

Council Business Meeting

May 7, 2019

Agenda Item	476 North Laurel Street Appeal - Adoption of Findings	
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

Adoption of findings to formalize the Council’s decision on the 476 North Laurel Street appeal.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

At the April 16, 2019 meeting, the Council considered an appeal of the Planning Commission’s approval a 12-unit cottage housing development at 476 North Laurel Street. The Council rejected the appeal on all five issues raised and reaffirmed the Planning Commission’s approval.

BACKGROUND AND ADDITIONAL INFORMATION

The attached findings formalize the Council’s decision in terms of the procedural handling of the appeal hearing, address the five appeal issues, and adopt the Planning Commission’s approved findings for the original land use decision as an attachment.

FISCAL IMPACTS

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

STAFF RECOMMENDATION

Planning staff recommends that the Council adopt the findings as presented.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to adopt the findings for the appeal PA-APPEAL-2019-00006 as presented.
2. I move to adopt the findings for the appeal PA-APPEAL-2019-00006 with the following amendments [explain proposed amendments to findings].

REFERENCES & ATTACHMENTS

Attachment 1: DRAFT Findings for PA-APPEAL-2019-00006 for Council Adoption.

Attachment 2: March 12, 2019 Planning Commission Findings for PA-T2-2019-00006 to be adopted as “Exhibit A” of the Council findings

BEFORE THE CITY COUNCIL
May 7, 2019

IN THE MATTER OF PLANNING ACTION PA-APPEAL-2019-00006, AN APPEAL)
TO THE ASHLAND CITY COUNCIL OF THE PLANNING COMMISSION'S)
APPROVAL OF PLANNING ACTION PA-T2-2018-00006, 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 ALSO REQUESTS AN EXCEPTION TO)
THE STREET STANDARDS TO EITHER INSTALL A CURBSIDE SIDEWALK OR)
TO REDUCE THE REQUIRED PARKROW WIDTH TO 3.7 FEET ON THE MOUN-)
TAIN VIEW DRIVE FRONTAGE OF 478 NORTH LAUREL STREET; A TREE RE-)
MOVAL PERMIT TO REMOVE TWO SIGNIFICANT TREES – A 12-INCH APPLE)
AND A 12-INCH WALNUT; AND A DEMOLITION REVIEW PERMIT TO DEMOL-)
ISH THE EXISTING HOME AND TWO ACCESSORY BUILDINGS.)

) FINDINGS,
) CONCLUSIONS &
) ORDERS

OWNER/APPLICANT: DAVE CLOVER FOR CLOVER LIVING TRUST/)
KDA HOMES, LLC)
)

RECITALS:

- 1) Tax lot #8800 of Map 39 1E 04CB is located at 476 North Laurel Street and is zoned Single Family Residential (R-1-5).
- 2) The applicant is requesting 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 includes requests for an Exception to the Street Standards to either install a curbside sidewalk or to reduce 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 (d.b.h) Apple tree and a 12-inch d.b.h Walnut tree; and a Demolition Review Permit to demolish the existing home and two accessory buildings. The applicant proposes that all cottages be built to Earth Advantage® Platinum/Net Zero standards, with solar panels installed during initial construction so that each cottage can produce at least as much energy as it consumes. In addition, one of the open space areas proposed is to be a pollinator garden where the use of pesticides will be restricted, and the applicant also indicates that the Cottage Housing development is designed for Life Long Housing® certification to better enable residents to age in place. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*

- b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
 - c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
 - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
 - e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
 - f. *The proposed density meets the base and bonus density standards established under this chapter.*
 - g. *The development complies with the Street Standards.*
- 4) The criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - E. **Exception to the Site Development and Design Standards.** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
 - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or*
 - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 5) The development standards for Cottage Housing standards are detailed in **AMC 18.2.3.090** as follows:

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

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

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. **Building and Site Design.**

- a. **Maximum Floor Area Ratio:** The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. **Maximum Floor Area.** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. **Height.** Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. **Lot Coverage.** Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.

- e. **Building Separation.** *A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.*
 - f. **Fences.** *Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.*
3. **Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:**
- a. **Public Street Dedications.** *Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.*
 - b. **Driveways and parking areas.** *Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.*
 - i. *Parking shall meet the minimum parking ratios per 18.4.3.040.*
 - ii. *Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.*
 - iii. *Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.*
4. **Open Space. Open space shall meet all of the following standards.**
- a. *A minimum of 20 percent of the total lot area is required as open space.*
 - b. *Open space(s) shall have no dimension that is less than 20 feet unless otherwise*

granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
- e. At least 50 percent of the cottage units shall abut an open space.
- f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.



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

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

- 5. **Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.**
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.
 - b. No dimension of the private outdoor area shall be less than 8 feet.
- 6. **Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**

- a. **Common Buildings.** Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.
- b. **Carports and garage structures.** Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
- c. **Nonconforming Dwelling Units.** An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
- d. **Accessory Residential Units.** New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

7. Storm Water and Low-Impact Development.

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

8. Restrictions.

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

- 6) The approval criteria for an Exception to Street Standards are detailed in **AMC 18.4.6.020.B.1** as follows:
- 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.*
- 7) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:
1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*

- b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
- c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
- d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The criteria for a Demolition or Relocation Review Permit are detailed in **AMC 15.04.216** as follows:

A. *For demolition or relocation of structures erected more than 45 years prior to the date of the application:*

1. *The applicant must demonstrate that either subparagraphs a or b apply:*

a. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:*

- (i) *Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or*
- (ii) *Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.*

b. *The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.*

2. *In addition to subparagraphs a or b above, the applicant must also:*

- a. *Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:*
 - (i) *the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or*
 - (ii) *the structure being demolished or relocated is a nonhabitable accessory structure.*
 - b. *Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.*
3. *If a permit is issued and the redevelopment plan:*
- a. *Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.A.2.*
 - b. *Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section 15.04.216.A.2.*
4. *The Demolition Review Committee may require the applicant to post with the City a bond, or other suitable collateral as determined by the City administrator, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.*

9) The Planning Commission, following proper public notice, held a public hearing on January 8, 2019 at which time testimony was received and exhibits were presented. Prior to the closing of the hearing, participants requested that the hearing or record remain open pursuant to ORS 197.763(6) to present additional evidence or argument. The Planning Commission closed the hearing, but left the record open to the submittal of new evidence until 4:30 p.m. on January 15, 2019; to the submittal of responses to the new submittals until 4:30 p.m. on January 22, 2019; and to the submittal of written arguments, but no new evidence, by the applicant only until 4:30 p.m. on January 29, 2019. The meeting was continued for Planning Commission deliberations until 7:00 p.m. on February 12, 2019 at the City Council Chambers at which time the Planning Commission reconvened and after consideration of the materials received, approved the application subject to conditions pertaining to the appropriate development of the site.

