

Council Business Meeting

April 16, 2019

Agenda Item	476 N. Laurel St. Appeal	
From	Bill Molnar Derek Severson	Director of Community Development Senior Planner
Contact	Bill.molnar@ashland.or.us Derek.severson@ashland.or.us	(541) 552-2042 (541) 552-2040

SUMMARY

Consideration of an appeal of the Planning Commission’s March 12, 2019 approval of a request for Outline Plan subdivision and Site Design Review approvals to construct a 12-unit cottage housing for the property located at 476 North Laurel Street.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan:

Element VI – Housing. Goal 6.10 of the Housing Element is “*Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.*”

PREVIOUS COUNCIL ACTION

Not Applicable

BACKGROUND AND ADDITIONAL INFORMATION

Original Request

The original application was a request for Outline Plan subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development located at 476 North Laurel Street. The application included requests for an Exception to the Street Standards to allow either installation of a curbside sidewalk or reduction of the required parkrow width to 3.7 feet on the Mountain View Drive frontage of 478 North Laurel Street; a Tree Removal Permit to remove two significant trees: a 12-inch diameter at breast height (dbh) Apple tree and a 12-inch dbh Walnut tree; and a Demolition Review Permit to demolish the existing home and two accessory buildings.

Planning Commission Decision

The Planning Commission approved the application subject to seven conditions. That approval included allowing the reduction in required parkrow width to 3.7 feet on the Mountain View Drive frontage of 478 North Laurel Street rather than allowing a curbside sidewalk.

Appeal Request

Subsequent to the mailing of the Planning Commission’s adopted findings, an appeal was timely filed by neighbors Patricia Potter and Gregory A. Clevenger, both of whom received notice of the original application, and participated in the Planning Commission hearing by providing oral and written testimony. This appeal will be processed on the record according to AMC 18.5.1.060.I. The grounds for the appeal as identified in the notice of appeal are:

- 1) The Planning Commission erred in dismissing concerns submitted by residents of the ‘established neighborhood’ who contend that on-street parking and traffic would result in Mountain View Drive becoming a queuing lane that would compromise the purpose and intent of the Cottage Housing ordinance (AMC 18.2.3.090.A), which seeks to ensure compatibility with established neighborhoods;

- 2) The Planning Commission erred in approving the proposed development according to AMC Table 18.4.3.060 (Parking Management Strategies) and AMC Table 18.5.2.050.E. Parking bays have been requested and are considered of great importance by neighbors, who contend that parking bays comply with street standards and do not widen the street as a whole, as maintained by the Planning Commission;
- 3) The Planning Commission erred in approving the proposed development because subdivisions in Wildfire Hazard Areas require a Fire Prevention & Control Plan be submitted and none was submitted here. Appellants further contend that the proposal would create a new and inadequate traffic pattern for Mountain View Drive so as to slow traffic during a wildfire evacuation and at all times;
- 4) The Planning Commission erred in approving a project that did not follow procedural requirements in that the applicants held one meeting with a minimum number of neighbors and the neighborhood's traffic concerns have not been addressed; and
- 5) The private traffic study presented by the applicant should not have been accepted by the Planning Commission because it is flawed and incomplete in that it fails to show what the impacts of slowing traffic will be on residents and neighbors, especially during a wildfire evacuation; and fails to address or evaluate the substantially increased street patterns and traffic coming with the development of the Reynolds property. Further, the Planning Commission erred in approving the application without asking Public Works/Engineering Department to require a TIA (Traffic Impact Analysis).

This appeal on the record is limited to these five grounds for appeal which were clearly and distinctly identified in the appeal request.

