



# Planning Commission Agenda

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

**March 12, 2024**  
**REGULAR MEETING**  
**AGENDA**

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

**II. ANNOUNCEMENTS**

**III. CONSENT AGENDA**

1. **Approval of Minutes**

a. February 13, 2024 Regular Meeting

**IV. PUBLIC FORUM**

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact [PC-publictestimony@ashland.or.us](mailto:PC-publictestimony@ashland.or.us) by March 12, 2024 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: <https://zoom.us/j/93919795827>

**V. TYPE II PUBLIC HEARING**

**A. PLANNING ACTION:** PA-T2-2024-00046

**SUBJECT PROPERTY:** 210 Alicia Ave

**APPLICANT:** Rogue Planning & Development Services

**OWNER:** Adderson Construction Inc.

**DESCRIPTION:** A request for Outline and Final Plan approval for a five-lot Performance Standards Subdivision (4 residential lots, 1 common area) for the property located at 210 Alicia Ave. The application also includes requests for: a Variance to allow a private driveway to serve four units (AMC 18.4.6.040.C.1) where dedication of a public street is typically required. The application also includes an Exception to Street Standards due to the existing unimproved street. The application also includes the request to remove a single 20" plum tree along the western side of the property as it is in conflict with the proposed driveway. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP:** 39 1E 04 DB; **TAX LOT:** 1700

**VI. OPEN DISCUSSION**

**VII. ADJOURNMENT**

**Next Scheduled Meeting Date:** March 26, 2024 Study Session







# Planning Commission Minutes

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**February 13, 2024**

**REGULAR MEETING**

***DRAFT* Minutes**

## **I. CALL TO ORDER:**

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street. She noted that Council Liaison Paula Hyatt was attending the meeting via Zoom.

### **Commissioners Present:**

Lisa Verner  
Doug Knauer  
Kerry KenCairn  
Eric Herron  
Russell Phillips  
Gregory Perkinson

### **Staff Present:**

Brandon Goldman, Community Development Director  
Derek Severson, Planning Manager  
Michael Sullivan, Executive Assistant

### **Absent Members:**

Susan MacCracken

### **Council Liaison:**

Paula Hyatt

## **II. ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcements:

- The Community Development Department is launching its Citizen Self-Service software on February 20, 2024. This will allow customers to pull certain permit types and access existing permits online.
- The City received an “Every Mile Counts” Climate Friendly and Equitable Communities (CFEC) grant from the Department of Land Conservation and Development (DLCD). This grant will provide consultant services for reviewing code updates for the City’s Climate friendly Areas (CFAs), which will be done by 3J Consultants. The City also received a grant for ECONorthwest to do a market analysis for the housing development potential in those CFAs.
- The City has been designated as a Tree City USA for the 37<sup>th</sup> year in a row. This was granted due to the work the of the City’s Tree Management Advisory Committee, the City’s code requirements for tree preservation and protection, and the work of the Parks and Recreation Department.

## **III. CONSENT AGENDA**

### **1. Approval of Minutes**

- a. January 9, 2024 Regular Meeting
- b. January 23, 2024 Special Meeting





# Planning Commission Minutes

**Commissioners Perkinson/Knauer m/s to approve the consent agenda as presented. Voice Vote: All AYES. Motion passed 6-0.**

**IV. PUBLIC FORUM** – None

**V. OTHER BUSINESS**

**A. Review of the Community Development Work Plan for 2024**

Mr. Goldman stated that this meeting would be treated as a Study Session, as no item required any decision to be made.

**Staff Presentation**

Planning Manager Derek Severson briefly detailed various projects that the Community Development Department was currently engaged in or would begin working on in the near future (see attachment #1). These projects included:

- Parks, Trails, and Open Space Plan Map Adoption, which would be reviewed by the City Council at its February 20, 2024 meeting.
- Development Process Management Advisory Committee (DPMAC). This group has met several times to discuss how best to streamline the City's permitting process, as well as ways to streamline departmental procedures. This group will present its findings to the Council in July, 2024.
- Accessory Residential Unit (ARU) Incentive Program. This program would provide customers with free, pre-approved plans for ARUs, which would result in an expedited review process by City staff. The applicant would still need to demonstrate how these buildings fit on site, but the review process timeframe would be significantly accelerated. If an applicant wished to customize these plans they would need to contact the architect or designer to have those alterations done, which would likely result in a fee. Staff also contacted the architect who designed the plan templates for the City of Medford to inquire if these plans could be utilized by the City, or if that same architect could design similar plans for the City's use.
- Economic Opportunities Analysis (EOA). The City received a Technical Assistance Grant to conduct a coordinated EOA with the City of Medford, which will include a Buildable Lands Inventory Update.







## Planning Commission Minutes

- Climate Friendly & Equitable Communities and Climate Friendly Areas. A Technical Assistance Grant was received for work through mid-2025, which will also fund a Transportation Modeling test case with the Oregon Department of Transportation (ODOT) and the DLCD.
- Manufactured Home Park Zoning Ordinance. The City is currently on a waiting list for Technical Assistance Grant, pending funding availability. This ordinance would establish a manufactured home park zone in order to retain the manufactured homes already in the City, and to protect them from being redeveloped. Rent would be unaffected by this new designation.
- The Southern Oregon University Masterplan is currently undergoing an update, which will come to Commission for review at Study Sessions in the near future.
- Former Croman Mill Site & Railroad Property Environmental Clean-Ups. A voluntary clean-up program has been undertaken through the Department of Environmental Quality (DEQ).
- Croman Mill Site Re-Development. Townmakers, LLC, provided an update to the City Council last week, and are continuing to move forward in submitting an application for developing the Croman Mill Site.
- Playwright Walk. A collaborative effort by the Community Development Department to support local organizations, including the Historic Preservation Advisory Committee (HPAC), the Public Arts Advisory Committee (PAAC), as well as philanthropists to develop a Playwright walk around the City featuring plaques honoring various playwrights. This project would be similar to the Marking Ashland Places (MAP) project that installed plaques around the City designating historical sites.

Mr. Severson outlined several potential topics for upcoming Commission Study Sessions, including expiration timelines for land use actions, vesting and modification of land use approvals, unbundling parking from rental units, and a closer examination of the Comprehensive Plan. He remarked that the Planning Commission annual retreat would be scheduled soon, which would likely include site visits to current developments in the City. Mr. Severson noted that the Building Division is also looking at various code updates, including a reexamination of the floodplain. He stated that the Housing and Human Services Advisory Committee has created a Homelessness Services Masterplan Subcommittee to examine how best to treat homelessness in the City, as well as ways to assist the City's unhoused population.

### **Questions of Staff**

Commissioner KenCairn asked if staff anticipated any pushback from homeowners regarding the establishment of a manufactured home park zone. Mr. Goldman responded that the first step of this



## Planning Commission Minutes

process would be to engage in public outreach and garner feedback from homeowners.

Commissioner KenCairn asked what type of assistance the Commission could provide for these upcoming projects. Mr. Goldman responded it would depend on the project, but that her work on the DPMAC will directly assist the Commission, and that the EOA would benefit from a member of the Commission serving on the advisory group in a similar capacity. Commissioner Knauer volunteered to assist with the EOA project. Commissioner Perkinson stated that several projects mentioned were of interest to him, and offered to act as liaison to the ARU Incentive Program. Mr. Goldman added that the Commission could also assist by helping to develop a public outreach plan for these projects.

### **B. Croman Mill Site Cleanup Update**

Mr. Goldman informed the Commission that the Council received an update regarding the Croman Mill Site cleanup effort. This cleanup is a prerequisite for development of the site, and staff received notice that the wigwam burners and wood treatment area were scheduled for cleanup on February 17<sup>th</sup> and 24<sup>th</sup>, 2024. Contaminated materials will be removed to a dump site in Eagle Point, and SCS Engineering will be onsite to assist with the excavation and to perform immediate sampling to determine if additional materials require removal. Mr. Goldman noted that the materials from the wood treatment area, which has a high level of non-hazardous contaminants, will need to be removed to a landfill.

The Commission discussed the timeline for the cleanup of the site, which is being conducted rapidly in the interest of all parties, but could take several years if additional testing and cleanup is required. Mr. Goldman stated that the applicant had hired a traffic engineer to conduct traffic studies, as well as Johnson Economics to perform an economic analysis of the project. The applicant will also need to provide additional information to staff as part of their annexation and masterplan review submittal. Mr. Severson added that the applicant is working with the property owner to perform some rough grading when the cleanup work is performed in order to expedite the process.

### **V. OPEN DISCUSSION**

The Commission discussed how best to deal with members of the public providing testimony that stray from applicable topics to the Commission, or are disruptive to the meeting or devolve into hate-speech. Commissioner Knauer suggested that the Commission adopt a resolution regarding acceptable public testimony during Commission meetings, and denouncing disruptive behavior while still granting members of the public their right to speak. It was generally determined by the Commission that a resolution is not currently necessary unless a disruptive event occurs, in which case a resolution could be considered and adopted. Chair Verner noted that it is the obligation of





## Planning Commission Minutes

the Commission to stop disruptive behavior or hate speech from occurring and that a system for dealing with this type of event can be developed if necessary.

### **VI. ADJOURNMENT**

*Meeting adjourned at 8:20 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*





# 2024 Workplan

Planning Commission Regular Meeting  
February 13, 2024

Planning Commission

## Community Development Work Plan for 2024

*Staff wanted to provide an update for Planning Commissions on long range projects coming forward in 2024, upcoming annexation, Commission & Committee activities, and study session topics.*

Planning  
Division

Building  
Division

Code  
Compliance

Housing







## Upcoming Projects

- **Parks, Trails, and Open Space Plan Map Adoption** [*Council ORD1 2/20*]
- **Development Process Management Advisory Committee** [*Council by July*]
- **Accessory Residential Unit (ARU) Incentive Program** [*Implemented In-House*]
- **Economic Opportunities Analysis (EOA)** [*Technical Assistance Grant Rec'd; coordinating with City of Medford; includes BLI Update*]
- **Climate Friendly & Equitable Communities (CFEC) Climate Friendly Areas (CFAs)** [*Technical Assistance Grant Rec'd through mid-2025, Transportation Modeling test case w/ODOT & DLCD*]
- **Manufactured Home Park Zoning Ordinance** [*Waiting list for Technical Assistance Grant, pending fund availability*]
- **Southern Oregon University (SOU) Masterplan "Light Update"**
- **Former Croman Mill Site & Railroad Property Environmental Clean-Ups** [*Voluntary Clean-Up Permit program through DEQ*]
- **Croman Mill Site Re-Development** [*Townmakers updated Council last week, continuing to move forward in developing an application.*]
- **Playwright Walk** [*CommDev supporting effort between local organizations and philanthropists and the HPAC & PAAC to develop a Playwright walk featuring playwrights plaques around the downtown.*]





## Upcoming Annexations

- ❑ Former Croman Mill Site (*Townmakers*)
- ❑ New East Main Street Park (*Ashland Parks & Recreation*)
- ❑ Grand Terrace Project (*Casitas LLC/Kendrick*)

These applications are all expected in the first half of 2024.



## Commission/Committee Support

- **City Council** [*Liaison: Brandon*]
- **Planning Commission (PC)** [*Liaison: Brandon*]
- **Historic Preservation Advisory Committee (HPAC)** [*Liaison: Derek*]
- **Public Arts Advisory Committee (PAAC)** [*Liaison: Associate Planner Jennifer Chenoweth*]
- **Housing and Human Services Advisory Committee** [*Liaison: Housing Program Manager Linda Reid*]
- **Homeless Services Masterplan Subcommittee** [*Liaisons: Housing Program Manager Linda Reid & Associate Planner Veronica Allen*]
- **Tree Management Advisory Committee (Tree MAC)** [*Liaison: Senior Planner Aaron Anderson*]
- **Development Process Management Advisory Committee (DPMAC)** [*Liaison: Development Services Coordinator April Lucas; PC Liaison: Kerry*]
- **Building Appeals Board & Demolition/Relocation Review Committee** [*Liaison: Building Official Steven Matiaco*]






## Upcoming Study Sessions

STUDY SESSIONS

- **Project-Specific Study Sessions for the List Above**
- **Expirations, Vesting and Modification of Land Use Approvals** – Expiration timelines for land use actions, the possibility for extension, vesting and modifications of approved land use applications.
- **Unbundled Parking** – Identified during adoption of CFEC Parking Code Changes eliminating parking minimums citywide.
- **Comprehensive Plan** – Review of individual chapters of the Comprehensive Plan for discussion & consideration of how the Comprehensive Plan goals and policies relate to the land use ordinance and the City's long-term vision.
- **Annual Planning Commission Retreat** – Consider your availability for our next annual Planning Commission Retreat and staff will be looking for Commissioner-suggested topics of discussion.
- **Site Visits** – In conjunction with the Annual Retreat or separately, we'll be planning some site visits to recently completed projects, likely to include the Midtown Urban Lofts now under construction on Garfield Street.





I	Ashland – A Historical Overview
II	Introduction and Definitions
III	Citizen Participation and Involvement
IV	Environmental Resources
V	Population Projections and Growth
VI	Housing Element
VII	The Economy
VIII	Parks, Open Space and Aesthetics
IX	Public Services
X	Transportation Element 
XI	Energy, Air and Water Conservation
XII	Urbanization
XIII	Comprehensive Plan Policies and Their Implementation
XIV	Regional Plan Element

UPDATED: AUG. 2016  
ORIGINALLY ADOPTED BY CITY COUNCIL: NOV. 2, 1982  
ACKNOWLEDGED BY LCDC: OCT. 7, 1983

## Building & Housing Divisions

### **BUILDING DIVISION - Building Code/Floodplain Code Updates**

The Building Division is working on updates to local building and floodplain codes in AMC Chapter 15 in response to requirements put forth by the Building Codes Division (BCD), State of Oregon and Federal Emergency Management Agency (FEMA).