10) This matter came before the City Council as an appeal on the record pursuant to Ashland Municipal Code (AMC) 18.5.1.060.I. Subsequent to the mailing of the Planning Commission's adopted findings, an

appeal was timely filed by Patricia Potter and Gregory A. Clevenger, neighbors of the project who had received required notice of the initial evidentiary hearing and participated in the hearing process by providing oral and written testimony. AMC 18.5.1.060.I.2.c requires that each appeal set forth a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity. The five clearly and distinctly identified grounds for appeal in this case were:

- 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).*

11) The City Council, following proper public notice, held a public hearing on April 16, 2019 at which time oral arguments were presented. Subsequent to the closing of the hearing, the City Council rejected the appeal on all five grounds, upheld the Planning Commission's original decision and approved the application.

Now, therefore, the City Council of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The City Council finds that it has received all information necessary to make a decision based on the staff reports, public hearing testimony and the exhibits contained within the whole record.

The City Council further finds that AMC 18.5.1.060.I.5.a. provides that “*Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the notice of appeal; similarly, oral argument shall be confined to the substance of the written argument.*” During the appeal hearing, Robert Lane who was a party to the original decision and who had timely provided written arguments, attempted to present new evidentiary submittals during his oral arguments. The Council hereby strikes all new information presented by Mr. Lane other than his original written argument from the record and from consideration in this decision as his testimony is found to contain new evidence when it was to have been confined to the substance of his previously submitted written argument.

2.2 The City Council finds that the Planning Commission was correct in determining that the proposal for Outline Plan subdivision approval met all applicable criteria for Outline Plan approval in AMC 18.3.9.040.A.3; that the proposal for Site Design Review approval met all applicable criteria for Site Design Review approval described in AMC section 18.5.2.050; that the proposal for a Cottage Housing Development met all applicable development standards for Cottage Housing described in AMC section 18.2.3.090; that the proposal for an Exception to Street Design Standards met all applicable criteria for an Exception to Street Design Standards described in AMC section 18.4.6.020.B.1; that the proposal for a Tree Removal Permit to remove five trees met all applicable criteria for Tree Removal described in AMC section 18.5.7.040.B; and that the proposal for a Demolition Review Permit met all applicable criteria for a Demolition Review described in AMC section 15.04.216. The Planning Commission’s adopted findings for Planning Action #PA-T2-2019-00006 are hereby adopted in their entirety as “Exhibit A” to these findings.

2.3 With regard to appeal issue #1, that “*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,*” the City Council finds that 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. The City Council finds that the application meets the parking requirement entirely on-site, and as such did not rely on the Planning Commission considering any on-street parking credits. The City Council further finds that the street width is consistent with the city street standards for a residential neighborhood street, which are 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. The Planning Commission considered Georgevitch's report, 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.]

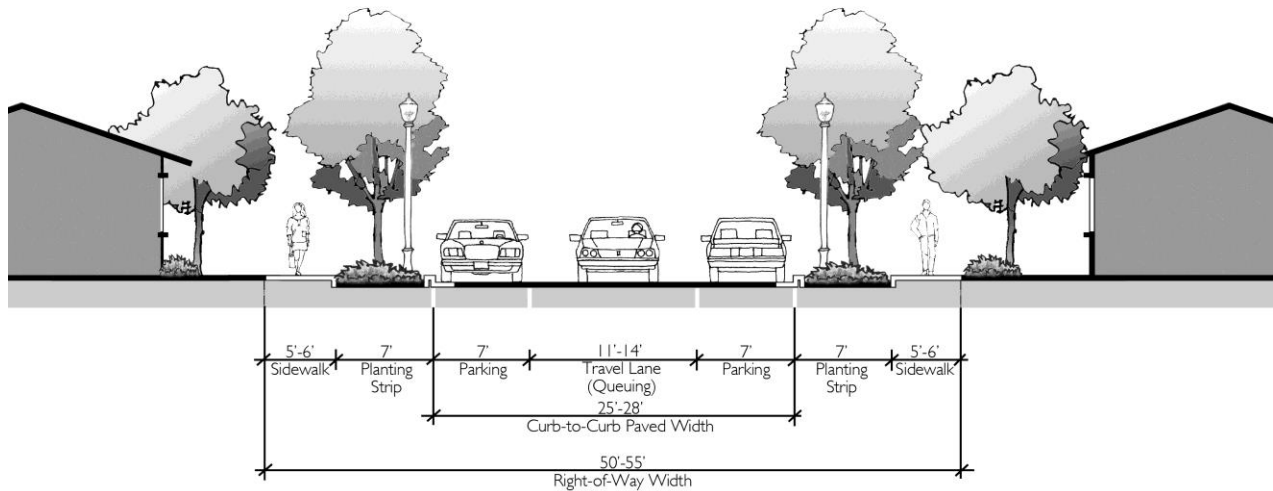
With regard to Mountain View Drive becoming a queuing lane, the Commission found that:

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].

The City Council finds that the 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.

Prototypical Section: Residential Neighborhood Street, Parallel Parking Both Sides



The Planning Commission found and the Council concurs 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].”

The City Council finds that 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. The City Council rejects appeal issue #1 and supports the findings of the Planning Commission with regard to parking, traffic and the purpose and intent of the chapter.