Considering the Grounds for Appeal

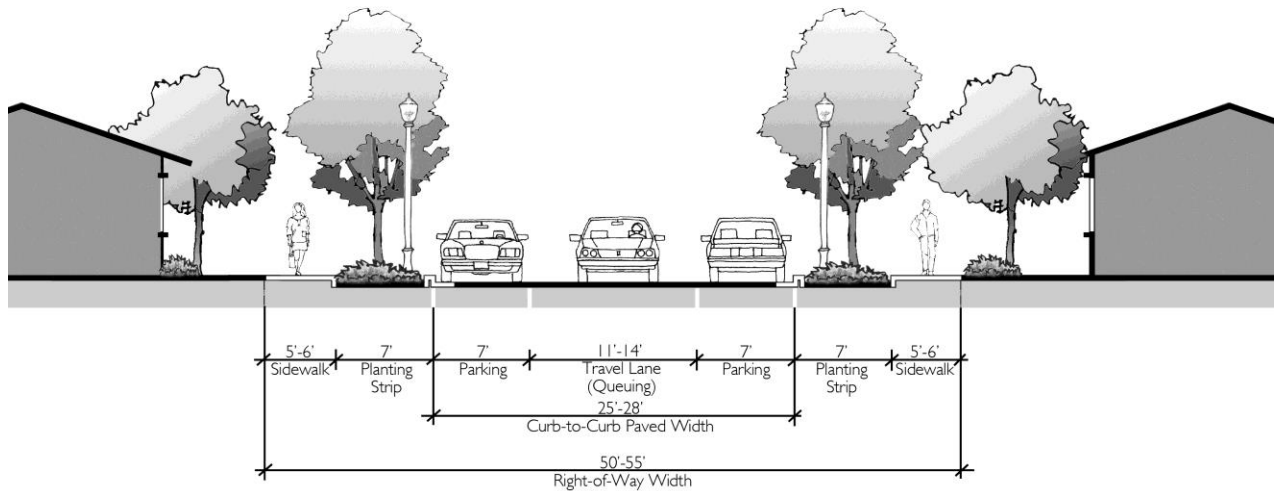
- 1) **The Planning Commission erred in dismissing concerns submitted by residents of the 'established neighborhood' who contend that on-street parking and traffic would result in Mountain View Drive becoming a queuing lane that would compromise the purpose and intent of the Cottage Housing ordinance (AMC 18.2.3.090.A), which seeks to ensure compatibility with established neighborhoods;**

In considering the parking requirements for the application, the Planning Commission found, *"that the proposal meets the off-street parking requirements of AMC 18.4.3.040, providing 12 spaces for the 12 cottages in a single, consolidated parking area. Parking is to be provided in carports on each side of the drive aisle. **Additional on-street parking exists, with five spaces along the property's Mountain View Drive frontage, three spaces along its Laurel Street frontage, and four spaces along the Laurel Street frontage proposed to be improved adjacent to 478 North Laurel Street, however the proposal fully addresses the required parking on-site, and no on-street parking credits are required or requested** [Planning Commission March 12, 2019 Findings, page 17-18, emphasis added]."* As illustrated below and in AMC 18.4.6.040.G.4.a. the street standards for a residential neighborhood street of Mountain View Drive's width envision that on-street parking can be accommodated. However, the application meets the parking requirement entirely on-site, and does not rely on the Planning Commission considering any on-street credits, and the street width is consistent with the city street standards illustrated later in this section.

With regard to traffic issues, while the application as proposed did not reach the threshold levels to require a Traffic Impact Analysis (TIA), the applicant nonetheless provided a review prepared by a registered professional engineer, Alexander T. Georgevitch which concluded, *“that the proposed development is likely to generate approximately 88 average daily trips with eight p.m. peak hour trips and six a.m. peak hour trips. He further notes that if the entire surrounding neighborhood east of the development were to rely exclusively on Mountain View Drive, there would be a total of 475 daily trips with 48 p.m. peak hour trips and 35 a.m. peak hour trips, which is well below the 1,500 average daily trips considered in the design assumptions for a residential neighborhood street in the city’s street standards. Georgevitch concludes that the volume of trips to be generated by the proposal is very low and does not warrant a full traffic impact analysis. He notes that the site is well-served by multi-modal facilities, with sidewalks either already in place or to be built in conjunction with the development, on all frontages and continuing to downtown, shopping, schools and the transit corridor serving Ashland and the rest of the Rogue Valley. He further emphasizes that traffic along Mountain View Drive will not be adversely impacted by the development, and that even if all homes east of the development were to rely on Mountain View it would still operate safely and be well within the range of daily trips considered in the street design standards [Planning Commission March 12, 2019 Findings, page 12.]”*