### **HOUSING DIVISION - Homelessness Services Masterplan Subcommittee**

The Homelessness Services Masterplan Subcommittee (HSMS) is a working group/subcommittee of the Housing and Human Services Advisory Committee. Subcommittee work will include:

- Evaluating and considering revisions to the Camping Ordinance (#3228);
- Considering severe weather shelter thresholds and funding;
- Planning for the long-term use of 2200 Ashland Street;
- And looking at strategies for implementing and managing the master plan.

HSMS work is to be completed by July 1, 2024.





**TYPE II  
PUBLIC HEARING**

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**PA-T2-2023-00046,  
210 Alicia Street**



## NOTICE OF APPLICATION

**PLANNING ACTION:** PA-T2-2023-00046

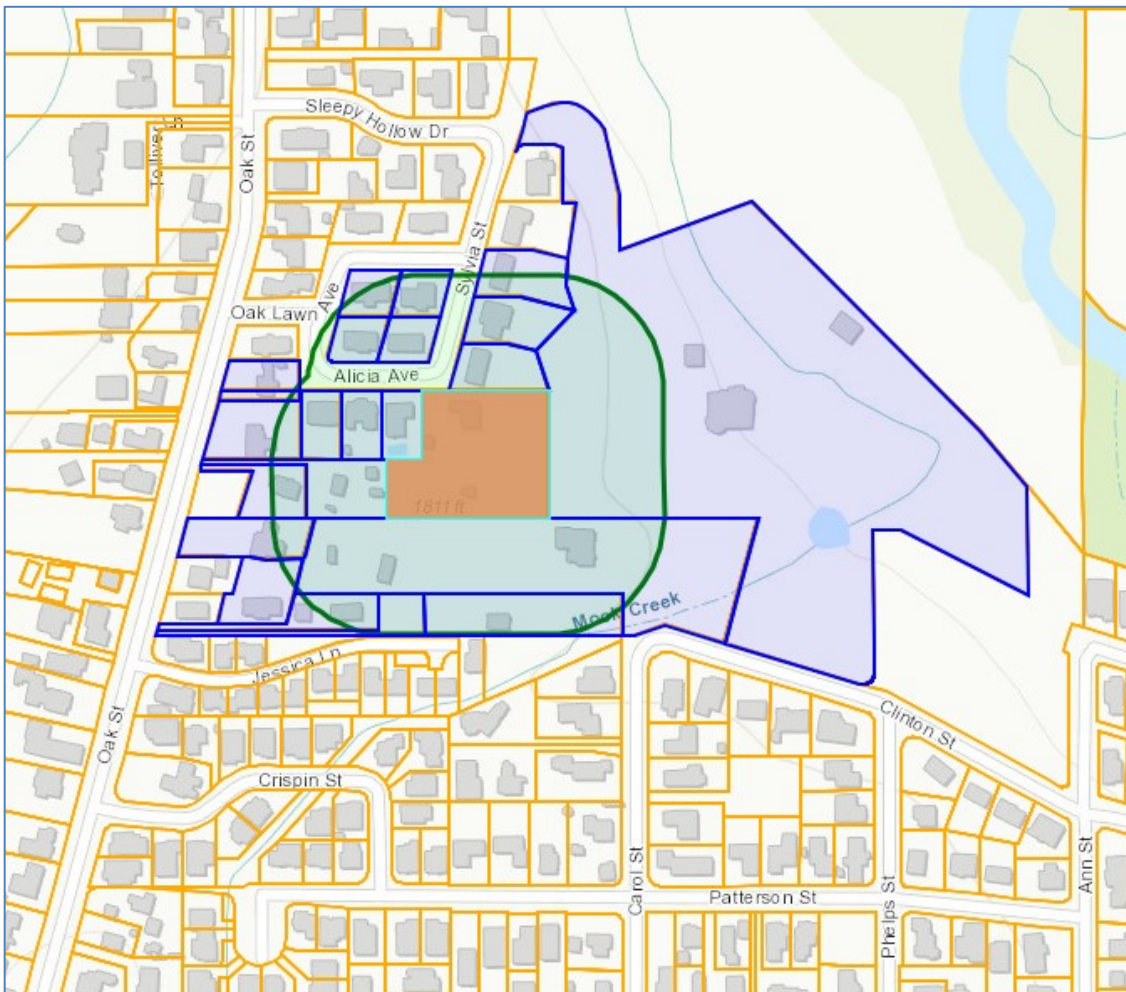
**SUBJECT PROPERTY:** 210 Alicia Ave

**APPLICANT/OWNER:** Rogue Planning & Development Services

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**ASHLAND PLANNING COMMISSION MEETING:** *Tuesday March 12, 2024 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



### COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way  
Ashland, Oregon 97520  
[ashland.or.us](http://ashland.or.us)

Tel: 541.488.5305  
Fax: 541.552.2050  
TTY: 800.735.2900

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

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at <https://gis.ashland.or.us/developmentproposals/>. Copies of application materials will be provided at reasonable cost, if requested. Application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing [planning@ashland.or.us](mailto:planning@ashland.or.us).

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

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

If you have questions or comments concerning this request, please feel free to contact Aaron Anderson at 541-552-2052 or [aaron.anderson@ashland.or.us](mailto:aaron.anderson@ashland.or.us)

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

### **OUTLINE PLAN SUBDIVISION APPROVAL (AMC 18.3.9.040.A.3)**

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

### **APPROVAL CRITERIA FOR FINAL PLAN**

#### **18.3.9.040.B.5**

Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance

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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 open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

### EXCEPTION TO STREET STANDARDS

#### **18.4.6.020.B.1**

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

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

### VARIANCE

#### **18.5.5.050**

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

### TREE REMOVAL PERMIT (AMC 18.5.7.040.B)

**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.

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- 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.

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# Staff Report

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# 210 Alicia St. – Ash Meadows

PA-T2-2023-00046

March 12, 2023

REQUEST: A request for a five-lot subdivision (four residential lots and one common space lot). The application also includes requests for a Variance to allow four lots to access a private drive, an exception to street standards, and a tree removal request.

## Proposal Details

A request for concurrent Outline and Final Plan approval for a five-lot Performance Standards subdivision, including four residential lots and one common space lot, for the property located at 210 Alicia Ave. The application also includes requests for a Variance to allow a private driveway to serve four residential lots where dedication of a public street is typically required, and an exception to street standards to not install standard street improvements along the property's narrow frontage. The application also includes a request to remove a single non-hazard 'significant' tree.

## Possible Wetland

The property has a wetland that was previously identified and delineated. The DSL has determined that it is exempt from state regulations due to its size and because it was created in an artificial manner. Staff believes that the Commission can and should determine that this wetland is not subject to regulation under AMC 18.3.11 given the uncertain, artificial water source, as supported by DSL's determination that it is not jurisdictional.

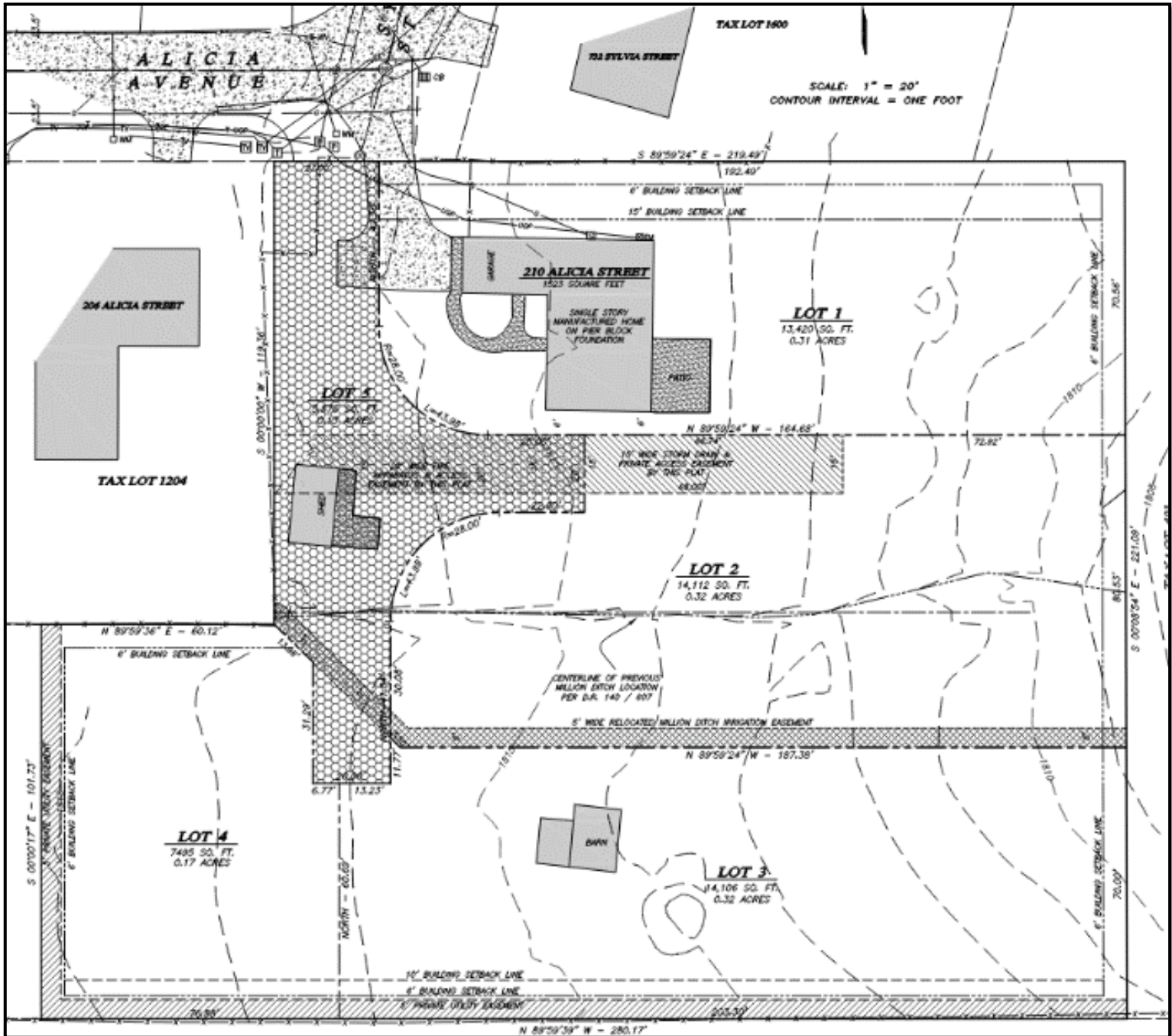
## Exception to Street Standards / Variance to dedication of public street.

The Land Use Ordinance requires that subdivisions of four lots or more dedicate a public roadway. The application requests a variance to this standard and an exception to the street standards requiring curb gutter and sidewalk. Presently 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. A similar exception was previously granted based on the existing development and the lack of opportunities for road connections beyond the property.

# 210 Alicia St. – Ash Meadows

## Staff Recommendation

Staff believes that with the conditions of approval in the Staff Report that findings can be prepared addressing all relevant approval criteria and that the requested exception and variance are warranted.



## For more information:

There is a staff report that has been prepared addressing all applicable approval criteria included with the Planning Commission packet. If there are any questions please email [planning@ashland.or.us](mailto:planning@ashland.or.us) or call 541-488-5305

**ASHLAND PLANNING DEPARTMENT  
STAFF REPORT**

March 12, 2024

**PLANNING ACTION:** PA-T2-2023-00046  
**OWNER:** Adderson Construction Inc.  
**APPLICANT:** Rogue Planning & Development Services, LLC  
**LOCATION:** 210 Alicia Ave.  
39-1E-04-DB Tax Lot 1700

**ZONE DESIGNATION:** R-1-5 & PSO Overlay  
**COMP. PLAN DESIGNATION:** Single Family Residential

**ORDINANCE REFERENCES:** 18.2.4 General Regulations for Base Zones  
18.2.5 Standards for Residential Zones  
18.3.9 Performance Standards Overlay  
18.3.11 Water Resources Protection Zone.  
18.4.8 Solar Access  
18.5.1 General Review Procedures  
18.5.3 Land Divisions & Property Line Adjustments  
18.6.1 Definitions

**APPLICATION DATE:** February 2, 2024  
**PUBLIC NOTICE:** February 13, 2024  
**MEETING DATE:** March 12, 2024  
**120-DAY DEADLINE:** August 10, 2024

**PROPOSAL:** A request for concurrent Outline and Final Plan approval for a five-lot Performance Standards subdivision, including four residential lots and one common space lot, for the property located at 210 Alicia Ave. The application also includes requests for a Variance to allow a private driveway to serve four residential lots where dedication of a public street is typically required, and an exception to street standards to not install standard street improvements along the property’s narrow frontage. The application also includes a request to remove a single non-hazard ‘significant’ tree.

**I. Introduction**

1) Site Description

The subject property is Tax lot #1700 of Assessor Map 39-1E-04-DB and is located along the southern edge of the Oak Court Subdivision along the southern Right-of-Way of Alicia Ave. The property is presently developed with a manufactured home and a small accessory structure. The property is 1.26 acres in size with 46.9-feet of frontage on Alicia Ave., which is lacking street improvements. The property is zoned R-1-5 (Single Family Residential) and within the Performance Standard Overlay (PSO). The property has an existing non-conforming driveway that serves the manufactured home. The property slopes gently to the east with approximately ten feet of fall across the property. The property has a delineated wetland which the Department of

State Lands (DSL) has determined exempt from their regulations. This wetland was artificially created and is fed by the historic “Million Ditch” irrigation system\*. The wetland, and the applicability of the Water Resource Protection Zone (WRPZ) regulations of AMC 18.3.11, will be discussed in more detail below. The application states that there are six trees greater than six inches DBH and three of those are considered ‘significant’: two 20” DBH willows and a 20” Plum. The Plum tree is proposed for removal.

