

PA- T2-2023-0046
210 Alicia – Performance Subdivision

PLANNING
COMMISSION
MAR 12, 2023

Application Request

The request is for approval of an Outline and Final Plan Approval of 5-lot subdivision. (four residential development lots and a common area lot)

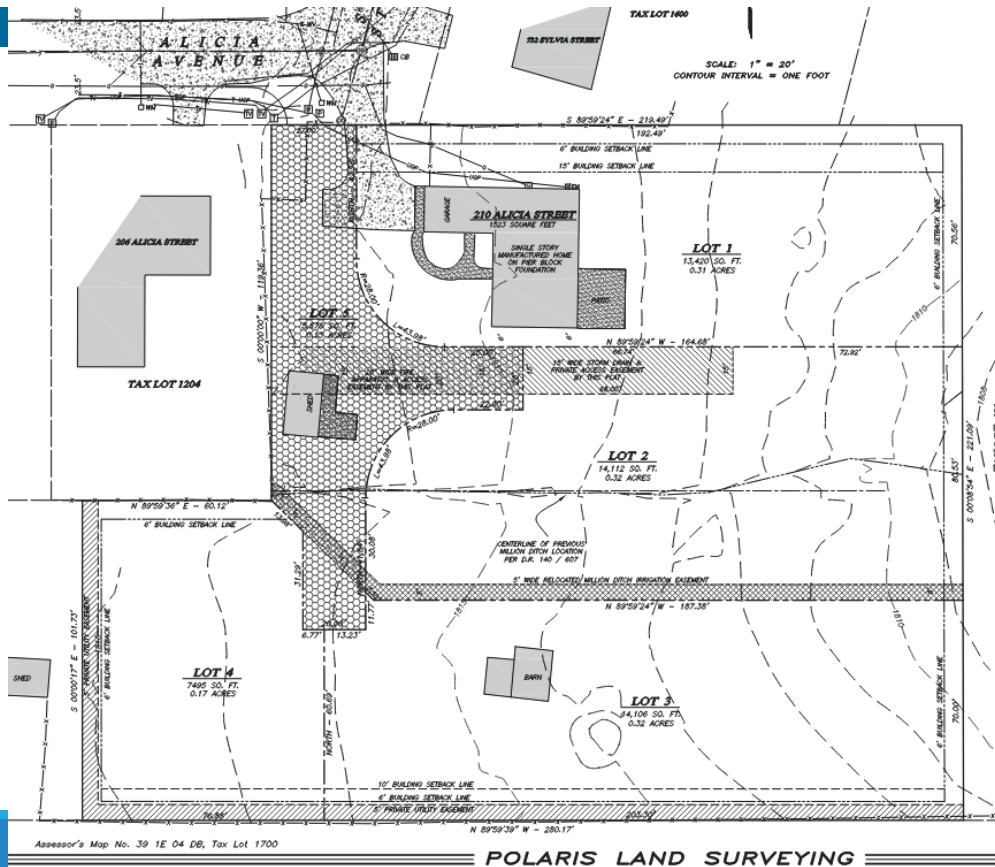
An exception to street standards & Variance to number of lots accessed by a private drive / relief from street dedication



Performance Standards Option

18.3.9.030: PSO-Overlay

B. Applicability. This chapter applies to properties located in the Performance Standards Option Overlay (PSO) as depicted on the Zoning Map. ***All developments in the PSO overlay, other than partitions and development of individual dwelling units, shall be processed under this chapter.*** The minimum number of dwelling units for a Performance Standards Subdivision within residential zoning districts is three.