2.4 With regard to appeal issue #2, that *“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,”* the Council finds that 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.

The Council further finds that 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].*

The Council finds that 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 Council finds that 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 specifically 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].”

The Council further finds that 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.]

The Council finds that, as noted above, the application did not require or 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 installing park rows with street trees served to provide a measure of traffic calming in keeping with the city’s street standards and Comprehensive Plan. As such, the Council rejects appeal issue #2 and supports the findings of the Planning Commission with regard to the proposed street design and parking bays.

2.5 With regard to appeal issue #3, that “*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,*” the Council finds that 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. 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 Council further finds that the Land Use Ordinance 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,*

The Council finds that 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).

The Council finds that 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**].

The Council further finds that with regard to the “*new, inadequate traffic pattern for Mountain View Drive*” which the appellants assert would slow traffic during a wildfire evacuation, 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**].*

The Council also finds that 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.]

The Council finds that on this basis 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.]

The Council finds that 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. The Council rejects appeal issue #3 and supports the findings of the Planning Commission with regard to the required Fire Prevention and Control Plan and traffic patterns.

2.6 With regard to appeal issue #4, that “*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,*” the Council finds that 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 or 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."*

The Council finds that in considering the neighbors' requests for parking bays, which would extend into areas currently proposed for required 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.]**

The Council finds that 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 Council finds that 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, the Council rejects appeal issue #4 and supports the findings of the Planning Commission with regard to procedural requirements for neighborhood meetings and satisfying neighbors' traffic concerns.

2.7 With regard to appeal issue #5, that:

"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),"

the City Council finds that 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].”

The Council finds that 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 correctly determined that these criteria were satisfied. The approval criteria do not require that the Commission revisit the city's adopted street standards to consider their adequacy with each application, nor can these standards be altered by the Commission during the review process. The City Council rejects appeal issue #5 and supports the findings of the Planning Commission with regard to the traffic impact analysis.

SECTION 3. DECISION

3.1 With regard to the appeal request, the City Council finds that the issues raised are largely centered upon neighbors' concerns that on-street parking and increased traffic from the development have the potential to constrain traffic flows on Mountain View Drive, which is of particular concern to neighbors in the event of a wildfire evacuation.

In reaching their decision, 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 only 475 daily trips, which is well below the 1,500 average daily trips that the neighborhood street standard in place here is designed to accommodate, and would still operate safely. In addition, the Fire Marshal indicated that there were two routes available for fire access via existing, improved public street and that he saw no significant concerns. The street as it exists, and as proposed with the application, meets current city street standards, and the application did not rely on any on-street parking to meet its parking requirements.

Based on the record of the Public Hearing on this matter, the City Council concludes that the Planning Commission's original decision to approve the requested Outline Plan, Site Design Review, Cottage Housing Development, Exceptions to the Street Standards, Tree Removal Permit and Demolition Review Permit is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, the City Council rejects the appeal #PA-APPEAL-2019-00006 on all five issues and reaffirms the Planning Commission's decision to approve the original application Planning Action #PA-T2-2019-00006 subject to the Planning Commission's original conditions of approval. Further, if any one or more of those conditions are found to be invalid, for any reason whatsoever, then Planning Action #PA-T2-2019-00006 is denied. The Planning Commission attaches the following condition to this approval:

- 1) That all conditions of Planning Action #PA-T2-2018-00006 attached hereto as “Exhibit A” shall remain in effect.

John Stromberg, *Mayor*
City of Ashland

May 7, 2019
Date

BEFORE THE PLANNING COMMISSION
March 12, 2019

IN THE MATTER OF PLANNING ACTION #PA-T2-2018-00006, 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 ALSO REQUESTS AN EXCEPTION TO)
 THE STREET STANDARDS TO EITHER INSTALL A CURBSIDE SIDEWALK OR)
 TO REDUCE THE REQUIRED PARKROW WIDTH TO 3.7 FEET ON THE MOUN-)
 TAIN VIEW DRIVE FRONTAGE OF 478 NORTH LAUREL STREET; A TREE RE-) **FINDINGS,**
 MOVAL PERMIT TO REMOVE TWO SIGNIFICANT TREES – A 12-INCH APPLE) **CONCLUSIONS &**
 AND A 12-INCH WALNUT; AND A DEMOLITION REVIEW PERMIT TO DEMOL-) **ORDERS**
 ISH THE EXISTING HOME AND TWO ACCESSORY BUILDINGS.)

OWNER/APPLICANT: DAVE CLOVER FOR CLOVER LIVING TRUST/)
 KDA HOMES, LLC)
)
)

RECITALS:

- 1) Tax lot #8800 of Map 39 1E 04CB is located at 476 North Laurel Street and is zoned Single Family Residential (R-1-5).

- 2) The applicant is requesting 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 includes requests for an Exception to the Street Standards to either install a curbside sidewalk or to reduce 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. The applicant proposes that all cottages be built to Earth Advantage® Platinum/Net Zero standards, with solar panels installed during initial construction so that each cottage can produce at least as much energy as it consumes. In addition, one of the open space areas proposed is to be a pollinator garden where the use of pesticides will be restricted, and the applicant also indicates that the Cottage Housing development is designed for Life Long Housing® certification to better enable residents to age in place. The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*
 - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*

- c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
- d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *The proposed density meets the base and bonus density standards established under this chapter.*
- g. *The development complies with the Street Standards.*

4) The criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:

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

5) The development standards for Cottage Housing standards are detailed in **AMC 18.2.3.090** as follows:

