot area for developments of 10 units or more</u>	<u>yes</u>	<u>After 8 percent of total lot area is met</u>

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12 **B. General Standards.**

- 13
- 14 **1. Common and Private Open Space.** For developments that are subject to chapter
- 15 **18.5.2 Site Design Review, the required open space area may be met by combining**
- 16 **common and private open spaces meeting the requirements of this section.**
- 17 **2. Density Calculation.** All areas set aside for open space shall be counted for base
- 18 **density. The required open space is not subject to bonus point calculations.**
- 19 **3. Utilities.** Areas occupied by utility vaults and pedestals shall not be counted in the
- 20 **required open space area.**
- 21 **4. Timing.**
- 22 **a. Common Open Space.** Common open space shall be constructed and
- 23 **landscaped prior to submission of the final plat or issuance of a building**
- 24 **permit, whichever is later. The City may approve a final plat or building permit**
- 25 **prior to completion of required common open space improvements if the**
- 26 **applicant provides a bond by a surety authorized to do business in the State of**
- 27 **Oregon, irrevocable letter of credit from a surety or financial institution**
- 28 **acceptable to the City, cash, or other form of security acceptable to the City.**
- 29 **Phased developments shall meet the requirements of subsection**
- 30 **18.3.9.040.A.4.**
- b. Private Open Space.** Private open space shall be constructed and landscaped
- prior to final occupancy of the respective dwelling unit.**
- 5. Ownership and Maintenance.** Common open space shall be set aside as common
- area for the use of residents of the development. Maintenance of common open**
- space shall be the responsibility of the property owner(s) or by an association of**
- owners (i.e., homeowners association).**

C. Common Open Space. Common open space shall meet the following standards. See

definition of common open space in part 18-6.

- 1 1. Dimensional Standards. Common open space shall have no dimension that is less
2 than 20 feet and a minimum area of 400 square feet, except as described below.
- 3 a. Pedestrian Connections. Walkways and multi-use paths shall contribute
4 toward meeting the required common open space area when at least one
5 common open space is provided that meets the dimensional standards in
6 subsection 18.4.4.070.C.1, above. Pedestrian connections may be located
7 within a required buffer or perimeter yard area. Sidewalks in the public right-of-
8 way (i.e., public street) and walkways providing access to individual units may
9 not be counted towards this requirement.
- 10 b. Natural Features. Common open space may include areas that provide for the
11 preservation or enhancement of natural features such as wetlands, floodplain
12 corridors, ponds, large trees, and rock outcroppings. Natural features located
13 in common open space shall be counted toward meeting common open space
14 requirements. Natural features may be located within a required buffer or
15 perimeter yard area.
- 16 2. Location. Common open space shall not be located within a required buffer or
17 perimeter yard area, except for pedestrian connections and natural features as
18 provided in subsection 18.4.4.070.C.1, above.
- 19 3. Slope. Common open space designed for active use, such as lawn and picnic
20 areas, shall be located on slopes less than five percent, except for areas regulated
21 by the Building Code (e.g., walkways). Natural areas designed for passive use,
22 such as riparian corridors and wetlands, may be located on slopes greater than
23 five percent.
- 24 4. Improvements. The common open space shall contain one or more of the
25 following: outdoor recreational area or facilities, lawn and picnic areas,
26 community gardens, natural area with benches, seating areas, walking paths, or
27 similar outdoor amenities as appropriate for the intended residents.
- 28 a. Surfacing. A minimum of 50 percent of the common open space must be
29 covered in suitable surfaces for human use, such as lawn areas and
30 recreational fields or courts. Up to 50 percent of the common open space may
be covered by shrubs, mulch, and other ground covers that do not provide
suitable surfaces for human use if the area is usable for the intended
residents, such as community gardens or a natural area with benches and
walking paths.
- b. Structures. Common open space may include structures and outdoor furniture
typically associated with outdoor recreation such as decks, gazebos, arbors,
benches, and tables. Structures located in common open space shall be
unenclosed and uninhabitable. Unenclosed for the purpose of this subsection
means 50 percent or more of the walls or 42 inches in height or less, but the
structure may be covered.
- c. Fences and Walls. Fences, walls, hedges, and screen planting that are located
on the perimeter of common open space shall not exceed four feet in height,
except that fences in front yards and on the perimeter of the development shall

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meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

d. Landscaping. Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

6. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

b. Credit for Proximity to a Park. A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

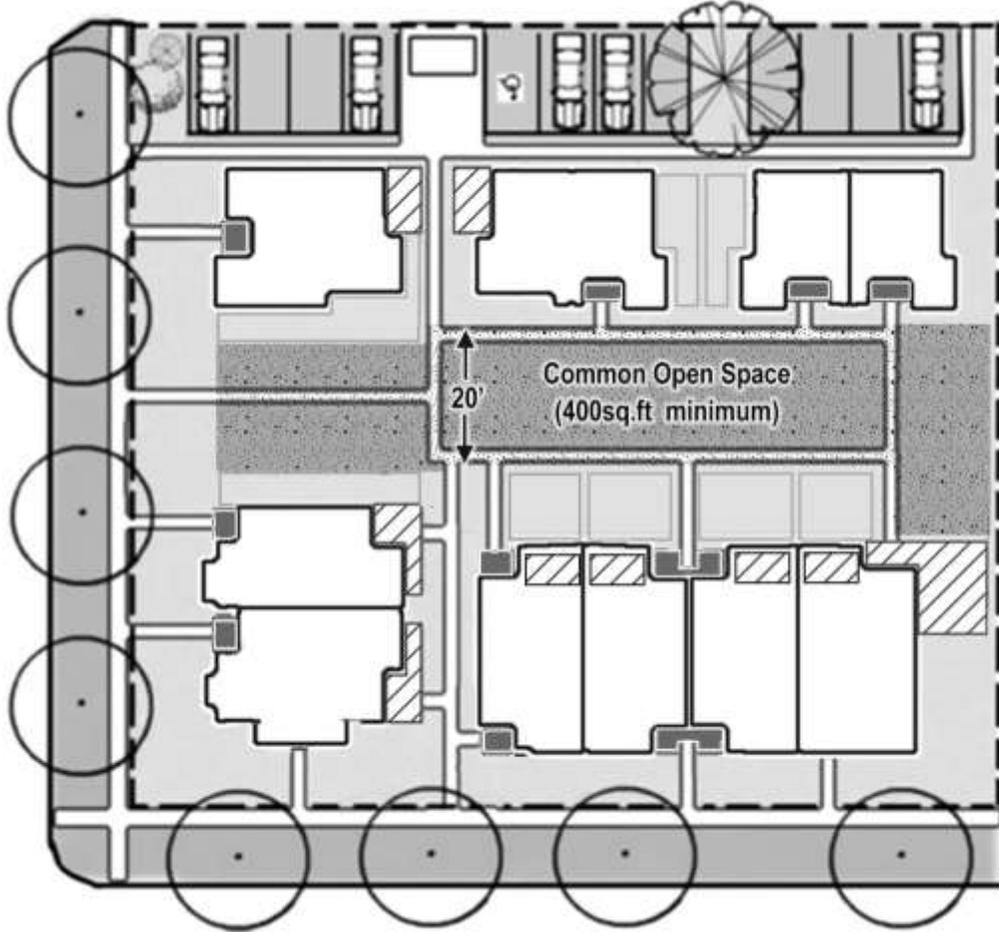


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

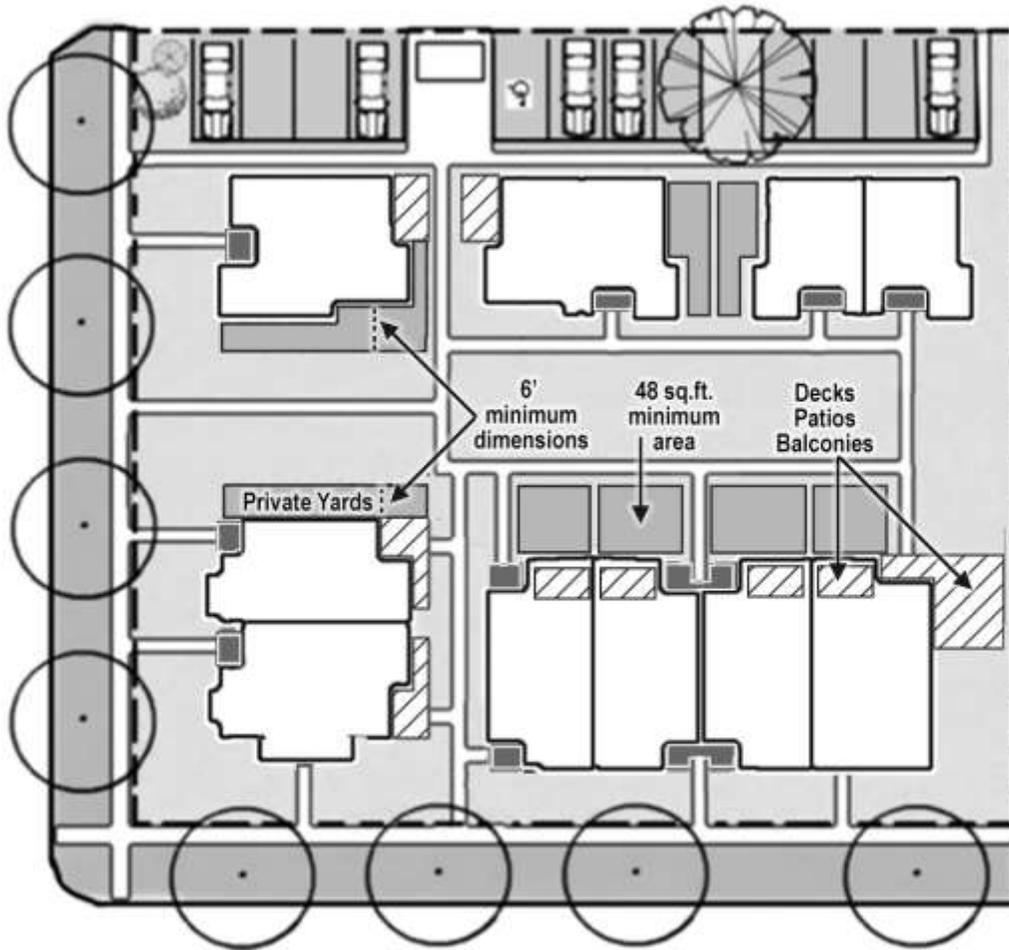
a. Access. Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. Walkways and Storage Space. The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured

1 as 36 inches in width and the length of the pedestrian route.

2 2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six
3 feet deep and measuring at least 48 square feet. Ground-floor private open space
4 shall not be located within 12 feet of recycling and refuse disposal areas. See
5 definition of ground-floor dwelling unit in part 18-6.

6 3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and
7 measuring at least 48 square feet. See definition of upper-floor dwelling unit in
8 part 18-6.



28 **Figure 18.4.4.070.D**
29 **Private Open Space**

30 **SECTION 7.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

1 **Buildable Area.** That portion of an existing or proposed lot that can be built upon.

2
3 **Common Area.** Land jointly owned by an association of owners or permanently designated
4 for the use of all residents of a development to that includes shared site facilities and
5 amenities such as open space, landscaping, streets, driveways, parking, loading
6 areas or recreation, recycling and refuse disposal areas, and storage structures (e.g.,
7 may be managed by a homeowners' association).

8 **Ground-Floor Dwelling Unit.** A residential unit with the entrance, front or rear, that is
9 within five feet of the finished grade. The distance to finished grade is measured
10 vertically at a right angle from the doorsill to the finished grade.

11 **Open Space.** A common area designated on the final plans of the development,
12 permanently set aside for the common use of the residents of the development. Open
13 space area is landscaped and/or left with a natural vegetation cover, and does not
14 include thoroughfares, parking areas, or improvements other than recreational
15 facilities. Land or water with its surface predominately open to the sky or
16 predominantly undeveloped unless otherwise specified, that is designated or set
17 aside to serve the purpose of providing park and recreation activities, conserving
18 natural resources, collecting and treating storm water, providing amenity space for
19 private developments, or creating a pattern of development. Open space does not
20 include thoroughfares, parking areas or improvements other than recreational
21 facilities areas such as streets, driveways, parking, loading areas, recycling and
22 refuse disposal areas, and storage structures.

- 23 1. **Common Open Space.** An area for the use or enjoyment of all residents of a
24 development (e.g., multifamily dwelling units) or subdivision such as recreational
25 areas or facilities, lawn and picnic areas, community gardens, natural areas with
26 benches, seating areas, or walking paths.
- 27 2. **Private Open Space.** An area intended for private outdoor use by residents of an
28 individual dwelling unit. Private open space includes decks, patios, porches,
29 balconies, side and rear yards, and similar areas.
- 30 3. **Public Open Space or Park.** An area owned or managed by a public or private
agency and maintained for the use and enjoyment of the general public. Examples
of public open space include public parks and recreation facilities, trail easements
and systems, nature preserves, public plazas, and other public outdoor meeting
areas.

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to
play outdoors.

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2 **Upper-Floor Dwelling Unit.** A residential unit with the entrance, front or rear, that is more
3 **than five feet above the finished grade. The distance from finished grade is measured**
4 **vertically at a right angle from finished grade to the doorsill.**

5 ~~Unbuildable Area. All areas outside of building envelopes and within open space. That~~
6 ~~portion of an existing or proposed lot that building upon is restricted by regulations.~~
7 ~~Unbuildable area includes but is not limited to required yards, easements, and Flood~~
8 ~~Plain Corridor, Hillside, and Severe Constraints Lands as classified in section~~
9 ~~18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access,~~
10 ~~unbuildable area does not include a required solar setback area.~~

11 ~~Yard. An open space on outdoor area of~~ a lot which is unobstructed by a structure, **except as**
12 **allowed in section 18.2.4.050 Yard Requirements and General Exceptions**, and
13 measured from a lot line to the nearest point of a building. May also be an area defined by
14 required setbacks (e.g., between a building or structure and nearest property line).

- 15 4. **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to
16 the front lot line from the front lot line to the nearest point of the building.
- 17 5. **Yard, Side.** ~~An open space yard~~ between the front and rear yards measured
18 horizontally and at right angles from the side lot line to the nearest point of the building.
- 19 6. **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to
20 the rear yard line from the rear yard line to the nearest point of the building.

21 **SECTION 8. Codification.** In preparing this ordinance for publication and distribution, the City
22 Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such
23 limitations, may:

- 24 (a) Renumber sections and parts of sections of the ordinance;
- 25 (b) Rearrange sections;
- 26 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 27 (d) Delete references to repealed sections;
- 28 (e) Substitute the proper subsection, section, or chapter numbers;
- 29 (f) Change capitalization and spelling for the purpose of uniformity;
- 30 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

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SECTION 9. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2020.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

1 **ORDINANCE NO.**

2
3 **AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED**
4 **USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL**
5 **ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD**
6 **DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9**
7 **PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL**
8 **AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES**
9 **PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY, 18.4.2**
10 **BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING ,**
11 **ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND**
12 **SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC**
13 **FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND**
14 **PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE**
15 **ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY**
16 **RELATED TO OPEN SPACE**

17

18 Annotated to show deletions and additions to the Ashland Municipal Code sections being 19 modified. Deletions are bold lined through , and additions are <u>bold underlined</u> .
--

20 **WHEREAS**, Article 2. Section 1 of the Ashland City Charter provides:

21 Powers of the City The City shall have all powers which the constitutions, statutes, and common
22 law of the United States and of this State expressly or impliedly grant or allow municipalities, as
23 fully as though this Charter specifically enumerated each of those powers, as well as all powers
24 not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter
25 specifically granted. All the authority thereof shall have perpetual succession.

26
27 **WHEREAS**, the above referenced grant of power has been interpreted as affording all
28 legislative powers home rule constitutional provisions reserved to Oregon Cities. City of
29 Beaverton v. International Ass’n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293;
30 531 P 2d 730, 734 (1975); and

1 **WHEREAS**, the City of Ashland Planning Commission considered the above-referenced
2 recommended amendments to the Ashland Comprehensive Plan at a duly advertised public
3 hearing on April 28, 2020, and following deliberations, recommended approval of the
4 amendments by a vote of #-#; and

5
6 **WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing
7 on the above-referenced amendments on (date); and

8
9 **WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing
10 and record, deliberated and conducted first and second readings approving adoption of the
11 Ordinance in accordance with Article 10 of the Ashland City Charter; and

12
13 **WHEREAS**, the City Council of the City of Ashland has determined that in order to protect and
14 benefit the health, safety and welfare of existing and future residents of the City, it is necessary
15 to amend the Ashland Comprehensive Plan in manner proposed, that an adequate factual base
16 exists for the amendments, the amendments are consistent with the comprehensive plan and that
17 such amendments are fully supported by the record of this proceeding.

18
19 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

20 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

21
22 **SECTION 2.** Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the
23 Ashland Land Use Ordinance is hereby amended to read as follows:

24 **18.2.2.030 Allowed Uses**

25 **A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted
26 subject to special use standards, and allowed subject to approval of a conditional use
27 permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not
28 define the use or include it as an example of an allowed use, the City may find that use is
allowed, or is not allowed, following the procedures of section 18.1.5.040.

29 **B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as
30 “Permitted (P)” are allowed. Uses listed as “Permitted Subject to Special Use Standards (S)”
are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are
subject to the development standards of zone in which they are located, any applicable
overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.

1 **C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed
2 subject to the requirements of chapter 18.5.4.

3 **D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an
4 allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses
5 are subject to the violations, complaints, and penalties sections in 18.1.6.080, 18.1.6.090,
6 and 18-1.6.100.

7 **E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2,
8 additional land use standards or use restrictions apply within overlay zones. An overlay zone
9 may also provide for exceptions to some standards of the underlying zone. For uses allowed
10 in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City’s
11 overlays zones, refer to part 18.3.

12 **F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as
13 accessory uses. For information on other uses that are customarily allowed as accessory,
14 please refer to the description of the land use categories in part 18.6 Definitions.

15 **G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one
16 another, in the same structure or on the same site, provided all applicable development
17 standards and building code requirements are met.

18 **H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4;
19 except as follows:

20 1. **Short-Term Events.** The Staff Advisor may approve through Ministerial review short-term
21 temporary uses occurring once in a calendar year and lasting not more than 72 hours
22 including set up and take down. Activities such as races, parades, and festivals that
23 occur on public property (e.g., street right-of-way, parks, sidewalks, or other public
24 grounds) require a Special Event Permit pursuant to AMC 13.03.

25 2. **Garage Sales.** Garage sales shall have a duration of not more than two days and shall
26 not occur more than twice within any 365-day period. Such activity shall not be
27 accompanied by any off-premises advertisement. For the purpose of this ordinance,
28 garage sales meeting the requirements of this subsection shall not be considered a
29 commercial activity.

30 3. **Temporary Buildings.** Temporary occupancy of a manufactured housing unit or similar
structure may be permitted for a period not to exceed 90 calendar days upon the
granting of a permit by the Building Official. Such occupancy may only be allowed in
conjunction with construction on the site. Said permit shall not be renewable within a six-
month period beginning at the first date of issuance, except with approval of the Staff
Advisor.

I. Disclaimer. Property owners are responsible for verifying whether a proposed use or
development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone

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	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	P or S	P or S	S	S	P or S	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14 Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional										

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, and similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards Yards not allowed in the RR, WR, and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit
Automotive Sales and Rental includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	<p>In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet</p> <p>In the E-1 zone, See Sec. 18.2.3.140</p>
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	<p>In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190</p> <p>See Marijuana Cultivation, Homegrown</p>

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Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Manufacture, Light; excluding saw, planning or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM_within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

SECTION 3. Section 18.2.3.090 [Cottage Housing – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.090 Cottage Housing

A. Purpose and Intent. The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single-family dwellings for a population diverse in age, income, and household size. Where cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.

C. Development Standards. Cottage housing developments shall meet all of the following requirements.

- Density. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows.

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)

R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

- a. *Maximum Floor Area Ratio.* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
- e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
- f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to **common** open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements.

- a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate

1 and construct a public street as required in 18.4.6.040 upon finding that the cottage
2 housing development meets connectivity and block length standards by providing
3 public access for pedestrians and bicyclists with an alley, shared street, or multi-use
4 path connecting the public street to adjoining properties.

- 5 b. *Driveways and parking areas.* Driveway and parking areas shall meet the vehicle
6 area design standards of section 18.4.3.
- 7 i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - 8 ii. Parking shall be consolidated to minimize the number of parking areas, and shall
9 be located on the cottage housing development property.
 - 10 iii. Off-street parking can be located within an accessory structure such as a multi-
11 auto carport or garage, but such multi-auto structures shall not be attached to
12 individual cottages. Single-car garages and carports may be attached to
13 individual cottages. Uncovered parking is also permitted provided that off street
14 parking is screened in accordance with the applicable landscape and screening
15 standards of chapter 18.4.4.

- 16 4. **Common Open space.** **Common Open** space shall meet all of the following standards.
- 17 a. A minimum of 20 percent of the total lot area is required as **common** open space.
 - 18 b. **Common Open** space(s) shall have no dimension that is less than 20 feet unless
19 otherwise granted an exception by the hearing authority. Connections between
20 separated **common** open spaces, not meeting this dimensional requirement, shall
21 not contribute toward meeting the minimum **common** open space area.
 - 22 c. Shall consist of a central space, or series of interconnected spaces.
 - 23 d. Physically constrained areas such as wetlands or steep slopes cannot be counted
24 towards the **common** open space requirement.
 - 25 e. At least 50 percent of the cottage units shall abut **an common** open space.
 - 26 f. The **common** open space shall be distinguished from the private **open spaces**
27 **outdoor areas** with a walkway, fencing, landscaping, berm, or similar method to
28 provide a visual boundary around the perimeter of the common area.
 - 29 g. Parking areas and driveways do not qualify as **common** open space.
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Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private **Open Space Outdoor Area**. Each residential unit in a cottage housing development shall have a private **open space outdoor area**. Private **open space outdoor areas** shall be separate from the **common** open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private **open space outdoor area**. Private **open space outdoor areas** may include gardening areas, patios, or porches.
 - b. No dimension of the private **open space outdoor area** shall be less than eight feet.
6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.
 - a. *Common Buildings*. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.
 - b. *Carports and garage structures*. Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
 - c. *Nonconforming Dwelling Units*. An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
 - d. *Accessory Residential Units*. New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a

1 cottage unit if the property is developed subject to the provisions of this chapter.

2 7. Storm Water and Low-Impact Development.

- 3 a. Developments shall include open space and landscaped features as a component of
4 the project's storm water low impact development techniques including natural
5 filtration and on-site infiltration of storm water.
- 6 b. Low impact development techniques for storm water management shall be used
7 wherever possible. Such techniques may include the use of porous solid surfaces in
8 parking areas and walkways, directing roof drains and parking lot runoff to landscape
9 beds, green or living roofs, and rain barrels.
- 10 c. Cottages shall be located to maximize the infiltration of storm water run-off. In this
11 zone, cottages shall be grouped and parking areas shall be located to preserve as
12 much contiguous, permanently undeveloped open space and native vegetation as
13 reasonably possible when considering all standards in this chapter.

14 8. Restrictions.

- 15 a. The size of a cottage dwelling may not be increased beyond the maximum floor area
16 in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property
17 notifying future property owners of the size restriction.

18 **SECTION 4.** Section 18.2.3.180 [Manufactured Housing Developments – Special Use
19 Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

20 **18.2.3.180 Manufactured Housing Developments**

21 **A. Purpose.** The purpose of this section is to encourage the most appropriate use of land for
22 manufacturing housing development purposes, to encourage design standards which will
23 create pleasing appearances, to provide sufficient open space for light, air, and recreation,
24 to provide adequate access to and parking for manufactured housing sites, and to refer
25 minimum utility service facilities to appropriate City codes.

26 **B. General Provisions.**

- 27 1. Manufactured housing development may be located or relocated only in R-1-3.5 and R-2
28 zones.
- 29 2. No manufactured housing developments may be located, relocated, or increased in size
30 or number of units within any other zone.
3. No manufactured housing developments may be located within the Historic District
Overlay.
4. Manufactured housing developments shall be subject to regulations of this chapter and
shall be located only on sites approved for use under the provisions of such chapter. No
person shall establish, operate, manage, maintain, alter, or enlarge any manufactured
housing development contrary to the provisions of this ordinance.
5. In addition to the requirements of this chapter, all manufactured housing developments
shall conform to the regulations of ORS 446, together with such administrative rules as

1 may be adopted from time to time, except where such regulations are exceeded by the
2 requirements of this chapter, in which case the more stringent requirements shall apply.

3 **C. Procedure for Approval.** The procedure for approving a manufactured home development
4 is the same as for the Performance Standards Option (Outline Plan and Final Plan),
pursuant to chapter 18.3.9.

5 **D. Manufactured Housing Development Design Standards.**

- 6 1. Minimum Court Size. A manufactured housing development shall occupy a site of not
7 less than one acre in size.
- 8 2. Density. The maximum density permitted shall be eight manufactured housing units per
9 acre of developed court area. Manufactured housing which is 14 feet wide or less, or
10 which is less than 800 square feet in size will count as 0.75 units for this calculation.
- 11 3. Manufactured Housing Sites or Lots. All manufactured housing sites or lots must be at
12 least 2,000 square feet in size, at least 35 feet wide, and at least 40 feet deep.
- 13 4. Lot Coverage. Maximum lot coverage of any individual manufactured housing lot or site
14 shall be 65 percent in the R-2 zone and 55 percent in the R-1-3.5 zone. In addition, the
15 general lot coverage requirements of the parent zone shall also be complied with for the
16 entire project site.
- 17 5. Setbacks.
 - 18 a. *Exterior Setbacks.* Manufactured housing sites along the exterior boundary of the
19 court shall have the same setbacks as required in the parent zone, and no less than
20 a minimum of five feet from a property boundary line.
 - 21 b. *Interior Front Yard Setbacks.* There shall be a front yard on each manufactured
22 home lot or space of at least ten feet.
 - 23 c. *Interior Side and Rear Yard Setbacks.* There shall be side or rear yards of at least
24 five feet. There shall be a minimum separation of ten feet between manufactured
25 housing units.
- 26 6. Street Standards. Public streets shall comply with the design standards contained in
27 chapter 18.4.6. Private streets shall be a minimum of 20 feet in width, and constructed to
28 the same standards as specified for an alley. A private street may be a dead-end street
29 no more than 300 feet in depth from a higher order road. Adequate turn-around shall be
30 provided according to standards established by the Planning Commission.
7. Sidewalk Standards. Every manufactured housing development shall have a permanent
pedestrian walkway at least 48 inches wide connecting all manufactured housing units to
public or private streets, common open spaces, **recreational areas, parks,** and
commonly-owned buildings and facilities.
8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with
one off-street parking space on each manufactured housing site, setback 20 feet from
the street. In addition, guest parking facilities of one parking space for each
manufactured housing site shall also be provided on the project site, within 200 feet of
the units they are intended to serve, either adjacent to the road or in a off street parking
lot. Parking space construction, size, landscaping, and design requirements shall be

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according to chapters 18.4.3 and 18.4.4.

9. Utilities. Provisions for electric, water, and sanitary service shall be made in accordance with established City procedures and law, including number, size, quality, and location of fixtures, connections, and facilities. Telephone and electric lines shall be placed underground.

10. Landscaping.

a. All areas of the development not occupied by paved roadways, pathways, parking areas, or not occupied by other facilities shall be landscaped. Areas that contain significant natural vegetation may be left in a natural state, if approved on the final landscaping plans.

b. Manufactured housing developments located in an R-1-3.5 zone shall have 45 percent of the entire site landscaped. Developments located in the R-2 zone shall have 35 percent of the entire site landscaped.

11. Fencing. Fencing shall comply with all fencing requirements as per section 18.4.4.060.

12. Common Open Space. All developments are required to provide a minimum of five percent of the total lot area in common open space.

13. Play Area. If the manufactured housing development accommodates children less than 14 years of age, a separate general play area a minimum of 2,500 square feet in size, or 100 square feet of play area per unit, whichever is greater, shall be provided.

E. Manufactured Housing Unit Standards. All manufactured housing units located in approved manufactured housing developments shall comply with all of the following requirements.

- 1. Manufactured housing units shall be a minimum of 650 square feet in size.
- 2. Manufactured housing units shall be at least 12 feet wide.
- 3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.
- 4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered open spaces openings except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.
- 5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone, and storm drainage, with easements dedicated where necessary.
- 6. Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the building code for single-family detached homes.
- 7. Manufactured housing units shall have a deck or patio area adjacent to the home. The deck or patio shall be constructed of a permanent material and shall be at least 80

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square feet in size, with a minimum width of eight feet in its least dimension.

- 8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least 20 feet from the street.
- 9. Notwithstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Building Official.

F. Storage and Temporary Occupancy of Manufactured Homes.

- 1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.
- 2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.
- 3. For temporary occupancy of a manufactured housing unit, see subsection 18.2.2.030.H.3.

G. Nonconforming Manufactured Housing Developments. Notwithstanding the provisions of chapter 18.1.4 Nonconforming Situations, manufactured housing development and an individual manufactured housing unit utilized for living purposes on the effective date of this ordinance or of amendments thereto, which do not conform to the regulations of this chapter, shall be deemed to be nonconforming and may be continued, subject to the following regulations.

- 1. Routine maintenance and repairs may be performed within the manufactured housing development or upon individual manufactured housing units.
- 2. No nonconforming manufactured housing development shall be enlarged, remodeled, or modernized except in conformance with all requirements of this chapter, except that an area of less than two acres for a development to be enlarged, remodeled, or modernized may be approved through the conditional use permit procedure contained in this ordinance.
- 3. No manufactured housing unit shall be located on the site of, or substituted for, a nonconforming manufactured housing unit, the use of which has been discontinued, except within a manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, issued prior to the effective date of this chapter. Relocation of existing units within the Ashland Urban Growth Boundary is exempted as provided in subsection 18.2.3.180.E.9.
- 4. If a nonconforming manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, ceases operation for a period of six months or more, said development shall be considered abandoned and shall be reinstated only in conformance with the requirements of this chapter.

H. Special Conditions. For the mitigation of adverse impacts, the City may impose conditions, including, but not limited to, requiring view-obscuring shrubbery, walls, or fences, and

1 requiring retention of specified trees, rocks, water ponds or courses, or other natural
2 features.

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4 **SECTION 5.** Section 18.2.3.190 [Marijuana-Related Uses – Special Use Standards] of the
5 Ashland Land Use Ordinance is hereby amended to read as follows:

6 **18.2.3.190 Marijuana-Related Uses**

7 **A. Homegrown Marijuana Cultivation.** Where homegrown marijuana cultivation is allowed, it
8 shall meet all of the following requirements. See definition of homegrown marijuana
cultivation in part 18-6.

- 9 1. Primary Residence. The resident grower must live on the property where the cultivation
10 of homegrown marijuana is located and that same property must be the primary
11 residence of the resident grower.
- 12 2. Related Activities. Any drying, keeping, storage, or processing of homegrown marijuana
13 shall be located inside the dwelling unit or an accessory structure and shall not be
14 located outdoors.
- 15 3. Homegrown marijuana cultivation and any related activities must meet all applicable
16 Oregon Revised Statutes and Oregon Administrative Rules.
- 17 4. Outdoor Cultivation. Up to four marijuana plants per lot for recreational marijuana or up
18 to six marijuana plants per lot for medical marijuana are allowed to be grown outdoors in
19 accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules
20 including the requirement to obtain and display a medical marijuana grow site
21 registration card in ORS 475.320(2)(B)(d). Outdoor homegrown marijuana cultivation
22 shall meet all of the following requirements.
 - 23 a. Locate marijuana plants so the plants are not visible from a public place, public street
24 or any area that the general public has access (e.g., schools, playgrounds, parks,
25 ~~commonly-owned~~ open space, pedestrian and bicycle paths and trails). Marijuana
26 plants shall not be located in a front yard.
 - 27 b. Screen marijuana plants to limit view and access from adjacent residential properties
28 with a solid wood fence or masonry wall. Any access points to the cultivation area
29 must be secured at all times to prevent unauthorized access. For fence and wall
30 design requirements, see section 18.4.4.060.
 - c. *Dimensional Standards.* Marijuana plants grown in outdoor cultivation areas shall
meet all of the following dimensional standards including Table 18.2.3.190.4.c.
 - i. Locate cultivation area closer to the primary residence of the resident grower
than to dwellings on adjoining properties or to dwellings in the same multifamily
development.
 - ii. Marijuana plants may be located in one cultivation area or in separate cultivation
areas throughout a yard.

1 **Table 18.2.3.190.4.c Outdoor Cultivation Dimensional Standards for Homegrown Marijuana¹**

2 Number of Marijuana Plants per Lot²	3 Maximum Cultivation Area Allowed per Lot³	4 Maximum Marijuana Plant Height⁴	5 Minimum Setback from Any Property Line	6 Minimum Setback from Dwellings on Adjoining Properties⁵
7 6 or fewer plants	8 50 square feet	9 10 Feet	10 10 feet	11 20 feet

12 ¹Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for homegrown marijuana.

13 ²Up to four plants for recreational marijuana or six plants for medical marijuana may be grown outdoors.

14 ³All parts of a marijuana plants that are visible above the ground level shall be contained within the perimeter of the cultivation area. Where plants are located separately, the combined total of the individual cultivation areas shall not exceed the maximum cultivation area.

15 ⁴Marijuana plants shall not exceed ten feet in height from the top of the average surrounding grade.

16 ⁵Marijuana plants must also be located the setback distance from any multifamily dwelling unit within a multifamily development.

- 17 d. *Multi-Family Development.* Homegrown marijuana may be cultivated outdoors on a lot containing multi-family dwellings in conformance with the requirements of subsection 18.2.3.190.A and provided all of the following requirements are met.
- 18 i. The property owner provides written notification to all residents of the development and to the City that verifies the cultivation of marijuana plants will comply with the requirements of subsection 18.2.3.190.A. The written notification shall include the following information.
- 19 1. Property owner, property manager, or home owner association representative contact information including the name, address, and phone number(s).
 - 20 2. Contact information for an onsite resident designated as the primary responsible party for the marijuana plants and maintenance. Contact information shall include the name, address, and phone number of the responsible party.
 - 21 3. The City requirements for the outdoor cultivation of marijuana including the maximum number of plants per lot and the requirements of subsection 18.2.3.190.A.

22 5. Indoor Cultivation.

- 23 a. *Building Code.* Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with marijuana cultivation shall satisfy the Building Code requirements and obtain all required building permits prior to installation. See section 18.2.5.040 Accessory Buildings and Structures.

- b. *Light and Glare.* Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation to the interior of the structure.
- c. No dwelling unit shall be used primarily as a place to cultivate marijuana. Vacant or uninhabited dwelling units shall not be used for marijuana cultivation.

B. Marijuana-Related Businesses.

1. Marijuana-related businesses may require Site Design Review under chapter 18.5.2 or a Conditional Use Permit under chapter 18.5.4. See Table 18.2.2.030 – Uses Allowed by Zone for zones where marijuana-related businesses are allowed. See definition of marijuana-related businesses in part 18.6. Marijuana-related businesses shall meet all of the following requirements.
 - a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.
 - b. Any modifications to the subject site or exterior of a building housing the business must be consistent with the Site Design Use Standards, and obtain Site Design Review approval if required by section 18.5.2.020. Security bars or grates on windows and doors are prohibited.
 - c. The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.
 - d. *Light and Glare.* Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation so as to confine light and glare to the interior of the structure. Grow light systems within a greenhouse are prohibited.
 - e. *Building Code.* Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the Building Code requirements and obtain all required building permits prior to installation.
 - f. *Methodology for Measuring Separation Requirements.* The following methodology shall be used for marijuana related- businesses that are required to be separated by a specific distance (i.e., marijuana production facility, marijuana wholesale facility, marijuana retail outlet). For the purposes of determining the distance between a marijuana related-business and another marijuana-related business, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of an approved marijuana related- business to the closest point anywhere on the premises of a proposed marijuana-related business of the same type. If any portion of the premises of a proposed marijuana related-business is within 1,000 feet of an approved marijuana related business of the same type, it may not be approved. For the purpose of this section, premises is all public and private enclosed areas within a

1 building at the location that are used in the business operation, including offices,
2 kitchens, rest rooms, and storerooms.

3 g. The property owner shall record a declaration which waives any claim or right to hold
4 the City liable for damages they or a tenant may suffer from state or federal
5 enforcement actions for activities the City permits as a result of its approval of the
6 proposed use or development once such approval is granted. Furthermore, the
7 owner and tenant agree not to unreasonably disobey the City's order to halt or
8 suspend business if state or federal authorities order or otherwise subject the City to
9 enforcement to comply with laws in contradiction to the continued operations of the
10 business as permitted under section 18.2.3.190.

11 h. A marijuana-related business must obtain an approved license or registration from
12 the State of Oregon and meet all applicable Oregon Revised Statutes and Oregon
13 Administrative Rules.

14 2. Marijuana Laboratories, Processing, Production, and Wholesale. In addition to the
15 standards described in subsection 18.2.3.190.B.1, above, marijuana laboratories,
16 processing, production, and wholesale shall meet the following requirements as
17 applicable. See definition of marijuana processing and production in part 18.6.

18 a. Marijuana laboratories, processing, production, and wholesale shall be located 200
19 feet or more from residential zones.

20 b. *Marijuana Production.*

21 i. Marijuana production shall be limited to 5,000 square feet of gross leasable floor
22 area per lot.

23 ii. A marijuana production facility shall be located more than 1,000 feet from
24 another marijuana production facility. See subsection 18.2.3.190.B.1.f for
25 methodology for measuring the required distance between marijuana related-
26 businesses.

27 c. *Marijuana Wholesale.* A marijuana wholesale facility shall be located more than
28 1,000 feet from another marijuana wholesale facility. See subsection 18.2.3.190.B.1.f
29 for methodology for measuring the required distance between marijuana related-
30 businesses.

3. Marijuana Retail Sales. In addition to the standards described above in subsection
18.2.3.190.B.1, marijuana retail sales shall meet the following requirements. See
definition of marijuana retail sales in part 18.6.

a. *Location.*

i. Marijuana retail sales are allowed if located on a property with a boundary line
adjacent to a boulevard.

ii. Marijuana retail sales, except as allowed above in subsection 18.2.3.190.B.3.a.i,
must be located 200 feet or more from a residential zone and are subject to a
Conditional Use Permit under chapter 18.5.4.

iii. Marijuana retail sales are not permitted in the Downtown Design Standards
Zones.

iv. A marijuana retail sales outlet shall be located more than 1,000 feet from another marijuana retail sales outlet. Medical and recreational marijuana retail sales do not need to be separated by 1,000 feet if located together in one building if the configuration meets all applicable Oregon Revised Statutes and Oregon Administrative Rules. No more than two registrations or licenses issued by the State of Oregon (e.g., a medical dispensary registration and a recreational sales license) may be located in one building. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.

c. *Drive-up Use.* The marijuana retail sales outlet must not include a drive-up use.

SECTION 6. Section 18.2.3.200 [Multiple-Family Rental Unit Conversion to For-Purchase Units – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.200 Multiple-Family Rental Unit Conversion to For-Purchase Units

- A.** Section 18.2.3.200 applies to existing multiple-family rental units, which for the purpose of this section, are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to November 3, 2007 (Ord. 2942).
- B.** Multi-family rental units constructed after November 3, 2007 are not subject to the provisions of this section.
- C.** Conversion of existing multiple-family dwelling rental units into for-purchase units, including the demolition of existing multiple-family dwelling rental units, is subject to the following.
 - 1. Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table 18.2.3.200.C.1, provided the existing structure meets the following regulations of the applicable zone: permitted density, yard requirements, maximum height, maximum lot coverage, **outdoor recreation open** space, maximum permitted floor area, waste enclosures, parking, and bike storage.

Table 18.2.3.200.C.1: Conversion of Multiple-Family Rental Units to For-Purchase Units				
Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	100%	0%	0%	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0%	0%	100%	0%

- 1 2. Where an existing multiple-family dwelling structure does not meet the regulations of the
 2 applicable zone, as listed in subsection 18.2.3.200.C.1, rental units may be converted to
 3 for-purchase units, as set forth in Table 18.2.3.200.C.2 and the standards below:
- 4 a. Conversion of existing multiple-family structures to for-purchase housing shall
 5 comply with the following general regulations and the site development and design
 6 standards in part 18.4: number of bike and automobile parking spaces, trash, and
 7 recycling enclosures.
 - 8 b. Conversion of existing multiple-family structures to for-purchase housing shall
 9 demonstrate that there are adequate public facilities and public services available to
 10 serve the development, including but not limited to water, sewer, electric, fire
 11 protection, and storm drainage.
 - 12 c. Conversion of existing multiple-family structures to for-purchase housing shall
 13 improve the street frontage to meet adopted the applicable design standards of this
 14 ordinance, including landscaping, sidewalks and street trees, pursuant to part 18.4.

15 **Table 18.2.3.200.C.2: Conversion of Nonconforming Multifamily Dwelling Rental Units
 16 to For-Purchase Units**

17 Number of Dwelling Units on Tax Lot	18 Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	75%	25%	0%	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0%

- 19 3. As an incentive to provide affordable rental housing units above minimum requirements
 20 in projects of five or more units, an applicant shall be granted an equal percentage of for-
 21 purchase ownership units per Table 18.2.3.200.C.3.

22 **Table 18.2.3.200.C.3: For-Purchase Unit Bonus Where Affordable Units Exceed
 23 Minimum**

24 Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
25 2-4	na	na	na	na
26 5-12	68.75%	na	0%	31.25%
27 13-24	62.50%	na	0%	37.50%
28 25-48	56.25%	na	0%	43.75%
29 48+	50.00%	na	0%	50.00%

- 30 4. Units designated as market rate or affordable rental units shall be retained as one
 condominium tract under one ownership. This remaining rental tract shall be restricted
 from further consideration of conversion to for-purchase housing.

5. Affordable Housing Units provided under 18.2.3.200.C.2 and 18.2.3.200.C.3 shall meet the following affordability standards:
 - a. Affordable Rental Units shall be affordable for rent by households earning at or below 60 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
 - b. Affordable Ownership Units shall be affordable for purchase by households earning at or below 80 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
6. Prior to offering any units for sale the developer must comply with AMC 15.04.
7. Conversion of existing rental units into for-purchase housing shall comply with AMC 10.115.

SECTION 7. Section 18.2.5.030 [Unified Standards for Residential Zones – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.5.030 Unified Standards for Residential Zones

A. Standards for Urban Residential Zones. Table 18.2.5.030.A contains standards for the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are contained in subsections 18.2.5.030.B and 18.2.5.030.C.

Table 18.2.5.030.A – Standards for Urban Residential Zones						
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)						
Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Residential Density (dwelling units/acre) - Minimum - Maximum See also Sec. 18.2.5.080, for R-2 and R-3 zones	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	See density standards in Sec. 18.2.5.080	
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf, 6,000 sf for corner lots	5,000 sf ¹	See density standards in Sec. 18.2.5.080	

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
¹ Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure.						
Lot Width – Minimum (feet)	75 ft ²	65 ft ²	50 ft ²	50 ft ²	50 ft	50 ft
² Width shall not exceed depth						
Lot Depth (feet)						
- Minimum	80 ft	80 ft	80 ft	80 ft	80 ft	80 ft
- Maximum ³	150 ft	150 ft	150 ft	250% of width	250% of width	250% of width
³ Does not apply to Partitions						
Standard Yards – Minimum ⁴ (feet)						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch ⁵	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
- Front – Garage Opening	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Standard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Side – Corner Lot Adjacent to Street	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Single-Story Building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story
⁴ See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.						
⁵ For setback, or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch; in the Historic District Overlay unenclosed porch provisions do not apply, and the minimum front yard is 20 ft.						
⁶ Does not apply to a side yard adjacent to an alley.						

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Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Building Separation, On Same Site – Minimum	NA ⁷	NA ⁷	NA ⁷	NA ⁷	½ the height of the tallest building, where building height is measured at the two closest exterior walls; maximum separation required is 12 ft ⁸ (see Figure 18.3.9.070.B)	
⁷ Except as required under chapter 18.3.9 Performance Standards Option. ⁸ Except as required by building code; accessory structures are exempt from this requirement and subject to applicable building code requirements.						
Building Height – Maximum ⁹ (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft				35 ft or 2 ½ stories, except up to 50 ft with CU permit approval	
⁹ See figure in the definition of “height of building” in section 18.6.1.030.						
Lot Coverage – Maximum ¹⁰ (% of lot area)	40%	45%	50%	55%	65%	75%
¹⁰ A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas. ¹¹ Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.						
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Outdoor Recreation Open Space - Minimum (% of site area) ¹¹ ¹² See chapter 18.3.9 for additional common open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

B. Woodland Residential Zone. Standards for the Woodland Residential (WR) zone follow:

Table 18.2.5.030.B – Standards for Woodland Residential (WR) Zone

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Minimum Lot Area and Maximum Density	Slope	Min. Lot Size	DU/Acre
<i>Limits on density transfer.</i> All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18.3.9. Not more than 25% of the density allowed in a WR zone may be transferred to a higher density zone in a Performance Standard Options development.	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum ¹ (% of lot area)	7%		
¹ A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.			
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards – Minimum ² (feet)			
- Front – Standard	20 ft		
- Side – Standard, except:	6 ft		
- Side – Corner-Street/Alley Side	10 ft		
- Rear – Single-Story Building	10 ft		
- Rear – Multi-Story Building	10 ft per Bldg Story		
² See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

C. Rural Residential Zone. Standards for the Rural Residential (RR) zone follow:

Table 18.2.5.030.C – Standards for Rural Residential (RR) Zone

(Except as modified under chapter 18.5.5 and Variances or chapter 18.3.9 Performance Standards Option.)

Minimum Lot Area and Maximum Density ¹	Zone	Min. Lot Size*
See also 18.2.5.080 Residential Density.	RR-.5	0.5 acre
	RR-1	1 acre
	RR-2.5	2.5 acres
¹ The minimum lot size depends on the topographic nature, service availability, surrounding land uses, and other relevant characteristics of the area.		
Lot Coverage – Maximum (% of lot area) ²	Lot Type	Lot Coverage
	RR-.5	20%
	RR-1	12%
	RR-2.5	7%
² A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.		
Lot Width - Minimum (feet)	100 ft	
Lot Depth - Minimum and Maximum (feet)	150 ft and not more than 300% of width	
Standard Yards – Minimum ³ (feet)		
- Front – Standard	20 ft	
- Side – Standard, except:	6 ft	
- Side – Corner-Street/Alley Side	10 ft	
- Rear – Single-Story Building	10 ft	
- Rear – Multi-Story Building	10 ft per Bldg Story	
³ See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.		
Maximum Building Height	35 ft or 2 ½ stories, whichever is less; except the height of agricultural structures is not limited, when the structure is placed 50 feet or more from all property lines.	

SECTION 8. Section 18.3.2.060 [Site Development and Design Standards - Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.060 Site Development and Design Standards

B. Site and Building Design Standards. The Croman Mill District Design Standards provide specific requirements for the physical orientation, uses, and arrangement of buildings; the management of parking; and access to development parcels. Development located in the Croman Mill District shall be designed and constructed consistent with the following design standards. Additional design standards apply and are specified for developments located adjacent to an active edge street, or that are located within the NC, MU, and OE zones. A site layout, landscaping, or building design in a manner inconsistent with the Croman Mill District Design Standards requires a minor amendment in accordance with subsection 18.3.2.030.B.

- Building Orientation and Scale – General Requirements. The following standards apply to all buildings, except the Staff Advisor may waive one or more of the following where a

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building is not adjacent to an active edge street and is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices.

- a. Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk.
- b. All front doors must face streets and walkways. Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.
- d. Buildings on corner lots shall be located as close to the intersection corner as practicable.
- e. Public sidewalks shall be provided adjacent to a public street along the street frontage.
- f. Building entrances shall be located within ten feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings where this standard is met by other buildings. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.
- g. Automobile circulation or parking shall not be allowed between the building and the right-of-way.
- h. Buildings shall incorporate lighting and changes in mass, surface or finish giving emphasis to entrances.

2. Building Orientation and Scale – Additional Requirements Adjacent to Active Edge Street or Within NC, MU or OE Zones. Where development is adjacent to an active edge street as illustrated in Figure 18.3.2.060.B.2 or is within a NC, MU or OE zones, it shall conform to all of the following standards.

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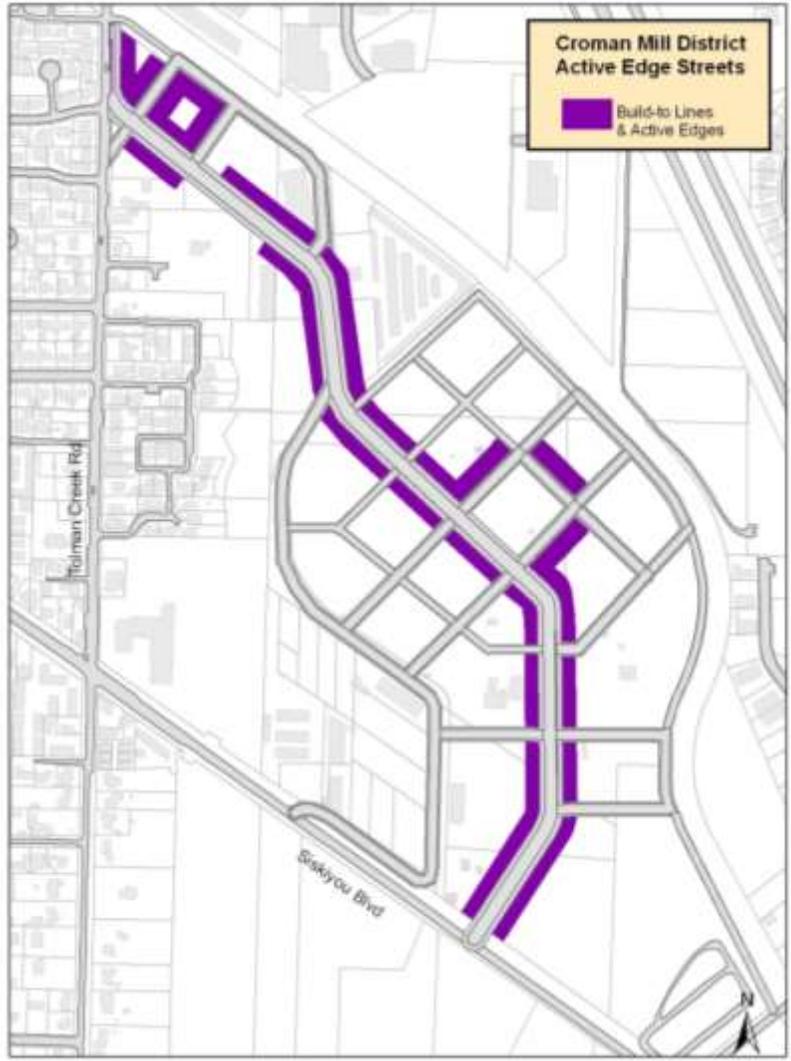


Figure 18.3.2.060.B.2
Active Edge Streets

- a. Buildings shall be setback not more than ten feet from a public sidewalk unless addition setback area is used for pedestrian entries, such as alcoves, or for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within ten feet of the sidewalk.
- b. Building frontages greater than 100 feet in length shall have offsets, jogs or have other distinctive changes in the building façade.
- c. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.
- d. Buildings shall incorporate display areas, windows, and doorways as follows. Windows must allow view into working areas or lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited.

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- e. At least 50 percent of the first-floor façade is comprised of transparent openings (clear glass) between three and eight feet above grade.
- 3. Building Orientation for Within the NC, MU, and OE Zones, and Not Adjacent to an Active Edge Street. Any wall that is within 30 feet of the street, plaza or other **public park or common** open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.
- 4. Parking Areas and On-Site Circulation. Except as otherwise required by this chapter, automobile parking, loading, and circulation areas shall comply with the requirements of chapter part 18.4 Site Development and Design Standards and the following standards.
 - a. Primary parking areas shall be located behind buildings with limited parking on one side of the building, except that parking shall be located behind buildings only where development is adjacent to an active edge street or is within a NC, MU or OE zone.
 - b. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.
 - c. *Maximum On-Site Surface Parking.* After a parking management strategy for the Croman Mill District is in place, a maximum of 50 percent of the required off-street parking can be constructed as surface parking on any development site. The remaining parking requirement can be met through one or a combination of the credits for automobile parking in chapter 18.4.3 Parking, Access, and Circulation.
- 5. Streetscapes. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street. Street trees shall meet the standards of section 18.4.4.030 Landscaping and Screening. Developments adjacent to active edge streets, or within NC, MU, and OE zones shall utilize hardscape (paving material) to designate people areas. Sample materials could be unit masonry, scored and colored concrete, pavers, or combinations of these materials.
- 6. Building Materials. Buildings may not incorporate glass as a majority of the building skin, and bright or neon paint colors used extensively to attract attention to the building or use are prohibited.
- 7. Building Height Standards. All buildings shall have a minimum height, as indicated in the Building Height Requirements map and Table 18.3.2.050 Croman Mill Dimensional Standards, and shall not exceed the maximum height standards in that table, except as approved under subsection 18.3.2.060.C.
 - a. *Street Wall Height.* Maximum street wall façade height for the Croman Mill District for all structures located outside the Residential Buffer Zone is 50 feet.
 - b. *Upperfloor Setback.* Buildings taller than 50 feet must step back upper stories, beginning with the fourth story, by at least six feet measured from the façade of the street wall facing the street, alleyway, **public park or common** open space.
 - c. *Residential Buffer Zone.* All buildings in the Croman Mill District within the Residential Buffer Zone (see Figure 18.3.2.060.B.7.c) shall meet the following height

standards.