## 2) Neighborhood Land Use History

The general neighborhood is shown below with the subject property in the lower right corner. The Oak Court Subdivision† was created in 1965 which included the dedication of Oak Lawn Ave, Alicia Ave, and Sylvia Street. The subdivision did not originally include the four parcels along the south addressed as 198, 204, 206 & 210 Alicia Ave., and instead had 475-feet of frontage to the adjacent property to the south. That property was subsequently partitioned‡, which created the subject property as well as the three properties to the west. At that time the subject property was approximately 0.34 Acres. Since that time, the property has gone through a four different Property Line Adjustments§ altering its size and configuration, the most recent happening in 2015.



More recently, in 2020 the property received land use approval for a 12-unit ‘Cottage Housing’ development (“The 2020 Approval”; PA-T2-2020-00012). That approval was then appealed to the City Council (PA-APPEAL-2020-00012). The City Council held a hearing on the record and rejected the appeal and reaffirmed the Planning Commission’s decision approving the planning action. There was no appeal to LUBA, and the planning approval expired without the development moving forward. The property then changed hands.

## **II. Subdivision Proposal – Outline and Final Plan with Variance for Public Street requirement and an exception to street standards**

### 1) Performance Standards Subdivision

The purpose of the Performance Standards is to allow an option for more flexible design than is permissible under the conventional Subdivision process. The intent is to provide for a

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\* According to “An Introduction to: Water of the Rogue Valley” Prepared by the North Mountain Park Nature Center the Million Ditch is the 3<sup>rd</sup> oldest irrigation ditch built in Ashland. Constructed in 1856 only the Helman (1852) and Hargadine (1854) ditches are older.

† CS 3135 (1965)

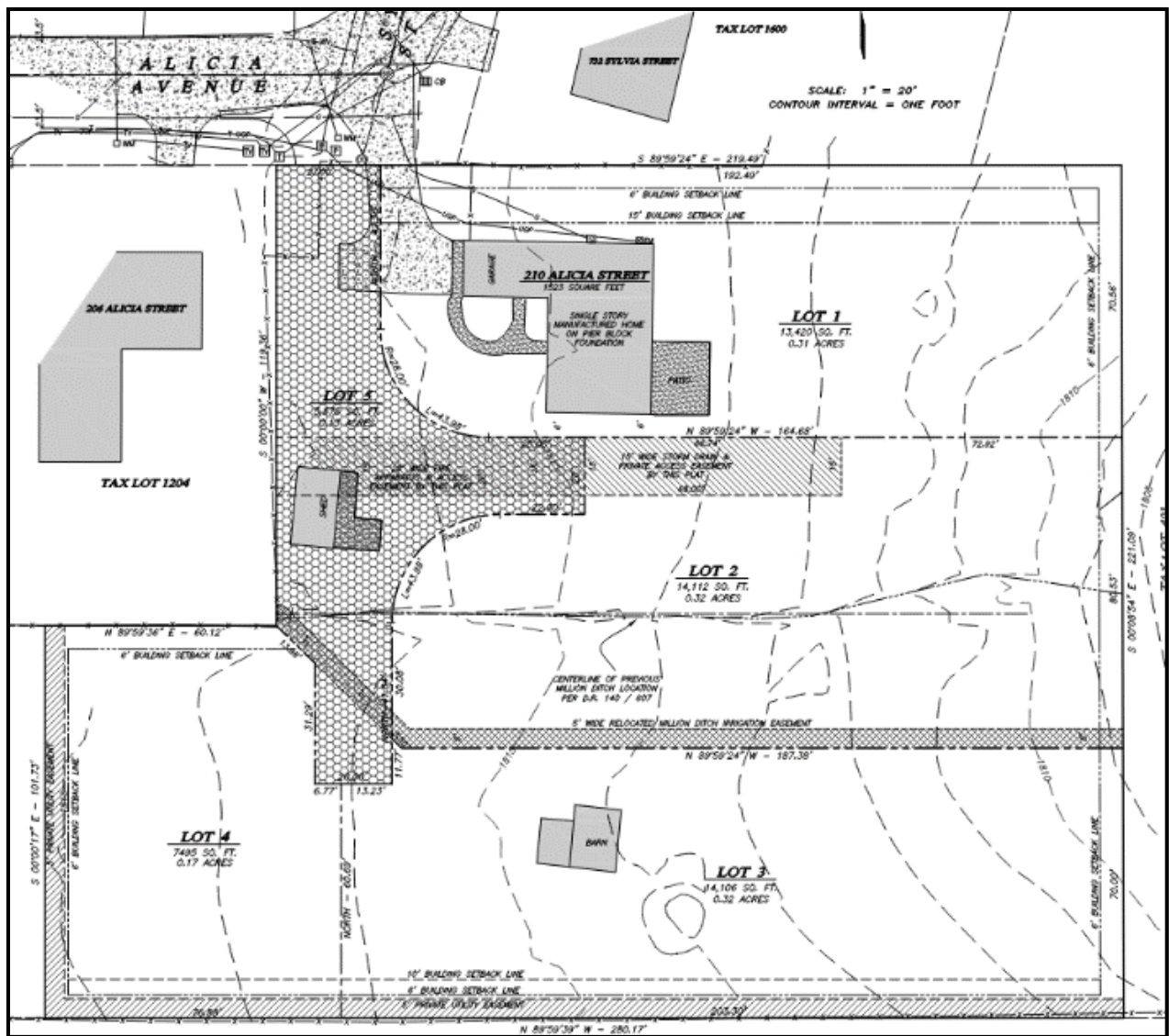
‡ CS 4170 (1970)

§ CS 12139 (1990), CS20570 (PL-2009-01416), CS 20677 (PL 2010-00474), CS 21725 (PA-2015-00439)



development that is equal to or greater than that provided under the standard code while protecting natural features of the landscape including large trees and allowing for more efficient use of the land.

The proposed subdivision (shown below) will create four new residential lots, and a single common lot that will serve all four residential lots with a private access drive. As mentioned above the application requires a Variance to the requirement to dedicate a public street and to allow four lots access from a private drive. The application also requests an exception to the street standards to not install standard street frontage improvements along the property's narrow frontage. The previous approval in 2020 similarly needed an exception to street standards based on the frontage and was approved.



The approval Criteria for Outline plan include eight items which are summarized as follows:

- 1) The development meets all applicable ordinance requirements of the city.
- 2) Adequate key City facilities can be provided including water, sewer, paved access.\*
- 3) The natural features, such as wetlands and large trees, are included in unbuildable areas.
- 4) The development of the land will not prevent adjacent land from being developed.
- 5) There are adequate provisions for the maintenance of common open space.
- 6) The proposed density meets the base and bonus density standards.
- 7) The development complies with the street standards.†
- 8) The proposed development meets the common open space standards.

The applicant has provided draft findings addressing each of the approval criteria in detail. For Staff the main concerns are the 3<sup>rd</sup> standard which addresses the preservation of natural features, and the 7<sup>th</sup> standard addressing the Street Standards. Both of these will be discussed in detail below. With regards to the others:

- 1) This Criteria provides a blanket to require that all provisions of the Land Use Ordinance are addressed. Following the review and approval of the requested exception, variance, and regulation requirements of the artificial wetland the Planning Commission will be able to make a finding that all applicable city ordinance requirements will be met.
- 2) The Planning Commission found during the 2020 approval that there were no concerns with the capacity of city facilities. Staff finds that the current application demonstrates that all City facilities and utilities needed to serve the project exist or can be installed with adequate capacity in accordance with the applicant proposal.
- 4) The Planning Commission found that the prior development proposal didn't prevent adjacent lands from future development. Staff similarly finds that the current application does not prevent adjacent lands from developing.
- 5) The application indicates that the final plat will be accompanied by CC&R's to be recorded with the plat ensuring maintenance of common open space.
- 6) The property has a base density of five, and this proposal is for four residential lots.
- 8) The proposed development does not require any common open space standards as it is only four lots and therefore Staff finds this criteria is met.

***3<sup>rd</sup> Approval Criteria – “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 common open space, common areas, and unbuildable areas.”***

This approval criterion is specific to ‘natural features’ including wetlands and large trees. During the 2020 application, the applicant at the time identified a possible wetland on site. The Planning Commission’s eventual approval of that application included a condition that, *“The Planning Commission finds that if the possible wetland is found to be jurisdictional by DSL, an area*

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\* This was the 5<sup>th</sup> appeal issue for the 2020 approval. It was found by The Planning Commission and confirmed by the City Council that there was capacity for all city facilities including sewer.

† This was the 4<sup>th</sup> appeal issue for the 2020 approval. It was found by The Planning Commission and confirmed by the City Council that the exception to the Street Standards was justified.

*extending 20 foot beyond its upland edge would be required to be protected within a Water Resource Protection Zone (WRPZ) as provided in AMC 18.3.11.” [underline added].* Subsequent to that decision, wetland delineation WD#2021-0205 was prepared and has been acknowledged by the Oregon Department of State Lands (DSL). DSL recognized the presence and boundaries of a wetland on site but concluded that *“both the wetland and ditch are exempt and not subject to the permit requirements of the state Removal-Fill law.”* Under state law, artificially created wetlands of less than one-acre in area are not jurisdictional and are not subject to state regulation. DSL’s concurrence letter recognized that their determination is for purposes of the state’s Removal-Fill Law only, and that federal or local permit requirements may still apply.

For the current application, the presence of a wetland raises two related issues: 1) whether the wetland is to be considered a significant natural feature of the property and preserved as required under this criterion; and 2) whether the delineated wetland is protected under AMC 18.3.11.

AMC 18.3.9.040.A.3.c requires that, *“...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 common open space, common areas, and unbuildable areas.”* In terms of the issue of whether the wetland constitutes a significant natural feature, the water source here is irrigation rather than a natural water source, and on that basis, staff does not believe that the wetland should be considered a natural feature under this criterion.

In terms of AMC 18.3.11, there are two types of wetlands. Locally Significant Wetlands are those that were identified by the state’s methodology which considers wetlands greater than ½-acre for inclusion in the adopted Local Wetlands Inventory. These wetlands have a protection zone extending 50-foot upland of the wetland’s perimeter. Possible wetlands are smaller wetlands identified during the inventory process as well as those not initially inventoried but subsequently discovered on site and mapped. Possible wetlands have a protection zone extending 20-foot upland of the perimeter. Based on the DSL determination that the wetland is not a jurisdictional wetland under state law, and the prior condition of approval which tied local regulation to a jurisdictional determination, the applicant has approached the proposal assuming that this wetland is not regulated.

In staff’s assessment, the inclusion of smaller possible wetlands in local regulations was a recognition that for Ashland, wetlands tended to be spread across multiple properties with smaller areas on each, and these smaller wetlands on individual parcels functioned as parts of a broader system in providing farther reaching environmental benefits. While the code provides the ability to regulate these smaller “possible wetlands” on that basis, in the final analysis staff recognizes that the wetland here is supported by an artificial water source which the applicant intends to cut-off, and given that that source is governed by the Water Master and irrigation district/users group, the Commission could not require that water be maintained to preserve the wetland in place. As such, staff believes that the Commission can and should determine that this wetland is not subject to regulation under AMC 18.3.11 given the uncertain, artificial water source, as supported by DSL’s determination.

There are five large trees on the subject property that are worthy of discussion. The applicant’s response to this approval criterion state: *“The only natural feature on the property that meets the*

*definition of ‘significant tree’ is the 20-inch DBH Plum Tree.”* (In other parts of the application the 20” willow trees are discussed). The building envelope exhibit shows that there are two Willow trees that are 20” DBH, as well as two other Willows and a Walnut between ranging between 8-10” DBH that are within the proposed building envelope. The standard tree removal regulations would imply that only significant trees are regulated, however the approval criterion says, “large trees” and does not say “significant tree” which has detailed thresholds as defined in AMC 18.6\*. The application states that: *“The willow trees are within the building envelopes. A tree removal permit will be obtained if necessary at the time of development.”*

Staff feel that for the Planning Commission to be able to make a finding that this approval criterion is met it must require the building envelope to be modified so that none of the large trees are within the building envelope and they should be protected from future removal unless it can be shown that they are a hazard. Should The Planning Commission concur and approve the application, a condition of approval has been included below to require that the final plan modify the building envelope for lot two as described above.

***7<sup>th</sup> Approval Criteria – “The development complies with the street standards.” (Variance, and requested exception)***

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 park row 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.

The existing street frontage is less than 47 feet in width, and the proposed access will take up roughly 30-feet of that width. With the limited street frontage to be taken up with required driveway improvements, there is no additional width for sidewalk installation. In the 2020 application, the Planning Commission approved an Exception to the Street Standards on that basis, and imposed a condition that the applicant instead be required to sign-in favor of a Local Improvement District (LID) for the future improvement of Alicia Avenue, and of Oak Lawn Avenue which provides a connection out to Oak Street and the broader sidewalk system. In staff’s view, a similar exception with a similar condition is merited here.

As mentioned above the application also includes a Variance to the number of lots allowed to access a private drive (the requirement to dedicate a public road for four lots), which in turn requires an exception to the Street Standards. Therefore, this approval criterion can only be satisfied if the Variance and exception to the street standards are granted.

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\* Significant Tree – A conifer tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH), or a deciduous tree having a trunk 12 caliper inches in diameter at breast height.