Density Standards

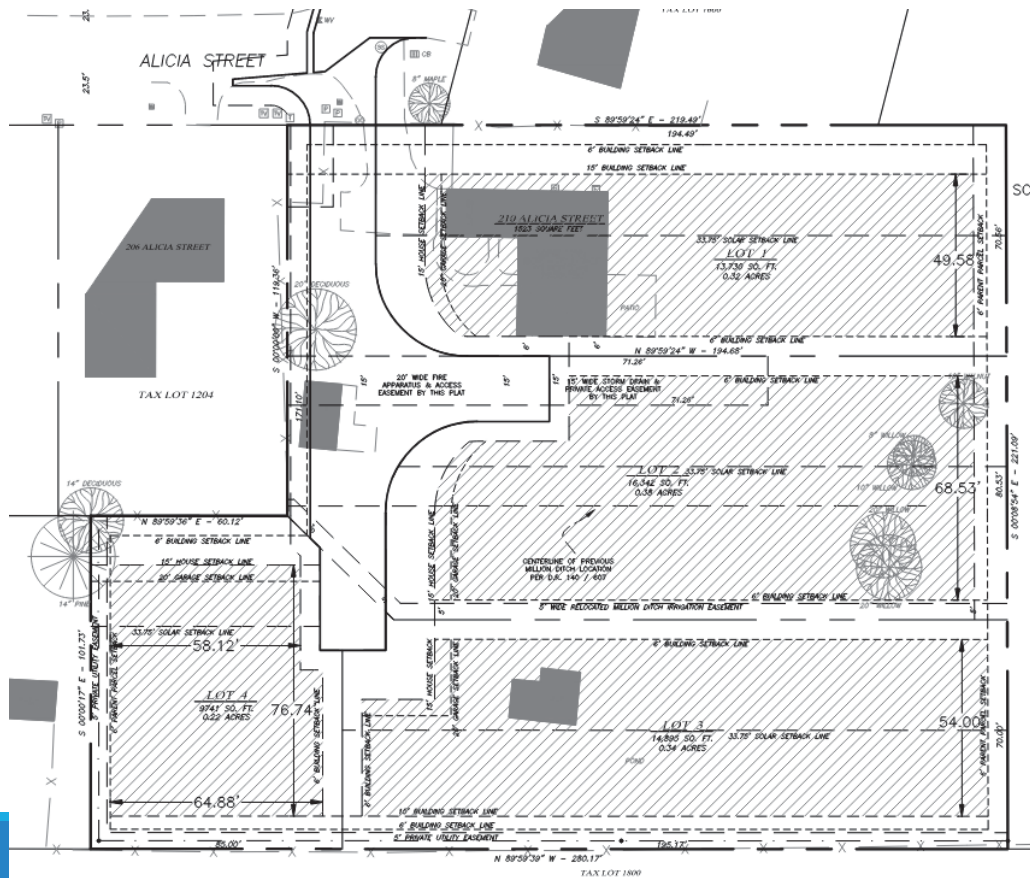
Lot size: 1.26 ac

R-1-5 @ 4.5 /ac (AMC 18.3.9.050.A.1)

Base Density: $4.26 \times 4.5 = 5.67$

No density bonuses proposed.

Proposed density is 4 lots.



Approval Criteria

- 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, 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.

3rd Criterion

“The natural features, such as wetlands, large trees, are included in unbuildable areas.”

- ❖ The wetland is artificially created / not subject to state regulations based on DSL Determination
- ❖ 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.
 - ❖ 18.6 does not provide a definition for “Large Tree” however all trees larger than 6” DBH are regulated.

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Artificial Wetland / DSL delineation 2020 Approval

2. Possible Wetlands. For wetlands not classified as Locally Significant on the Water Resources map, 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 as illustrated in Figure [18.3.11.040.B.2](#). Possible Wetlands includes all areas designated as such on the Water Resources map **and any unmapped wetlands discovered on site**. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection [18.3.11.100.A.3](#). An average buffer width of 20 feet may be utilized around the perimeter of a possible wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured.

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Artificial
Wetland / DSL
delineation
2020 Approval

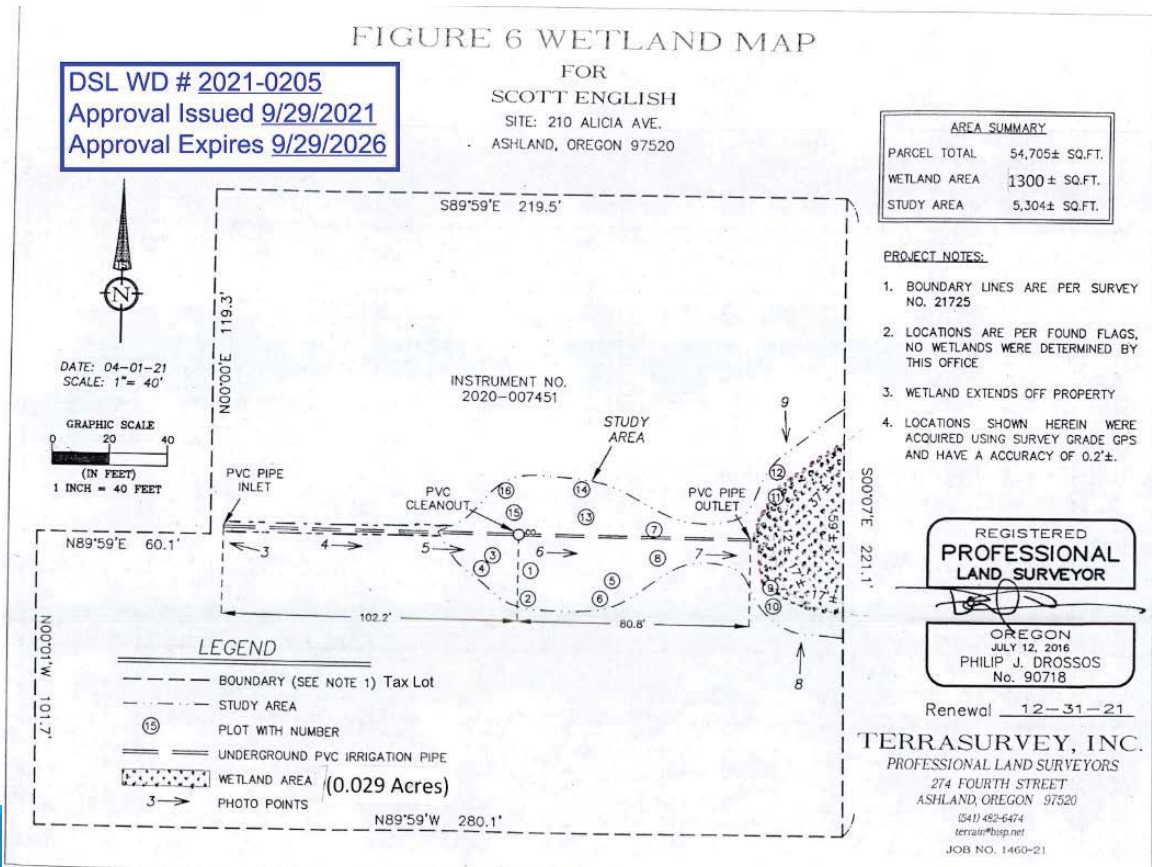
“The Planning Commission finds that if the possible *wetland is found to be jurisdictional by DSL*, an area extending 20 foot beyond its upland edge would be required to be protected within a Water Resource Protection Zone (WRPZ) as provided in AMC 18.3.11.”

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Artificial
Wetland / DSL
delineation
WD#2021-0205

Within the study area, 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.

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To apply AMC 18.3.11?