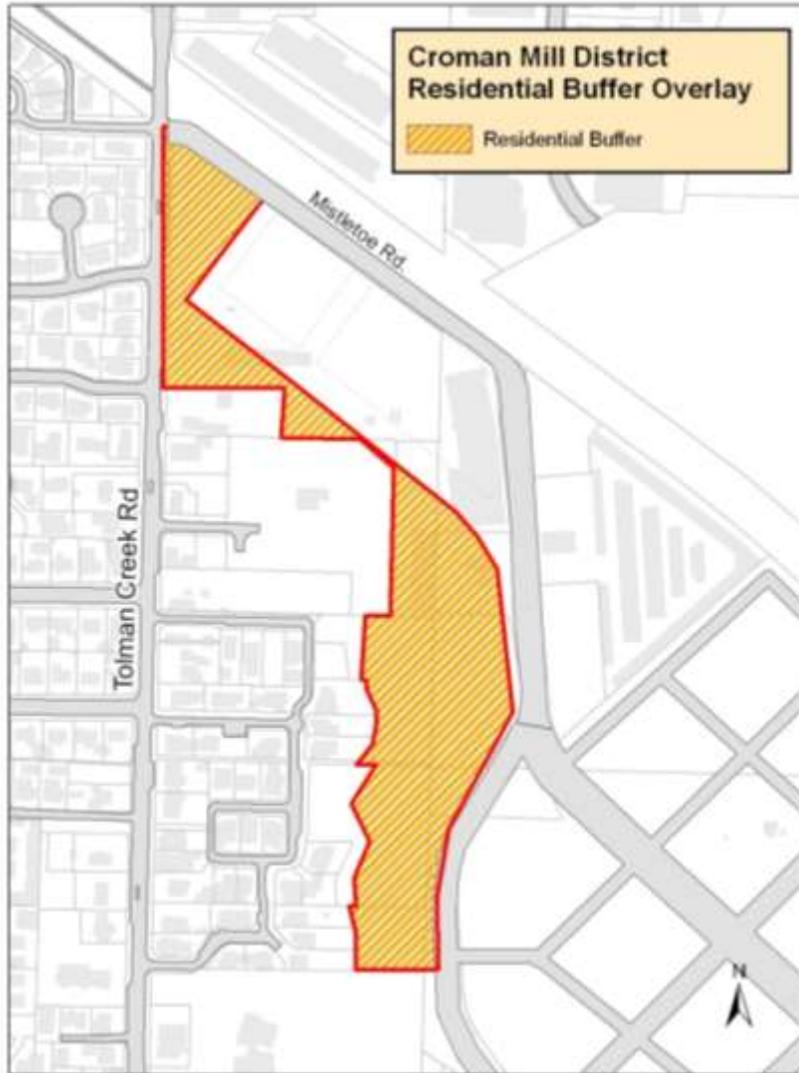


Figure 18.3.2.060.B.7.c
Residential Buffer Zone

- i. Maximum Height. The maximum height allowance without a performance standards bonus for all structures within the Residential Buffer Zone is 35 feet in the NC zone and 40 feet in the MU zone, and the maximum height with a bonus is 40 feet in accordance with subsection 18.3.2.060.C.13.
 - ii. Upper Floor Setback Requirements. Buildings taller than two stories must step back the third story by at least six feet measured from the façade facing the street, alleyway, public park or common open space.
8. Design of Large-Scale Buildings. For buildings located adjacent to active edge streets, or within NC, MU, and OE Zones, the following architectural standards apply to buildings with a gross floor area greater than 10,000 square feet, a façade length in excess of 100 feet, or a height taller than 45 feet.
- a. On upper floors, use windows and/or architectural features that provide interest on all

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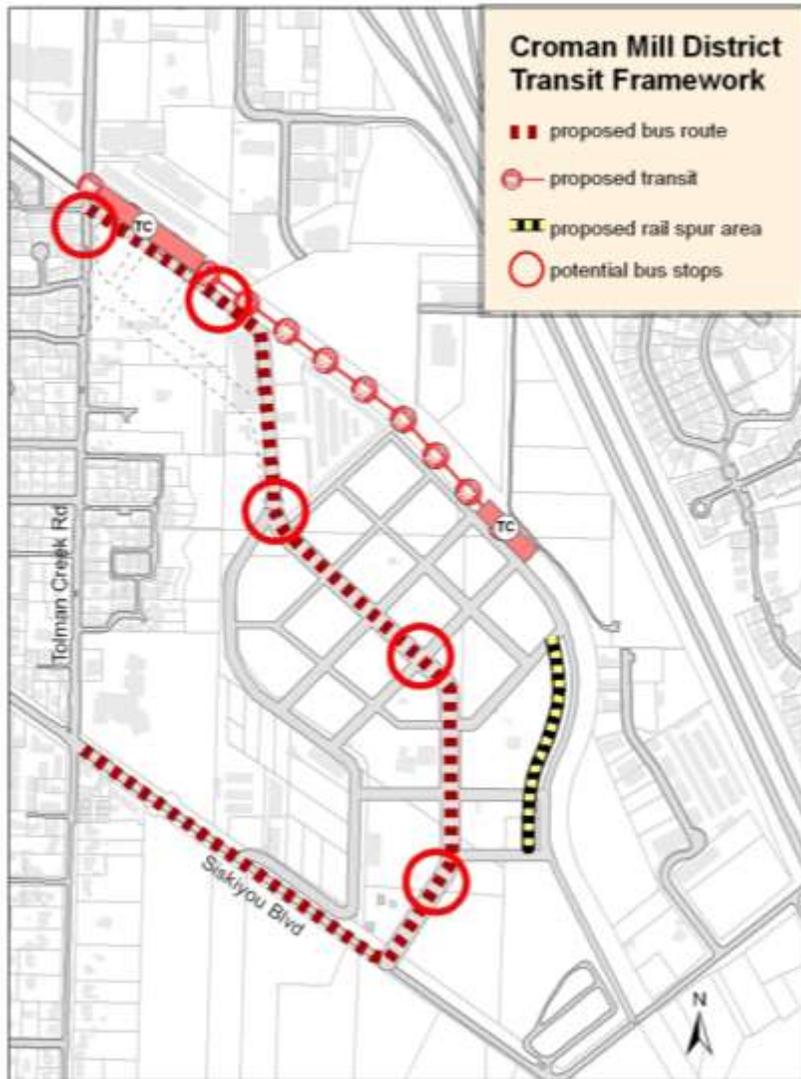
four sides of the building.

- b. Use recesses and projections to visually divide building surfaces into smaller scale elements.
 - c. Use color or materials to visually reduce the size, bulk, and scale of the building.
 - d. Divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
 - e. On-site circulation systems shall incorporate a streetscape containing curbs, sidewalks, pedestrian-scale light standards and street trees.
9. Landscaping. In addition to the requirements of chapter 18.4.4 Landscaping, Lighting, and Screening, development shall conform to the following standards.
- a. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.
 - b. Landscaping design shall utilize a variety of low water use deciduous and evergreen trees, shrubs, and flowering plant species as described in subsection 18.4.4.030.I.
 - c. For developments in the CI zone and not adjacent to an active edge street, buildings adjacent to streets shall be buffered by landscaped areas at least ten feet in width, unless the area is used for entry features such as alcoves or as hardscape areas for pedestrian activities such as plazas or outside eating areas.
 - d. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.
 - e. Landscaping shall be designed so that 50 percent coverage occurs after one year and 90 percent coverage occurs after five years.
 - f. Irrigation systems shall be installed to ensure landscaping success.
10. Lighting. Development shall provide adequate lighting, including pedestrian-scale lighting not greater than 14 feet in height along pedestrian pathways. All lighting shall conform to section 18.4.4.050 Outdoor Lighting.
11. Screening Mechanical Equipment. In addition to meeting the requirements of chapter 18.4.4 Landscaping, Lighting, and Screening all development shall conform to the following standards.
- a. Screen rooftop mechanical equipment from public rights-of-way or adjacent residentially zoned property through extended parapets or other roof forms that are integrated into the overall composition of the building.
 - b. Parapets may be erected up to five feet above the height limit specified in the district in accordance with section 18.3.2.050 Dimensional Standards.
 - c. Screen ground floor mechanical equipment from public rights-of-way and adjacent residentially zoned property.
 - d. Solar energy systems are exempt from the screening requirements in subsections 18.3.2.060.B.11.a and 18.3.2.060.B.11.c, above. Additionally, rooftop solar energy

1 systems may be erected up to five feet above the calculated building height, and
2 shall be no greater than five feet above the height limit specified in the district in
3 accordance Table 18.3.2.050 Dimensional Standards.

- 4 e. Installation of mechanical equipment requires Site Design Review approval, unless
5 otherwise exempted per chapter 18.5.2 Site Design Review.

6 12. Transit Facilities Standards. The location of planned transit routes within the Croman Mill
7 District shall be defined according to the Croman Mill District Transit Framework map
8 (see Figure 18.3.2.060.B.12) in collaboration with the local transit authority. Transit
9 service facilities such as planned bus rapid transit facilities, shelters, and pullouts shall
10 be integrated into the development application consistent with the following standards.



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29 **Figure 18.3.2.060.B.12**
30 **Transit Framework**

- a. All large scale development located on an existing or planned transit route shall
accommodate a transit stop and other associated transit facilities unless the
Community Development Director determines that adequate transit facilities already

1 exist to serve the needs of the development; or

- 2 b. Provide the City with a bond or other suitable collateral ensuring satisfactory
3 completion of the transit facilities at the time transit service is provided to the
4 development. Suitable collateral may be in the form of security interest, letters of
5 credit, certificates of deposit, cash bonds, bonds or other suitable collateral as
6 determined by the City Administrator.

7 **13. Freight Rail Spur Easement – CI zone**

- 8 a. A Rail Spur easement a minimum of 500 feet in length by 25 feet in width shall be set
9 aside at the approximate location in the Transit Framework Map in Figure
10 18.3.2.060.B.12 (see also, easement area in Figure 18.3.2.060.B.13.a).



19 **Figure 18.3.2.060.B.13.a**
20 **Freight Rail Spur**

- 21 b. No buildings or permanent structures can be established within the spur easement
22 so not to preclude installation of a rail spur for freight loading and unloading.
23 c. Buildings adjacent to the reserve strip shall be designed and configured to permit
24 loading and unloading.

25 **14. Commuter Rail Platform Easement – NC Zone**

- 26 a. A commuter rail platform easement or designated railroad right-of-way a minimum of
27 400 feet in length and 25 feet in width shall be set aside at the approximate location
28 presented on the Transit Framework map (see also, easement area in Figure
29 18.3.2.060.B.14.a).
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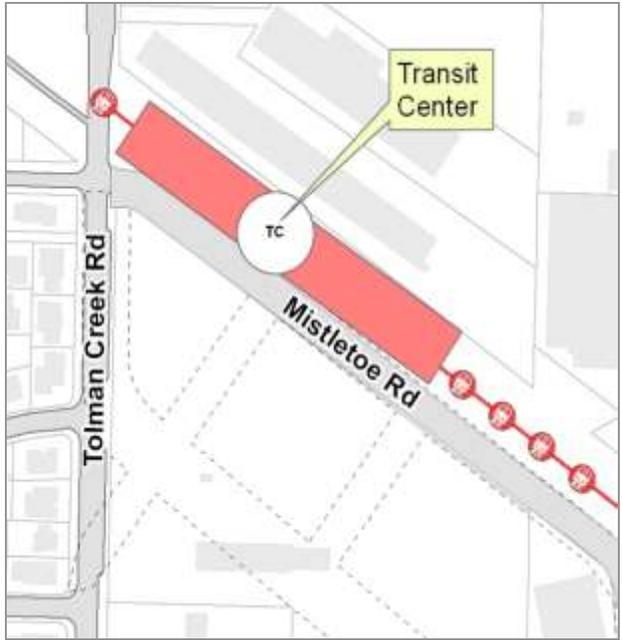


Figure 18.3.2.060.B.14.a
Transit Center

- b. No building or permanent structure shall be placed within the platform easement or in such a way as to preclude installation of a commuter rail platform or planned bus rapid transit facility.
 - c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.
15. Transit Plaza. A location for the transit plaza shall be reserved between the commuter rail platform and commercial uses along the central boulevard. The design of the plaza as illustrated in Figure 18.3.2.060.B.15 shall include the following elements.
- a. A passenger waiting, loading, and unloading area.
 - b. Outdoor gathering space adjacent to commercial uses.
 - c. Accommodate the central bike path.
 - d. Conveniently located and secure bike parking.



Figure 18.3.2.060.B.15
Transit Plaza

16. **Open spaces—Central Park.** The purpose of the central park is to serve as a public amenity and accommodate the daily needs of employees (e.g., breaks, lunch time) as well as for special events that will attract residents citywide. The central park design as illustrated in Figure 18.3.2.060.B.16 shall provide a minimum of the following elements.



Figure 18.3.2.060.B.16
Central Park

- a. Circulation through and around the **central** park.
- b. A centrally located hardscape area to accommodate large gatherings, and of no more than 50 percent of the total **central** park area.
- c. Street furniture, including lighting, benches, low walls, and trash receptacles along walkways and the **central** park perimeter.
- d. Simple and durable materials.
- e. Trees and landscaping that provide visual interest with a diversity of plant materials.

- 1 f. Irregular placement of large-canopy trees within passive areas adjacent to the
- 2 central boulevard.
- 3 g. Eight-foot minimum sidewalk width and seven-foot minimum park row width.
- 4 h. Landscaped swales to capture and treat runoff.
- 5 i. Porous solid surfacing for at least 50 percent of the hardscape area, and paving
- 6 materials that reduce heat absorption (Solar Reflective Index (SRI) of at least 29).
- 7 17. Compact Development. New development shall provide a compact development pattern.
- 8 This standard is met where the site layout enables future intensification of development
- 9 and changes to land use over time, as applicable. The following measures shall be used
- 10 to demonstrate compliance with this standard.
- 11 a. The development achieves the required minimum floor area ratio (FAR) and
- 12 minimum number of stories, or shall provide a shadow plan that demonstrates how
- 13 development may be intensified over time for more efficient use of land and to meet
- 14 the required FAR and minimum number of stories.
- 15 b. Opportunities for shared parking are utilized.

14 **SECTION 9.** Section 18.3.2.070 [Open Space Zone - Croman Mill District] of the Ashland Land
 15 Use Ordinance is hereby amended to read as follows:

16 **18.3.2.070 Open Space Zone**

17 All projects containing land identified as open space on the Croman Mill District Zoning map
 18 shall dedicate those areas as **common areas or public park or common** open space. It is
 19 recognized that the master planning of the properties as part of the Croman Mill Site
 20 Redevelopment Plan imparted significant value to the land, and the required dedication of those
 21 lands within the Croman Mill District for open space and conservation purposes is proportional
 22 to the value bestowed upon the property through the change in zoning designation.

22 **SECTION 10.** Section 18.3.4.030 [General Regulations - Normal Neighborhood] of the Ashland
 23 Land Use Ordinance is hereby amended to read as follows:

24 **18.3.4.030 General Regulations**

- 25 **A. Conformance with the Normal Neighborhood Plan.** Land uses and development,
- 26 including construction of buildings, streets, multi-use paths, and **common** open space
- 27 shall be located in accordance with those shown on the Normal Neighborhood Plan maps
- 28 adopted by Ordinance #3117, 3118 & 3119 (December 15, 2015)
- 29 **B. Performance Standards Overlay.** All applications involving the creation of three or
- 30 more lots shall be processed under chapter **18.3.9** Performance Standards Option.
- C. Amendments.** Major and minor amendments to the Normal Neighborhood Plan shall
 comply with the following procedures:

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1. Major and Minor Amendments

- a. Major amendments are those that result in any of the following.
 - i. A change in the land use overlay designation.
 - ii. A change in the maximum building height dimensional standards in section 18.3.4.050
 - iii. A change in the allowable base density, dwelling units per acre, in section 18.3.4.050.
 - iv. A change in the Plan layout that eliminates a street, access way, multi-use path or other transportation facility.
 - v. A change in the Plan layout that provides an additional vehicular access point onto East Main Street or Clay Street.
 - vi. A change not specifically listed under the major and minor amendment definitions.
- b. Minor amendments are those that result in any of the following.
 - i. A change in the Plan layout that requires a street, access way, multi-use path or other transportation facility to be shifted 50 feet or more in any direction as long as the change maintains the connectivity established by Normal Avenue Neighborhood Plan.
 - ii. A change in a dimensional standard requirement in section 18.3.4.050, but not including height and residential density.
 - iii. A change in the Plan layout that changes the boundaries or location of an open space area to correspond with a delineated wetland and water resource protection zone, or relocation of a designated open space area.

2. Major Amendment. Type II Procedure.-A major amendment to the Normal Neighborhood Plan is subject to a public hearing and decision under a Type II Procedure. A major amendment may be approved upon finding that the proposed modification will not adversely affect the purpose of the Normal Neighborhood Plan. A major amendment requires a determination by the City that:

- a. The proposed amendment maintains the transportation connectivity established by the Normal Neighborhood Plan.
- b. The proposed amendment furthers the street design and access management concepts of the Normal Neighborhood Plan.
- c. The proposed amendment furthers the protection and enhancement of the natural systems and features of the Normal Neighborhood Plan, including wetlands, stream beds, and water resource protection zones by improving the quality and function of existing natural resources.
- d. The proposed amendment will not reduce the concentration or variety of housing types permitted in the Normal Neighborhood Plan.

1 e. The proposed amendment is necessary to accommodate physical constraints
2 evident on the property, or to protect significant natural features such as trees,
3 rock outcroppings, streams, wetlands, water resource protection zones, or similar
4 natural features, or to adjust to existing property lines between project boundaries.

5 3. Minor Amendment.

6 a. Type 1 Procedure. Minor amendments to the Normal Neighborhood Development
7 Plan as identified in 18.3.4.030.C.1.b.i and 18.3.4.030.C.1.b.ii are subject to an
8 administrative decision under the Type I Procedure.

9 b. Type II Procedure. A minor amendment to the Normal Neighborhood Development
10 Plan as identified in 18.3.4.030.C.1.b.iii is subject to a public hearing and decision
11 under a Type II Procedure.

12 c. Minor amendments are subject to the Exception to the Site Design and Use
13 Development Standards of chapter 18.5.2.050.E.

14 **SECTION 11.** Section 18.3.4.040 [Use Regulations - Normal Neighborhood District] of the
15 Ashland Land Use Ordinance is hereby amended to read as follows:

16 **18.3.4.040 Use Regulations**

17 **A. Plan Overlay Zones.** There are four Land Use Designation Overlays zones within the
18 Normal Neighborhood Plan are intended to accommodate a variety of housing opportunities,
19 preserve natural areas and provide open space.

- 20 1. Plan NN-1-5 zone. The use regulations and development standards are intended to
21 create, maintain and promote single dwelling neighborhood character. A variety of
22 housing types are allowed, in addition to the detached single dwelling. Development
23 standards that are largely the same as those for single dwellings ensure that the overall
24 image and character of the single dwelling neighborhood is maintained.
- 25 2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to
26 create, maintain and promote single dwelling neighborhood character. A variety of
27 housing types are allowed including multiple compact attached and/or detached
28 dwellings. Dwellings may be grouped around common open space promoting a scale
29 and character compatible with single-family homes. Development standards that are
30 largely the same as those for single dwellings ensure that the overall image and
character of the single dwelling neighborhood is maintained.
3. Plan NN-1-3.5-C zone. The use regulations and development standards are intended to
provide housing opportunities for individual households through development of multiple
compact attached and/or detached dwellings with the added allowance for
neighborhood-serving commercial mixed-uses so that many of the activities of daily
living can occur within the Normal Neighborhood. The public streets within the vicinity
of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate
ground floor neighborhood business uses.

- 1 4. Plan NN-2 zone. The use regulations and development standards are intended to create
2 and maintain a range of housing choices, including multi-family housing within the
3 context of the residential character of the Normal-Neighborhood Plan.

4 **B. Normal Neighborhood Plan Residential Building Types.** The development standards for
5 the Normal Neighborhood Plan will preserve neighborhood character by incorporating four
6 distinct land use overlay areas with different concentrations of varying housing types.

- 7 1. Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached
8 residential building that contains a single dwelling with self-contained living facilities on
9 one lot. It is separated from adjacent dwellings by private open space in the form of side
10 yards and backyards, and set back from the public street or common green by a front
11 yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area.
12 The garage may be detached or attached to the dwelling structure.
- 13 2. Accessory Residential Unit. An Accessory Residential Unit is a secondary dwelling unit
14 on a lot, either attached to the single-family dwelling or in a detached building located on
15 the same lot with a single-family dwelling, and having an independent means of entry.
- 16 3. Double Dwelling Residential Unit (Duplex). A Double Dwelling Residential Unit is a
17 residential building that contains two dwellings located on a single lot, each with self-
18 contained living facilities. Double Dwelling Residential Units must share a common wall
19 or a common floor/ ceiling and are similar to a Single Dwelling Unit in appearance,
20 height, massing and lot placement.
- 21 4. Attached Residential Unit (Townhome, Row house). An Attached Residential Unit is
22 single dwelling located on an individual lot which is attached along one or both sidewalls
23 to an adjacent dwelling unit. **Private open space may take the form of front yards,
24 backyards, or upper level terraces.** The dwelling unit may be set back from the public
25 street or common green by a front yard.
- 26 5. Clustered Residential Units - Pedestrian-Oriented. Pedestrian-Oriented Clustered
27 Residential Units are multiple dwellings grouped around common open space that
28 promote a scale and character compatible with single-family homes. Units are typically
29 arranged around a central common green under communal ownership. Auto parking is
30 generally grouped in a shared surface area or areas.
- 31 6. Multiple Dwelling Residential Unit. Multiple Dwelling Residential Units are multiple
32 dwellings that occupy a single building or multiple buildings on a single lot. Dwellings
33 may take the form of condominiums or apartments. Auto parking is generally provided in
34 a shared parking area or structured parking facility.
- 35 7. Cottage Housing. Cottage Housing Units are small dwellings in developments approved
36 in accordance with the standards in 18.2.3.090.

37 **C. Allowed Uses.**

- 38 1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are
39 permitted, permitted subject to special use standards, and allowed subject to a
40 conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6
41 does not define the use or include it as an example of an allowed use, the City may find
42 that use is allowed, or is not allowed, following the procedures of section 18.1.5.040

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Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- a. *Permitted Uses.* Uses listed as “Permitted (P)” are allowed.
 - b. *Permitted Subject to Special Use Standards.* Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
 - c. *Conditional Uses.* Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
 - d. *Prohibited Uses.* Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.
2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.
3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰	Normal Neighborhood District Zones ¹¹			
	NN-	NN-1-	NN-1-	NN-
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰	Normal Neighborhood District Zones ¹¹			
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open Space and Recreational Facilities	P	P	P	P

P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; N = Not Allowed

SECTION 12. Section 18.3.4.060 [Site Development and Design Standards - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.060 Site Development and Design Standards. The Normal Neighborhood District Design Standards provide specific requirements for the physical orientation, uses and arrangement of buildings; the management of parking; and access to development parcels. Development located in the Normal Neighborhood District must be designed and constructed consistent with the Site Design and Use Standards chapter 18.5.2 and the following **standards.**

A. Street Design and Access Standards. Design and construct streets and public improvements in accordance with the Ashland Street Standards. A change in the design of a street in a manner inconsistent with the Normal Neighborhood Plan requires a minor amendment in accordance with section 18.3.4.030.B.

1. Conformance with Street Network Plan: New developments must provide avenues, neighborhood collectors, streets, alleys, multi-use paths, and pedestrian and bicycle improvements consistent with the design concepts within the mobility chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Street Network Map.

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- a. Streets designated as Shared Streets on the Normal Neighborhood Plan Street Network Map may be alternatively developed as alleys, or multiuse paths provided the following:
 - i. Impacts to the water protection zones are minimized to the greatest extent feasible.
 - ii. Pedestrian and bicyclist connectivity, as indicated on the Normal Avenue Neighborhood Plan Pedestrian and Bicycle Network Map, is maintained or enhanced.
- 2. Storm water management. The Normal Neighborhood Plan uses street trees, green streets, and other green infrastructure to manage storm water, protect water quality and improve watershed health. Discharge of storm water runoff must be directed into a designated green street and neighborhood storm water treatment facilities.
 - a. *Design Green Streets.* Streets designated as Green Streets within the Street Network, and as approved by the Public Works Department, shall conform to the following standards:
 - i. New streets must be developed so as to capture and treat storm water in conformance with the City of Ashland Storm Water Master Plan.
- 3. Access Management Standards: To manage access to land uses and on-site circulation, and maintain transportation safety and operations, vehicular access must conform to the standards set forth in section 18.4.3.080, and as follows:
 - a. Automobile access to development is intended to be provided by alleys where possible consistent with the street connectivity approval standards.
 - b. Curb cuts along a Neighborhood Collector or shared street are to be limited to one per block, or one per 200 feet where established block lengths exceed 400 feet.
- 4. Required On-Street Parking. On-street parking is a key strategy to traffic calming and is required along the Neighborhood Collector and Local Streets.

B. Site and Building Design Standards.

- 1. Lot and Building Orientation:
 - a. *Lot Frontage Requirements.* Lots in the Normal Neighborhood are required to have their Front Lot Line on a street or a Common Green.
 - b. *Common Green.* The *Common Green* provides access for pedestrians and bicycles to abutting properties. *Common* greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:
 - i. Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.
- 2. Cottage Housing. Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

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- 3. Conservation of Natural Areas. Development plans must preserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of streams and wetlands. In addition to the requirements of 18.3.11 Water Resources Protection Zones (Overlays), conserving natural water systems must be considered in the site design through the application of the following guidelines:
 - a. Designated stream and wetland protection areas are to be considered positive design elements and incorporated in the overall design of a given project.
 - b. Native riparian plant materials must be planted in and adjacent to the creek to enhance habitat.
 - c. Create a long-term management plan for on-site wetlands, streams, associated habitats and their buffers.

- 4. Storm Water Management. Storm water run-off, from building roofs, driveways, parking areas, sidewalks, and other hard surfaces must be managed through implementation of the following storm water management practices:
 - a. When required by the City Engineer, the applicant must submit hydrology and hydraulic calculations, and drainage area maps to the City, to determine the quantity of predevelopment, and estimated post-development, storm water runoff and evaluate the effectiveness of storm water management strategies. Computations must be site specific and must account for conditions such as soil type, vegetative cover, impervious areas, existing drainage patterns, flood plain areas and wetlands.
 - b. Future Peak Storm water flows and volumes shall not exceed the pre-development peak flow. The default value for pre-development peak flow is .25 CFS per acre.
 - c. Detention volume must be sized for the 25 year, 24-hour peak flow and volume.
 - d. Development must comply with one or more of following guidelines.
 - i. Implement storm water management techniques that endeavor to treat the water as close as possible to the spot where it hits the ground through infiltration, evapotranspiration or through capture and reuse techniques.
 - ii. Use on-site landscape-based water treatment methods to treat rainwater runoff from all surfaces, including parking lots, roofs, and sidewalks.
 - iii. Use pervious or semi-pervious surfaces that allow water to infiltrate soil.
 - iv. Design grading and site plans that create a system that slows the stormwater, maximizing time for cleansing and infiltration.
 - v. Maximizing the length of overland flow of storm water through bioswales and rain gardens,
 - vi. Use structural soils in those environments that support pavements and trees yet are free draining.
 - vii. Plant deep rooted native plants.

1 viii. Replace metabolically active minerals, trace elements and microorganism rich
2 compost in all soils disturbed through construction activities.

3 5. Off-Street Parking. Automobile parking, loading and circulation areas must comply with
4 the requirements of chapter 18.4.3 Parking, Access, and Circulation Standards, and as
5 follows:

6 a. Neighborhood serving commercial uses within the NN-1-3.5-C zone must
7 have parking primarily accommodated by the provision of public parking
8 areas and on-street parking spaces, and are not required to provide
9 private off-street parking or loading areas, except for residential uses
10 where one space shall be provided per residential unit.

11 6. Neighborhood Module Concept plans. The Neighborhood Module Concept plans (i.e.
12 development scenarios) are for the purpose of providing an example of developments
13 that conform to the standards, and do not constitute independent approval criteria.
14 Concept plans are attached to the end of this chapter.

15 7. Conformance with Open Space Network Plan: New developments must provide open
16 space consistent with the design concepts within the Greenway and Open Space
17 chapter of the Normal Neighborhood Plan Framework and in conformance with the
18 Normal Neighborhood Plan Open Space Network Map. The open space network will
19 be designed to support the neighborhood's distinctive character and provide passive
20 recreational opportunities where people can connect with nature, where water
21 resources are protected, and where riparian corridors and wetlands are preserved
22 and enhanced.

23 a. The application demonstrates that equal or better protection for identified
24 resources will be ensured through restoration, enhancement, and mitigation
25 measures.

26 b. The application demonstrates that connections between open spaces are created
27 and maintained providing for an interlinked system of greenways.

28 c. The application demonstrates that open spaces function to provide habitat for
29 wildlife, promote environmental quality by absorbing, storing, and releasing storm
30 water, and protect future development from flood hazards.

31 d. The application demonstrates that scenic views considered important to the
32 community are protected, and community character and quality of life are
33 preserved by buffering areas of development from one another.

34 **SECTION 13.** Section 18.3.4.070 [Open Spaces Overlay - Normal Neighborhood District] of
35 the Ashland Land Use Ordinance is hereby amended to read as follows:

36 **18.3.4.070. Open Space Area Overlay**

37 All projects containing land identified as Open Space Areas on the Normal Neighborhood Plan
38 Open Space Network Map, unless otherwise amended per section 18.3.030.C, must dedicate
39 those areas as: **common areas**, public open space, **common open space**, or private open

1 space ~~protected by restrictive covenant~~. It is recognized that the master planning of the
2 properties as part of the Normal Neighborhood Plan imparted significant value to the land, and
3 the reservation of lands for ~~recreational~~ open space, ~~recreation~~, and conservation purposes
4 is proportional to the value bestowed upon the property through the change in zoning
5 designation and future annexation.

6 **SECTION 14.** Section 18.3.5.080 [Open Spaces Zone - North Mountain Neighborhood] of the
7 Ashland Land Use Ordinance is hereby amended to read as follows:

8 **18.3.5.080 Open Spaces Zone NM-O**

9 Open ~~S~~spaces identified on the Neighborhood Plan ~~Proposed Secondary Zoning~~ map shall
10 be developed as part of a specific project approval. If the project is proposed to be developed in
11 phases, 50 percent of the area of the ~~designated O~~open ~~S~~space shall be developed in the first
12 phase with the remainder of the area to be developed prior to building permit issuance for 2/3 of
13 the project's units.

14 **SECTION 15.** Section 18.3.5.100 [Site Development and Design Standards - North Mountain
15 Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

16 **18.3.5.100 Site Development and Design Standards**

17 **D. Open Space and Neighborhood Focal Point.**

- 18 1. Open Space. A variety of open space types are located within the North Mountain
19 Neighborhood and each type should be designed based upon its environmental impact
20 and benefiting attributes. Open space types within the area include the Bear Creek
21 Floodplain, pocket parks, pedestrian accessways, a commercial common (plaza), and
22 street medians. Each ~~of those types~~ of open spaces shall be accessible to the general
23 public at all times. Development of ~~those~~ open spaces shall be as follows.
- 24 a. Except for pedestrian accessways and a small picnic area, use of the Bear Creek
25 Floodplain shall be kept to a minimum. No buildings shall be permitted the area
26 except for a small gazebo type structure associated with the picnic area.
 - 27 b. Whenever possible, pocket parks and pedestrian access ways shall be linked to
28 formulate a more interesting and inevitable alternative. Each should be designed
29 around natural features minimizing their impact, but increasing their appeal.
30 Developments fronting these areas are encouraged as long as vehicular access is
from an alley. See Figure 18.3.5.100.D.1.b.

31 **SECTION 16.** Section 18.3.9.040 [Review Procedures and Criteria -Performance Standards
Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended to read as
follows:

1 **18.3.9.040 Review Procedures and Criteria**

2 **Review Steps.** There are two required steps to Performance Standards Options and PSO
3 Overlay approval, which may be completed individually or combined for concurrent review
4 pursuant to 18.3.9.040.A.

- 4 1. Application for outline plan approval.
- 5 2. Application final plan approval.

6 Permitting and guarantees for public improvements, including bonding, and the creation of
7 common areas shall follow the same procedures as for a subdivision.

8 **A. Outline Plan.** A proposed Outline Plan shall accompany applications for subdivision
9 approval under this chapter. For developments of fewer than ten lots, the Outline Plan may
10 be filed concurrently with the Final Plan, as that term is defined in 18.3.9.040.B.4. For
11 developments of ten or more lots, prior Outline Plan approval is mandatory.

- 11 1. Review Procedure. The Type II procedure in section 18.5.1.060 shall be used for the
12 approval of the outline plan.
- 12 2. Application Submission Requirements. The following information is required for a
13 Performance Standards Subdivision Outline Plan application submittal.
 - 14 a. A topographic map showing contour intervals of five feet.
 - 15 b. The proposed land uses and approximate locations of the existing buildings to be
16 retained, the proposed structures on the site, the proposed and existing property
17 lines and easements on the site, and existing buildings, structures, and trees greater
18 than six inches in diameter measured at breast height on the properties adjacent to
19 the site, and all buildings within 160 feet of the site boundaries.
 - 20 c. The locations of all proposed thoroughfares, walkways, and parking facilities.
 - 21 d. Public uses, including schools, parks, playgrounds, **open spaces,** and trails.
 - 22 e. Public or private utilities.
 - 23 f. General areas of cuts and fill.
 - 24 g. The location of natural features such as rock outcroppings, marshes, wooded areas,
25 and isolated preservable trees.
 - 26 h. The location and direction of all watercourses and areas subject to flooding.
 - 27 **i. Proposed common and private open spaces. Private open spaces shall be
28 indicated if the areas are proposed as part of the required open space area for
29 the development in section 18.4.4.070 (i.e., eight percent of total lot area in
30 open space).**
 - 30 ij. Plans shall indicate building envelopes for all proposed lots, which show the area
and maximum height of improvements, including solar access and view protection
where required.
 - jk. Elevations of typical proposed residential structures. Elevations should be to scale
and should include the approximate dimensions of the proposed structures and all

1 attached exterior hardware for heating and cooling.

2 **kl.** A written statement containing an explanation of:

- 3 i. The character of the proposed development and the manner in which it has been
4 designed to take advantage of the Performance Standards concept.
- 5 ii. The proposed manner of financing.
- 6 iii. The present ownership of all the land included within the development.
- 7 iv. The method proposed to maintain common **open** areas, **such as common open**
8 **space, common** buildings and private **thoroughfares, drives and driveways.**
- 9 v. The proposed time schedule of the development.
- 10 vi. The findings of the applicant showing that the development meets the criteria set
11 forth in this ordinance and the Comprehensive Plan.

12 3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline
13 plan when it finds all of the following criteria have been met.

- 14 a. The development meets all applicable ordinance requirements of the City.
- 15 b. Adequate key City facilities can be provided including water, sewer, paved access to
16 and through the development, electricity, urban storm drainage, police and fire
17 protection, and adequate transportation; and that the development will not cause a
18 City facility to operate beyond capacity.
- 19 c. The existing and natural features of the land; such as wetlands, floodplain corridors,
20 ponds, large trees, rock outcroppings, etc., have been identified in the plan of the
21 development and significant features have been included in the **common** open
22 space, common areas, and unbuildable areas.
- 23 d. The development of the land will not prevent adjacent land from being developed for
24 the uses shown in the Comprehensive Plan.
- 25 e. There are adequate provisions for the maintenance of **common** open space and
26 common areas, if required or provided, and that if developments are done in phases
27 that the early phases have the same or higher ratio of amenities as proposed in the
28 entire project.
- 29 f. The proposed density meets the base and bonus density standards established
30 under this chapter.
- g. The development complies with the Street Standards.

**h. The proposed development meets the common open space standards
established under section 18.4.4.070. Common open space requirements may
be satisfied by public open space in accordance with section 18.4.4.070 if
approved by the City of Ashland.**

4. Approval of the Outline Plan.

- a. After the City approves an outline plan and adopts any zone change necessary for
the development, the developer may then file a final plan in phases or in its entirety.

- 1 b. If an outline plan is phased, 50 percent of the value of the **recreational**
2 **amenitiescommon open space** shall be provided in the first phase and all
3 **recreational amenitiescommon open space** shall be provided when 2/3 of the
4 units are finished.

4 B. Final Plan

- 5 1. Review Procedure. The Type I procedure in section 18.5.1.050 shall be used for
6 approval of final plans, unless an outline plan has been filed concurrently, in which case
7 Type II procedure shall be used, and the criteria for approval of an outline plan shall also
8 be applied.
- 9 2. Phasing. The final plan may be filed in phases as approved on the outline plan.
- 10 3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18
11 months from the date of the approval of the outline plan, then the approval of the plan is
12 terminated and void and of no effect whatsoever.
- 13 4. Application Submission Requirements. The following information is required for a
14 Performance Standards Subdivision Final Plan application submittal.
- 15 a. A topographic map showing contour intervals of five feet.
- 16 b. Location of all thoroughfares and walks, their widths and nature of their
17 improvements, and whether they are to be public or private.
- 18 c. Road cross-sections and profiles, clearly indicating the locations of final cuts and fills,
19 and road grades.
- 20 d. The location, layout, and servicing of all off-street parking areas.
- 21 e. The property boundary lines.
- 22 f. The individual lot lines of each parcel that are to be created for separate ownership.
- 23 g. The location of easements for water line, fire hydrants, sewer and storm sewer lines,
24 and the location of the electric, gas, telephone lines, telephone cable, and lighting
25 plans.
- 26 h. Landscaping and tree planting plans with the location of the existing trees and
27 shrubs which are to be retained, and the method by which they are to be preserved.
- 28 i. **Common open areas and common and private open spaces, and the particular**
29 **uses intended for them. Private open spaces shall be indicated if the areas are**
30 **proposed as part of the required open space area for the development in**
section 18.4.4.070 (i.e., eight percent of total lot area in open space).
- 31 j. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways,
32 playgrounds, schools or public buildings.
- 33 k. A plan showing the following for each existing or proposed building or structure for all
34 sites except single-family, detached housing which meets the parent zone setbacks.
- 35 i. Its location on the lot and within the Planned Unit Development.
- 36 ii. Its intended use.

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- iii. The number of dwelling units in each residential building.
- iv. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.
- l. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.
- m. Manner of financing.
- n. Development time schedule.
- o. If individual lots are to be sold, a final plat is required, similar to that required for a subdivision, per chapter 18.5.3 Land Divisions and Property Line Adjustments.
- p. Final plans for location of water, sewer, drainage, electric and cable T.V. facilities, and plans for street improvements and grading or earth-moving improvements.
- q. The location of all trees over six inches diameter at breast height, which are to be removed by the developer. Such trees are to be tagged with flagging at the time of Final Plan approval. See also, chapter 18.4.5 Tree Preservation and Protection.

5. Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The **common** open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of

1 dwelling units shall not be transferred to another phase, nor the **common** open
2 space reduced below that permitted in the outline plan.

- 3 6. Any substantial amendment to an approved Final Plan shall follow a Type I procedure in
4 section 18.5.1.050 and be reviewed in accordance with the above criteria.

5 **SECTION 17.** Section 18.3.10.080 [Development Standards for Flood Plain Corridor Lands -
6 Physical and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby
7 amended to read as follows:

8 **18.3.10.080 Development Standards for Flood Plain Corridor Lands**

9 For all land use actions that could result in development of the Flood Plain Corridor, the
10 following is required in addition to any requirements of AMC 15.10.

11 **A. Standards for Fill in Flood Plain Corridor Lands.**

- 12 1. Fill shall be designed as required by the Oregon Structural Specialty Code (OSSC), and
13 Oregon Residential Specialty Code (ORSC), where applicable.
- 14 2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined
15 in AMC 15.10, and the fill shall not exceed the angle of repose of the material used for
16 fill.
- 17 3. The amount of fill in the Flood Plain Corridor shall be kept to a minimum. Fill and other
18 material imported from off the lot that could displace floodwater shall be limited to the
19 following.
- 20 a. Poured concrete and other materials necessary to build permitted structures on the
21 lot.
- 22 b. Aggregate base and paving materials, and fill associated with approved public and
23 private street and driveway construction.
- 24 c. Plants and other landscaping and agricultural material.
- 25 d. A total of 50 cubic yards of other imported fill material.
- 26 e. The above limits on fill shall be measured from April 1989, and shall not exceed the
27 above amounts. These amounts are the maximum cumulative fill that can be
28 imported onto the site, regardless of the number of permits issued.
- 29 4. If additional fill is necessary beyond the permitted amounts in subsection
30 18.3.10.080.A.3, above, then fill materials must be obtained on the lot from cutting or
excavation only to the extent necessary to create an elevated site for permitted
development. All additional fill material shall be obtained from the portion of the lot in the
Flood Plain Corridor.
5. Adequate drainage shall be provided for the stability of the fill.
6. Fill to raise elevations for a building site shall be located as close to the outside edge of
the Flood Plain Corridor as feasible.

- 1 **B. Crossings.** A crossing of any waterway identified on the official maps adopted pursuant to
2 section 18.3.10.070 Official Maps (e.g., for streets, property access or utilities) must be
3 designed by an engineer. Stream crossings shall be designed to the standards of AMC
4 15.10, or where no floodway has been identified, to pass a 100-year flood without any
5 increase in the upstream flood height elevation. The engineer shall consider in the design
6 the probability that the crossing will be blocked by debris in a severe flood, and
7 accommodate expected overflow. The crossing shall be at right angles to the stream
8 channel to the greatest extent possible. Fill for stream crossings shall be kept to the
9 minimum necessary to achieve property access, but is exempt from the limitations in
10 subsection 18.3.10.080.A, above.
- 11 **C. Elevation of Non-Residential Structures.** Non-residential structures shall be flood-proof to
12 the standards in AMC 15.10 to one foot above the elevation contained in the maps adopted
13 by AMC 15.10, or up to the elevation contained in the official maps adopted by section
14 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist,
15 then they must be flood-proofed to an elevation of ten feet above the stream channel on
16 Ashland, Bear or Neil Creek; to five feet above the stream channel on all other Riparian
17 Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070;
18 and three feet above the stream channel on all other Land Drainage Corridors identified on
19 the official maps adopted pursuant to section 18.3.10.070.
- 20 **D. Elevation of Residential Structures.** All residential structures shall be elevated so that the
21 lowest habitable floor shall be raised to one foot above the elevation contained in the maps
22 adopted in AMC 15.10, or to the elevation contained in the official maps adopted pursuant to
23 section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations
24 exist, then they must be constructed at an elevation of ten feet above the stream channel on
25 Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian
26 Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070;
27 and three feet above the stream channel on all other Land Drainage Corridors identified on
28 the official maps adopted pursuant to section 18.3.10.070, or one foot above visible
29 evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify
30 the elevation of the finished lowest habitable floor prior to issuance of a certificate of
occupancy for the structure.
- E. Structure Placement.** To the maximum extent feasible, structures shall be placed on other
than Flood Plain Corridor Lands. In the case where development is permitted in the Flood
Plain Corridor area, then development shall be limited to that area which would have the
shallowest flooding.
- F. Residential Structure Placement.** Existing lots with buildable land outside the Flood Plain
Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or
more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing
lots that have more than 50 percent of the lot in Corridor Land, structures may be located on
that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on
the official maps, but in no case closer than 20 feet to the channel of a Riparian
Preservation Creek identified on the official maps adopted pursuant to section 18.3.10.070.
Construction shall be subject to the requirements in subsection 18.3.10.080.D, above.
- G. New Non-Residential Structures.** New non-residential uses may be located on that portion

1 of Flood Plain Corridor Lands that equal to or above the flood elevations on the official maps
2 adopted in section 18.3.10.070 Official Maps. Second story construction may be
3 cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters
4 over the Flood Plain Corridor for a distance of 20 feet if it does not impact riparian
5 vegetation, and the clearance from finished grade is at least ten feet in height. The finished
6 floor elevation may not be more than two feet below the flood corridor elevations.

7 **H. Building Envelopes.** All lots modified by property line adjustments, and new lots created
8 from areas containing Flood Plain Corridor Land, must have building envelopes containing
9 buildable area of a sufficient size to accommodate the uses permitted in the underlying zone,
10 unless the action is **for to provide** open space or **for** conservation purposes. This section
11 shall apply even if the effect is to prohibit further division of lots that are larger than the
12 minimum size permitted in the zoning ordinance.

13 **I. Basements.**

- 14 1. Habitable basements are not permitted for new or existing structures or additions located
15 within the Flood Plain Corridor.
- 16 2. Non-habitable basements, used for storage, parking, and similar uses are permitted for
17 residential structures but must be flood-proofed to the standards of AMC 15.10.

18 **J. Hazardous Chemicals.** Storage of petroleum products, pesticides, or other hazardous or
19 toxic chemicals is not permitted in Flood Plain Corridor Lands.

20 **K. Fences.** Fences shall be located and constructed in accordance with subsection
21 18.3.11.050.B.3. Fences shall not be constructed across any waterway or stream identified
22 on the official maps adopted pursuant to section 18.3.10.070 Official Maps. Fences shall not
23 be constructed within any designated floodway.

24 **L. Decks and Other Structures.** Decks and structures other than buildings, if constructed on
25 Flood Plain Corridor Lands and at or below the levels specified in subsections
26 18.3.10.080.C and D, shall be flood-proofed to the standards contained in AMC 15.10.

27 **M. Local Streets and Utilities.** Local streets and utility connections to developments in and
28 adjacent to the Flood Plain Corridor shall be located outside of the Flood Plain Corridor,
29 except for crossing the Corridor, except as provided for in chapter 18.3.11 Water Resources
30 Overlay, or in the Flood Plain Corridor as outlined below.

1. Public street construction may be allowed within the Bear Creek Flood Plain Corridor as
part of development following the adopted North Mountain Neighborhood Plan. This
exception shall only be permitted for that section of the Bear Creek Flood Plain Corridor
between North Mountain Avenue and the Nevada Street right-of-way. The new street
shall be constructed in the general location as indicated on the neighborhood plan map,
and in the area generally described as having the shallowest potential for flooding within
the corridor.
2. Proposed development that is not in accord with the North Mountain Neighborhood Plan
shall not be permitted to utilize this exception.

1 **SECTION 18.** Section 18.3.10.090 [Development Standards for Hillside Lands - Physical and
2 Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby amended to
3 read as follows:

4 **18.3.10.090 Development Standards for Hillside Lands**

5 It is the purpose of the Development Standards for Hillside Lands to provide supplementary
6 development regulations to underlying zones to ensure that development occurs in such a
7 manner as to protect the natural and topographic character and identity of these areas,
8 environmental resources, the aesthetic qualities and restorative value of lands, and the public
9 health, safety, and general welfare by insuring that development does not create soil erosion,
10 sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring.
11 It is the intent of these development standards to encourage a sensitive form of development
12 and to allow for a reasonable use that complements the natural and visual character of the City.

13 **A. General Requirements.** The following general requirements shall apply in Hillside Lands.

- 14 1. **Buildable Area.** All development shall occur on lands defined as having buildable area.
15 Slopes greater than 35 percent shall be considered unbuildable except as allowed
16 below. Exceptions may be granted to this requirement only as provided in subsection
17 18.3.10.090.H.
 - 18 a. Existing parcels without adequate buildable area less than or equal to 35 percent
19 shall be considered buildable for one unit.
 - 20 b. Existing parcels without adequate buildable area less than or equal to 35 percent
21 cannot be subdivided or partitioned.
- 22 2. **Building Envelope.** All newly created lots either by subdivision or partition shall contain a
23 building envelope with a slope of 35 percent or less.
- 24 3. **New Streets and Driveways.** New streets, flag drives, and driveways shall be
25 constructed on lands of less than or equal to 35 percent slope with the following
26 exceptions.
 - 27 a. The street is indicated on the Street Dedication map.
 - 28 b. The portion of the street, flag drive, or driveway on land greater than 35 percent
29 slope does not exceed a length of 100 feet.
- 30 4. **Geotechnical Studies.** For all applications on Hillside Lands involving subdivisions or
partitions, the following additional information is required: A geotechnical study prepared
by a geotechnical expert indicating that the site is stable for the proposed use and
development. The study shall include the following information.
 - a. Index map.
 - b. Project description to include location, topography, drainage, vegetation, discussion
of previous work and discussion of field exploration methods.
 - c. Site geology, based on a surficial survey, to include site geologic maps, description
of bedrock and surficial materials, including artificial fill, locations of any faults, folds,
etc., and structural data including bedding, jointing and shear zones, soil depth, and

1 soil structure.

- 2 d. Discussion of any off-site geologic conditions that may pose a potential hazard to the
3 site, or that may be affected by on-site development.
- 4 e. Suitability of site for proposed development from a geologic standpoint.
- 5 f. Specific recommendations for cut and fill slope stability, seepage and drainage
6 control, or other design criteria to mitigate geologic hazards.
- 7 g. If deemed necessary by the engineer or geologist to establish whether an area to be
8 affected by the proposed development is stable, additional studies and supportive
9 data shall include cross-sections showing subsurface structure, graphic logs with
10 subsurface exploration, results of laboratory test and references.
- 11 h. Signature and registration number of the engineer and/or geologist.
- 12 i. Additional information or analyses as necessary to evaluate the site.
- 13 j. Inspection schedule for the project as required in 18.3.10.090.B.9.
- 14 k. Location of all irrigation canals and major irrigation pipelines.

15 **B. Hillside Grading and Erosion Control.** All development on lands classified as Hillside shall
16 provide plans conforming to the following items.

- 17 1. All grading, retaining wall design, drainage, and erosion control plans for development
18 on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills
19 shall conform to the International Building Code and be consistent with the provisions of
20 this ordinance. Erosion control measures on the development site shall be required to
21 minimize the solids in runoff from disturbed areas.
- 22 2. Timing of Improvements. For development other than single-family homes on individual
23 lots, all grading, drainage improvements, or other land disturbances shall only occur
24 from May 1 to October 31. Excavation shall not occur during the remaining wet months
25 of the year. Erosion control measures shall be installed and functional by October 31. Up
26 to 30-day modifications to the October 31 date, and 45-day modification to the May 1
27 date may be made by the Planning Director, based upon weather conditions and in
28 consultation with the project geotechnical expert. The modification of dates shall be the
29 minimum necessary, based upon evidence provided by the applicant, to accomplish the
30 necessary project goals.
3. Retention in natural state. On all projects on Hillside Lands involving partitions and
subdivisions, and existing lots with an area greater than one-half acre, an area equal to
25 percent of the total project area, plus the percentage figure of the average slope of
the total project area, shall be retained in a natural state. Lands to be retained in a
natural state shall be protected from damage through the use of temporary construction
fencing or the functional equivalent. For example, on a 25,000 square feet lot with an
average slope of 29 percent, $25\%+29\%=54\%$ of the total lot area shall be retained in a
natural state. The retention in a natural state of areas greater than the minimum
percentage required here is encouraged.
4. Grading - Cuts. On all cut slopes on areas classified as Hillside Lands, the following
standards shall apply.

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- a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.
- b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b.

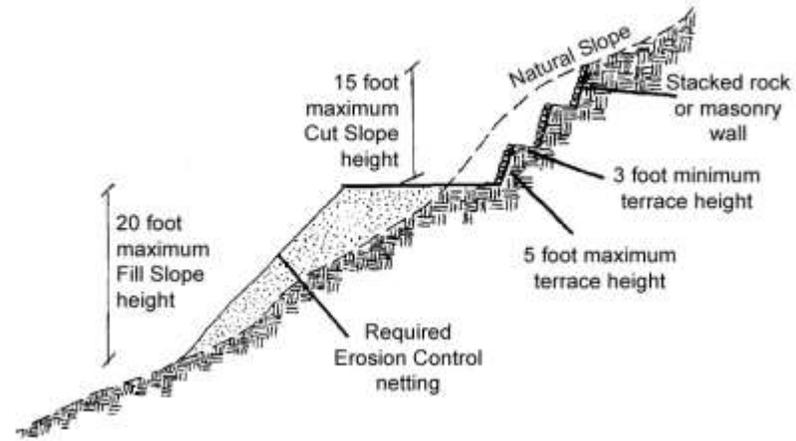


Figure 18.3.10.090.B.4.b
Cut and Fill Slopes

- c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.c.