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

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

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

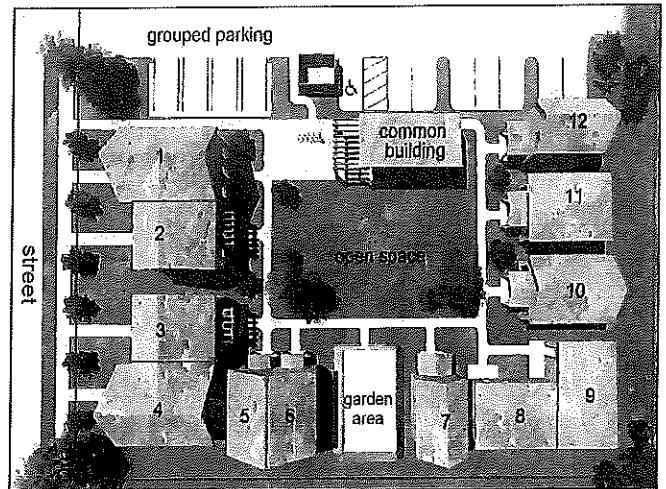
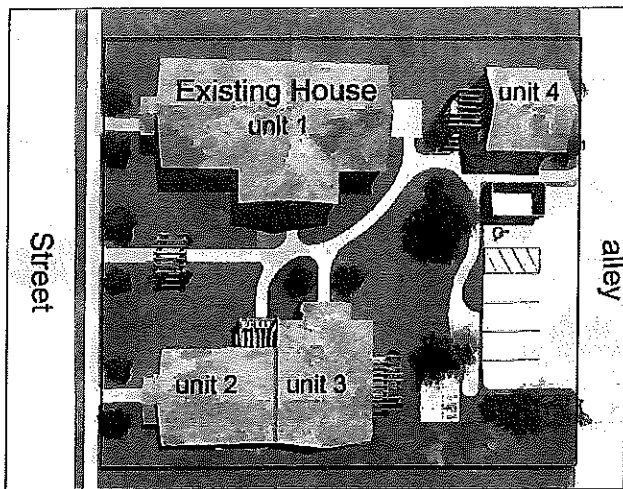
2. **Building and Site Design.**

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

separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

- f. **Fences.** Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. **Access, Circulation, and Off-Street Parking Requirements.** Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
- a. **Public Street Dedications.** Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
 - b. **Driveways and parking areas.** Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.
4. **Open Space.** Open space shall meet all of the following standards.
- a. A minimum of 20 percent of the total lot area is required as open space.
 - b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
- e. At least 50 percent of the cottage units shall abut an open space.
- f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.



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

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

- 5. **Private Outdoor Area.** Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.
 - b. No dimension of the private outdoor area shall be less than 8 feet.
- 6. **Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.**
 - a. **Common Buildings.** Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole

use of the cottage housing residents. Common buildings shall not be attached to cottages.

- b. **Carports and garage structures.** Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
- c. **Nonconforming Dwelling Units.** An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
- d. **Accessory Residential Units.** New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

7. **Storm Water and Low-Impact Development.**

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

8. **Restrictions.**

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

- 6) The approval criteria for an Exception to Street Standards are detailed in **AMC 18.4.6.020.B.1** as follows:
- 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.*
- 7) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:
1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*

- b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
 - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
 - d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
 - e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 8) The criteria for a Demolition or Relocation Review Permit are detailed in **AMC 15.04.216** as follows:
- A. *For demolition or relocation of structures erected more than 45 years prior to the date of the application:*
 - 1. *The applicant must demonstrate that either subparagraphs a or b apply:*
 - a. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:*
 - (i) *Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or*
 - (ii) *Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.*
 - b. *The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.*
 - 2. *In addition to subparagraphs a or b above, the applicant must also:*

- a. *Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:

 - (i) *the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or*
 - (ii) *the structure being demolished or relocated is a nonhabitable accessory structure.**
 - b. *Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.*
3. *If a permit is issued and the redevelopment plan:*
- a. *Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.A.2.*
 - b. *Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section 15.04.216.A.2.*
4. *The Demolition Review Committee may require the applicant to post with the City a bond, or other suitable collateral as determined by the City administrator, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.*

9) The Planning Commission, following proper public notice, held a public hearing on January 8, 2019 at which time testimony was received and exhibits were presented. Prior to the closing of the hearing, participants requested that the hearing or record remain open pursuant to ORS 197.763(6) to present additional evidence or argument. The Planning Commission closed the hearing, but left the record open to the submittal of new evidence until 4:30 p.m. on January 15, 2019; to the submittal of responses to the new submittals until 4:30 p.m. on January 22, 2019; and to the submittal of written arguments, but no new evidence, by the applicant only until 4:30 p.m. on January 29, 2019. The meeting was continued for Planning Commission deliberations until 7:00 p.m. on February 12, 2019 at the City Council Chambers at which time the Planning Commission reconvened and after consideration of the materials received, approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. FINDINGS & CONCLUSIONS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the staff report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Outline Plan approval, Site Design Review approval, Cottage Housing, Exception to Street Standards, Tree Removal Permit and Demolition Review meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review described in AMC 18.5.2.050; for a Cottage Housing Development described AMC 18.2.3.090; for an Exception to Street Standards described in AMC 18.4.6.020.B.1; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for a Demolition Review Permit described in AMC 15.04.216.

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

The first approval criterion for Outline Plan approval is that, *"The development meets all applicable ordinance requirements of the City."* The Commission finds that the proposal meets all applicable ordinance requirements, is requesting no Variances and only a single Exception to the Street Standards (discussed further below), and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *"Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity."* Staff have noted the following based on discussions with city utility departments:

Water, Sewer, Electricity and Urban Storm Drainage

Water – The Public Works Department has indicated that the property is currently served by a four-inch water main in North Laurel Street and a six-inch water main in Mountain View Drive. Water meters are illustrated being placed at the sidewalk off of both mains, with lines generally extending within the setback areas at the perimeter of the site to serve the proposed cottages. The Public Works

Department has indicated that the existing lines have the ability to provide capacity for the proposed development.

Sanitary Sewer - The Public Works Department has indicated that property is currently served by a six-inch sanitary sewer main in North Laurel Street and an eight-inch sanitary sewer main in Mountain View Drive, and that an 18-inch line picks up at the end of the six-inch line at Laurel and Otis. Public Works have indicated that existing lines have adequate capacity, that SDC's paid by the developer will provide for future improvements as necessary in the future, and that the Wastewater Treatment Plan has capacity to treat the development's wastewater. The conceptual utility plan proposes to connect to the sewer main in Mountain View Drive and extend a sewer line under the parking lot into the center of the property to provide connections for the cottages.