The code requires the dedication of a public road for four lots, however in the present case the road would be a short dead-end cul-de-sac which would not contribute to the transportation network of the city. As such, the Public Works Department would not be inclined to accept a public roadway that does not further the public good. The property configuration prevents the extension of any public street system, and the development pattern on adjacent properties to the north and south also prevent the extension of an interconnected street system. Next, it is worth noting that a similar variance to a public street has been approved recently on another performance subdivision on Oak, and a similar exception was also approved in 2020.

The applicant explains that the requested variance to allow a private driveway to serve four lots instead of three is the minimum necessary and emphasizes that the private driveway would nonetheless be dedicated as fire apparatus access. Staff concludes that the benefits of the proposal include removal of any public responsibility for a small, dead-end street that provides no vehicular access to future properties within the vicinity due to topography and existing development patterns. Because the fifth lot acts as a functional private street we consider the variance allowing the drive to access four lots to also remedy any concerns regarding minimum access along a street frontage.

## 2) Tree Removal

As mentioned at the outset the application includes a request to remove a single 20" DBH plum tree which is in conflict with the proposed private driveway. The Tree Management Advisory Committee (MAC) reviewed the application at their February meeting and agreed unanimously that the tree was in poor form and near the end of its life expectancy and recommended approval of the removal. Staff similarly support the Tree MAC's recommendation of approval for the removal of the Plum Tree.

## 3) Substantive issues raised on appeal in 2020

As mentioned above the 2020 cottage housing approval was appealed to City Council and it is likely that some of the same concerns from nearby property owners may be relevant again. Some of the issues that were raised on appeal were procedural, but there were three issues that are relevant to the current application. In the council findings they were the second, fourth, and fifth (final) appeal issues. These were:

- 2<sup>nd</sup> Driveway location / intensification of use
- 4<sup>th</sup> Exception to Street Standards
- 5<sup>th</sup> Sewer Capacity

In the appeal findings adopted by the City Council they found that:

- The Planning Commission correctly recognized that that the existing driveway separation was non-conforming, that the existing non-conforming separation would not be made more non-conforming with the proposal, and that there was no additional frontage available on the applicant's property to shift the driveway and bring the separation more into conformity with the standards.
- The Planning Commission clearly determined that while the street was not fully improved to city street design standards, the existing improvements functioned

comparably to a shared street and provided adequate connectivity through the neighborhood and out to Oak Street.

- The Planning Commission relied on information from the applicant and from Public Work’s staff to determine that there was a flat, six-inch sewer line available in the adjacent rights-of-way with no reported capacity issues in the vicinity, and that the 12 cottages proposed at the time would not pose a capacity issue as Public Works indicated the development would not create enough new flow to negatively impact downstream capacity. The development drains into a sewer trunk line east of Sylvia Street, and on into the Oak Street line north of Nevada Street, and during the appeal Public Works confirmed that there were no known capacity issues for these facilities.

#### 4) Public Input

Notice was posted at the property frontage and mailed to all properties within 200’ on February 13, 2024. At the time of printing of this staff report no comments were received.

### **III. Procedural – Approval Criteria**

#### 1) Outline Plan

AMC 18.3.9.040.a.3. Approval criteria for outline plan. 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.
- B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
- C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
- D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.
- E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- F. the proposed density meets the base and bonus density standards established under this chapter.
- G. the development complies with the street standards.
- 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.

#### 2) Final Plan

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

### 3) Exception to the Street Standards

1. Exception to the Street Design Standards. The approval authority may approve exceptions to the street design standards in section 18.4.6.040 if the circumstances in either subsection B.1.a or b, below, are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:
  - i. For transit facilities and related improvements, access, wait time, and ride experience.
  - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
  - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or
- b. 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 purposes, intent, and background of the street design standards in subsection 18.4.6.040.A.

4) Variance

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

5) Tree Removal

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 18.3.10.

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.

#### **IV. Conclusion and Recommendations**

Staff recommend that the Planning Commission approve the Outline and Final Plan for the subdivision including the proposed exception to street standards, variance to allow four residential lots access from a private drive, and removal of one significant tree.

If the Planning Commission approves the application, staff recommends including the following conditions of approval below:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the building envelope for Lot #2 be altered such that the Willow and Walnut trees are protected.
- 3) That permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way.
- 4) That a final 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.
- 5) That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:
  - a. All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation, and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
  - b. Subdivision infrastructure improvements including but not limited to utilities, driveways, streets and common area improvements shall be completed according to approved plans, inspected and approved.
  - c. Electric services shall be installed underground to serve all lots, inspected and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
  - d. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.
  - e. The property owner shall sign in favor of Local Improvement Districts (LIDs) for the future street improvements, including but not limited to paving, sidewalks, park row 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.

- 6) That the building permit submittals shall include the following:
  - a. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, and fire apparatus access easements.
  - b. Solar setback calculations demonstrating that all 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.
  - c. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the R-1-5 zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
  - 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.



February 9, 2024

Community Development Department  
Ashland Planning Division  
20 E Main Street  
Ashland, OR 97520

This document provides additional information in response to the incomplete application determination letter dated February 8, 2024, regarding PA-T2-2024-00046.

There is not a jurisdictional wetland on the subject property that requires protection or preservation per state statute. There are no wetlands as defined by Ashland Land Use Ordinance Chapter 18.6.1.030, definitions of Wetlands which define 'possible wetlands' that would be subject to the statutes found in Chapter 18.3.11.020.A.B., C. and 18.3.11.040.B.2., Water Resource Protection Zones, Applicability and Establishment of Water Resource Protection Zones. Thus the "wetland" is not considered a natural feature within the context of preservation of natural features from the Performance Standards Subdivision Chapter 18.3.9.040.A.3.c.

The property at 210 Alicia Street had a previous approval of an Outline Plan for a 12-unit, 13-lot Cottage House Subdivision (PA-T2-2020-00017). At that time what was considered by the project team to be a potential wetland was identified and a protection zone proposed. As a condition of approval, delineation of the possible wetland area was required prior to final plan (Condition #1).

Extensive discussion of the possible wetland area is found on pg. 12 of the Planning Commission, Findings and Orders of PA-T2-2020-00017. The Commission found that:

*Potential Wetland*

*The Commission notes that a possible wetland which is not noted on the city's Local Wetlands Inventory has been identified on the subject property, and the applicant suggests it was formed because the "Million Ditch" irrigation canal passes through the property and continues on to the property immediately to the east. The potential wetland area has been preliminarily assessed by a wetland biologist with Northwest Biological Consultants who has provided a letter indicating 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 Planning Commission finds that if the possible wetland is found to be jurisdictional by DSL, an area extending 20 foot beyond its upland edge would be required to be protected within a Water Resource Protection Zone (WRPZ) as provided in AMC 18.3.11.*

As noted, following the 2020 Planning Commission decision, additional data was collected and the DSL concurred with the Scott English, Wetlands Biologist have evaluated the site found evidence of a wetland on the subject property but that the wetland is non-jurisdictional because it is in an upland created by irrigation waters.

According to the Oregon Department of State Lands the identified “wetland” on-site is created in an upland by irrigation and is exempt from jurisdictional protections.

“One wetland and a recently piped irrigation ditch were identified. However, both the wetland and ditch are exempt and not subject to the permit requirements of the state Removal-Fill law. The recently piped ditch, even prior to being piped, is exempt per OAR 141-085-0515(8), and the wetland is exempt per OAR 141-085-0515(6). The wetland was determined to be created in uplands by irrigation and the total area, including the portion extending offsite to the east, is less than an acre.” Peter Ryan, SPWS: ORDSL, Aquatic Resource Specialist

This “wetland” is only saturated because of poor irrigation water management. The “wetland” is not equal to or greater than one acre and it’s not created in whole or in part in waters of the state thus not a wetland.

The irrigation pipeline will be replaced during the construction and extended to the property line as per the agreement with the adjacent property owners (exempt activity per OAR 141-085-0515(8)). As a result, the “wetland” source will be further eliminated on the subject property. Because it is not a wetland, and the source of the wetland will be eliminated, there are no protections provided for poorly maintained irrigation systems, nor should there be any as the source is not permanent.

See additional findings addressing the criteria below.





## WATER RESOURCE PROTECTION ZONE

### Chapter 18.3.11

#### 18.3.11.020 – Applicability

C. The burden is on the property owner to demonstrate that the requirements of this chapter are met or are not applicable to development activity or other proposed use or alteration of land. *The Staff Advisor may make a determination based on the Water Resources map, field check, and any other relevant maps, site plans, and information that a Water Resource or Water Resource Protection Zone is not located on a particular site or is not impacted by proposed development, activities or uses.* In cases where the location of the Water Resource or Water Resource Protection Zone is unclear or disputed, the Staff Advisor may require a survey, delineation prepared by a natural resource professional, or a sworn statement from a natural resource professional that no Water Resources or Water Resource Protection Zones exist on the site.

#### Finding:

There is a non-jurisdictional, non-regulated, ‘wetland’ delineated on the site. It was found by a natural resource specialist and concurred by the State of Oregon Department of State Lands, Aquatic Resource Specialist that the “wetland” on site is created in an upland area by irrigation waters (WD-2021-0205) and is exempt from regulations. The irrigation waters will be further piped away from the site with the proposed development (exempt activity per ORS-141-085-0515(8)) which will eliminate the source of the delineated but not regulated ‘wetland’.

Ashland’s Water Resource Protections Zone ordinance includes language seeking Possible Wetlands. AMC 18.3.11.040.B.2. “...the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation plus all lands within 20 feet of the upland-wetland edge... Possible Wetlands includes all areas designated as such on the Water Resources map and any unmapped wetlands discovered on site.” Though a possible wetland could be conceived as “any unmapped wetlands discovered onsite”. The intent of the distinct definitions of Locally Significant wetlands and Possible Wetland which in both cases are areas that meet DSL wetland criteria.

The ‘delineated wetland’ discovered on this site is exempt from protections per the applicable OAR as noted by the DSL and does not meet wetland criteria. Additionally, the source is able to be turned off and on and relocated, piped, and altered thus no wetland protections should apply. The definition of Possible Wetland finds that, “...there may be additional existing areas that meet the DSL wetland criteria but are not included on the Water Resources Map.” This does not meet the municipal code definition of a Possible Wetland.

The City of Ashland definitions of a wetland includes:

AMC 18.6.1.030.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are a type of water resource.



- Wetlands, Locally Significant

Those wetlands identified on the Water Resources Map and determined significant wetlands using the criteria adopted the Oregon Department of State Lands (DSL). Locally significant wetlands is a type of wetland protection zone.

- Wetlands, Possible

An area that appears to meet wetland criteria but is too small (less than a half-acre according to Oregon Department of State Lands (DSL) rules) to require its inclusion in the Local Wetland Inventory. The Water Resources Map notes areas that are in the possible wetland designation. However, there may be additional existing areas that meet the DSL wetland criteria, but are not included on the Water Resources Map. Possible wetlands is a type of wetland protection zone.

In conclusion, it can be found that based on the findings of the Wetland Specialist and confirmed by the Oregon Department of State Lands, the wetland area in question does not meet the definition of possible wetland from the city's own definition which states "meets DSL wetland criteria", and is explicitly exempted from regulation by the DSL through OAR 141-085-0515(8) for the relocation and repair of the irrigation ditch, and the wetland is exempt per OAR 141-085-0515(6).

This application does not include the "wetland" area on any of the plans or within the findings, because it is not a natural feature, and it is not jurisdictional. The source will be modified as exempted by Oregon Administrative Rules.

For these reasons there are no 'wetlands' shown on the subdivision application documents as natural features to be preserved in an unbuildable state.

# **Applicant Submittal**

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Adderson Construction Company

210 Alicia Avenue – Ash Meadows a  
Performance Standards Subdivision



February 2, 2024

**Ash Meadows**  
**A Five Lot Performance Standards Subdivision**  
**Variance for four lots to use private driveway and not a public street**

**Property Owner:** Adderson Construction Inc.  
3144 Payne Road  
Medford OR 97504

**Planning Consultant:** Rogue Planning & Development Services, LLC  
Amy Gunter  
1314-B Center Dr. PMB #457  
Medford, OR 97501

**Engineering:** KAS and Associates  
304 N Holly Street  
Medford, OR 97501

**Surveying:** Polaris Land Surveying  
PO Box 459  
Ashland, OR 97520

**Subject Property**

Address: 210 Alicia Avenue  
Map & Tax Lot: 39 1E 04 BD; Tax Lot 1700  
Comprehensive  
Plan Designation: Single Family Residential  
Zoning: R-1-5-P  
Adjacent Zones: R-1-5 and R-1-5-P

Lot Area: 1.26 acres

Overlays: Wildfire Overlay Development

**REQUEST:**

The request is for approval of a five lot, Performance Standards Subdivision for the development of residential housing on a partially vacant property at 210 Alicia Avenue.

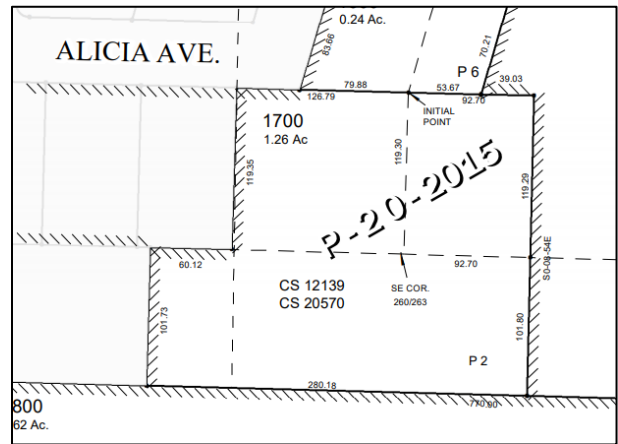
**PROPERTY DESCRIPTION & BACKGROUND:**

The subject property is on the south side of Alicia Avenue where Alicia 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 46.19-feet of frontage on the south side of the Alicia Avenue and Sylvia Street intersection. The property extends approximately 221-feet to the south, where the property widens to approximately 280-feet of width, east to west. The property extends 211 feet to the north, and 219.5 feet back to the beginning. The property area is 1.26 acres in area.