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Reduce effective
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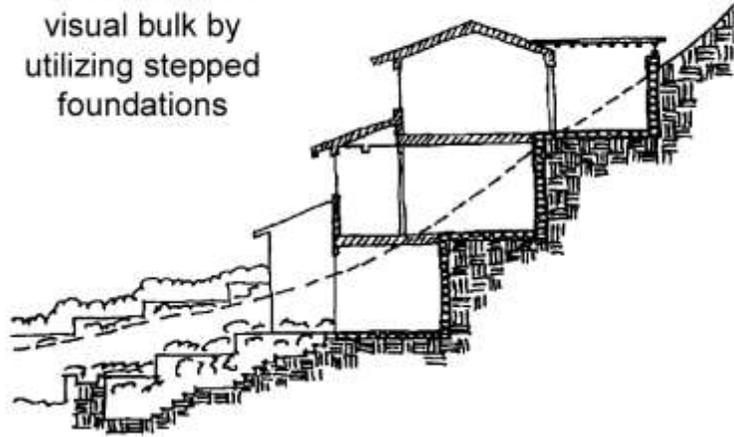


Figure 18.3.10.090.B.4.c
Stepped Foundations

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- d. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native, or species similar in resource value to native plants, which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings, and cascading vine-type plantings may be appropriate.
 - 5. Grading - Fill. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply.
 - a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.
 - b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.
 - c. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.
 - d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.
 - 6. Revegetation Requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy,

signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

- a. *Maintenance.* All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.
- b. *Security.* Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120 percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed, other than a performance bond, shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the Community Development Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one-year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

- a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.
- b. Avoid hazardous or unstable portions of the site.
- c. Avoid hazardous or unstable portions of the site.
- d. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

C. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards.

- 1. All facilities for the collection of stormwater runoff shall be constructed on the site and

1 according to the following requirements:

- 2 a. Stormwater facilities shall include storm drain systems associated with street
3 construction, facilities for accommodating drainage from driveways, parking areas
4 and other impervious surfaces, and roof drainage systems.
- 5 b. Stormwater facilities, when part of the overall site improvements, shall be, to the
6 greatest extent feasible, the first improvements constructed on the development site.
- 7 c. Stormwater facilities shall be designed to divert surface water away from cut faces or
8 sloping surfaces of a fill.
- 9 d. Existing natural drainage systems shall be utilized, as much as possible, in their
10 natural state, recognizing the erosion potential from increased storm drainage.
- 11 e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used
12 where practical to minimize increases in runoff volume and peak flow rate due to
13 development. Each facility shall consider the needs for an emergency overflow
14 system to safely carry any overflow water to an acceptable disposal point.
- 15 f. Stormwater facilities shall be designed, constructed and maintained in a manner that
16 will avoid erosion on-site and to adjacent and downstream properties.
- 17 g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach
18 fields, shall be designed by a registered engineer or geotechnical expert and
19 approved by the Public Works Department or Building Official.

20 **D. Tree Conservation, Protection and Removal.** All development on Hillside Lands shall
21 conform to the following requirements.

- 22 1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall
23 be prepared, which locates all trees greater than six inches diameter at breast height
24 (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for
25 areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or
26 diseased trees shall be identified. Groups of trees in close proximity (i.e., those within
27 five feet of each other) may be designated as a clump of trees, with the predominant
28 species, estimated number and average diameter indicated. All tree surveys shall have
29 an accuracy of plus or minus two feet. The name, signature, and address of the site
30 surveyor responsible for the accuracy of the survey shall be provided on the tree survey.
Portions of the lot or project area not to be disturbed by development need not be
included in the inventory.
- 2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing
trees shall also be identified as to their suitability for conservation. When required by the
hearing authority, the evaluation shall be conducted by a landscape professional. The
following factors shall be included in this determination.
 - a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-
vigorous trees.
 - b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to
result in damage to people and property.
 - c. *Species.* Species vary in their ability to tolerate impacts and damage to their

environment.

d. *Longevity*. Potential longevity.

e. *Variety*. A variety of native tree species and ages.

f. *Size*. Large trees provide a greater protection for erosion and shade than smaller trees.

3. Tree Conservation in Project Design. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.

a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands. See Figure 18.3.10.090.D.3.a.

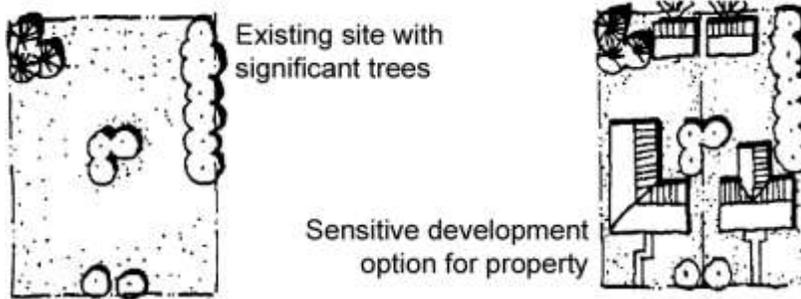


Figure 18.3.10.090.D.3.a
Site Planning for Tree Preservation

b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards.

a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install tree protection fencing in accordance with 18.4.5.030.C Prior to any construction activity, the shall be inspected pursuant to section 18.4.5.030.D.

b. Construction site activities, including but not limited to parking, material storage, soil compaction, and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.

c. No grading, stripping, compaction, or significant change in ground elevation shall be

1 permitted within the drip line of trees designated for conservation unless indicated on
2 the grading plans, as approved by the City, and landscape professional. If grading or
3 construction is approved within the drip-line, a landscape professional may be
4 required to be present during grading operations, and shall have authority to require
5 protective measures to protect the roots.

6 d. Changes in soil hydrology and site drainage within tree protection areas shall be
7 minimized. Excessive site run-off shall be directed to appropriate storm drain
8 facilities and away from trees designated for conservation.

9 e. Should encroachment into a tree protection area occur which causes irreparable
10 damage, as determined by a landscape professional, to trees, the project plan shall
11 be revised to compensate for the loss. Under no circumstances shall the developer
12 be relieved of responsibility for compliance with the provisions of this chapter.

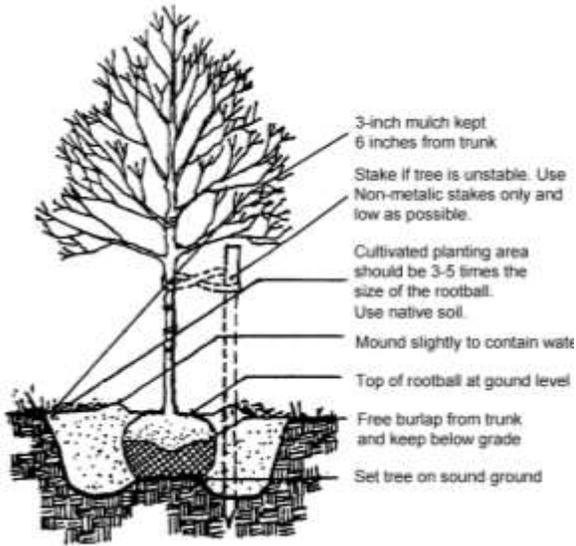
13 5. Tree Removal. Development shall be designed to preserve the maximum number of
14 trees on a site. The development shall follow the standards for fuel reduction if the
15 development is located in Wildfire Lands. When justified by findings of fact, the hearing
16 authority may approve the removal of trees for one or more of the following conditions.

- 17 a. The tree is located within the building envelope.
- 18 b. The tree is located within a proposed street, driveway, or parking area.
- 19 c. The tree is located within a water, sewer, or other public utility easement.
- 20 d. The tree is determined by a landscape professional to be dead or diseased, or it
21 constitutes an unacceptable hazard to life or property when evaluated by the
22 standards in 18.3.10.090.D.2.
- 23 e. The tree is located within or adjacent to areas of cuts or fills that are deemed
24 threatening to the life of the tree, as determined by a landscape professional.
- 25 f. The tree is identified for removal as part of an approved fire prevention and control
26 plan per section 18.3.10.100.A, or with the exception of significant trees the tree
27 removal is recommended by the Fire Code Official, and approved by the Staff
28 Advisor, as part of a comprehensive fuels reduction strategy to implement a General
29 Fuel Modification Area consistent with 18.3.10.100 B.

30 6. Tree Replacement. Trees approved for removal, with the exception of trees removed
because they were determined to be diseased, dead, a hazard, or to comply with
General Fuel Modification Area requirements, shall be replaced in compliance with the
following standards.

- a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan
shall include all locations for replacement trees, and shall also indicate tree planting
details.
- b. Replacement trees shall be planted such that the trees will in time result in canopy
equal to or greater than the tree canopy present prior to development of the property.
See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the
impact of paved and developed areas, reduce surface erosion, and increase slope

1 stability. Replacement tree locations shall consider impact on the wildfire prevention
2 and control plan. The hearing authority shall have the discretion to adjust the
3 proposed replacement tree canopy based upon site-specific evidence and testimony.



14 **Figure 18.3.10.090.D.6.b**
15 **Tree Planting Guideline**

- 16 c. Maintenance of replacement trees shall be the responsibility of the property owner.
17 Required replacement trees shall be continuously maintained in a healthy manner.
18 Trees that die within the first five years after initial planting must be replaced in kind,
19 after which a new five-year replacement period shall begin. Replanting must occur
20 within 30 days of notification unless otherwise noted.

21 **7. Enforcement.**

- 22 a. All tree removal shall be done in accord with the approved tree removal and
23 replacement plan. No trees designated for conservation shall be removed without
24 prior approval of the City.
- 25 b. Should the developer or developer's agent remove or destroy any tree that has been
26 designated for conservation, the developer may be fined up to three times the
27 current appraised value of the replacement trees and cost of replacement or up to
28 three times the current market value, as established by a professional arborist,
29 whichever is greater.
- 30 c. Should the developer or developer's agent damage any tree that has been
designated for protection and conservation, the developer shall be penalized \$50.00
per scar. If necessary, a professional arborist's report, prepared at the developer's
expense, may be required to determine the extent of the damage. Should the
damage result in loss of appraised value greater than determined above, the higher
of the two values shall be used.

E. Building Location and Design Standards. All buildings and buildable areas proposed for
Hillside Lands shall be designed and constructed in compliance with the following

standards.

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards.
 - a. The building envelope shall contain a buildable area with a slope of 35 percent or less. See Figure 18.3.10.090.E.1.a.

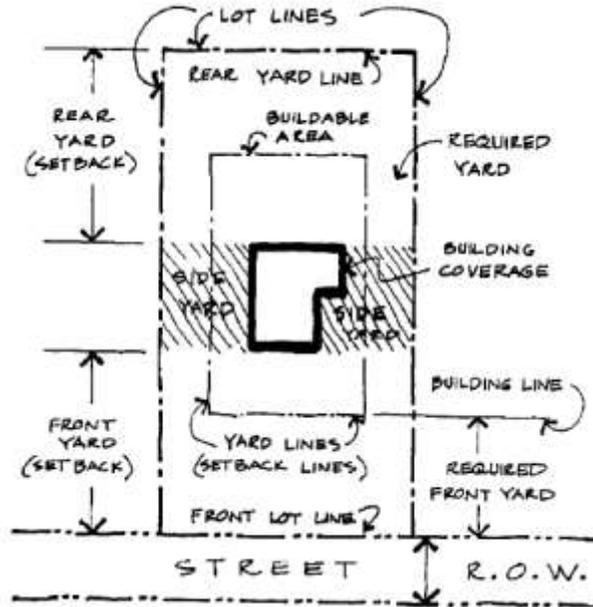


Figure 18.3.10.090.E.1.a
Buildable Area

- b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.3.10.090.B.3.
- c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.3.10.090.D.3 while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
- d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline as illustrated in Figure 18.3.10.090.E.1.d.

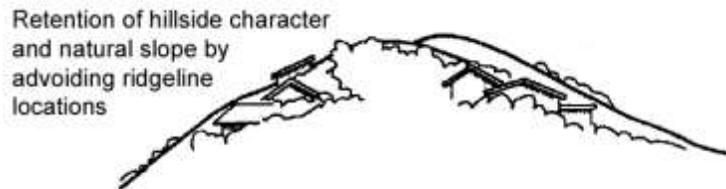
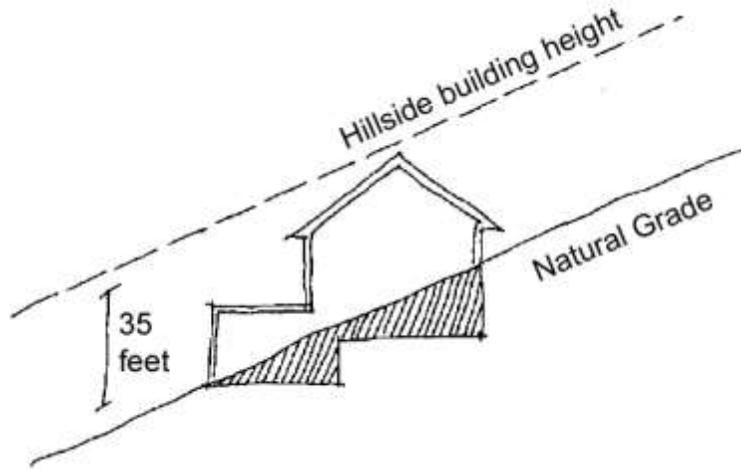
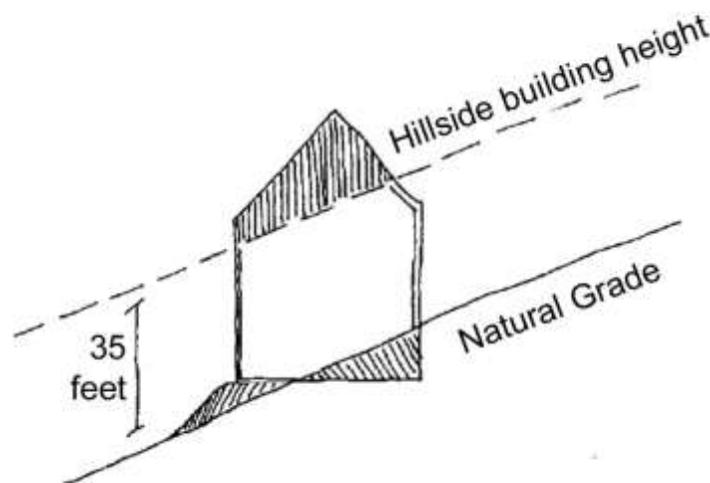


Figure 18.3.10.090.E.1.d.

- 1 2. Building Design. To reduce hillside disturbance through the use of slope responsive
2 design techniques, buildings on Hillside Lands, excepting those lands within the
3 designated Historic District, shall incorporate the following into the building design and
4 indicate features on required building permits.
5 a. The height of all structures shall be measured vertically from the natural grade to the
6 uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature
7 perpendicular to that grade. Maximum hillside building height shall be 35 feet. See
8 Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii



16 **Figure 18.3.10.090.E.2.a.i**
17 **Hillside Building Height/Permitted**



28 **Figure 18.3.10.090.E.2.a.ii**
29 **Hillside Building Height/Not Permitted**

- 30 b. Cut buildings into hillsides to reduce effective visual bulk.
i. Split pad or stepped footings shall be incorporated into building design to allow
the structure to more closely follow the slope.

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- ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.
- c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

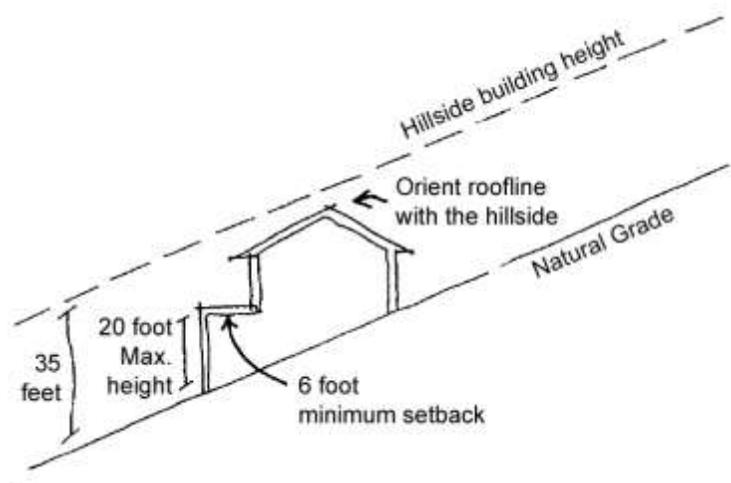


Figure 18.3.10.090.E.2.c
Downhill Building Step Back

- d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

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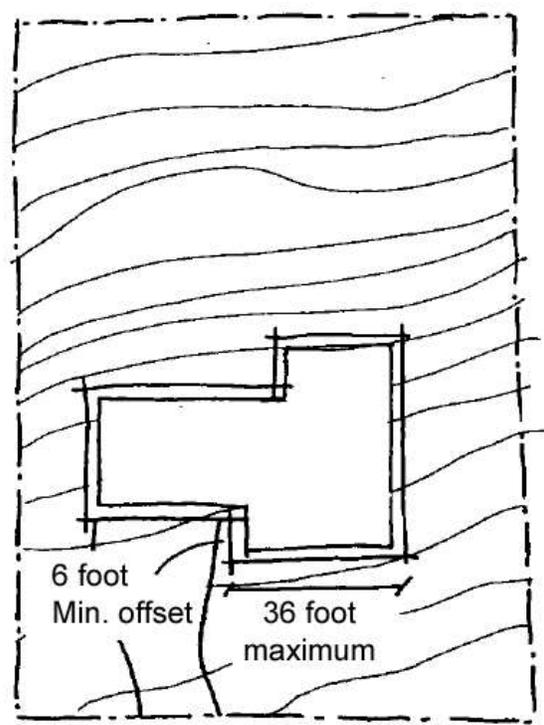


Figure 18.3.10.090.E.2.d
Horizontal Offsets

- e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.
 - f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.
 - g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.
- F.** All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.
- G.** All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is **for to provide** open space or **for** conservation purposes
- H. Exception to the Development Standards for Hillside Lands.** An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may

1 be granted with respect to the development standards for Hillside Lands if the proposal
2 meets all of the following criteria.

- 3 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due
4 to a unique or unusual aspect of the site or proposed use of the site.
- 5 2. The exception will result in equal or greater protection of the resources protected under
6 this chapter.
- 7 3. The exception is the minimum necessary to alleviate the difficulty.
- 8 4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10
9 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090
10 Development Standards for Hillside Lands.

11 **SECTION 19.** Section 18.3.11.060 [Limited Activities and Uses - Water Resources Protection
12 Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

13 **18.3.11.060 Limited Activities and Uses**

14 The following activities and uses within Water Resource Protection Zones are allowed provided
15 the activities or uses comply with the review procedure and approval standards set forth in
16 subsection 18.3.11.060.D.

17 **A. Limited Activities and Uses within Water Resource Protection Zones.**

- 18 1. Use of Power-assisted Equipment or Machinery. Use of power-assisted equipment or
19 machinery for vegetation maintenance unless otherwise exempted in subsection
20 18.3.11.050.A.1.h.
- 21 2. Multi-Year Maintenance Plans. Multi-year maintenance plans may be authorized as
22 follows for existing areas or storm water treatment facilities in Water Resource
23 Protection Zones which do not have a previously approved management plans.
 - 24 a. *Publicly and Commonly Owned Properties.* The routine restoration and enhancement
25 of publicly and commonly owned properties such as **public** parks and **private**
26 **common** open spaces.
 - 27 b. *Storm Water Treatment Facilities.* The ongoing routine maintenance of storm water
28 treatment facilities such as detention ponds or sediment traps, vegetated swales,
29 and constructed wetlands in order to maintain flow and prevent flooding. Routine
30 maintenance of storm water treatment facilities in accordance with an approved
management plan is exempted as outline in subsection 18.3.11.050.A.2.c.
- 31 3. Building, Paving, and Grading Activities. Permanent alteration of Water Resource
Protection Zones by grading or by the placement of structures, fill or impervious surfaces
may be authorized as follows.
 - a. *New Public Access and Utilities.* The location and construction of public streets,
bridges, trails, multi-use path connections, and utilities deemed necessary to
maintain a functional system and upon finding that no other reasonable, alternate
location outside the Water Resource Protection Zone exists. This ordinance, the

1 Comprehensive Plan, Transportation System Plan, adopted utility master plans, and
2 other adopted documents shall guide this determination.

- 3 b. *New Private Access and Utilities.* The location and construction of private streets,
4 driveways, and utilities to provide a means of access to an otherwise inaccessible or
5 landlocked property where no other reasonable, alternate location outside the Water
6 Resource Protection Zone exists.
- 7 c. *Storm Water Treatment Facility Installation.* Installation of public and private storm
8 water treatment facilities such as detention ponds or sediment traps, vegetated
9 swales, and constructed wetlands.
- 10 d. *Replacement of Nonconforming Accessory Structures in Residential Districts and*
11 *Replacement of Nonconforming Structures in Non-Residential Zoning Districts and*
12 *Outside Historic Districts.* Replacement of nonconforming structures located within or
13 partially within the original building footprint, except those nonconforming primary
14 structures exempted in subsection 18.3.11.050.A.3, provided replacement does not
15 disturb additional surface area within the Water Resource Protection Zone.

12 **B. Additional Limited Activities and Uses within Stream Bank Protection Zones.**

- 13 1. Stream Restoration and Enhancement. Restoration and enhancement projects resulting
14 in a net gain in stream bank corridor functions unless otherwise exempted in subsection
15 18.3.11.050.B.2. Restoration and enhancement activities not otherwise associated with
16 development involving building, grading or paving are encouraged, and planning
17 application fees associated with reviewing these activities for compliance with applicable
18 land use standards may be waived by the Staff Advisor.
- 19 2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction
20 of existing public and private streets and driveways if work disturbs more total surface
21 area than the area inside the street right-of-way or access easement and an additional
22 five percent surface area of the street right-of-way or access easement outside of the
23 right-of-way or easement. Public streets shall be located in public right-of-way or a public
24 easement.
- 25 3. Public Facility Paving and Reconstruction. Paving and reconstruction of public parking
26 areas and walkways if additional surface area in the Stream Bank Protection Zone is not
27 disturbed, the public facilities are deemed necessary to maintain a functional system and
28 upon finding that no other reasonable alternate location outside the Water Resource
29 Protection Zone exists.
- 30 4. Public Utility Maintenance and Replacement. Routine maintenance and replacement of
existing public utilities and irrigation pumps if work disturbs more total surface area than
the area inside the public utility easement and an additional five percent surface area of
the public utility easement outside of the public utility easement.
5. Erosion Control. Erosion control and stream bank stabilization measures that have been
approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of
Engineers, or other state or federal regulatory agencies, and that utilize non-structural
bio-engineering methods.
6. Storm Water Outfall. Construction of a storm water outfall discharging treated storm

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water from an adjacent developed area provided that the discharge meets local, state, and federal water quality regulations.

- 7. Bridges. The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.
- 8. Flood Control Measures. Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.

C. Additional Limited Activities and Uses within Wetland Protection Zones.

- 1. Wetland Restoration and Enhancement. Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.
- 2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.
- 3. Public and Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.

D. Limited Activities and Uses Permit. All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

- 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,

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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.

SECTION 20. Section 18.3.11.090 [Approval Standards for Land Divisions and Property Line Adjustments - Water Resources Protection Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.11.090 Approval Standards for Land Divisions and Property Line Adjustments

Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or property line adjustments shall comply with the following provisions and shall include the plan requirements in subsection 18.3.11.100.A.3.

- A. Building Envelope Established.** Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.
- B. Conservation Area.** Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.
- C. Density Transfer.** Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.
 - 1. Partitions and subdivisions involving density transfer shall be processed under chapter 18.3.9 Performance Standards Option Overlay.
 - 2. A map shall be submitted showing the land area not within the Water Resource Protection Zone to which the density will be transferred.
 - 3. The Water Resource Protection Zone shall be included in a separate preservation tract to be managed by a homeowner's association or other common ownership entity responsible for management of the area.
 - 4. Density may only be transferred within the subject property or to a lot or lots contiguous to the subject property and within the same ownership.

5. The density transferred to lands not within the Water Resource Protection Zone may not be increased to more than one and a half times the base density of the underlying zoning district. Fractional units are to be rounded down to the nearest whole number.

D. Management Plan. Long term conservation, management, and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C.

E. Mitigation Requirements. The approval authority may require a mitigation plan in accordance with the requirements of section 18.3.11.110 Mitigation Requirements to mitigate impacts resulting from land divisions.

F. Exemptions for a Public Purpose. An exemption to the requirements described above shall be granted for lots created for public park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.)

SECTION 21. Section 18.3.14.050 [Dimensional Standards - Transit Triangle Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.14.050 Dimensional Standards

Notwithstanding the provisions of chapter 18.2.5 Standards for Residential Zones and chapter 18.2.6 Standards for Non-Residential Zones, Table 18.3.14.050 includes the dimensional standards within the TT overlay.

The dimensions shall conform to the standards in Table 18.3.14.050.

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones ¹			
	C-1	E-1	R-2	R-3
Residential Density (dwelling units/acre)				
Minimum ²	30 du/ac	15 du/ac	13.5 du/ac	20 du/ac
Maximum	Maximum residential density is regulated by the FAR under the TT overlay option. The maximum dwelling units per acre of the base zones do not apply under the TT overlay option.			
² At a minimum, the development shall meet the residential density allowed in the underlying zone, as noted above and per section 18.2.6.030 for C-1 and E-1 and subsection 18.2.5.080.D for R-2 and R-3.				
Floor Area Ratio (FAR) ³				
Minimum	.5	.5	.5	.5
Maximum	1.5	1.5	1.25	1.25

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Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones ¹			
	C-1	E-1	R-2	R-3
³ Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Plazas and pedestrian areas may also be applied toward meeting the landscaping area requirements but shall not constitute more than 50% of the required area.				
Lot Area, Width, Depth and Coverage	NA	NA	Land divisions in the R-2 and R-3 zones shall meet the applicable requirements of table 18.2.5.030.A or chapter 18.3.9 Performance Standards Options.	
Yards, Minimum (feet) ⁴				
- Front	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side or rear yard of not less than 15 ft is required.		5 ft	5 ft
- Side			See table 18.2.5.030.A for standard yard requirements for the R-2 and R-3 zone	
- Rear				
⁴ See building step back requirement in section 18.3.14.060.				
Building Separation, On Same Site – Minimum	NA		Building separation is not required under the TT overlay option, except as required by the building code.	
Building Height ⁵ & ⁶				
Maximum Height – feet/stories	50/4	50/4	42/3	42/3
Solar Setback	Per table 18.2.6.030		Per chapter 18.4.8 Solar Access	
⁵ See definition of “height of building” in section 18.6.1.030.				
⁶ Parapets may be erected up to five feet above the maximum building height in the C-1 and E-1 zone; see also, 18.4.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Lot Coverage – Maximum (% of lot area)	85%	85%	80%	80%
Landscape Area – Minimum (% of developed lot area)	15%	15%	20%	20%
Outdoor Recreation Open Space – Minimum (% of the area)	NA		Outdoor recreation Open space is not required under the TT	

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones ¹			
	C-1	E-1	R-2	R-3
			overlay option.	

SECTION 22. Section 18.4.2.040 [Non-Residential Development - Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.2.040 Non-Residential Development

A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.

Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project’s appearance, enhance the City’s streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.

One area in which Ashland’s commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.

The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.

B. Basic Site Review Standards. Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18.5.2.020. See conceptual site plan of basic site review development in Figure 18.4.2.040.B.

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1. Orientation and Scale.

- a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or to one side. See Figure 18.4.2.040.B.1.
- b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage as illustrated in Figure 18.4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.
- c. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. See Figure 18.4.2.040.B.1.
- d. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.
- e. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.
- f. Public sidewalks shall be provided adjacent to a public street along the street frontage.
- g. The standards in a-d, above, may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.

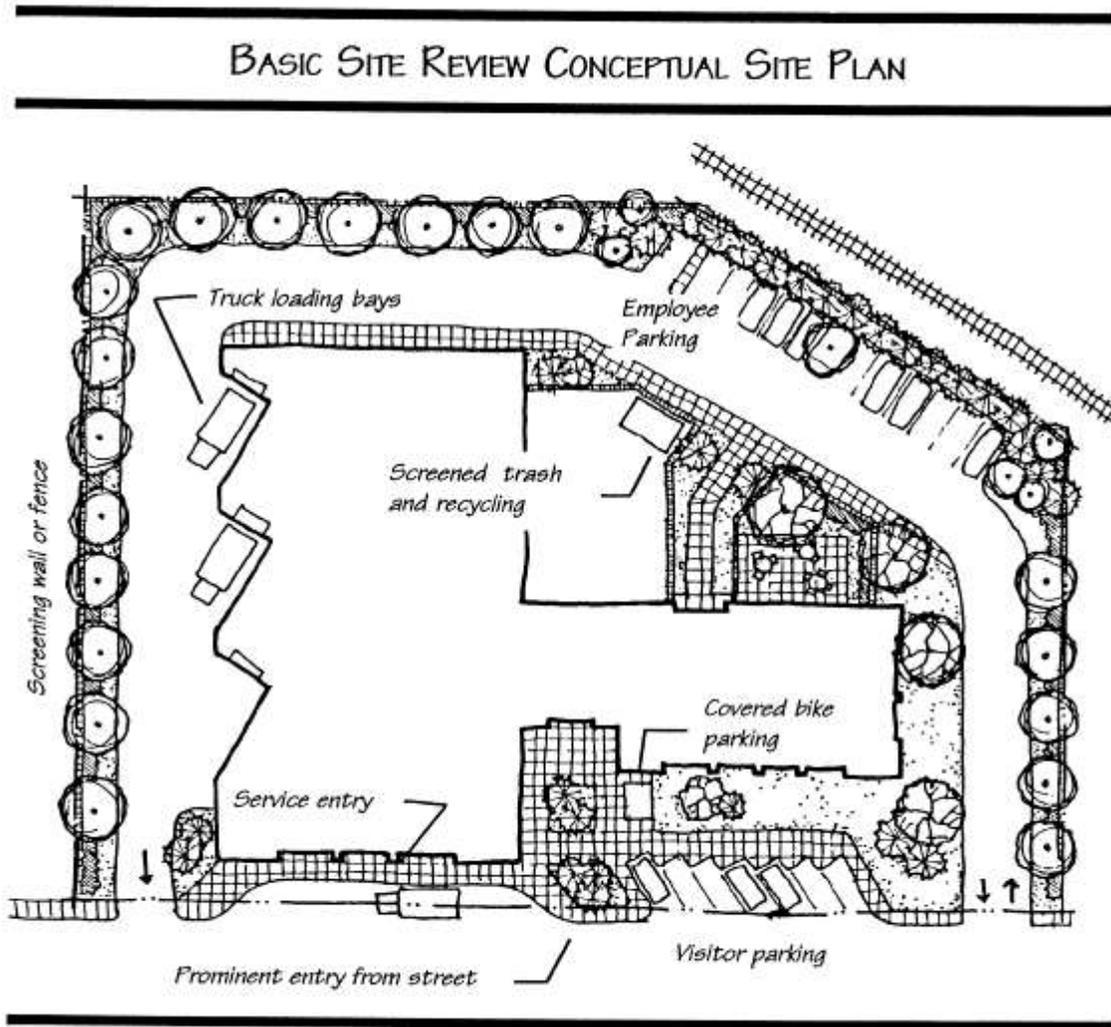
Building Orientation



Figure 18.4.2.040.B.1
Building Orientation

2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.
3. Landscaping.
 - a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.
 - b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.
4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.
5. Noise and Glare. Artificial lighting shall meet the requirements of section 18.4.4.050. Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.
6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18.4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion.

1 For example, if a building area is expanded by 25 percent, then 25 percent of the site must be
2 brought up to the standards required by this document.



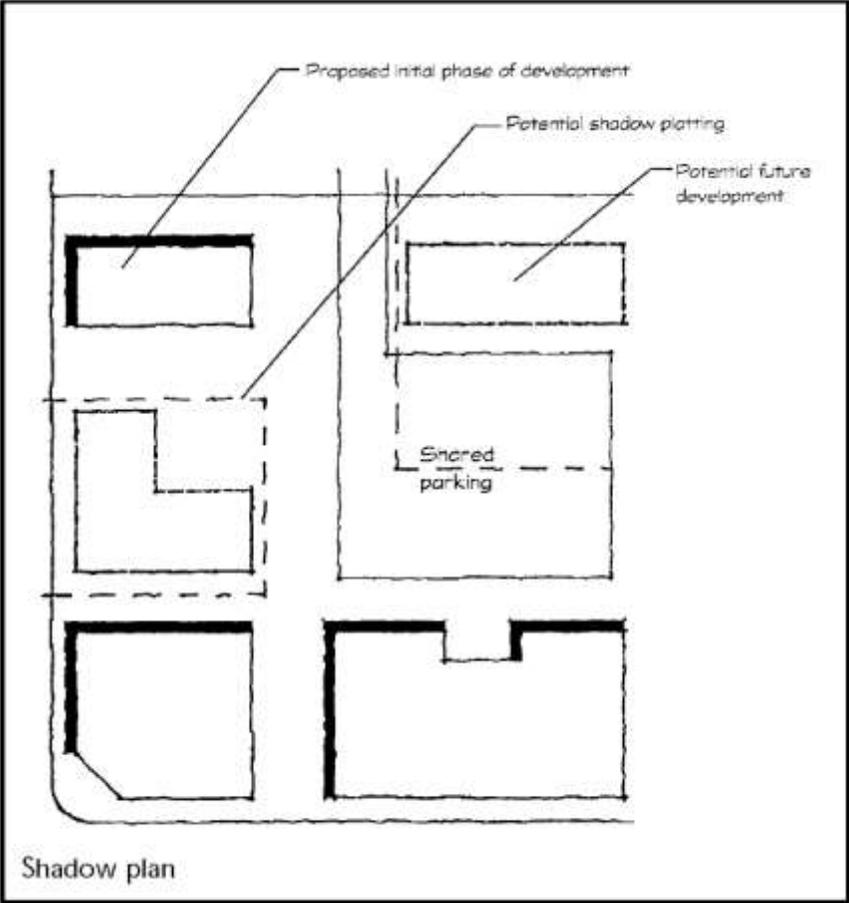
22 **Figure 18.4.2.040.B**
23 **Basic Site Review Conceptual Site Plan**

24 **C. Detailed Site Review Standards.** Development that is within the Detail Site Review overlay
25 shall, in addition to the complying with the standards for Basic Site Review in 18.4.2.040.B,
26 above, conform to the following standards. See conceptual site plan of detail site review
27 development in Figure 18.4.2.040.C.1 and maps of the Detail Site Review overlay in Figures
18.4.2.040.C.2-5.

28 1. Orientation and Scale.

- 29 a. Developments shall have a minimum Floor Area Ratio (FAR) of 0.50. Where a site is
30 one-half an acre or greater in size, the FAR requirement may be met through a
phased development plan or a shadow plan that demonstrates how development
may be intensified over time to meet the minimum FAR. See shadow plan example

1 in Figure 18.4.2.040.C.1.a. Plazas and pedestrian areas shall count as floor area for
2 the purposes of meeting the minimum FAR.



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Figure 18.4.2.040.C.1.a
Shadow Plan

- 21 b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have
22 other distinctive changes in the building façade.
- 23 c. Any wall that is within 30 feet of the street, plaza, or other public **or common** open
24 space shall contain at least 20 percent of the wall area facing the street in display
25 areas, windows, or doorways. Windows must allow view into working areas, lobbies,
26 pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are
27 prohibited. Up to 40 percent of the length of the building perimeter can be exempted
28 for this standard if oriented toward loading or service areas.
- 29 d. Buildings shall incorporate lighting and changes in mass, surface or finish to give
30 emphasis to entrances.
- e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged
and desirable.
- f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that
protect pedestrians from the rain and sun.

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2. Streetscape.

- a. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
- b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

3. Buffering and Screening.

- a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist of either plant material or building materials and must be compatible with proposed buildings.
- b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

4. Building Materials.

- a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.
- b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

DETAIL SITE REVIEW CONCEPTUAL SITE PLAN

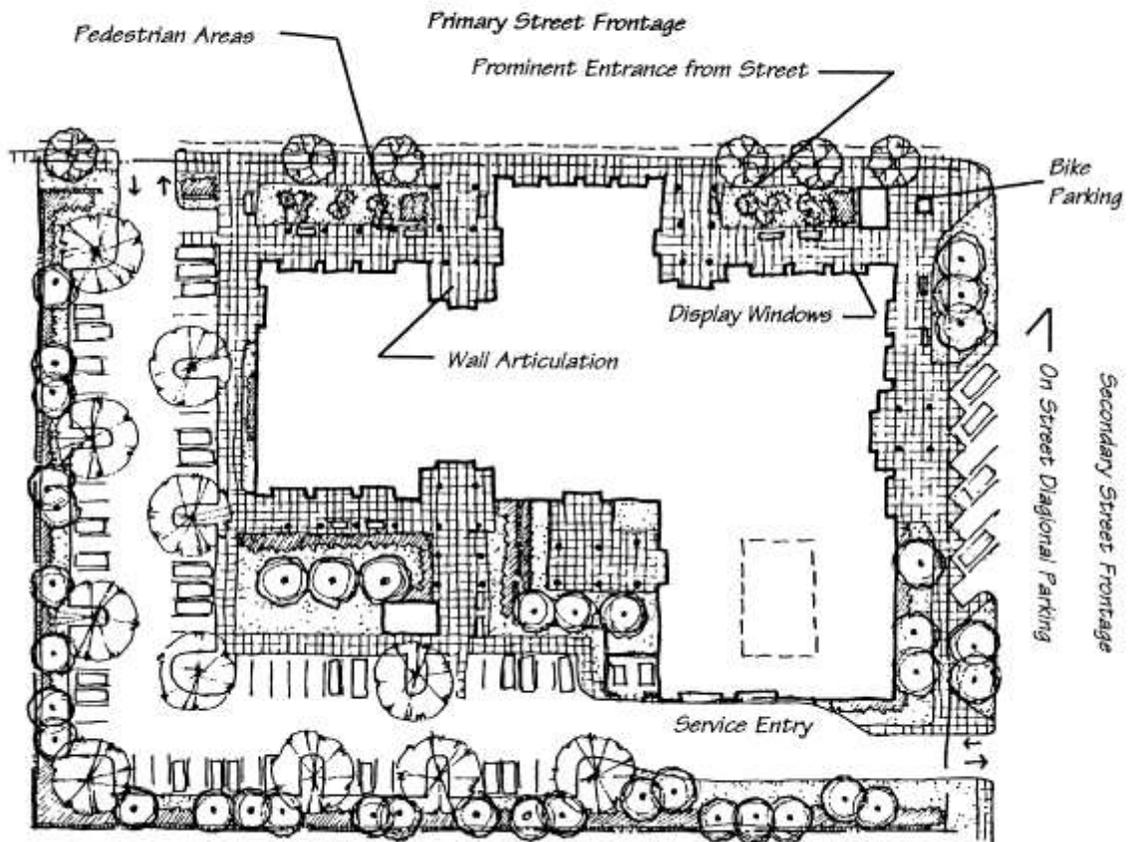


Figure 18.4.2-040.C.1
Detail Site Review Conceptual Site Plan

D. Additional Standards for Large Scale Projects. In the Detail Site Review overlay, developments that are greater than 10,000 square feet in gross floor area or contain more than 100 feet of building frontage shall, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, above, conform to the following standards. See conceptual elevation of large scale development in Figure 18.4.2.040.D.1 and conceptual site plan of large scale development in Figure 18.4.2.040.D.2.

1. Orientation and Scale.

- a. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
- b. Outside of the Downtown Design Standards overlay, new buildings or expansions of existing buildings in the Detail Site Review overlay shall conform to the following standards.

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- i. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
- ii. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside of the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.
- iii. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception.

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

- iv. Buildings shall not exceed a combined contiguous building length of 300 feet.
- c. Inside the Downtown Design Standards overlay, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet, including roof top parking, with the following exception.

Automobile parking areas locate within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

2. Public Spaces.

- a. One square foot of plaza or public space shall be required for every ten square feet of gross floor area, except for the fourth gross floor area.
- b. A plaza or public spaces shall incorporate at least four of the following elements.
 - i. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.
 - ii. A mixture of areas that provide both sunlight and shade.
 - iii. Protection from wind by screens and buildings.
 - iv. Trees – provided in proportion to the space at a minimum of one tree per 500 square feet, at least two inches in diameter at breast height.
 - v. Water features or public art.
 - vi. Outdoor eating areas or food vendors.

- 3. Transit Amenities. Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the Ashland Transportation Plan and guidelines established by the Rogue Valley Transportation District.

LARGE SCALE DEVELOPMENT CONCEPTUAL ELEVATION

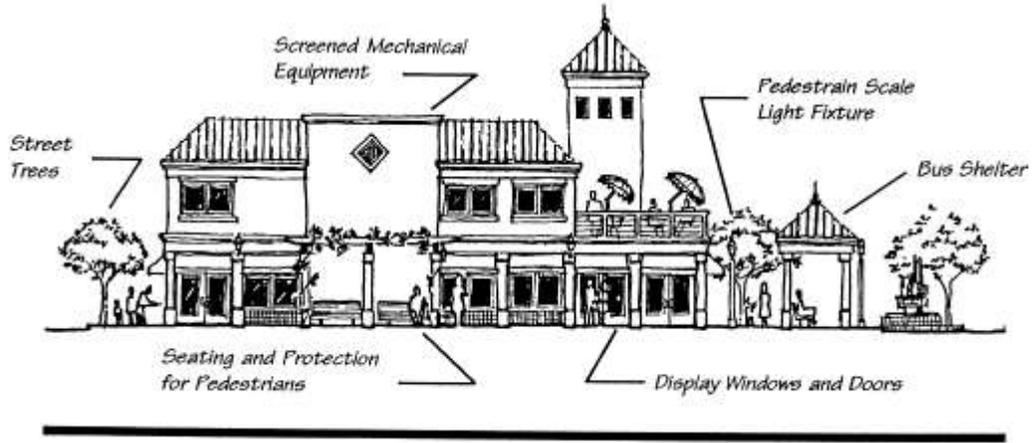


Figure 18.4.2.040.D.1
Large Scale Development Conceptual Elevation

LARGE SCALE DEVELOPMENT CONCEPTUAL SITE PLAN

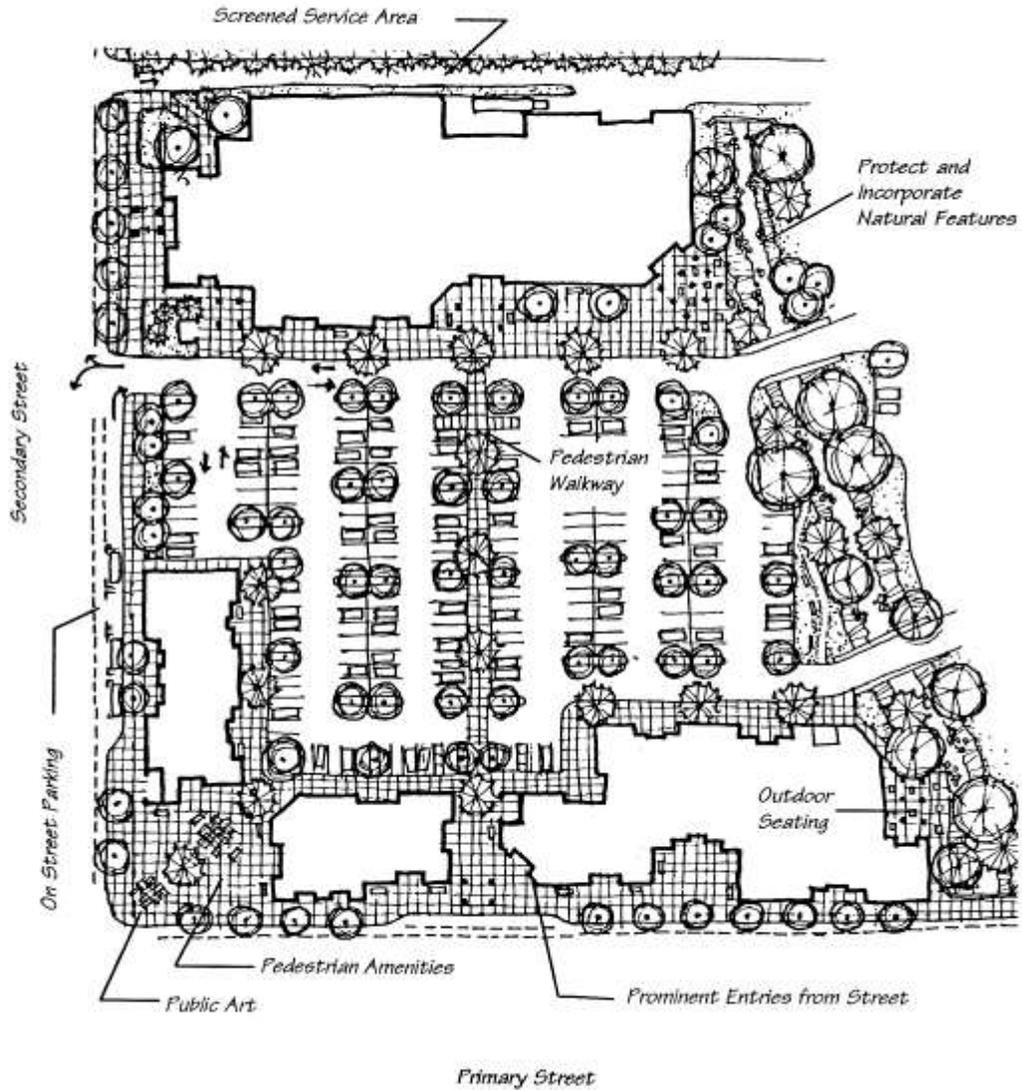


Figure 18.4.2.040.D.2
Large Scale Development Conceptual Site Plan

SECTION 23. Section 18.4.3.040 [Parking Ratios - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

1 **18.4.3.040 Parking Ratios**

2 Except as provided by section 18.4.3.030, the standard ratios required for automobile parking
 3 are as follows. See also, accessible parking space requirements in section 18.4.3.050.

4 **Table 18.4.3.040 – Automobile Parking Spaces by Use**

Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-family Dwelling	2 spaces for detached dwelling units and the following attached dwelling units. <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	<ul style="list-style-type: none"> a. Units less than 800 sq. ft.– 1 space/unit, except. as exempted in subsection 18.2.3.040.A. b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.
Multi-family Dwellings	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit. f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.

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Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single-Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space outdoor retail uses	1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area.
	Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area.
	Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 24. Section 18.4.3.090 [Pedestrian Access and Circulation - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.090 Pedestrian Access and Circulation

1 **A. Purpose.** The purpose of section 18.4.3.090 is to provide for safe, direct, and convenient
2 pedestrian access and circulation.

3 **B. Standards.** Development subject to this chapter, except single-family dwellings on individual
4 lots and associated accessory structures, shall conform to the following standards for
5 pedestrian access and circulation.

6 1. Continuous Walkway System. Extend the walkway system throughout the development
7 site and connect to all future phases of development, and to existing or planned off-site
8 adjacent sidewalks, trails, **public** parks, and **common** open space areas to the greatest
9 extent practicable. The developer may also be required to connect or stub walkway(s) to
10 adjacent streets and to private property for this purpose.

11 2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway
12 connections between primary building entrances and all adjacent streets. For the
13 purposes of this section, the following definitions apply.

14 a. "Reasonably direct" means a route that does not deviate unnecessarily from a
15 straight line or a route that does not involve a significant amount of out-of-direction
16 travel for likely users.

17 b. "Safe and convenient" means reasonably free from hazards and provides a
18 reasonably direct means of walking between destinations.

19 c. "Primary entrance" for a non-residential building means the main public entrance to
20 the building. In the case where no public entrance exists, street connections shall be
21 provided to the main employee entrance.

22 d. "Primary entrance" for a residential building is the front door (i.e., facing the street).
23 For multifamily buildings and mixed-use buildings where not all dwelling units have
24 an individual exterior entrance, the "primary entrance" may be a lobby, courtyard, or
25 breezeway serving as a common entrance for more than one dwelling.

26 3. Connections within Development. Walkways within developments shall provide
27 connections meeting all of the following requirements as illustrated in Figures
28 18.4.3.090.B.3.a and 18.4.3.090.B.3.b

29 a. Connect all building entrances to one another to the extent practicable.

30 b. Connect on-site parking areas, **recreational facilities** **common and public open**
spaces, and common areas, and connect off-site adjacent uses to the site to the
extent practicable. Topographic or existing development constraints may be cause
for not making certain walkway connections.

c. Install a protected raised walkway through parking areas of 50 or more spaces, and
where pedestrians must traverse more than 150 feet of parking area, as measured
as an average width or depth.

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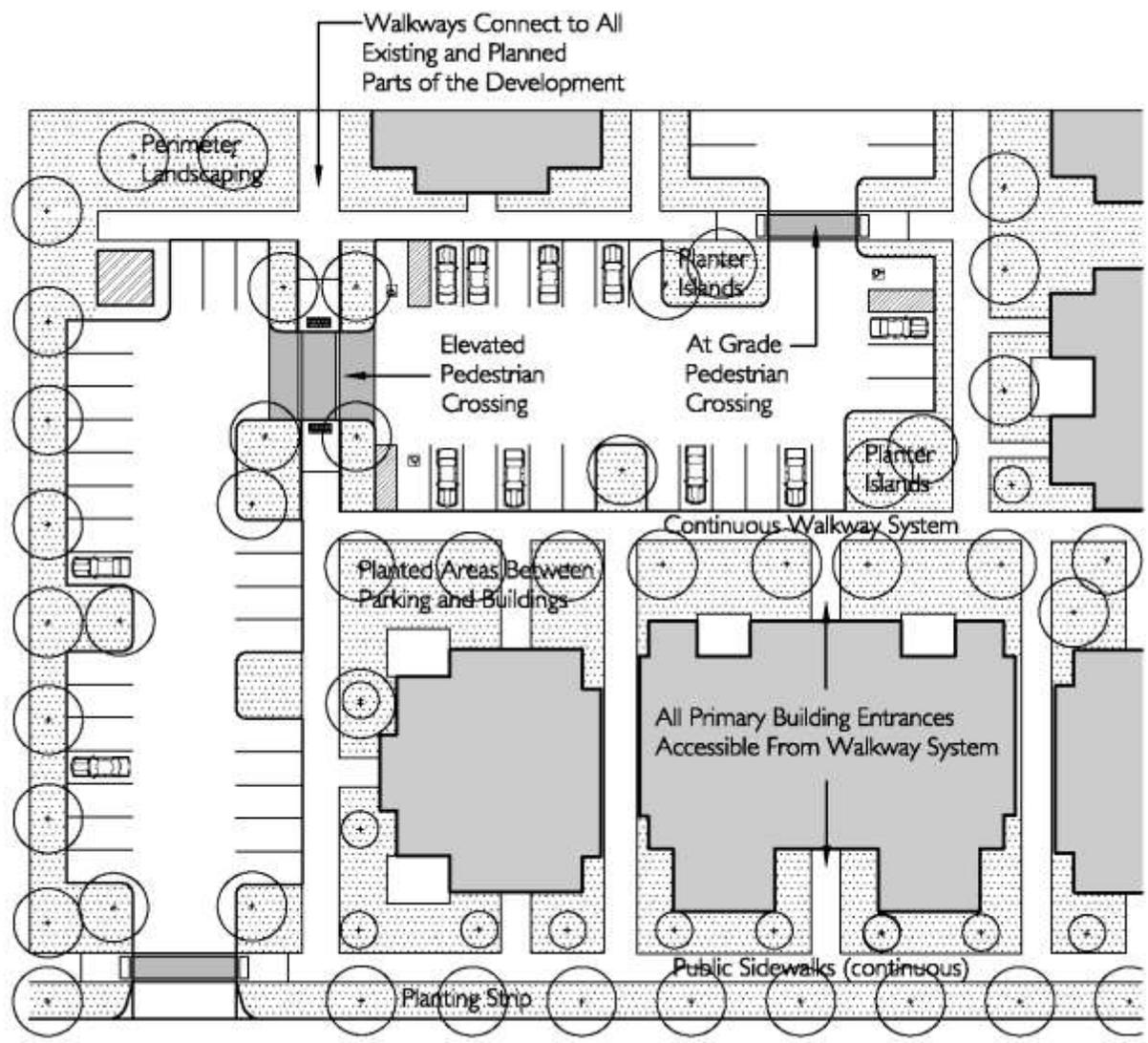


Figure 18.4.3.090.B.3.a
Pedestrian Access and Circulation

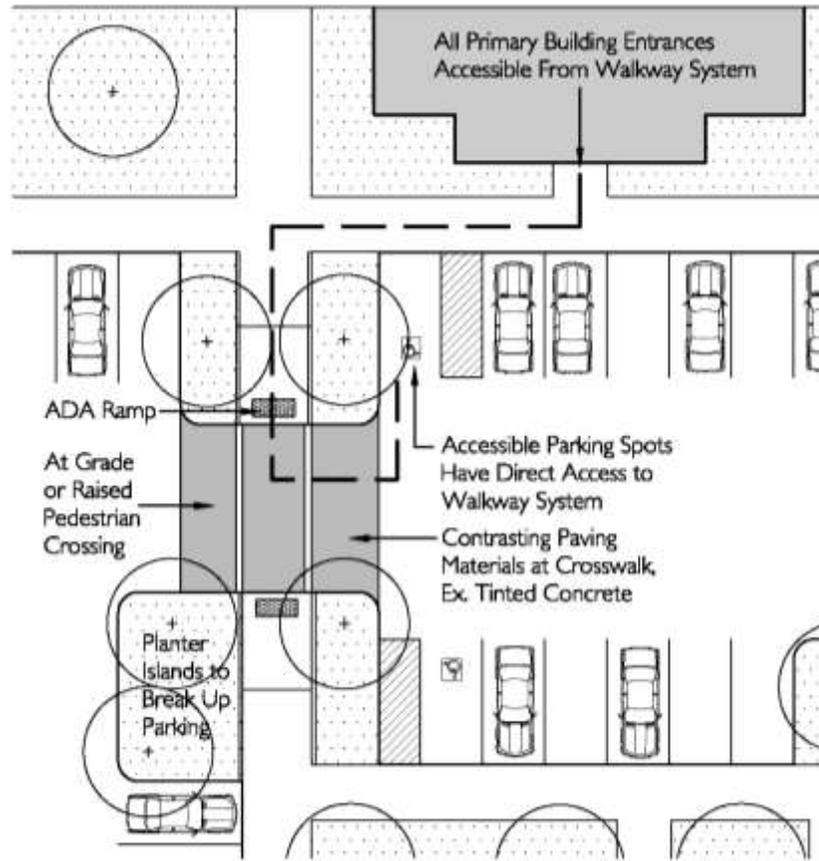


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. Walkway Design and Construction. Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.
 - a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.
 - b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
 - c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use

1 paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten
2 feet wide, in accordance with the section 18.4.6.040 Street Design Standards.