With regard to Mountain View Drive becoming a queuing lane, *“Mountain View Drive is a residential neighborhood street, and city standards envision five-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb and seven-foot parking bays on each side, with an 11- to 14-foot queuing travel lane. The city standard cross-section includes a 25- to 28-foot curb-to-curb paved width in a 50- to 55-foot right-of-way. The existing improvements consist of paving, curb, gutter, and curbside sidewalks on the north side, with no sidewalks or parkrows on the south (i.e. applicant’s) side. The existing right-of-way width varies from 47- to 50-feet and the paved curb-to-curb width is 27-feet 8-inches [Planning Commission March 12, 2019 Findings, page 14].”*

City street standards as illustrated in AMC 18.4.6.040.G.4.a. (see below) call for a queuing travel lane, and this is the configuration *now* in place on Mountain View Drive. The existing curb-to-curb paved width is 27-feet 8-inches, and there is on-street parking allowed along the curb on both sides. The current proposal is not causing the street to become a queuing lane; the applicant will install parkrow planting strips and sidewalks along the south side of the street, but the curb-to-curb width already exists as illustrated below, consistent with street standards, and is not proposed to be changed with the current application.



The Planning Commission found that *“the purpose and intent statement in AMC 18.2.3.090.A, ‘to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods’ is not a specific approval criterion but rather the legislative rationale for adopting the chapter, and further finds that the standards detailed were intended to achieve compatibility with established neighborhoods by allowing a greater number of smaller, well-designed units rather than requiring units be of a comparable size to surrounding homes for the sake of compatibility [Planning Commission March 12, 2019 Findings, page 18].”*

In staff’s assessment of the first ground for appeal, the Planning Commission did not dismiss concerns raised by neighbors as suggested by the appellants, but rather considered these concerns against evidence provided within the whole record in light of applicable approval criteria. In terms of concerns over on-street parking, the existing street width is sufficient according to the applicable street standards to accommodate on-street parking on both sides, however the application does not propose to rely on any on-street parking credits in requesting approval. With regard to traffic concerns, the project does not reach an intensity level to require a full transportation impact analysis, however a report prepared by a licensed professional engineer was nonetheless provided with the application and concluded that *“traffic along Mountain View Drive will not be adversely impacted by the development, and that even if all homes east of the development were to rely on Mountain View it would still operate safely and be well within the range of daily trips considered in the street design standards.”* The Planning Commission also specifically considered the purpose and intent statement of the chapter, finding that it was a statement of legislative intent rather than a specific approval criterion, but also noting that in their view the standards were intended to achieve compatibility with established neighborhoods by allowing a greater number of smaller, well-designed units. Staff would recommend that the Council deny this first appeal issue and uphold the Planning Commission’s decision.

- 2) **The Planning Commission erred in approving the proposed development according to AMC Table 18.4.3.060 (Parking Management Strategies) and AMC Table 18.5.2.050.E. Parking bays have been requested and are considered of great importance by neighbors, who contend that parking bays comply with street standards and do not widen the street as a whole, as maintained by the Planning Commission;**

In speaking to ways that the off-street parking requirement for a development may be reduced through the use of credits for on-street parking, alternative vehicle parking, mixed use development or joint use of facilities, off-site shared parking, development of a transportation demand management plan, or the development of transit facilities, AMC 18.4.3.060 “Parking Management Strategies” provides that, “*off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and may require a parking analysis prepared by a qualified professional.*” In considering the parking requirements for the application, the Planning Commission found, “*that the proposal meets the off-street parking requirements of AMC 18.4.3.040, providing 12 spaces for the 12 cottages in a single, consolidated parking area. Parking is to be provided in carports on each side of the drive aisle. **Additional on-street parking exists, with five spaces along the property’s Mountain View Drive frontage, three spaces along its Laurel Street frontage, and four spaces along the Laurel Street frontage proposed to be improved adjacent to 478 North Laurel Street, however the proposal fully addresses the required parking on-site, and no on-street parking credits are required or requested*** [Planning Commission March 12, 2019 Findings, page 17-18, emphasis added].”