Electricity – The application proposes to connect to existing power on the north side of Mountain View Drive and along North Laurel Street, with a new secondary power transformer and meter bank to be installed at the southwest corner of the parking lot, and a new street light west of the driveway on Mountain View Drive. All existing overhead lines are to be converted to underground, with overhead connections abandoned.

Urban Storm Drainage - The Public Works Department has indicated that the property is currently served by a 12-inch storm sewer main in Mountain View Drive. The conceptual utility plan provided also notes an existing 12-inch storm sewer main in North Laurel Street. The plan illustrates storm water quality bio-swales at the southwest corner of the parking lot and within the parkrow planting strip along Mountain View Drive, with proposed storm water facility ponds illustrated on the north side of the proposed parking lot. All storm drainage is illustrated as entering the city system through a proposed outlet control structure just west of the driveway off of Mountain View Drive. The application indicated that the applicant will provide an on-site storm water detention facility capable of accommodating a 25-year storm event as required by adopted regional standards. The Engineering Division has indicated that based on the conceptual plan which illustrates two water quality swales, two detention ponds, and the entire parking area constructed in porous paving to provide additional detention, City stormwater requirements will be satisfied. In addition, the applicant has agreed to provide a drainage easement and install a storm drain pipe under city permit at their cost with the initial site infrastructure to provide neighbors with the option of connecting - at the neighbors' expense - their storm water drains to the provided pipe to resolved surrounding drainage issues.

Conditions have been included below requiring that final utility, grading and drainage plans and associated civil engineering drawings be provided for review and approval with the Final Plan application.

Police & Fire Protection

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.

Paved Access and Adequate Transportation

Compliance with street standards is addressed under the appropriate criterion later in this section. With regard to paved access to and throughout the property and adequate transportation, the application materials include a Traffic Impact Analysis Review prepared by Alex Georgevitch Consulting.

Transportation Impact Analysis Review – 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.

The application includes a “Conceptual Utility, Grading & Drainage Plan” as Exhibit C.1 prepared by Register Professional Engineer Anthony M. Bakke of Construction Engineering Consultants, Inc. which identifies existing facilities available in the adjacent rights-of-way along with proposed connections, meter placements, stormwater quality bio-swale and pond placement, and the applicant recognizes that some upgrades on their part will be necessary and that a final utility plan and associated civil engineering drawings will be provided with the Final Plan application. The Planning Commission finds that the site’s utilities will be extended to and through the subject property from the various public utility easements and street rights-of-way surrounding the site, and that based on the conceptual plans and details from the various service providers, adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the Final Plan submittal, and that civil infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space,*

common areas, and unbuildable areas.” The Planning Commission finds that that there are no significant natural features on the subject property.

The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The Planning Commission finds that the development will not prevent adjacent land from being developed with the uses envisioned by the Comprehensive Plan. Adjacent properties are largely developed as envisioned in the Comprehensive Plan.

The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The Planning Commission finds that at the time the Final Plan application is submitted, a “Covenants, Conditions and Restrictions (CC&R’s)” document will be drafted by the project’s land use attorney for review and approval by the City. These documents will address the project’s common area in order provide adequate assurances relative to open space maintenance. The Commission further finds that the common open space is to be completed during the final stages of construction, but in no case will this extend beyond the sixth unit’s occupancy, and all private landscaping improvements are to be completed prior to each unit’s individual occupancy. Conditions requiring draft CC&R’s and phasing details be included with the final plan submittal have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 32,492 square foot property here will accommodate 12 cottages ($32,492/2,500 = 12.9968$) and 12 are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

The final Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* The subject property has frontages on North Laurel Street and Mountain View Drive.

North Laurel Street is a residential neighborhood collector street, and city standards envision five-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb, seven-foot parking bays on each side, and nine- to ten-foot travel lanes on each side. The city-standard cross-section includes a 22- to 34-foot curb-to-curb paved width within a 49- to 61-foot right-of-way, *dependent on the on-street parking configuration*. The existing curb-to-curb paved width along the frontage is 29 to 30 feet, and the right-of-way width along the corridor varies from 47- to 60-feet. There are curbs, gutters, paving and curbside sidewalks in place along the property’s Laurel Street frontage. The sidewalks were installed subject to an Exception to allow curbside sidewalks with the recent Laurel Street LID, as provided in the Street Design Standards in AMC 18.4.6.040.A.2:

All streets [shall] have parkrows and sidewalks on both sides.... Exceptions could result in construction of meandering sidewalks, sidewalks on only one side of the street, or curbside sidewalk segments instead of setback walks. Exceptions should be allowed when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include... limited right-of-way when improving streets through a local improvement district (LID).

As part of the current application, the applicant proposes to remove both Laurel Street curb cuts and replace the disturbed areas of curb and sidewalk to improve the streetscape aesthetics, reduce conflict points and create two additional on-street parking spaces in the public realm along Laurel Street. Three street trees are to be planted behind the existing curbside sidewalk, and these will be selected and irrigated in keeping with city standards.

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. Public Works has indicated that an 8.7-foot right-of-way dedication along the frontage is necessary to provide full right-of-way width and accommodate the installation of city standard frontage improvements. The applicant proposes to make this dedication and install the required frontage improvements.