IN FAVOR

- The DSL makes clear that other local regulations may apply.
- There is no language found in the Land Use Ordinance that supports the conclusion that if DSL determines the wetland is exempt from state law that local regulations should similarly be exempt.
- The wetland is providing habitat and other eco systems services

AGAINST

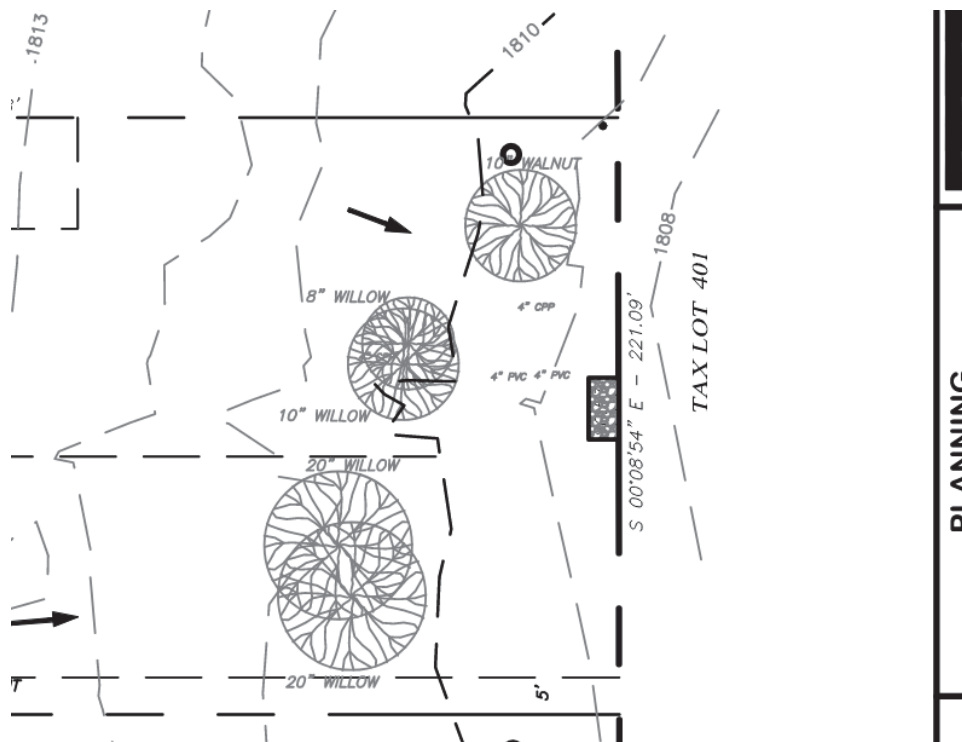
- The wetland was in fact artificially created and fed by irrigation water.
- The applicant has made clear that they intend to pipe the water to the adjacent property.
- It is beyond the authority of The Planning Commission to make a condition of approval requiring the continued provision of irrigation water to support the artificial wetland.

Artificial Wetland / DSL delineation

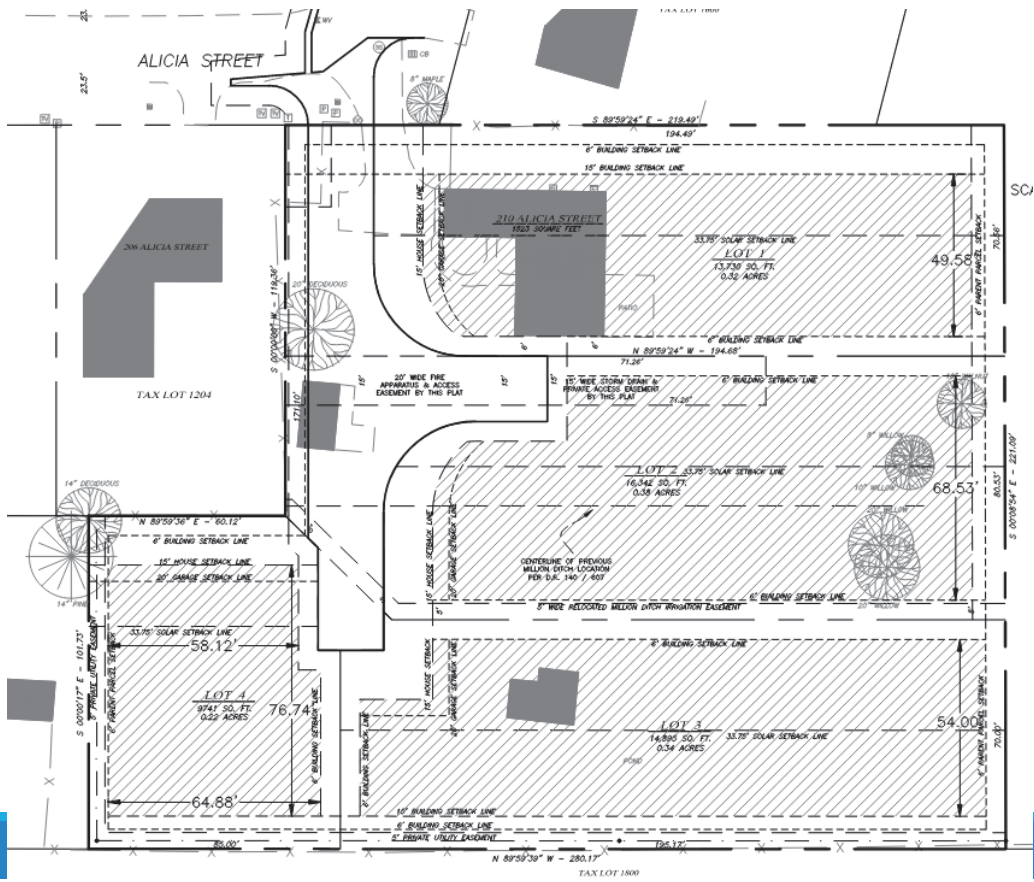
...in the final analysis staff recognizes that the wetland here is supported by an artificial water source which the applicant intends to cut-off, and given that that source is governed by the Water Master and irrigation district/users group, the Commission could not require that water be maintained 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.