With regard to AMC Table 18.5.2.050.E, there is no table in the section cited. AMC 18.5.2.050.E refers to the Site Design Review Approval Criteria for an Exception to the Site Development and Design Standards. The application did not request an Exception to the Site Development and Design Standards, and with regard to AMC 18.5.2.050.E, the Planning Commission found, “*that the proposal does not include any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply* [Planning Commission March 12, 2019 Findings, page 16].”

In considering the neighbors’ requests for parking bays, which would extend into areas currently proposed for parkrow planting strips, the Planning Commission found:

The Commission finds that the existing right-of-way width is consistent with the street standards, and that the width and presence of parkrows serve to provide neighborhood traffic calming. The Commission further finds that the city’s Street Standards seek a residential neighborhood street design that functions safely while reducing the need for extensive traffic regulations, control devices, and enforcement. This is achieved by minimizing the paved width of neighborhood streets, and is consistent with efforts to reduce street construction and maintenance costs, storm water runoff, and negative environmental impacts, and is in keeping with Comprehensive Plan Policy 10.09.02.5 which seeks to, “Reduce excessive street pavement width in order to facilitate convenient pedestrian and bicycle circulation, to reduce the costs of construction, to provide for more efficient use of land and to

discourage excessive traffic volumes and speeds.” [Planning Commission Findings, March 12, 2019, Page 14.]

As noted above, the application did not request nor did the Planning Commission approve any credits to reduce the off-street parking requirements through the available parking management strategies of AMC 18.4.3.060. Cottage housing units less than 800 square feet in area require 1 off-street space per unit, and one space is proposed for each of the 12 units proposed here. While the application notes that there is street frontage available to accommodate on-street parking, no credits were requested and none were approved by the Planning Commission. Similarly, there were no Exceptions to the Site Development and Design Standards requested or approved. The Planning Commission did consider neighbor’s requests that on-street parking bays be added to the streetscape but determined that the existing street widths met city street standards and served to provide a measure of traffic calming in keeping with the city’s street standards and Comprehensive Plan. As such, staff would recommend that the Council reject this second appeal issue and uphold the Planning Commission’s decision.

3) The Planning Commission erred in approving the proposed development because subdivisions in Wildfire Hazard Areas require a Fire Prevention & Control Plan be submitted and none was submitted here. Appellants further contend that the proposal would create a new and inadequate traffic pattern for Mountain View Drive so as to slow traffic during a wildfire evacuation and at all times;

AMC 18.3.10.100 “Development Standards for Wildfire Lands” requires that, “A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, land partition, Commercial Site Design Review increasing a building’s footprint by 200 square feet or greater, or Residential Site Design Review for developments of three units or greater (AMC 18.3.10.100.A.1).” In this instance, the project is both an outline plan approval of a Performance Standards Development and a Residential Site Design Review for development of three units or greater, and as such a Fire Prevention and Control Plan is required. As detailed in AMC 18.3.10.100.A.2, this plan is to identify:

- a. *The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.*
- b. *The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property.*
- c. *The location and dimensions of all structures upon adjoining properties located within 30 feet of a shared property line.*
- d. *The location of all existing and proposed fire hydrants.*
- e. *Site contours showing two foot intervals detailing elevation and slope.*
- f. *A tree and vegetation management plan showing:*
 - i. *Areas where shrubs and bushes will be removed including a description of the species and size,*
 - ii. *Areas where trees will be removed to reduce interlocking tree canopies including a description of the species and diameter at breast height (DBH),*
 - iii. *New trees, shrubs and bushes to be planted including the species, location and size at maturity,*
 - iv. *Significant trees to be retained.*

- g. *The location of and information addressing required General Fuel Modification Area setback areas as described in subsection 18.3.10.100.B.*
- h. *A schedule and timetable for vegetation removal and thinning shall be included in the Fire Prevention and Control Plan. An exception to the implementation schedule may be granted by the Fire Code Official.*