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.*"

Sidewalk Exception - There are no sidewalks along the property's Mountain View Drive frontage. The applicant proposes to install a public sidewalk and parkrow planting strip along their frontage. Along the adjacent frontage at 478 Laurel Street, there is only 8.7 feet from the curb to the property line, and as such a standard five-foot sidewalk and seven-foot park row planting strip are not possible; the applicant requests an Exception to Street Standards to install either a five-foot curbside sidewalk or to provide a five-foot sidewalk with a reduced 3.7-foot parkrow. An Exception is necessary because the applicant does not own the property at 478 Laurel Street and as such there is not adequate area available to install both parkrow and sidewalk to the standards. The sidewalk and parkrow along the Mountain View frontage of the applicant's development will be improved with a standard five-foot

sidewalk and full seven-foot park row planting strip with irrigated street trees, and the applicant will dedicate the necessary right-of-way to the City to fully comply with street standards along their frontage and an approximately 100-foot long, 8.7-foot wide remnant strip along the frontage of 478 Laurel Street as well.

The Planning Commission finds that an Exception is both necessary and merited here because of the limited available space between the existing curb and the neighbor's property line which represents a demonstrable difficulty due to unique aspect of the site. The applicant would not normally be required to install improvements along a neighbor's frontage, but in this case the applicant owns a narrow 8.7-foot strip between the curb and the neighbor's property line and is proposing to complete the improvement. The Commission finds that the appropriate Exception, as recommended by staff, is to provide the standard five-foot sidewalk with a reduced 3.7 foot parkrow width as this will provide equal transportation facilities and connectivity and is the minimum necessary to alleviate the difficulty posed by the limited available area. Trees planted behind a curbside sidewalk would likely adversely impact or be impacted by the proximity to the neighbor's fence, and in order to accommodate street trees within the reduced park row planting strip width, staff have recommended and the applicant has agreed to conditions requiring: 1) that irrigated street trees be selected from the "4 Foot Parkrow" list in the Recommended Street Trees guide and planted at a spacing of one per 30- to 50-feet within this reduced parkrow; and 2) that the sidewalk design in this section incorporate a means for channeling roots under pavement such as using two-foot diameter porous or perforated drain pipe half-filled with loose top soil and slow release fertilizer, one-inch thick aeration or drainage pads installed vertically beneath the sidewalk, or any other Tree Commission-approved alternative to increase the effective root zone beyond the narrow park row planting strip. A condition to this effect has been included below, and the applicant will be able to present any proposed alternative to the Tree Commission with their Final Plan application. The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the street standards with the exception of the section of Mountain View Drive sidewalk adjacent to 478 North Laurel Street, for which the requested Exception to allow a narrower than standard parkrow with for an approximately 100-foot section along Mountain View Drive is merited.

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

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

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

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

The third criterion addresses the Site Development and Design Standards, requiring that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that the proposal complies with the applicable Site Development and Design Standards including provisions for access management, building orientation, parking configuration, etc. and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The applicant proposes to provide 12 off-street parking spaces for the 12 proposed units here. In addition, there are three on-street parking spaces along the property’s Laurel Street frontage, five along its Mountain View Drive frontage, and an additional three along the frontage adjacent to 478 Laurel Street. No on-street parking credits are requested. Bicycle parking is to be provided under each unit’s over-sized eaves, in covered alcoves and in a centralized bicycle barn in accordance with the requirements of AMC 18.4.3.070.C.1. The Planning Commission finds that all required off-street parking has been provided on site. The Planning Commission concludes that the third criterion has been satisfied.

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

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

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

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

The Planning Commission finds that the project has been modeled after the examples illustrated in the recently adopted Cottage Housing ordinance (#3147). Half of the units being attached creates a similar mass when compared to the surrounding neighborhood which is generally an eclectic mix of styles and volumes, and provides a variety of housing that not only attempts to protect neighborhood views and privacy, but also provides opportunities for ownership of small, detached and semi-attached single family dwellings for a population diverse in age, income and household size.

The Planning Commission finds that other than an Exception to Street Standards discussed in section 2.3 above, no design standard Exceptions or Variances are proposed. The proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with 12 cottages proposed for a $\frac{3}{4}$ -acre parcel and a combined floor area ratio of 0.28. All of the proposed cottages are less than 800 square feet in gross habitable floor area, with a combined average floor area of 767 square feet. All of the units are proposed at no more than 14 feet from finished grade to roof peak, where the cottage housing standards allow roof peaks up to 25 feet from grade. Lot coverage is noted at 49.3 percent, including the allowance for an addition 200 square feet for porous solid surfaces. The parking lot and a large section of private walkways are to be constructed with porous concrete.

The Commission further finds that building separations are equal or greater than the six-foot minimum for cottages, and the proposed carports, trash enclosure and bike parking areas are separated from the cottages with the closest point being nine feet, in compliance with building codes.

No fencing has been identified in the current proposal, and the Commission finds that any fencing will be detailed in the Final Plan submittal and demonstrated to comply with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space. A condition has been included below to requires that the CC&R's detail fencing limitations.

The Commission finds that the proposed cottage housing development is within an established neighborhood with the majority of streets fully improved with the exception of the sidewalks along the Mountain View Drive frontage of the subject property and the neighboring property immediately to the west. The applicant proposes to fully upgrade these sections of Mountain View Drive with sidewalks, planting strips and street trees, with the necessary right-of-way dedicated to the city at the time of Final Plat recording. The applicant's proposal includes dedication of the narrow strip adjacent to 478 North Laurel Street and the installation of standards sidewalks and a narrow parkrow along this section, as well.

The Commission finds that the driveway and parking area proposed meet the vehicle area design standards in AMC 18.4.3. 50 percent of the spaces are to be compact while 50 percent will be standard sized, and all are to have the minimum required back-up dimension of 22 feet. All spaces are to include wheel stops, striping, and will be appropriately surfaced.

The Commissioner further finds 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.

The Planning Commission finds that 21½ percent of the site is proposed in open space, where a minimum of 20 percent is required. The proposed open space is in the center of the property and no dimension is less than 20 feet. The proposed open space consists of a central open space interconnected with an adjacent open space, each with its own recreational purpose. The central open space includes a turf area surrounded by plants and flowers intended to support small gatherings or light activities. A pollinator garden area is proposed to the west of the central open space. Nine of the 12 units directly abuts the open space, and the open space is distinguished from private outdoor areas with a walkway, landscaping and short fencing to provide a visual boundary. Private open space areas, separate from the common open space, include large porches, planter beds and smaller rear yards to provide the requisite private outdoor areas.