There is a 1,183 square foot, single-story, manufactured residence with a 340 square foot, attached garage. The structure is approximately 20-feet from the north property line and 50-feet from the west property line. There is a small shed on the site south of the residence. The storage shed will be removed from the property.

There are six trees that are more than six inches in diameter at breast height (DBH) on the subject property. There is a 20-inch Plum near the west property line. On the east side of the property there is a 10-inch walnut, and two smaller stature willows, one eight-inch and ten-inches DBH. There are two 20" DBH Willow trees south of the smaller willows.

An irrigation easement for the Million Ditch, a historic irrigation system traverses the property leading to the adjacent property at 345 Clinton Street (Tax Lot 401).

The property is accessed from Alicia Avenue via a gravel driveway.

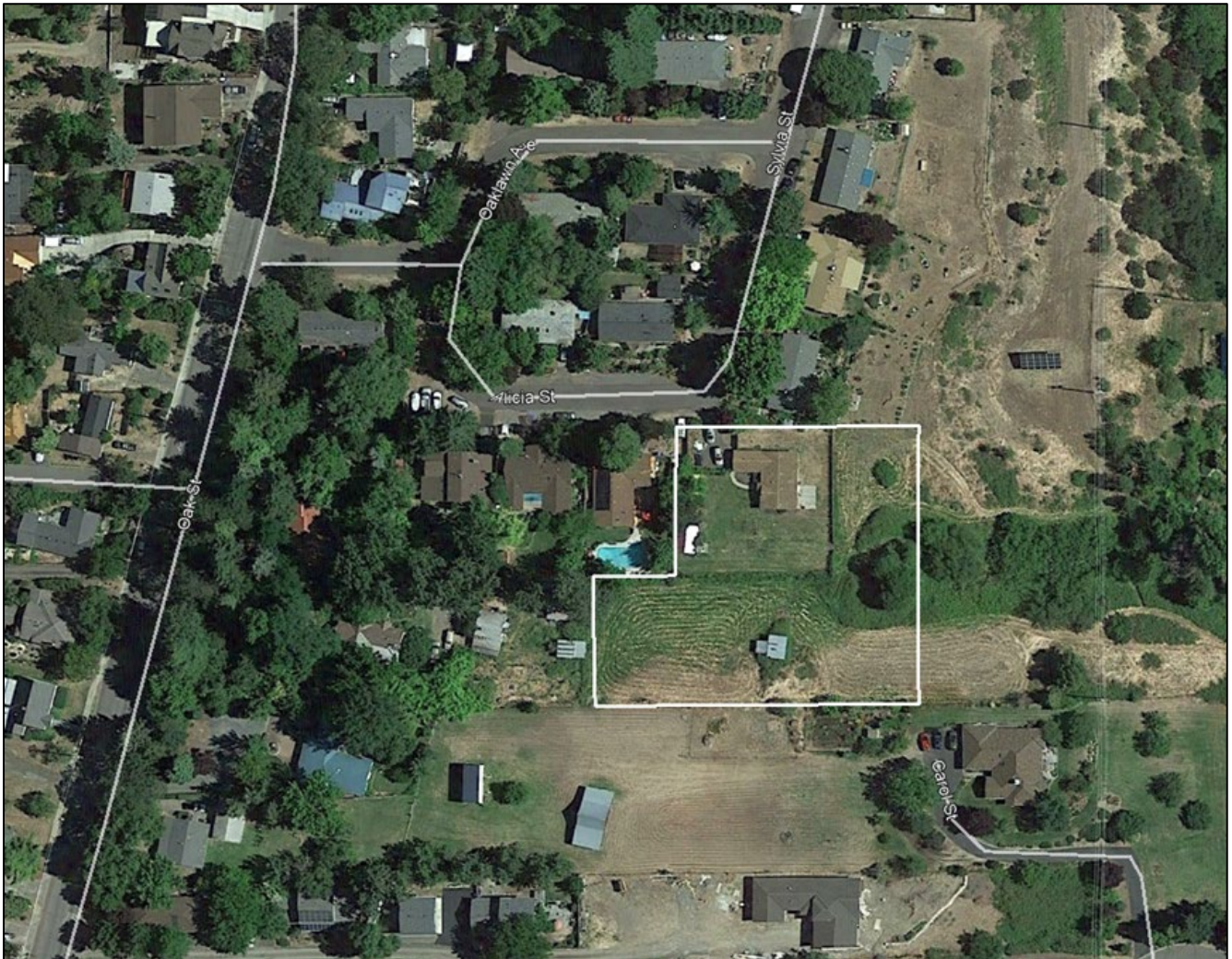
Alicia Avenue and Sylvia Street are classified as neighborhood streets according to the Transportation System Plan. The streets are dedicated as 47-foot wide right of way. The streets are improved with an asphalt travel lane surface only and lacking standard street improvements like, curb, gutter, landscape



park row, street trees and sidewalks. The entire street network from Oak Street to Oaklawn, to Alicia to Sylvia is non-conforming.

There is a 6-inch water main in Sylvia Street and a 4-inch water main in Alicia Avenue. There is a fire hydrant across Alicia Avenue from the driveway entrance into the subject property. 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 properties to the north and west are part of a 1960s era residential subdivision, **Oak** Court Subdivision that created the Alicia Avenue and Sylvia Street neighborhood. To the east of the subject property line, the hillslopes downhill towards the Bear Creek Valley. Below the hillside is the Riverwalk Subdivision, Riverwalk Park, the Mace Property, and a new City of Ashland Park that will extend the Riverwalk Park to the north are present.





**PROPOSAL:**

The request is for approval of a five-lot, residential subdivision. The property is within the Performance Standards Overlay zone and is required to be processed as a Performance Standards Subdivision.

The property is to be accessed via a shared driveway, fire apparatus access lane within Lot 5. There are four residential lots accessed via the private driveway. Only three residential lots are allowed to be accessed via a private driveway, thus a variance to the number of lots accessed via a public street is required.

An exception to Street Standards is necessary to address the lack of frontage improvements upon Sylvia Street / Alicia Avenue right of way following installation of the proposed driveway and required driveway apron and transition to the non-conforming street system.

As shown on the preliminary site plan, the lot dimensions, lot areas, access width for the private drives, large area lot development standards meet or can meet through the standards for residential development.

**Lot 1:**

210 Alicia Avenue is proposed to be 13,420 square feet (.32 acres). The lot is proposed to have 42.56 feet of frontage upon the new private driveway. The lot extends 192.5 feet to the east.

The lot is proposed to be reoriented as allowed through the Performance Standards with the frontage upon the private driveway. The existing residence and garage will remain on the site and comply with the setbacks in the R-1-5 zone. The future building setbacks are shown on the building envelope layout plan.

The perimeter setback along the north property line is maintained. The lots north to south lot dimension complies with the solar standards and a 21-foot tall structure can be constructed on the lot that does not exceed the lots north to south dimension.

The existing private driveway serving the property and the garage of the residence will be removed and replaced with landscape and yard area features. The vehicular and pedestrian access to the lot will be shared from the new private driveway (Lot 5) which provides access to the four development lots within the subdivision.

There are no significant natural features upon this property.

**Lot 2:**

Lot 2 is proposed as a 14,112 square foot (.32 acre) lot with 74.03 feet of frontage upon the private driveway and extends 187.38 feet to the east. This lot is vacant of structures. This lot also complies with the minimum north to south dimensions for compliance with solar setbacks.

The irrigation line and easement will be relocated from its present location and shifted to the south to increase the buildable area. Where the present irrigation line terminates, there are four willow trees and a walnut tree. All are not significant trees and three are less than the threshold for tree protection and preservation requirements in the residential zone. The willow trees are within the building envelopes. A tree removal permit will be obtained if necessary at the time of development.

There is ample developable area outside of the easement area for the driveways and the irrigation canal for the residential development.

**Lot 3:**

Lot 3 is proposed as a 14,106 square feet (.32 acres) lot. The lot has 25-feet of frontage upon the private driveway. The lot extends 203.30 feet to the east. The barn structure shown on the survey plan was recently removed. This lot also complies with the minimum north to south dimensions for compliance with solar setbacks.

**Lot 4:**

Proposed Lot #4 is a 7,495 square foot (.17 acre) lot. This lot is approximately 76.88 feet by 101.73 feet and has more than 31 feet of frontage upon the private driveway. This lot is vacant of structures. The northwest corner of the property is near two larger stature trees on the adjacent properties. The dripline of the trees falls outside of the building envelope and is outside of the construction impact areas. The trees themselves are fenced off from the property.

**Lot 5:**

Lot 5 is the proposed private driveway within an open space tract. Lot 5 will consist of the 20-foot paved fire apparatus access and along the west property line, the four required parking spaces will be provided adjacent to the paved driveway and outside of the fire apparatus access. The water meters and service lines are along the west property line. The electric transformers located to the west of the existing driveway will be relocated and easement provided to extend services under the driveway. Sanitary sewer laterals are extended through the driveway. All necessary public and private utilities can be extended from Alicia Avenue and Sylvia Street within the driveway and within utility easements that provide service from the public facilities to the individual development lots.

The 20-inch DBH Plum tree is located within the area of Lot 5. The tree will be required to be removed to facilitate the construction of the driveway.

**Access and Circulation:**

The proposed private driveway access provides limited access to four residential lots with low numbers of vehicle trips generated by the dwellings. The four lots accessed from a private driveway does not substantially impact the exiting neighborhood street pattern and driveway spacing on Alicia Avenue and Sylvia Street that a public street would.

The proposed driveway includes a five-foot landscape buffer along the west side, a 15-foot travel surface and 20-feet of clear width. The driveway terminates into an approved fire truck apparatus access hammerhead turnaround. This type of layout is proposed due to the lack of street connectivity beyond the boundaries of the subject property.

The area of dedication required for a Neighborhood Street is a substantial area of the small area of development property. The extension of the street would be dead-ended and the extension would only to serve a small residential subdivision. This lack of connectivity to adjacent properties and to other public streets is largely due to the layout of the 1960s subdivision of Alicia Avenue and Sylvia Street that created the neighborhood, the topography of the hillside on the east side of the subject property and those to the north and south, prevent street extension, also the variance is necessary due to the adjacent properties prohibition on development the street would not serve any additional properties beyond the four lots within the proposed subdivision.

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.

The proposed vehicular access is responsive to the subject property and the adjacent properties physical layout, lack of public right of way frontage, position of adjacent property driveways, limited vehicular trips and the limited number of residences.

On the following pages, findings of fact addressing the criteria from the Ashland Municipal Code are provided on the following pages. For clarity, the criteria are in Times New Roman font and the applicant's responses are in Calibri font.



## Findings of Fact

### Subdivision Findings:

#### 18.3.9.030 Performance Standards Overlay:

The subject property is within of the PSO Overlay and is required to be processed as a PSO Subdivision. The proposal is for Outline and Final Plan for a five lot subdivision.

The layout of the proposed development preserves the large lot characteristics found in the adjacent developments. There are no significant natural features excepting a 20-inch DBH Plum Tree. The property owner, Adderson Construction will be financing the project using private lending. 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 over Lot 5. Other easements are identified on the preliminary subdivision plat.

The property owner has tasked the project engineers to create final utility installation plans. Ideally construction starts before May. Following utility installation, building permits for construction of one of the residences will be obtained within one year. The surveyor will provide the final survey plat following utility installation and within one year of the decision.

#### 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 Performance Standards Subdivision for the development residential dwellings accessed via a private driveway. The number of lots proposed to access the private driveway exceeds three and a variance is required.

#### Lot 1:

210 Alicia Avenue is proposed to be 13,420 square feet (.32 acres). The lot is proposed to have 42.56 feet of frontage upon the new private driveway. The lot extends 192.5 feet to the east. The lot has a maximum coverage of 6,710 square feet +200 square feet of porous solid surface.

The lot is proposed to be reoriented as allowed through the Performance Standards with the frontage upon the private driveway. The existing residence and garage will remain on the site and comply with the setbacks in the R-1-5 zone. The future building setbacks are shown on the building envelope layout plan.

The perimeter setback along the north property line is maintained. The lots north to south lot dimension complies with the solar standards and a 21-foot tall structure can be constructed on the lot that does not exceed the lots north to south dimension.

The existing private driveway serving the property and the garage of the residence will be removed and replaced with landscape and yard area features. The vehicular and pedestrian access to the lot will be shared from the new private driveway (Lot 5) which provides access to the four development lots within the subdivision.

There are no significant natural features upon this property.

**Lot 2:**

Lot 2 is proposed as a 14,112 square foot (.32 acre) lot with 74.03 feet of frontage upon the private driveway and extends 187.38 feet to the east. This lot is vacant of structures. Coverage of the lot is allowed to be a maximum of 7,056 square feet +200 square feet of porous solid surface. This lot also complies with the minimum north to south dimensions for compliance with solar setbacks.

The irrigation line and easement will be relocated from its present location and shifted to the south to increase the buildable area. Where the present irrigation line terminates, there are four willow trees and a walnut tree. All are not significant trees and three less than the threshold for tree protection and preservation requirements in the residential zone. The 20-inch DBH willows are within the building envelope. If proposed for removal with home construction a tree removal permit as necessary will be obtained.

There is ample developable area outside of the easement area for the driveways and the irrigation canal for the residential development.