- 3 d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities
4 Act (ADA) and State of Oregon requirements. The ends of all raised walkways,
5 where the walkway intersects a driveway or street, shall provide ramps that are ADA
6 accessible, and walkways shall provide direct routes to primary building entrances.
- 7 e. Lighting. Lighting shall comply with section 18.4.4.050.

8 **SECTION 25.** Section 18.4.4.030 [Landscaping and Screening - Landscaping, Lighting and
9 Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

10 **18.4.4.030 Landscaping and Screening**

- 11 **A. General Landscape Standard.** All portions of a lot not otherwise developed with buildings,
12 accessory structures, vehicle maneuvering areas, parking, or other approved hardscapes
13 shall be landscaped pursuant to this chapter.
- 14 **B. Minimum Landscape Area and Coverage.** All lots shall conform to the minimum
15 landscape area standards of the applicable zoning district (see Table 18.2.5.030.A - C for
16 residential zones and Table 18.2.6.030 for non-residential zones). Except as otherwise
17 provided by this chapter, areas proposed to be covered with plant materials shall have plant
18 coverage of not less than 50 percent coverage within one year and 90 percent coverage
19 within five years of planting.
- 20 **C. Landscape Design and Plant Selection.** The landscape design and selection of plants
21 shall be based on all of the following standards.
 - 22 1. Tree and Shrub Retention. Existing healthy trees and shrubs shall be retained, pursuant
23 to chapter 18.4.5. Consistent with chapter 18.4.5 Tree Preservation and Protection,
24 credit may be granted toward the landscape area requirements where a project proposal
25 includes preserving healthy vegetation that contribute(s) to the landscape design.
 - 26 2. Plant Selection.
 - 27 a. Use a variety of deciduous and evergreen trees, shrubs, and ground covers.
 - 28 b. Use plants that are appropriate to the local climate, exposure, and water availability.
29 The presence of utilities and drainage conditions shall also be considered.
 - 30 c. *Storm Water Facilities*. Use water-tolerant species where storm water
retention/detention or water quality treatment facilities are proposed.
 - d. *Crime Prevention and Defensible Space*. Landscape plans shall provide for crime
prevention and defensible space, for example, by using low hedges and similar
plants allowing natural surveillance of public and semi-public areas, and by using
impenetrable hedges in areas where physical access is discouraged.
 - e. *Street Trees*. Street trees shall conform to the street tree list approved by the
Ashland Tree Commission. See the Ashland Recommended Street Tree Guide.

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3. Water Conserving Landscaping. Commercial, industrial, non-residential, and mixed-use developments that are subject to chapter 18.5.2 Site Design Review, shall use plants that are low water use and meet the requirements of 18.4.4.030.I Water Conserving Landscaping.

4. Hillside Lands and Water Resources. Landscape plans for land located in the Hillside Lands overlay must also conform to section 18.3.10.090 Development Standards for Hillside Lands, and in the Water Resources overlay must also conform to section 18.3.11.110 Mitigation Requirements for Water Resource Protection Zones.

5. Screening

a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.

b. Where a hedge is used as a screen, fire-resistant and drought tolerant evergreen shrubs shall be planted so that not less than 50 percent of the desired screening is achieved within two years and 100 percent is achieved within four years. Living groundcover in the screen strip shall be planted such that 100 percent coverage is achieved within two years.

6. Plant Sizes

a. Trees shall be not less than two-inch caliper for street trees, and 1.5-inch caliper for other trees at the time of planting.

b. Shrubs shall be planted from not less than one gallon containers, and where required for screening shall meet the requirements of 18.4.4.030.C.5 Screening.

D. Tree Preservation, Protection, and Removal. See chapter 18.4.5 for Tree Protection and Preservation and chapter 18.5.7 for Tree Removal Permit requirements.

E. Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees.

1. Location of Street Trees. Street trees shall be located in the designated planting strip or street tree wells between the curb and sidewalk, or behind the sidewalk in cases where a planting strip or tree wells are or will not be in place. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Community Development Department.

2. Spacing and Placement of Street Trees

All street tree spacing may be made subject to special site conditions that may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor’s review and approval. The placement, spacing, and pruning of street trees shall meet all of the following requirements.

a. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage.

1 Trees shall be evenly spaced, with variations to the spacing permitted for specific
2 site limitations, such as driveway approaches.

3 b. Street trees shall not be planted closer than 25 feet from the curb line of intersections
4 of streets or alleys, and not closer than ten feet from private driveways (measured at
the back edge of the sidewalk), fire hydrants, or utility poles.

5 d. Street trees shall not be planted closer than 20 feet to light standards. Except for
6 public safety, no new light standard location shall be positioned closer than ten feet
7 to any existing street tree, and preferably such locations will be at least 20 feet
distant.

8 e. Street trees shall not be planted closer than 2.5 feet from the face of the curb. Street
9 trees shall not be planted within two feet of any permanent hard surface paving or
10 walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25
11 square feet; however, larger cuts are encouraged because they allow additional air
and water into the root system and add to the health of the tree. Tree wells shall be
covered by tree grates in accordance with City specifications.

12 g. Street trees planted under or near power lines shall be selected so as to not conflict
13 with power lines at maturity.

14 h. Existing trees may be used as street trees if there will be no damage from the
15 development which will kill or weaken the tree. Sidewalks of variable width and
16 elevation, where approved pursuant to section 18.4.6.040 Street Design Standards,
may be utilized to save existing street trees, subject to approval by the Staff Advisor.

17 3. Pruning. Street trees, as they grow, shall be pruned to provide at least eight feet of
18 clearance above sidewalks and 12 feet above street roadway surfaces.

19 4. Replacement of Street Trees. Existing street trees removed by development projects
20 shall be replaced by the developer with those from the street tree list approved by the
21 Ashland Tree Commission. The replacement trees shall be of size and species similar to
the trees that are approved by the Staff Advisor. See the Ashland Recommended Street
Tree Guide.

22 **F. Parking Lot Landscaping and Screening.** Parking lot landscaping, including areas of
23 vehicle maneuvering, parking, and loading, shall meet the following requirements. Single-
24 family dwellings and accessory residential units are exempt from the requirements of
subsection 18.4.4.030.F.2, below.

25 1. Landscaping.

26 a. Parking lot landscaping shall consist of a minimum of seven percent of the total
27 parking area plus a ratio of one tree for each seven parking spaces to create a
canopy effect.

28 b. The tree species shall be an appropriate large canopied shade tree and shall be
29 selected from the street tree list approved by the Ashland Tree Commission to avoid
30 root damage to pavement and utilities, and damage from droppings to parked cars
and pedestrians. See the Ashland Recommended Street Tree Guide.

c. The tree shall be planted in a landscaped area such that the tree bole is at least two

1 feet from any curb or paved area.

2 d. The landscaped area shall be distributed throughout the parking area and parking
3 perimeter at the required ratio.

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

10 2. Screening.

11 a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking
12 abutting a property line. Where a buffer between zones is required, the screening
13 shall be incorporated into the required buffer strip, and will not be an additional
14 requirement.

15 b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a
16 residential building it shall be setback at least eight feet from the building, and shall
17 provide a continuous hedge screen.

18 c. *Screening at Required Yards.*

19 i. Parking abutting a required landscaped front yard or exterior yard shall
20 incorporate a sight obstructing hedge screen into the required landscaped yard.

21 ii. The screen shall grow to be at least 36 inches higher than the finished grade of
22 the parking area, except within vision clearance areas, section 18.2.4.050.

23 iii. The screen height may be achieved by a combination of earth mounding and
24 plant materials.

25 iv. Elevated parking lots shall screen both the parking and the retaining walls.

26 **G. Other Screening Requirements.** Screening is required for refuse and recycle containers,
27 outdoor storage areas, loading and service corridors, mechanical equipment, and the City
28 may require screening other situations, pursuant with the requirements of this ordinance.

29 1. Recycle and Refuse Container Screen. Recycle and refuse containers or disposal areas
30 shall be screened **from view** by placement of a solid wood fence or masonry wall five to
eight feet in height to limit the view from adjacent properties or public rights-of-way. All
recycle and refuse materials shall be contained within the screened area.

2. Outdoor Storage. Outdoor storage areas shall be screened from view, except such
screening is not required in the M-1 zone.

3. Loading Facilities and Service Corridors. Commercial and industrial loading facilities and
service corridors shall be screened when adjacent to residential zones. Siting and
design of such service areas shall reduce the adverse effects of noise, odor, and visual
clutter upon adjacent residential uses.

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of
features at least equal in height to the equipment to limit view from public rights-of-way,

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except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.4.

- a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.4.
- b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

H. Irrigation. Irrigation systems shall be installed to ensure landscape success. If a landscape area is proposed without irrigation, a landscape professional shall certify the area can be maintained and survive without artificial irrigation. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals.

I. Water Conserving Landscaping. Water has always been a scare, valuable resource in the Western United States. In the Rogue Valley, winter rains give way to a dry season spanning five to seven months. Lack of water during the dry summer season was a major problem facing early settlers. Their creative solutions greatly altered the development of this region. Talent Irrigation District's and other district's reservoirs and many miles of reticulating canals are an engineering marvel.

Ashland's early development centered around Ashland Creek and its year-round water supply flowing from the flanks of Mt. Ashland, a mile in elevation above the town.

As the town grew, the old reservoir at the top of Granite Street and later, Reeder Reservoir were built. They remain as a testament to the town's need for more water than the quantity that flows through the City during the dry season. The reservoir collects the winter rain behind its dams, for use during the dry season. Snowfall adds to this system by slowly melting in the spring and summer, after rainfall has diminished. This recharges the groundwater that continues to flow into Ashland Creek long after the last of the snow pack has melted.

Presently, Reeder reservoir's capacity is just barely sufficient to supply the City's current water demands in a severe drought. With Ashland's semi-arid climate that includes periodic multi-year droughts, a fixed reservoirs size, and growing water demands, it is clear that additional steps to insure a secure a water supply are now necessary.

There are two main ways of insuring a reliable water supply; either increase the supply by finding additional water sources or reduce the demand through water conservation strategies. The traditional supply side solutions are economically and environmentally expensive. Demand side solutions are relatively inexpensive, although they require changes in behavior and usage patterns. One of the main strategies for reducing water use are landscape designs that use less water. Ashland has adopted these guidelines in order to reduce the amount of water wasted by many standard landscaping practices.

The advantages to standards like these are that they avoid the costs of increasing the water supply, and also avoid the draconian measure of mandatory rationing. While standards limit

1 plant materials, the choices offered by drought tolerant plants give ample opportunity to
2 create beautiful landscapes at no additional cost.

3 The goal of these guidelines is to decrease water usage while encouraging attractive
4 landscaping. Further, standards are aimed at reducing water and demand when it is most
5 crucial, during the dry late summer months when water reserves are low.

6 The following standards are intended to conserve water while encouraging attractive
7 landscaping. Further, requirements are aimed at reducing water demand when water is
8 most scarce, during the dry late summer months when water reserves are low.

9 **1. Landscaping Design Standards**

- 10 a. *Landscaping Coverage.* Water conserving designs shall have plant coverage of not
11 less than 90 percent with five years of planting, but are not required to meet the
12 standard of 50 percent coverage within one year.
- 13 b. *Plant Selection.* At least 90 percent of plants in the non-turf areas shall be listed as
14 drought tolerant in the Sunset Western Garden book, City's Water-Wise Landscaping
15 website, or be similarly well-suited for this climate of region as determined by the
16 Staff Advisor. Up to ten percent of the plants may be of a non-drought tolerant variety
17 or species as long as they are grouped together and are located in a separate
18 irrigation zone.
- 19 c. *Screening.* Plant screening hedges to attain 50 percent coverage after two years.
- 20 d. *Mulch.* Add a minimum of two inches of mulch in non-turf areas to the soil surface
21 after planting, with the exception of within five (5) feet of a building or deck where
22 bark mulch and other combustible materials are not permitted per the General Fuel
23 Modification Area standards in 18.3.10.100. Neither large nuggets nor fine bark may
24 be used for mulch. Non-porous material shall not be placed under the mulch.
- 25 e. *Turf and Water Areas.* Limit combined **natural** turf or water areas (i.e., pools, ponds,
26 and fountains) to 20 percent of the landscaped areas. **Turf-These** limitations do not
27 apply to **public** parks, **private** common open space, **required outdoor recreation**
28 **areas**, golf courses, cemeteries, and school recreation areas.
- 29 f. *Fountains.* Design all fountains to recycle their water.
- 30 g. *Turf Location.* **Natural Turf** is restricted to slopes less than ten percent grade.
- h. *Berms and Raised Beds.*
- i. No more than five percent of landscaped area of any lot or project may be berms
or raised beds higher than one foot unless there is demonstrated need for sound
or safety barrier. If allowed, berms must be no taller than 1/6 of their width.
- ii. All plantings on berms one foot or greater in height must be drought tolerant.
- iii. Only drip irrigation is allowed on berms more than one foot in height.
- i. *Soil Quality.* When new vegetation is planted, soils shall be amended for plant health
and water absorption. Add mature compost at a rate of three cubic yards of compost
per 1,000 square feet of area to be landscaped, and work soil and amendment(s) to
a depth of four to six inches. This requirement may be waived for one or more of the

1 following circumstances.

- 2 a. The area to be landscaped is fenced off to fully protect native soil from
3 disturbance and compaction during construction.
- 4 b. Soil tests document an organic content of a least three percent based on a
5 representative core sample taken at a rate of one test per 20,000 square feet,
6 based on a minimum of three core sample per test. Samples shall be taken at
7 least 40 feet apart to a depth of six inches following attainment of rough grade.
- 8 c. The area to be landscaped will be used to capture and treat storm water runoff,
9 and is subject to separate design standards.

10 **J. Maintenance.** All landscaping shall be maintained in good condition, or otherwise replaced
11 by the property owner; dead plants must be replaced within 180 days of discovery.
12 Replacement planting consistent with an approved plan does not require separate City
13 approval.

14 **SECTION 26.** Section 18.4.5.030 [Tree Protection - Tree Preservation and Protection] of the
15 Ashland Land Use Ordinance is hereby amended to read as follows:

16 **18.4.5.030 Tree Protection**

17 **A. Tree Protection Plan.** A tree protection plan shall be approved by the Staff Advisor
18 concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal
19 is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

20 **B. Tree Protection Plan Submission Requirements.** In order to obtain approval of a tree
21 protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to
22 be preserved and/or removed on the site. The plan must be drawn to scale and include the
23 following.

- 24 1. Location, species, and diameter of each tree on site and within 15 feet of the site.
- 25 2. Location of the drip line of each tree.
- 26 3. An inventory of the health and hazard of each tree on site, and recommendations for
27 treatment for each tree.
- 28 4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and
29 other utility lines/facilities and easements.
- 30 5. Location of dry wells, drain lines and soakage trenches.
6. Location of proposed and existing structures.
7. Grade change or cut and fill during or after construction.
8. Existing and proposed impervious surfaces.
9. Identification of a contact person and/or arborist who will be responsible for
implementing and maintaining the approved tree protection plan.
10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

1 **C. Tree Protection Measures Required.**

- 2 1. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten
3 feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever
4 is greater, and at the boundary of any **common or public** open space ~~tracts~~, riparian
5 areas, or conservation easements that abut the parcel being developed.
- 6 2. The fencing shall be flush with the initial undisturbed grade.
- 7 3. Approved signs shall be attached to the chain link fencing stating that inside the fencing
8 is a tree protection zone, not to be disturbed unless prior approval has been obtained
9 from the Staff Advisor for the project.
- 10 4. No construction activity shall occur within the tree protection zone, including, but not
11 limited to dumping or storage of materials such as building supplies, soil, waste items,
12 equipment, or parked vehicles.
- 13 5. The tree protection zone shall remain free of chemically injurious materials and liquids
14 such as paints, thinners, cleaning solutions, petroleum products, concrete or dry wall
15 excess, and construction debris or run-off.
- 16 6. No excavation, trenching, grading, root pruning, or other activity shall occur within the
17 tree protection zone unless approved by the Staff Advisor.
- 18 7. Except as otherwise determined by the Staff Advisor, all required tree protection
19 measures set forth in this section shall be instituted prior to any development activities,
20 including, but not limited to clearing, grading, excavation, or demolition work, and shall
21 be removed only after completion of all construction activity, including landscaping and
22 irrigation installation.

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

27 **SECTION 27.** Subsection 18.4.6.040.E [Street Design Standards - Public Facilities] of the
28 Ashland Land Use Ordinance is hereby amended to read as follows:

29 **18.4.6.040 Street Design Standards**

30 **E. Connectivity Standards.** New and reconstructed streets, alleys, and pathways shall
conform to the following connectivity standards, and the Street Dedication Map.

1. Interconnection. Streets shall be interconnected to reduce travel distance, promote the
use of alternative modes, provide for efficient provision of utilities and emergency
services, and provide multiple travel routes. In certain situations where the physical
features of the land create severe constraints, or natural features should be preserved,
exceptions may be made. Such conditions may include, but are not limited to,
topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See also,
subsection 18.4.6.040.I Hillside Streets and Natural Areas.

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- 2. Connectivity to Abutting Lands. Design streets to connect to existing, proposed, and planned streets adjacent to the development, unless prevented by environmental or topographical constraints or existing development patterns. Where the locations of planned streets are shown on the Street Dedication Map, the development shall implement the street(s) shown on the plan pursuant to chapter 18.4.6. Wherever a proposed development abuts vacant, redevelopable, or a future development phase, provide street stubs to allow access to logically extend the street system into the surrounding area. Provide turnarounds at street ends constructed to Uniform Fire Code standards, as the City deems applicable. Design street ends to facilitate future extension in terms of grading, width, and temporary barricades.
- 3. Efficient Land Use. Street layout shall permit and encourage efficient lot layout and attainment of planned densities.
- 4. Integration With Major Streets. Integrate neighborhood circulation systems and land development patterns with boulevards and avenues, which are designed to accommodate heavier traffic volumes. Locate and design streets to intersect as nearly as possible to a right angle.
- 5. Alleys. The use of the alley is recommended, where possible. Alleys can contribute positively to the form of the street and have many advantages including: alleys allow more positive streetscapes with front yards used for landscaping rather than for front yard driveways; alleys can create a positive neighborhood space where the sidewalk feels more safe and inviting for pedestrians, neighbors socializing, and children playing; when the garage is located in rear yards off the alley, interesting opportunities arise for creating inviting exterior rooms using the garage as a privacy wall and divider of space; alleys enhance the grid street network and provides midblock connections for non-motorists; alleys provide rear yard access and delivery; and provide alternative utility locations and service areas
- 6. Preserving Natural Features. Locate and design streets to preserve natural features to the greatest extent feasible. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is provided. Situate streets between natural features, such as creeks, mature trees, drainages, **common or public** open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features. The City may approve adjustments to the street design standards in order to preserve natural features, per 18.4.6.040.I Hillside Streets and Natural Areas.
- 7. Physical Site Constraints. In certain situations where the physical features of the land create severe constraints adjustments may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.
- 8. Off-Street Connections. Connect off-street pathways to the street network and use to provide pedestrian and bicycle access in situations where a street is not feasible. In cases where a street is feasible, off-street pathways shall not be permitted in lieu of a traditional street with sidewalks. However, off-street pathways are permitted in addition to traditional streets with sidewalks in any situation.

- 1 9. Walkable Neighborhoods. Size neighborhoods in walkable increments, with block
2 lengths meeting the following requirements.
- 3 a. The layout of streets shall not create excessive travel lengths. Block lengths shall be
4 a maximum of 300 to 400 feet and block perimeters shall be a maximum of 1,200 to
5 1,600 feet.
- 6 b. An exception to the block length standard may be permitted when one or more of the
7 following conditions exist.
- 8 i. Physical conditions that preclude development of a public street. In certain
9 situations where the physical features of the land create severe constraints, or
10 natural features should be preserved, exceptions may be made. Such conditions
11 may include, but are not limited to, topography, wetlands, mature trees, creeks,
12 drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural
13 Areas.
- 14 ii. Buildings or other existing development on adjacent lands, including previously
15 subdivided but vacant lots or parcels, preclude a connection now or in the future
16 considering the potential for redevelopment.
- 17 iii. Where an existing public street or streets terminating at the boundary of the
18 development site have a block length exceeding 600 feet, or are situated such
19 that the extension of the street(s) into the development site would create a block
20 length exceeding 600 feet. In such cases, the block length shall be as close to
21 600 feet as practical.
- 22 c. When block lengths exceed 400 feet, use the following measures to provide
23 connections and route options for short trips.
- 24 i. Where extreme conditions preclude street connections, continuous
25 nonautomotive connection shall be provided with a multi-use path. Off-street
26 pathways shall not be used in lieu of a traditional street with sidewalks in cases
27 where extreme conditions do not exist.
- 28 ii. Introduce a pocket park, or plaza area with the street diverted around it.
- 29 iii. At the mid-block point, create a short median with trees or use other traffic
30 calming devices to slow traffic, break up street lengths, and provide pedestrian
refuge.
10. Traffic Calming. Traffic calming features, such as traffic circles, curb extensions, reduced
street width (parking on one side), medians with pedestrian refuges, speed table, and or
special paving may be required to slow traffic in areas with high pedestrian traffic.

28 **SECTION 28.** Subsection 18.4.6.040.G.7 [Street Design Standards - Public Facilities] of the
29 Ashland Land Use Ordinance is hereby amended to read as follows:

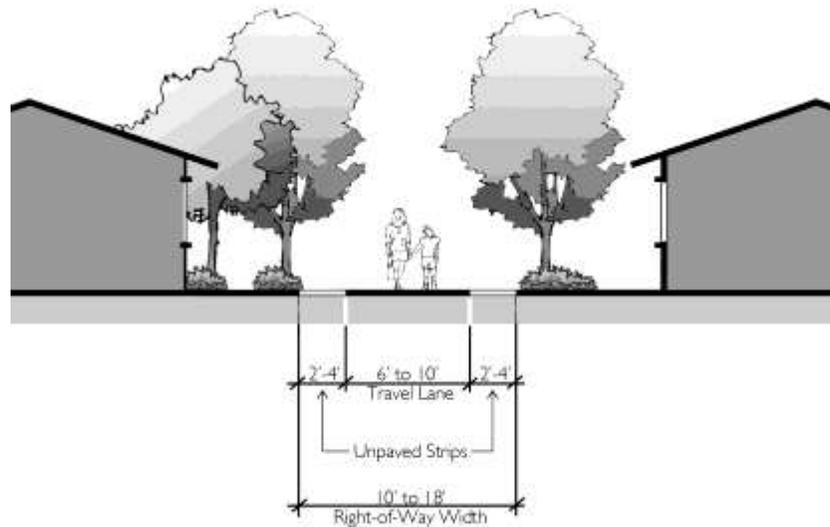
G. Standards Illustrated. New and reconstructed streets, alleys and pathways shall conform

1 to the following design standards, as summarized in Table 18.4.6.040.F.

2 7. Multi-use Path

3 Multi-use paths are off-street facilities used primarily for walking and bicycling. These
4 paths can be relatively short connections between neighborhoods, or longer paths
5 adjacent to rivers, creeks, railroad tracks, and **parks and common** open space. See
6 Figure 18.4.6.040.G.7.

7
8 Prototypical Section: Multi-Use Path



22 **Figure 18.4.6.040.G.7**
23 **Multi-Use Path**

24

<i>Street Function</i>	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
<i>Connectivity</i>	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
<i>Right-of-Way Width</i>	10 ft – 18 ft
<i>Improvement Width</i>	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides

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1 *Curb and Gutter* not required

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3 **SECTION 29.** Subsection 18.4.6.040.I [Street Design Standards - Public Facilities] of the
4 Ashland Land Use Ordinance is hereby amended to read as follows:

5 **I. Hillside Streets and Natural Areas.** Streets constructed in hillside lands or natural
6 resource areas (e.g., creeks, rock outcroppings, drainages, wetlands) should minimize
7 negative impacts and use minimal cut and fill slopes. Generally, the range of street types
8 provided in 18.4.6.040.G make it possible to construct or improve streets in accordance with
9 the design standards. However, street design may be adjusted in hillside lands and natural
10 resource areas using the Exceptions to Street Standards process in 18.4.6.020.B.1. In
addition to the approval criteria for an Exception to Street Standards, the following standards
must be met.

- 11 1. Approval of Streets in Hillside Lands and Natural Areas. Approval of a street in a hillside
12 lands or natural areas shall conform to chapter 18.3.10, Physical and Environmental
Constraints, and the following provisions.
- 13 a. *Clear Travel Lane.* New streets shall provide a 20-foot clear travel lane area in areas
14 designated Hillside Lands.
 - 15 b. *On-Street Parking.* Ample on-street or bay parking shall be provided at the foot of
16 steep hills, especially those prone to snow or ice buildup.
 - 17 c. Streets shall be located in a manner that preserves natural features to the greatest
18 extent feasible.
 - 19 e. Whenever possible, street alignments shall follow natural contours and features so
20 that visual and physical access to the natural feature is possible.
 - 21 f. Streets shall be situated between natural features, such as creeks, mature trees,
22 drainages, **common or public** open spaces, and individual parcels in order to
23 appropriately incorporate such significant neighborhood features.
- 24 2. Dead End Streets. Dead-end streets may be permitted in areas where topography,
25 wetland, creeks, or other physical features preclude street connections. Only
neighborhood streets may be dead end roads. No dead end street shall exceed 500 feet
in length, not including the turnaround.

26 **SECTION 30** Section 18.5.2.040 [Application Submission Requirements - Site Design Review]
27 of the Ashland Land Use Ordinance is hereby amended to read as follows:

28 **18.5.2.040 Application Submission Requirements**

29 The following information is required for Site Design Review application submittal, except where
30 the Staff Advisor determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements. Information required for Type I or Type II review, as
applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written

1 statement or letter explaining how the application satisfies each and all of the relevant
2 criteria and standards.

3 **B. Site Design Review Information.** In addition to the general information required for Site
4 Design Review, the applicant shall provide the following information.

- 5 1. Basic Plan Information. Plans and drawings shall include the project name, date, north
6 arrow, scale, and names and addresses of all persons listed as owners of the subject
7 property on the most recently recorded deed. The scale of site and landscaping plans
8 shall be at least one-inch equals 50 feet or larger, and of building elevations one-inch
9 equals ten feet or larger.
- 10 2. Site Analysis Map. The site analysis map shall contain the following information.
 - 11 a. Vicinity map.
 - 12 b. The property boundaries, dimensions, and area of the site shall be identified.
 - 13 c. Topographic contour lines at 5-foot intervals or less, except where the Staff Advisor
14 determines that larger intervals will be adequate for steeper slopes.
 - 15 e. Zone designation of the and adjacent to the proposed development, including lands
16 subject to overlay zones including but not limited to lands subject to Detail Site
17 Review, Downtown Design Standards, Historic District, Pedestrian Place, Physical
18 and Environmental Constraints, and Water Resource Protection Zones overlays (see
19 part 18.3 Special Districts and Overlays).
 - 20 f. The location and width of all public and private streets, drives, sidewalks, pathways,
21 rights-of-way, and easements on the site and adjoining the site.
 - 22 g. The location and size of all public and private utilities, on and adjacent to the subject
23 site, including:
 - 24 i. Water lines;
 - 25 ii. Sewer lines, manholes and cleanouts;
 - 26 iii. Storm drainage and catch basins; and
 - 27 iv. Fire hydrants.
 - 28 h. Site features, including existing structures, pavement, drainage ways, rock
29 outcroppings, areas having unique views, and streams, wetlands, drainage ways,
30 canals and ditches.
 - i. The location, size, and species of trees six inches DBH or greater, including trees
located on the subject site and trees located off-site that have drip lines extending
into the subject site.
3. Proposed Site Plan. The site plan shall contain the following information.
 - a. The proposed development site, including boundaries, dimensions, and gross area.
 - b. Features identified on the existing site analysis maps that are proposed to remain on
the site.
 - c. Features identified on the existing site map, if any, which are proposed to be

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removed or modified by the development.

- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.
- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements, including:
 - i. Connection to the City water system and meter locations;
 - ii. Connection to the City sewer system;
 - iii. Connection to the City electric utility system and meter locations;
 - iv. New and/or replaced fire hydrants and vault locations;
 - v. The proposed method of drainage of the site; and
 - vi. The opportunity-to-recycle site and solid waste receptacle, including proposed screening.
- f. Location of drainage ways and public utility easements in and adjacent to the proposed development.
- g. Setback dimensions for all existing and proposed structures.
- h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
- i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls), including accessible parking by building code.
- j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- k. **Outdoor recreation** **Common open** spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
- l. Location of outdoor lighting.
- m. Location of mail boxes, if known.
- n. Locations of bus stops and other public or private transportation facilities.
- o. Locations, sizes, and types of signs.

- 4. Architectural drawings. Architectural drawings, as applicable.
 - a. Exterior elevations of all proposed buildings, drawn to a scale of one inch equals ten feet or greater; such plans shall indicate the material, color, texture, shape, and design features of the building, and include mechanical devices not fully enclosed in the building.
 - b. Exterior elevations of other proposed structures, including fences, retaining walls, accessory buildings, and similar structures.
 - c. The elevations and locations of all proposed signs for the development.
 - d. For non-residential developments proposed on properties located in a Historic

1 District, section drawings including exterior walls, windows, projections, and other
2 features, as applicable, and drawings of architectural details (e.g., column width,
3 cornice and base, relief and projection, etc.) drawn to a scale $\frac{3}{4}$ of an inch equals
one foot or larger.

- 4 5. Preliminary Grading and Drainage Plan. A preliminary grading and drainage plan
5 prepared by an engineer shall be submitted with the application for Site Design Review
6 where a development site is $\frac{1}{2}$ of an acre or larger as deemed necessary by the Staff
7 Advisor. The preliminary grading plan shall show the location and extent to which
8 grading will take place, indicating general changes to contour lines, slope ratios, slope
9 stabilization proposals, and location and height of retaining walls, if proposed, and
temporary and permanent erosion control measures. Surface water detention and
10 treatment plans may also be required, in accordance with chapter 18.4.6 Public
11 Facilities.
- 12 6. Erosion Control Plan. An erosion control plan addressing temporary and permanent
13 erosion control measures, which shall include plantings where cuts or fills (including
berms), swales, storm water detention facilities, and similar grading is proposed. Erosion
control plans in Hillside Lands shall also conform to section 18.3.10.090 Development
Standards for Hillside Lands.
- 14 7. Landscape and Irrigation Plans.
- 15 a. Landscape and irrigations plans shall include the following information.
- 16 i. The location, size, and species of the existing and proposed plant materials, and
17 any other pertinent features of the proposed landscaping and plantings.
- 18 ii. A tree protection and removal plan consistent with chapter 18.4.5 for sites with
19 trees that are to be retained, protected, and removed.
- 20 iii. At time of building permit submittals, an irrigation plan including a layout of
irrigation facilities.
- 21 b. When water conserving landscaping is required pursuant to section 18.4.4.030, the
22 landscape plan shall contain the following additional information.
- 23 i. Information from proposed site plan.
- 24 ii. Landscape contact person, including address and telephone number.
- 25 iii. Identification of cut and fill areas.
- 26 iv. Location of underground utilities and all transformer and utility meter locations.
- 27 v. Slopes exceeding ten percent and grade changes in root zones of plants to be
retained on site.
- 28 vi. Inventory of existing plant materials on site identifying that will remain and will be
29 removed.
- 30 vii. Composite plant list including quantity, size, botanical name, common name,
variety, and spacing requirements of all proposed plant material.
- viii. Mulch areas labeled according to material and depth.

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- ix. Shrub and tree planting and staking detail.
- x. Root barrier design, installation specifications, and details.
- xii. Design and installation specifications of any proposed tree grates.
- c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.
 - i. Information from proposed site plan.
 - ii. Irrigation contact person, including address and telephone number.
 - iii. For lots with a landscaped area greater than 5,000 square feet, a grading plan and topographic map showing contour intervals of five feet or less.
 - iv. Identification of water source and point of connection including static and operating pressure.
 - v. If Talent Irrigation District (TID) is used, list the size and type of filtration method.
 - vi. Area of irrigated space in square feet.
 - vii. Size, type, brand, and location of backflow device, as well as make, model, precipitation rate, and location of sprinkler heads.
 - viii. Layout of drip system showing type of emitter and its outputs, as well as type of filtration used.
 - ix. Piping description including size schedule or class, type of mounting used between piping and sprinkler heard, depth of proposed trenching, and provisions for winterization.
 - x. Size, type, brand, and location of control valves ad sprinkler controllers.
 - xi. Size, type, depth, and location of materials for under paving sleeves.
 - xii. Type and location of pressure regulator.
 - xiii. Type and location of rain sensor.
 - xiv. Monthly irrigation schedule for the plant establishment period (6 – 12 months) and for the first year thereafter.
 - xv. Water schedule for each zone from the plan.
- 8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.
 - a. For commercial and industrial developments:
 - i. The square footage contained in the area proposed to be developed.
 - ii. The percentage of the lot covered by structures.
 - iii. The percentage of the lot covered by other impervious surfaces.
 - iv. The total number of parking spaces.

- v. The total square footage of all landscaped areas.
- b. For residential developments:
 - i. The total square footage in the development.
 - ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).
 - iii. Percentage of lot coverage by structures; streets, roads, or drives; public use areas, common ~~area/private recreation and private open space areas~~, landscaping, and parking areas.

SECTION 31. Section 18.5.3.020 [Applicability and General Requirements - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.020 Applicability and General Requirements

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)
3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots.
4. For properties located in the Performance Standards Overlay, all land divisions, other than partitions and development of individual dwelling units, shall be processed under chapter 18.3.9 Performance Standards Option. Properties not located in the Performance Standards Overlay but meeting the requirements of section 18.3.9.030, may be processed under chapter 18.3.9 Performance Standards Option. Except as modified by chapter 18.3.9, the provisions of chapter 18.5.3 apply to development applications processed under the Performance Standards Option.

B. Land Survey. Before any action is taken pursuant to this ordinance that would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

C. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must demonstrate compliance with all conditions of approval of the

1 preliminary plat.

2 **D. Compliance With Oregon Revised Statutes (ORS) chapter 92.** All subdivision and
3 partitions shall conform to state regulations in Oregon Revised Statute (ORS) chapter 92,
4 Subdivisions and Partitions.

5 **E. Future Re-Division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater
6 than two times or 200 percent the minimum lot size allowed by the underlying land use
7 district), the lots shall be of such size, shape, and orientation as to facilitate future re-division
8 and extension of streets and utilities. The approval authority may require a development
9 plan indicating how further division of oversized lots and extension of planned public
10 facilities to adjacent parcels can occur in the future. If the Planning Commission determines
11 that an area or tract of land has been or is in the process of being divided into four or more
12 lots, the Commission can require full compliance with all subdivision regulations.

13 **F. Minor Amendments.** The following minor amendments to subdivisions and partitions are
14 subject to Ministerial review in Chapter 18.5.1.040. Changes to an approved plan or
15 condition of approval that do not meet the thresholds for a minor amendment, below, are
16 subject to Chapter 18.5.6 Modifications to Approved Planning Actions.

- 17 1. A change that does increase the number of lots or parcels created by the subdivision.
- 18 2. A change that does not enlarge the boundaries of subdivided or partitioned area.
- 19 3. A change that does not alter the general location or amount of land devoted to a specific
20 land use.
- 21 4. A change that makes only minor shifting of the established lines, location, or size of
22 buildings or building envelopes, proposed public or private streets, pedestrian ways,
23 utility easement, or parks and ~~other common public~~ open spaces.

24 **SECTION 32.** Section 18.5.3.030 [Preliminary Plat Approval Process - Land Divisions and
25 Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as
26 follows:

27 **18.5.3.030 Preliminary Plat Approval Process**

28 **A. Review of Preliminary Plat.**

- 29 1. Partitions. Preliminary plats for partitions, including flag lot partitions, are reviewed
30 through the Type I procedure under section 18.5.1.050.
2. Subdivisions. Preliminary plats for subdivisions are subject to the approval criteria in
section 18.5.3.050 and are reviewed through the Type II procedure, pursuant to chapter
18.5.1.060.

B. Modifications. The applicant may request changes to the approved preliminary plat or
conditions of approval following the procedures and criteria provided in chapter 18.5.6
Modifications to Approved Planning Actions. See also, subsection 18.5.3.020.G Minor
Amendments.

1 **C. Phased Subdivision.** The Planning Commission may approve plans for phasing a
2 subdivision, and changes to approved phasing plans, provided applicant's proposal meets
3 all of the following criteria.

- 4 1. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat
5 application.
- 6 2. Commission approval is required for modifications to phasing plans.
- 7 3. The required improvements (i.e., utilities, streets) for the first subdivision phase shall be
8 installed or bonded for within 18 months of the approval of the preliminary plat, except
9 when an extension of the preliminary plat is granted pursuant to section 18.1.6.040.
- 10 4. Public facilities and **privatecommon** open spaces shall be constructed in conjunction
11 with or prior to each phase.
- 12 5. The final plat for the first phase shall be approved within 18 months of the approval of
13 the preliminary plat, except when extension of the preliminary plat is granted pursuant to
14 section 18.1.6.040.

15 **SECTION 33.** Section 18.5.3.040 [Preliminary Plat Submission - Land Divisions and Property
16 Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

17 **18.5.3.040 Preliminary Plat Submissions**

18 Applications for Preliminary Plat approval shall contain all of the following information.

19 **A. General Submission Requirements.**

- 20 1. Partitions. Information required for a Type I review (see section 18.5.1.050), including
21 but not limited to a written statement or letter explaining how the application satisfies
22 each and all of the relevant criteria and standards.
- 23 2. Subdivisions. Information required for a Type II review, (see section 18.5.1.060),
24 including but not limited to a written statement or letter explaining how the application
25 satisfies each and all of the relevant criteria and standards.

26 **B. Preliminary Plat Information.** In addition to the general information described in subsection
27 A, above, and any information required pursuant to chapter 18.3.9 Performance Standards
28 Option, the preliminary plat application shall consist of drawings and supplementary written
29 material (i.e., on forms and/or in a written narrative) adequate to provide the following
30 information, in quantities determined by Staff Advisor.

- 31 1. General information
 - 32 a. Name of subdivision (partitions are named by year and file number). This name shall
33 not duplicate the name of another land division in the City or vicinity.
 - 34 b. Date, north arrow, and scale of drawing.
 - 35 c. Location of the development sufficient to define its location in the City, boundaries.
 - 36 d. Zoning of parcel to be divided, including any overlay zones.

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- e. A title block specifying “minor or major partition” and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.
 - f. Identification of the drawing as a “preliminary plat”.
2. Existing Conditions. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.
- a. *Streets.* Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.
 - b. *Easements.* Width, location, and purpose of all existing easements of record on and abutting the site;
 - c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. *Topography and Natural Features.* A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.
 - e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.
 - f. North arrow and scale.
3. Proposed Development. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.
- a. Proposed lots, streets, tracts, **common** open space, and park land (if any); location, names, right-of-way dimensions.
 - b. Location, width, and purpose of all proposed easements;
 - c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., **privatecommon** open space, common area, or street).
 - d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as **common** open space **for the purpose of surface water management, recreation, or other use.**
 - e. Proposed public street improvements, pursuant to chapter 18.4.6.
 - f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.
 - g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.

- 1 h. The approximate location and identity of other facilities, including the locations of
- 2 electric, fire hydrants, streetlights, and utilities, as applicable.
- 3 i. Evidence of compliance with applicable overlay zones.

4 **SECTION 34.** Section 18.5.7.020 [Applicability and Review Procedure - Tree Removal

5 Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

6 **18.5.7.020 Applicability and Review Procedure**

7 All tree removal and topping activities shall be carried out in accordance with the requirements

8 of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay

9 Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

10 If tree removal is part of another planning action involving development activities, the tree

11 removal application, if timely filed, shall be processed concurrently with the other planning

12 action. Applications for Tree Removal Permits are reviewed as follows.

13 **A. Ministerial Action.** The following Tree Removal Permits are subject to the Ministerial

14 procedure in section 18.5.1.040.

- 15 1. Emergency Tree Removal Permit.

16 **B. Type I Reviews.** The following Tree Removal Permits are subject to the Type I review in

17 section

18 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.

- 19 1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or
- 20 HC.
- 21 2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that
- 22 are not occupied solely by a single-family detached dwelling.
- 23 3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for
- 24 residential purposes including but not limited to R-I, RR, WR, and NM zones.
- 25 4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under
- 26 the control of the Ashland School District, or on lands under the control of the City.
- 27 5. Tree Topping Permit.

28 **C. Exempt From Tree Removal Permit.** The following activities are exempt from the

29 requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

- 30 1. Those activities associated with the establishment or alteration of any **public** park under
- the Ashland Parks and Recreation Commission. However, the Parks and Recreation
- Department shall provide an annual plan in January to the Tree Commission outlining
- proposed tree removal and topping activities, and reporting on tree removal and topping
- activities that were carried out in the previous year.
- 2. Removal of trees in single-family residential zones on lots occupied only by a single-
- family detached dwelling and associated accessory structures where the property is less
- than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided,

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except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.

3. Removal of trees in multi-family residential and health care zones on lots occupied only by a single-family detached dwelling and associated accessory structures where the property cannot be further developed with additional dwelling units other than an accessory residential unit, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 caliper inches in diameter at breast height (DBH) on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, consistent with the fuel modification area standards in 18.3.10.100, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.
8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.
10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

D. Other Requirements.

1. Flood Plain, Hillsides, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constrains Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

1 **SECTION 35.** Section 18.5.7.050 [Mitigation Required - Tree Removal Permits] of the Ashland
2 Land Use Ordinance is hereby amended to read as follows:

3 **18.5.7.050 Mitigation Required**

4 One or more of the following shall satisfy the mitigation requirement.

- 5 **A. Replanting On-Site.** The applicant shall plant either a minimum 1 ½-inch caliper healthy
6 and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree
7 removed. The replanted tree shall be of a species that will eventually equal or exceed the
8 removed tree in size if appropriate for the new location. Larger trees may be required where
9 the mitigation is intended, in part, to replace a visual screen between land uses. Suitable
10 species means the tree's growth habits and environmental requirements are conducive to
11 the site, given existing topography, soils, other vegetation, exposure to wind and sun,
12 nearby structures, overhead wires, etc. The tree shall be planted and maintained per the
13 specifications of the Recommended Street Tree Guide.
- 14 **B. Replanting Off-Site.** If in the City's determination there is insufficient available space on the
15 subject property, the replanting required in section 18.5.7.050.A, above, shall occur on other
16 property in the applicant's ownership or control within the City, in **an common** open space
17 tract that is part of the same subdivision, or in a City owned or dedicated **public** open space
18 or park. Such mitigation planting is subject to the approval of the authorized property
19 owners. If planting on City owned or dedicated property, the City may specify the species
20 and size of the tree. Nothing in this section shall be construed as an obligation of the City to
21 allow trees to be planted on City owned or dedicated property.
- 22 **C. Payment In-Lieu of Planting.** If in the City's determination no feasible alternative exists to
23 plant the required mitigation, the applicant shall pay into the tree account an amount as
24 established by resolution of the City Council.
- 25 **D. Mitigation Plan.** An approved mitigation plan shall be fully implemented within one year of a
26 tree being removed unless otherwise set forth in a tree removal application and approved in
27 the tree removal permits.

28 **SECTION 36.** Section 18.5.7.090 [Enforcement and Penalties - Tree Removal Permits] of the
29 Ashland Land Use Ordinance is hereby amended to read as follows:

30 **18.5.7.090 Enforcement and Penalties**

In addition to taking enforcement action and assessing penalties for violations of this code, as
authorized by chapter 18.1.6 Zoning Permit Expiration, Extension, and Enforcement, the City
may take the following mitigation actions where there is a violation of this chapter:

- A. Arborist Report and Required Treatment.** Upon request by the City, a person who
violates any provision of this chapter shall submit a report prepared by an arborist to
evaluate the damage to a tree and/or make recommendations to remedy the violation. The
City upon evaluating these recommendations, may, at the City's discretion, require that the
recommended measures be implemented.

1 **B. Restoration Fee.** In addition to any fine and enforcement fee, the court may impose a
2 restoration fee as restitution to the City for restoring the tree. This fee may be imposed upon
3 any person who violates any provision of this chapter or who violates any permit or condition
4 of any permit.

4 1. The fee shall be paid into the City's Tree Account and shall be a standard fee per caliper
5 inch for the total number of caliper inches of the tree damaged or removed in violation of
6 this chapter. The standard fee shall be in an amount as established by resolution of the
7 City Council.

7 2. The court may require the person to pay into the City's Tree Account an increased fee
8 per caliper inch or pay for the value of the tree, whichever is greater, if any of the
9 following apply.

9 a. The person has committed a previous violation of a provision of this chapter.

10 b. Tree protection measures as required by this chapter were not installed or
11 maintained.

12 c. The tree removed or damaged was:

13 i. 18 caliper inches in diameter or greater;

14 ii. a designated Heritage Tree;

15 iii expressly protected or required to be preserved as a condition of approval of a
16 development permit pursuant to this ordinance; or

17 iv. located on public right of way, City owned or dedicated property, a **common**
public or private open space area or conservation easement.

18 3. The value of a tree under this section shall be determined by an arborist in accordance
19 with the methods set forth in the Guide for Plant Appraisal, an official publication of the
20 International Society of Arboriculture.

20 **C. Fine.** The removal of a tree in violation of this chapter, in violation of a permit or any
21 condition of a permit issued under this chapter shall be a separate offense for each tree.

22 **D. Cumulative Remedies.** The rights, remedies, and penalties provided in this chapter are
23 cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and
24 penalties available to the City under any other provision of law.

25 **SECTION 37. Codification.** In preparing this ordinance for publication and distribution, the
26 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
27 such limitations, may:

28 (a) Renumber sections and parts of sections of the ordinance;

29 (b) Rearrange sections;

30 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

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- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 38. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2020.

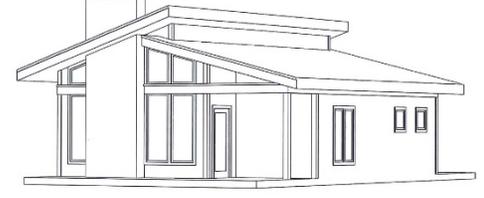
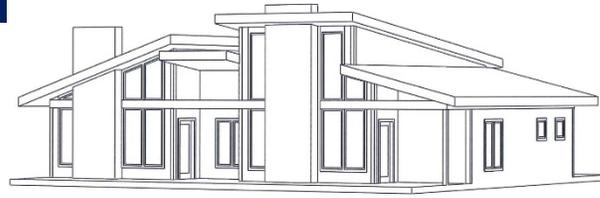
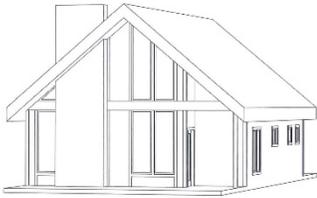
John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Cottages at 210 Alicia

PA-T2-2020-00017 – A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation.



Proposal Details

Proposal

12 cottages ranging in size from 800 to 999 square feet are proposed to be constructed around the perimeter of the property. The driveway from Alicia Avenue is proposed to serve 14 parking spaces in a consolidated central parking area. Parking spaces would be in two carport structures with solar panels, and the project is proposed to be a zero net energy development.

Site Description

The subject property is a 54,722 square foot, generally rectangular parcel zoned Single Family Residential (R-1-5-P) which takes access from Alicia Avenue. There is currently a 1,183 square foot manufactured home with a 340 square foot attached garage that was built around 2003, as well as a small shed and small barn. These structures would be removed with redevelopment of the property. The applicant has identified a small possible wetland on the property and is in the process of having it assessed and delineated by a wetland biologist. The possible wetland and its surrounding buffer have been incorporated into the project's open space.

Landscaping & Trees

There are six trees on the property: a 20-inch Plum which is proposed to be removed due to its location relative to necessary driveway improvements; a 14-inch unspecified deciduous tree; a 10-inch Walnut; an eight-inch Willow; a ten-inch Willow; and a 36-inch multi-trunked Willow. The multi-trunked 36-inch Willow is proposed to be removed as a hazard tree, and the project arborist explains that it exhibits evidence of previous large limb failure, extensive rot and fungal growth, multiple structural defects including cracks, and overall poor health. The arborist recommends that the Willow is not suitable for an urban setting and would pose a hazard for people on the property, all the more so with further development. He recommends that this Willow be removed and replaced with a suitable tree. A total of 23 new trees are identified in the Landscape Plan provided.

Cottages at 210 Alicia

PA-T2-2020-00017 – A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation.

Key Issues

Parking

Cottage housing units less than 800 square feet require one off-street parking space be provided per unit, while cottage housing units greater than 800 square feet but less than 1,000 square feet require 1.5 spaces. As proposed, nine of the units are 800 square feet and three are 999 square feet. The applicant proposes to provide 14 off-street parking spaces for the 12 cottages proposed here which satisfies the off-street parking requirement.

Streets & Traffic

Alicia Avenue is a residential neighborhood street, has a 47-foot right-of-way width, and is paved to 20 feet. There are no sidewalks, curbs or gutters in place on either side of the street, and right-of-way beyond the pavement is surfaced in gravel and accommodates pedestrian circulation and on-street parking. A residential development of this size does not require a Traffic Impact Analysis, however the existing street is estimated to be well below the designed capacity for a neighborhood street. No street dedications are identified in the Street Dedication Map, and cottage housing developments typically do not require to dedicate or construct street improvements if the proposal is found to meet connectivity and block length standards.

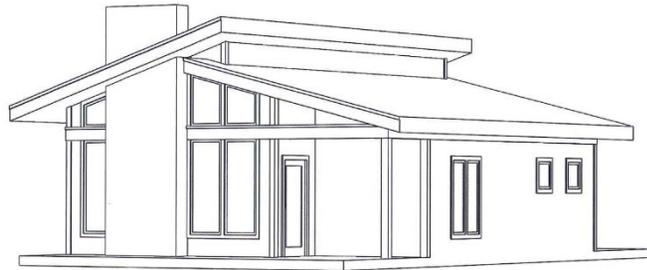
Demolition

The existing manufactured home, attached garage, small barn and shed will be demolished prior to redevelopment of the property, and will require a Demolition/Relocation Review Permit through the Building Division before any demolition work begins on site.