The Commission finds that the development proposes multiple storm water infiltration areas (bioswales) within the site's landscaping to not only help reduce heavy particulates from entering the public storm water system, but also to provide added aesthetic benefits to the site. The site's parking lot is to be constructed of porous concrete to provide storm water percolation, including inlets from the carports' roofs. The cottages have been grouped, and parking consolidated, to preserve as much contiguous open space as reasonably possible.

The Planning Commission finds 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.

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

2.6 The Planning Commission finds that there are four trees on the property: a ten-inch Apple, a 12-inch Apple, a ten-inch Cypress and a 12-inch Walnut. All four trees are proposed for removal as part of the application. In addition, the application explains that a 50-inch Ash tree in the front yard was removed in September of 2018 when the project's arborist determined that the tree was a safety hazard to the old house, neighboring properties and pedestrians on the Laurel Street sidewalk.

The Planning Commission finds that with regard to the removal of the 50-inch Ash tree in September of 2018, at that time the property was residentially-zoned and occupied only by a single family detached dwelling and associated accessory structures and as such would have been exempt from Tree Removal Permit requirements. With the demolition of the single family detached dwelling now

proposed, the current removals are considered in light of AMC 18.5.7.020.B.3 wherein the removal of significant trees from vacant R-1 property requires a Tree Removal Permit. Tree Removal Permits are required to remove the 12-inch diameter Apple and the 12-inch diameter Walnut which are considered to be “significant” by definition as they are deciduous trees having a trunk 12 caliper inches in diameter at breast height or greater.

The first criterion for a Tree Removal permits is that, *“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.”* The Planning Commission finds that all four trees are unhealthy due to a lack of recent irrigation, pruning and deer-rutting attributable to the long-term vacancy of the property. The Commission further finds that the trees are located in such a way that their removals are necessary to accommodate placement of cottages around a central open space as sought in the Cottage Housing standards and the placement of a single, consolidated parking area accessed from a lesser order street sought both through the Cottage Housing standards and in Transportation Element Policies #16, which calls for maintaining *“carrying capacity, safety and pedestrian, bicycle, public transit and motor vehicle movement on ... neighborhood collectors through driveway and curb cut consolidation or reduction”* and #18, which requires *“design that combines multiple driveway accesses to a single point in residential and commercial development.”* Based on the foregoing, the Commission concludes that the first criterion has been met.

The second approval criterion is that, *“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.”* The Commission finds that the removals will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. Three of the four trees to be removed are between eight and 15 feet in height and do not provide any windbreak while the fourth, the 12-inch Walnut recently lost one of its limbs in a windstorm. The Commission concludes that the second criterion is satisfied.

The third criterion is that, *“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.”* The Commission finds that the removal of the trees will have no negative impacts on tree densities, sizes, canopies or species diversity, and concludes that this criterion is met.

The fourth criterion for approval of a Tree Removal Permit is that, *“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.”* The Commission finds that the applicant pursued multiple site plan variations, however none of them were ultimately proposed as the four trees to be removed were noted as being in declining health and their central locations relative to

site development would have impacted meeting the allowed density and compliance with other standards. The Commission concludes that the fourth criterion has been satisfied.

The final criterion is that, *"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."* The Planning Commission finds that two mitigation trees are required, and further finds that a total of 22 trees and over 300 plants and shrubs are to be planted and irrigated with the proposal to more than adequately mitigate the requested tree removals. The Commission concludes that this final criterion has been met.

The Commission notes that the Ashland Tree Commission was unable to convene its regular monthly meeting for January of 2019 due to a lack of quorum and as such there is no Tree Commission recommendation. As provided in AMC 2.25.040, the failure of the Tree Commission to make a recommendation on any individual planning action shall not invalidate that action, and the Commission would further note that the Tree Commission will have the opportunity to review and comment on the Final Plan proposal.

The Commission further notes that while no trees are to be retained on the property, tree protection notes are provided on the applicant's Landscape Plan (Sheet L.1). The application narrative indicates that trees on neighboring properties will be adequately protected by fencing in place at the property perimeter, however because the plan does not clearly address the trees on adjacent properties within 15 feet of the property line as required in AMC 18.4.5.030.B.1. staff have recommended that conditions requiring a Tree Protection Plan addressing any necessary protection for trees on adjacent properties within 15 feet of the property line be provided with the Final Plan submittal, and that a Tree Verification Permit be obtained to verify the identification of trees to be removed and the installation of any requisite tree protection for trees on adjacent properties prior to any site work. These conditions have been included below.

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

2.7 The Planning Commission finds that a Demolition Review Permit is required for the proposed demolition of the existing house and two outbuildings on the property. The application indicates the applicant had initially sought to preserve the existing house and relocate it elsewhere on the property with a new foundation as they have done recently with the old house at 1068 East Main Street, however in looking into this possibility they determined that the house here had too many structural and systemic problems to be salvageable and are thus proposing that it be demolished along with the barn and the other outbuilding on the property. The applicant emphasizes that the demolition will be carried out in keeping with the Demolition and Relocation Standards in AMC 15.04.216. The Commission notes that Demolition Review is administered through the Building Division, but requires that the applicant obtain Site Design Review approval, requested here, for redevelopment of the property as a requirement for Demolition approval.

The Commission has included conditions recommended by staff that: 1) The applicant obtain a Demolition Permit from the Building Division, including paying associated fees and obtaining requisite inspections; and 2) That construction and demolition debris shall be salvaged or recycled in keeping with the city's "Building Demolition Debris Diversion Table," and that a demolition debris diversion plan shall be provided for the review and approval of the Building Official in conjunction with the Demolition Permit application.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development, Exception to the Street Standards, Tree Removal Permit, and Demolition Review Permit to demolish the existing home and two accessory buildings is supported by evidence contained within the whole record.