**Lot 3:**

Lot 3 is proposed as a 14,106 square feet (.32 acres) lot. The lot has 25-feet of frontage upon the private driveway. The lot extends 203.30 feet to the east. The barn structure shown on the survey plan was recently removed. The maximum lot coverage is 7,053 square feet +200 square feet of porous solid surface. This lot also complies with the minimum north to south dimensions for compliance with solar setbacks.

**Lot 4:**

Proposed Lot #4 is a 7,495 square foot (.17 acre) lot. This lot is approximately 76.88 feet by 101.73 feet and has more than 31 feet of frontage upon the private driveway. This lot is vacant of structures. The maximum lot coverage is 3,747.5 square feet +200 square feet of porous solid surface. The northwest corner of the property is near two larger stature trees on the adjacent properties. The dripline of the trees falls outside of the building envelope and is outside of the construction impact areas. The trees themselves are fenced off from the property.



Lot 5:

Lot 5 is the proposed private driveway within an open space tract. Lot 5 will consist of the 20-foot paved fire apparatus access and along the west property line, the four required parking spaces will be provided adjacent to the paved driveway and outside of the fire apparatus access. The water meters and service lines are along the west property line. The electric transformers located to the west of the existing driveway will be relocated and easement provided to extend services under the driveway. Sanitary sewer laterals are extended through the driveway. All necessary public and private utilities can be extended from Alicia Avenue and Sylvia Street within the driveway and within utility easements that provide service from the public facilities to the individual development lots.

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 subdivision will not cause a city facility to operate beyond capacity.

The six-inch sanitary sewer line within Alicia Avenue and Sylvia Street right-of-way. In discussions with the Public Works Division, the proposed system has been designed to comply with the city standards.

The proposed five lot subdivision, 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 Avenue. A hydrant is present across Alicia Avenue 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 utilizes low impact development standards and complies with the RVSS Standards for Storm Water Managements. The low impact development and the large lot area with permeable soil allows for the site to provide for all stormwater detention and retention on-site and not flow of stormwater off-site.

Electric infrastructure is available in the vicinity. At this time, discussions regarding the electrical infrastructure layout to the property owner. 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 private driveway leading to the lots is proposed. The driveway is also the fire lane and a fire truck turnaround has been provided. The driveway will be paved to 20-feet in paved width. The proposed fire lane is adequate infrastructure for a private driveway and to meet fire apparatus access requirements.

The driveway apron and connection to Alicia Avenue right of way shifts the driveway to the south and west of the adjoining property to the northeast. These driveway aprons are less than 24-feet in separation, but the separation is increased. The driveway apron to the west is more than 24 feet from the proposed driveway apron.

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 only natural feature on the property that meets the definition of ‘significant tree’ is the 20-inch DBH Plum Tree. This tree is within the driveway surface area. Also due to the type of tree – Plum, their average lifespan and it’s location, the removal and mitigation of the tree is a better alternative than preservation within the subdivision. There are no other significant natural features on the site.

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 parkland. 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 fire lane and required parking for the Performance Standards subdivision on a common area lot. The common area will have access easement, utility and maintenance agreements and easements. These documents will be prepared by a land development attorney and provided with the final plat documents.

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 lots allowed in the zone per the density standards. The density in the R-1-5-P zone is 4.5 dwelling units per acre. The allowed density is 5.6 dwelling units. There are four residential development lots proposed.

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. According to AMC 18.4.6.040.G5. Private Drive, a private drive is a road in private ownership, not dedicated to the public that serves three or less lots. Private drives are limited to development approved using the Performance Standards Option pursuant to chapter 18.3.9.

A variance to allow four lots is requested to this standard and to not install a 47-foot-wide public street to access only four lots when no future connectivity can be provided complies with the standards for variance. The proposal seeks an exception to street standards to not improve Alicia Avenue frontage.

This is due to the existing public utility infrastructure and private driveway to adjacent residence on the west side of the 46-foot wide lot frontage upon the public street at the curve in Alicia Avenue which eliminates any available right of way for improvements. To the east of the proposed private driveway will be the electric utility infrastructure and the water services and then the 20-foot wide paved driveway. There is no public right of way on Alicia Avenue where park row or sidewalk could reasonably be installed. Additional findings addressing the Exception to Street Standards have been provided.

Average Daily Traffic (ADT) from four residential lot four lots generates less than 50 motor vehicle trips per day which is less than the ADT for a private driveway. The driveway will have a speed of under 20 mph.

The private driveway is paved to 20 feet and widens to 27-feet for a portion of the driveway to allow for the required 'publicly available' parking adjacent to the Fire Lane and outside of the dedicated 20-foot fire apparatus access road in accordance with Oregon Fire Code, Section 503.

If the future structures are greater than 24 feet in height, a Fire Work Area of 20 ft by 40 ft within 50 ft of the structures will be provided as necessary. The Fire Work Area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

Curbs, bike lanes, parkrows and sidewalks not required with Private Driveways.

The two public streets that access the property 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 increases driveway separation.

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, the lack of public street frontage that is not a driveway or utility area, and the adjacent properties development, the city's access management standards, and the performance standards criteria allow for a private driveway when connectivity cannot be provided beyond the proposed development. The private drive will be aesthetically pleasing and provides for more efficient land use, retains the neighborhood character and provides adequate transportation for the four development lots.

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.

Finding:

Common open space is not required for a development with a density of less than ten. The common lot is for the driveway, utilities and the publicly available parking required per 18.3.9.060.

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.

Finding:

The plan is filed in its entirety.

b. If an outline plan is phased, 50 percent of the value of the common open space shall be provided in the first phase and all common open space shall be provided when two-thirds of the units are finished.

Finding:

The application is not for a phased subdivision.

**B. Final Plan.**

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

Finding:

With the concurrent proposal, there are no intended modifications between outline and final plan.

6. Any substantial amendment to an approved final plan shall follow a Type I procedure in section 18.5.1.040 and be reviewed in accordance with the above criteria.

Finding:

It is understood substantial amendment would require additional review.

## **LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS**

### **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.

Finding:

The request is for approval of a five lot subdivision.

**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.

Finding:

An official survey of the property has been performed by an Oregon 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 preliminary plat.

Finding:

The proposal is for a preliminary plat review.

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

Finding:

The subdivision will conform to state regulations in ORS chapter 92.

**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.

Finding:

The proposal is for a five lot residential subdivision. There are no areas beyond the lots that are able to be developed to a greater intensity. The topography of the properties to the east side of the subject property does not allow additional development. The property to the south of the subject property has a conversation easement that prevents future development. The properties to the west are developed with residential structures, outbuildings, accessory structures and yard area improvements.

**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 proposed subdivision 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 proposal does not prevent any adjacent parcels from developing to their densities as envisioned in the Comprehensive Plan. The adjacent properties are developed in a manner that prevents additional residential subdivision development due to access constraints and topographical constraints. This proposal does not impact the existing developments, nor does it put constraints on the adjoining 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:

There are no neighborhood or district plans. There are no previous land use approvals that imposed conditions of approval on the subject property.

D. The tract of land has not been partitioned for 12 months.

Finding:

The tract of land 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 proposed subdivision layout complies with the standards of the underlying R-1-5 zone and the flexibility provided within the Performance Standards Chapter and the minimum lot area is exceeded as allowed through this chapter.

Each lot demonstrates that the perimeter setbacks of the subdivision are met with minimum front, side and rear yard setbacks.

Conceptual building envelopes have provided shown that demonstrate the buildable areas, setback compliance and solar setback standards.

The lots are intended to have single story construction, the entire parcel is generally level which allows for larger setbacks on the north. Driveways accessing the lots from the private driveway will be solid surfaced to prevent track out.

The lots are all subject to the maximum lot coverage standard of 50 percent, plus up to 200 square feet or permeable solid surface.

The proposal complies with all applicable development standards found in 18.4.

The existing street development and driveway separations on Alicia Avenue and Sylvia Street are non-conforming in that there are no curbs or gutters, no park rows or sidewalks. The proposed driveway apron is in the same location as the existing gravel driveway. The driveway is proposed to be widened toward the east and improved with a concrete apron.

**Solar Access (18.4.8.040):**

Each lot has a north south lot dimension that allows for a 21-foot tall structure to be constructed on the site and not exceed the lots north to south lot width. This solar line is shown on the building envelop site plan. The structures are intended to be single story structures.

**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.

Finding:

A Subdivision to create a five-lot, single family residential subdivision is a permitted use in the zone. The proposed subdivision seeks to create three new single family residential lots in addition to the existing parcel of record, create a common space lot a private driveway and publicly available parking.

Single family residences are a permitted use in the zone.

**18.2.5.090 Standards for Single-Family Dwellings**

A. The following standards apply to new single-family dwellings constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to dwellings in the WR or RR zones.

B. Single-family dwellings subject to this section shall utilize at least two of the following design features to provide visual relief along the front of the residence:

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas
6. Pillars or posts
7. Bay window (min. 12" projection)
8. Eaves (min. 6" projection)
9. Off-sets in building face or roof (min. 16")

Finding:

The future residences of a similar aesthetic as the adjacent property. The elevations submitted with the building permits will demonstrate that two or more of the design features listed above will be provided on the proposed residential units.

Each lot exceeds the minimum lot areas in the zone.

The fences and walls within the development will comply with the fence and wall standards from 18.4.4.060 specifically adjacent to the open space where a not more than four-foot fence will be proposed. The “front” lot lines abut the private driveway with Lot 1 having a side yard abutting a public street for a short segment. Fencing heights are determined in the code.

Fence permits will be obtained and will be provided for on the building permit submittals.

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 accesses to the lots will be from the new private driveway within the common area.

There is not a curb proposed around the hammerhead and there is no sidewalk proposed around the perimeter of the hammerhead.

The proposed private drive is designed in a manner to accommodate expected traffic on the site.

AMC 18.4.3.080. Vehicle Area Design

A. Parking Location

Finding:

Per 18.4.3.080 Vehicle Area Design, each lot will have two parking spaces within a garage accessed from the private drive from a driveway extending from the private driveway. The residential parking is not within any required yard area.

a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.

Finding:

The driveway apron and connection to Alicia Avenue right of way shifts the driveway to the south and west of the adjoining property to the northeast. These driveway aprons are less than 24-feet

in separation, but the separation is increased. The driveway apron to the west is more than 24 feet from the proposed driveway apron.

b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.

Finding:

The subject property is zoned R-1-5-P and is not subject to the controlled access standards per this section.

c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following.

i. Distance between driveways.

on boulevard streets: 100 feet

on collector streets: 75 feet

on neighborhood streets: 24 feet for 2 units or fewer per lot, 50 feet for three or more units per lot

ii. Distance from intersections.

on boulevard streets: 100 feet

on collector streets: 50 feet

on neighborhood streets: 35 feet

Finding:

The property is zoned R-1-5-P and not subject to the standards.

d. Access Requirements for Multi-family Developments. All multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

Finding:

Not applicable.

4. Shared Use of Driveways and Curb Cuts.

a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.

- i. For shared parking areas.
- ii. For adjacent developments, where access onto an arterial is limited.
- iii. For multi-family developments, and developments on multiple lots.

Finding:

The proposed access uses an existing driveway apron and improves it to improve driveway separation standards and provide adequate access to the private drive. This single, narrow driveway minimizes access points and reduces impacts to the public right of way.

b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.

Finding:

The proposal is to develop a standard driveway approach where presently one does not exist. There are no additional approaches.

c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

Finding:

The proposal is to create a shared, private drive to reduce access points.

5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.

Finding:

There is no alley 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:

The proposed infrastructure including the driveway connection to the public street, the utilities and surface water drainage conforms to the city's design standards from AMC 18.4. The infrastructure plans have been designed by an Oregon Licensed Civil Engineer. The utility plan conforms to the requirements of AMC 18.4. Transitions to potential future development on adjacent lands is not provided. This is because of the lack of ability for development beyond the boundaries of the property.

Ashland Water Division does not allow the location of public water lines upon private property. The water meters for the individual lots will be within Alicia Avenue rights-of-way adjacent to the driveway.

A stormwater system to meet the requirements of 18.4.6.080 and demonstrates compliance with the Rogue Valley Stormwater Design Manual Standards will be developed with on-site dispersion of stormwater and no outflow that is greater than pre-development peak flow from the existing site development.

Per 18.4.6., the private driveway standards are to be considered when there are less than 100 vehicle trips and physical constraints prevent the development of a neighborhood street.

A private driveway that terminates into a fire apparatus accessible hammerhead is proposed because the constraints of the subject property and the adjacent properties prevent the development of a gridded street system. There are steep slopes to the east of the eastern property line on the adjacent property. The topography can be found to prevent public street connectivity. The adjacent property to the south has a deed restricted, conservation easement that prevents future development. The property to the west is developed with single-family residences, accessory structures, pools, and manicured yard areas.

The topography of the adjacent properties, the locations and types of adjacent development and conservation areas of adjacent properties prevent connecting vehicular access.

The grade of the driveway is less than 15 percent and has a vertical clearance of more than 13.6 feet and improved paved width of 20-feet.

In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential zone, a sight-obscuring fence is required. The four parking spaces will be buffered from the adjacent property by the existing six-foot tall, solid panel cedar fence.

## EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1.

### Finding:

The proposal does not include improvements to Alicia Avenue and Sylvia Street thus an exception to Street Standards is required.

1. Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

### Finding:

The code allows for the granting of exceptions when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include, limited right-of-way. With less than 47-feet of frontage upon the street and a 20-wide driveway, at the curve in the street where public utility infrastructure is located does not leave room for a landscape parkrow and sidewalk.

This right of way width is not adequate to install required improvements. There are no sidewalk connections off-site of the subject property to the east or west. The unique situation includes the development and prevention of a sidewalk and park row system that goes nowhere.

- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.

### Finding:

The proposed frontage improvements will include installation of a driveway apron which will be equal transportation facilities to the existing street system.

- c. The exception is the minimum necessary to alleviate the difficulty.

### Finding:

The proposed exception is to not provide any sidewalk or parkrow improvements in the 26-foot west of the proposed driveway apron. There is inadequate right-of-way to achieve park row and sidewalk improvements. Not installing sidewalk alleviates the difficulty in extensions of said sidewalks in a logical and functional manner on properties that are not associated with the proposed development and based on existing development.



d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

Finding:

The Purpose and Intent of the Street Standards section speaks to connectivity and design focus on a safe environment for all users, design streets as public spaces, and enhance the livability of neighborhoods, consistent with the Comprehensive Plan. There are no sidewalks with park row within the impact area. The exception seeks to not install sidewalks and park row along the frontage of the property. This is due to the limited length of the sidewalk north of the driveway (26-feet), the lack of right-of-way to install improvements and that not installing sidewalk and park row will not negatively impact the vehicular, bicycle and pedestrian experience.

H. Unpaved Streets.

Finding:

Not applicable.

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, nor does the subdivision layout provide for alley connectivity.

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.

K. A partition plat containing one or more flag lots shall additionally meet the criteria in section 18.5.3.060.

Finding:

No flag lots are proposed.

## VARIANCE CRITERIA

### 18.5.5.050 - Approval Criteria

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

#### Finding:

The variance to the number of lots accessed from a private driveway is necessary due to special and unique physical circumstances. The narrow lot connection to Alicia Avenue, and public street installation for four residential lots would require substantial infrastructure and have major impacts on adjacent properties. When considering the neighborhood development pattern, the topography, the lack of connectivity and other similar circumstances there are hardships to the public street right of way and infrastructure that is above and beyond the impact of four residences.

These include the slope of the subject property near the east property line. That slope prevents extension of any public street system. The property to the east beyond the subject property is steep as it leads to the city park property. The adjacent development to the north and south of the developable area of the subject property prevents extension of a public street system. Due to the narrow lot frontage along Alicia Avenue, dedication of a public right-of-way with the smallest public right-of-way at 25-feet of a Shared Street to 47-feet for a Residential Street and the impacts from the creation of a new public street intersection would have substantial impacts on the on the adjacent properties to the northwest and to the east.

The code provision that when more than three-lots accessed via a private driveway is overly restrictive and burdens the community with small, dead end public streets that serve smaller, limited traffic residential subdivisions.

The slope of the property and the properties further east are too steep for extension of a public street system. The properties to the north and south of the developable area of the subject property are developed in a manner that prevents extension of a public street system. It should be noted that the standards from AMC 18.3.9 use lots and units interchangeably which is not a clear or objective standard and causes confusion within the code sections.

A private drive and/or flag lot provides for a narrower, often more neighborhood compatible driveway type of development instead of a public street where even the smallest street the Shared Street has a wide curb radius that allows for fire apparatus access but also changes the character of Alica Avenue and Syliva Street by adding a new public right of way and intersection. Intersections would have a greater negative impact on the adjacent properties because of separation standards than the proposed driveway and its separation standards.

A private drive is proposed to allow the property owner to assume all burdens for construction, maintenance and future maintenance falls upon the users of the private drive easement.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

Finding:

The requested variance to allow for four lots instead of three to be accessed from a Private Drive that is a dedicated fire apparatus access fire lane instead of dedication of a public right-of-way is the minimum necessary to address special or unique circumstances relating to this site and the impacts that the development of this site with a public street and the resulting curb radii and impacts to side yard setbacks which a public street cause are reduced with the request for a private drive.

3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

Finding:

The proposals benefits include removal of any public responsibility for a small, dead end street that provides no vehicular access to future properties within the vicinity due to topography and existing development patterns and a public street cannot be extended beyond the property boundaries. The property owner and future property owners will own the private driveway and the utilities within the driveway. The owners bear all responsibility and does not impact the public's ownership and responsibilities.

The proposed driveway apron has less of an impact on the Alicia Avenue and Sylvia Street streetscape than the dedicated public street would be due to curb radii and how intersections are built vs. how a driveway apron is constructed.

The purpose and intent of the Comprehensive Plan for the Single-Family zone is to seek responsible, environmentally conscious design that complies with the city standards and

expectations. This proposal conforms and achieves both stated plan goals and most of the criteria for development from the Ashland municipal code. The proposal furthers the purpose and intent of the stated housing development goals of the city.

4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

Finding:

The need for the variance is to allow for private ownership of a driveway that serves only four development lots as part of a single subdivision and to not dedicate a public street or to only allow three lots. The narrow lot width along Alicia Avenue, the slopes that prevent connectivity to the east, and the adjacent developments to the north and south of the subject property that prevent public street development were not created by the applicant or the property owner. These circumstances and the lack of public use of the access due to the lack of connectivity, create the need for variance. There are no previous property line adjustments or land division approvals for the property that remain valid that necessitated the variance request.

**TREE REMOVAL**

**18.5.7.030. B. Tree Removal Permit.**

Finding:

There are five trees on the site. The most significant trees is a 20inch DBH Plum tree near the west property line and in the path of the future driveway.

The proposal seeks approval to remove this tree. The tree is requested for removal due to location of it within the path of the proposed driveway, and the amount of root zone that will be substantially impacted by the cut to install the utilities and other improvements to allow for the construction of the new driveway.

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:

The proposed development has been planned with the utmost concern and consideration of the trees on the site. The lot layout, dimensions, access, utility installation were all dependent upon the frontage upon Alicia Avenue. Though the deciduous tree is nice, its location prevents access to the future site development. The tree will be replaced.

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. None of the trees proposed for removal are 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 the deciduous tree will not have significant negative impacts on the tree densities. The adjacent neighborhood has a significant number, density, tree canopy and species diversity that the removal of a deciduous trees will not negatively impact tree species or canopy loss.

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 has not been affected by the trees.

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.

Finding:

The removed trees will be mitigated for with the new tree.

### **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:

There will be a new tree planted along the east side of the driveway in the reconfigured yard area of Lot 1. The tree will mitigate for the removed tree. Additionally, trees will likely be included in landscape plans for the residences thus resulting in an increase in tree canopy.

#### **Attachments:**

- 1) 210 Alicia Avenue Topographic Survey
- 2) Preliminary Subdivision Plat (Polaris Land Surveying)
- 3) Subdivision Civil Engineering Documents (KAS and Associates)



# 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 MONUMENT
- BRASS CAP MONUMENT
- 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 PEDESTAL/CABINET
- ELECTRIC METER
- HEAT PUMP
- AREA LIGHT
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- CATCH BASIN
- 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 BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS A CITY OF ASHLAND BENCHMARK, BEING A 3" BRONZE DISK IN A MONUMENT WELL LOCATED A CENTERLINE ANGLE POINT ON OAK STREET NEAR RESIDENCE AT 764 OAK. BENCHMARK ELEVATION = 1812.92', BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1956 (NGVD 29/56).

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" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES. ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
317-16-1998  
SHAWN KAMPMANN  
2883 LS

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




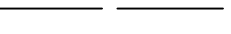
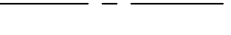

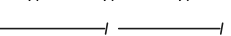
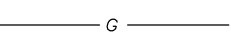
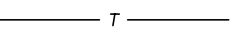
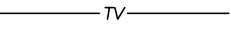
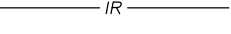
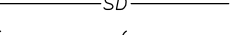
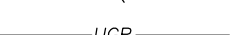



















**"ASH MEADOWS" PRELIMINARY MAP  
PERFORMANCE STANDARDS SUBDIVISION**

LOCATED AT  
**210 Alicia Avenue, 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  
**Adderson Construction, Inc.**  
 3144 Payne Road  
 Medford, Oregon 97504

**LEGEND**

-  SURVEY CONTROL POINT, AS DESCRIBED
-  IRON PIN MONUMENT
-  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
-  BURIED POWER LINE
-  CONTOUR LINE
-  POWER PEDESTAL/CABINET
-  ELECTRIC METER
-  WATER METER
-  WATER VALVE
-  FIRE HYDRANT
-  CATCHBASIN
-  STORM SEWER MANHOLE
-  SANITARY SEWER MANHOLE
-  CLEANOUT
-  TELEPHONE PEDESTAL
-  GAS METER
-  RELOCATED "MILLION" IRRIGATION DITCH EASEMENT
-  PRIVATE ACCESS & FIRE TRUCK APPARATUS EASEMENT
-  BUILDINGS

**SURVEY NOTES**

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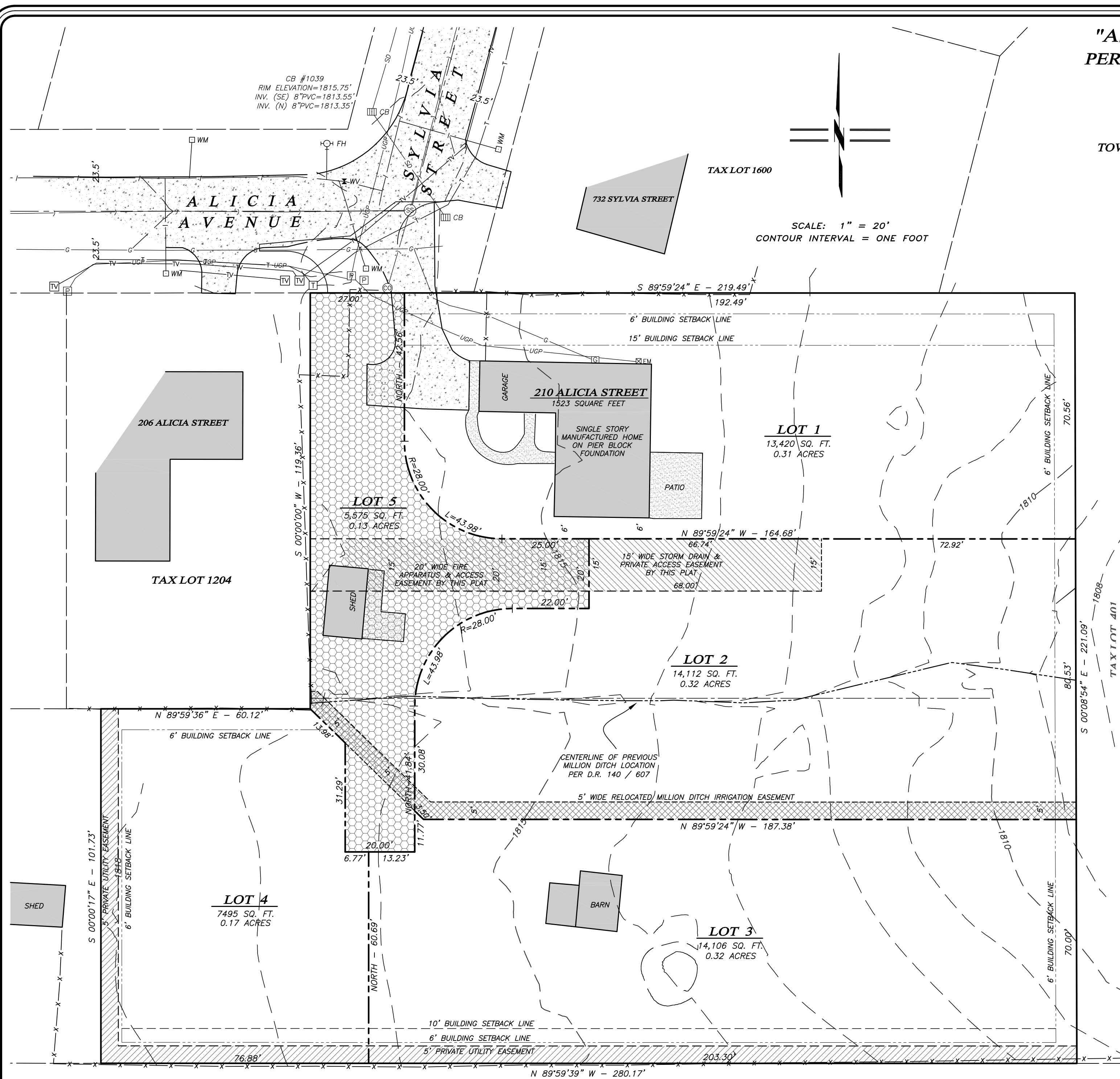
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 LAND SURVEYOR

PRELIMINARY COPY  
 OREGON  
 JULY 14, 1998  
 SHAWN KAMPMANN  
 2883 LS

RENEWAL DATE: 6/30/2025

SURVEYED BY:  
**POLARIS LAND SURVEYING LLC**  
 P.O. BOX 459  
 ASHLAND, OREGON 97520  
 (541) 482-5009

DATE: DECEMBER 10, 2023  
 PROJECT NO. 1276-19



Assessor's Map No. 39 1E 04 DB, Tax Lot 1700

**POLARIS LAND SURVEYING**



**KAS & Associates, Inc.**  
ENGINEERING SERVICES

**CIVIL  
STRUCTURAL  
PLANNING**

Grants Pass, OR 97527  
1867 Williams Hwy, Suite 222  
Ph: (541) 479-5801  
www.kasinc.com