[Staff report – bottom page 5]

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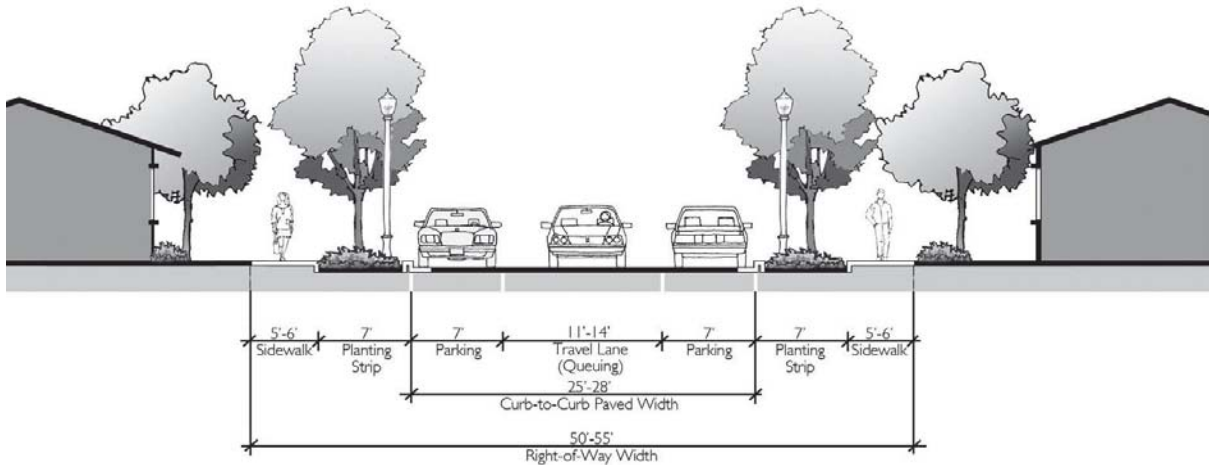


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7th criterion

“The development complies with the street standards.”



Street Standards Exception / Variance

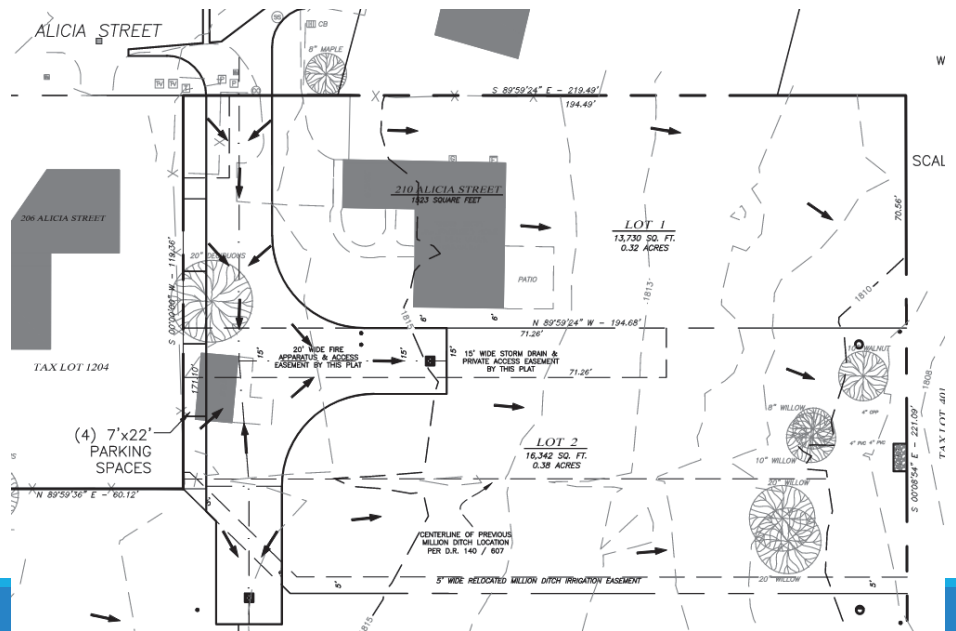
City standards envision six- to six-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb, seven-foot parking bays, and eleven- to fourteen total travel lane.

The city-standard cross-section includes a total right-of-way width of 50-55 feet although the existing right-of-way is only 47 feet.

Subdivisions of four or more are typically required to dedicate a public street. The application includes a request for a variance to allow four lots access off of a private drive.



Tree Removal



Staff Recommendation

Staff recommend approval of Outline and Final plan along with the requested exception to street standards, a variance to the number of lots accessed from a private drive, and the removal of a one significant tree.



Questions?

Approval Criteria for Outline Plan

- 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.

Approval Criteria for Final Plan

- 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.

Approval Criteria for Exception to 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.

Approval Criteria for Variance

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.