Staff Recommendation

Staff recommends that the application be approved with the conditions detailed in the draft findings included in the Planning Commission's May 2020 meeting packet.

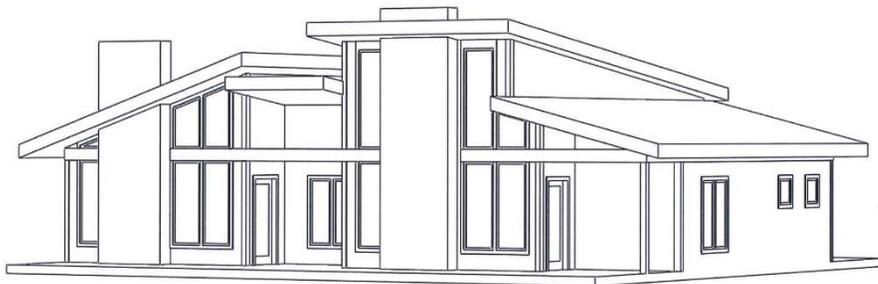
Cottages @ 210 Alicia Avenue



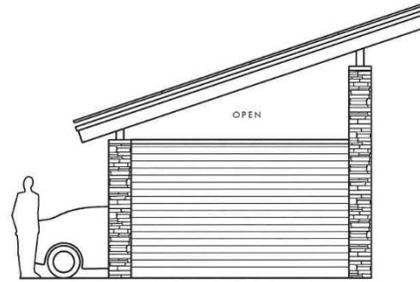
800 Square Foot, Detached Cottage



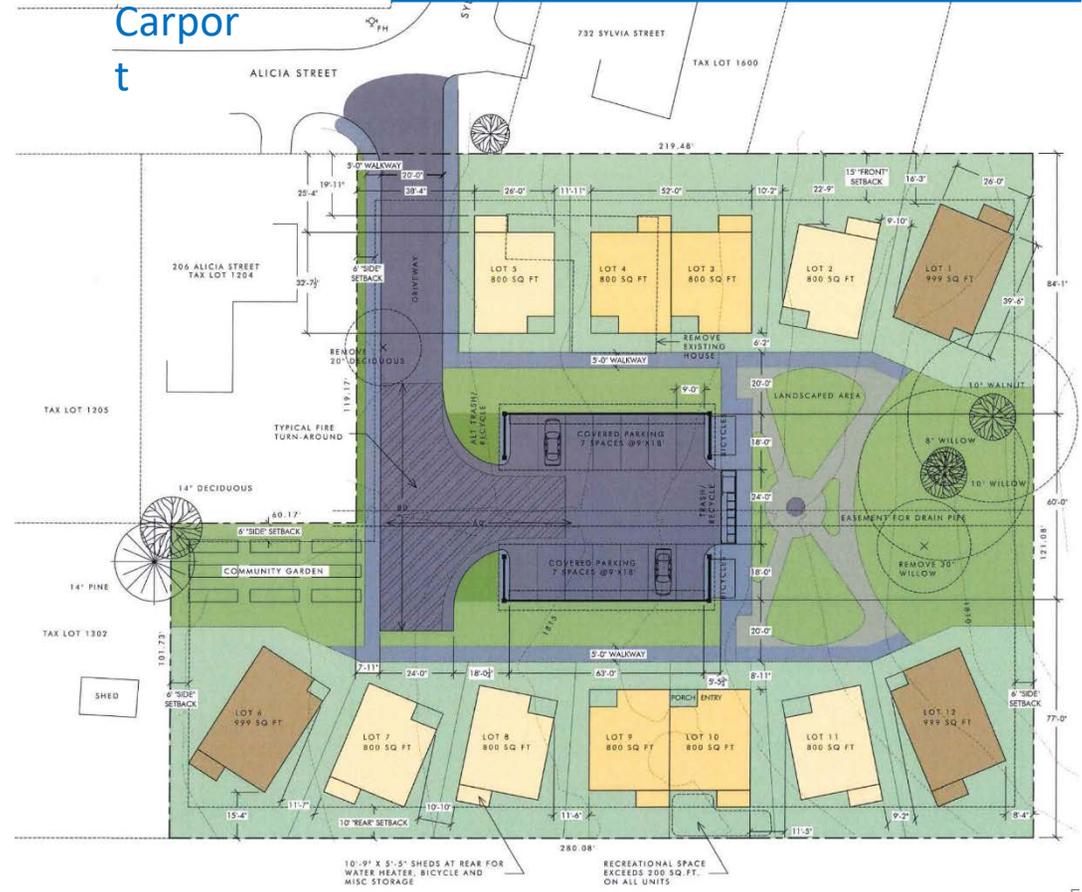
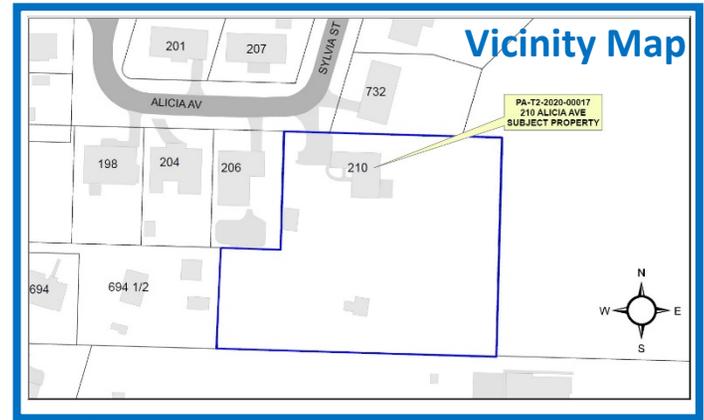
999 Square Foot, Detached Cottage



800 Square Foot, Attached Cottages



Carport



COLOR KEY:

800 SQ FT DETACHED HOME	800 SQ FT DUPLEX	999 SQ FT DETACHED HOME
PRIVATE YARD	LANDSCAPE AREA	OPEN SPACE
ASPHALT	WALKWAY (CONCRETE)	WALKWAY (OTHER)

- g. *The development complies with the Street Standards.*
- 4) The criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 5) The development standards for Cottage Housing Development are detailed in **AMC 18.2.3.090** as follows:
- C. **Development Standards.** *Cottage housing developments shall meet all of the following requirements.*
 - 1. **Cottage Housing Density.** *The permitted number of units and minimum lot areas shall be as follows:*

Table 18.2.3.090.C.1 Cottage Housing Development Density

Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

- a. **Maximum Floor Area Ratio:** The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. **Maximum Floor Area.** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. **Height.** Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. **Lot Coverage.** Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
- e. **Building Separation.** A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

f. **Fences.** Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. **Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:**

a. **Public Street Dedications.** Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

b. **Driveways and parking areas.** Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.

i. Parking shall meet the minimum parking ratios per 18.4.3.040.

ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.

iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

4. **Open Space. Open space shall meet all of the following standards.**

a. A minimum of 20 percent of the total lot area is required as open space.

b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

c. Shall consist of a central space, or series of interconnected spaces.

d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.

- e. *At least 50 percent of the cottage units shall abut an open space.*
- f. *The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.*



g. *Parking areas and driveways do not qualify as open space.*

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

- 5. **Private Outdoor Area.** *Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.*
 - a. *Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.*
 - b. *No dimension of the private outdoor area shall be less than 8 feet.*
- 6. **Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**
 - a. **Common Buildings.** *Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.*
 - b. **Carports and garage structures.** *Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common*

buildings.

- c. **Nonconforming Dwelling Units.** *An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.*
- d. **Accessory Residential Units.** *New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.*

7. Storm Water and Low-Impact Development.

- a. *Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.*
- b. *Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.*
- c. *Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.*

8. Restrictions.

- a. *The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.*

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

- 1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

- a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
- a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*
 - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
 - d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 - e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

7) On April 15, 2020 Governor Kate Brown issued Executive Order #20-16 “*Keep Government Working: Ordering Necessary Measures to Ensure Safe Public Meetings and Continued Operations by Local Government During Coronavirus (COVID-19) Outbreak.*” The Governor’s Order required that public bodies hold public meetings by telephone, video, or through some other electronic or virtual means, whenever possible; that the public body make available a method by which the public can listen to or virtually attend the public meeting or hearing at the time it occurs; that the public body does not have to provide a physical space for the public to attend the meeting or hearing; that requirements that oral public testimony be taken during hearings be suspended, and that public bodies instead provide a means for

submitting written testimony by e-mail or other electronic methods that the public body can consider in a timely manner

8) The Planning Commission, following proper public notice, held an electronic public hearing on May 12, 2020. In keeping with Executive Order #20-16, this meeting was broadcast live on local television channel 9 and on Charter Communications channels 180 & 181, and was live-streamed over the internet on RVTV Prime at <http://www.rvtv.sou.edu>. A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report were made available on-line at <http://www.ashland.or.us/Page.asp?NavID=17902> seven days prior to the hearing. The applicant was required to submit any presentation materials for consideration at the hearing by 3:30 p.m. on Friday, May 8th, and these materials were made available on-line and e-mailed to Commissioners. Those wishing to provide testimony were invited to submit written comments via e-mail to PC-public-testimony@ashland.or.us with the subject line "May 12 PC Hearing Testimony" by 3:30 p.m. on Monday, May 11, 2020, and these comments were made available on-line and e-mailed to Commissioners. The applicant was invited to provide written rebuttal to these public comments by 3:30 p.m. on Tuesday, May 12th and these arguments were posted on-line and e-mailed to Commissioners in advance of the electronic public hearing. All written testimony received by the deadlines was made available for Commissioners to review before the hearing and has been included in the meeting minutes. As provided in the Governor's Executive Order #20-16, no oral public testimony was taken during the hearing.

Prior to the closing of the hearing, participants requested that the hearing or record remain open pursuant to ORS 197.763(6) to present additional evidence or argument via e-mail to PC-public-testimony@ashland.or.us with the subject line "May 12 Additional PC Hearing Testimony." The Planning Commission closed the hearing, but left the record open to the submittal of new evidence until 4:30 p.m. on May 19, 2020; to the submittal of responses to the new submittals until 4:30 p.m. on May 26, 2020; and to the submittal of written arguments, but no new evidence, by the applicant only until 4:30 p.m. on June 2, 2020.

The meeting was continued for Planning Commission deliberations until 7:00 p.m. on Tuesday, June 9, 2020 at which time the meeting was reconvened electronically and the Planning Commission, after consideration of the materials received, 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, written public testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Outline Plan approval, Site Design Review approval, Cottage Housing, and Tree Removal Permit meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review described in AMC 18.5.2.050; for a Cottage Housing Development described in AMC 18.2.3.090; and for a Tree Removal Permit as described in AMC 18.5.7.040.B.

2.3 The Planning Commission concludes 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.”*

The Planning Commission notes that the application materials assert that adequate key City facilities can be provided to serve the development, and that based on consultations with representatives of the various City departments (i.e. water, sewer, streets and electric) the proposed small cottage housing units will not cause a City facility to operate beyond capacity.

Water, Sewer, Electricity and Urban Storm Drainage

Water

The application explains, and Public Works has confirmed, that there is a six-inch water main in Sylvia Street, a four-inch water main in Alicia Street, and a fire hydrant is in place directly across from the driveway on Alicia Street. The applicant further asserts that there is adequate water pressure available to provide water service to the proposed new units.

Sanitary Sewer

The application explains, and Public Works has confirmed, that there is a six-inch sanitary sewer line within the right-of-way for Alicia Street and Sylvia Street. The applicant further notes that in discussions with the sanitary sewer department, there are no reported capacity issues in the vicinity. The application concludes that the 12 proposed small, water-efficient units should not cause the system to operate beyond its current capacity. Public Works staff have indicated they see no issues for sanitary sewer capacity, and note that the development drains into a sewer trunk line east of Sylvia Street, and on into the Oak Street line north of Nevada Street where there are no known capacity issues.

Electricity

The application indicates that electrical infrastructure is available in the immediate vicinity, and that the applicant has worked with the electrical department to design the provided electrical service plan, and is seeking to address desired solar panel installation and net-metering while addressing the neighborhood's existing electrical infrastructure.

Urban Storm Drainage

The application notes, and Public Works has confirmed, that there is a ten-inch storm sewer line within the Sylvia Street right-of-way. The applicant explains that the project is required to employ low impact development standards under the City's Cottage Housing Development Standards as well as under the Rogue Valley Sewer Services (RVSS) Standards for Storm Water Management, and the low impact development measures proposed including the use of pervious walkways and rain-barrel catchment of roof drainage to reduce the amount of storm water generated. The applicant proposes to capture, detain, treat and regenerate all storm drainage on the property through the use of a StormTech system which will detain and treat storm water before releasing it into the existing irrigation ditch adjacent to the parking lot. The applicant asserts that this should result in no added impacts to the Sylvia Street storm drain facilities.

Police & Fire Protection

An existing fire hydrant is in place directly across Alicia Avenue from the driveway entrance. As is typical, the Fire Marshal will review the final civil drawings and building permit submittals for compliance with fire codes relative to water supply and fire apparatus access, and conditions have been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the Final Plan application submittal.

STAFF DISCUSSION: Adequate Transportation

Alicia Avenue is a residential neighborhood street, as are nearby Sylvia Street, Oak Lawn Avenue, and Sleepy Hollow Drive which form the street system for the neighborhood off of Oak Street here. The Alicia Avenue right-of-way is 47 feet in width, and is paved to a width of approximately 20 feet. There are no sidewalks, curbs or gutters in place on either side of the street, and right-of-way beyond the pavement is largely surfaced in gravel and accommodates pedestrian circulation and intermittent on-street parking. The street standards are discussed further in this section.

The applicant notes that the driveway leading to the site's proposed parking area is proposed to be 20-feet in width with a five-foot-wide sidewalk along its east side connecting from Alicia Avenue to the internal pedestrian circulation connecting to each unit and continuing through to the proposed open space. The application asserts that the scale of the proposed development does not trigger a Traffic Impact Analysis or other transportation assessment. Staff would note that in considering a similarly sized cottage housing development at 476 North Laurel Street recently, a 12-unit cottage housing development was found to generate approximately 88 average daily trips (ADT) with eight p.m. peak hour trips and six a.m. peak hour trips. The trigger point for a Traffic Impact Analysis is 50 peak hour trips. Staff have contacted the City Engineering Division to determine if trip counts were available in the neighborhood, and it was noted that while no trip counts were available for Alicia Avenue, Engineering staff would estimate that trips were around 100 ADT. A residential neighborhood street is assumed to be able to accommodate up to 1,500 ADT. Staff believe a finding can reasonably be made that the street has adequate transportation capacity to serve the 12 proposed small homes.

The application includes preliminary Grading, Utility and Erosion Control Plans prepared by Registered Professional Engineer Scott D. Pingle of KAS & Associates, Inc. which identify existing facilities available in the adjacent rights-of-way along with proposed connections; meter and transformer placement; and storm water control, detention and treatment systems. The Planning Commission finds that the site's utilities will be extended to and through the subject property from public utility easements and street right-of-way adjacent to the site, and that based on the conceptual plans and details from the various service providers, 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.*"

STAFF DISCUSSION: Significant Natural Features

Trees

The application identifies six trees on the subject property including: a 20-inch Plum which is proposed to be removed due to its location relative to necessary driveway improvements; a 14-inch unspecified deciduous tree; a 10-inch Walnut; an eight-inch Willow; a ten-inch Willow; and a 36-inch multi-trunked Willow which is proposed to be removed as a hazard tree. The application also notes that there is a 14-inch Pine on the adjacent property near the west property line.

The application includes an assessment of the trees by Christopher John, a certified arborist with Canopy, LLC. John notes that the large Willow has three trunks (21½-inches, 24-inches and 30-

inches) in close proximity to one another, and that all three exhibit evidence of previous large limb failure, extensive rot and fungal growth, and multiple structural defects including cracks, and overall poor health. His assessment is that this Willow is not suitable for an urban setting and would pose a hazard for people on the property, all the more so with further development. He recommends that this Willow be removed and replaced with a suitable tree.

With regard to the 20-inch Plum located near the northern entrance to the property, John explains that the tree is quite large for its species, and as the species is prone to do it has been losing limbs. He goes on to emphasize that Plums require maintenance that this tree has not received and as a result it has a poor form and limb failure. He concludes that this combined with the location relative to the driveway and parking lead him to recommend removal and replacement of the tree.

For the remaining trees to be preserved and protected, John recommends installation of tree protection fencing as required in the City's Tree Preservation & Protection Ordinance (AMC 18.4.5), avoiding compaction within the tree protection zones, root protection during work within tree protection zones, and periodic watering during the months of June through September.

Potential Wetland

The application explains that a possible wetland (*which is not noted on the city's Local Wetlands Inventory*) has been identified on the subject property, further detailing that the applicant believes it was formed because the "Million Ditch" irrigation canal passes through the property and continues on to the property immediately to the east. The application explains that the potential wetland area has been preliminarily assessed by a wetland biologist with Northwest Biological Consultants. A Northwest Biological Consultants' letter provided indicates the wetland is a small area affected by irrigation water overflow from an open ditch and disconnected pipe which has since been repaired, and notes that the presence of upland soils and weak indicators of soils, plants, and hydrology suggest the presence of a small, marginal wetland. The letter goes on to note that with the pipe repaired and the artificial water source eliminated, new data will be collected this spring to determine whether removal of the artificial water source has eliminated the source of artificial hydrology for the potential wetland. The wetland biologist indicates that they believe this will be the case and that as such, the area will be determined not to be a jurisdictional wetland upon review by the Oregon Department of State Lands (DSL). The arborist concludes that pending that review by DSL, no ground disturbing activities are to take place.

If found to be a jurisdictional wetland, this possible wetland and an area extending 20 foot beyond its upland edge would be protected in a Water Resource Protection Zone (WRPZ) as provided in AMC 18.3.11. While there is not a clear identification in the materials of the potential wetland's extent with its protection zone, there is an area identified for protection with silt fencing within the proposed open space on the applicant's Erosion Control Plan (Sheet B2). This area is in the general vicinity of cattails and reeds observed growing on-site.

In staff's assessment, the Planning Commission could reasonably make a finding that the applicant has identified and assessed the site's natural features including a possible wetland and six trees and proposed to preserve and protect all but two of the trees. One, a large Willow, has been found by a

certified arborist to pose a hazard due to overall poor health including large limb failures, extensive rot, fungal growth and multiple structural defects. The other, a large Plum, has not been properly cared for resulting in poor form, and limb failure and it is proposed for removal as well. The remaining trees are to be preserved and protected. Similarly, the applicant has enlisted the services of a wetland biologist to assess a possible wetland on the property – the site’s irrigation system has been repaired, further assessment and formal delineation of the wetland is underway, the site plan incorporates an open space configuration to preserve and protect the possible wetland, and no further ground disturbance is to occur pending DSL concurrence with the applicant’s delineation. If determined to be jurisdictional through a formal delineation, the full extent of the wetland and associated buffer zone will need to be clearly detailed in the Final Plan materials and protected from disturbance within the development’s open space. Conditions have been recommended below to require that for the wetland, a delineation be prepared, submitted for review and concurrence obtained from DSL, and the results incorporated into the Final Plan drawings including protection of the WRPZ. For the trees, conditions have been recommended to include tree protection fencing installation and verification before site work, and incorporation of the arborist’s recommendations into a revised Tree Protection Plan for inclusion with the Final Plan submittal.

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 Planning Commission finds that the development will not prevent adjacent land from being developed with the uses envisioned by the Comprehensive Plan. Adjacent properties to the north, south and west are largely developed with single family residences as envisioned in the Comprehensive Plan. The property immediately to the east is separated from the subject property by slopes ranging from 15 percent to more than 35 percent, and as such any future development would need to take access from Clinton Street.

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 at the time the Final Plan application is submitted, “Covenants, Conditions and Restrictions (CC&R’s)” documents will be drafted by the project’s land use attorney and surveyor for review and approval by the City. These documents will address the project’s common area in order provide adequate assurances relative to open space maintenance. The Commission further finds that if the project is to be completed in phases, the open space shall be completed no later than the sixth unit’s occupancy, and all private landscaping improvements are to be completed prior to each unit’s individual occupancy. Conditions requiring draft CC&R’s and phasing details be included with the final plan submittal have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 54,722 square foot property here will accommodate 12 cottages

(54,722/2,500 = 21.89) and 12 are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

The final Outline Plan approval criterion is that, “*The development complies with the Street Standards.*” The subject property fronts on Alicia Avenue for a width of approximately 35 feet at the intersection with Sylvia Street. Alicia Avenue is a residential neighborhood street, as are nearby Sylvia Street, Oak Lawn Avenue, and Sleepy Hollow Drive which form the neighborhood’s street system off of Oak Street here. The Alicia Avenue right-of-way is 47 feet in width, and is paved to a width of approximately 20 feet. There are no sidewalks, curbs or gutters in place on either side of the street, and right-of-way beyond the pavement is largely surfaced in gravel and used both for pedestrian travel and scattered on-street parking.

For residential neighborhood streets, City street standards envision five-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb and seven-foot parking bays on each side, with an 11- to 14-foot queuing travel lane. The city standard cross-section includes a 25- to 28-foot curb-to-curb paved width in a 50- to 55-foot right-of-way.

STAFF DISCUSSION: Street Standards

The applicant explains that the existing street frontage is only 34-feet 4-inches in width, and the proposed driveway is to take up 30-feet of that width. With the limited frontage taken up virtually in its entirety with required driveway improvements, there is no additional width for sidewalk installation. As such, staff have recommended a condition below to instead require that the applicant sign-in favor of a Local Improvement District (LID) for the future improvement of Alicia Avenue, and of Oak Lawn Avenues which provides a connection out to Oak Street and its sidewalk system.

The Cottage Housing Development Standards (AMC 18.2.3.090.C.3.a) generally provide that except for street connections identified on the Transportation System Plan’s Street Dedication Map (Figure 10-1), the Planning Commission may reduce or waive requirement to dedicate and construct a public street according to the Street Design Standards in AMC 18.4.6.040 upon a finding that the Cottage Housing Development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties. The existing street system within the immediate neighborhood meets the block length standards – existing block lengths are 165-175 feet where the block length standards call for a maximum length of 300-400 feet – and in staff’s view, the Commission could reasonably find that the existing street system, while not fully improved to City street design standards, functions comparably to a shared street and provides adequate connectivity through the neighborhood and out to Oak Street. City park land is located along the Bear Creek corridor to the northeast, and a path from the subject property’s driveway through the site, across a neighboring private property, to the park property would be approximately 450 feet and traverse severely constrained slopes. The park property is less than 500 feet from the driveway entrance traveling due north on Sylvia Street, and as such staff do not believe that an east-west public access easement dedication is merited.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”* The Planning Commission finds that the building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The Planning Commission finds that the property is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a 12-unit cottage housing development and 13-lot subdivision for which the applicant has requested Outline Plan approval under the PSO-Overlay chapter 18.3.9.

The Planning Commission further finds that the subject property is located within the Wildfire Lands Overlay, and as such a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 will need to be provided for the review of the Fire Marshal prior to bringing combustible materials onto the property. New landscaping proposed will need to comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028. Conditions to this effect have been included below.

The Commission finds that while no wetlands are identified on the subject property in the Local Wetlands Inventory, the applicant has identified a possible wetland on the property, a wetland biologist has been retained to assess the possible wetland, the possible wetland and a 20-foot buffer has been incorporated into the proposed open space, the applicant has proposed to limit ground disturbance until a delineation has been reviewed by the Oregon Department of State Lands and the applicant has planned all site improvements outside of the possible wetland and its buffer zone. The applicant further proposes to include a conservation area with restrictions stipulates that the uses and activities within the Water Resource Protection Zone shall be consistent with the provisions of AMC 18.3.11.

Based on the foregoing, the Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that the proposal complies with the applicable Site Development and Design and that the various plans have been prepared based on these standards and

the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit, while units greater than 800 square feet and less than 1,000 square feet require 1½ spaces. Here, nine of the 12 units are 800 square feet while three are 999 square feet, and a total of 14 spaces are required [(9 x 1) + (3 x 1.5) = 13.5]. The applicant proposes to provide 14 off-street parking spaces to satisfy the requirements for the 12 units proposed units here. Carports are considered by code to be garages, and separate bicycle parking facilities are not required where a garage is available. The Planning Commission finds that all required off-street parking has been provided on site, and concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Planning Commission finds that adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property, and that these items are addressed in detail in the Outline Plan discussion in section 2.3 above. The Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards.” The Planning Commission finds that the applicant has not requested any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.5 The Planning Commission finds that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds the proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with 12 cottages proposed for a 54,722 square foot parcel and a combined floor area ratio of 0.18. 75 percent of the proposed cottages are 800 square feet in gross habitable floor area, all of the cottages are proposed with roof peaks less than 25 feet from grade, exhibits have been provided to demonstrate that cottages within the development will not cast a shadow upon the roof of another cottage, and cottages along the north property line are noted as being design to comply with Solar Setback Standard A. Lot coverage is proposed at 42 percent and is within the allowed standards for the R-1-5 zoning district.

The Commission further finds that building separations are equal or greater than the six-foot minimum for cottages. With the exception of the attached units all cottages are separated by at least nine feet.

The Commission finds that any fencing will comply with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space except as allowed for deer fencing, and a condition has been included below to requires that the CC&R’s detail the fencing limitations.

The Planning Commission finds that the existing driveways separation between the subject property and 732 Sylvia Street to the north is non-conforming, and will not be made more non-conforming with the proposed development here.

The Commission finds that the driveway and parking area proposed meet the vehicle area design standards in AMC 18.4.3. All spaces are to be standard nine-foot by 18-foot spaces with a 24-foot back-up area provided. The Commission further finds that the proposal meets the off-street parking requirements of AMC 18.4.3.040, providing 14 spaces for the 12 cottages in a single, consolidated parking area. Parking is to be provided in carports on each side of the drive aisle, and the carports will include solar panels as part of the applicant's effort to achieve zero net energy for the project. The driveway is proposed to be improved to 20-feet in width which complies with the minimum driveway width for access to a parking area for 14-parking spaces. The driveway has been designed to accommodate a fire truck turn-around, and will be designated as such on-site, as required by the Ashland Fire Department.

The property has frontage along Alicia Avenue. There are no street connections identified in the vicinity on the City's Street Dedication Map, and adjacent development, natural features and topography pose difficulties for future street extension. The applicant has proposed a walkway along the east side of the driveway extending from the street into and around the development for the use of residents and guests of the proposed cottage housing development.

The Planning Commission finds that 14,701 square feet, or 26.86 percent of the site, is proposed in open space, where a minimum of 20 percent is required. The proposed common area open spaces consist of turf areas with pathways for easy access to and from the covered parking spaces to the cottage units. To the east of the parking area, a large landscape common area with decomposed granite paths at the edges of the estimated wetland buffer zone is proposed. This common area is connected to the formal walkways and a 20-foot turf strip to a community garden area that is along the west property line. A total area of 14,701 square feet of the lot area is dedicated to open spaces, which include 12,028 square feet of open space plus the possible wetland and its buffer which total 2,673 square feet in area.

The Commission finds that the open spaces have no dimensions of less than 20 feet, and are connected with five-foot walkways. The open space is generally centrally located, and all units abut common open spaces that are 20-feet in width or greater. The cottages are arranged around the edges of the property with the primary common open space generally centered on the site. Eight of the units abut this open space. Additionally, along the north and south sides of the parking area, a 20-foot landscaped area with common walkway is proposed, and Lot #6 abuts the community garden open space. Of the 12 units proposed, seven directly abut the larger open spaces and all abut an at least 20-foot wide common open space.

The Commission further finds that the common open space is separated from the private outdoor areas. Private outdoor areas are proposed adjacent to the units with pathways that connect the entrances of the units to and through the open space with a walkway leading to the parking areas and public street beyond. Each cottage unit has a private, useable outdoor area of at least 200 square feet which includes garden areas, and porches or patios. These private areas do not have any dimensions less than eight feet. Low

fencing and landscaping will provide visual boundaries around the perimeter of the common areas and between the private yards.

The Commission finds that the development proposes on-site infiltration through an on-site catchment system that is a part of the project's low impact development storm water measures detailed in the civil and landscape drawings. Landscape garden bed filtration systems, permeable walkways and rain barrels are to be provided to allow for natural filtration and on-site filtration, and site drainage has been engineered to be filtered per regional (RVSS) standards with a StormTech system which, based on percolation rate of the soils and the storm water event studies, will retain and regenerate all storm water on-site.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Cottage Housing Development Standards.

2.6 The Planning Commission notes that there are six trees on the subject property including: a 20-inch Plum which is proposed to be removed due to its location relative to necessary driveway improvements; a 14-inch unidentified deciduous tree; a 10-inch Walnut; an eight-inch Willow; a ten-inch Willow; and a 36-inch multi-trunked Willow which is proposed to be removed as a hazard tree. The application also notes that there is a 14-inch Pine on the adjacent property near the west property line.

The Commission also notes that the application includes an assessment of the trees by Christopher John, a certified arborist with Canopy, LLC. The project arborist notes that the large Willow has three trunks (21½-inches, 24-inches and 30-inches) in close proximity to one another, and that all three exhibit evidence of previous large limb failure, extensive rot and fungal growth, and multiple structural defects including cracks, and overall poor health. His assessment is that this Willow is not suitable for an urban setting and poses a hazard for people on the property, all the more so with further development of the site. He recommends that this Willow be removed as a hazard and replaced with a suitable tree. This tree is located within the buffer zone of the possible wetland identified, however hazard tree removal is exempt from regulation under the Water Resources Protection Zones (WRPZ) Ordinance in AMC 18.3.11.

The Commission further notes that with regard to the 20-inch Plum located near the northern entrance to the property, the arborist indicates that the tree is quite large for its species, and as the species is prone to do it has been losing limbs. He goes on to emphasize that Plums require maintenance that this tree has not received and as a result it has a poor form and has experienced limb failure. He concludes that this combined with the location relative to the driveway and parking lead him to recommend removal and replacement of the tree. The applicant notes that removal of this tree allows the site to develop in a manner consistent with applicable Site Design standards, and that the removal will not have any impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, windbreaks, or tree densities. The Commission finds that 23 new trees are identified in the Landscape Plan provided (Sheet L-101), which more than satisfies the one-for-one mitigation requirement.

The Commission further notes that the Ashland Tree Commission was unable to convene its regular monthly meeting for May of 2020 due to the City Administrator's state of emergency declaration for the Coronavirus (COVID-19) outbreak, which suspended advisory commission meetings. As such there is no Tree Commission recommendation. As provided in AMC 2.25.040, the failure of the Tree

Commission to make a recommendation on any individual planning action shall not invalidate that action.

The Commission finds that the remaining trees which are to be preserved are proposed to be protected with six-foot tall chain link fencing as recommended by the arborist and required in the City's Tree Preservation & Protection Ordinance (AMC 18.4.5). In addition, the arborist has recommended that the applicant avoid soil compaction within the tree protection zones, provide for root protection during any work within tree protection zones, and periodically water preserved trees from during the warmer months (June through September). Conditions have been included to require tree protection fencing installation and verification before site work, and to incorporate the arborist's recommendations into a revised Tree Protection Plan for inclusion with the Final Plan submittal.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Tree Protection and for Tree Removal Permits to remove two trees.

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 subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development, and Tree Removal Permit to remove two trees is supported by evidence contained within the whole record.

The project is intended to as a zero net energy development with solar panels installed on the two carport buildings, and will include 12 modestly sized units developed around a generous central open space which includes an area reserved to protect a possible wetland, and in the Commission's assessment is the type of development envisioned with the adoption of the Cottage Housing ordinance. The Commission believes that the development merits approval with the conditions detailed below.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2020-00017. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2020-00017 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, including that no ground-disturbing activities are to take place within the potential wetland area or its associated buffer until it has been determined whether the potential wetland is jurisdictional and concurrence has been obtained from the Oregon Department of State Lands (DSL).
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 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 two trees to be removed and the installation of tree protection fencing for trees to be protected on adjacent properties. Standard tree protection consists of 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.
5. That the applicant shall obtain approval of Demolition/Relocation Review Permits through the City of Ashland Building Division prior to demolition of existing structures on the subject property if found to be necessary by the Building Official.
6. That a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
7. That the Final Plan submittal shall include:
 - a. That draft 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 driveways, parking areas, carports, landscaping/open space, and storm water facilities. The cottage housing fencing limitations, floor area limitations and the prohibition on ARU's shall be clearly addressed in the CC&R's.
 - b. 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.
 - c. A wetland delineation with concurrence from the Oregon Department of State Lands (DSL). If the delineation identifies a jurisdictional wetland, the wetland and its protection zone shall be clearly identified in the Final Plan drawings.
 - d. A phasing plan for the completion of the development.
 - e. Final site lighting details.
 - f. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
 - g. All easements including but not limited to public and private utilities, irrigation, mutual access and circulation, and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - h. Final electric service, utility and civil engineering plans including. All civil infrastructure shall be installed by the applicants, inspected and approved prior to the submittal of the final survey plat for review and signature.

- i. 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 mains and services, manholes and clean-outs, and storm drainage pipes and catch basins, along with any backflow prevention measures required by the Water Department because there is a non-potable water source (irrigation) on the property. Any required private or public utility easements shall be delineated on the civil plans.
 - ii. The final electric design and distribution plan shall include 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 submittal of the final survey plat for review and signature. 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.
 - iii. The storm drainage plan shall detail the location and final engineering for all storm drainage improvements associated with the project, and 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.
-
- i. A final grading and erosion control plan.
 - j. A final Tree Protection Plan addressing the trees on the property to be preserved and trees on adjacent properties within 15 feet of the property line. The plan shall identify the location and placement of fencing around the drip lines of trees identified for preservation as required in AMC 18.4.5.030.B.1. The amount of fill and grading within the drip line shall be minimized. Cuts within the drip line shall be noted on the tree protection plan, and shall be executed by handsaw and kept to a minimum. No fill shall be placed around the trunk/crown root. The recommendations of the project arborist in terms of soil compaction, root protection and periodic water shall be incorporated into this plan.
 - k. A final size- and species-specific landscaping plan including irrigation details satisfying the Water Conserving Landscaping Guideline in AMC 18.4.4.030.I. New landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028. All landscaping shall be installed according to the approved plan, and tied into the existing irrigation system, inspected and approved prior to the issuance of a certificate of occupancy.

1. That the requirements of the Ashland Fire Department relating to fire hydrant distance, spacing and clearance; fire flow; fire apparatus access, approach, turn-around, and firefighter access pathway; approved addressing; fire sprinkler and extinguishers as applicable; limits on fencing and gates which would impair access; and wildfire hazard area requirements shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings, and a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements of AMC 18.3.10.100.A.2. shall be included with the Final Plan submittal.

8. A final survey plat shall be submitted for the review and approval of the Staff Advisor within 12 months and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for review and signature:
 - a. The final survey plat shall include a deed restriction notifying future property owners that the size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. This size limitation shall also be addressed in the development CC&R's.
 - b. All easements including but not limited to public and private utilities, mutual access, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - c. The driveway approach shall be installed under permit from the Public Works Department and in accordance with the approved plan, inspected and approved prior to the submittal of the final survey plat for signature.
 - d. Subdivision infrastructure improvements including but not limited to utility installations shall be completed according to approved plans prior to submittal of the final survey plat for review and signature.
 - e. The driveway shall be paved to 20-foot width, a vertical clearance of 13-feet, 6-inches and be able to withstand 44,000 lbs. The flag drive shall be constructed so as to prevent surface drainage from flowing over the private property lines and/or the public way.
 - f. Electric services shall be installed underground to serve all lots, 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. Sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots, inspected and approved.
 - h. The property owner shall sign in favor of Local Improvement Districts (LIDs) for the future street improvements, including but not limited to paving, sidewalks, parkrow with irrigated street trees, curb, gutter, storm drainage and undergrounding of utilities, for Alicia and Oak Lawn Avenues. This LID agreement shall be signed and recorded concurrently with 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.

9. That the building permit submittals shall include:

- a. Final permit drawings addressing all requirements of the Building Division, including but not limited to that the attached units or any units where exterior walls are less than three feet from a property line shall address fire separation requirements, and fire-rated assemblies for attached units shall include a sound transmission class rating of 45 for airborne sound.
- b. Identification of all easements, including public and private utility easements, mutual access easements and fire apparatus access easements.
- c. Solar setback calculations demonstrating that the northern units comply with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade. Other cottage housing units shall provide demonstration of compliance with the Cottage Housing Development Standards requiring that the not cast a shadow on the roof area of another cottage.
- d. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system through the curb or gutter at a public street, a public storm pipe, an approved public drainage way, or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.

Planning Commission Approval

June 9, 2020

Date

210 Alicia Street

The Cottages at Alicia

David Scott Construction

Received 4.20.2020

March 6, 2020

**Twelve Unit, Thirteen Lot, Performance Standards Subdivision for the
development of a Cottage Housing community.**

Subject Property

Address: 210 Alicia Street
Map & Tax Lot: 39 1E 04 BD; Tax Lot 1700
**Comprehensive
Plan Designation:** Single Family Residential
Zoning: R-1-5
Adjacent Zones: R-1-5
Overlays: Physical and Environmental Constraints
Water Resource Protection Zone (potential wetland)
Wildfire Overlay Development

Property Owner: David Scott Construction
876 Clay Street
Ashland, OR 97520

Site Layout and Design: RLA Design LLC
176 Harrison Street
Ashland, OR 97520

Engineering Services: KAS and Associates
304 S Holly Street
Medford, OR 97501

Applicant: Rogue Planning & Development Services, LLC
Amy Gunter
33 N Central Avenue; Suite 213
Medford, OR 97501

Received 4.20.2020

Request:

The request is for approval of a twelve-unit, thirteen-lot, Performance Standards Subdivision for the development of a cottage housing subdivision on a partially vacant property.



Property Description:

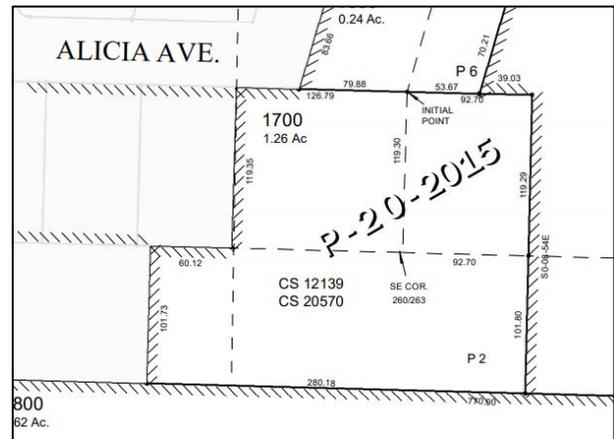
The subject property is on the south side of Alicia Street where Alicia Street turns into Sylvia Street. The property is to the east of Oak Street and south of the Oak Court Subdivision.

The property is zoned single family residential, R-1-5. All surrounding properties are zoned Single Family Residential, and R-1-5, Performance Standards Overlay. The adjacent properties are generally improved with single family residences of various sizes and out-buildings.



The property has 40-feet of frontage on Alicia Street, extends approximately 200-feet to the south, where the property widens to 280-feet of width, east / west. The property area is 1.26 acres (54,722 square feet) in area.

There is a 1,183 square foot, single-story, residence with a 340 square foot attached garage. The manufactured home was constructed in 2003 per the building permit data on the property.



There is a small shed and a small barn structure on the site. These structures will be removed from the property.

The east property line is to the west of the break in the slope where the steep slopes downhill towards Riverwalk and the Mace Property, a new City of Ashland park that will extend the Riverwalk Park to the north are present.

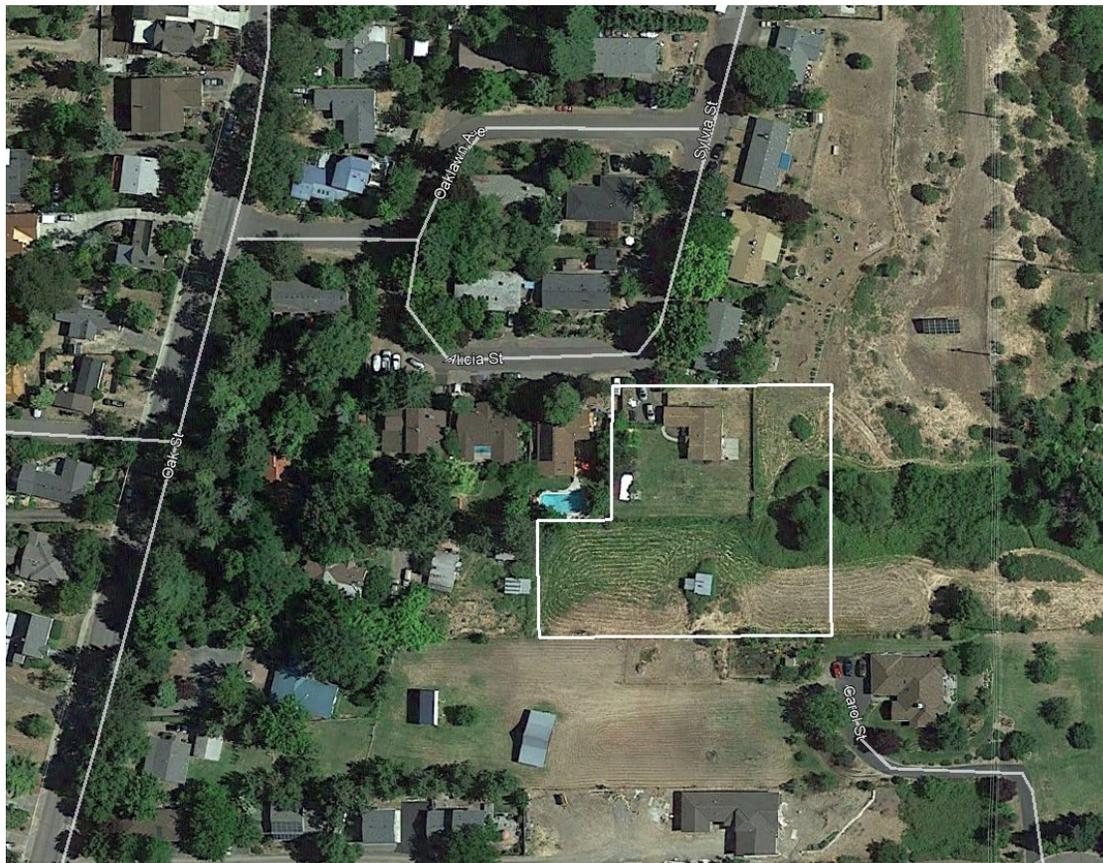
There are six-trees that are more than six-inches DBH on the subject property. There is one larger stature Pine tree on the adjacent property to the west. There is a 20-inch deciduous near the west property line. Another 14-inch deciduous tree is present further west. A 14-inch pine tree is near the west property line on the adjacent property to the west. On the west side of the property there is a 10-inch walnut, and three willows, eight-inch, ten-inch and a 36-inch DBH willow tree.

A possible wetland has been preliminarily assessed by a wetland biologist, Northwest Biological Consulting. The “wetland” area has formed primarily due to the conditions of the Million Irrigation ditch which passes through the property and continues downhill to the end users pond on the adjacent property to the east. See the attached letter which discusses the wetland studies which have been conducted and the next steps for the wetlands delineation.

The lot is accessed from the south side of Alicia Street via a gravel driveway.

Alicia Street and Sylvia Street are classified as neighborhood streets according to the Transportation System Plan. The streets are improved with asphalt pavement, but lack curb, gutter, sidewalks and street trees.

There is a 6-inch water main in Sylvia and a 4-inch water main in Alicia Street. There is a fire hydrant across Alicia Street from the driveway entrance. There is a 6-inch sanitary sewer main in Sylvia Street. There is a 10-inch storm sewer line in Sylvia Street. Avista gas, and Ashland Fiber Network are also available to serve the property. Electric service is underground from primary services on Oak Street. The infrastructure is proposed to be extended underground to the site.



Proposal:

The request is for approval of a twelve-unit, thirteen-lot, cottage housing subdivision and a simultaneous Outline Plan for a Performance Standards Subdivision in accordance with Ashland Municipal Code (AMC) 18.2.3.090 and 18.3.9.

Design Considerations:

The proposed development utilizes the Performance Standards Option which allows for the development of Cottage Housing developments. The proposal is for 12, two-bedroom cottage units.

There are three cottage designs within the subdivision. Lots #1, #6 and #12 are proposed as 999 square foot, two-bedroom, two bath structures. There are four, duplex units. They are proposed as two-bedroom, one bath, 800 square foot units. The other five units are proposed as detached, two-bedroom, two bath 800 square foot units. Each unit is proposed to have a recessed, covered entry. The units are proposed with an open floor plan. The larger units are intended to have interior design to allow for ADA accessibility. All units are proposed to include many of the Lifelong Housing Certification features and will work towards Lifelong Housing Certification in the final house design.

Conceptual elevations for cottage residences have been provided with the proposal. The units are proposed to be single story with a low pitched, shed roofs. The units feature elements of mid-century modern, and pacific northwest inspired architecture.

The proposed development has been designed as an extremely energy efficient, zero net energy with remote metering. The covered carports are proposed to have over 150 photovoltaic panels to provide all the energy the units need plus the ability to provide back to the grid. The electrical engineering is considering the installation of a car charging station.

The site layout and structures comply with the purpose and intent of the Cottage Housing ordinance, and furthers the goals of the Comprehensive Plan of the City that seeks to provide additional, small, energy efficient, community oriented housing within the compact urban form that is bound by the City of Ashland Urban Growth Boundary.

The common open space areas will be distinguished from the cottage unit private areas with fencing that is not more than four-feet in solid panel fencing.

For the purposes of solar setbacks, the property has an approximately four -percent slope downhill to the north. The proposed structures are single story with vaulted ceilings are limited in height and demonstrate compliance with the required solar setback standards that prevent shading of an adjacent cottage roof line. The north units comply with solar setbacks along the north property line. None of the structures will exceed the maximum building height of 18-feet nor the maximum peak height of 25-feet.

Received 4.20.2020

Tree Removal and Tree Preservation:

There are six-trees that are more than six-inches DBH on the subject property. There is one larger stature Pine tree on the adjacent property to the west. There is a 20-inch deciduous near the west property line. Another 14-inch deciduous tree is present further west. A 14-inch pine tree is near the west property line on the adjacent property to the west. On the west side of the property there is a 10-inch walnut, and three willows, eight-inch, ten-inch and a 36-inch DBH willow tree.

The 36-inch willow tree has been evaluated by an arborist who has determined that the tree is in a hazardous condition and must be removed. The tree is within the possible wetland buffer zone. The removal of hazardous trees is exempt from the regulated activities within the Water Resource Protection Zone. The 20-inch deciduous tree near the west property line is proposed for removal due to the installation of the driveway.

Tree protection fencing in the form of six-foot tall chain link fences, set in accordance with the proposed protection plan provided with the application will provide adequate protection to the sites remaining trees.

Open Space Development:

Due to the conditions of the Million Irrigation ditch which passes through the property and continues downhill to the end users pond on the adjacent property to the east, a possible wetland type of area has formed. A wetlands biologist has been retained who has done some preliminary fieldwork and indicated the edge of the dripline of the large willow tree, two smaller willows and a small walnut tree is the approximate edge of the future 20-foot buffer of any potential wetland. Further studies are being conducted this winter/spring and a hydrology report and final wetlands delineation will be made. As noted, the proposed layout provides adequate spacing (wetland buffer area) from the areas of disturbance for the proposed cottage house, open space and parking area construction.

The cottages are arranged in a horseshoe around the edges of the property. The main common open space generally centered on the site. There are eight units that abut the common open space. Additionally, along the north and south sides of the parking area a 20-foot landscape area with common walkway is proposed. Lot #6 abut the community garden open space. Of the 12 units proposed, seven directly abut large, open spaces and all units abut an at least 20-foot wide common open space.

The proposal accounts for a total of more than the required common open space areas by providing 14,701 square feet of open space. There is a dispersed common area for garden plots north of Lot #6. All common areas and the units abutting are connected with five-foot wide walkways. The large common open space area does not have any dimension of less than 20-feet, common open spaces of 20-feet are present along the north and south side of the carport structures as well.

The site plan demonstrates that each unit also has 200 square feet of private open space areas, no dimensions of the useable, private open space are less than eight feet in area.

Parking, Access, Circulation:

The proposed development requires 14 parking spaces. One space for each unit that is 800-square feet and 3.5 spaces for the units for a total of 14 parking spaces. The parking area is consolidated in the center of the parcel.

The proposed parking will be covered with carport structures. The structures are proposed to have solar panels.

The proposal does not involve the creation or improvement to a public street and the Cottage Housing section of the code allows for four or more units accessed via a shared driveway. The driveway and the parking area are proposed to be improved to the applicable standards for a parking area as per AMC 18.4.3.

Public right of way improvements:

The proposal to provide the driveway with an asphalt connection to the existing edge of street, a five-foot wide sidewalk is proposed along the east side of the access driveway is proposed to terminate into the existing street asphalt. There are not sidewalks, parkrows, curb or gutter proposed in the public right-of-way as the existing streets have no improvements, and the frontage width of the property is 34'-4" with 30-feet of hardscape proposed.

On the following pages are the written findings addressing the applicable criteria from the Ashland Municipal Code, the code is in Times New Roman font. The applicant's findings are in Calibri font.

Findings of Fact addressing the criteria from the Ashland Land Use Ordinance

18.2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit.

A Cottage Housing development is a Special Permitted Use in the R-1-5 zone.

18.2.3.090 – Cottage Housing

Finding:

The subject property proposed for development of the twelve-unit, thirteen lot cottage housing development. The layout is compatible with the adjacent neighborhood development pattern. Large setbacks that provide more than 15-foot setback along the north property line, there are six foot, or greater setbacks on the east and west sides and a ten-foot, rear yard setback from the south property line. The proposed units are aesthetically pleasing, are proposed to exceed building code energy efficiency standards and to provide age-in-place housing.

The common open spaces exceed the area and dimensions and provide large, common outdoor spaces. The open spaces, common areas and utilities will have access, maintenance and other necessary protections through the establishment of the Homeowner's Associate and the Covenants, Conditions and Regulations. A local land use attorney has begun drafting the easements and the HOA and CC&R documents. The proposed cottage housing development adds a necessary housing inventory to the city of Ashland limited supply of small, single family residential units that provide ownership opportunities. According to the standards, the development of cottage housing also requires a Site Design Review under chapter 18.5.2.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under subsection [18.5.2.050.E](#), Exception to the Site Development and Design Standards.

Finding:

No exceptions or variances are requested.

C. Development Standards. Cottage housing developments shall meet all of the following requirements:

1. Cottage Housing Density. The permitted number of units and minimum lot areas shall be as follows:

Zone: R-1-5; 1 cottage dwelling unit per 2,500 square feet of lot area; Minimum number of units: 3; Maximum number of units: 12; Minimum lot size: 7,500; Maximum FAR: .35

Finding:

The 54,722 square foot property is zoned single family residential. The density of the property cannot exceed 12 cottage units. The proposal complies with the standards.

Cottage Housing Details:

Lot area:	54,722 square feet
Density:	12: maximum number of units
Floor Area Ratio (.35 FAR):	$54722 \times .35 = 19,152$ square feet
Proposed:	10,197 square feet

Common Area (20%):	10,944.40 square feet
Proposed:	14,701 square feet

Private outdoor area:	200 square feet with no dimension of less than 8' 2,400 square feet total
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Lot Coverage (50%):	27,361 square feet
Proposed:	22,905 square feet

2. Building and Site Design.

a. Maximum Floor Area Ratio. The combined gross floor area of all cottages is not to exceed a 0.35 floor area ratio (FAR).

Finding:

The combined gross floor area of all the cottages does not exceed .35 floor area ratio (FAR). The maximum floor area ratio (FAR) is 19,152 square feet. The proposed FAR is 10,197 square feet in area.

b. Maximum Floor Area. The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1,000 square feet.

Finding:

Three of the proposed cottages have 999 square feet. Nine cottages are 800 square feet square feet in area. This is 75 percent of the total number of units. The proposed gross habitable floor area complies with the standards.

c. Height. Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.

Finding:

The proposed 999 square foot buildings are an average of 14-feet, 7-inches in average height. The ridge of the roof is 21-feet, 11-inches. The detached, 800 square foot structures are proposed to be an average height of 12-feet and a peak of less than 18-feet. The proposed structures comply with the solar setback standards within the development and will not cast a shadow upon the roof of another cottage within the development. The proposed structures on the north property line also are proposed to comply with the solar setback standard A along the north property line in accordance with AMC 18.4.8.

d. Lot Coverage. Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.

Finding:

The proposed lot coverage following the site development is 22,905 square feet in area. This complies with the maximum lot coverage allowed in the zone of 27,361 square feet.

e. Building Separation.