Medford, OR 97501  
304 S. Holly Street  
Ph: (541) 772-5807  
kas@kasinc.com

**PLANNING**

**SETBACKS & BUILDING ENVELOPE**

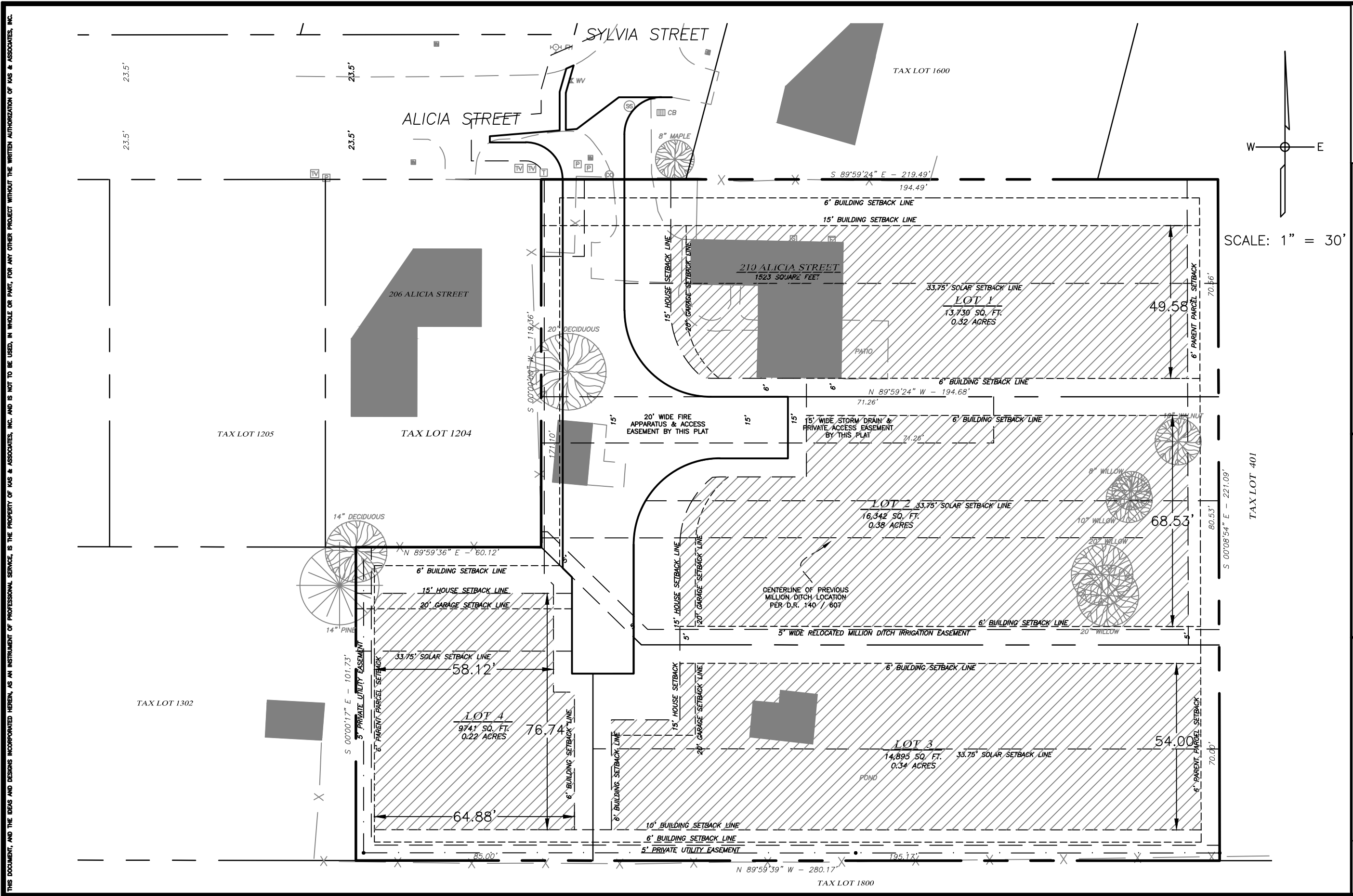
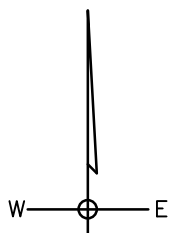
**CITY OF ASHLAND**

DRAWN BY: ASZ DATE: 7-12-19  
CHECKED BY: SDP DATE: 7-12-19  
APPROVED DATE:

**ADDERSON 6-LOT SUBDIVISION**  
210 ALICIA STREET  
ASHLAND, OR 94520

SHEET NO.  
**P1**

SCALE: 1" = 30'



Drawing name: R:\0-SHARE\0-KAS\2022\22-253 Adderson Construction - 210 Alicia Street, Ashland\DWGs - Planning\22-253 PLANS - Planning.dwg  
 Plotted By: User Plot Date: Jan 29, 2024 - 2:38pm  
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**PLANNING**

**PRELIMINARY  
GRADING PLAN**

**CITY OF ASHLAND**

DRAWN BY: ASZ DATE: 7-12-19  
CHECKED BY: SDP DATE: 7-12-19  
APPROVED DATE: DATE

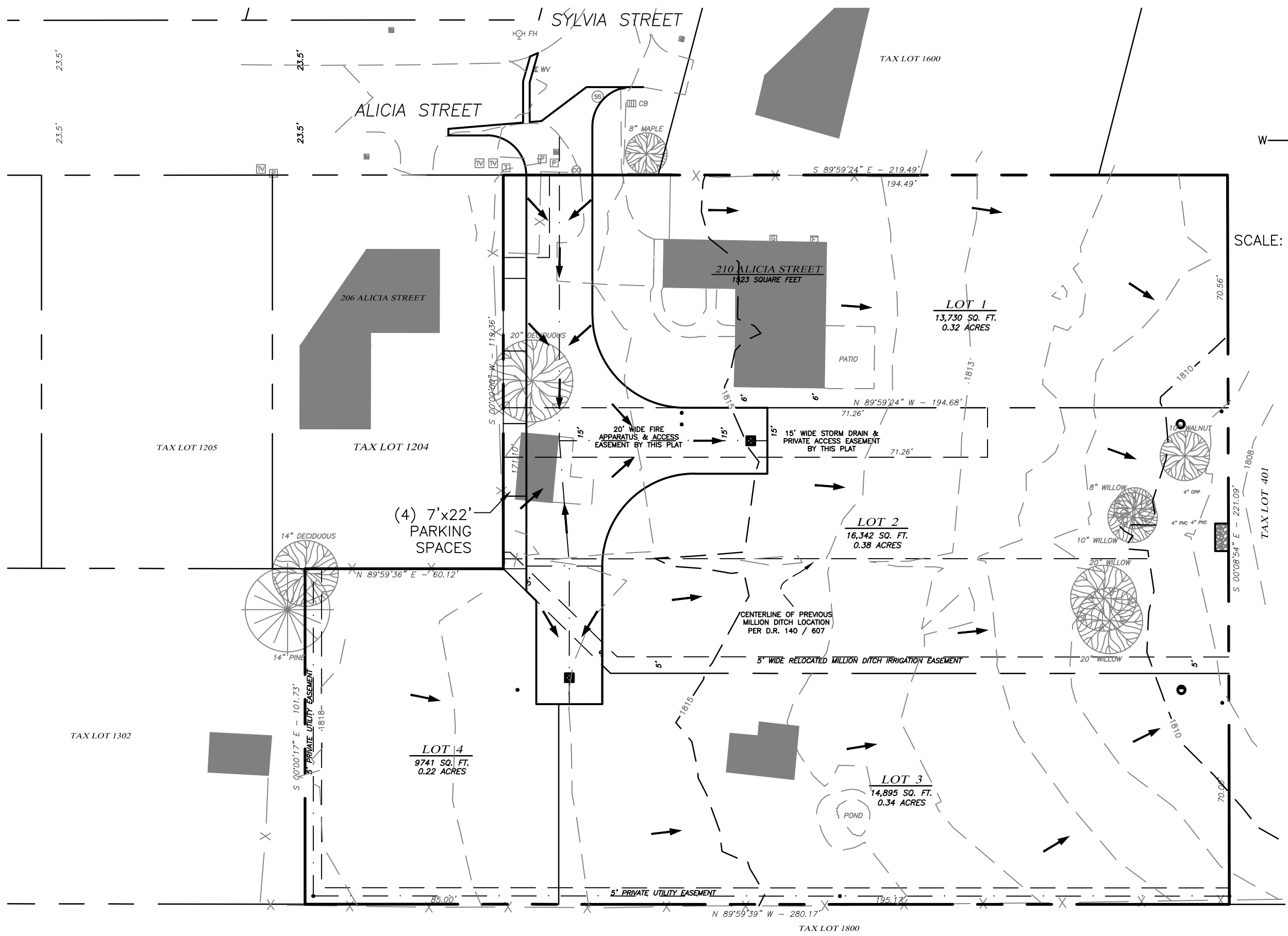
**ADDERSON 6-LOT  
SUBDIVISION**  
210 ALICIA STREET  
ASHLAND, OR 94520

SHEET NO.  
**P2**

(ADDERSON) KAS 22-253

Drawing name: R:\0-SHARE\0-KAS\2022\22-253 Adderson Construction - 210 Alicia Street, Ashland\DWGs - Planning\22-253 PLANS - Planning.dwg  
Plotted By: User Plot Date: Jan 29, 2024 - 2:38pm

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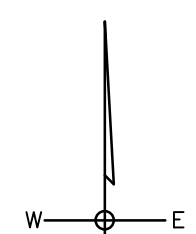
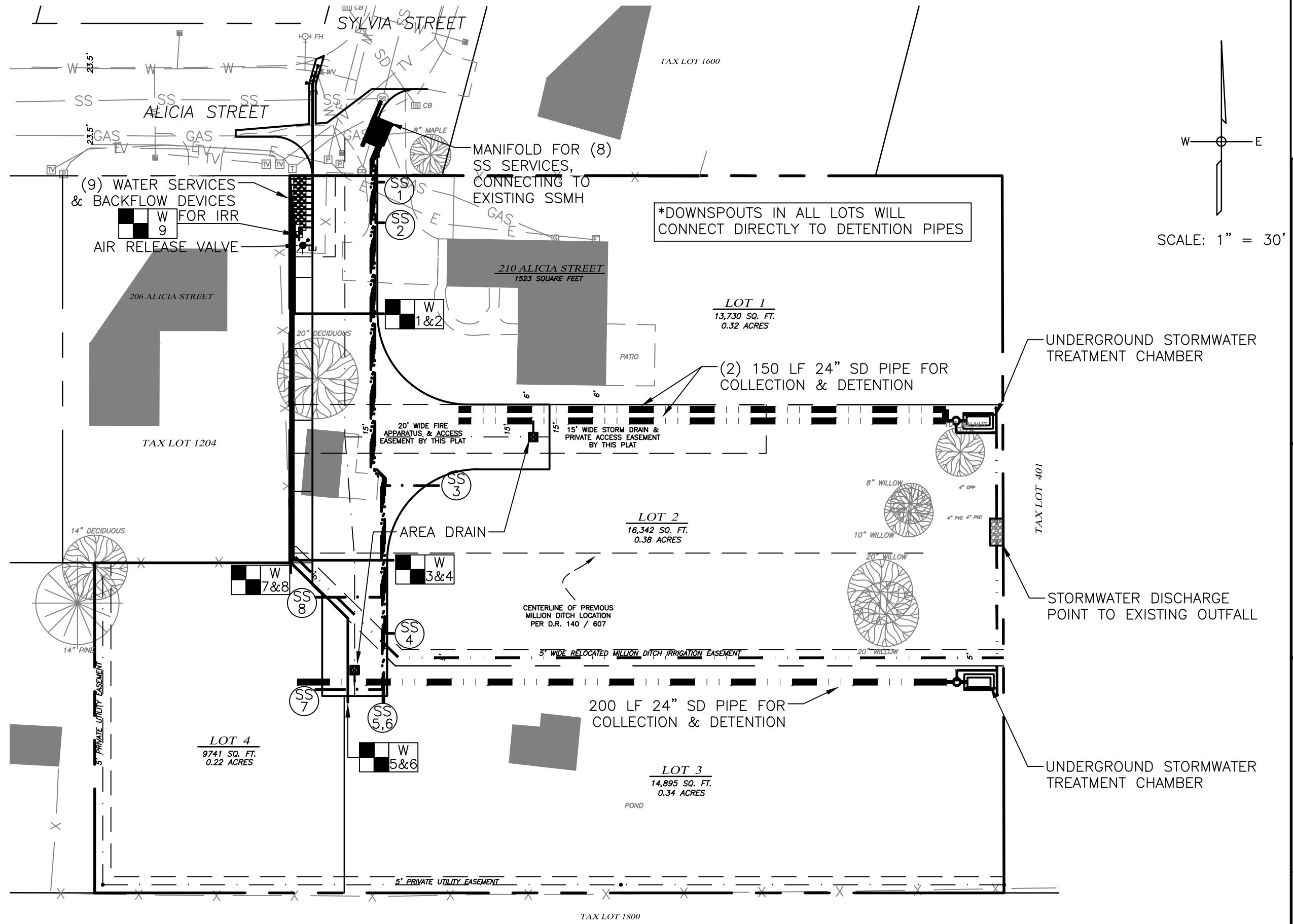


SCALE: 1" = 30'



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REGISTERED PROFESSIONAL ENGINEER  
 15,234  
*Scott D. Pingle*  
 OREGON  
 DEC. 7, 1990  
 SCOTT D. PINGLE  
 EXPIRES: 12-31-2024

**CIVIL & STRUCTURAL PLANNING**  
**KAS & Associates, Inc.**  
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PLANNING  
**PRELIMINARY UTILITY PLAN**

CITY OF ASHLAND  
 DRAWN BY: ASZ DATE: 7-12-19  
 CHECKED BY: SDP DATE: 7-12-19  
 APPROVED: DATE: DATE:  
**ADDERSON 6-LOT SUBDIVISION**  
 210 ALICIA STREET  
 ASHLAND, OR 94520

SHEET NO.  
**P3**