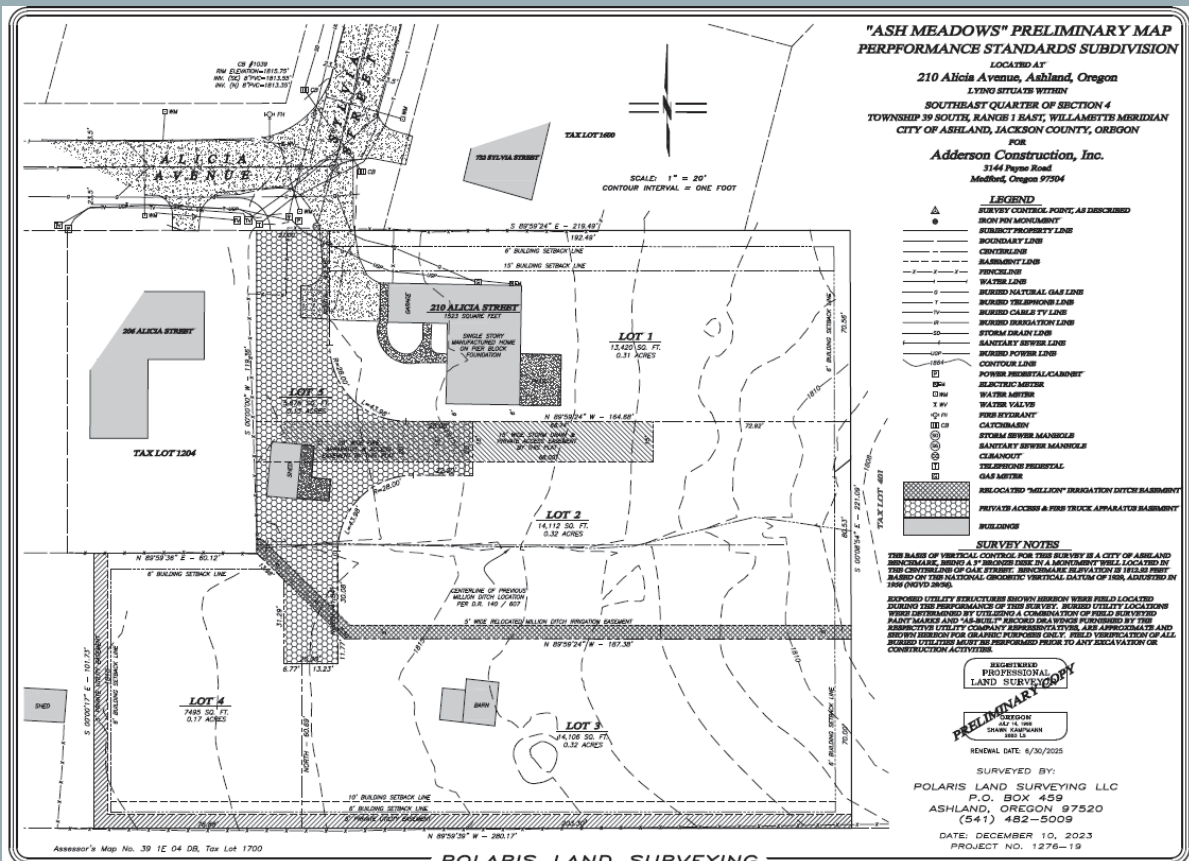
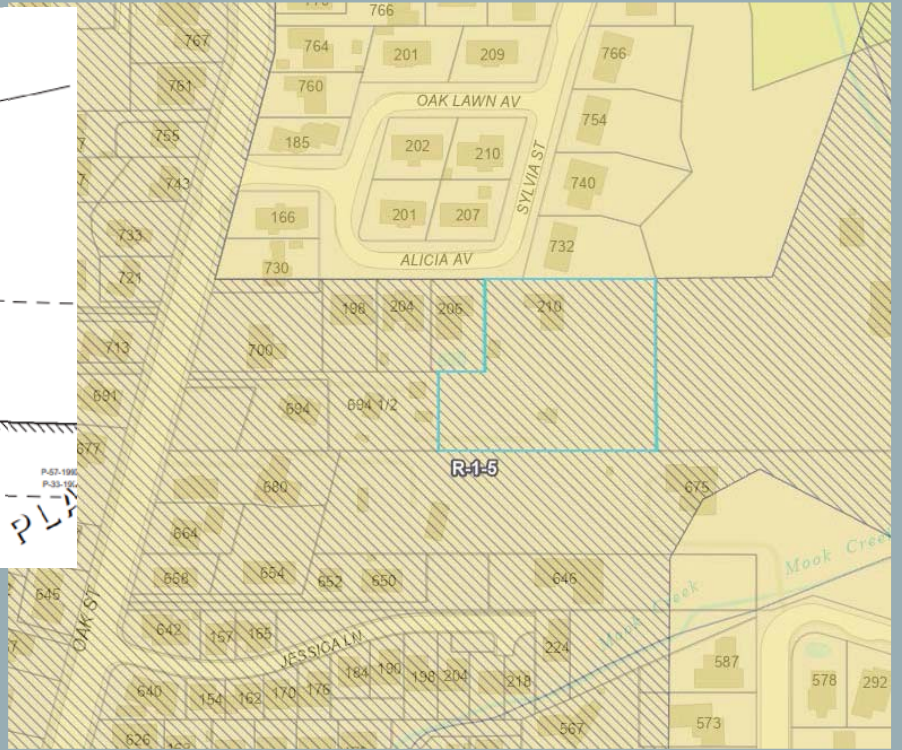
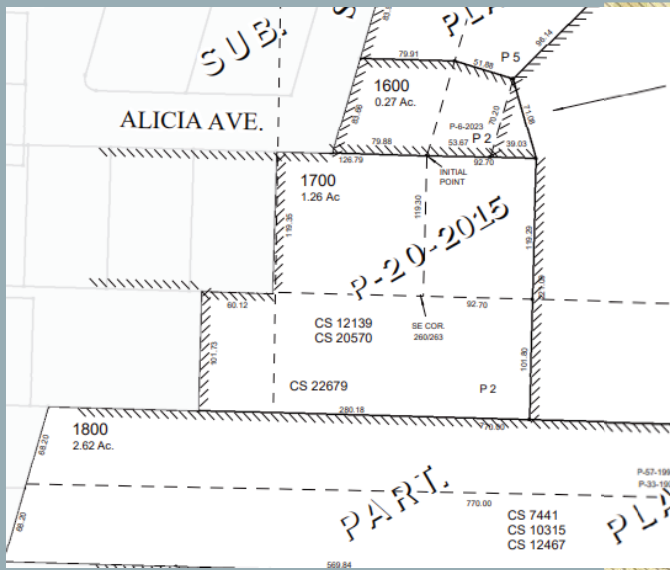
Approval Criteria for Tree Removal