Finding:

The proposed separation between the buildings exceeds the minimum separation of six feet. Excepting the four attached units, the other cottages are more than nine feet separated.

f. Fences.

Finding:

The fences that will separate the private yard areas from the open spaces and common areas will not exceed the four feet on interior areas adjacent to open space except as allowed for deer fencing.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9, Performance Standards Option and PSO Overlay, and part 18.4, Site Development and Design Standards, cottage housing developments are subject to the following requirements:

a. Public Street Dedications. Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in section 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

Finding:

The property has frontage along Alicia Street. There is not an east / west street connection proposed on the city of Ashland Street Dedication Maps on or adjacent to the subject property due to the presence of adjacent development and topographical and natural feature constraints that would prevent cross connections via public streets. A sidewalk along the east side of the driveway extends from the public street, to and around and development is proposed. The pathway does not provide a connection to the adjacent properties of the subject property because the adjacent properties are privately owned and developed in a manner that prevent connectivity. The pathway is not proposed as a public walkway system but is available for the use of the residents and guests of the proposed cottage housing development.

b. Driveways and Parking Areas. Driveway and parking areas shall meet the vehicle area design standards of chapter 18.4.3.

Finding:

The existing driveways are existing, non-conforming setback from the property to the northeast. The non-conforming driveway will not be made more non-conforming through the proposed development. The driveway is proposed to be improved to 20-feet in width. This width complies with the minimum driveway width for access to a parking area for 14-parking spaces. The driveway is proposed to accommodate a fire truck turn around. The turnaround area will be signed or marked pavement as required by the Ashland Fire Department.

i. Parking shall meet the minimum parking ratios per section 18.4.3.040.

Finding:

There are nine cottages that are 800 square feet in area, each requires one parking space. There are three cottages that are 999 square feet in area. These units require 1.5 parking spaces each. There is 13.5 parking spaces required, 14 are provided. This complies with the standards.

ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.

Finding:

The parking area required for the cottage housing development is consolidated into one, parking area. The parking area is proposed to be located in the center of the property and be covered.

iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off-street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

Finding:

A multi-vehicle carport structure is proposed for the 14-parking spaces. The carports are not attached to the cottages.

4. Open Space. Open space shall meet all of the following standards:

a. A minimum of 20 percent of the total lot area is required as open space.

Finding:

The proposed common open spaces areas provided exceed the required 10,944 square feet in area. The common area open spaces consist of turf areas with pathways for easy access to and from the covered parking spaces to the cottage units. This turf area and the walkways for ease provides ample area for residents to interact on a daily basis. The trash enclosure and the bicycle parking structure are accessed from the open space area and the parking area.

To the west of the parking area, a large landscape common area with decomposed granite paths at the edges of the estimated wetland buffer zone is proposed. This common area is connected to the formal walkways and the 20-foot turf strip to the community garden area that is along the east property line. There is a total area of 14,701 square feet of the lot area preserved as open spaces. The common open space area is 12,028 square feet and the estimated wetland and wetland buffer is 2,673 square feet in area.

b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

Finding:

The open spaces have no dimensions of less than 20-feet. They are connected via five-foot walkways. The common area open spaces consist of turf areas with pathways for easy access to and from the covered parking spaces to the cottage units. This turf area and the walkways for ease provides ample area for residents to interact on a daily basis. The trash enclosure and the bicycle parking structure are accessed from the open space area and the parking area.

To the west of the parking area, a large landscape common area with decomposed granite paths at the edges of the estimated wetland buffer zone is proposed. This common area is connected to the formal walkways and the 20-foot turf strip to the community garden area that is along the east property line. There is a total area of 14,701 square feet of the lot area preserved as open spaces. The common open space area is 12,028 square feet. The common open space protects the estimated wetland and wetland buffer which is approximately 2,673 square feet in area.

c. Shall consist of a central space, or series of interconnected spaces.

Finding:

The open space location is centrally located. All units abut common open spaces that are 20-feet in width or greater.

d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.

Finding:

The open space area required is 10,292 square feet. There is a total area of 14,701 square feet of the lot area preserved as open spaces. The common open space area that is not physically constrained, is 12,028 square feet. The common open space protects the estimated wetland area, and the 20-foot wetland buffer, which is approximately 2,673 square feet in area.

e. At least 50 percent of the cottage units shall abut an open space.

Finding:

The cottages are arranged in a horseshoe around the edges of the property. The main common open space generally centered on the site. There are eight units that abut the common open space. Additionally, along the north and south sides of the parking area a 20-foot landscape area with common walkway is proposed. Lot #6 abut the community garden open space. Of the 12 units proposed, seven directly abut large, open spaces and all units abut an at least 20-foot wide common open space.

f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.

Finding:

The open space is separate from the private outdoor areas. Private outdoor areas are proposed adjacent to the units with pathways that connect the entrances of the units to and through the open space with a walkway leading to the parking areas and public street beyond. Low fencing and landscaping will provide visual boundaries around the perimeter of the common areas and between the private yards.

g. Parking areas and driveways do not qualify as open space.

Finding:

The parking areas and driveway are not included in the open space area calculations.

5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.

a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.

Finding:

Each cottage unit has a 200-square foot (or more) area of useable private outdoor area. These areas will include garden areas, and porches or patios.

b. No dimension of the private outdoor area shall be less than eight feet.

Finding:

All 200-square foot private outdoor areas do not have any dimension of less than eight feet.

6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.
 - a. Common Buildings. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

Finding:

Not applicable.

- b. Carports and Garage Structures. Consolidated carports or garage structures, provided per subsection 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.

Finding:

Two carports that will have solar panels that allow this project to provide a consolidated solar generating station to achieve zero net energy and according to the solar installer, this will be one of the most efficient, residential solar generating facilities in the Rogue Valley.

7. Storm Water and Low-Impact Development.

- a. Developments shall include open space and landscaped features as a component of the project's storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.

Finding:

On-site infiltration has been proposed through an on-site catchment system that is a part of the projects storm water, low-impact development techniques that will be provided for thorough the Civil Engineering and Landscape design. Landscape planters and rain barrels where allowed will be provided to allow for natural filtration and on-site filtration. As designed by the Civil Engineer, the drainage is proposed to be filtered per the RVSS standards through a storm tech system and percolation rate of the soils and the storm water event studies, it has been designed that all storm water be retained and regenerated on-site.

- b. Low-impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

Finding:

Landscape garden bed filtration systems, rain barrels and permeable surfaces for the walkways will be developed for the units where possible for low impact development compliance. As designed by the Civil Engineer, the drainage is proposed to be filtered per the RVSS standards and be captured, treated, detained and regenerated the property. This is the preferred method of storm water development and low tech technique to allow for infiltration.

c. Cottages shall be located to maximize the infiltration of storm water runoff. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

Finding:

The cottages are grouped in a manner that preserves a substantial amount of connected open space. There are four connected units, the remaining units are spaced a larger distance that required, but the parking is consolidated thus demonstrating compliance with the standards. More than 2,600 square feet in area is preserved under the guidance of the wetlands professional as potential wetland and wetland buffer preserving a larger area of undeveloped open space and native vegetation.

18.3.9.030 Performance Standards Overlay:

The subject property is within of the PSO Overlay.

The character of the proposed development preserves a large hillside that overlooks the Bear Creek Valley with the development of small cottage units preserving a large area of potential wetland and buffer area within a large, common open space. The new units are energy efficient, architecturally creative, and use low impact development innovations in their design and construction. The layout takes advantage of the natural features of the landscape to their greatest advantage by providing a large area of multi-functional open space. As allowed by the code, the project has been designed to take advantage of the Performance Standards concept.

The property owner, David Scott Construction will be financing the project using private lending. The property is in David Scott Construction LLC ownership. A Homeowner's Association will be created to maintain the common areas. The HOA and CC & R's will have necessary access easement, utility easements, and maintenance agreements provided prior to recording of the plat. The development is proposed as a tax lot layout. Blanket easement for utilities, access, maintenance, utilities, etc. is proposed instead of individual easements. Following the approval of this application, the property owner will begin working with the project designer, engineer and contractors to create final utility installation engineered plans (4 – 6 months). Following utility installation, building permits for construction of the residence will be obtained (within one year). The surveyor will provide the post monument surveys (within 1 ½ - 2 years).

18.3.9.040. A.3. Outline Plan Approval Criteria

The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

a. The development meets all applicable ordinance requirements of the City.

Finding:

The applicant finds that all applicable ordinance requirements of the City have been met. As detailed in the written summary above, the findings on the subsequent pages and the attached site plans, exhibits and attached documents, full compliance with city standards for a cottage house development is met.

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.

Finding:

Adequate key City facilities can be provided to serve the development. In consultation with representatives of the various City of Ashland Departments (i.e. Water, Sewer, Streets and Electric Division) the proposed small cottage housing units will not cause a City facility to operate beyond capacity.

The six-inch sewer line within Alicia Street and Sylvia Street right-of-way. In discussions with the sanitary sewer department, there are no reported capacity issues in the immediate vicinities. Based on the Wastewater Master Plan, eight-inch sewer lines in public rights-of-way are required in the future of new facilities. The majority of Ashland does not have eight-inch lines. The sewer lines in Oak Street are identified in the system as having present flows that are in excess of the capacity. At the wastewater treatment plant there are choke points and potential overflow points. Regardless, the proposed twelve, water efficient, small units should not cause the system in the vicinity to operate beyond its current capacities.

There is a six-inch water main within Sylvia Street and a four-inch main in Alicia Street. A hydrant is present across Alicia Street from the driveway. There is adequate water pressure to provide water service to new units.

There is a 10-inch storm drainage line within Sylvia Street. The project is required to employ both low impact development standards from the Cottage Housing Standards as well as the RVSS Standards for Storm Water Managements. The low impact development measures proposed such as the use of pervious walkways, rain-barrel catchment of roof drainage, the amount of storm water generated from

the property is reduced. The proposal is to capture, detain, treat and regenerate all storm drainage on the property through the use of storm tech systems. This will allow for no impacts to the Sylvia Street storm drain facilities.

Electric infrastructure is available in the vicinity. At this time, discussions regarding the capacity concerns of the property owner and the city's system are being undertaken. With the solar panel installation, reverse metering and 1960/1970s electrical infrastructure, considerations need to be made. The property owner is the project contractor and has been in discussions with the Ashland Electric Department. An electric distribution plan has been provided.

The driveway leading to the parking area is proposed to be 20-feet in width with a five-foot-wide sidewalk along the east side of the driveway. This is adequate area including back up and turn around for 14-parking spaces. The sidewalk adjacent the driveway is connected to the internal pedestrian pathway which accesses each unit and continues through the open space.

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.

Finding:

The proposal preserves the natural features of the site. Large trees, potential wetlands and open spaces are proposed for preservation in the common open spaces.

d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

Finding:

The properties to the north, south and west are developed with single family residences as envisioned in the Comprehensive Plan. The property due east is privately owned and physically constrained. The next adjacent property is city of Ashland park land. The development of the subject property will not prevent the adjacent properties from being developed as envisioned 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.

Finding:

The proposal is for the development of tax lots with the common areas dedicated as common area. The common areas will have access easement, utility and maintenance agreements and easements. The common area landscaping and driveway maintenance will be provided for in the Homeowners Association and CC & R's of the subdivision. These documents will be prepared by a land development attorney and Oregon Licensed Surveyor familiar with small lot subdivision development. The CC & R's will be provided for review by the City of Ashland in conjunction with the preliminary survey plat.

f. The proposed density meets the base and bonus density standards established under this chapter.

Finding:

The proposed density of the property is the maximum number of cottages house units allowed in the zone per the Cottage Housing Standards of the Ashland Municipal Code AMC 18.2.3.090.

g. The development complies with the Street Standards.

Finding:

The proposed development is accessed via a private driveway that extends from the south corner of Sylvia Street and Alicia Street. These streets are not improved to city standards will only an asphalt travel lane and no curb, gutter, sidewalk or parkrow. Though the driveway separation is not met with the existing driveway curb cuts, the proposal does not alter the driveway nor place them closer together than allowed by code.

Cottage housing developments are not required to provide a public street dedication when pedestrian connectivity through the site to adjacent properties is provided and adequate vehicular access is provided. The street standards also do not require interconnected streets when physical features such as topographical constraints or other natural features such as mature trees, drainage swales, wetlands, and floodplains can alter the required connection to adjacent properties (18.4.6.E.1). It can be found that the that the site's constraints, (wetlands, and the adjacent properties wetlands and steep slopes, the city's access management standards, and the performance standards criteria encourage using the natural features of the landscape to their greatest advantage and protects the environment from degradation. The private drive will be aesthetically pleasing and provides for more efficient land use, retaining the neighborhood character.

18.5.2.080 - Site Design Review Criteria:

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

Finding:

The subject property proposed for development of the twelve-unit, thirteen lot cottage housing development. The layout, is compatible with the adjacent neighborhood development pattern, provides more open space than typical single family lots would provide. The open space is protected with HOA and CC & R regulations. The proposed cottage housing development adds a necessary housing inventory to the city of Ashland limited supply of small, single family residential units that provide ownership opportunities. The proposed development complies with the cottage housing standards and standards for the underlying zones lot coverage, setback, and density as provided in the cottage housing standards.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

Finding:

The proposal demonstrates compliance with the Performance standards overlay.

The property has an area of potential wetland on-site. It is not on the State or Local Wetlands Inventory. A wetlands biologist has been retained (see attached letter), the area of potential wetland and the potential 20-foot buffer area has been provided on the site plan with large circles around the trees near the east property line. The proposed development and all site improvements are outside of any future protected wetland and/or wetland buffer zone.

The Water Resource Protection Zone chapter seeks for an on-site assessment, the assessment was completed, and the identified "resource" is below the thresholds for state jurisdiction (less than one half acre and not part of a system). We believe it can be found that the standards of 18.3.11 have been met through the protection of the potential wetland area with buffer of substantial area of open space and not providing any development within the wetland or the buffer zone. A Conservation Area will be provided with a development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter.

The proposed landscape and irrigation planting plan demonstrate compliance with the Wildfire Overlay zone standards.

C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

Finding:

The proposal demonstrates compliance with the applicable Site Development Standards from 18.4 that are required with cottage housing development.

D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

Finding:

See findings on preceding pages addressing adequate public facilities. As for transportation, there is a paved street, sidewalk from street along driveway onto the site, and connected walkways through the property. The proposed development does not require a Traffic Impact Analysis or other Transportation assessment.

E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1, 2, or 3, below, are found to exist.

Finding:

None requested.

18.5.3.020 Land Divisions:

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.

The request is for a twelve unit, thirteen lot, Performance Standards Option, Cottage Housing Development with access via a private drive as permitted in AMC 18.2.3.090, 18.3.9 and 18.5.3.020.A.2.

2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)

The request is for a Performance Standards Option subdivision with access via a private drive.

18.5.3.E. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

Not applicable.

18.5.3.050 Preliminary Partition Plat Criteria

A. The future use for urban purposes of the remainder of the tract will not be impeded.

Finding:

The proposal utilizes the entire property and there are no 'remnant' portions of the tract.

B. The development of the remainder of any adjoining land or access thereto will not be impeded.

Finding:

The properties to the south and west are developed with single family residences as envisioned in the Comprehensive Plan. The proposal does not impact the development of the adjacent properties.

C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.

Finding:

To the applicant's knowledge there are no neighborhood or district plans. There are no previous land use approvals that imposed stipulations on the subject property.

D. The tract of land has not been partitioned for 12 months.

Finding:

The property has not been partitioned for 12 months.

E. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).

Finding:

The proposal complies with the standards of the underlying zone, the development standards for Cottage Housing Development from 18.2.3.090, and the development standards from 18.3. The proposal complies with all applicable development standards found in 18.4.

F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

Finding:

The private access driveway is proposed to be 20-foot wide with a five-foot wide sidewalk along the east side and a seven foot landscape buffer along the west side, and a fire truck turn around area. The driveway accesses the 14-vehicle parking area. The layout complies with the vehicle area design. The driveway will have a 13.5-foot vertical clearance and the driveway grade is less than 15 percent.

No parking is proposed in the front yard or between the building and the street.

The existing driveway does not comply with driveway separation standards. This is an existing condition that will not be made more non-conforming through the proposal. The traffic generated from the proposed development will exit in a forward manner which will improve the visibility when existing the site.

The site is not accessed by an alley or other shared access.

G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.

Finding:

No transitions for future development on adjacent lands is proposed. The cottage housing ordinance does not require compliance with the street design standards.

H. Unpaved Streets.

Finding:

Both Alicia and Sylvia Street are paved.

I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.

Finding:

There is not an alley adjacent to the property.

J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

Finding:

There are no State or Federal permits necessary for the development of the property. The State of Oregon will be consulted through the wetland delineation on the site as directed by the project wetlands biologist.

K. A partition plat containing one or more flag lots shall additionally meet the criteria in section 18.5.3.060.

Driveways greater than 50-feet in length are required to demonstrate compliance with the width and design requirements of section 18.5.3.060 (AMC 18.4.3.080.D.1). A “flag lot” is not proposed, but development is proposed as part of a performance standards option development, therefore not all of the criteria for flag lot partitions is addressed.

TREE REMOVAL

18.5.7.030. B. Tree Removal Permit.

There are six-trees that are more than six-inches DBH on the subject property. There is one larger stature Pine tree on the adjacent property to the west. There is a 20-inch deciduous near the west property line. Another 14-inch deciduous tree is present further west. A 14-inch pine tree is near the west property line on the adjacent property to the west. On the west side of the property there is a 10-inch walnut, and three willows, eight-inch, ten-inch and a 36-inch DBH willow tree.

The 36-inch willow tree has been evaluated by an arborist who has determined that the tree is in a hazardous condition and must be removed. The tree is within the possible wetland buffer zone. The removal of hazardous trees is exempt from the regulated activities within the Water Resource Protection Zone. The 20-inch deciduous tree near the west property line is proposed for removal due to the installation of the driveway.

Tree protection fencing in the form of six-foot tall chain link fences, set in accordance with the proposed protection plan provided with the application will provide adequate protection to the sites remaining trees.

Tree protection fencing in the form of six-foot tall chain link fences, set in accordance with the proposed protection plan provided with the application will provide adequate protection to the sites remaining trees. The project arborist will provide guidance.

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.

Finding:

The project arborist has determined the 30inch will tree to be a hazard. See attached report.

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.

Finding:

Mitigation trees will be planted with the landscape plan installation and open space development.

2. Tree that is Not a Hazard.

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 18.3.10.

Finding:

Tree #1 is a deciduous tree along the west property line. It is located in the path of the driveway access to the parking area for the cottage house development. The removal of the tree allow for the site to development consistent with the standards for Site Design Review and provisions of parking areas.

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.

Finding:

The removal of the tree will not have any impact on erosion, soil stability, flow of surface waters or protection of adjacent trees. This tree is not part of a windbreak.

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.

Finding:

The removal of a single deciduous tree, none of which are rare or specimen / heritage trees, will not have any impacts on the tree densities. The adjacent neighborhood has a significant number, density, tree canopy and species diversity.

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.

Finding:

The residential density is not impacted by the removal of the tree.

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. See below.

18.5.7.050 Mitigation Required

One or more of the following shall satisfy the mitigation requirement.

- A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed.

Finding:

Many, healthy deciduous trees will be planted on site following the construction of the twelve, single family cottages. The trees are placed throughout the property. The landscape plan includes conifer trees as well.

Attachments:

- NORTHWEST BIOLOGICAL SURVEY LETTER
- CANOPY TREE CARE REPORT
- TITLE REPORT
- TOPOGRAPHICAL SURVEY
- PROJECT SITE PLAN

SMALL COTTAGE ELEVATIONS AND FLOOR PLAN
LARGE COTTAGE ELEVATIONS AND FLOOR PLAN
DUPLEX COTTAGE ELEVATION AND FLOOR PLANS
CARPORT ELEVATIONS
SOLAR SETBACK EVALUATIONS
GRADING & DRAINAGE PLAN
UTILITY PLAN
EROSION CONTROL PLAN
LANDSCAPE PLANS

Received 4.20.2020



NORTHWEST BIOLOGICAL CONSULTING

HABITAT RESTORATION & ENVIRONMENTAL PLANNING

Engineering Contractor CA-599428 & OR-137378

Feb. 29, 2020

David Scott Construction

876 Clay St.

Ashland, Oregon 97520

David,

The following information is an overview of the Wetland Assessment we are in the process of completing regarding your property at 210 Alicia Street in Ashland. The following bulleted points reflect the wetland delineation process and the anticipated results of our investigation:

1. Northwest Biological Consulting (NBC) is a local environmental consulting company that focuses primarily on wetland delineations, stream restoration, and related aquatic habitat restoration projects. We have been in business in Ashland for over 40 years.
2. We were retained by David Scott Construction to complete a wetland assessment of property located at 210 Alicia Street in Ashland.
3. We completed an initial wetland survey of the property in the Fall of 2019 and gathered data regarding plants, soil, and hydrology from a small area affected by overflow of ditched irrigation water. The presence of upland soils and the weak indicators of plants, soils, and hydrology suggested the potential presence of a small, marginal wetland area.
4. We suspect that the potential wetland area was possibly created by the presence of an artificial source of irrigation water which was delivered to

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- the property in an open ditch and disconnected pipe that was not maintained and caused irrigation water to flood areas adjacent to the ditch.
5. David Scott Construction repaired the irrigation pipe to eliminate any artificial source of water that might create wetland conditions. We plan to sample the data plots again in the spring to determine if the piping of the irrigation water has eliminated the source of artificial hydrology for the potential wetland.
 6. We will complete our wetland investigation in April/May after we verify our initial data plots. There is a very strong indication that planned piping of the irrigation water will eliminate the source of hydrology which may have caused the presence of a small wetland. The anticipated absence of hydrology in the second round of data could eliminate any consideration of a jurisdictional wetland.
 7. After our second round of data, our findings will then be submitted to the Oregon Department of State Lands (DSL) for their review and concurrence. **It is expected that the review period may be as -long as 90 days and therefore no ground disturbing activities are allowed to take place until the DSL has reviewed the wetland delineation report.**

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CANOPY LLC

The Care of Trees
canopyarborcare.com
P.O. Box 3511
Ashland, OR 97520
(541) 631-8000
CCB 199334



January 23, 2020

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

RE: Tree protection and removal request at 210 Alicia Street

I inspected the site and the trees at 210 Alicia on December 31, 2019 in order to assess the trees and advise on their protection and/or removal in preparation for a development project. The following are my recommendations for the preservation of pine, ash, willow, and walnut trees and the removal of a willow and a plum tree.

Willow removal: This willow (*Salix spp*) is found on the eastern side of the property. There are 3 trunks of in close proximity, measuring 21.5," 24," and 30" in diameter at breast height (DBH). They all exhibit evidence of previous large limb failure, extensive rot and fungal growth, multiple structural defects including cracks, and overall poor health. It is my recommendation that these trees are not suitable for a neighborhood/urban setting and that they qualify as hazardous, especially so if this area is developed, bringing an increase in "targets" (people, homes, etc). It is my recommendation that these trees be removed and replaced with a suitable species.

Plum removal: The plum (*Prunus cerasifera*) is located near the northern entrance to the property. The tree is quite large for its species and, as this species is prone to doing, has been losing limbs. These trees require a good deal of maintenance and this tree has received little to none. The result being poor form and limb failure. The location of the tree is in direct conflict with development of a parking area. Removal and replacement is recommended.

Tree protection: Multiple trees on the property or on adjacent properties have been identified and designated for protection. The following guidelines should be observed if any major construction activities are to occur on the property.

Tree Protection Zone (TPZ): It is recommended that a tree protection zone be established around the root zone of these trees before any construction, excavation, land clearing, or grading begins. This zone should be established with temporary 6' tall fencing and remain in place through project completion. This protection zone should be established *at least* at the furthest extent of the dripline of these trees.

Soil Compaction: To avoid soil compaction, heavy materials should not be stored, vehicles maneuvered or parked, grade changed, or paved surfaces constructed within the tree protection zone. If for construction purposes, it is absolutely necessary for vehicles or machinery to access the area, a layer of mulch (6"-12" deep) should be applied for vehicles to drive on. The mulch layer should be reduced to a depth of 3"-4" upon project completion.

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Root Protection: If excavation is necessary at or near the tree protection area, avoid cutting roots over 1" diameter where possible. If larger roots are severed during construction process, it is recommended that they be cut "cleanly" with a saw or bypass pruners at a 90 degree angle (as opposed to being left "torn" by machinery). If pruning of roots over 2" diameter are encountered near the TPZ, consultation with the landscape architect or arborist is advised. Pruned roots should not be left exposed for extended periods of time. Cover exposed roots with moist soil after pruning.

Water: If construction is occurring during the driest months of June thru September, it is recommended that the trees receive a deep watering throughout their root zone 3-4x per month. Water should permeate to a depth of 30". A layer of mulch can be of great benefit before, during, and after construction to aid in moisture retention.

Christopher John
Arborist, Canopy LLC
ISA Certification #WE-9504A
Tree Risk Assessor Qualified (TRAQ)

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First American

First American Title Insurance Company

1225 Crater Lake Avenue, Suite 101
Medford, OR 97504
Phn - (541)779-7250
Fax - (866)400-2250

Order No.: 7162-3303585
October 17, 2019

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

JULIE SCHAMANEK, Escrow Officer/Closer
Phone: (541)488-6840 - Fax: (866)391-8367- Email:jschamanek@firstam.com
First American Title Insurance Company
370 Lithia Way, Ashland, OR 97520

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Gary Laney, Title Officer
Phone: (541)779-7250 - Email: glaney@firstam.com

2nd Revised Preliminary Title Report

Situs Address as disclosed on Jackson County Tax Roll:

210 Alicia Avenue, Ashland, OR 97520

2006 ALTA Owners Standard Coverage	Liability \$	525,000.00	Premium \$	1,388.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement			Premium \$	
Govt Service Charge			Cost \$	30.00
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

PARCEL 2 OF PARTITION PLAT NO. P-20-2015, RECORDED June 1, 2015, IN THE RECORD OF PARTITION PLATS IN JACKSON COUNTY, OREGON, AND FILED AS SURVEY NO. 21725 IN THE OFFICE OF THE COUNTY SURVEYOR.

and as of October 08, 2019 at 8:00 a.m., title to the fee simple estate is vested in:

Paul B. Mace and Kathleen H. Kahle

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

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- by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
- 5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
- 6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
- 7. Taxes for the year 2019-2020

Tax Amount	\$	4,004.29
Unpaid Balance:	\$	4,004.29, plus interest and penalties, if any
Code No.:	5-01	
Map & Tax Lot No.:	391E04DB 1700	
Property ID No.:	1-004842-5	

NOTE: An application to Exempt Mobile Home from Registration and Titling was recorded December 23, 2003 , as Document No. 03-85835 of Jackson County Official Records.

- 8. City liens, if any, of the City of Ashland.
- 9. Ditch Maintenance and upkeep agreement, including terms and provisions thereof.
Recorded: Volume 140 Page 607 and 608 and in Volume 163 Page 22



10. Easement, including terms and provisions contained therein:
Recording Information: Volume 144 Page 159
In Favor of: Pacific Telephone and Telegraph Company
For: Electric transmission and distribution lines
11. Easement, including terms and provisions contained therein:
Recording Information: Volume 235 Page 601, Volume 258 Page 406 and Volume
264 Page 284
For: ditches
12. Easement, including terms and provisions contained therein:
Recording Information: Volume 258 Page 406, Volume 289 Page 101, Volume 289 Page
113, Volume 289 Page 121 and Volume 291 Page 249
In Favor of: California Oregon Power Company
For: transmission and distribution of electricity
13. Easement, including terms and provisions contained therein:
Recording Information: Volume 357 Page 485
For: Sewer purposes
14. Solar access waiver agreement, including terms and provisions thereof.
Recorded: 89-14584
15. Intentionally Deleted
16. Street Plug Access Agreement, including terms and provisions thereof.
Recorded: April 22, 2002 as Document No. 02-22261
17. Any rights, interest or claims which may exist or arise by reason of the following facts shown by a survey and inspection of said land:
 - a. The fence in the northwest corner of the subject property does not follow the property line.

- END OF EXCEPTIONS -

NOTE: Report revised to remove exception no. 15.

NOTE: We find no judgments or United States Internal Revenue liens against Adderson Builders, Inc.

NOTE: An easement appurtenant to the herein described property for installation and perpetual maintenance of ditches and flumes, including the terms and provisions thereof, as set forth in instrument recorded December 02, 1987 as Document No. 87-25131, Official Records of Jackson County, Oregon.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

GARY LANEY
TITLE OFFICER

First American Title

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glaney@firstam.com

RECORDING INFORMATION

As of August 1, 2019 Jackson County recording fees are as follows:

Recording Fees:	\$	102.00	All Deeds.1st page
	\$	5.00	All Deeds for each additional page
	\$	111.00	All Other Document Types
	\$	5.00	All Other Document Types for each additional page

Additional Fees will be imposed by the County Clerk of a document presented for recording fails to meet the requirements established by ORS Chapter 205.

cc: Gregory Williams, Windermere Van Vleet & Associates Inc
375 Lithia Way, Ashland, OR 97520

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First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or In Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien¹ or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

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TI 149 Rev. 7-22-08

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City of Ashland



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

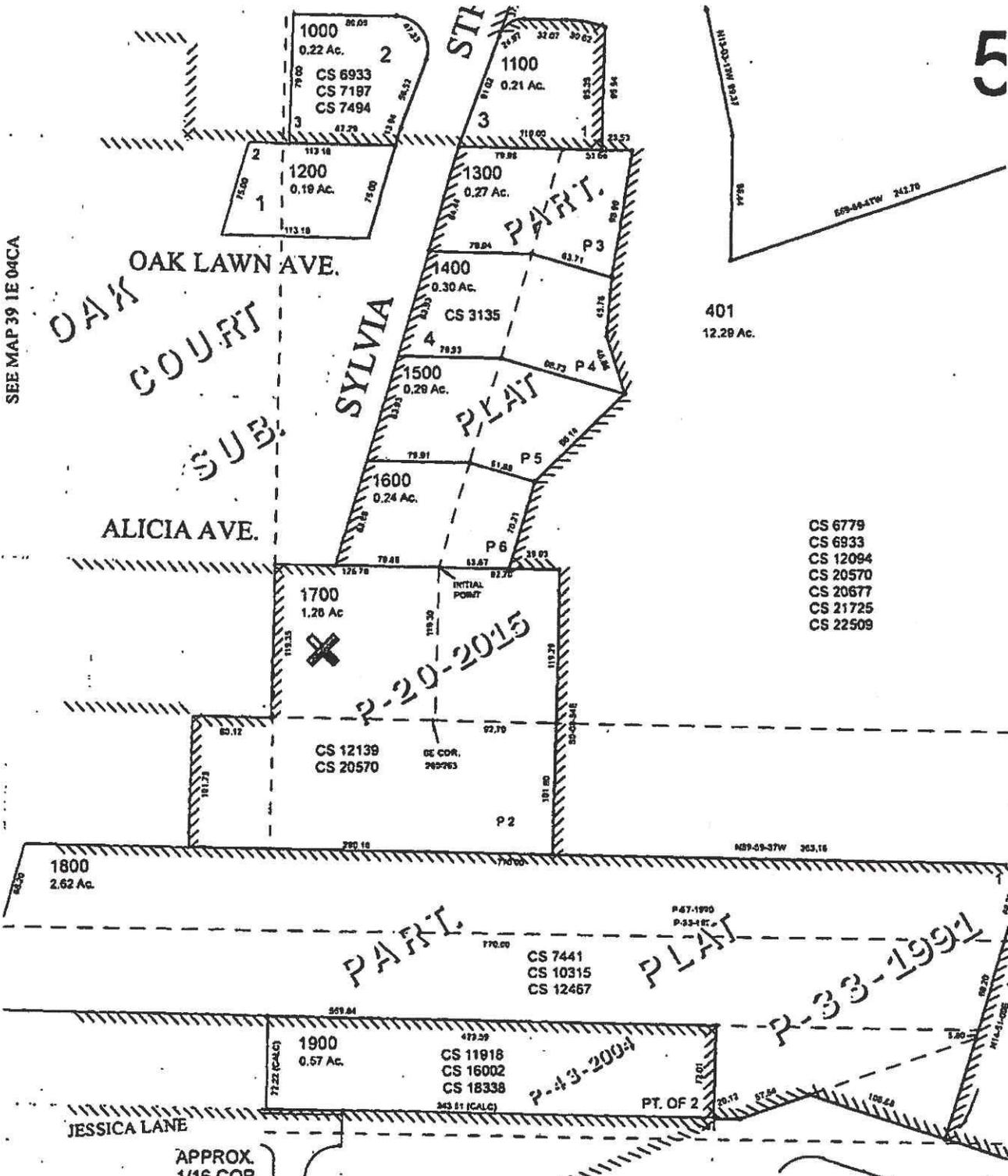
Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

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SEE MAP 39 1E 04CA



- CS 6779
- CS 6933
- CS 12094
- CS 20570
- CS 20677
- CS 21725
- CS 22509

TOWNSHIP 39 RANGE 1E SECTION 4DB ↑

THIS MAP IS FOR LOCATION PURPOSES ONLY
 NO LIABILITY IS ASSUMED FOR VARIATIONS
 DISCLOSED BY SURVEY OR COUNTY RECORDS
 FIRST AMERICAN TITLE

SEE MAP 39 1E 04DC

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After recording return to:
First American Title
370 Lithia Way
Ashland, OR 97520

Until a change is requested all tax
statements shall be sent to the
following address:
Adderson Builders, Inc.
234 Vista St.
Ashland, OR 97520

File No.: 7162-3303585 (JS) —
Date: October 11, 2019

Jackson County Official Records **2019-031714**
R-WD
Stn=4 HELMANCD 10/18/2019 12:44:14 PM
\$10.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$102.00**

THIS SPACE RES

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

Paul B. Mace and Kathleen H. Kahle, Grantor, conveys and warrants to **Adderson Builders Inc.**,
Grantee, the following described real property free of liens and encumbrances, except as specifically set
forth herein:

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

**PARCEL 2 OF PARTITION PLAT NO. P-20-2015, RECORDED June 1, 2015, IN THE RECORD OF
PARTITION PLATS IN JACKSON COUNTY, OREGON, AND FILED AS SURVEY NO. 21725 IN
THE OFFICE OF THE COUNTY SURVEYOR.**

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the
public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$525,000.00**. (Here comply with requirements of ORS 93.030)

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 15th day of Oct, 2019.

Paul B. Mace
Paul B. Mace

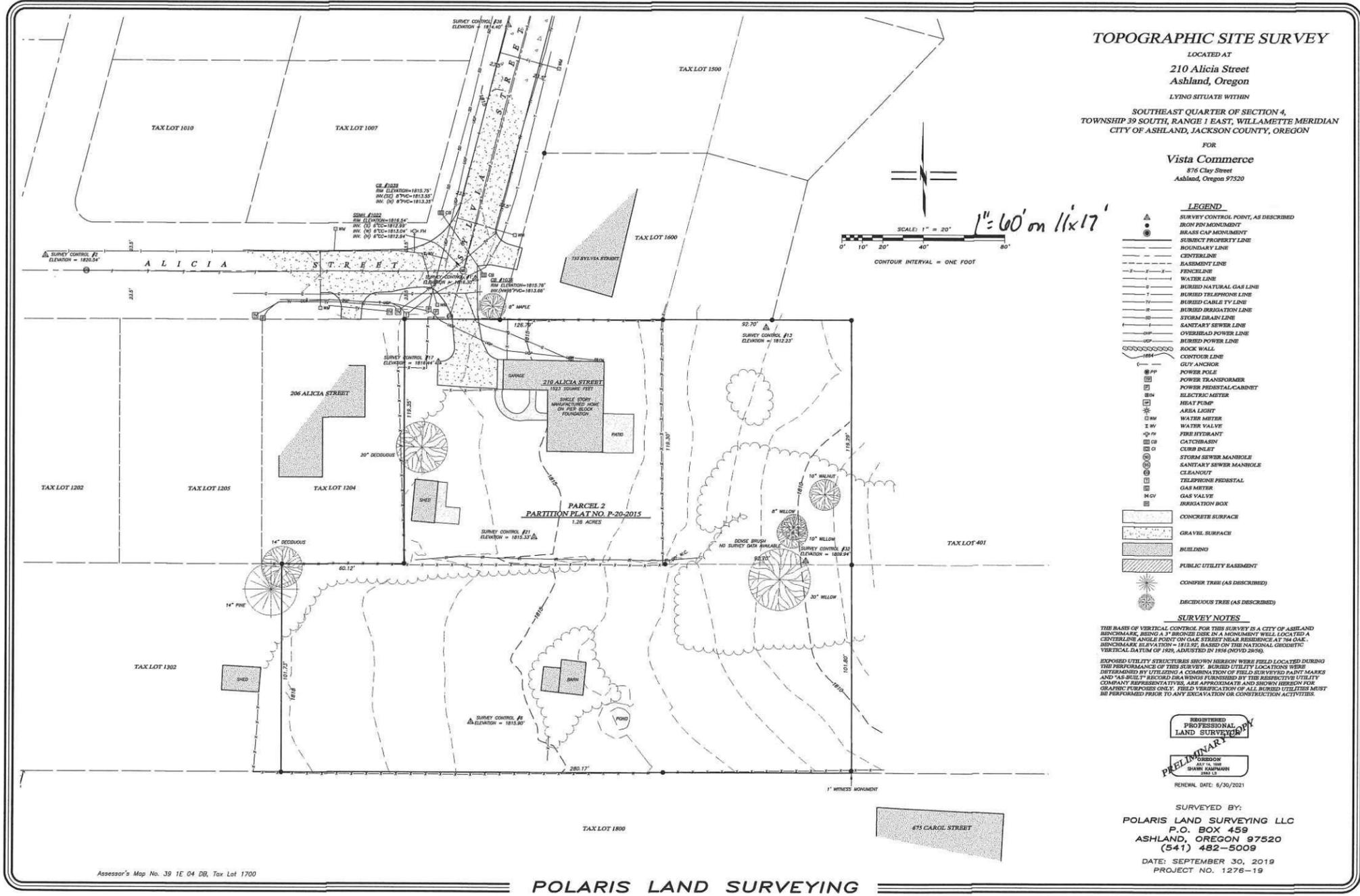
Kathleen H. Kahle
Kathleen H. Kahle

STATE OF Oregon)
County of Jackson) ss.
)

This instrument was acknowledged before me on this 15th day of Oct, 2019 by Paul B. Mace and Kathleen H. Kahle.

Julie Schamanek
Notary Public for Oregon
My commission expires: 3-21-2023





TOPOGRAPHIC SITE SURVEY

LOCATED AT
210 Alicia Street
Ashland, Oregon
 LYING SITUATE WITHIN
 SOUTHEAST QUARTER OF SECTION 4,
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON
 FOR
Vista Commerce
 876 Clay Street
 Ashland, Oregon 97520

LEGEND

- ▲ SURVEY CONTROL POINT, AS DESCRIBED
- IRON PIN ANCHORMENT
- BEARS CAP ANCHORMENT
- SUBJECT PROPERTY LINE
- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- - - FENCELINE
- WATER LINE
- BURIED NATURAL GAS LINE
- BURIED TELEPHONE LINE
- BURIED CABLE TV LINE
- BURIED IRRIGATION LINE
- STORM DRAIN LINE
- SANITARY SEWER LINE
- OVERHEAD POWER LINE
- BURIED POWER LINE
- ROCK WALL
- CONTOUR LINE
- GUY ANCHOR
- POWER POLE
- POWER TRANSFORMER
- POWER PEDISTAL CABINET
- ELECTRIC METER
- HEAT PUMP
- AREA LIGHT
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- CATCHBASIN
- CURB INLET
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- CLEANOUT
- TELEPHONE PEDESTAL
- GAS METER
- GAS VALVE
- IRRIGATION BOX
- CONCRETE SURFACE
- GRAVEL SURFACE
- BUILDING
- PUBLIC UTILITY EASEMENT
- CONIFER TREE (AS DESCRIBED)
- DECIDUOUS TREE (AS DESCRIBED)

SURVEY NOTES

THE BASE OF VERTICAL CONTROL FOR THIS SURVEY IS A CITY OF ASHLAND BENCHMARK, BEING A 3" BRONZE DISK IN A MONUMENT WELL LOCATED AT CENTERLINE ANGLE POINT ON OAK STREET NEAR RESIDENCE AT 764 OAK. BENCHMARK ELEVATION = 1812.52', BASED ON THE NATIONAL GEODESIC VERTICAL DATUM OF 1928, ADJUSTED IN 1955 (NOV 28/55).

EXPOSED UTILITY STRUCTURES SHOWN HEREON WERE FIELD LOCATED DURING THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT-MARKS AND "AS-BUILT" RECORDS DATA FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES. ARE APPROXIMATE AND SHOWN HEREON FOR ORIENTATIONAL PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**

OREGON
 SHAWN KAPPMANN
 2015

RENEWAL DATE: 6/30/2021

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: SEPTEMBER 30, 2019
 PROJECT NO. 1276-19

Assessor's Map No. 39 1E 04 DB, Tax Lot 1700

POLARIS LAND SURVEYING

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COLOR KEY:

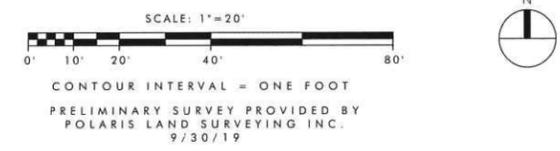
	800 SQ FT DETACHED HOME		800 SQ FT DUPLEX		999 SQ FT DETACHED HOME
	PRIVATE YARD		LANDSCAPE AREA		OPEN SPACE
	ASPHALT		WALKWAY (CONCRETE)		WALKWAY (OTHER)

VICINITY MAP



Cottages at Alicia

Alicia Street, Ashland OR 97520



THIS DEVELOPMENT IS DESIGNED TO MEET THE REQUIREMENTS OF 18.2.3.090 COTTAGE HOUSING LAND USE ORDINANCE.

PROJECT INFORMATION:

SITE DATA:

LOCATION:	MAP 39 1E 04 DB TAX LOT 1700
LOT SIZE:	54722 SQ FT
ZONING:	R-1-5
OCCUPANCY:	COTTAGE DEVELOPMENT WITH 12 SINGLE FAMILY RESIDENCES APPROX. 1814 FT.
ELEVATION:	
OPEN SPACE:	12028 SQ FT (22%)
WETLANDS:	2673 SQ FT (5%)
IMPERVIOUS VS PERVIOUS AREA:	
HOUSE FOOTPRINTS:	10881 SQ FT
DRIVEWAY & PARKING:	7902 SQ FT
CONCRETE WALK:	3594 SQ FT
PATIOS:	528 SQ FT
TOTAL IMPERVIOUS:	22905 SQ FT (42%)
TOTAL PERVIOUS (PRIVATE AND COMMON AREAS):	31817 SQ FT (58%)

SHEET INDEX:

1:	SITE PLAN
2:	SMALL COTTAGE ELEVATIONS
3:	LARGE COTTAGE ELEVATIONS
4:	DUPLEX ELEVATIONS
5:	CARPOR ELEVATIONS
6:	SOLAR

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RLA Design LLC

PROJECT:
COTTAGE DEVELOPMENT
 210 Alicia Street
 Ashland, OR

SINGLE FAMILY DWELLINGS
 © RLA DESIGN LLC

OWNER:
David Scott Construction
 (541)944-4491

DRAWING:
SITE PLAN

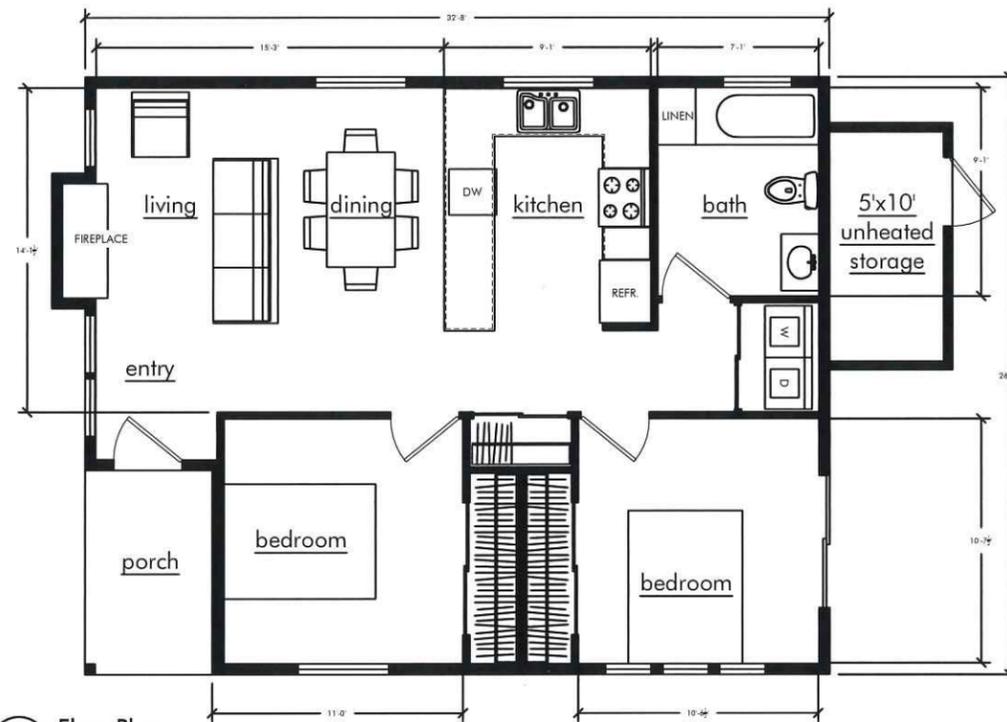
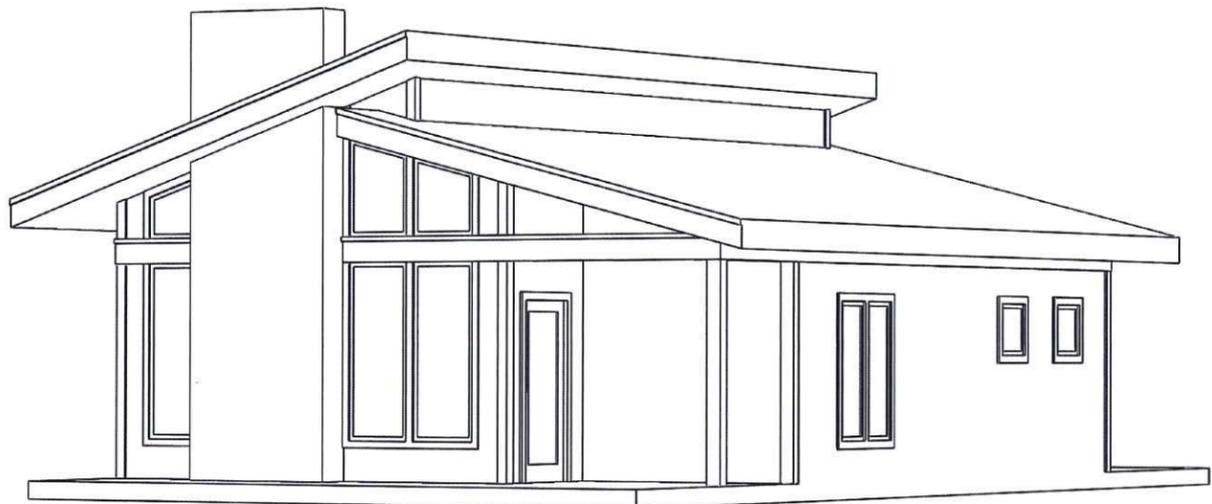
DATE: 2/6/2020

REVISIONS

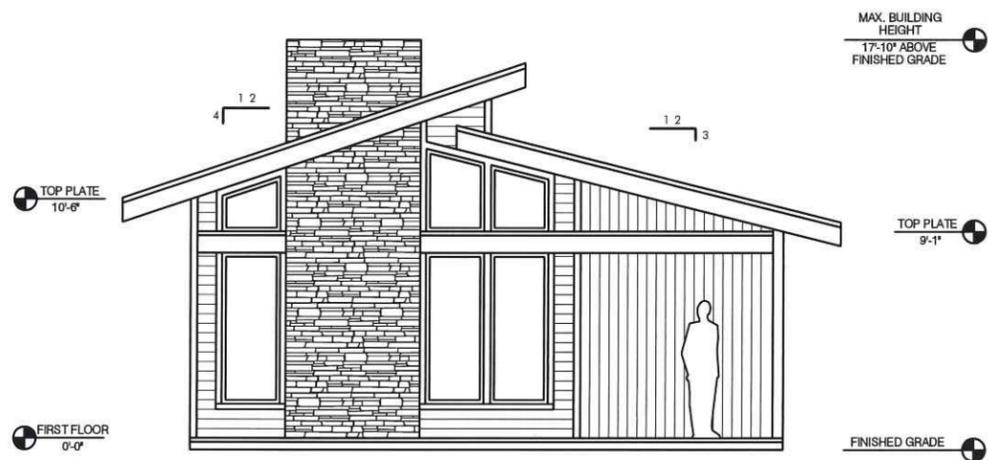
NO.	DATE	NOTE

DRAFTED BY:
 RICHARD ANDERSON
 (451)301-1497

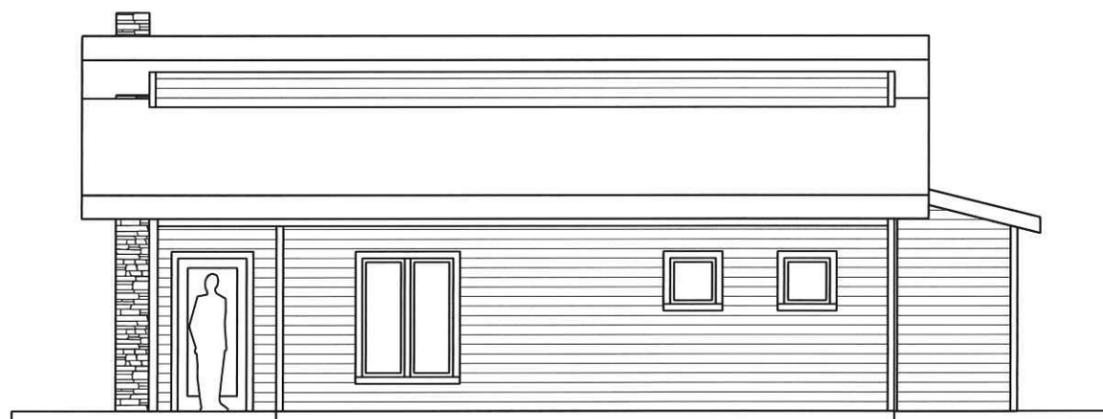
SHEET:
1
 1 OF 6



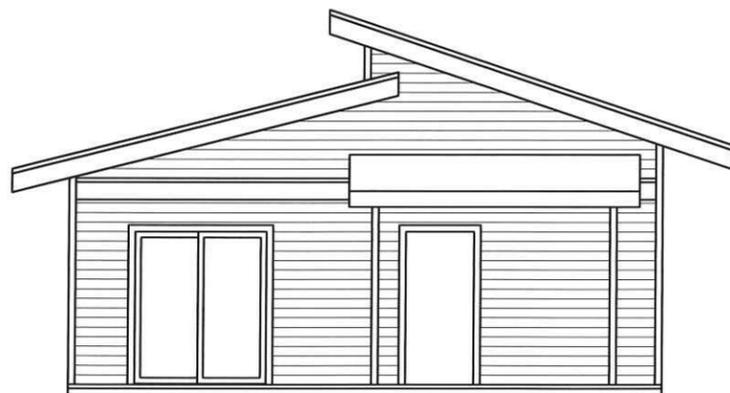
1 Floor Plan
Scale: 1/4"=1'-0"



2 Front Elevation
Scale: 1/4"=1'-0"



3 Right Elevation
Scale: 1/4"=1'-0"



4 Rear Elevation
Scale: 1/4"=1'-0"



5 Left Elevation
Scale: 1/4"=1'-0"

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RLA Design LLC

PROJECT:
COTTAGE DEVELOPMENT
210 Alicia Street
Ashland, OR

SINGLE FAMILY DWELLINGS
© RLA DESIGN LLC

OWNER:
David Scott Construction
(541) 944-4491

DRAWING:
Typical Small Cottage Elevations - 800 sq. ft.