In addition to being the first application under the relatively recently adopted Cottage Housing ordinance, the application also proposes that all cottages are to be built to Earth Advantage® Platinum/Net Zero standards, with solar panels installed during initial construction, with the intention that each cottage will produce at least as much energy as consumes. In addition, one of the open space areas proposed is to be a pollinator garden where the use of pesticides will be restricted, and the applicant also indicates that the Cottage Housing development has been designed for Life Long Housing® certification to better enable residents to age in place. The project considered as a whole is exactly the type of development the Commission and Council sought to encourage with the Cottage Housing ordinance, and the Commission believes that the development merits approval.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2018-00006. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00006 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein, including that the applicant provide a drainage easement and install a storm drain pipe at applicant's cost in conjunction with initial site infrastructure to provide neighbors with the option of connecting - at neighbors' expense - their storm drains to the provided pipe to resolve surrounding drainage issues.
2. That any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.
4. That the parkrow along the Mountain View Drive frontage of 478 North Laurel Street shall be installed to a 3.7-foot width as proposed by the applicant. Irrigated street trees selected from the "4 Foot Parkrow" list in the Recommended Street Trees guide shall be planted at a spacing of one per 30-50 feet within this reduced parkrow, and the sidewalk design in this section shall incorporate a means for channeling roots under pavement including but not limited to using 24-inch diameter porous or perforated drain pipe half-

filled with loose top soil and slow release fertilizer, one-inch thick aeration or drainage pads installed vertically beneath the sidewalk to increase the effective root zone beyond the "planting pit," or another Tree Commission-approved option. The means for channeling roots under the pavement shall be included in the civil drawings.

5. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for trees to be protected on adjacent properties. Standard tree protection consists of chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
6. That the Final Plan submittal shall include:
 - a. Final electric service, utility and civil engineering plans; all civil infrastructure shall be installed by the applicants, inspected and approved prior to the submittal of the final survey plat for review and signature.
 - b. That draft CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor with the Final Plan application. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including carports and parking areas, landscaping, storm water facilities and street trees and their planting strips. The cottage housing fencing limitations, floor area limitations and the prohibition on ARU's shall be clearly addressed in the CC&R's.
 - c. The approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
 - d. A phasing plan for the completion of the development.
 - e. Final site lighting details.
 - f. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
 - g. All easements including but not limited to public and private utilities, mutual access and circulation, and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - h. Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric, sidewalk and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments.
 - i. That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions with the Final Plan application. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants,

- sanitary sewer mains and services, manholes and clean-outs, and storm drainage pipes and catch basins. Any required private or public utility easements shall be delineated on the civil plans.
- ii. That the applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment with the Final Plan application. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to submittal of the final survey plat for review and signature. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation.
 - iii. The engineered construction drawings for the proposed street improvements along Laurel Street (curb cut closure and sidewalk replacement) and Mountain View Drive (sidewalk and parkrow installation with street trees) shall be submitted for review and approval of the Ashland Planning and Engineering Divisions with the Final Plan application, prior to work in the street right-of-way or installation of improvements in the pedestrian corridor. The Mountain View sidewalks shall be a minimum of five feet in width with seven-foot landscaped parkrows between the sidewalk and the street along the property's Mountain View frontage, with the landscaped parkrow reduced to 3.7 feet along the Mountain View Drive frontage of 478 North Laurel Street. All frontage improvements, including but not limited to the sidewalk, irrigated street trees, and street lighting, shall be constructed across the entire Mountain View frontage of the site. The sidewalk shall be constructed to City of Ashland Street Standards.
 - iv. The storm drainage plan shall detail the location and final engineering for all storm drainage improvements associated with the project, and shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
- i. A final grading and erosion control plan.
 - j. A Tree Protection Plan which clearly addresses the trees on the adjacent properties within 15 feet of the property line, and any fencing or other measures necessary for their protection for trees as required in AMC 18.4.5.030.B.1.
 - k. A final size- and species-specific landscaping plan including irrigation details and details of the landscape materials to be planted shall be provided for the review and approval of the Staff Advisor. Two mitigation tree plantings shall be installed according to the

approved plan, inspected, and approved by the Staff Advisor prior to final approval. New landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028.

1. That the requirements of the Ashland Fire Department relating to fire hydrant distance, spacing and clearance; fire flow; fire apparatus access, approach, turn-around, and firefighter access pathway; approved addressing; fire sprinkler and extinguishers as applicable; limits on fencing and gates which would impair access; and wildfire hazard area requirements shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings, and a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements of AMC 18.3.10.100.A.2. shall be included with the Final Plan submittal.
7. A final survey plat shall be submitted for the review and approval of the Staff Advisor within 12 months and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for review and signature:
- a. The final survey plat shall include dedication of the 8.7 feet of additional right of way on the south side of Mountain View Drive to accommodate city standard street improvements as proposed by the applicant.
 - b. The final survey plat shall include a deed restriction notifying future property owners that the size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. This size limitation shall also be addressed in the development CC&R's.
 - c. All easements including but not limited to public and private utilities, mutual access, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - d. Right-of-way necessary to accommodate proposed city standard street improvements including approximately 8.7 feet along the south side of Mountain View Drive shall be dedicated to the city on the final survey plat. All public improvements including but not limited to the paving, curbs, gutters, sidewalk, street trees in irrigated park row planting strips and street lighting shall be installed to City of Ashland standards (subject to approved Exceptions) under permit from the Public Works Department and in accordance with the approved plan prior to submittal of the final survey plat for review and signature. Laurel Street driveway curb cuts shall be removed and the curb and sidewalk replaced in these locations under permit from the Engineering Division. The new curb and sidewalks shall be installed, inspected and approved prior to the submittal of the final survey plat for signature.
 - e. Subdivision infrastructure improvements including but not limited to utility installations and common area improvements shall be completed according to approved plans prior to submittal of the final survey plat for review and signature.
 - f. Electric services shall be installed underground to serve all lots, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.

- g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots, inspected and approved.



Planning Commission Approval

March 12, 2019

Date