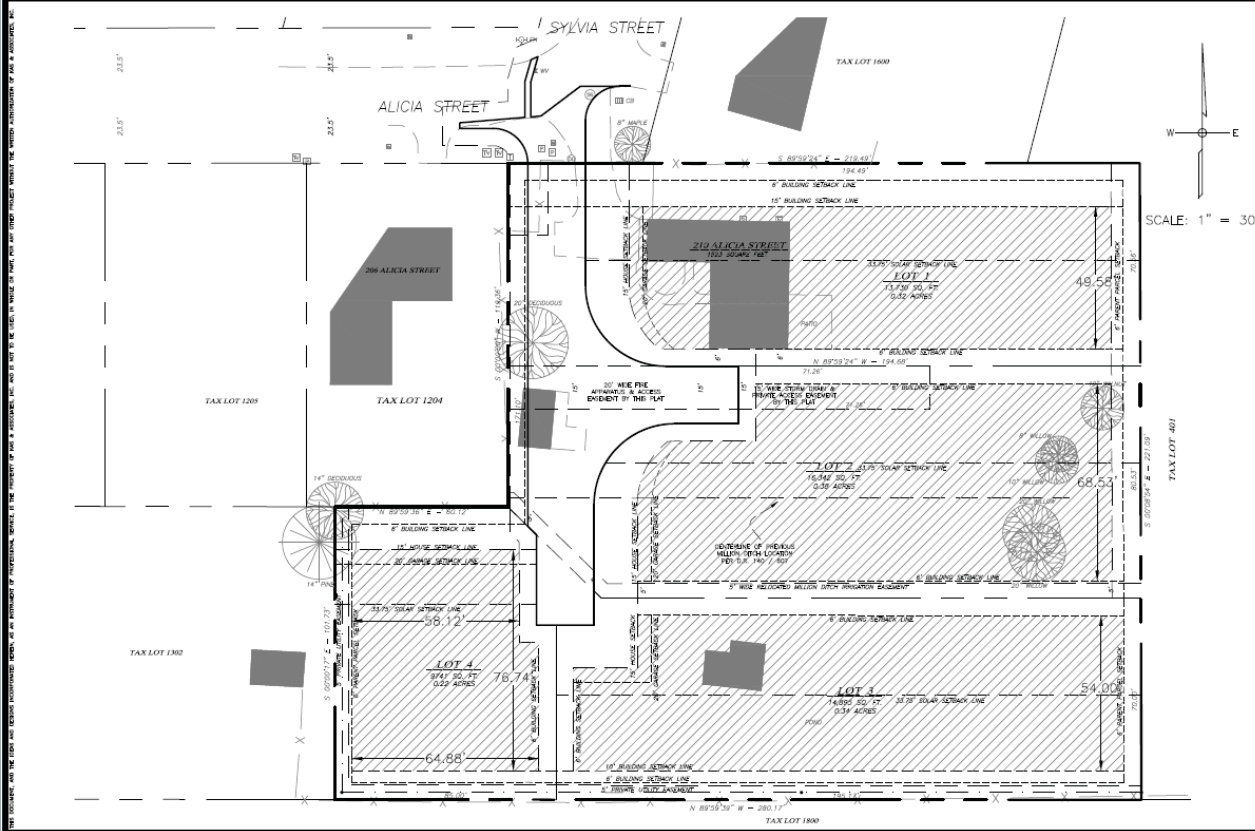
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order 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.