DATE: 2/6/2020

REVISIONS

NO.	DATE	NOTE

DRAFTED BY:
RICHARD ANDERSON
(451) 301-1497

SHEET:

2
2 OF 6

PROJECT:
COTTAGE DEVELOPMENT
 210 Alicia Street
 Ashland, OR

SINGLE FAMILY DWELLINGS
 © RLA DESIGN LLC

OWNER:
David Scott Construction
 (541) 944-4491

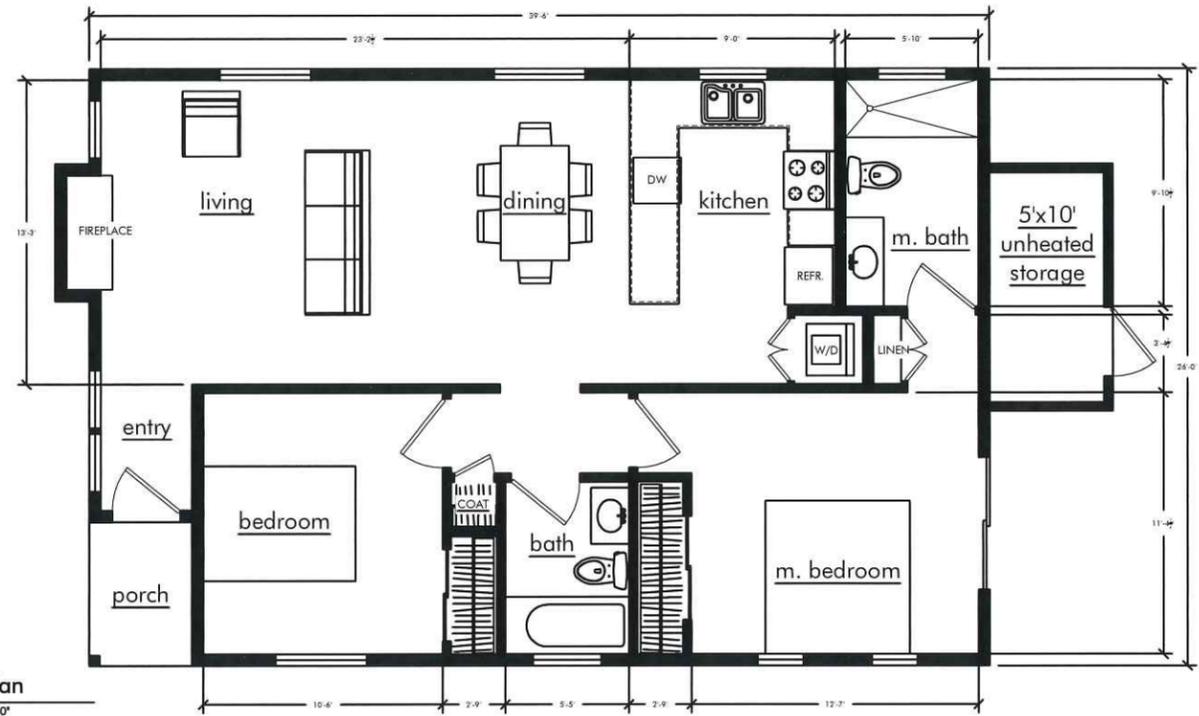
DRAWING:
Typical Large Cottage Elevations - 999 sq. ft.

DATE: 2/6/2020

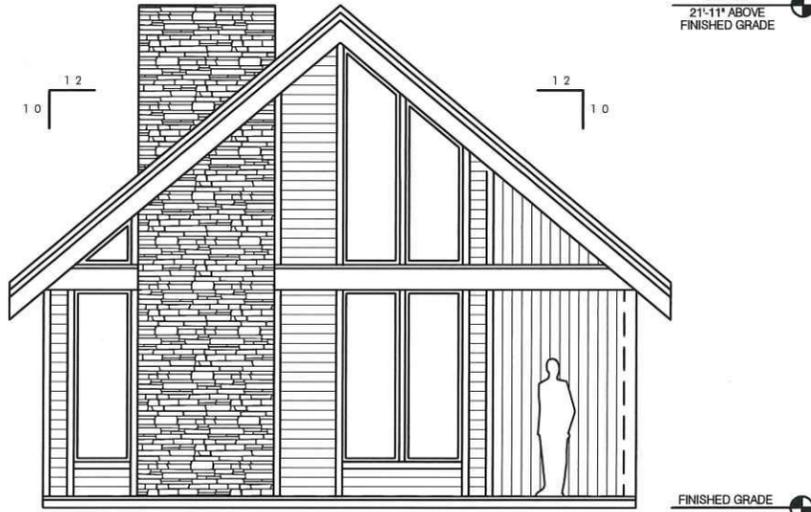
REVISIONS
 NO. DATE NOTE

DRAFTED BY:
 RICHARD ANDERSON
 (451) 301-1497

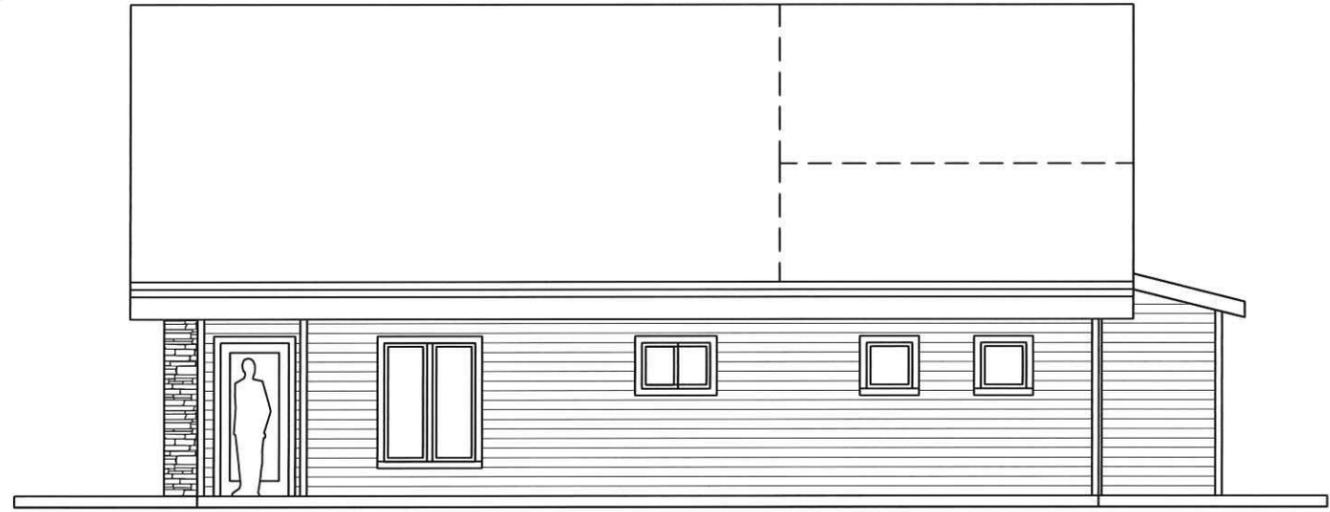
SHEET:



1 Floor Plan
 Scale: 1/4"=1'-0"



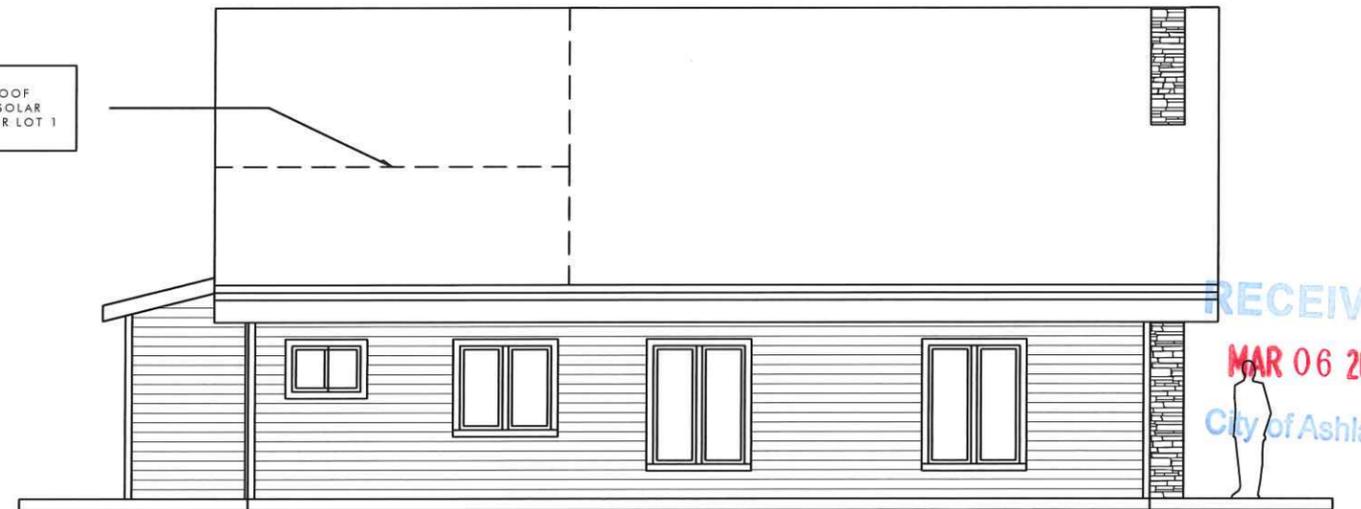
2 Front Elevation
 Scale: 1/4"=1'-0"



3 Right Elevation
 Scale: 1/4"=1'-0"

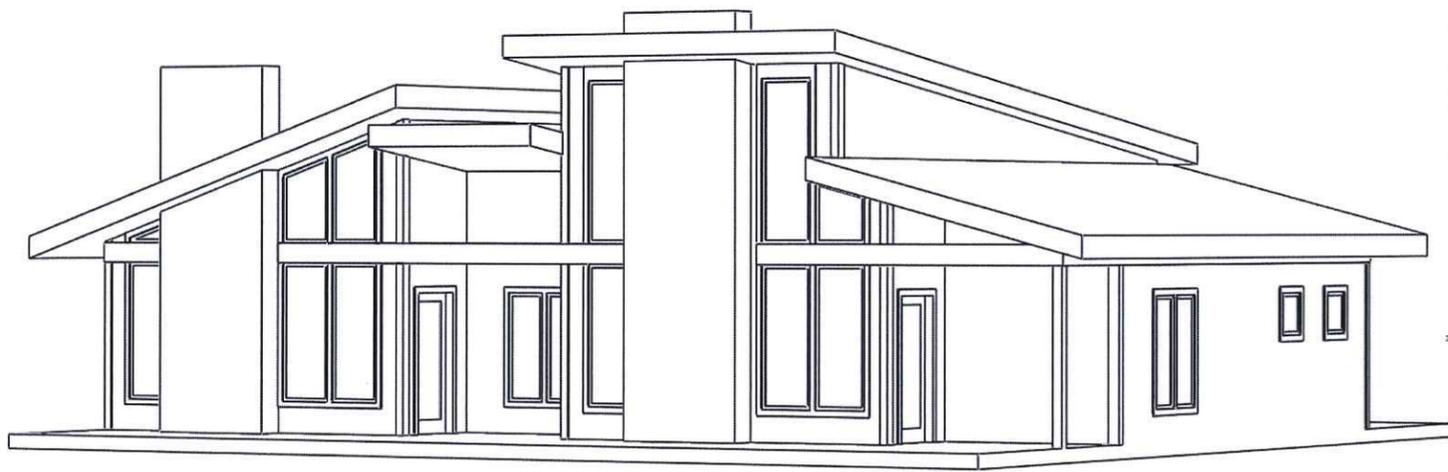


4 Rear Elevation
 Scale: 1/4"=1'-0"



5 Left Elevation
 Scale: 1/4"=1'-0"

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 City of Ashland

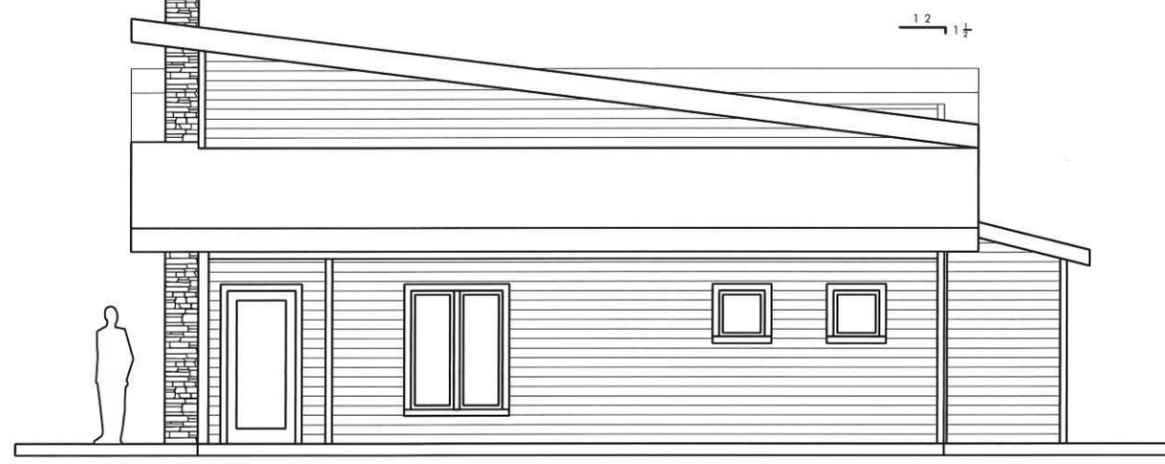


1 Floor Plan
Scale: 1/4"=1'-0"

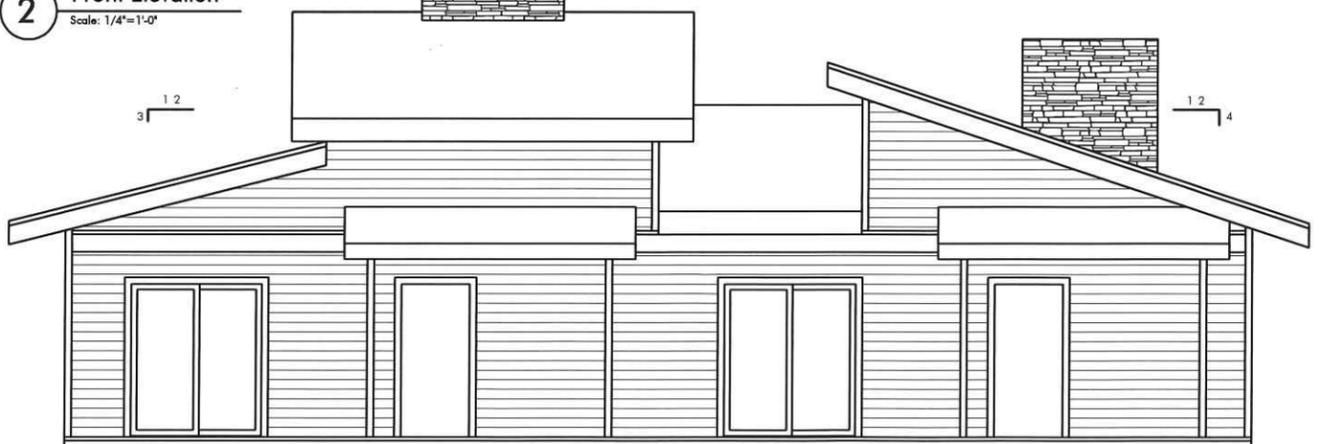
MAX. BUILDING HEIGHT
20'-0" ABOVE
FINISHED GRADE



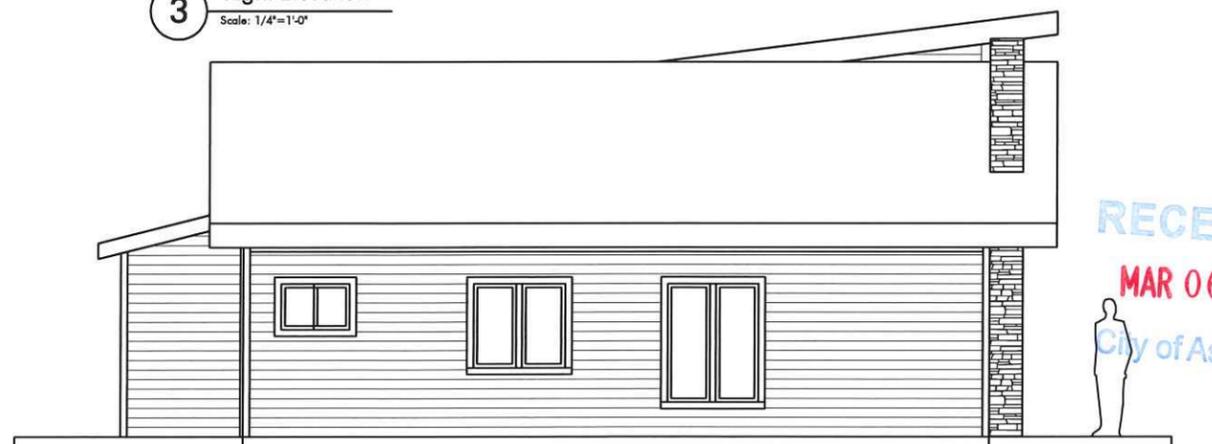
2 Front Elevation
Scale: 1/4"=1'-0"



3 Right Elevation
Scale: 1/4"=1'-0"



4 Rear Elevation
Scale: 1/4"=1'-0"



5 Left Elevation
Scale: 1/4"=1'-0"

RLA Design LLC

PROJECT:
COTTAGE DEVELOPMENT
210 Alicia Street
Ashland, OR

SINGLE FAMILY DWELLINGS
© RLA DESIGN LLC

OWNER:
David Scott Construction
(541) 944-4491

DRAWING:
Typical Duplex Elevations

DATE: 2/6/2020

REVISIONS
NO. DATE NOTE

RECEIVED
MAR 06 2020
City of Ashland

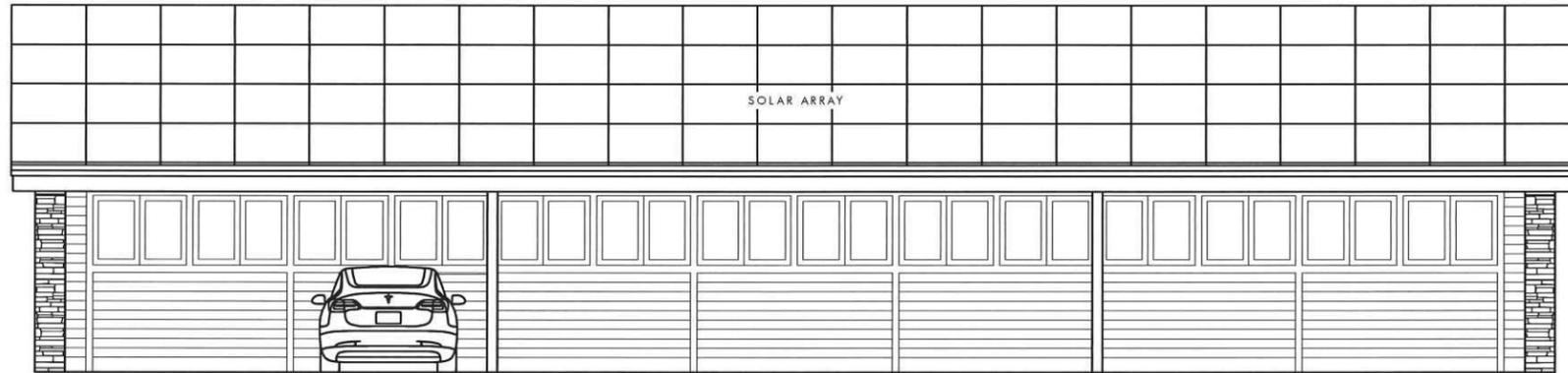
DRAFTED BY:
RICHARD ANDERSON
(451) 301-1497

SHEET:

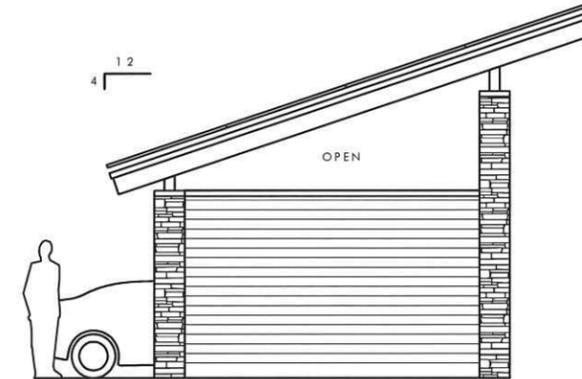
4
4 OF 6

BUILDING HEIGHT
16'-3" ABOVE
FINISHED GRADE

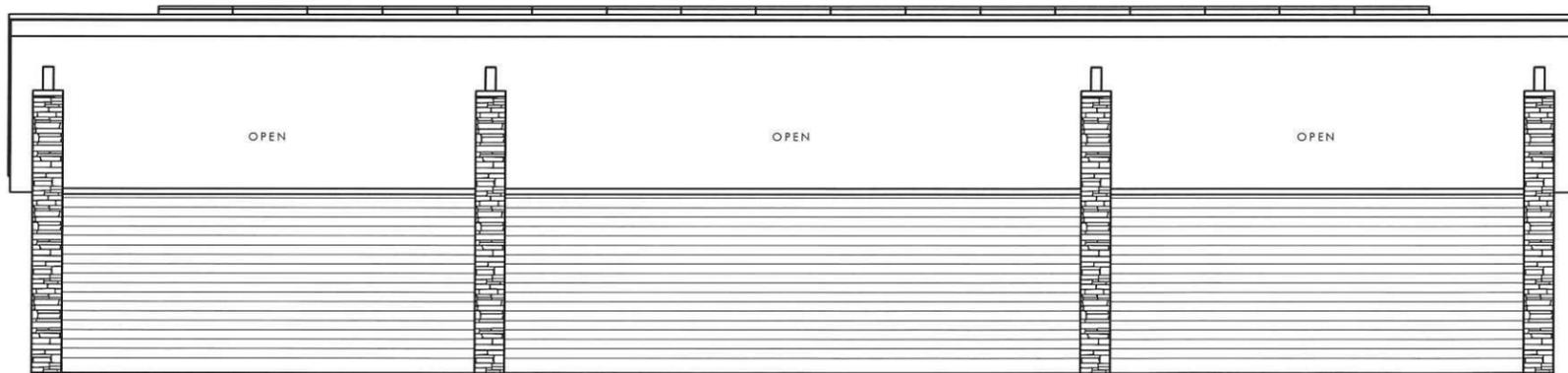
FINISHED GRADE



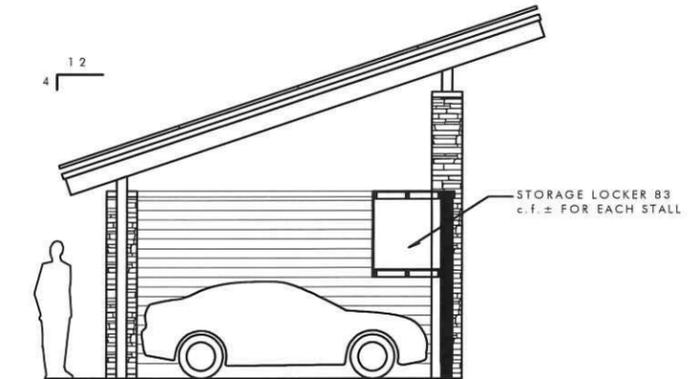
1 Front Elevation
Scale: 1/4"=1'-0"



2 Side Elevation
Scale: 1/4"=1'-0"



3 Rear Elevation
Scale: 1/4"=1'-0"



4 Section
Scale: 1/4"=1'-0"

PROJECT:
**COTTAGE
DEVELOPMENT**
210 Alicia Street
Ashland, OR

SINGLE FAMILY DWELLINGS
© RLA DESIGN LLC

OWNER:
**David Scott
Construction**
(541) 944-4491

DRAWING:
**Carport
Elevations**

DATE: 2/6/2020

REVISIONS

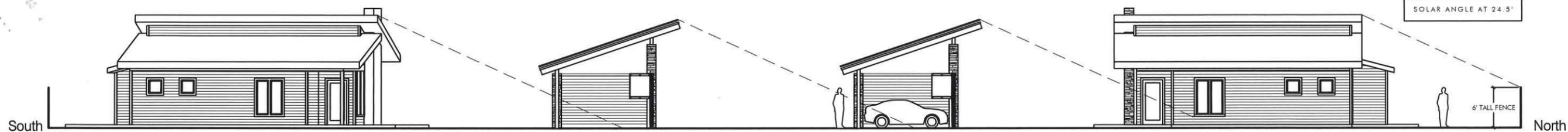
NO.	DATE	NOTE

DRAFTED BY:
RICHARD ANDERSON
(451) 301-1497

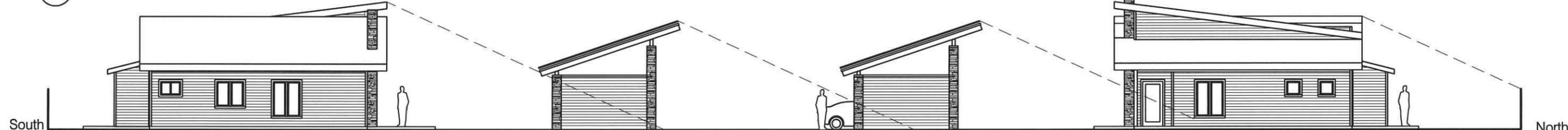
SHEET:

5
5 OF 6

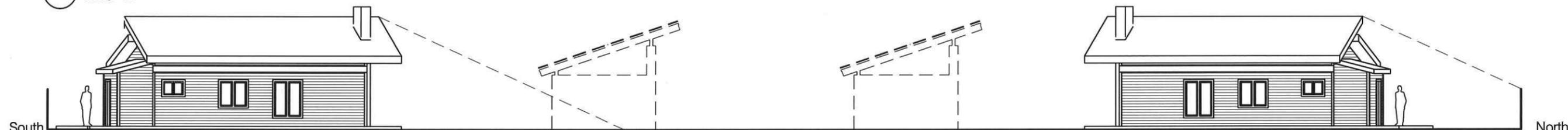
RECEIVED
MAR 06 2020
City of Ashland



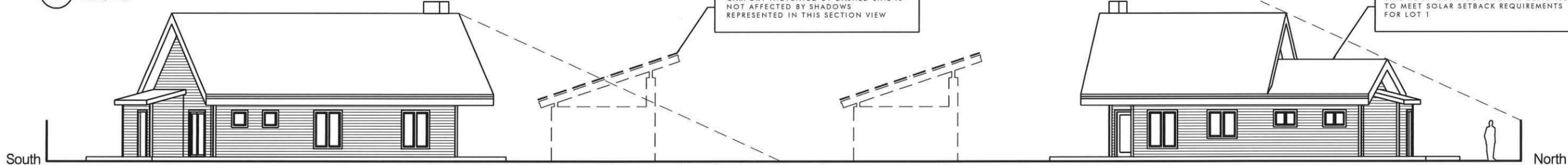
1 Section
Scale: 1/8"=1'-0"



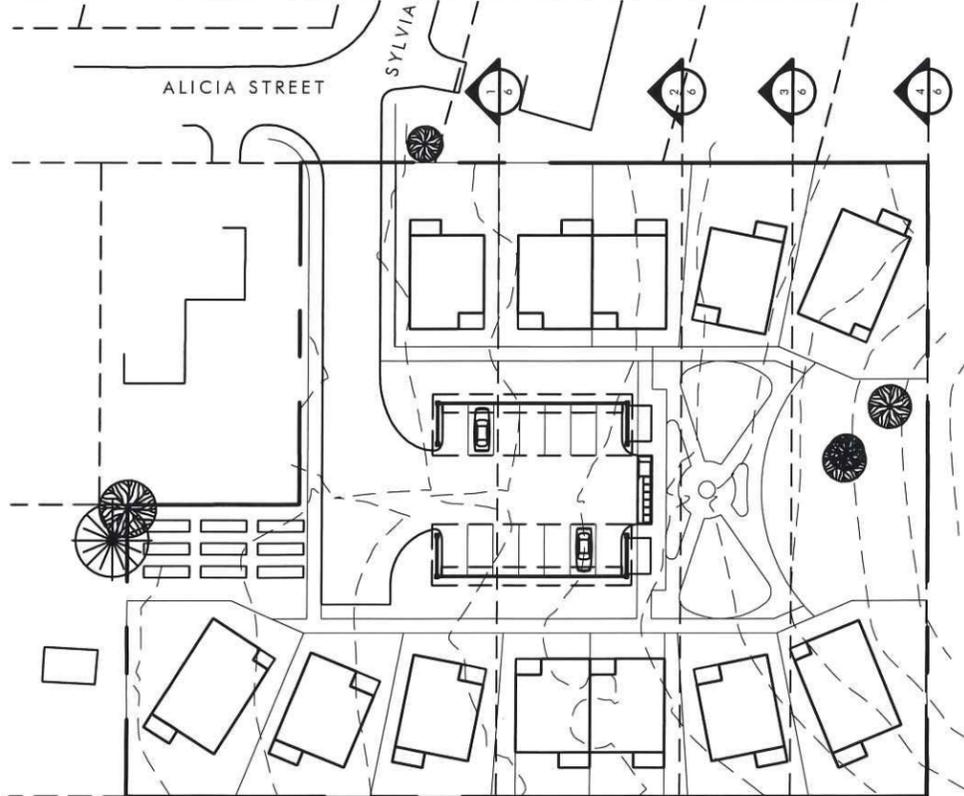
2 Section
Scale: 1/8"=1'-0"



3 Section
Scale: 1/8"=1'-0"



4 Section
Scale: 1/8"=1'-0"



5 Reference Plan
Scale: 1/32"=1'-0"

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City of Ashland

RLA Design LLC

PROJECT:
COTTAGE DEVELOPMENT
210 Alicia Street
Ashland, OR

SINGLE FAMILY DWELLINGS
© RLA DESIGN LLC

OWNER:
David Scott Construction
(541) 944-4491

DRAWING:
Solar Setback Evaluation

DATE: 2/6/2020

REVISIONS

NO.	DATE	NOTE

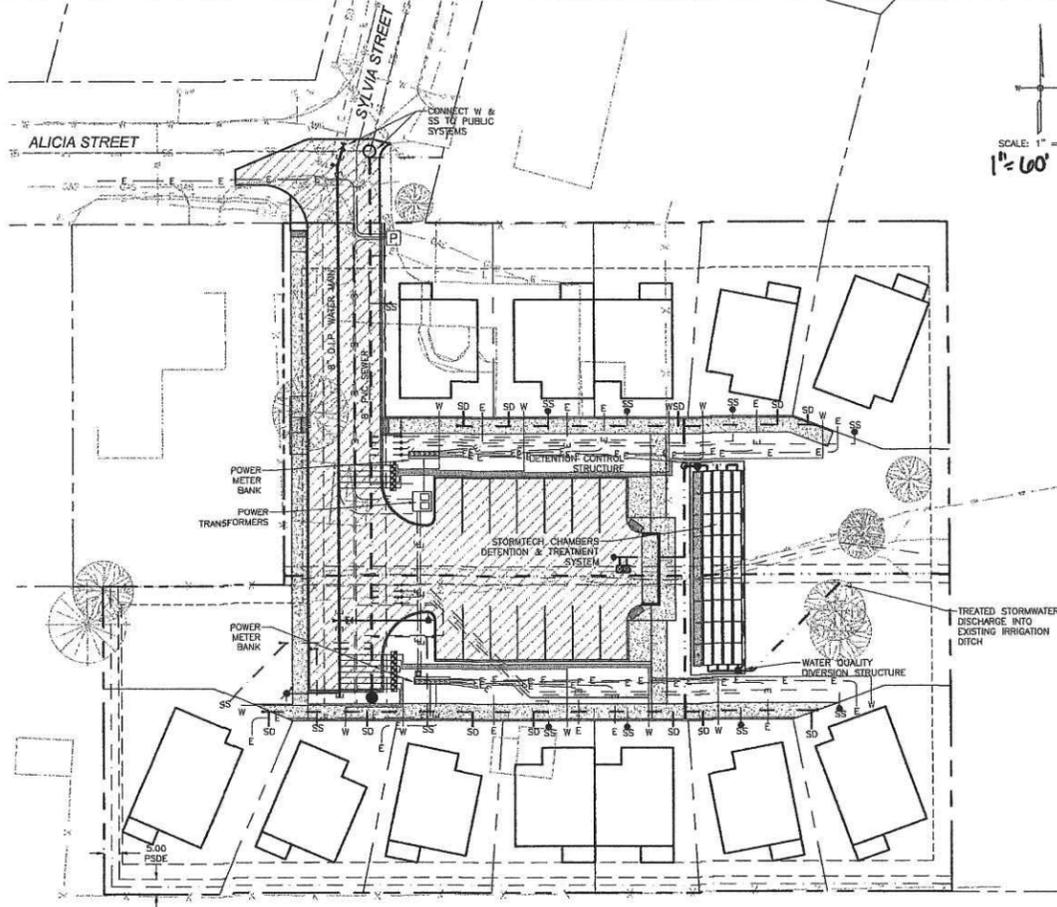
DRAFTED BY:
RICHARD ANDERSON
(451) 301-1497

SHEET:
6
6 OF 6

KAS ASSOCIATES, INC. 15.034 PRELIMINARY EXPIRES: 12-31-2020
 CIVIL STRUCTURAL PLANNING
 210 ALICIA STREET ASHLAND, OREGON 97520
 TEL: (541) 772-2887 FAX: (541) 772-2887
 WWW.KASINC.COM

LEGEND

	PROPOSED STORM DRAIN LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED WATER LINE
	PROPOSED PUE OR EASEMENT
	PROPOSED STREET CENTERLINE
	PROPOSED PROPERTY LINE
	PROPOSED PROJECT BOUNDARY
	NEW ASPHALT PAVING
	PROPOSED CONCRETE SURFACE
	WETLAND DELINEATION
	PROPOSED SEWER MANHOLE
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED CLEANOUT
	PROPOSED CURB INLET
	PROPOSED WATER METER
	PROPOSED FIRE HYDRANT
	PROPOSED GATE VALVE
	PROPOSED AIR RELEASE VALVE
	PROPOSED THRUST BLOCK
	PROPOSED WATER FITTINGS
	EXISTING WATER LINE
	EXISTING STORM DRAIN LINE
	EXISTING SANITARY SEWER LINE
	EXISTING FENCE LINE
	EXISTING GAS LINE
	EXISTING OVERHEAD POWER LINE
	EXISTING BURIED ELECTRIC LINE
	EXISTING PHONE LINE
	EXISTING TRANSFORMER
	EXISTING HYDRANT
	EXISTING VALVE
	EXISTING SEWER MANHOLE
	EXISTING PHONE PEDESTAL
	EXISTING MAILBOX
	EXISTING CONIFER TREE
	EXISTING DECIDUOUS TREE



SCALE: 1" = 20'
1" = 60' (11x17)



KAS ASSOCIATES, INC.
 CIVIL STRUCTURAL PLANNING
 210 ALICIA STREET
 ASHLAND, OREGON 97520
 TEL: (541) 772-2887
 FAX: (541) 772-2887
 WWW.KASINC.COM

**DAVID SCOTT
 CONSTRUCTION
 COTTAGE DEVELOPMENT**
 210 ALICIA STREET
 ASHLAND, OREGON 97520

**MASTER UTILITY
 PLAN (PLANNING)**

MASTER UTILITY PLAN

NO.	REVISION	DATE	BY
DESIGNED AS CONSTRUCTED BY			
CITY OF ASHLAND			
COTTAGE DEVELOPMENT			
210 ALICIA STREET			
DRAWN BY	ASJ	DATE	3-8-20
CHECKED BY	SSP	DATE	3-8-20
IN CHARGE OF PUBLIC WORKS DIVISION		DATE	
IN CHARGE OF DEPARTMENT		DATE	
IN CHARGE OF DIVISION		DATE	
PROJECT NO.		SHEET NO.	2

(DAVID SCOTT CONSTRUCTION) KAS 19-342

RECEIVED
 MAR 06 2020
 City of Ashland

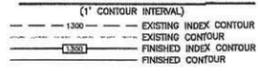
GRADING, STREET & UTILITY ESC NOTES:

- APPROVAL OF THIS EROSION/SEDIMENTATION CONTROL PLAN (ESCP) DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (e.g. SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.)
- THE IMPLEMENTATION OF THESE ESCP'S AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND VEGETATION/LANDSCAPING IS ESTABLISHED.
- THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
- ON-SITE STOCKPILE AREAS SHALL BE DETERMINED BY THE ENGINEER AND SHALL BE PROTECTED WITH SEDIMENT FENCE AND TEMPORARY SEEDING IN ACCORDANCE WITH THE NOTES.
- CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN AND/OR IMPROVE EROSION CONTROL MEASURES TO PREVENT VISIBLE OR MEASURABLE EROSION FROM LEAVING THE CONSTRUCTION SITE DEFINED AS:
 - DEPOSITS OF MUD, DIRT SEDIMENT OR SIMILAR MATERIAL EXCEEDING 1/2 FT IN VOLUME IN ANY AREA OF 100 SQ FT OR LESS ON PUBLIC OR PRIVATE STREETS, ADJACENT PROPERTY OR INTO THE STORM & SURFACE WATER SYSTEM, EITHER BY DIRECT DEPOSIT, DROPPING, DISCHARGE OR AS A RESULT OF THE ACTION OF EROSION.
 - PUBLIC STREETS SHALL BE KEPT CLEAN IN ACCORDANCE WITH ALL RELEVANT ORDINANCES.
 - EVIDENCE OF CONCENTRATED FLOWS OF WATER OVER BARE SOILS, TURBID OR SEDIMENT LADEN FLOWS, OR EVIDENCE OF ON-SITE EROSION SUCH AS RIVULETS ON BARE SOIL SLOPES, WHERE THE FLOW OF WATER IS NOT FILTERED OR CAPTURED ON THE SITE USING THE TECHNIQUES IN THE APPROVED EROSION CONTROL PLAN.
 - EARTH SLIDES, MUD FLOWS, OR OTHER EARTH MOVEMENT WHICH LEAVES THE PROPERTY SHALL BE CLEANED BY THE CONTRACTOR. IF YOU HAVE ANY QUESTIONS ABOUT THE PERMIT REQUIREMENTS, PLEASE CONTACT THE DEQ @ (503) 229-5256 OR TOLL FREE IN OREGON @ 1-800-452-4011
- THE OPERATOR SHALL KEEP A RECORD OF INSPECTIONS, UNCONTROLLED RELEASES OF MUD OR MUDDY WATER OR MEASURABLE QUANTITIES OF SEDIMENT FOUND OFF THE SITE SHALL BE RECORDED WITH A BRIEF EXPLANATION AS TO THE MEASURES TAKEN TO PREVENT FUTURE RELEASES AS WELL AS ANY MEASURES TAKEN TO CLEAN UP THE SEDIMENT THAT HAS LEFT THE SITE. THIS RECORD SHALL BE MADE AVAILABLE TO THE DEQ OR LOCAL PLANNING AGENCY UPON REQUEST. IF THE CONSTRUCTION ACTIVITY LASTS MORE THAN 12 MONTHS, A COPY OF EACH YEAR SHALL BE SENT TO THE DEQ OR AUTHORIZED AGENT BY JULY 1 OF EACH YEAR.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY THE ENGINEER/DOWNER'S REPRESENTATIVE TO REDUCE EROSION AND SEDIMENTATION AS REQUIRED BY ACTUAL FIELD CONDITIONS.
- IF THERE WILL BE MORE THAN 25 CONSTRUCTION VEHICLE TRIPS PER DAY ON ANY OF THE ROADS WITHIN THE SITE, THEY SHALL BE GRAVELED PER DETAIL 1.

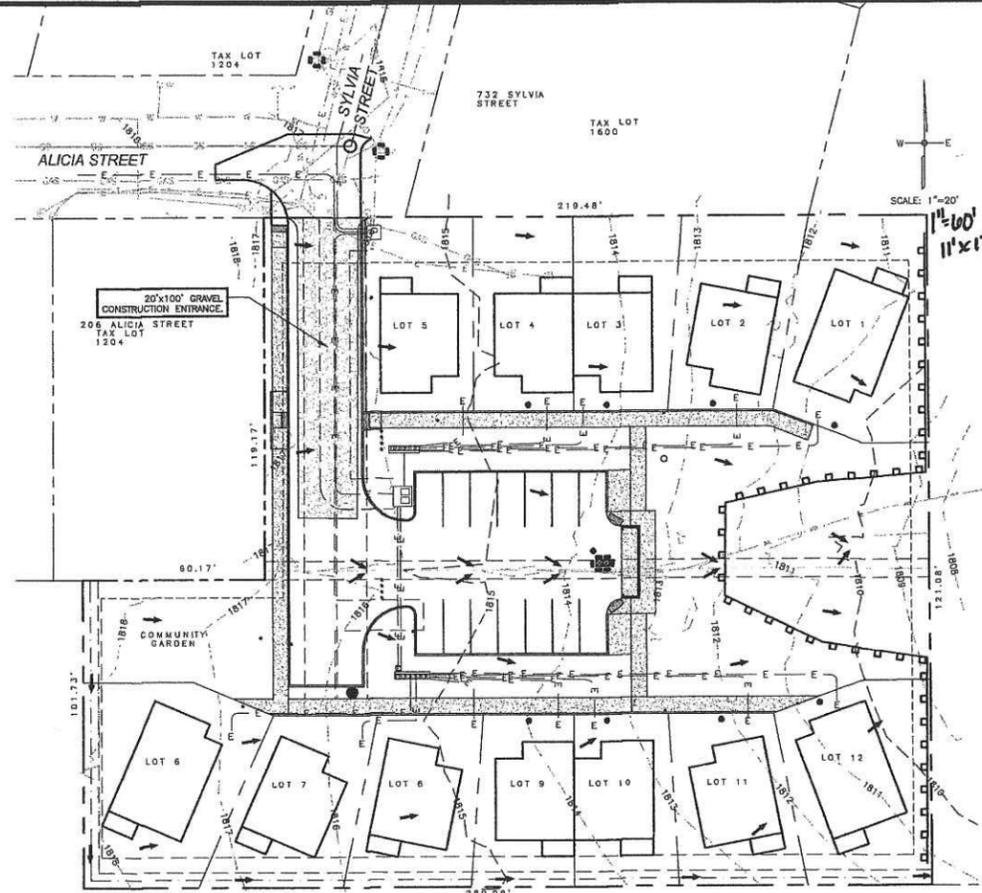
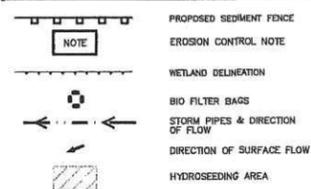
PRE-CONSTRUCTION, CLEARING, AND DEMOLITION NOTES:

- ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, GRAVEL CONSTRUCTION ENTRANCES, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
- SEDIMENT BARRIERS APPROVED FOR USE INCLUDE: SEDIMENT FENCE, BERMS CONSTRUCTED OUT OF MULCH, CHIPPINGS, OR OTHER SUITABLE MATERIAL, STRAW WATLES, OR OTHER APPROVED MATERIALS.
- SENSITIVE RESOURCES INCLUDING, BUT NOT LIMITED TO, TREES, WETLANDS, AND RIPARIAN PROTECTION AREAS SHALL BE CLEARLY DELINEATED WITH ORANGE CONSTRUCTION FENCING OR CHAIN LINK FENCING IN A MANNER THAT IS CLEARLY VISIBLE TO ANYONE IN THE AREA. NO ACTIVITIES ARE PERMITTED TO OCCUR BEYOND THE CONSTRUCTION BARRIER.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES INCLUDING, BUT NOT LIMITED TO, STREET SWEEPING, AND VACUUMING, MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
- RUN-ON AND RUN-OFF CONTROLS SHALL BE IN PLACE AND FUNCTIONING PRIOR TO BEGINNING SUBSTANTIAL CONSTRUCTION ACTIVITIES. RUN-ON AND RUN-OFF CONTROL MEASURES INCLUDE: SLOPE GRASS (WITH OUTLET PROTECTION), CHECK DAMS, SURFACE ROUGHENING, AND BANK STABILIZATION.

CONTOUR LEGEND



EROSION CONTROL LEGEND



EROSION CONTROL PLAN

SCALE: 1" = 20'



KAS
KAS ASSOCIATES, INC.
CIVIL STRUCTURAL PLANNING
1500 W. 10TH AVE. SUITE 100
ASHLAND, OREGON 97520
PH: (541) 777-5897
WWW.KASINC.COM

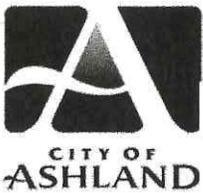
DAVID SCOTT
CONSTRUCTION DEVELOPMENT
210 ALICIA STREET
ASHLAND, OREGON 97520

EROSION & SEDIMENT CONTROL PLAN (PLANNING)

NO.	REVISION	DATE	BY
DESIGNED AS CONSTRUCTED BY			
CITY OF ASHLAND			
COTTAGE DEVELOPMENT			
210 ALICIA STREET			
DESIGNED BY	JSC	JUN 3-8-20	PROJECT NO.
CHECKED BY	SSP	JUN 3-8-20	
APPROVED BY (LOCAL AGENCY)			SHEET NO.
APPROVED BY (OWNER)			B2
APPROVED BY (ENGINEER)			

(DAVID SCOTT CONSTRUCTION) KAS 19-342

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MAR 06 2020
City of Ashland



Planning Division
51 Winburn Way, Ashland OR 97520
541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # PA-T2-2020-00017

DESCRIPTION OF PROJECT 12 Unit - 13 Lot Cottage Housing Development

DESCRIPTION OF PROPERTY

Pursuing LEED® Certification? YES NO

Street Address 210 Alicia Street

Assessor's Map No. 39 1E 04BD

Tax Lot(s) 1700

Zoning R-1-5

Comp Plan Designation Single-Family Residential

APPLICANT

Name Rogue Planning & Development Phone 541-951-4020 E-Mail amygunter.planning@gmail.com

Address 33 North Central Avenue; Suite 213 City Medford Zip 97501

PROPERTY OWNER

Name David Scott Construction, LLC Phone 541-944-4491 E-Mail david@davidscottconstruction.com

Address 876 Clay Street City Ashland Zip 97520

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title KAS & Associates Name Engineering Services Phone 541-772-5807 E-Mail andrewz@kasinc.com

Address 304 S Holly Street City Medford, OR Zip 97501

Title Surveying Name Polaris Land Survey Phone 541-482-5009 E-Mail shawn@polarissurvey.com

Address PO BOX 459 City Ashland Zip 97520

RLA Design: 176 Harrison Street, Ashland, OR 97520

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) that I produced sufficient factual evidence at the hearing to support this request;
- 2) that the findings of fact furnished justifies the granting of the request;
- 3) that the findings of fact furnished by me are adequate; and further
- 4) that all structures or improvements are properly located on the ground.

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Amy Gunter
Applicant's Signature

3-6-2020
Date

RECEIVED

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

David Scott
Property Owner's Signature (required)

3-6-2020
Date

MAR 06 2020
City of Ashland

[To be completed by City Staff]

Date Received 3/6/2020

Zoning Permit Type II

Filing Fee \$ 6015.00

OVER >>

ZONING PERMIT SUBMITTAL REQUIREMENTS

- ✓ APPLICATION FORM must be completed and signed by both applicant and property owner.
- ✓ FINDINGS OF FACT – Respond to the appropriate zoning requirements in the form of factual statements or findings of fact and supported by evidence. List the findings criteria and the evidence that supports it. Include information necessary to address all issues detailed in the Pre-Application Comment document.
- ✓ 2 SETS OF SCALED PLANS no larger than 11"x17". Include site plan, building elevations, parking and landscape details. (Optional – 1 additional large set of plans, 2'x3', to use in meetings)
- ✓ FEE (Check, Charge or Cash)
- LEED® CERTIFICATION (*optional*) – Applicant's wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps:
 - Hiring and retaining a LEED® Accredited Professional as part of the project team throughout design and construction of the project; and
 - The LEED® checklist indicating the credits that will be pursued.

NOTE:

- Applications are accepted on a first come, first served basis.
- Applications will not be accepted without a complete application form signed by the applicant(s) AND property owner(s), all required materials and full payment.
- All applications received are reviewed for completeness by staff within 30 days from application date in accordance with ORS 227.178.
- The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting. (Planning Commission meetings include the Hearings Board, which meets at 1:30 pm, or the full Planning Commission, which meets at 7:00 pm on the second Tuesday of each month. Meetings are held at the City Council Chambers at 1175 East Main St).
- A notice of the project request will be sent to neighboring properties for their comments or concerns.
- If applicable, the application will also be reviewed by the Tree and/or Historic Commissions.

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MAR 06 2020
City of Ashland

Until a change is requested, all tax statements shall be sent to:
David Scott Construction, LLC
876 Clay Street
Ashland, OR 97520

After recording return to:
David Scott Construction, LLC
876 Clay Street
Ashland, OR 97520

STATUTORY BARGAIN AND SALE DEED

For valuable consideration, the receipt of which is acknowledged, Adderson Builders, Inc., Grantor hereby conveys to David Scott Construction, LLC Grantee, all Grantor's right, title and interest in that real property commonly known as 210 Alieia Street in Ashland, Oregon and more specifically described in the attached Exhibit "A".

This Bargain and Sale Deed is subject to and bound by the terms and conditions set forth in that certain Development Agreement executed by the parties in February of 2020 and is to serve as a First Position Lien against all costs as set forth in aforementioned Development Agreement.

True Consideration for this conveyance is \$1.00 along with the execution of the referenced Development Agreement executed by said Grantor and Grantee in February of 2020 which is binding on all Parties, their heirs, assigns and successors in interest.

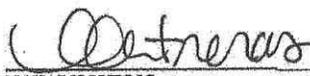
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 853, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 853, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: February 28, 2020.


Adderson Builders, Inc.
By: Sidney DeBoer, President

STATE OF
County of

On this 28th day of February, 2020, the foregoing instrument was personally acknowledged before me by Sid DeBoer, President of Adderson Builders, Inc.


NOTARY PUBLIC

My commission expires: 02-21-2024

RECEIVED
MAR 06 2020
City of Ashland

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

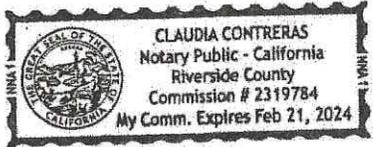
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Riverside)
On February 28, 2020 before me, Claudia Contreras, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Sidney DeBoer
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Statutory Bargain and Sale Deed
Title or Type of Document: Document Date: 2-28-2020
Number of Pages: 1 Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)
Signer's Name:
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

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MAR 06 2020
City of Ashland

PUBLIC COMMENTS

PA-T2-2020-00017
210 Alicia Street

From: MICHAEL GOLDMAN [mailto:michaelgoldman17@outlook.com]
Sent: Thursday, May 07, 2020 11:50 AM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; derek.severson@ashland.or.
Cc: kentpr675@gmail.com
Subject: "May 12 PC Hearing Testimony"

[EXTERNAL SENDER]

Dear Ashland City Planners and others regarding Development Plans for 210 Alicia Ave, public comments:

I would like to hereby register my name, **Michael Goldman, at 198 Alicia Ave**, as an opponent to the proposed 12 house development just a few houses away from my home on Alicia Ave.

There are many reasons why this proposal is not proper for this location, several listed here are:

1. Too dense and too much traffic for this tiny-winding street (Alicia Ave).
2. Not enough designated on-site parking for the approximate 24 vehicles expected (at just 2 vehicles per home).
3. Not enough sewer capacity to accommodate 12 additional houses.
4. Not a significant amount of egress in case of fire or other emergency for 12 families to escape danger.

Please be sure to register my complaints, **and my name**, for any further public meetings, so that I am afforded the ability to speak.

Thank You,

Michael Goldman

Michael Goldman Agency
michaelgoldman17@outlook.com
P.O. Box 1286, Ashland, OR 97520
541-890-7701



From: Kent Patrick-Riley <kentpr675@gmail.com>
Sent: Thursday, May 7, 2020 11:59 AM
To: Derek Severson <derek.severson@ashland.or.us>
Subject: Re: Please postpone May 12, 2020 meeting to discuss 210 Alicia St development

[EXTERNAL SENDER]

Thanks.

On May 7, 2020, at 10:48 AM, Derek Severson <derek.severson@ashland.or.us> wrote:

Kent,

Thank you for bringing this to our attention. The PC-public-testimony@ashland.or.us e-mail should be fixed to accept e-mails now, and I've passed your e-mail on to the Community Development Director and will discuss with him further.

- Derek

Derek Severson, *Senior Planner*
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520
PH: (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900
E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.

From: Kent Patrick-Riley <kentpr675@gmail.com>
Sent: Wednesday, May 6, 2020 05:16 PM
To: Derek Severson <derek.severson@ashland.or.us>
Cc: MICHAEL GOLDMAN <michaelgoldman17@outlook.com>
Subject: Please postpone May 12, 2020 meeting to discuss 210 Alicia St development

[EXTERNAL SENDER]

Hi Derek,

I just received this response when I sent my email in for public testimony on the 210 Alicia St.