The Land Use Ordinance also provides that, “*The Staff Advisor may waive a plan submittal requirement if the Staff Advisor determines it is not reasonably necessary in order to make a decision on the application (AMC 18.3.10.100.A.2).*”

As detailed in AMC 18.3.10.100.A.3, the hearing authority in consultation with the Fire Code Official, shall approve the Fire Prevention and Control Plan upon demonstration of compliance with the standards required by this chapter. In order to meet the purpose and standards of this chapter the hearing authority, in consultation with the Fire Code Official, may require the following through the imposition of conditions attached to the approval:

- i. *Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.*
- ii. *Clearing of sufficient vegetation to reduce fuel load.*
- iii. *Removal of all dead and dying trees.*
- iv. *Relocation of proposed structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.*
- v. *Preservation or planting a sufficient number of trees and plants for erosion prevention and enhancement of water resources,*

In a January 15, 2019 memorandum submitted to the record by Planning staff, it was noted that the Fire Marshal had indicated, “*that two routes are available to provide fire protection to the site via existing, improved public streets, and he sees no obvious “red flag” issues which pose significant concerns with the proposal.*” In that memo, Planning staff recommended that a condition be adopted deferring the required Fire Prevention and Control Plan:

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

This condition was attached as #6L to the Planning Commission’s March 12, 2019 approval of the application [**Planning Commission March 12, 2019 Findings, page 24**].

With regard to the “new, inadequate traffic pattern for Mountain View Drive” which the appellants assert would slow traffic during a wildfire evacuation, staff would note that there is no change to the configuration of Mountain View Drive with the proposal; both the curb to curb width and allowance for on-street parking along the curb remain unchanged with the approval of the application. In considered fire protection among the

adequate key city facilities required for any Outline Plan approval, the Planning Commission noted, *“Existing fire hydrants are in place at the southwest corner of the subject property, along North Laurel Street, and at the northeast corner of the site, across Mountain View Drive. The Fire Marshal has noted that he will review the civil drawings and building permit submittals for compliance with fire codes relative to water supply and fire apparatus access, but he has further indicated that there are two routes available to provide fire protection to the site via existing, improved public streets and he sees no obvious red flag issues which would pose significant concerns with the proposal. Based on comments from the Fire Marshal, a condition has been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the Final Plan application submittal [Planning Commission March 12, 2019 Findings, page 11-12].”*

In addition, while the application as proposed did not reach the threshold levels to require a Traffic Impact Analysis (TIA), the applicant nonetheless provided a review prepared by a registered professional engineer, Alexander T. Georgevitch which concluded, *“that the proposed development is likely to generate approximately 88 average daily trips with eight p.m. peak hour trips and six a.m. peak hour trips. He further notes that if the entire surrounding neighborhood east of the development were to rely exclusively on Mountain View Drive, there would be a total of 475 daily trips with 48 p.m. peak hour trips and 35 a.m. peak hour trips, which is well below the 1,500 average daily trips considered in the design assumptions for a residential neighborhood street in the city’s street standards. Georgevitch concludes that the volume of trips to be generated by the proposal is very low and does not warrant a full traffic impact analysis. He notes that the site is well-served by multi-modal facilities, with sidewalks either already in place or to be built in conjunction with the development, on all frontages and continuing to downtown, shopping, schools and the transit corridor serving Ashland and the rest of the Rogue Valley. He further emphasizes that traffic along Mountain View Drive will not be adversely impacted by the development, and that even if all homes east of the development were to rely on Mountain View it would still operate safely and be well within the range of daily trips considered in the street design standards [Planning Commission March 12, 2019 Findings, page 12.]”*