REQUEST FOR OUTLINE & FINAL PLAN
APPROVAL
5 LOT RESIDENTIAL SUBDIVISION

210 ALICIA STREET
39 1E 04DB: Tax Lots: 1700





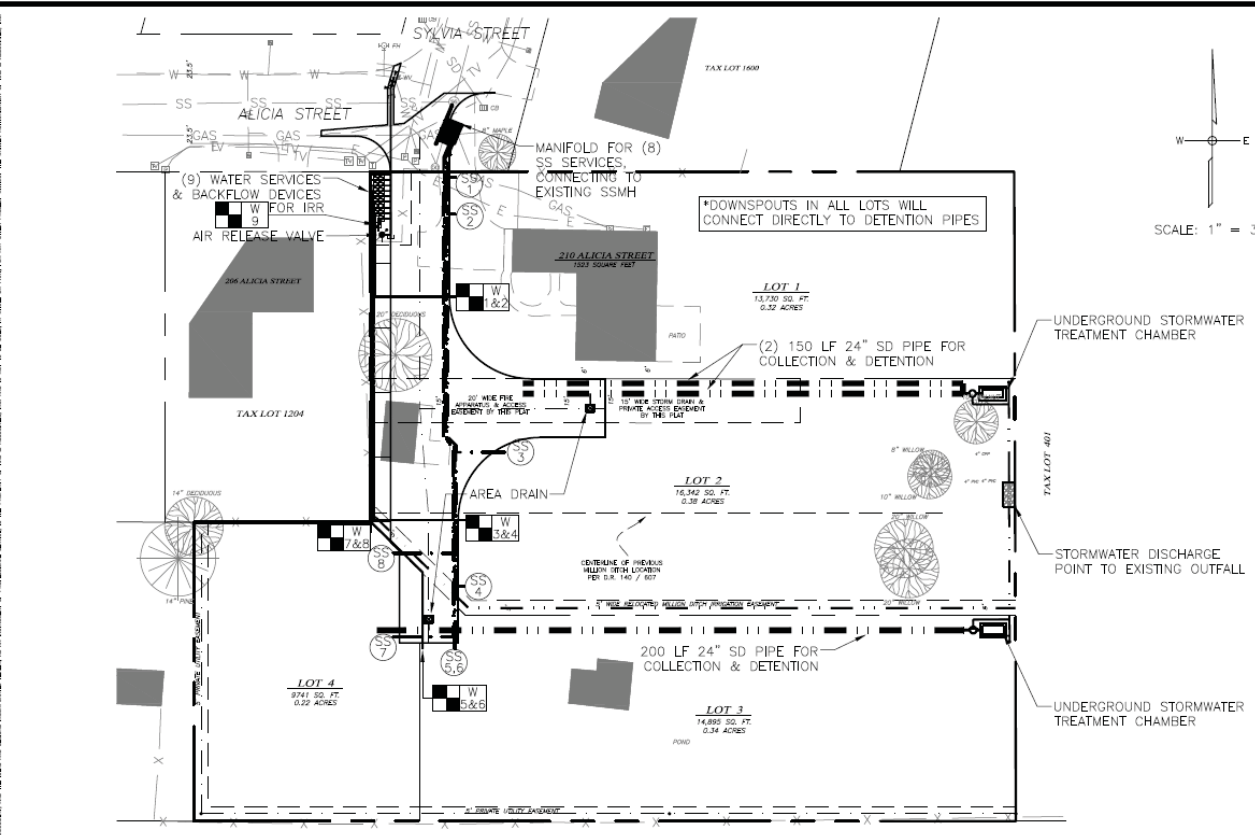


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 Ph: (541) 752-8887
 kas@kasinc.com • www.kasinc.com

PLANNING
 SETBACKS & BUILDING ENVELOPE

CITY OF ASHLAND
 ADDRESSOR 6-LOT SUBDIVISION
 210 ALICIA STREET
 ASHLAND, OR 94520

SHEET NO. **P1**



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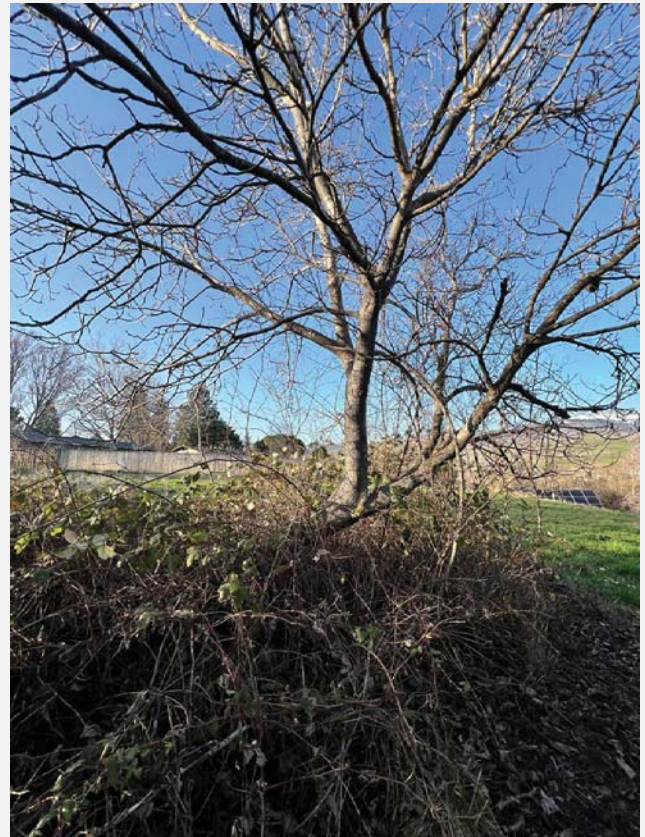
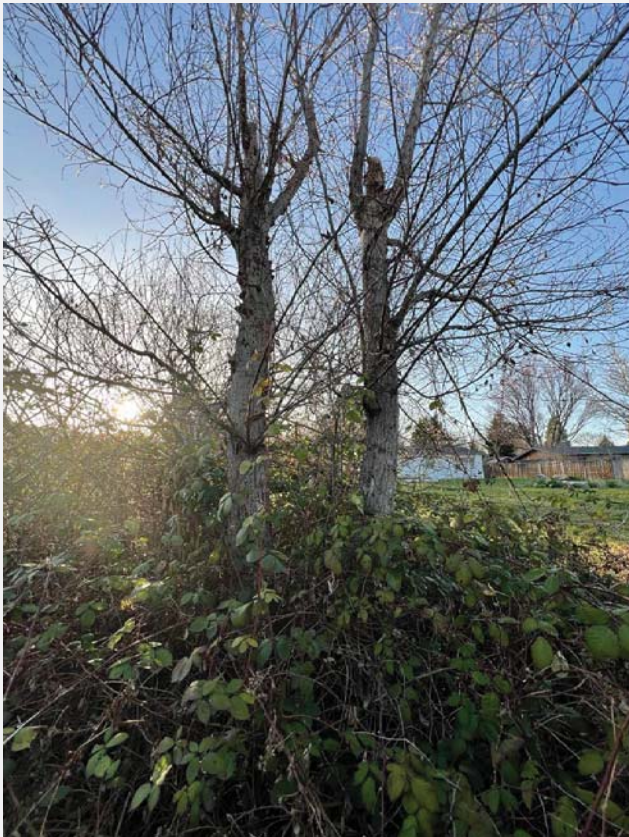
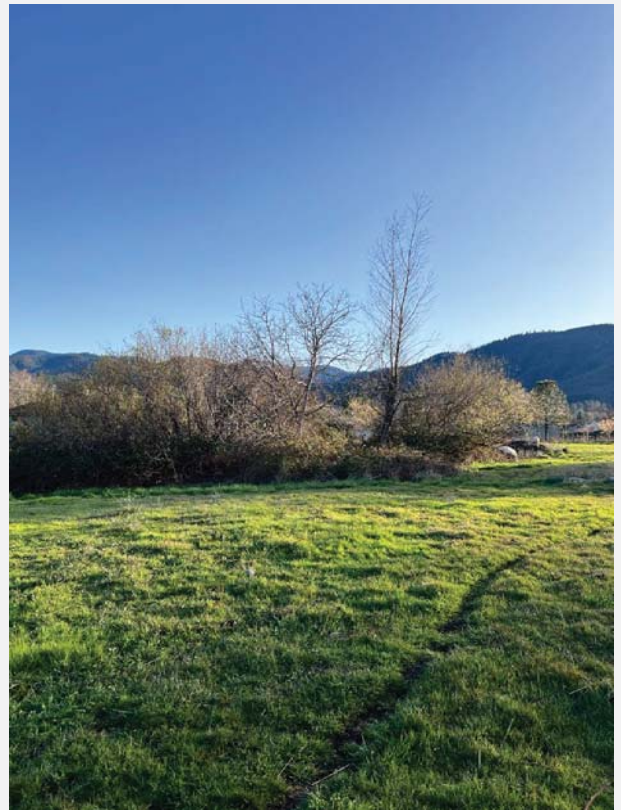
PLANNING
 PRELIMINARY UTILITY PLAN