As this did not go through to the designated email address that the city identified in the notice, I request that you forward my email to the commission hat I just sent re 210 Alicia St cottage development.

I ask that you postpone this meeting until proper public notice procedures are enacted for the hearing on the proposal. Here is my justification:



1. The notice states that people can access the project documents at a website that does NOT link the documents. After spending 15 minutes trying to find them, as I mentioned in my email, I had to call the city and have a staff navigate through the city website in order to find the documents. These documents were very hidden unless someone knew just how to find them.

2. The staff how I talked with at the city seemed to think the hearing was not going to happen, as the developer came in today and said he wanted to put it on hold. She suggested I contact you to verify. As you were out of the office, I left a voice mail for you. In the interim time until I heard from you, I sent an email to neighbors affected by the development, and said that it seemed to be on hold. When you called back you said it was NOT on hold.

3. My comments for the commission to consider were refused acceptance, as apparently I am not an allowed sender. This is inexcusable.

For these significant reasons, I request that the commission postpone the meeting until proper and legal public notice are given and that the city has established a reasonable way for people to provide testimony.

Please respond to this email by tomorrow, May 7, 1020 by 5 pm so I know how to proceed. I will contact other officials and others unless this processed fairly and correctly.

Thank you, Kent Patrick-Riley

Begin forwarded message:

From: <postmaster@ashland.or.us>
Subject: Undeliverable: May 12 PC Hearing testimony
Date: May 6, 2020 at 4:57:22 PM PDT
To: <kentpr675@gmail.com>



Your message to pc-public-testimony@ashland.or.us couldn't be delivered.

The group [pc-public-testimony](mailto:pc-public-testimony@ashland.or.us) only accepts messages from people in its organization or on its allowed senders list, and your email address isn't on the list.

Action Required

Sender not allowed

How to Fix It

It appears you aren't in the same organization as the group (or a sub-group) you're sending to or your email address isn't on the group's

allowed senders list. Ask the owner of the group to grant you permission to send to it, and then try again. If the group belongs to a different organization than yours, contact the organization's customer service department for assistance. If the group is in your organization and you don't know who the group owner is, you can find it by doing the following in either Outlook on the web or Outlook:

- Open your Sent folder and select the original message.
- If you're using Outlook on the web, select the group name located on the To or CC line. If you're using Outlook, double-click the group name located on the To or CC line.
- In Outlook on the web, from the pop-up dialog box, choose Owner. In Outlook, choose Contact. The owner's name is listed under Owner.

The owner of the group may have intentionally chosen to restrict who can send messages to it, and they may not want to adjust the existing restriction. In this case, you'll have to contact the group members by some other means, such as sending an email message to their individual email addresses or contacting them by phone.

Was this helpful? [Send feedback to Microsoft.](#)

More Info for Email Admins

Status code: 550 5.7.133

This error occurs when the distribution group, security group, or Office 365 group is configured to accept messages only from authenticated senders (senders in the same organization or those added to the group's allowed senders list).

To fix the issue, the recipient's email admin or the group owner must add the sender's email address to the group's allowed senders list or change the group's delivery management setting to accept messages from senders inside and outside of the organization.

Usually this issue can only be fixed by the recipient's email admin or the group owner.

For more information and steps to fix this error, see [Fix email delivery issues for error code 5.7.133 in Office 365](#).

Original Message Details

Created Date: 5/6/2020 11:57:03 PM
Sender Address: kentpr675@gmail.com
Recipient Address: pc-public-testimony@ashland.or.us
Subject: May 12 PC Hearing testimony

Error Details

Reported error: *550 5.7.133 RESOLVER.RST.SenderNotAuthenticatedForGroup; authentication required; Delivery restriction check failed because the sender was not authenticated when sending to this group*
DSN generated by: BY5PR09MB4101.namprd09.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	5/6/2020 11:57:15 PM	kents-imac.lan	smtp.gmail.com	ESMTPSA
2	5/6/2020 11:57:18 PM		mail-pj1-f65.google.com	SMTP
3	5/6/2020 11:57:18 PM	mail-pj1-f65.google.com	DM3GCC02FT009.mail.protection.outlook.com	Microsoft : cipher=TLS
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5	5/6/2020 11:57:19 PM	BN3PR09CA0054.namprd09.prod.outlook.com	BY5PR09MB4101.namprd09.prod.outlook.com	Microsoft : cipher=TLS

Original Message Headers

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Authentication-Results: spf=pass (sender IP is 209.85.216.65)
smtp.mailfrom=gmail.com; ashland.or.us; dkim=pass (signature was verified)
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header.from=gmail.com; compauth=pass reason=100
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Wed, 06 May 2020 16:57:18 -0700 (PDT)
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Wed, 06 May 2020 16:57:17 -0700 (PDT)
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Date: Wed, 6 May 2020 16:57:03 -0700
Subject: May 12 PC Hearing testimony
CC: Colleen Patrick-Riley <colleenpatrickriley@gmail.com>,
"jaffesa@gmail.com" <jaffesa@gmail.com>,
"danandclaudiavandyke@gmail.com" <danandclaudiavandyke@gmail.com>,
"martymorlan@gmail.com" <martymorlan@gmail.com>,
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"den ro 97520@q.com" <den ro 97520@q.com>,
"Steven M." <srm844@excite.com>,
Matias Perret <Matiasnperret@gmail.com>
To: pc-public-testimony@ashland.or.us,
derek.severson@ashland.or.us
Message-ID: <DFA600A0-D6F1-4D07-B74F-93175A7D59E8@gmail.com>
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Arrival-Date: Wed, 6 May 2020 23:57:19 +0000

Final-Recipient: rfc822;pc-public-testimony@ashland.or.us
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Status: 5.7.133
Diagnostic-Code: smtp;550 5.7.133 RESOLVER.RST.SenderNotAuthenticatedForGroup; authentication required;
Delivery restriction check failed because the sender was not authenticated when sending to this group

From: Kent Patrick-Riley <kentpr675@gmail.com>
Subject: May 12 PC Hearing testimony
Date: May 6, 2020 at 4:57:03 PM PDT
To: pc-public-testimony@ashland.or.us, derek.severson@ashland.or.us
Cc: Colleen Patrick-Riley <colleenpatrickriley@gmail.com>, "jaffesa@gmail.com" <jaffesa@gmail.com>, "danandclaudiavandyke@gmail.com" <danandclaudiavandyke@gmail.com>, "martyMorlan@gmail.com" <martyMorlan@gmail.com>, "auntpj10339@gmail.com" <auntpj10339@gmail.com>, "rguff79@gmail.com" <rguff79@gmail.com>, "shwndog@gmail.com" <shwndog@gmail.com>, "den_ro_97520@q.com" <den_ro_97520@q.com>, "Steven M." <srm844@excite.com>, Matias Perret <Matiasperret@gmail.com>

[EXTERNAL SENDER]

As I just mentioned in our phone conversation with Derek Severson, this weekend we received a public notice stating there would be an electronic meeting of the planning commission on May 12 to discuss a new cottage

development at 210 Alicia St. This communication is for the Rublic Record, to state that I and my wife Colleen strongly oppose this development. We own and live at the largest property adjacent to the proposed developmen. Our names and address are Kent and Colleen Patrick Riley, Carol St, Ashland OR. 97520

I unsuccessfully tried to find the meeting documents at the http site cited in the notice. I then called the city to talk to Derek as he was cited in the notice for contacts. As he was out of the office, I talked to another person, who guided me through the city website to find the documents. She mentioned that the commission may not discuss it on May 12, as the owner had come in today to put it on hold. She wasn't sure, so asked me to contact Derek. I did and he clarified in our phone call that the discussion is NOT on hold and the proposal WILL be discussed at the meeting.

In a very quick review of the project description documents, I saw significant issues that should be considered. I pasted in the document's text below from pages 16 and 17 that caught my attention.

1. On page 16, the document states that there have been no reported capacity issues with the 6 inch sewer line servicing the area. I believe this is untrue. At the site meeting last summer with the previous developer I heard several people state there have been problems with the line's capacity. I thought they had also reported it to the city. I know there were city representatives at the meeting who heard it also.

The document also acknowledges that line is overcapacity and the city's master plan calls for putting in 8 inch lines for new facilities.

Then it concludes that putting 12 more units on the line won't cause problems! This is a highly significant issue that should stop the development planning unless it is resolved.

2. The document describes the driveway as 20 feet wide, and states this should be enough for 14 parking spaces. I don't understand how 14 cars can park on a 2 lane driveway that is only 20 feet wide. It seems to me that no cars could park on a driveway that narrow."

3. The document states that the properties to north, south and west are developed as single family residences. Our property is on the the entire southern boundary and that portion of the property is zoned OPEN SPACE . The proposed development is inconsistent with that zoning.

Currently the neighborhood where the property is proposed is quiet, has dark night skies, abundant bird and wildlife, and is fairly unique in the Ashland area as it provides people affordable housing in an area with uncrowded aesthetics. Perhaps that is the reason the city council passed an ordinance in 1993 designating the property as Open space in the Comprehensive Map pla. For your convenience I have pasted it in below.

4. In reviewing this development proposal, also consider the fire safety of the neighborhood. Last summer the tenant living on the west side of the property threw a cigarrated on the grass and started a grass fire. The initial emergency response was not through that property, but came right through the middle of our property. The crowded nature of the proposed development will increase the likelihood of a fire starting, and I do not believe that the extreemely constrained access drive to the cottages units would allow sufficient and timely emergency response to prevent a fire from reaching our house and adjacent houses.

Development of Ashland has gotten rid of so many wonderful physical and biological features that are essential as we move forward into the future with climate change. This area is a rare oasis away from the hubbub of crowded living that is going on throughtout the world and our community. I ask that you deny the request for cottages as it is incompatible with the areas's existing use and would require

After I have read the documents I may have further comments. Please include the information in this email in record the for materials for the May 12 planning commission meeting.

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From: Peggy Callaghan [mailto:auntpjc10339@gmail.com]
Sent: Thursday, May 07, 2020 3:41 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Derek Severson <derek.severson@ashland.or.us>
Subject: May 12 PC Hearing

[EXTERNAL SENDER]

Dear Ashland City Planners and others regarding Development Plans for 219 Alicia Ave.

My name is Peggy Callaghan, my home is at the opposite end of Sylvia where the proposed 12 cottage project is being planned. I am very much against this project for several reasons.

While this will not impact me like the homes at the south end of Sylvia, I am still very concerned about this. I have already mentioned it to the fire department when they sent out a questionnaire regarding fire safety in our neighborhood.

Putting in 12 units of any size in the space proposed will do nothing but create a very serious traffic problem. Most of homes in this neighborhood with single lane driveways, must park one vehicle in the street as it is. Adding another 12 or more vehicles in an already congested narrow street will cause nothing but chaos.

My main concern is FIRE! There are only two exits from our 2 block neighborhood, Oak Lawn and Sleepy Hollow. Both exit onto Oak Street, heaven forbid any thing would prevent accessing Oak St during a fire or this entire neighborhood would be land locked, with no escape. (Granted I may be a little paranoid over this as I am over 80) The area where you propose this housing project, exits onto Alicia, a very narrow curvy street which connects to Oak Lawn then out to Oak St. It isn't easy to navigate this now, let alone with 12 or more cars parked on the sides.

Besides the traffic, congestion and fire issues, more people (possible crime) it will totally ruin a beautiful nice quite neighbor that some of us have called home for 25/30 and in my case 40 years.

I realize the need for more housing, especially low income, and I am not against change or well thought out projects that benefit the majority but I don't believe it should be at the expense of other peoples well being. This proposed project is not for the benefit of anyone, plus I understand it has been zoned "open space" and may have water and sewer issues, and you want to approve building 12 new homes?

I sincerely hope you will reconsider this project and take it off the table completely, and record my name as being AGAINST this project.

Respectfully

Peggy Callaghan
770 Sylvia Street
541-951-9776



From: Derek Severson
Sent: Thursday, May 07, 2020 4:34 PM
To: Peggy Callaghan <auntpjc10339@gmail.com>
Cc: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Colleen Patrick-Riley <colleenpatrickriley@gmail.com>; jaffesa@gmail.com; Kent Patrick-Riley <kentpr675@gmail.com>; MICHAEL GOLDMAN <michaelgoldman17@outlook.com>; danandclaudiavandyke@gmail.com; martymorlan@gmail.com; rguff79@gmail.com; shwndog@gmail.com; den_ro_97520@q.com; Steven M. <srm844@excite.com>; Matias Perret <Matiasnperret@gmail.com>
Subject: Re: May 12 PC Hearing testimony

Peggy,

If you send your e-mail to PC-public-testimony@ashland.or.us by 3:30 p.m. on Monday, May 11th, we'll get it to the Planning Commissioners to consider during the hearing. Please put "May 12 PC Hearing Testimony" in the subject line.

The meeting will be televised. You can watch the meeting on local channel 9, on Charter Communications channels 180/181, or you can stream the meeting on-line by going to rvtv.sou.edu and selecting 'RVTV Prime'.

I hope that helps,

- Derek

Derek Severson, *Senior Planner*
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520
PH: (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900
E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.

From: Peggy Callaghan <auntpjc10339@gmail.com>
Sent: Thursday, May 7, 2020 10:01 AM
To: Kent Patrick-Riley <kentpr675@gmail.com>
Cc: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Derek Severson <derek.severson@ashland.or.us>; Colleen Patrick-Riley <colleenpatrickriley@gmail.com>; jaffesa@gmail.com <jaffesa@gmail.com>; danandclaudiavandyke@gmail.com <danandclaudiavandyke@gmail.com>; martymorlan@gmail.com <martymorlan@gmail.com>; rguff79@gmail.com <rguff79@gmail.com>; shwndog@gmail.com <shwndog@gmail.com>; den_ro_97520@q.com <den_ro_97520@q.com>; Steven M. <srm844@excite.com>; Matias Perret



<Matiasnperret@gmail.com>

Subject: Re: May 12 PC Hearing testimony

[EXTERNAL SENDER]

Kent,

Thanks for sending the into to all of us. I'm not sure who to address my comments to or where exactly to send it and in what form, probably email? sorry to be so ignorant but I am also very opposed to this project and would like to express that to he city. It seems we need to do this immediatly if the meeting is this Monday. Can you supply this information so I can voice my opposition.

Best regards,
Peggy Callaghan
770 Sylvia St

On Wed, May 6, 2020 at 4:57 PM Kent Patrick-Riley <kentpr675@gmail.com> wrote:

As I just mentioned in our phone converstation with Derek Severson , this weekend we received a public notice stating there would be an electronic meeting of the planning commission on May 12 to discuss a new cottage development at 210 Alicia St. This communication is for the Rublic Record, to state that I and my wife Colleen strongly oppose this development. We own and live at the largest property adjacent to the proposed developmen. Our names and address are Kent and Colleen Patrick Riley, Carol St, Ashland OR. 97520

I unsuccessfully tried to find the meeting documents at the http site cited in the notice. I then called the city to talk to Derek as he was cited in the notice for contacts. As he was out of the office, I talked to another person, who guided me through the city website to find the documents. She mentioned that the commission may not discuss it on May 12, as the owner had come in today to put it on hold. She wasn't sure, so asked me to contact Derek. I did and he clarified in our phone call that the discussion is NOT on hold and the proposal WILL be discussed at the meeting.

In a very quick review of the project description documents, I saw significant issues that should be considered. I pasted in the document's text below from pages 16 and 17 that caught my attention.

1. On page 16, the document states that there have been no reported capacity issues with the 6 inch sewer line servicing the area. I believe this is untrue. At the site meeting last summer with the previous developer I heard several people state there have been problems with the line's capacity. I thought they had also reported it to the city. I know there were city representatives at the meeting who heard it also.

The document also acknowledges that line is overcapacity and the city's master plan calls for putting in 8 inch lines for new facilities.

Then it concludes that putting 12 more units on the line won't cause problems! This is a highly significant issue that should stop the development planning unless it is resolved.

2. The document describes the driveway as 20 feet wide, and states this should be enough for 14 parking spaces. I don't understand how 14 cars can park on a 2 lane driveway that is only 20 feet wide. It seems to me that no cars could park on a driveway that narrow."

3. The document states that the properties to north, south and west are developed as single family residences. Our property is on the the entire southern boundary and that portion of the property is zoned OPEN SPACE . The proposed development is inconsistent with that zoning.

Currently the neighborhood where the property is proposed is quiet, has dark night skies, abundant bird and wildlife, and is fairly unique in the Ashland area as it provides people affordable housing in an area with uncrowded aesthetics. Perhaps that is the reason the city council passed an ordinance in 1993 designating the property as Open space in the Comprehensive Map pla. For your convenience I have pasted it in below.

4. In reviewing this development proposal, also consider the fire safety of the neighborhood. Last summer the tenant living on the west side of the property threw a cigarrated on the grass and started a grass fire. The initial emergency response was not through that property, but came right through the middle of our property. The crowded nature of the proposed development will increase the likelihood of a fire starting, and I do not believe that the extrelemely constrained access drive to the cottage units would allow sufficient and timely emergency response to prevent a fire from reaching our house and adjacent houses.

Development of Ashland has gotten rid of so many wonderful physical and biological features that are essential as we move forward into the future with climate change. This area is a rare oasis away from the hubbub of crowded living that is going on throughtout the world and our community. I ask that you deny the request for cottages as it is incompatible with the areas's existing use and would require

After I have read the documents I may have further comments. Please include the information in this email in record the for materials for the May 12 planning commission meeting.

From: den_ro_97520 [mailto:den_ro_97520@q.com]
Sent: Thursday, May 07, 2020 5:33 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing Testimony

[EXTERNAL SENDER]

My wife and I live at 773 Sylvia St. Just down the street from 210 Alicia. We have lived here for over 30 years as have many of our neighbors. Adding 12 units with occupancy of 24+ people and cars to this small neighborhood poses many problems including, ingress and egress danger in emergency situations, sewer overload and excessive traffic problems in this closed area with the only exit onto Oak street. With the recent addition of the park/trail path at the north end of Sylvia street, we have already seen way more strangers in our neighborhood. Please recommend not approving this development. Also, in an area of single family homes, this will certainly lower the value of the existing homes here. Please don't ruin our senior years in the town we love.
Sincerely,

Dennis Glover and Rosemary Carvalho
541 482 3090

Sent from my Verizon, Samsung Galaxy smartphone



From: Alex [mailto:acensor@fastmail.net]
Sent: Thursday, May 07, 2020 10:10 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Derek Severson <derek.severson@ashland.or.us>
Subject: "May 12 PC Hearing Testimony"

[EXTERNAL SENDER]

This is a request that you register my name, Alexander Censor at 185 Oaklawn Avenue, as opposed to the to the proposed 12 house development plan for 210 Alicia Avenue.

My opposition is not just a knee-jerk "not in my backyard" response.... I'm all in favor of diversity of housing in Ashland. Nor am I opposed to multi-home building on that property. Twelve homes is simply too many.

Reasons this proposal is undesirable for this location include these::

1. It's likely insufficient parking on-site based on just two cars per home. The excess will spill over onto the rest of Alicia, Sleepy Hollow, and Oaklawn, creating an untenable parking situation. .
2. That street parking in turn will exacerbate the separate problem of increased traffic on those streets that comes with 12 homes back there in the corner of the culdesac.
3. It's questionable if there's enough sewer capacity to accommodate this development, and when that become the case the development will manifest a classic case of a commercial activity profiting by offloading its collateral costs on the community/public. In the hopefully unlikely event that this is allowed to proceed in its present form I would suggest a condition of the permit include upgrading the sewer capacity be funded by the development.
4. Last, but perhaps most important: In the event of need for a quick emergency evacuation as a result of a fire or possible dam breakage emergency egress not just for the development but the whole neighborhood could be critically slowed or gridlocked by the existence of multiple residents in 12 homes tucked back there with only one route out. We saw what happened in Paradise with the fast moving fire plus small road one way egress.

Log my concerns and opposition **and my name**, for notification for any further public meetings, so that I am afforded the ability to speak.

Thank you for your time, help, and consideration.

Alex Censor
Computer Doctor of Ashland, LLC
acensor@fastmail.fm
541-488-4683/2539



From: Tina Lang [mailto:tinal8@frontier.com]
Sent: Saturday, May 09, 2020 10:22 AM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing Testimony

[EXTERNAL SENDER]

To the Planning Commission with regard to 210 Alicia St:

1. A driveway to access 12 housing units seems inadequate. Perhaps an additional (alternate) ingress/egress route is called for.
2. Consider the impact of this development on the existing neighborhood. Traffic will greatly increase. Will there be sewer problems as a result of the additional housing units? The infrastructure in this neighborhood is already quite aged.
3. Parking spaces of 14 for a total of 12 units is inadequate, since most buyers will own at least 2 cars. The overflow parking that will be needed for 12 units will undoubtedly cause friction in the neighborhood.
4. The Planning Commission should consider reducing the number of cottage housing units allowed in this situation, for the reasons I've outlined above.

Respectfully,
Katherine (Tina) Lang
754 Sylvia Street



From: Marty Morlan [mailto:martymorlan@gmail.com]
Sent: Sunday, May 10, 2020 10:23 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject:

[EXTERNAL SENDER]

Dear Sirs. I am writing in concerning the 210 alicia st. cottages proposal .. I have lived on 766 sylvia st. since 1980. myself and several neighbors have lived in this quiet low density very peaceful area for 40 years. I understand that urban growth is happening all around us ,but putting in a high density project in such a confined area on our street is very frightening for us.. there are only two small streets that access to that spot and they are extremely narrow ..we have no sidewalk or gutter space which is extremely dangerous if there were to be a fire!! The proposal as we see it does not have enough space for adequate parking for that many cottages.. which means the cars will be forced to envelope our spaces in front of all of our houses incurring major congestion and chaos in our so peaceful and serene neighborhood I have loved for 40 years. Please consider these major factors. On a side note ...I own a restaurant downtown on the plaza for 30 years and have been helping the city bring in our meals tax defiantly from the beginning. When they started, a big portion of it was to be used for OPEN SPACE of which I fully supported... as so our beautiful town would not be over taken and built up like we've seen towns in California. Believe me I would love more people coming in to my eatery but I think we need to step back and stop people from developing at such a pace where were losing focus on the original reason we brought in the meals tax in the first place. It seems to me that this precious OPEN SPACE lot on 210 alicia st. so close to downtown is the exact reason we need to preserve.. save... and treasure! Thankyou for your time for reading this Marty

--

Marty Morlan
Macaroni's Ristorante
Martino's Lounge/Bar
www.martinosashland.com



From: Sue Jaffe [mailto:jaffesa@gmail.com]
Sent: Sunday, May 10, 2020 3:08 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing Testimony

[EXTERNAL SENDER]

Dear Ashland City Planners and others regarding Development Plans for 210 Alicia Ave, public comments:

I would like to hereby register my name, Sue Jaffe, at 206 Alicia Ave, on the proposed 12 house development, that surrounds 2 sides of my property.

I have had several very positive conversations with David Scott and his associates. I understand that current plans to develop the property, other than in gardens, are on hold. I feel that we will be able to work amicably on whatever concerns or differences may arise in future developments.

My questions/concerns include, but are not limited to the following:

1. The accuracy of the property line between my property (at 206 Alicia) and 210 Alicia along the existing fence by out building and Ornamental Plum Tree (east?). This will need to be determined and possible new fence erected on the true property line.
2. I do not advocate the removal of the Ornamental Plum along the above-mentioned fence line. It needs pruning, but is a beautiful old tree that would be beneficial in maintaining privacy between the 2 properties.
3. Any proposed buildings, but especially towards Mt. Ashland, from my property, that might block my view and possible solar access, if applicable.
4. The proposed development is too dense and promises too much traffic for this small neighborhood.
5. There is not enough designated on-site parking for the number of vehicles that will be associated with the 12 homes. The spillover parking would present problems for current residents at Oak Lawn, Alicia, Sylvia and Sleepy Hollow Streets.
6. Is there enough sewer capacity to accommodate 12 additional houses?
7. Is there enough allowance for ingress/egress for emergency vehicles or for 12 households to be able to safely exit in the event of an emergency.
8. How will service vehicles, sanitary services, etc. enter and exit the community?

Please be sure to register my ideas, and my name, for any further public meetings, so that I will be able to speak, if applicable.

Thank you -

Sue Jaffe
jaffesa@gmail.com
206 Alicia | Ashland, OR 97520
541-601-5808



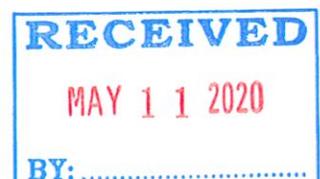
From: Betsy Krausnick [mailto:betsy_krausnick@hotmail.com]
Sent: Monday, May 11, 2020 1:49 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing Testimony

[EXTERNAL SENDER]

I live on Alicia street, a house away from the proposed 12 cottage development. Even though the cottages have a small footprint, I think the idea that each residence will only need one parking space is not feasible. Our street is already used for parking by the houses on it, if we have 3-4 more cars parking on the street, we won't have space for our cars to park. Also, the wear and tear on the street for all of the construction vehicles should be addressed too. There should be a plan to repair/repave the street once all the construction is finished if there has been pothole damage.

I think the house infill it too much for the area.

Betsy Krausnick
204 Alicia Street



From: Claudia Van Dyke [mailto:claudiavandyke@yahoo.com]
Sent: Monday, May 11, 2020 1:53 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing Testimony

[EXTERNAL SENDER]

Attached please find a word document of my comments for the Ashland Planning Commission Meeting scheduled for Tuesday May 12, 2020. I have also copied it below. Please register me for all future communication, documents and meetings regarding 210 Alicia St.

Thank you for consideration of our concerns.

Claudia Van Dyke
732 Sylvia St
Ashland OR 97520
541-552-9113

Re: Planning Action PA-T2-2020-00017, 210 Alicia St

Request that Ashland institute a Residential Parking Permit Program

My husband and I live directly next door to the proposed high-density cottage development at 210 Alicia St. We are extremely concerned there is insufficient parking for the high number of cottages proposed in the development plan. Overflow parking from the development will seriously impact our small neighborhood and already congested street.

We urgently propose that Ashland institute an optional Residential Parking Permit Program to help alleviate the inevitable congestion that will ensue if this development proceeds and to help existing homeowners retain parking in front of their own homes.

The proposed development is on a lot tucked well into an older and smaller established neighborhood on a very short and curvy street. The proposed development is not like other high-density developments in Ashland that were built either directly on or right next to larger main streets, accommodating overflow parking.

The development plan indicates there will be 12 cottages with only 14 parking spaces. That is simply not enough parking for so many units, regardless of what rules developed for larger metropolitan cities may allow. Ashland is not a large metropolitan city with public transportation available on every corner. In fact, the closest bus stop is downtown and far away from our neighborhood. Using rules developed at the state level to address the needs of large cities and then applying them verbatim and to the fullest extent in a smaller city like Ashland is both negligent and cruel to the established suburban neighborhoods they impact.

It is extremely idealistic and shortsighted to assume that each cottage in the proposed development will use only one parking space and that only two additional parking spaces will



be sufficient to meet the needs of the whole development. Cottage residents who have second cars and any guests they entertain will attempt to park as close as possible to the entrance of the development to avoid a long walk to their cottages. This will create tremendous congestion at the entrance of the development where there is already very limited parking.

Homeowners directly adjacent to the entrance will be particularly affected and burdened by the increased number of cars attempting to park in those parking spaces. There will be fierce competition for the prime parking spots. The whole neighborhood will be affected as everyone is pushed to parking in front of other people's homes.

In this tiny neighborhood we have parked in front of our own homes without any problems for over forty years. Many of us have only single car driveways and our homes were designed to allow additional parking in front. If the proposed cottage development proceeds we will be forced to compete with cottage residents for parking space in front of our own homes. This will most certainly create unnecessary emotional distress and physical burden on existing residents that would be easily alleviated by instituting an optional residential parking permit program. And it could be alleviated by building far fewer cottages.

Many of us are elderly and have mobility needs that necessitate parking in front of our homes. For some of us there will also be safety issues if we are forced to park too far away from our homes because cottage residents have taken our parking spaces. We chose to buy homes in this neighborhood specifically because it is small and quiet and there is sufficient and easily accessible parking. All of this will be destroyed if the cottage development proceeds and the city does not institute some kind of parking permit program to protect existing homeowners.

If Ashland is going to pursue high-density housing like larger metropolitan areas then it also needs to do what is done in those areas to address parking in a way that causes the least amount of disruption to established neighborhoods and is fair to everyone.

We formally request that Ashland follow the lead of many cities like Eugene and immediately institute a residential parking permit program. These programs are highly successful and give residents peace of mind, while at the same time recognizing the need for growth. These programs do very well in older established neighborhoods where infill is occurring and parking is at a premium.

Parking permit programs pay for themselves through permit fees. Property owners that want to reserve parking space in front of their own homes pay an annual fee to the city. Not all owners will want or need to do that which then opens up the space for others to park there. Also the City makes money from issuing permits. It is a win-win for everyone!

We urgently recommend that such a parking permit program be developed and put in place immediately. Many people purchasing homes in Ashland come from areas where such

programs are already in place. They are familiar with them and support them. It reduces conflict and builds good neighborhood relations.

We firmly believe Ashland will get better community support for cottage developments and infill if such parking permit programs are available to help ease established resident's concerns. It will show that Ashland cares about its older neighborhoods and their residents while also embracing mandated growth, infill and increased housing. It will reduce friction and promote harmony while also accommodating change.

From: Julie Gillis [mailto:juliejezebel@gmail.com]
Sent: Monday, May 11, 2020 2:25 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 Public Testimony

[EXTERNAL SENDER]

I am opposed to building 12 small houses on the 1 acre property at 210 Alicia street. It will be far too crowded, not enough egress for those folks to be safe, and will cause undue stress and noise in a very quiet neighborhood.

--

Julie Gillis

“The only recognizable feature of hope is action.”

— Grace Paley



From: Kent Patrick-Riley [mailto:kentpr675@gmail.com]
Sent: Monday, May 11, 2020 2:50 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Cc: Colleen Patrick-Riley <cpr@ak.net>; Derek Severson <derek.severson@ashland.or.us>
Subject: May 12 PC Hearing testimony

[EXTERNAL SENDER]

On May 6, I attempted to send electronic comments to the email address that was identified in a City of Ashland public notice regarding the proposed development at 210 Alicia St. It was rejected by the City Server saying I was not authorized to send comments. Subsequently I sent an email to Derek Severson and this address asking that the hearing be postponed, as this was one of three problems I encountered in trying to make comments on the development:

1. The City's Public notice listed an incorrect site for reviewing the project information. After spending 15 minutes unsuccessfully trying to find the information on the City website, I contacted the city to attempt to talk with Derek Severson to find out where the info was. He wasn't in; a co-worker stepped me through the process to find it. Without her help I never would have found it, as it required several steps with no logical menus .
2. The co-worker told me that she thought that the hearing would be postponed because the applicant had come into the office earlier in the day and said they were going to put it on hold. She said I should confirm it with Mr. Severson, but he wasn't in the office until later in the week. I left a voice mail for him, and when I didn't hear back in an hour, I sent an email to neighbors telling them where to find the info but that it seemed the project was on hold. After I sent the email, Mr. Severson called me and said the project wasn't on hold.
3. I wrote up comments and sent it to the website for public notices. My message was rejected by the server saying I wasn't authorized to comment to that site.

After experiencing these three significant obstructions and misinformation, I sent an email to Mr. Severson requesting the City postpone the hearing. Neither me nor any other neighbors (that I am aware of) had known of this proposed development until last week and these were unexcusable obstructions to getting information on the project and responding to with comment given the very short time-frame.

Mr. Severson did not postpone the hearing, but instead sent me an email saying the City sites had now been fixed. He did not say if my earlier comments had been forwarded to the commission.

I am unsure if my earlier comments made it as part of the testimony, so I have included them at the bottom of this email. I am also adding the following additional comments that I ask to be considered. At the bottom of the email I have attached photos to document these points.



1. Last week there was extensive excavation on the property and trenches about 3 feet deep were dug all around the proposed perimeter of the development. It was then lined with hardware cloth. When I talked with the City planning office on May 6, a city rep said they had complaints about the unpermitted excavation, and when code enforcement visited they were told by the developer that they were just putting in a garden. I have never seen a garden lined with a deep trench lined with hardware cloth. Some work for the development appears to have already been done without the correct approvals or permits. If so, then it is concerning that the developer may believe they can do begin development without approval.

2. The trench on the west side of the property had already filled with 1-2 feet of water. This is not surprising, as it appears that this area is wetland as grass was always green there and grew well during most of the summers even though it wasn't being watered. Also a very large stand of willows grew in the property, but they were cut down last winter - I don't know if that habitat removal work was one with the proper permits if the area really is a wetland. The project description's report also said that a wetland survey indicated there may be wetlands on the property but the surveyors said they'd verify that in April or May but no excavation should be done until they verified it. I don't know if the verification was done. The property description said they thought the wet nature may have been due to a ditch that ran through the property. However the developer filled that ditch and piped the water last winter. We have had little rain this year, and virtually none in the last few weeks, so the water is not coming from the ditch or recent rains.

3. The project report said that a very large willow tree is not healthy and is a hazard tree. The tree appears to be quite healthy and not a hazard tree, as the attached photo indicates. This tree is used extensively by wildlife and birds throughout the year.

4. In my earlier comments I stated that the proposed cottage development will be in conflict with existing uses and neighborhood. Here are some of the conflicting uses:

4a . We have a large organic garden along the south boundary of the property. I use extensive chicken manure as fertilizer on the garden. Throughout the growing season there will be frequent odors coming from the manure. Given that the back of most of the cottages will be within 10 feet of my garden, there will be very frequent odors coming to their houses and backyards. I also keep my compost bins close to the fence. Although we do what we can to keep it from generating odors, cottage residents may oppose the compost being so close. We also very few frequently run a small yard tractor and other equipment to maintain our garden and trees. At times they will be running 10 feet from the houses.

4b. We park our cars facing the eastern part of the proposed development. While most of the proposed development bounds our open space area, about 30 feet bounds our homesite area. Our cars are about 8 feet from the property line. My wife and two sons live here, so we have four cars parked there. We often go to the gym at 5 am, and may

return late at night. Whenever we go, our headlights shine into the area where the cottages are proposed, strong lights will illuminate the houses from a short distance away.

4c. Given that the area of the development has always been wetter than other areas, we anticipate that if the development goes forth, then water may be diverted to our property and potentially flood our house

4d. Wildlife have used our property and the 210 Alicia St property extensively. The vegetative removal that began last winter has already had these impacts:

- deer have been pushed off that property onto ours and others. We have had 8-12 deer here every day, which we have never seen. As their food and habitat have been removed, they have been eating many plants on our property that they formerly avoided, resulting in damage to our trees and plants.

- we are seeing many more rabbits on our property, as their food and habitat have also disappeared.

- the removal of many shrubs and small willows has resulted in a noticeable decline in bird populations

I also expect the cottage residents to be impacted by the wildlife that has been on the area and will continue to come from our open space. We regularly have skunks, opossums, foxes, coyotes, large snakes, skinks, and bobcats on our property; and I have seen them on the proposed property too. If residents of the development become concerned with these animals coming into their areas and use poisons to control them, then the poisons will enter the food chain and impact our organic garden.

5. I know two + years ago that the city hastily changed the zoning of our single-family residential area to allow cottages. This was not done without adequate time or effort for people in our area to review and comment, and to my knowledge no one from the city tried to reach out to get comments on the proposed changes. Given that we have the only private open space in Ashland (that I am aware of), it was imperative and responsible that they should have done so. This would have avoided setting up conflicts such as this

I question the need for cottages in this area. Last year, a similar development was completed near Laurel St. I just drove by it, and it looks like few, if any, of the properties have been sold. The market has been soft for a year+, which may partially explain their lack of sales. But given the problems with the national economy, with regional fire danger, with loss of OSF, and the coronavirus, I don't see how the market will improve in the foreseeable future. Therefore, this cottage development is not needed. Given all the potential downsides to it, if the market improves then there still will not be a need that will offset the problems it has

For the reasons above (and those earlier, which are below), I strongly urge the commission to deny this project. If for some unknown rationale, the commission still wants to consider it, then at least postpone an approval until these issues have been satisfactorily addressed: wetlands, safety, lack of sewer capacity, lack of parking, and conflicts with existing uses. I further ask that the commission not go forward with

considering this proposal or others until the city has corrected its poor communication processes. Furthermore, I request the city review all the past work that has been done on the property to make sure it has been done with appropriate city, state, and federal permits.

Thank you,
Kent Patrick-Riley and Colleen-Patrick-Riley, owners of 675 Carol St., which bounds the entire south edge of the development.\

Below is the text of comments to the commission in my May 6 email that was rejected by the City Server:

As I just mentioned in our phone conversation with Derek Severson, this weekend we received a public notice stating there would be an electronic meeting of the planning commission on May 12 to discuss a new cottage development at 210 Alicia St. This communication is for the Public Record, to state that I and my wife Colleen strongly oppose this development. We own and live at the largest property adjacent to the proposed development. Our names and address are Kent and Colleen Patrick Riley, Carol St, Ashland OR. 97520

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Then it concludes that putting 12 more units on the line won't cause problems! This is a highly significant issue that should stop the development planning unless it is resolved.

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Currently the neighborhood where the property is proposed is quiet, has dark night skies, abundant bird and wildlife, and is fairly unique in the Ashland area as it provides people affordable housing in an area with uncrowded aesthetics. Perhaps that is the reason the city council passed an ordinance in 1993 designating the property as Open space in the Comprehensive Map pla. For your convenience I have pasted it in below.

4. In reviewing this development proposal, also consider the fire safety of the neighborhood. Last summer the tenant living on the west side of the property threw a cigarrated on the grass and started a grass fire. The initial emergency response was not through that property, but came right through the middle of our property. The crowded nature of the proposed development will increase the likelihood of a fire starting, and I do not believe that the extrelemely constrained access drive to the cottage units would allow sufficient and timely emergency response to prevent a fire from reaching our house and adjacent houses.

Development of Ashland has gotten rid of so many wonderful physical and biological features that are essential as we move forward into the future with climate change. This area is a rare oasis away from the hubbub of crowded living that is going on throughtout the world and our community. I ask that you deny the request for cottages as it is incompatible with the areas's existing use and would require

After I have read the documents I may have further comments. Please include the information in this email in record the for materials for the May 12 planning commission meeting.

ORDINANCE NO. 274

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF THE CITY OF ASHLAND, MODIFYING THE DESIGNATION OF PROPERTY AT 675 CAROL STREET FROM SINGLE FAMILY RESIDENTIAL TO OPEN SPACE. (Bill J. and Gloria P. Richey, Applicants)

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The Ashland Comprehensive Plan Map as adopted by Ordinance No. 2227 is amended by changing the designation of a portion of tax lot 39-1E-04CA-1400 (675 Carol Street), as indicated on attached Exhibit "A", from Single Family Residential to Open Space.

The foregoing ordinance was first read on the 18th day of May, 1993 and duly PASSED and ADOPTED this 1st day of June, 1993.

N. E. Franklin
N. E. Franklin
City Recorder

SIGNED and APPROVED this 1st day of June, 1993.

Catherine M. Golden
Catherine M. Golden
Mayor

Approved as to form:
Paul Nolte
Paul Nolte
City Attorney











To: City of Ashland Planning Department

From: Dan Van Dyke
732 Sylvia St, Ashland, Oregon
541-552-9113
danandclaudiavandyke@gmail.com

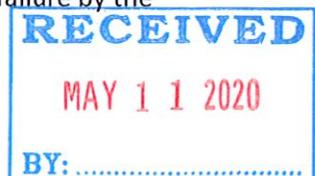
Re: Planning Action PA-T2-2020-00017, 210 Alicia St

The development of housing at 210 Alicia Street is the best use of the property and is consistent with a variety of city objectives. My comments and recommendations are mostly directed at the city, and the continued effort by city staff to not simply encourage infill, but to promote very high density infill that is not compatible with existing neighborhoods. The planning commission has the opportunity guide development in a successful manner that meets the needs of the developer, incoming residents, and the residents in the existing neighborhood. I urge your support and response to the following.

Comments

1. Parking is inadequate
 - Adequate parking must be provided in the new development. There should be enough parking onsite for two vehicles per unit and some capacity for guest parking. This may mean that fewer houses should be built on the property.
 - The documents state that more open space (28.86%) is being planned than is required by ordinance (20%). This additional area must be removed from open space for the development and placed into parking area to minimize impacts on the existing adjacent neighborhood. Infill is about protecting open space outside the urban growth boundary, not maximizing benefits for the new development while maximizing impacts on neighbors to the development.
 - The planning documents state that streets in the existing adjacent neighborhood have a 47 foot right of way with 20 feet of pavement. This standard must be applied to the new development as well. There is no reason why the 20 foot wide driveway/entry road cannot also have a right of way that will allow additional parking (for guests, etc).
 - Reading the planning documents it appears that cottage housing development standards allow a range of units to be built. I am not aware that there is a mandate that the maximum number of units be constructed. If the smallest lot size in the existing adjacent neighborhood is applied to 210 Alicia, then 7-8 homes would be built on this property. It is very likely that adequate roads and parking could be provided with this level of development.

2. The proposed density is a miss-use of cottage housing development standards because of impacts to the existing adjacent neighborhood.
 - Reading the planning documents it appears that cottage housing development standards allow a range of units to be built. I am not aware that there is a mandate that the maximum number of units be constructed. If the smallest lot size in the existing adjacent neighborhood is applied to 210 Alicia, then 7-8 homes would be built on this property.
 - Public concern about the extraordinarily high housing densities Ashland appears ready to approve under "cottage housing" is often written off by planning staff as a failure by the



community to understand the concept of infill. That attitude shows a complete lack of understanding by staff. Development happens. Development that harms livability in existing neighborhoods does not have to happen. That is a city choice.

- Existing and natural features of the land should include compatibility with the existing adjacent neighborhood, including: maintaining a portion of the viewshed and minimizing privacy impacts on neighbors. A 12 unit development does not provide compatibility.
3. Staff do not provide data to support any conclusions regarding impacts of the proposed density on the streets in the existing adjacent neighborhood.
 - The planning document states the following: “A residential development of this size does not require a Traffic Impact Analysis, however the existing street is estimated to be well below the designed capacity for a neighborhood street”; and “Staff have contacted the City Engineering Division to determine if trip counts were available in the neighborhood, and it was noted that while no trip counts were available for Alicia Avenue, Engineering staff would estimate that trips were around 100 ADT. A residential neighborhood street is assumed to be able to accommodate up to 1,500 ADT. Staff believe a finding can reasonably be made that the street has adequate transportation capacity to serve the 12 proposed small homes.”
 - My response to the planning document: I am more than a bit incredulous that staff are guessing about the transportation capacity in this neighborhood. Any city engineer that believes our neighborhood roads can handle 1500 trips per day has clearly never been on our streets. This is not Oak Street--the existing adjacent neighborhood is unique, in that the homes are built around a loop road. In roughly 830 feet of road length (Alicia to Sylvia to Oak Lawn and back) there are 4 right angles. Sight lines are not good as traffic makes these corners currently. The proposed density will double the traffic at least. The proposed density in the new development cannot meet street standards for safety given the unique nature of the road system.
 - Paving of the streets in the existing adjacent neighborhood was funded by the local residents, not the city. We now have cracks in the roadway where vegetation grows. I have called asking for some maintenance from public works—just some tar in the cracks to help the longevity of the road surface. Nothing has been done. I have to say that no response seems to be a typical response to residents in this part of Ashland. I include this as supporting evidence for my speculation that engineering has not even been to our neighborhood.
 4. Solar opportunity is missed due to the very high density.
 - Solar power is not just about solar panels, but also about home design and passive solar benefits. Reducing the number of homes to be built would allow for an orientation of the homes to maximize solar exposure.
 5. Good neighbor actions
 - Because of the odd angle of the property line compared to the existing home at 732 Sylvia Street, I request that the 2 eastern-most houses along the northern property line (if not the eastern-most 4 houses), be angled slightly more to the east to direct views away from the existing home. There may be benefits to doing this along the southern boundary as well.
 - All windows on the north side of homes along the northern boundary should be no higher than 10 feet above grade at the top of the window.

6. Sewer impacts must be mitigated

- There seems to be some question about the capacity of the existing sewer line to handle the load from the proposed development. All I know is that the city does not have a good record in protecting its citizens from sewage mistakes. If a problem develops, then either the city or the developer needs to fix the problem.

Recommendations

1. Deed restrictions and/or CC&Rs for this development must prohibit the following in order to minimize impacts to the existing adjacent neighborhood:
 - Expansion to multiple stories
 - Use of the homes for short term vacation rentals
 - RV parking within 2 miles of the development
 - Cannabis/hemp production
2. The city must guarantee homeowner parking on Alicia/Sylvia/Oak Lawn.
 - Either homeowners in the existing adjacent neighborhood are allowed to designate a spot for personal use, or the city must implement a parking permit program for interested homeowners.

Thank you for your time and consideration.

From: Shawn OGrady [mailto:shwndog@gmail.com]
Sent: Monday, May 11, 2020 3:31 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: May 12 PC Hearing testimony

[EXTERNAL SENDER]

Dear Ashland City Planners,

We would like to register our names, Sean and Shawn Decourcy O'Grady as opponents to the proposed 12 house development at 210 Alicia Ave. We live at 740 Sylvia St. just a few doors down from the lot.

Parking -

Cottages are only provided parking for one vehicle each. This will create parking problems for all the houses in the neighborhood. The new residents will have to walk quite a distance to reach their houses. They will want to park in front of the houses closest to them, some of which only have single car driveways and need that access already. The lot is big enough to provide more parking. Profit is the only reason to pack in so many units. The living conditions for the new people as well as those already here will be affected.

Emergencies -

The roads here are narrow and winding. Emergency vehicles could have trouble getting in and could block others who may also need to get out of the area.

Sewer -

The sewer capacity will need to be increased. We do have some sewer issues now.

Traffic -

The corner of Oak and Oak Lawn is the access point to our houses. The new development would double the number of cars wanting to go through there. The roads are narrow, short and winding. The big increase of residents will create traffic congestion. There would be only one exit from the development itself to Alisha Ave. This is a recipe for disaster.

Again - Profit is the only reason to pack in so many houses in. The units are not going to be cheap. Even if there is only one person and one car initially per unit, eventually that will change. Think long term. Why so many?

What will this development look like in 10 years?



From: Jason Robustelli <jason.robustelli@ashland.or.us>
Sent: Monday, May 11, 2020 6:05 AM
To: Karl Johnson <karl.johnson@ashland.or.us>
Subject: RE: Sewer Issues in Alicia/Sylvia Neighborhood?

Those lines are very flat in that neighborhood no major problems as long as nobody flushes the wipes.

From: Karl Johnson <karl.johnson@ashland.or.us>
Sent: Friday, May 8, 2020 11:50 AM
To: Jason Robustelli <jason.robustelli@ashland.or.us>
Cc: Michael Morrison <michael.morrison@ashland.or.us>
Subject: FW: Sewer Issues in Alicia/Sylvia Neighborhood?

Jason,
Has there been any issues with sewer backing up into houses in the Alicia/Sylvia neighborhood? I hadn't heard anything, even in passing, but I don't always hear about stuff like this. Let me know and I can pass on any information that you have to Derek. Thanks.

Karl Johnson, E.I.T., Associate Engineer
City of Ashland, Public Works/Engineering
20 East Main St, Ashland, Oregon 97520
P: (541) 488-5347, TTY (800) 735-2900
F: (541) 488-6006

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 488-5347. Thank you

"Have you ever noticed that anybody driving slower than you is an idiot, and anyone going faster than you is a maniac?" – George Carlin

From: Derek Severson <derek.severson@ashland.or.us>
Sent: Friday, May 8, 2020 10:52 AM
To: Karl Johnson <karl.johnson@ashland.or.us>
Subject: Sewer Issues in Alicia/Sylvia Neighborhood?

Karl,

When we discussed sewer capacity in the Alicia/Sylvia neighborhood, my takeaways were that Public Works does not believe that this development will be putting enough new flow into the system to negatively impact downstream capacity, and that the Wastewater Collection Supervisor had indicated that they were fine with the proposal as the development will be draining to the trunkline east of Sylvia so it will not impact Oak Street until a point north of Nevada Street in a section going to the WWTP that does not have known issues at this time. I essentially put the summary above in the draft findings for Planning Commission.



Neighbors are raising concerns that there have been sewage back-up's into homes due to capacity issues in the neighborhood in the recent past, that these problems have been brought to the attention of the city, and they've also expressed concerns that any further development will exacerbate these issues ultimately requiring costly repairs and that neighbors will need to participate proportionally in repair costs. In reviewing the Comprehensive Sanitary Sewer Master Plan and the Wastewater Facilities Plan, I didn't see mention of the Alicia and Sylvia neighborhood as having identified concerns, so I just wanted to confirm if you were aware of any reported on-going capacity issues in that neighborhood.

Thanks,

- **Derek**

Derek Severson, *Senior Planner*
City of Ashland, Department of Community Development
51 Winburn Way, Ashland, OR 97520
PH: (541) 552-2040 **FAX:** (541) 552-2050 **TTY:** 1-800-735-2900
E-MAIL: derek.severson@ashland.or.us

This e-mail transmission is the official business of the City of Ashland, and is subject to Oregon's public records laws for disclosure and retention. If you've received this e-mail in error, please contact me at (541) 552-2040. Thank you.

**APPLICANT'S
REBUTTAL**

**PA-T2-2020-00017
210 Alicia Street**



May 12, 2020

RE: 2020-00017

12-unit Cottage House Development at 210 Alicia Street

Dear Planning Commissioners and Planning Division Staff,

This letter is intended as a rebuttal to the public comments received for the Planning Commission May 12 Public Hearing.

The proposed development complies with the standards for development of a single-family residential cottage house development in the single-family residential zone.

Zoning:

The subject property and the adjacent properties are zoned R-1-5. The adjacent property to the south has a conservation easement, but the zoning district, R-1-5, remains the same.

Density:

The proposal complies with the density standards allowed for Cottage Housing Development in the Single-Family Residential Zone. In the R-1-5 zone, the lot area is divided by 2500 to determine the number of cottage housing units. In this case the lot area is 54,722 square feet / 2500 = 21. The maximum number of cottages is 12. The proposal complies.

Access Management and Driveway Construction:

Adequate transportation can be provided to the nearest public street Alicia Street. Alicia Street, Sylvia Street, Oak Lawn and Sleepy Hollow are all public streets that are designated as neighborhood streets. Though not improved with curb, gutter and sidewalk there is adequate driving surface for vehicular access to the property including adequate width for emergency vehicles to get to the site. Though there are narrow driveways, in most instances when people park "on-street" they are actually parked on the gravel shoulder.

The proposed driveway with 20-feet of driving width complies with the standards for access to a parking lot that has more than seven parking spaces. The driveway is wide enough to allow for two-way vehicular traffic. Additionally, the driveway is proposed as a fire apparatus access and a firetruck turn around that complies with the standards has been proposed.

In the event of an emergency evacuation, the length of the driveway and the width of the driveway will not prevent residents from exiting the property. There are four public right-of-way that lead into the neighborhood and exit onto Oak Street.



Traffic Impact Analysis:

The proposed 12-unit, single-family residential development in the single-family residential zone does not require a Traffic Impact Analysis. According to the Public Works Department, the streets in the area generate approximately 100 vehicle trips per day. These trips are generated by 20+ single family homes that have two or more bedrooms. The impacts of the 12, smaller units will not have a substantial negative impact on the traffic in the area.

Parking:

The proposed parking complies with the City Standards for number of spaces and parking lot layout and design for 12 cottages that are less than 800 SF and two units greater than 800 SF.

Sanitary Sewer:

The proposal was reviewed by the City of Ashland Public Works Division Staff for pre-application conference proposal and again following the application. In discussion with the Sanitary Sewer Department, by the property owner, there is not a record of complaints regarding failure of the city's sanitary sewer main that the project proposes connection. If there were in fact documented concerns that there is not adequate capacity, those should have been raised by the Sewer Department upon inquiry by the property owner.

Excavation:

There has been excavation for the purposes of installation of a garden. The trenching referenced in one of the letters is to install Mole Wire and the garden perimeter fence. Broken irrigation lines transect the property. Those lines were repaired to allow for the piped irrigation water to be delivered to the end user, the adjacent property to the east. There has not been excavation occurring for the garden development in the area identified by the wetland's biologist as possible wetland area or within the buffer area.

Tree Removal:

Though the large Willow tree and the large plum tree look healthy to non-arborists like me, based on the Arborist Assessment provided by Chris John, Canopy Tree Care, the Willow tree is hazardous. Mr. John said the tree should be removed immediately. Since there is a land use review on the site, the property owner has not proceeded with the emergency tree removal process. The Plum tree is nearing the end of its lifespan, the tree would also be negatively impacted by the proposed driveway construction.

Thank you,

Amy

Amy Gunter

Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com