As such, the Planning Commission determined that *“adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development [Planning Commission March 12, 2019 Findings, page 12,]”*

and *“that the existing right-of-way width is consistent with the street standards, and that the width and presence of parkrows serve to provide neighborhood traffic calming. The Commission further finds that the city’s Street Standards seek a residential neighborhood street design that functions safely while reducing the need for extensive traffic regulations, control devices, and enforcement. This is achieved by minimizing the paved width of neighborhood streets, and is consistent with efforts to reduce street construction and maintenance costs, storm water runoff, and negative environmental impacts, and is in keeping with Comprehensive Plan Policy 10.09.02.5 which seeks to, ‘Reduce excessive street pavement width in order to facilitate convenient pedestrian and bicycle circulation, to reduce the costs of construction, to provide for more efficient use of land and to*

discourage excessive traffic volumes and speeds.’ [Planning Commission March 12, 2019 Findings, page 14.]”

In staff’s assessment, the Planning Commission had sufficient evidence in the record to determine that the city street width met city street standards, could accommodate the anticipated traffic, and did not pose a concern for the Fire Marshal. As such, the Commission approved the proposal while allowing the Fire Prevention and Control Plan to be deferred until the Final Plan submittal, which would need to be approved before any work to develop the property could commence. Staff would recommend that the Council reject this appeal issue and uphold the Commission’s decision.

4) The Planning Commission erred in approving a project that did not follow procedural requirements in that the applicants held one meeting with a minimum number of neighbors and the neighborhood’s traffic concerns have not been addressed; and

The sentence cited by appellant Potter as a procedural requirement, that “*The staff recommends the applicant approach the affected neighbors to discuss proposals and try to address any concerns as early in the process as possible,*” is not a procedural requirement of the Land Use Ordinance. There is no requirement in the approval standards for Outline Plan and Site Design review which would require a neighborhood meeting. While not a requirement, page 12 of the applicant’s December 6, 2018 submittal notes under “Neighborhood Outreach” that the applicant met with neighbors to explain the proposal and the cottage housing ordinance requirements on November 17, 2018.

Appellant Potter’s appeal issue #4 further notes that “*there has been no attempt to address the neighborhood’s traffic concerns in any meaningful way and there has been no request by the applicant for an Exception to put in parking bays, which neighbors have continually requested and (which) would be of insignificant cost to the Applicant.*”

In considering the neighbors’ requests for parking bays, which would extend into areas currently proposed for parkrow planting strips, the Planning Commission found:

The Commission finds that the existing right-of-way width is consistent with the street standards, and that the width and presence of parkrows serve to provide neighborhood traffic calming. The Commission further finds that the city’s Street Standards seek a residential neighborhood street design that functions safely while reducing the need for extensive traffic regulations, control devices, and enforcement. This is achieved by minimizing the paved width of neighborhood streets, and is consistent with efforts to reduce street construction and maintenance costs, storm water runoff, and negative environmental impacts, and is in keeping with Comprehensive Plan Policy 10.09.02.5 which seeks to, “Reduce excessive street pavement width in order to facilitate convenient pedestrian and bicycle circulation, to reduce the costs of construction, to provide for more efficient use of land and to discourage excessive traffic volumes and speeds.” [Planning Commission Findings, March 12, 2019, Page 14.]

In staff’s assessment, the fourth ground for appeal speaks to issues (neighborhood meetings, changes to project design to satisfy neighbors even if they necessitate Exceptions) which are not applicable criteria for the approvals requested and which could not have been considered by the Planning Commission. The Commission did respond to

neighbors' requests for parking bays, finding that the existing right-of-way width met standards and the width and presence of parkrows served to provide traffic calming in the manner sought in the city street standards and Comprehensive Plan. As such, staff would recommend that the Council reject this issue and uphold the Commission's decision.

- 5) **The private traffic study presented by the applicant should not have been accepted by the Planning Commission because it is flawed and incomplete in that it fails to show what the impacts of slowing traffic will be on residents and neighbors, especially during a wildfire evacuation; and fails to address or evaluate the substantially increased street patterns and traffic coming with the development of the Reynolds property. Further, the Planning Commission erred in approving the application without asking Public Works/Engineering Department to require a Traffic Impact Analysis (TIA)**

As noted elsewhere, the application as proposed did not trigger the thresholds to require a Traffic Impact Analysis (TIA), however the applicants did provide a Traffic Impacts Analysis Review prepared by a registered professional engineer, Alexander T.