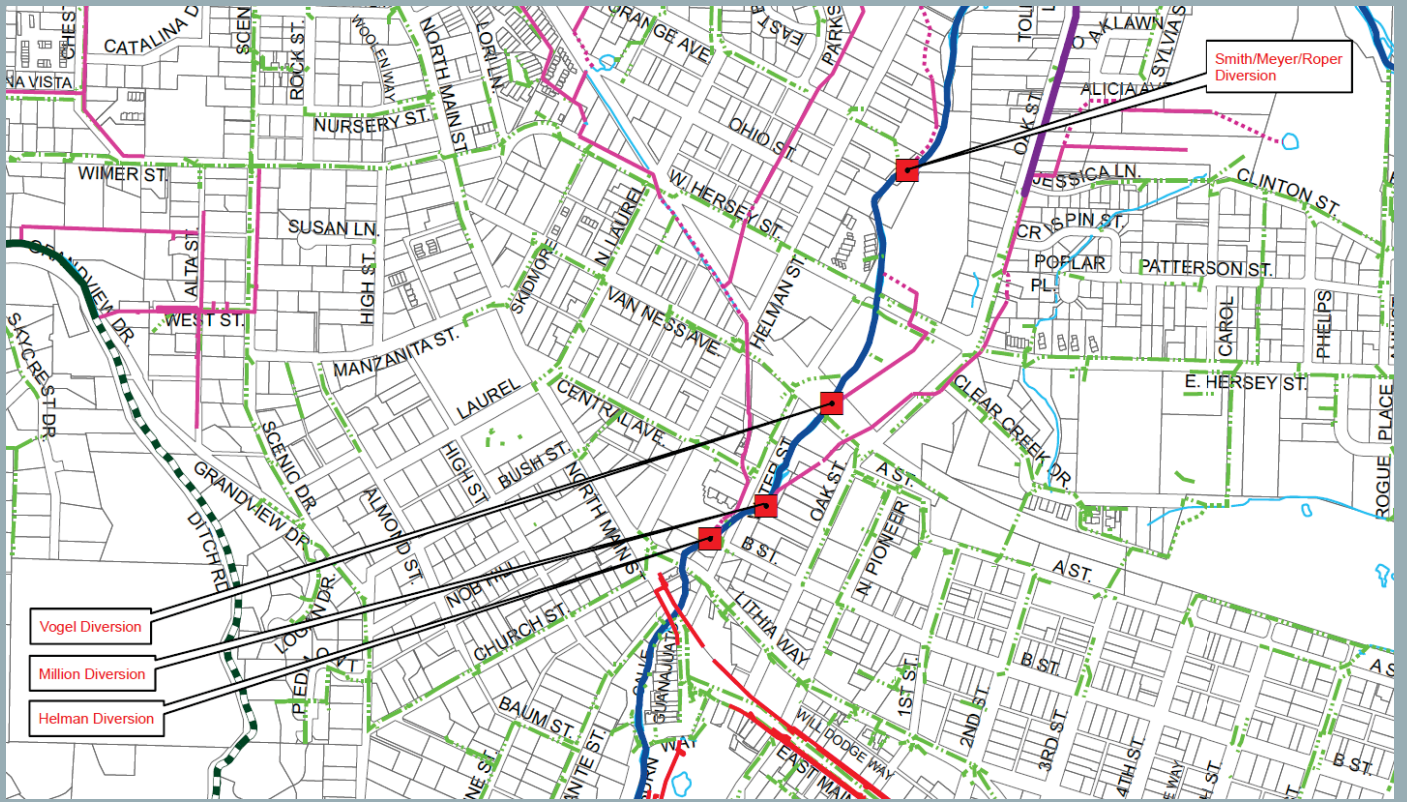
CITY OF ASHLAND
 ADDRESSOR 6-LOT SUBDIVISION
 210 ALICIA STREET
 ASHLAND, OR 94520

SHEET NO. **P3**

PERFORMANCE STANDARDS SUBDIVISION

18.3.9.040.A.3.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.





CONCLUSION

- The proposal complies with the criteria for a Performance Standards Subdivision.
- All proposed lot area and dimensions exceed the minimum lot size in the R-1-5-P zone.
- The proposed private driveway is an acceptable access for the four lots and the need for the variance to not install a public street is consistent with the approval criteria.
- Proposed development provides needed housing.
- Comprehensive Plan Goals and Policies met
 - Housing Element
 - Public Services
 - Urbanization