Georgevitch or Georgevitch Consulting received on December 31, 2018 to supplement their application materials. *“Georgevitch’s review concludes that the proposed development is likely to generate approximately 88 average daily trips with eight p.m. peak hour trips and six a.m. peak hour trips. He further notes that if the entire surrounding neighborhood east of the development were to rely exclusively on Mountain View Drive, there would be a total of 475 daily trips with 48 p.m. peak hour trips and 35 a.m. peak hour trips, which is well below the 1,500 average daily trips considered in the design assumptions for a residential neighborhood street in the city’s street standards.*

Georgevitch concludes that the volume of trips to be generated by the proposal is very low and does not warrant a full traffic impact analysis. He notes that the site is well-served by multi-modal facilities, with sidewalks either already in place or to be built in conjunction with the development, on all frontages and continuing to downtown, shopping, schools and the transit corridor serving Ashland and the rest of the Rogue Valley. *He further emphasizes that traffic along Mountain View Drive will not be adversely impacted by the development, and that even if all homes east of the development were to rely on Mountain View it would still operate safely and be well within the range of daily trips considered in the street design standards. [Planning Commission March 12, 2019 Findings, page 12, emphasis added.]*

As previously noted, the Fire Marshal had also indicated, *“that two routes are available to provide fire protection to the site via existing, improved public streets, and he sees no obvious “red flag” issues which pose significant concerns with the proposal [January 15, 2019 Planning Staff memo].”*

In Planning staff's assessment, the Planning Commission relied on a professional traffic engineer's determination that the volume of trips – at six to eight trips during the peak hours – was “very low” and did not warrant a full traffic impact analysis based on standard thresholds, and that even with the entire surrounding neighborhood using Mountain View Drive it would still be at 475 daily trips, which is well below the 1,500 average daily trips that the street standards are designed to accommodate, and would still operate safely. In addition, the Fire Marshal had indicated that there were two routes available for fire access via existing, improved public street and that he saw no

significant concerns. The approval criteria require demonstration that the application meets current city street standards and that there are adequate key city facilities including paved access, fire protection and adequate transportation, and based on the evidence in the record the Commission determined that these criteria were satisfied. The approval criteria do not require that the Commission revisit the adopted street standards to consider their adequacy, nor can these standards be altered by the Commission during the review process. Staff recommends that the Commission reject this fifth appeal issue and uphold the Commission's decision.

FISCAL IMPACTS

There are no direct fiscal impacts related to the appeal of the planning action for 476 North Laurel Street.

STAFF RECOMMENDATION

Planning staff recommends that the Council affirm the decision of the Planning Commission, reject the appeal and direct staff to prepare findings for adoption by Council.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to affirm the decision of the Planning Commission, reject the appeal and direct staff to prepare written findings for approval reflecting the original Planning Commission decision from March 12, 2019 for adoption by Council.
- 2) I move to reverse the decision of the Planning Commission and support the written appeal, and direct staff to prepare written findings for adoption by Council (include specific direction as to where the original decision was found to be in error relative to the five identified appeal issues).
- 3) I move to modify the decision of the Planning Commission and direct staff to prepare written findings for adoption by Council (include specific direction to staff as to the modifications to the Planning Commission decision being made).
- 4) I move to send the decision back to the Planning Commission with the following instructions for further proceedings, with the understanding that subsequent actions by the Planning Commission will be the final decision of the City (*include specific instructions relating to further proceedings*). ***[Please note that this application is subject to the 120-day rule under Oregon land use laws, and a final decision of the City is required by April 30, 2019, with findings to be adopted within 14-days thereafter, and as such remanding the decision back to the Planning Commission would only be an option if an extension were agreed to by the applicant.]***

REFERENCES & ATTACHMENTS

476 North Laurel Street application materials are posted on-line at:

<http://www.ashland.or.us/Page.asp?NavID=17717> . These include a list of meetings, meeting packets, minutes and recordings of the meetings as well as a link to the full record.